



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Environmental Quality

Tim Davis
Executive Director

DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Douglas J. Hansen
Director

A meeting of the Waste Management and Radiation Control Board has been scheduled for September 11, 2025 at 1:30 p.m. at the Utah Department of Environmental Quality, (Multi-Agency State Office Building) Conference Room #1015, 195 North 1950 West, SLC.

Board members and interested individuals may participate electronically/telephonically.

Join via the Internet: meet.google.com/gad-sxsd-uvs
Join via the Phone: (US) +1 978-593-3748 PIN: 902 672 356#

AGENDA

- I. Call to Order and Roll Call.
- II. Public Comments on Agenda Items.
- III. Declarations of Conflict of Interest.
- IV. Introduction of new Board member Neil Schwendiman.
- V. Approval of the meeting minutes for the July 10, 2025, Board Meeting Tab 1
(Board Action Item).
- VI. Petroleum Storage Tanks Update Tab 2
- VII. Petroleum Storage Tanks Rules Tab 3
 - A. Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R311, Petroleum Storage Tanks Rules (Board Action Item).
- VIII. Administrative Rules Tab 4
 - A. Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 of the Hazardous Waste Rules to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (U.S. EPA) and published in the *Federal Register* on July 26, 2024 (89 FR 60692), October 11, 2024 (89 FR 82682), October 31, 2024 (89 FR 86758), December 11, 2024 (89 FR 99727), and February 5, 2025 (90 FR 9010). The Division is also proposing to incorporate additional requirements for the management of military munitions as requested by the U.S. EPA (Board Action Item).

(Over)

- B. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 to amend the Solid Waste Rules with regard to coal combustion residuals (**Board Action Item**).
- C. Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R313-28-20 of the Radiation Control Rules to amend the definition of Healing Arts Screening for consistency with the rules (**Board Action Item**).

IX. X-Ray Program..... Tab 5

- A. Approval of qualified Mammography Imaging Medical Physicist (MIMP) in accordance with UCA 19-3-103.1 (2)(c) of the Utah Code Annotated (**Board Action Item**).

X. Solid Waste Section.

- A. Opportunity to update the Utah Solid Waste Management Plan as established by the Board in accordance with Utah Code Subsections 19-6-104(3) and 19-6-104(4) (**Information Item**).

XI. Low-Level Radioactive Waste Tab 6

- A. EnergySolutions request for a one-time site-specific treatment variance from the Utah Hazardous Waste Management Rules. EnergySolutions seeks authorization to dispose, in EnergySolutions' Mixed Waste Landfill Cell, waste containing D009 and/or U151 High Mercury-Organic Subcategory and High Mercury-Inorganic Subcategory hazardous waste codes that have been treated using stabilization/amalgamation technologies (**Information Item**).

XII. Director's Report.

XIII. Executive Director's Report.

XIV. Other Business.

- A. Miscellaneous Information Items.
- B. Scheduling of next Board Meeting (October 9, 2025).

XV. Adjourn.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact LeAnn Johnson, Office of Human Resources at 385-226-4881, Telecommunications Relay Service 711, or by email at leannjohnson@utah.gov.

Waste Management and Radiation Control Board Meeting Minutes
Utah Department of Environmental Quality
Multi-Agency State Office Building (Conf. Room #1015)
195 North 1950 West, SLC
July 10, 2025
1:30 p.m.

Board Members Participating at Anchor Location: Brett Mickelson (Chair), Dennis Riding (Vice-Chair), Tim Davis, Jeremy Hawk, Shane Whitney

Board Members Participating Virtually: Dr. Richard Codell, Danielle Endres, Mark Franc
Dr. Steve McIff, Vern Rogers

Board Members Excused/Absent: Scott Wardle

UDEQ Staff Members Participating at Anchor Location: Doug Hansen, Brent Everett, Morgan Atkinson, Tom Ball, Arlene Lovato, Stevie Norcross, Mike Pecorelli, Elisa Smith, Brian Speer, David Wilson, Raymond Wixom

Others Attending at Anchor Location: None.

Other UDEQ employees and interested members of the public also participated either electronically or telephonically.

This meeting was recorded and an unedited audio of this meeting can be accessed at:
<https://www.utah.gov/pmn/files/1297523.mp3>

I. Call to Order and Roll Call.

Chairman Mickelson called the meeting to order at 1:30 p.m. Roll call of Board members was conducted; see above.

II. Public Comments on Agenda Items – None.

III. Declarations of Conflict of Interest – None.

IV. Approval of the meeting minutes for the June 12, 2025, Board meeting (Board Action Item).

It was moved by Mark Franc and seconded by Dr. Steve McIff and UNANIMOUSLY CARRIED to approve the June 12, 2025, Board meeting minutes.

V. Petroleum Storage Tanks Update.

Brent Everett, Director of the Division of Environmental Response and Remediation (DERR), informed the Board that the cash balance of the Petroleum Storage Tank (PST) Enterprise Fund for the end of June 2025 was \$39,958,926.00. The DERR anticipates additional PST releases, particularly as the number of regulated PSTs has increased with the addition of aboveground petroleum storage tanks (APSTs).

Mr. Everett also informed the Board that the DERR is gathering information for the annual PST Actuarial Report. The finalized report information will be provided to the Board when it is completed.

VI. Petroleum Storage Tanks Rules.

A. Proposed changes to R311, Petroleum Storage Tanks Rules (Board Information Item).

David Wilson, the DERR PST Compliance Section Manager, explained that the DERR is proposing changes to R311 PST rules following the passage of House Bill 18, effective May 7, 2025. This is the first major update since APST regulations were introduced in 2021. Key changes include new notification requirements for APST owners/operators, expanded certification definitions to include APSTs, installation permit and fee requirements for all PSTs at least 30 days in advance, and eligibility for APST owners/operators to apply for PST Fund loans for upgrades, replacements, or closures. Minor clarifications to existing rules are also included.

Board members asked questions regarding regulation of APSTs, which repairs require notification to the DERR and the timeframe of notification, and the feedback that has been received from the PST workgroup. Messrs Everett and Wilson explained that the APSTs being regulated have not changed from the original legislation. These rule changes are being made to bring both APSTs and USTs under similar regulation and to provide the same benefits to both, such as the use of the PST Loan program. A commitment was made to provide the Board with the draft rules that will be sent to all PST stakeholders.

VII. Administrative Rules.

A. Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 of the Solid Waste Rules (Board Action Item).

Tom Ball, X-Ray and Technical Support Section Manager in the Division of Waste Management and Radiation Control (Division), reviewed the request for approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 to amend the Solid Waste Rules with regard to coal combustion residuals (CCR).

Utah Administrative Code R315-319 established requirements for CCR facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. Since that time, the U.S. Environmental Protection Agency (U.S. EPA) has amended these rules at least three times. Mr. Ball informed the Board that the Division will be seeking approval from the U.S. EPA for the CCR Program in Utah, and that amending the rules for consistency with the federal regulations is part of that process.

The changes the Division is proposing in amending the Solid Waste Rules do not include making any changes to the technical requirements for building and operating a CCR surface impoundment.

The types of changes that the Division is making with this amendment include removing outdated requirements, adding clarifications, adding definitions, adding optional requirements, changing the types of information that must be included in reports, facility operating records, and posted to facility web pages, and changing compliance dates. In addition, the Division will be fixing formatting and typographical errors with the rule amendments.

This is a Board action item. The Director recommends that the Board approve proceeding with formal rulemaking and public comment by publishing in the August 1, 2025, *Utah State Bulletin* the proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 and conducting a public comment period from August 1, 2025, to September 2, 2025.

Danielle Endres asked for clarification between the term “coal combustion residual” and its relationship to coal ash, as “coal ash” is another term often used.

Danielle Endres also commented that information in the Board packet indicated there are currently no legacy CCR facility impoundments, meaning this rule will not affect any existing CCR facility impoundments and questioned whether there is a potential to have a legacy CCR facility impoundments in the future.

Brian Speer, Solid Waste Section Manager in the Division, responded to both questions.

Mr. Speer informed the Board that CCR and coal ash are the same. Specifically, CCR refers to the residuals generated from burning coal at an electric power plant.

Mr. Speer informed the Board that neither the U.S. EPA nor the State of Utah is currently aware of any legacy facilities. He also stated that the Division has incorporated many additional changes into the current rules to address any legacy facilities that might be identified in the future, but at this time the Division is not aware of any that exist. Mr. Speer stated that a legacy facility is defined as a facility at a power plant that ceased operation before October 19, 2015.

It was moved by Jeremy Hawk and seconded by Danielle Endres and UNANIMOUSLY CARRIED for the Board to proceed with formal rulemaking by publishing in the August 1, 2025, *Utah State Bulletin* the proposed changes to Utah Administrative Code R315-306, 307, 310, 311, 314, and 319 and conducting a public comment period from August 1, 2025, to September 2, 2025.

VIII. Director’s Report.

Director Hansen informed the Board that the Division has started preparing budget recommendations that will be submitted to the Governor’s Office and subsequently to the Utah State Legislature for next year’s legislative session.

Director Hansen also informed the Board that in addition to preparing budget recommendations, the Division has also completed its annual fee funding review. Director Hansen noted that the Division is very fee-centric, with over \$14 million of its roughly \$16 million in annual funding being fee-based.

Director Hansen reported that the Division’s fee increases implemented this coming year will be in the Solid Waste Program and the X-Ray Program and the Division has sent out notices to stakeholders who have expressed interest in past fee changes. Director Hansen also reported that the Division will hold a public meeting later this month and during this meeting, staff will explain the reasons for the fee increases and their intended purpose. Additionally, the UDEQ will be holding the Department’s Fee Hearing in September. Director Hansen offered to inform the Board of the date of that meeting.

Director Hansen further explained that the Solid Waste Program fee increases were facilitated because of a structural change in the statute during the last legislative session, and the X-Ray Program fee increases are common to periodic need. Director Hansen also commented that the X-Ray Program is one where the Division struggles to collect fees. Therefore, for the first time in program history, the Division is looking to institute a late fee that reflects the cost of going to collections; Division staff will address this issue during the public information meeting.

There were no comments or questions for Director Hansen.

IX. Executive Director's Report.

Executive Director Davis provided an update on a key development since the last meeting: The Department of Environmental Quality adopted a new Strategic Plan. The new Strategic Plan aligns with the four key goals and priorities that Executive Director Davis discussed at the last Board meeting, which include: critical problem-solving; building relationships; protecting and improving Utah's air, land, and water while supporting community growth; and efficiency, innovation, and transparency. Executive Director Davis noted that while the order of these goals might vary slightly in the final document, the new Strategic Plan is now complete and accessible on the Department's website for review.

Executive Director Davis also asked if any Board members have specific questions regarding the implementation of the new Strategic Plan.

There were no comments or questions for Executive Director Davis.

X. Other Business.

A. Miscellaneous Information Item.

Director Everett informed the Board that the Department's Fee Hearing has been tentatively scheduled for Wednesday, September 10, 2025. The time will be provided to the Board once it is finalized.

Mark Franc requested notification of the time and location of the public informational meetings as well as the Department's Fee Hearing.

B. Scheduling of next Board meeting.

The Board meeting scheduled for August 14, 2025, at the Utah Department of Environmental Quality, Multi-Agency State Office Building was canceled.

The next meeting is scheduled for September 11, 2025, at the Utah Department of Environmental Quality, Multi-Agency State Office Building.

Interested parties can join via the Internet at: meet.google.com/gad-sxsd-uvs
Or by phone at (US) +1 978-593-3748 PIN: 902 672 356#

XI. Adjourn.

The meeting adjourned at 2:05 p.m.

PST STATISTICAL SUMMARY													
August 1, 2024 -- July 31, 2025													
PROGRAM													
	August	September	October	November	December	January	February	March	April	May	June	July	(+/-) OR Total
Regulated Tanks	4,833	4,832	4,841	4,849	4,855	4,859	4,869	4,886	4,897	4,907	4,902	4,907	74
Tanks with Certificate of Compliance	4,616	4,611	4,644	4,651	4,661	4,668	4,670	4,674	4,682	4,683	4,692	4,695	79
Tanks without COC	217	221	197	198	194	191	199	212	215	223	210	212	(5)
Cumulative Facilities with Registered A Operators	1,270	1,269	1,265	1,265	1,266	1,270	1,262	1,278	1,271	1,272	1,254	1,267	83.19%
Cumulative Facilities with Registered B Operators	1,283	1,283	1,278	1,278	1,279	1,283	1,276	1,280	1,273	1,273	1,256	1,266	83.13%
New LUST Sites	8	7	4	4	3	11	2	9	6	4	8	5	71
Closed LUST Sites	12	5	4	3	7	9	6	6	4	5	3	8	72
Cumulative Closed LUST Sites	5703	5707	5711	5717	5724	5733	5739	5741	5748	5751	5758	5765	62
FINANCIAL													
	August	September	October	November	December	January	February	March	April	May	June	July	(+/-)
Tanks on PST Fund	3,025	3,022	3,032	3,039	3,049	3,056	3,056	3,052	3,064	3,059	3,067	3,064	39
PST Claims (Cumulative)	731	735	734	734	734	734	738	738	741	740	740	739	8
Equity Balance	\$8,003,529	\$7,824,588	\$6,991,673	\$7,429,379	\$7,556,156	\$7,848,489	\$8,280,893	\$8,218,397	\$8,511,914	\$9,321,582	\$9,640,627	\$9,913,949	\$1,910,420
Cash Balance	\$37,223,566	\$37,044,625	\$37,309,972	\$37,747,678	\$37,874,455	\$38,166,788	\$38,599,192	\$38,536,696	\$38,830,213	\$39,639,881	\$39,958,926	\$40,232,248	\$3,008,682
Loans	0	0	0	0	0	0	0	0	0	0	0	0	0
Cumulative Loans	129	129	129	129	129	129	129	129	129	129	129	129	0
Cumulative Amount	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,213,705	\$6,123,705	\$6,123,705	\$6,123,705	\$6,123,705	(\$90,000)
Defaults/Amount	0	0	0	0	0	0	0	1	1	2	2	2	2
	August	September	October	November	December	January	February	March	April	May	June	July	TOTAL
Speed Memos	102	100	135	103	241	78	127	135	199	135	165	135	1,655
Compliance Letters	11	3	17	5	12	13	7	8	11	18	10	9	124
Notice of Intent to Revoke	0	0	0	0	0	0	0	1	0	0	0	0	1
Orders	0	0	0	1	0	1	0	0	0	0	2	1	5

**Approval of proposed changes to R311, Petroleum Storage Tank Rules for initial
publication and 30-day public comment period - Board Action Item**

The Division of Environmental Response and Remediation (DERR) is proposing changes to R311, the Petroleum Storage Tank (PST) rules. These changes are presented as an action item requesting Board approval to proceed with initial publication and 30-day public comment period.

Background:

On February 27, 2025, Utah's Governor Spencer Cox signed H.B. 18 Petroleum Storage Tank Amendments, which became effective on May 7, 2025. This bill marks the first changes to the Petroleum Storage Tank Act since the introduction of aboveground petroleum storage tank (APST) regulations in 2021.

Key changes enacted by H.B. 18 include:

- **Notification Requirements for APST Owners/Operators:** Owners and operators of APSTs are now required to notify the DERR of any change in ownership, new installations, or upgrades/repairs to their tanks.
- **Revised Definition of PST Certifications:** The definition of "Underground Storage Tank Removers, Testers and Installers" has been updated to the broader "Petroleum Storage Tank Removers, Testers and Installers" to reflect the inclusion of APSTs.
- **Installation Permit and Fee Requirements:** Petroleum storage tank installation companies must now obtain an install permit for all PST installations, including APSTs, at least 30 days before the installation begins. Associated fees must also be paid at least 30 days prior to the start of the installation.
- **APST Loan Program Eligibility:** Owners and operators of APSTs are now eligible to apply for loans from the Petroleum Storage Tank Fund Loan Program for the purpose of upgrading, replacing, or permanently closing an APST.

Additionally, other minor rule changes are proposed to clarify existing requirements for owners and operators of PSTs, without imposing any new obligations on these entities.

Summary of the Proposed Changes:

R311-200. Petroleum Storage Tanks: Definitions.

- R311-200-1(2)(mm): Definition of "petroleum storage tank" is added to reflect the statutory definition and inform other uses of the term in the PST Rules.
- Changes made in H.B. 18 Petroleum Storage Tank Amendments required that the definitions be updated in rule. "Eligible exempt UST", "UST inspector", "UST installation", "UST repair and service", "UST installation permit fee", "UST installer", "UST removal", "UST remover" and "UST tester" were changed to "Eligible exempt PST", "PST inspector", "PST installation", "PST repair and service", "PST installation permit fee", "PST installer", "PST removal", "PST remover" and "PST tester", respectively.
- R311-200-1(2)(a)(iii)(J): Further detailed that the exemption of APSTs that contain a de minimis concentration of regulated substances applies only to aboveground storage tanks last used prior to May 5, 2021.

- R311-200-1(2)(fff)(ii): Changed the definition “Secondary Containment” to remove a reference to a rule that was deleted in a prior rule change.
- Non-substantive internal rule references changed to reflect changes made in these amendments.

R311-201. Petroleum Storage Tanks: Certification Programs and UST Operator Training.

- In multiple parts of this rule the following terms were changed: UST inspector to PST Inspector, UST tester to PST tester, UST installer to PST installer and UST remover to PST remover.
- R311-201-12(10)(d)(ii): The document, as referenced in this rule, "UST and LUST Performance Definitions as of October 2018", was previously incorporated by reference. This document is vague when pertaining to retraining requirements. This document will be removed as a reference in the rule and will instead refer directly to specific conditions within EPA regulations that trigger the need for retraining.

R311-203. Petroleum Storage Tanks: Technical Standards

- R311-203-2: Changes were made to notification requirements for work on Petroleum Storage Tanks. Notification is required no later than 30 days before completion of the work on PSTs or change of ownership of PST sites.
- R311-203-3: Changes were made for the time frame for notification of new installation permits. Certified PST installers must notify the director (DERR) 30 days before commencing work on PSTs.
- R-311-203-5: Rule changes in this subsection aim to clarify the existing PST testing requirements for owners or operators of APSTs. There are no additional requirements being imposed on these entities.
- UST was changed to PST where appropriate.

R311-204. Petroleum Storage Tanks: Closure and Remediation.

- R311-204-2(1)(a): H.B. 18 struck out Subsection 19-6-407(2)(a)(iii) which is referenced in this rule for the requirement for 30-day notification for closure of APSTs. The requirement for 30-day notification before the closure for Aboveground Petroleum Storage tanks (APSTs) was added to match the requirement for Underground Storage Tanks (USTs).
- R311-204-5(2): Changed “UST remover” to “PST remover” due to the definition change in H.B. 18.

R311-212. Administration of the Petroleum Storage Tank Fund Loan Program.

- The term “Underground Storage Tanks” (USTs) has been updated to the broader term "Petroleum Storage Tanks” (PSTs) in multiple parts of this rule since “Aboveground Petroleum Storage Tanks” (APSTs) are now permitted to apply for a loan from the Petroleum Storage Tanks Loan Program.

The tentative adoption schedule for the proposed rule changes is:

Informal request for comments from PST Stakeholders	July and August, 2025
Present to Board as informational item with text of proposed changes	July 10, 2025
Request for Board approval for publication and public comment	September 11, 2025
Publication in the Utah State Bulletin	October 1, 2025
Public comment period (per admin. rules)	Oct 1 – Oct 31, 2025
Public hearing	October 15, 2025

Board approval for final adoption	November 13, 2025
Final effective date of new rules	November 14, 2025

The rule templates, including required analysis and the text of the changes can be found in the Board Packet. This matter is a Board action item. The Director recommends Board approval to proceed with initial publication and 30-day public comment period.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R311-200	Filing ID: OFFICE USE ONLY
Date of previous publication (only for CPRs):	Click or tap to enter a date.	

Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-200. Petroleum Storage Tanks: Definitions	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
H.B. 18, which passed in the 2025 legislature, changed the terms "underground" to "petroleum" where appropriate thus requiring changes in some definitions. Clarification of a definition was made and an incorrect reference was deleted.	
5. Summary of the new rule or change:	
Subsection R311-200-1(2)(mm): Definition of "petroleum storage tank" is added to reflect the statutory definition and inform other uses of the term in the PST Rules. Changes made in H.B. 18 Petroleum Storage Tank Amendments required that the definitions be updated in rule. "Eligible exempt UST", "UST inspector", "UST installation", "UST repair and service", "UST installation permit fee", "UST installer", "UST removal", "UST remover" and "UST tester" were changed to "Eligible exempt PST", "PST inspector", "PST installation", "PST repair and service", "PST installation permit fee", "PST installer", "PST removal", "PST remover" and "PST tester", respectively. Subsection R311-200-1(2)(a)(iii)(J): Further detailed that the exemption of APSTs that contain a de minimis concentration of regulated substances applies only to aboveground storage tanks last used prior to May 5, 2021. Subsection R311-200-1(2)(fff)(ii): Changed the definition "Secondary Containment" to remove a reference to a rule that was deleted in a prior rule change. Nonsubstantive internal rule references changed to reflect changes made in these amendments.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
We do not anticipate any fiscal impact to the state government revenues or expenditures from these definitions. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.
B. Local governments:
We do not anticipate any fiscal impact to the local governments revenues or expenditures from these definitions. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.
C. Small businesses ("small business" means a business employing 1-49 persons):

We do not anticipate any fiscal impact to the small business's revenues or expenditures from these definitions. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

We do not anticipate any fiscal impact to the non-small business's revenues or expenditures from these definitions. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

We do not anticipate any fiscal impact on other individual's revenues or expenditures from these definitions. Any fiscal impact pertaining to defined terms will be addressed in the relevant rule.

F. Compliance costs for affected persons:

Any cost or benefits to affected persons relating to the defined terms in this rule will be addressed in the relevant rule.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-105	Section 19-6-403	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
10/15/2025	02:00 PM	Multi Agency State Office Building 195 N. 1950 W. Salt Lake City, Utah 84116 Room 1015
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/14/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-200. Petroleum Storage Tanks: Definitions.

R311-200-1. Definitions.

- (1) Terms used in this rule are defined in Section 19-6-402.
- (2) In addition, for purposes of this rule:
 - (a) Aboveground petroleum storage tank" or "APST" means a storage tank that is, by volume, less than 10 % buried in the ground, including the pipes connected to the storage tank and:
 - (i) has attached underground piping; or
 - (ii) rests directly on the ground;
 - (A) contains regulated substances;
 - (B) has the capacity to hold 501 gallons or more; and
 - (iii) is not:
 - (A) used in agricultural operations;
 - (B) used for heating oil for consumptive use on the premises where stored;
 - (C) related to a petroleum facility under SIC Code 2911 or 5171 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget;
 - (D) directly related to oil or gas production, gathering and transmission operations;
 - (E) used in the fueling of aircraft or ground service equipment at a commercial airport that serves passengers or cargo, with commercial airport defined in Section 72-10-102;
 - (F) oil filled electrical equipment, including, but not limited to, transformers, circuit breakers, or capacitors;
 - (G) a stationary aboveground storage tank that is installed, rendered immobile, and intended for use on a property for no more than 180 consecutive days;
 - (H) an used oil collection tank regulated under Section 19-6-710;
 - (I) an airport hydrant fuel distribution system at a military facility;
 - (J) any ~~[AST]~~aboveground storage tank, last used before May 5, 2021 that contains a de minimis concentration of regulated substances;
 - (K) an ~~[AST]~~aboveground storage tank used to store liquefied petroleum gases that are not liquid at standard temperature and pressure; or
 - (L) an aboveground hot-oil tank or container that is used to store petroleum products that will be manufactured into asphalt paving material.
 - (b) "Actively participated" for the certification programs means that the individual applying for certification must have had operative experience for the entire project from start to finish, whether it be an installation or a removal.
 - (c) "Agricultural operation" means any operation on a tract of land devoted to the production of crops, animals, or fowl; fruit or vegetable products; or the production of dairy, nuts, tobacco, nursery, or floral products.
 - (d) "As-built drawing" for notification means a drawing to scale of newly constructed PSTs. The PSTs shall be referenced to buildings, streets, and limits of the excavation. The drawing shall show the locations of tanks, product lines, dispensers, vent lines, cathodic protection systems, and monitoring wells. Drawing size must be limited to 8-1/2" x 11" if possible, but shall in no case be larger than 11" x 17".

(e) "Backfill" means any foreign material, usually pea gravel or sand, which usually differs from the native soil and is used to support or cover the PST system.

(f) "Certificate" means a document that evidences certification.

(g) "Certification" means approval by the director or the board to engage in the activity applied for by the individual.

(h) "Certified environmental laboratory" means a laboratory certified by the Utah Department of Health and Human Services as outlined in Rule R444-14 to perform analyses according to the laboratory methods identified for PST sampling in Subsection R311-205-2(5).

(i) "Certified sampler" is the person who performs environmental media sampling for compliance with Utah PST rules.

(j) "Change-in-service" means the continued use of a PST to store a non-regulated substance.

(k) "Claimant" means any person eligible to submit requests for reimbursement of costs against the Petroleum Storage Tank Fund as determined by the director.

(l) "Community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(m) "Confirmation sample" means an environmental sample taken, excluding closure samples as outlined in Section R311-205-2, during soil over-excavation or any other remedial or investigation activities conducted to determine the extent and degree of contamination.

(n) "Consultant" is a person who is a certified PST consultant according to Subsection 19-6-402(7) and Section R311-201-2.

(o) "Cost Guidelines" refers to the Cost Guidelines for Utah ~~[Underground]~~Petroleum Storage Tank Sites document, dated June 3, 2021. This document contains personnel classifications, requirements, and rates, general tasks and responsibilities for personnel, maximum allowable equipment and laboratory rates, and specific items or activities that will and will not be reimbursed by the Petroleum Storage Tank Fund.

(p) "Customary, reasonable, and legitimate expenses" means costs incurred during the investigation, abatement, and corrective actions that address a release which are normally charged according to accepted industry standards, and which must be justified in an audit as an appropriate cost. The costs must be directly related to the tasks performed.

(q) "Customary, reasonable, and legitimate work" means work for investigation, abatement, and corrective action that shall reduce contamination at a site to levels that are protective of human health and the environment. Acceptable levels may be established by risk-based analysis and considering current or probable land use as determined by the director following the criteria in Rule R311-211.

(r) "Department" means the Utah Department of Environmental Quality.

(s) "EAP" means the Environmental Assurance Program established in Section 19-6-410.5.

(t) "Eligible exempt ~~[U]PST~~" for eligibility for the Petroleum Storage Tank Fund means a tank specified in ~~[Subsection]~~Section 19-6-415~~(4)~~.

(u) "Environmental media sample" is a groundwater, surface water, air, or soil sample collected, using appropriate methods, for evaluating environmental contamination.

(v) "EPA" means the United States Environmental Protection Agency.

(w) "Expediently disposed of" means disposed of as soon as practical so as not to become a potential threat to human health or safety or the environment, whether foreseen or unforeseen as determined by the director.

(x) "Fiscal year" means a period beginning July 1 and ending June 30 of the following year.

(y) "Full installation" for the purposes of Subsection 19-6-411(2) means the installation of a PST.

(z) "Groundwater sample" is a sample of water from below the surface of the ground collected according to protocol established in Rule R311-205.

(aa) "Historic contamination" as referenced in Subsections 19-6-428(~~[3]~~2)(c) and 19-6-428(~~[3]~~2)(d) is petroleum contamination:

(i) reported after the start of continuous participation in the EAP that has no apparent cause or source and for which the director reasonably determines to have occurred during a period of non-participation; or

(ii) a release which does not meet the definition of a new release.

(bb) "Injury or damage from a release" means, for the purposes of Subsection 19-6-409(2)(e), any petroleum contamination that has migrated from the release onto or under a third party's property at concentrations exceeding Initial Screening Levels specified in Subsection R311-211-6(1).

(cc) "In service" means an PST that is actively storing or dispensing regulated substances.

(dd) "In use" means that an operational, inactive, or abandoned PST contains a regulated substance, sludge, dissolved fractions, or vapor which may pose a threat to the safety of human health or the environment, as determined by the director.

(ee) "Lapse" in reference to the certificate of compliance and coverage under the EAP, means to terminate automatically.

(ff) "Native soil" means any soil that is not backfill material, is naturally occurring, and is most representative of the localized subsurface lithology and geology.

(gg) "New release" as referenced in Subsections 19-6-428(~~[3]~~2)(c) and 19-6-428(~~[3]~~2)(d) are releases that occur on or after the start date for continuous participation in the EAP, which the director reasonably determines to have occurred due to an unusual operating condition, an apparent PST system equipment failure, a failed PST test, an overfill, or a surface spill during the time of program participation.

(hh) "No further action determination" means that the director has evaluated information provided by responsible parties or others about the site and determined that any detectable petroleum contamination from a particular release does not present a threat to public health or the environment based upon board established criteria in Title R311. If future evidence indicates contamination from that release may cause a threat, further corrective action may be required.

(ii) "Occurrence" in reference to Section R311-208-4 means a separate petroleum fuel delivery to a single tank.

(jj) "Owners and operators" means either an owner or operator, or both owner and operator.

(kk) "Over-excavation" means any soil removed in an effort to investigate or remediate in addition to the minimum amount required to remove the PST or take environmental media samples during PST closure activities as outlined in Section R311-205-2.

(ll) "Permanently closed" means PSTs that are removed from service following guidelines in 40 CFR Part 280 Subpart G incorporated by Rule R311-202.

(mm) "Petroleum storage tank" means a tank that:

(i) is an underground storage tank;

(ii) is an aboveground petroleum storage tank; or

(iii) is a tank containing regulated substances that is voluntarily submitted for participation in the fund under Section 19-6-415.

~~([mm])~~nn "Petroleum storage tank fee" means the fee which funds the Petroleum Storage Tank Fund as established in Section 19-6-409.

~~([nn])~~oo "Petroleum Storage Tank Fund" means the Fund created by Section 19-6-409.

~~(pp)~~ "Potable drinking water well" means any hole, dug, driven, drilled, or bored, that extends into the earth until it meets groundwater which supplies water for a non-community public water system, or otherwise supplies water for household use, consisting of drinking, bathing, and cooking, or other similar uses. Such a well may provide water to entities such as a single-family residence, group of residences, businesses, schools, parks, campgrounds, and other permanent or seasonal communities.

~~(pp)~~ "PST" means petroleum storage tank as defined in Subsection 19-6-402(21).

~~(rr)~~ "PST inspector" is an individual who performs PST inspections for compliance with state and federal rules and regulations as authorized in Subsection 19-6-404(2)(c).

~~(qq)~~ "PST inspection" is the inspection required by state and applicable federal underground storage tank rules and regulations during the installation, testing, repairing, operation or maintenance, and removal of regulated PSTs.

~~(rr)~~ "PST installation" means the installation of a PST, including ~~any component that is critical to~~ construction, placing into operation, building, or assembling a PST in the field. It includes any operation that is critical to the integrity of the system and to the protection of the environment, which includes:

~~(i)~~ ~~the integrity of the system~~ pre-installation tank testing, tank site preparation including anchoring, tank placement, and backfilling;

~~(ii)~~ ~~protection of the environment; and~~ vent and product piping assembly;

~~(iii)~~ ~~qualifying for a certificate of compliance.~~ cathodic protection installation, service, and repair;

~~(iv)~~ internal lining;

~~(v)~~ secondary containment construction; and

~~(vi)~~ PST repair and service.

~~(uu)~~ "PST installation permit fee" means the fee established by Subsection 19-6-411(2)(a)(ii).

~~(vv)~~ "PST installer" means an individual who engages in PST installation.

~~(ww)~~ "PST removal" means the removal or permanent closure of a PST system by taking out of service all or part of a PST system.

~~(xx)~~ "PST remover" means an individual who engages in PST tank removal.

~~(yy)~~ "PST tester" means an individual who engages in PST testing.

~~(ss)~~ "PST testing" means:

~~(i)~~ a testing method which can detect leaks in a PST system;

~~(ii)~~ testing for compliance with corrosion protection requirements;

~~(iii)~~ testing or inspection for proper operation of overfill prevention devices and electronic or mechanical leak detection components;

~~(iv)~~ any testing requirements for exempt USTs or aboveground storage tanks that voluntarily participate in the EAP; or

~~(v)~~ testing methods that meet applicable performance standards:

~~(A)~~ 40 CFR 280.40(a)(4), 280.43(c), and 280.44(b) for tank and product piping tightness testing;

~~(B)~~ 40 CFR 280.35(a)(1)(ii) for testing of spill prevention equipment and containment sumps used for interstitial monitoring of piping;

~~(C)~~ 40 CFR 280.31(b) for cathodic protection testing;

~~(D)~~ 40 CFR 280.35(a)(2) for overfill device inspection;

~~(E)~~ 40 CFR 280.40(a)(3) for testing of mechanical and electronic release detection components; and

~~(F)~~ interstitial testing for tank and piping secondary containment.

~~(tt)~~ "Public water system" means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. It includes any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system; and, any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system.

~~(uu)~~ "Registration fee" means PST registration fee.

~~(vv)~~ "Related parties" for the purposes of Section R311-207-4, means organizations or persons related to the consultant by any of the following: marriage; blood; one or more partners in common with the consultant; one or more directors or officers in common with the consultant; more than 10% common ownership direct or indirect with the consultant.

~~(ww)~~ "Reportable release" means a spill, overfill, leak, discharge, leachate, or disposal of a regulated substance that results in a release to the environment.

~~(xx)~~ "Rests directly on the ground" means that at least some portion of a PST situated aboveground is in direct contact with soil.

~~(yy)~~ "Secondary containment"

~~(i)~~ for the purposes of Rule R311-202 and Section R311-203-6, means a release prevention and detection system for a tank or piping that has an inner and outer barrier with an interstitial space between them for monitoring. The monitoring of the interstitial space must meet the requirements of 40 CFR 280.43(g).

~~(ii)~~ for ~~the purposes of Subsection R311-206-4(6)~~ APSTs, means a dike, vault, enclosure, berm, double-walled system, or any other barrier that meets the secondary containment standards listed in the International Fire Code (IFC) 2306.5 and 5704.2.10.

~~(zz)~~ "Site assessment" or "site check" is an evaluation of the level of contamination at a site which contains or has contained a PST.

~~(aaa)~~ "Site assessment report" is a summary of relevant information describing the surface and subsurface conditions at a facility following any abatement, investigation or assessment, monitoring, remediation or corrective action activities as outlined in Rule R311-202, incorporating 40 CFR 280 Subparts E and F.

~~(bbb)~~ "Site investigation" is work performed by the owner or operator, or their designee, when gathering information for reports required for Utah PST rules.

~~(eee)~~ "Site plat" for notification or reporting, refers to a drawing to scale of PSTs in reference to the facility. The scale should be dimensioned appropriately. Drawing size shall be limited to 8-1/2" x 11" if possible, but must in no case be larger than 11" x 17". The site plat should include the following: property boundaries; streets and orientation; buildings or adjacent structures surrounding the facility; present or former PSTs; extent of any excavations; location and volume of any stockpiled soil; locations, depths, and analytical results of all environmental media samples collected; locations and total depths of borings or permanent wells, or other measurement or data points; type of ground-cover; utility conduits; local land use; surface water drainage; and other relevant features.

~~(ddd)~~ "Site under control" means that the site of a release has been actively addressed by the owner or operator who has taken the following measures:

~~(i)~~ fire and explosion hazards have been abated;

~~(ii)~~ free flow of the product out of the tank has been stopped;

(iii) free product is being removed from the soil, groundwater, or surface water according to a work plan or corrective action plan approved by the director, except as allowed by Subsections 19-6-420(3)(b) and 19-6-420(6);
(iv) alternative water supplies have been provided to affected parties whose original water supply has been contaminated by the release; and
(v) a soil or groundwater management plan or both have been submitted for approval by the director.

~~(eee)lll~~ "Soil" as referenced in Subsection 19-6-402(~~28~~30) means natural earthen material under which there is no secondary containment.

~~(fff)mmm~~ "Soil sample" is a sample collected following the protocol established in Rule R311-205.

~~(ggg)nnn~~ "Surface water sample" is a sample of water, other than a groundwater sample, collected according to protocol established in Rule R311-205.

(iii) "Suspected release" means a release that may have occurred from a regulated PST system, for example: petroleum contamination discovered at the PST site or in the surrounding area; unusual operating conditions of the PST system; release detection methods indicating a release may have occurred;[-] inventory control records indicating unexplained product loss; or, a spill or overfill that occurs outside secondary containment and exceeds 25 gallons.

~~(hhh)ooo~~ "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials, such as concrete, steel, or plastic, that provide structural support.

~~(iii)ppp~~ "Third-party Class B operator" is any individual who is not the facility owner or operator, or an employee of the owner or operator and who, by contract, provides the services outlined in Subsection R311-201-12(7).

~~(jjj)qqq~~ "Under-dispenser containment," for the purposes of Section R311-203-6, means containment underneath a dispenser that will prevent leaks from the dispenser or transitional components that connect the piping to the dispenser, check valves, shear valves, unburied risers or flex connectors, or other components that are beneath the dispenser, from reaching soil or groundwater.

~~[-] (kkk) "UST inspector" is an individual who performs PST inspections for compliance with state and federal rules and regulations as authorized in Subsection 19-6-404(2)(c).~~

~~(lll) "UST installation" means the installation of a PST, including construction, placing into operation, building, or assembling a PST in the field. It includes any operation that is critical to the integrity of the system and to the protection of the environment, which includes:~~

~~(i) pre installation tank testing, tank site preparation including anchoring, tank placement, and backfilling;~~

~~(ii) vent and product piping assembly;~~

~~(iii) cathodic protection installation, service, and repair;~~

~~(iv) internal lining;~~

~~(v) secondary containment construction; and~~

~~(vi) UST repair and service.~~

~~(mmm) "UST installation permit fee" means the fee established by Subsection 19-6-411(2)(a)(ii).~~

~~(nnn) "UST installer" means an individual who engages in PST installation.~~

~~(ooo) "UST removal" means the removal or permanent closure of a PST system by taking out of service all or part of a PST system~~

~~(ppp) "UST remover" means an individual who engages in PST tank removal.~~

~~(qqq) "UST tester" means an individual who engages in PST testing.]~~

KEY: petroleum, underground storage tanks

Date of Last Change: ~~[April 14, 2023]~~2025

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R311-201

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

[Click or tap to enter a date.](#)

Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-201. Petroleum Storage Tanks: Certification Programs and UST Operator Training.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
H.B. 18 Petroleum Storage Tank Amendments which was passed in the 2025 legislative session changed the terms "underground" to "petroleum" for certifying individuals. These modifications required changes of these terms in rule and provided clarification.	
Provided clarification of the requirements for re-training of a Class B operators that are found to be out of compliance.	
5. Summary of the new rule or change:	
In multiple parts of this rule the following terms were changed: UST inspector to PST Inspector, UST tester to PST tester, UST installer to PST installer and UST remover to PST remover.	
Subsection R311-201-12(10)(d)(ii): The document, as referenced in this rule, "UST and LUST Performance Definitions as of October 2018", was previously incorporated by reference. This document is vague when pertaining to retraining requirements. This document will be removed as a reference in the rule and will instead refer directly to specific conditions within EPA regulations that trigger the need for retraining.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule change is not expected to have any fiscal impacts on state government revenues or expenditures because these certified individuals being hired to do PST work are currently required to be certified under this rule to work on both APSTs and USTs. Also, any other additional costs were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session
B. Local governments:
This rule change is not expected to have any fiscal impacts on local government revenues or expenditures because these certified individuals being hired to do PST work are currently required to be certified under this rule to work on both APSTs and USTs. Also, any other additional costs were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session
C. Small businesses ("small business" means a business employing 1-49 persons):

This rule change is not expected to have any fiscal impacts on small businesses revenues or expenditures because these certified individuals being hired to do PST work are currently required to be certified under this rule to work on both APSTs and USTs. Also, any other additional costs were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures because these certified individuals being hired to do PST work are currently required to be certified under this rule to work on both APSTs and USTs. Additional costs were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

These rule changes are not expected to have any fiscal impacts on other persons because the rule changes will not apply to these entities.

F. Compliance costs for affected persons:

This rule change is not expected to have any fiscal impacts on affected person who wish to hire individual to do work on PSTs since these individuals are currently required to be certified under this rule to work on both APSTs and USTs. Any additional compliance costs for affected persons was accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-1-301	Section 19-6-105	Section 19-6-402
Section 19-6-403	Section 63G-4-102	Sections 63G-4-201 through 63G-4-205
Section 63G-4-503		

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	

Issue or Version	
-------------------------	--

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 10/31/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
10/15/2025	02:00 PM	Multi Agency State Office Building 195 N. 1950 W. Salt Lake City, Utah 84116 Room 1015

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on: 11/14/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025
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R311. Environmental Quality, Environmental Response and Remediation.

R311-201. Petroleum Storage Tanks: Certification Programs and UST Operator Training.

R311-201-1. Definitions.

Definitions are found in Rule R311-200.

R311-201-2. Requirement for Certification.

(1) a certified PST consultant is required as specified in Subsection 19-6-402(7)(a).

(a) no person shall provide or contract to provide the following services without having certification to conduct these activities:

(i) provide information, opinions, or advice relating to PST release management;

(ii) abatement;

(iii) investigation;

(iv) corrective action; or

(v) evaluation for a fee, or in connection with the services for which a fee is charged.

(A) except as outlined in Subsection R311-204-5(2); and

(B) except for releases from a hazardous substance PST system, as defined in 40 CFR 280.10.

(b) a certified PST consultant must:

(i) make pertinent project management decisions;

(ii) ensure all aspects of work related to PSTs containing petroleum are performed in an appropriate manner; and

(iii) sign required documentation to be submitted to the director for work performed.

(c) any PST release abatement, investigation, or corrective action work performed by a person who is not certified or who is not working under the direct supervision of a certified PST consultant, and is performed for compliance with Utah PST rules, may be rejected by the director.

(2) ~~U~~PST inspector. No person shall conduct a PST inspection as authorized in Subsection 19-6-404(2)(c) without having certification to conduct such activities.

(a) the director may issue a limited certification restricting the type of PST inspections the applicant can perform.

(3) ~~U~~PST tester. No owner or operator shall allow PST testing to be conducted on a PST under their ownership or operation unless the person conducting the PST testing is certified according to Rule R311-201.

(a) except as outlined in Section R311-201-3, no person shall conduct PST testing without having certification to conduct such activities.

(b) an individual certified under Rule R311-201 as a ~~U~~PST installer may:

(i) perform a test of spill prevention equipment and containment sumps used for interstitial monitoring of piping, to meet the requirements of 40 CFR 280.35(a)(1)(ii), if no equipment that requires training by the manufacturer is used;

(ii) perform an overfill device inspection to meet the requirements of 40 CFR 280.35(a)(2);

(iii) perform a test for proper operation of release detection components to meet the requirements of 40 CFR 280.40(a)(3)(i), 280.40(a)(3)(ii), 280.40(a)(3)(iv), and 280.40(a)(3)(v); and

(iv) perform a test of a piping containment sump or under-dispenser containment to meet the requirements of 40 CFR 280.35(a), if no equipment that requires training by the manufacturer is used.

(c) a PST owner or operator may:

(i) perform a hydrostatic test of spill prevention equipment and containment sumps used for interstitial monitoring of piping, to meet the requirements of 40 CFR 280.35(a)(1)(ii), if no equipment that requires training by the manufacturer is used; and

(ii) perform a test of a piping containment sump or under-dispenser containment to meet the requirements of 40 CFR 280.35(a), if no equipment that requires training by the manufacturer is used.

(d) certification by the director under this rule applies only to the specific PST testing equipment and procedures for which the [U]PST tester has been successfully trained by the manufacturer of the equipment, or by equivalent training as determined by the director, for the following types of testing:

(i) tank, line, and leak detector testing;

(ii) interstitial tests of tanks and piping; and

(iii) spill prevention device and containment sump testing, if equipment that requires training by the manufacturer is used.

(e) the director may issue a limited certification restricting the type of PST testing the applicant can perform.

(4) Certified sampler. No person shall conduct environmental media sampling for determining levels of contamination which may have occurred from regulated PSTs without having certification to conduct these activities.

(a) no owner or operator shall allow any environmental media sampling for determining levels of contamination which may have occurred from regulated PSTs to be conducted on a tank under their ownership or operation unless the person conducting the environmental media sampling is certified according to Rule R311-201.

(5) [U]PST installer. No person shall install a PST without having certification or the on-site supervision of an individual having certification to conduct these activities.

(a) no owner or operator shall allow the installation of a PST, or any component thereof, under their ownership or operation unless the person installing the PST is certified according to Rule R311-201.

(b) the director may issue a limited certification restricting the type of PST installation the applicant can perform.

(6) [U]PST remover. No person shall remove a PST without having certification or the on-site supervision of an individual having certification to conduct these activities.

(a) no owner or operator shall allow the removal of a PST, or any component thereof, under their ownership or operation unless the person conducting the PST removal is certified according to Rule R311-201.

R311-201-3. Eligibility for Certification.

(1) Certified PST consultant.

(a) training. For initial and renewal certification, an applicant must meet:

(i) Occupational Safety and Health Agency safety training requirements in accordance with 29 CFR 1910.120 and any other applicable safety training, as required by federal and state law; and

(ii) within a six-month period before application, complete an approved training course or equivalent in a program approved by the director to provide training to include the following areas:

(A) state and federal statutes;

(B) rules and regulations;

(C) environmental media sampling; and

(D) department policies.

(b) experience. Each applicant must provide with the application a signed statement or other evidence demonstrating:

(i) three years, within the past seven years, of appropriately related experience in PST release abatement, investigation, and corrective action; or

(ii) an equivalent combination of appropriate education and experience, as determined by the director.

(c) education. Each applicant must provide with the application college transcripts or other evidence demonstrating the following:

(i) a bachelor's or advanced degree from an accredited college or university with major study in environmental health, engineering, biological, chemical, environmental, or physical science, or a specialized or related scientific field, or equivalent education or experience as determined by the director;

(ii) a professional engineering certificate licensed under Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act, or equivalent certification as determined by the director; or

(iii) a professional geologist certificate licensed under Title 58, Chapter 76 of the Professional Geologist Licensing Act, or equivalent certification as determined by the director.

(d) initial certification examination. Each applicant who is not certified pursuant to Section R311-201-4 must successfully pass an initial certification examination or equivalent, administered under the direction of the director.

(i) the director shall determine the content of the initial examination based on the training requirements as outlined in Subsection R311-201-3(1)(a).

(e) renewal certification examination. Certified PST consultants seeking to renew their certification pursuant to Section R311-201-5 must successfully pass a renewal certification examination, or equivalent administered under the direction of the director.

(i) the director shall determine the content of the renewal examination based on the training requirements as outlined in Subsection R311-201-3(1)(a).

(ii) the director may offer a renewal certification examination that is less comprehensive than the initial certification examination.

(f) examination for revoked or expired certification. Any applicant who is not a certified PST consultant on the date the renewal certification examination is given because the consultant's prior certification was revoked or expired before completing a renewal application, must successfully pass the initial certification examination administered under Subsection R311-201-3(1)(d).

(2) [U]PST inspector.

(a) training. For initial certification, an applicant must have successfully completed a PST inspector training course or equivalent within the six-month period before application.

(i) the training course must be approved by the director and shall include instruction in the following areas:

- (A) corrosion;
- (B) geology;
- (C) hydrology;
- (D) tank handling;
- (E) tank testing;
- (F) product piping testing;
- (G) disposal;
- (H) safety;
- (I) sampling methodology;
- (J) state site inspection protocol;
- (K) state and federal statutes; and
- (L) Utah PST rules and regulations.

(ii) renewal certification training will be established by the director.

(iii) the applicant must provide documentation of training with the application.

(b) certification examination. An applicant must successfully pass a certification examination administered under the direction of the director.

(i) the director shall determine the content of the initial and renewal examinations, based on the training requirements as outlined in Subsection R311-201-3(2)(a), and the standards and criteria against which the applicant will be evaluated.

(ii) the director may offer a renewal certification examination that is less comprehensive than the initial certification examination.

(3) [U]PST tester.

(a) financial assurance. An applicant or applicant's employer must have insurance, surety bonds, liquid company assets or other appropriate kinds of financial assurance which covers PST testing and which, in combination, represent an unencumbered value of the largest PST testing contract performed by the applicant or the applicant's employer, as appropriate, during the previous two years, or \$50,000, whichever is greater.

(i) an applicant who uses their employer's financial assurance must also provide evidence of their employer's approval of the certification application.

(b) training. For initial certification, an applicant must complete a PST tester's training course within the six-month period before application, in a program approved by the director, to provide training to include applicable and related areas of state and federal statutes, rules, and regulations.

(i) renewal certification training will be established by the director.

(A) the applicant must provide documentation of training with the application.

(ii) for initial certification to perform the types of testing specified in Subsection R311-201-2(3), an applicant must have successfully passed a training course conducted by the manufacturer of the PST testing equipment that they will be using, or a training course determined by the director to be equivalent to the manufacturer training, in the correct use of the equipment and testing procedures required to operate the PST test system.

(iii) an applicant for renewal of certification must have successfully passed an appropriate refresher training course conducted by the manufacturer of the PST testing equipment that they will be using, or training as determined by the director to be equivalent to the manufacturer training, in the correct use of the equipment and testing procedures required to operate the PST test system.

(A) for renewal certification, refresher training, or equivalent must be completed within one year before the expiration date of the certificate.

(iv) cathodic protection testing. For initial and renewal of certification, the applicant must provide documentation of training as a "Cathodic protection tester" as defined in 40 CFR 280.12 with the application.

(c) performance standards of equipment. An applicant must submit documentation that demonstrates the PST testing equipment used by the applicant meets the performance standards specified in Subsection R311-200-1(2)([ss]zz)(v).

(i) this documentation shall be obtained through an independent lab, professional engineering firm, or other independent organization or individual approved by the director and submitted at the time of application for certification.

(d) certification examination. An applicant must successfully pass a certification examination administered under the direction of the director.

(i) the director shall determine the content of the initial and renewal examinations, based on the training requirements as outlined in Subsection R311-201-3(3)(b), and the standards and criteria against which the applicant will be evaluated.

(ii) the director may offer a renewal certification examination that is less comprehensive than the initial certification examination.

(4) Certified sampler.

(a) training. For initial certification an applicant must successfully complete a petroleum storage tank environmental media sampler training course or equivalent within the six-month period before application.

(i) the training course must be approved by the director and shall include instruction in the following areas:

- (A) chain of custody;
- (B) decontamination;
- (C) EPA testing methods;
- (D) environmental media sampling protocol;
- (E) preservation of samples during transportation;
- (F) coordination with Utah certified laboratories; and
- (G) state and federal statutes, rules, and regulations.

(ii) renewal certification training will be determined by the director.

(A) the applicant shall provide documentation of training with the application.

(b) certification examination. An applicant must successfully pass a certification examination administered under the direction of the director.

(i) the director shall determine the content of the initial and subsequent examinations, based on the training requirements as outlined in Subsection R311-201-3(4)(a), and the standards and criteria against which the applicant will be evaluated.

(ii) the director may offer a renewal certification examination that is less comprehensive than the initial certification examination.

(5) [U]PST installer.

(a) financial assurance. An applicant or the applicant's employer must have insurance, surety bonds, liquid company assets, or other appropriate kinds of financial assurance which covers PST installation and which, in combination, represents an unencumbered value of not less than the largest PST installation contract performed by the applicant or the applicant's employer, as appropriate, during the previous two years, or \$250,000, whichever is greater.

(i) evidence of financial assurance shall be provided with the application.

(ii) an applicant who uses their employer's financial assurance must also provide evidence of their employer's approval of the application.

(b) training. For initial certification, an applicant must have successfully completed a PST installer training course or equivalent within the six-month period before the application.

(i) the training course must be approved by the director, and shall include instruction in the following areas:

(A) tank installation;

(B) pre-installation tank testing;

(C) product piping testing;

(D) excavation;

(E) anchoring;

(F) backfilling;

(G) secondary containment;

(H) leak detection methods;

(I) piping;

(J) electrical; and

(K) state and federal statutes, rules, and regulations.

(ii) the applicant must provide documentation of training with the application.

(c) experience. Each applicant must provide with their application a sworn statement or other evidence that they have actively participated in a minimum of three PST installations.

(d) certification examination. An applicant must successfully pass a certification examination administered under the direction of the director.

(i) the director shall determine the content of the initial and renewal examinations, based on the training requirements as outlined in Subsection R311-201-3(5)(b), and the standards and criteria against which the applicant will be evaluated.

(ii) the director may offer a renewal certification examination that is less comprehensive than the initial certification examination.

(6) [U]PST remover.

(a) financial assurance. An applicant or the applicant's employer must have insurance, surety bonds, liquid company assets or other appropriate kinds of financial assurance which covers PST removal and which, in combination, represents an unencumbered value of not less than the largest PST removal contract performed by the applicant or the applicant's employer, as appropriate, during the previous two years, or \$250,000, whichever is greater.

(i) evidence of financial assurance shall be provided with the application.

(ii) an applicant who uses their employer's financial assurance must also provide evidence of their employer's approval of the application.

(b) training. For initial certification, an applicant must have successfully completed a PST remover approved training course or equivalent within the six-month period before the application.

(i) the training course must be approved by the director and shall include instruction in the following areas:

(A) tank removal;

(B) tank removal safety practices; and

(C) state and federal statutes, rules, and regulations.

(ii) the applicant must provide documentation of training with the application.

(c) experience. Each applicant must provide with their application a sworn statement or other evidence that they have actively participated in a minimum of three PST removals.

(d) certification examination. An applicant must successfully pass a certification examination administered under the direction of the director.

(i) the director shall determine the content of the initial and renewal examinations, based on the training requirements as outlined in Subsection R311-201-3(6)(b), and the standards and criteria against which the applicant will be evaluated.

(ii) the director may offer a renewal certification examination that is less comprehensive than the initial certification examination.

R311-201-4. Application for Certification.

(1) Any individual may apply for certification by paying any applicable fees and by submitting an application to the director to demonstrate that the applicant

(a) meets applicable eligibility requirements specified in Section R311-201-3; and

(b) will maintain the applicable performance standards specified in Section R311-201-6 after receiving a certificate.

(2) Applications submitted under Subsection R311-201-4(1) shall be reviewed by the director for determination of eligibility for certification.

(a) if the director determines that the applicant meets the applicable eligibility requirements described in Section R311-201-3 and meets the standards described in Section R311-201-6, the director shall issue to the applicant a certificate.

(3) Certification for certificate holders shall be effective for a period of two years from the date of issuance, unless revoked before the expiration date pursuant to Section R311-201-9 or inactivated pursuant to Section R311-201-8.

(a) certificates shall be subject to periodic renewal pursuant to Section R311-201-5.

R311-201-5. Renewal.

(1) A certificate holder may apply for certificate renewal not more than six months before the expiration date of the certificate by:

(a) submitting a completed application form to demonstrate that the applicant meets the applicable eligibility requirements described in Section R311-201-3 and meets the applicable performance standards specified in Section R311-201-6;

- (b) paying any applicable fees; and
- (c) passing a certification renewal examination.
- (2) If the director determines that the applicant meets the applicable eligibility requirements of Section R311-201-3 and the applicable performance standards of Section R311-201-6, the director shall reissue the certificate to the applicant.
- (3) Renewal certificates shall be issued for a period equal to the initial certification period and shall be:
 - (a) subject to inactivation under Section R311-201-8; and
 - (b) subject to revocation under Section R311-201-9.
- (4) Any applicant who has a certification which has been revoked or expired for more than two years before submitting a renewal application must successfully satisfy the training and certification examination requirements for initial certification under Section R311-201-3 for the applicable certificate before receiving the renewal certification.
 - (a) except as provided in Subsection R311-201-3(1)(f) for certified PST consultants.

R311-201-6. Standards of Performance.

- (1) Individuals who are certified in accordance with Rule R311-201 must:
 - (a) display the certificate upon request;
 - (b) comply with all local, state, and federal laws, rules, and regulations regarding the PST activity for which certification is granted;
 - (c) report the discovery of any release caused by or encountered in the course of performing the PST activity for which certification is granted to the director, the local health district, and the local public safety office within 24 hours.
 - (i) certified PST consultants and certified samplers must report the discovery of any release caused by or encountered in the course of performing environmental media sampling for compliance with Utah PST rules, or report the results indicating that a release may have occurred, to the director, the local health district, and the local public safety office within 24 hours.
 - (d) not participate in fraudulent, unethical, deceitful, or dishonest activity with respect to a certificate application or performance of work for which certification is granted; and
 - (e) not participate in any other regulated certification program activities without meeting all requirements of that certification program.
- (2) The director may audit or commission an audit of records which support eligibility for certification, or performance of work for which certification is granted, at any time.
 - (a) audits may be determined by random selection or for specific reasons, including suspicion or discovery of inaccuracies on an application for certification or performance of substandard work for which certification is granted, or deficiencies in complying with regulations.
- (3) Certified individuals must, in addition to meeting the performance standards in Subsection R311-201-6(1), comply with the following:
 - (a) certified PST consultant. An individual who provides PST consulting services in the state must:
 - (i) provide, or shall associate appropriate personnel to provide a high level of experience and expertise in release abatement, investigation, or corrective action;
 - (ii) perform, or take steps to ensure that work is performed with skill, care, and diligence consistent with a high level of experience and expertise in release abatement, investigation, or corrective action;
 - (iii) perform work and submit documentation in a timely manner;
 - (iv) review and certify by signature any documentation submitted to the director in accordance with PST release-related compliance; and
 - (v) ensure and certify by signature pertinent release abatement, investigation, and corrective action work performed under the direct supervision of a certified PST consultant.
 - (b) ~~(U)~~PST inspector. An individual who performs PST inspecting for the Division of Environmental Response and Remediation shall:
 - (i) conduct inspections of PSTs and records to determine compliance with this rule only as authorized by the director.
 - (c) ~~(U)~~PST tester. An individual who performs PST testing in the state must:
 - (i) perform work in a manner that does not cause a release of the contents of the tank;
 - (ii) assure that operations of PST testing which are critical to the integrity of the system and to the protection of the environment are supervised by a certified person; and
 - (iii) perform work in a manner that the integrity of the PST system is maintained.
 - (d) ~~(U)~~PST installer. An individual who performs PST installation or repair in Utah must:
 - (i) be certified to assure the proper installation of all elements of PST systems which are critical to the integrity of the system and to the protection of the environment, including:
 - (A) pre-installation tank testing;
 - (B) tank site preparation including anchoring, tank placement, and backfilling;
 - (C) cathodic protection installation, service, or repair;
 - (D) vent and product piping assembly;
 - (E) fill tube attachment;
 - (F) installation of tank manholes;
 - (H) secondary containment construction; and
 - (ii) notify the director as required by Subsection R311-203-3(1) before installing or upgrading an PST.
 - (e) ~~(U)~~PST remover. An individual who performs PST removal in the state must:
 - (i) assure that operations of tank removal which are critical to safety and to the protection of the environment which includes:
 - (A) removal of soil adjacent to the tank;
 - (B) disassembly of pipe;
 - (C) final removal of product and sludges from the tank, cleaning of the tank, purging or inerting of the tank, removal of the tank from the ground, and removal of the tank from the site must be supervised by a certified person; and
 - (ii) not proceed to close a regulated PST without an approved closure plan, except as outlined in Subsection R311-204-2(2).

R311-201-7. Denial of Certification and Appeal of Denial.

- (1) Any individual whose application or renewal application for certification or certification renewal is denied will be provided with a written documentation by the director specifying the reason or reasons for denial.
 - (a) an applicant may appeal the determination using the procedures specified in Section 19-1-301.5, et seq., and Rule R305-7.

R311-201-8. Inactivation of Certification.

- (1) If an applicant was certified based upon their employer's financial assurance, certification is contingent upon the applicant's continued employment by that employer.
- (2) If the employer loses their financial assurance or the applicant leaves the employer, their certification will automatically be deemed inactive and they will no longer be certified for purposes of this rule.
- (3) Inactive certificates may be reactivated by submitting a supplemental application with new financial assurances and payment of any applicable fees.
- (4) Reactivated certificates shall be effective for the remainder of their original term unless subsequently revoked or inactivated before the end of that term.

R311-201-9. Revocation of Certification.

- (1) Upon receipt of evidence that a certificate holder does not meet one or more of the eligibility requirements specified in Section R311-201-3 or does not meet one or more of the performance standards specified in Section R311-201-6, the individual's certification may be revoked.
 - (a) procedures for revocation are specified in Rule R305-7.

R311-201-10. Reciprocity.

- (1) If the director determines that another state's certification program is equivalent to the certification program referred to in this rule, the applicant successfully passes the Utah certification examination, and payment of any fees associated with this rule are made, the director may issue a Utah certificate.
 - (a) The certificate will be valid until the expiration date of the previous state's certificate or the expiration of the certification period described in Subsection R311-201-4(3), whichever occurs first.

R311-201-12. UST Operator Training and Registration.

- (1) To meet the operator training requirement 42 USC Section 6991i of the Solid Waste Disposal Act as amended by the Energy Policy Act of 2005, each UST facility must have UST facility operators that are trained and registered according to the requirements of this section.
- (2) Each facility must have three classes of operators: A, B, and C.
 - (a) a facility may have more than one person designated for each operator class.
 - (b) an individual acting as a Class A or B operator may do so for more than one facility.
- (3) The UST owner or operator must provide documentation to the director to identify the Class A, B, and C operators for each facility.
 - (a) if an owner or operator does not register and identify Class A, B, and C operators for a facility, the certificate of compliance for the facility may be revoked for failure to demonstrate substantial compliance with all applicable state and federal statutes, rules, and regulations.
- (4) New Class A and B operators must be trained and registered within 30 days of assuming responsibility for an UST facility.
- (5) New Class C operators must be trained before assuming the responsibilities of a Class C operator.
- (6) The Class A operator shall be an owner, operator, employee, or individual designated under Subsection R311-201-12(6)(b).
 - (a) the Class A operator has primary responsibility for the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the UST system. The Class A operator must:
 - (i) have a general knowledge of UST systems;
 - (ii) ensure that UST records are properly maintained according to 40 CFR 280;
 - (iii) ensure that yearly [U]PST fees are paid;
 - (iv) ensure proper response to and reporting of emergencies caused by releases or spills from USTs;
 - (v) make financial responsibility documents available to the director as required; and
 - (vi) ensure that Class B and Class C operators are trained and registered.
 - (b) an owner or operator may designate a third-party Class B operator as a Class A operator if:
 - (i) the UST owner or operator is a financial institution or person who acquired ownership of an UST facility solely to protect a security interest in that property and has not operated the USTs at the facility;
 - (ii) all USTs at the facility are properly temporarily closed in accordance with 40 CFR 280.70 and Section R311-204-4; and
 - (iii) all USTs at the facility are empty in accordance with 40 CFR 280.70(a).
- (7) The Class B operator must implement routine daily aspects of operation, maintenance, and recordkeeping for UST systems.
 - (a) the Class B operator shall be an owner, operator, employee, or third-party Class B operator. The Class B operator must:
 - (i) ensure that on-site UST operator inspections are conducted according to the requirements of Section R311-203-7;
 - (ii) ensure that UST release detection is performed according to 40 CFR 280 subpart D;
 - (iii) ensure that the status of the UST system is monitored for alarms and unusual operating conditions that may indicate a release;
 - (iv) document the reason for an alarm or unusual operating condition identified in Subsection R311-201-12(7)(iii), if it is not reported as a suspected release according to 40 CFR 280.50;
 - (v) ensure that appropriate release detection and other records are kept according to 40 CFR 280.34 and 280.45, and are made available for inspection;
 - (vi) ensure that spill prevention, overfill prevention, and corrosion protection requirements are met;
 - (vii) be on site for facility compliance inspections, or designate another individual to be on site for inspections;
 - (viii) ensure that suspected releases are reported according to the requirements of 40 CFR 280.50; and
 - (ix) ensure that Class C operators are trained and registered, and are on site during operating hours.
- (8) Any individual providing services as a third-party Class B operator must be trained and registered in accordance with Subsection R311-201-12(10) and must:
 - (a) be certified in accordance with Rule R311-201 as:
 - (i) a [U]PST tester; or
 - (ii) a [U]PST installer as either a general installer or a service or repair technician; or
 - (b) meet the training requirements of a certified [U]PST inspector and document comprehensive or general liability insurance with limits of \$250,000 minimum per occurrence.
- (9) The Class C operator is an employee and is generally the first line of response to events indicating emergency conditions. A Class C operator must:

- (a) be present at the facility at all times during normal operating hours;
- (b) monitor product transfer operations according to 40 CFR 280.30(a), to ensure that spills and overfills do not occur;
- (c) properly respond to alarms, spills, and overfills;
- (d) notify Class A operators, Class B operators, or both, and appropriate emergency responders when necessary; and
- (e) act in response to emergencies and other situations caused by spills or releases from an UST system that pose an immediate danger or threat to the public or to the environment, and that require immediate action.
- (10) Operator training and registration.
 - (a) training and testing.
 - (i) applicants for Class A and B operator registration must successfully complete an approved operator training course within the six-month period before application.
 - (ii) the training course must be approved by the director, and shall include instruction in the following:
 - (A) notification;
 - (B) temporary and permanent closure;
 - (C) installation permitting;
 - (D) UST requirements of the 2005 Energy Policy Act;
 - (E) Class A, B, and C operator responsibilities;
 - (F) spill prevention;
 - (G) overfill prevention;
 - (H) UST release detection;
 - (I) corrosion protection;
 - (J) recordkeeping requirements;
 - (K) emergency response;
 - (L) product compatibility;
 - (M) Utah PST rules and regulations;
 - (N) UST financial responsibility; and
 - (O) delivery prohibition.
 - (iii) applicants for Class A and B operator registration must successfully pass a registration examination authorized by the director.
 - (A) the director shall determine the content of the examination.
 - (iv) an individual applying for Class A or B operator registration may be exempted from meeting the requirements of Subsections R311-201-12(10)(a)(i) and R311-201-12(10)(a)(iii) by completing the following within the six-month period before application:
 - (A) successfully passing a nationally recognized UST operator examination approved by the director; and
 - (B) successfully passing a Utah PST rules and regulations examination authorized by the director.
 - (v) the director shall determine the content of the examination.
 - (vi) Class C operators shall receive instruction in product transfer procedures, emergency response, and initial response to alarms and releases.
 - (b) registration application.
 - (i) applicants for Class A and B operator registration must:
 - (A) submit a registration application to the director;
 - (B) document proper training; and
 - (C) pay any applicable fees.
 - (ii) Class C operators shall be designated by a Class B operator.
 - (iii) the Class B operator must maintain a list identifying the Class C operators for each PST facility. The list must identify:
 - (A) each Class C operator;
 - (B) the date of training; and
 - (C) the trainer.
 - (iv) identification on the list serves as the operator registration for Class C operators.
 - (v) a registered Class A or B operator may act as a Class C operator by meeting the training and registration requirements for a Class C operator.
 - (vi) Class A and B registration shall be effective for a period of three years, and ~~shall not~~ may not lapse or become inactive if the registered operator leaves the employment of the company under which the registration was obtained.
 - (c) renewal of registration.
 - (i) Class A and B operators shall apply for renewal of registration not more than six months before the expiration of the registration by:
 - (A) submitting a completed application form;
 - (B) paying any applicable fees; and
 - (C) documenting successful completion of any re-training required by Subsection R311-201-12(10)(d).
 - (ii) if the director determines that the operator meets the requirements for registration, the director shall renew the applicant's registration for a period equal to the initial registration.
 - (iii) any applicant for renewal who has a registration that has been expired for more than two years before submitting a renewal application must successfully satisfy the training and examination requirements for initial registration under Subsection R311-201-12(10)(a) before receiving the renewal registration.
 - (d) re-training.
 - (i) a Class A operator is subject to re-training requirements if any facility for which the Class A operator has oversight is found to be out of compliance due to:
 - (A) lapsing of certificate of compliance;
 - (B) failure to provide acceptable financial responsibility; or
 - (C) failure to ensure that Class B and C operators are trained and registered.
 - (ii) a Class B operator is subject to re-training requirements if a facility for which the Class B operator has oversight is found to be out of compliance due to:
 - (A) failure to document ~~compliance, as determined by the Technical Compliance Rate;~~

~~(I) Technical Compliance Rate is determined using the EPA "UST and LUST Performance Definitions as of October 2018" and incorporated by reference.]spill prevention required by 40 CFR 280.35;~~

~~(B) failure to document overfill prevention required by 40 CFR 280.35;~~

~~(C) failure to document corrosion protection required by 40 CFR 280.31;~~

~~(D) failure to document release detection required by 40 CFR 280.40;~~

~~(B)E~~ failure to perform UST operator inspections required by Section R311-203-7; or

~~(C)E~~ failure to ensure that Class C operators are trained and registered, and are on site during operating hours.

(iii) to be re-trained, Class A and Class B operators must successfully complete the appropriate Class A or B operator training course and examination, or must complete an equivalent re-training course and examination approved by the director.

(iv) Class A and B operators must be re-trained within 90 days of the date of the determination of non-compliance, and shall submit documentation showing successful completion of the re-training to the director within 30 days of the re-training.

(A) if the documentation is not received by the director within 120 days of the date of the determination of non-compliance, the Class A or B operator's registration shall lapse.

(B) to re-register, the operator shall meet the requirements of Subsections R311-201-12(10)(a) and R311-201-12(10)(b).

(v) if a facility for which a Class A or B operator has oversight is found to be out of compliance under Subsection R311-201-12(10)(d)(i) or R311-201-12(10)(d)(ii), re-training is not required if the Class A or B operator successfully completes and documents re-training under Subsection R311-201-12(10)(d) for a prior determination of non-compliance that occurred during the previous nine months.

(11) Reciprocity.

(a) if the director determines that another state's operator training program is equivalent to the operator training program provided in this rule, the director may accept an applicant's Class A or Class B registration application, provided that the applicant:

(i) submits a completed application form;

(ii) passes the Utah PST rules and regulations examination referenced in Subsection R311-201-12(10)(a)(iv)(B); and

(iii) submits payment of any applicable registration fees.

(b) the Class A or Class B registration is valid until the Utah registration expiration described in Subsection R311-201-12(10)(b)(vi).

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Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-203. Petroleum Storage Tanks: Technical Standards.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
H.B. 18 Petroleum Storage Tank Amendments which was passed in the 2025 legislative session made changes addressing registration of underground storage tanks and aboveground petroleum storage tanks and clarifies restrictions on petroleum storage tank installation companies. Modifications were made to Subsection R311-203-5(10) to clarify the existing Aboveground Petroleum Storage Tank (APST) testing requirements.	
5. Summary of the new rule or change:	
Section R311-203-2: Changes were made to notification requirements for work on Petroleum Storage Tanks. Notification is required no later than 30 days before completion of the work on PSTs or change of ownership of PST sites. Section R311-203-3: Changes were made for the time frame for notification of new installation permits. Certified PST installers must notify the director (DERR) 30 days before commencing work on PSTs. Section R311-203-5: Rule changes in this section aim to clarify the existing PST testing requirements for owners or operators of APSTs. There are no additional requirements being imposed on these entities. UST was changed to PST where appropriate.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
Sections R311-203-2 and R311-203-3: this rule change is expected to have a fiscal cost to state owned facilities with APSTs due to the requirement for obtaining a permit for any new APST Installation. This cost is inestimable because it is unknown how many new APST systems will be installed by the state. Any additional costs or benefits were estimated in the fiscal note attached to H.B.18 in the 2025 legislative general session. Section R311-203-5: this rule change is not expected to have a fiscal cost to state owned facilities with APSTs because this rule was reorganized so that the requirements in rule were clearer. No additional requirements were added.	
B. Local governments:	
Sections R311-203-2 and R311-203-3: this rule change is expected to have a fiscal cost to local government owned facilities	

with APSTs due to the requirement for obtaining a permit for any new APST Installation. This cost is inestimable because it is unknown how many new APST systems will be installed by local governments. Any additional costs or benefits were estimated in the fiscal note attached to HB18 in the 2025 legislative general session.

Section R311-203-5 :this rule change is not expected to have a fiscal cost to local government owned facilities with APSTs because this rule was reorganized so that the requirements in rule were clearer. No additional requirements were added.

C. Small businesses ("small business" means a business employing 1-49 persons):

Sections R311-203-2 and R311-203-3: this rule change is expected to have a fiscal cost to small business owned facilities with APSTs due to the requirement for obtaining a permit for any new APST Installation. This cost is inestimable because it is unknown how many new APST systems will be installed by small businesses. Any additional costs or benefits were estimated in the fiscal note attached to HB18 in the 2025 legislative general session.

Section R311-203-5: this rule change is not expected to have a fiscal cost to small business owned facilities with APSTs because this rule was reorganized so that the requirements in rule were clearer. No additional requirements were added.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

Sections R311-203-2 and R311-203-3: this rule change is expected to have a fiscal cost to non-small businesses owned facilities with APSTs due to the requirement for obtaining a permit for any new APST Installation. This cost is inestimable because it is unknown how many new APST systems will be installed by non-small businesses. Any additional costs or benefits were estimated in the fiscal note attached to HB18 in the 2025 legislative general session.

Section R311-203-5 This rule change is not expected to have a fiscal cost to non-small business owned facilities with APSTs because this rule was reorganized so that the requirements in rule were clearer. No additional requirements were added.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

These rule changes are not expected to have any fiscal impacts on other persons because the rule changes will not apply to these entities.

F. Compliance costs for affected persons:

This rule change is expected to have a direct fiscal cost to affected persons who choose to install new APSTs.
\$500 per site base fee.
\$200/APST Inspection Fee
\$200/APST Install fee

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-403	Section 19-6-408

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
10/15/2025	02:00 PM	Multi Agency State Office Building 195 N. 1950 W. Salt Lake City, Utah 84116 Room 1015
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/14/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-203. Petroleum Storage Tanks: Technical Standards.

R311-203-1. Definitions.

Definitions are found in Rule R311-200.

R311-203-2. Notification.

- (1) The owner or operator of an UST must notify the director when:
 - (a) new USTs are brought into use;
 - (b) the owner or operator changes;
 - (c) changes are made to the tank or piping system; and
 - (d) release detection, corrosion protection, or spill or overfill prevention systems are installed, changed, or upgraded.
- (2) Notifications must be submitted on the current approved notification form.

(3) Notifications submitted to meet the requirements of Subsection R311-203-2(1) shall be submitted ~~within 30 days of the completion of the work or the change of ownership~~;

~~(a) no later than 30 days before the completion of the work; and~~

~~(b) no later than 30 days after the change of ownership.~~

(4) To satisfy the requirement of Section 19-6-407 the certified installer shall:

~~(a) complete the appropriate section of the form to be submitted by the owner or operator, and ensure that the notification form is submitted by the owner or operator within no later than 30 days of completion of before the installation; or~~

~~(b) provide separate notification to the director within 60 days of the completion of the installation.~~

(5) The owner or operator of an APST that is in service on or after May 5, 2021, must notify the director according to the requirements of Subsection 19-6-407(2).

(6) The owner or operator of an APST that was out of service before May 5, 2021;

(a) must notify the director according to the requirements of Subsection 19-6-407(2)(a)(i);

(b) is subject to delivery prohibition requirements in Section R311-206-8;

(c) is subject to closure requirements under ~~Subsections 19-6-407(2)(a)(iii) and (iv) and~~ Section Rule R311-204-2;

(d) must demonstrate the tank has been emptied of any regulated substance to the lowest discharge point on the tank; and

(e) is subject to release reporting requirements as outlined in ~~Subsection 19-6-407(2)(a)(iv); and~~ Subsection R311-205-2(1)(f).

(7) The owner or operator of an APST that is not in service before May 5, 2021, is not subject to the requirements of Subsection 19-6-407(2)(e) and Section 19-6-412 unless the owner or operator elects to bring the APST back in service.

(8) The owner or operator of an APST must notify within 24 hours local emergency responders of a spill or overfill exceeding 25 gallons.

R311-203-3. New Installations, Permits.

(1) Certified ~~(U)~~PST installers must notify the director at least ~~ten business~~ 30 days, or another time period approved by the director, before commencing any of the following activities:

(a) the installation of a full ~~(U)~~PST system or tank only;

(b) the installation of underground product piping for one or more tanks at a facility, separate from the installation of one or more tanks at a facility;

(c) the internal lining or an internal inspection of a previously-existing tank;

(d) the installation of a cathodic protection system on one or more previously-existing tanks at a facility;

(e) the installation of a bladder in a tank;

(f) any retro-fit, replacement, or installation that requires the cutting of a manway into the tank;

(g) the installation of a spill prevention or overfill prevention device;

(h) the installation of a leak detection monitoring system; or

(i) the installation of a containment sump or under-dispenser containment.

(2) The ~~(U)~~PST installation company must submit to the director a ~~(n)~~ (U)PST installation permit fee of \$200 when any of the activities listed in Subsections R311-203-3(1)(a) through R311-203-3(1)(f) is performed on an ~~(U)~~PST system that has not qualified for a certificate of compliance before the commencement of the work.

(3) The fees assessed under Subsection 19-6-411(2)(a)(i) will be determined based on the number of full ~~(U)~~PST installations performed by the installation company in the 12 months previous to the fee due date.

(a) installations for which the fee assessed under Subsections 19-6-411(2)(a)(ii) and R311-203-3(3) is charged shall count toward the total installations for the 12-month period.

(4) For the purposes of Subsections 19-6-411(2)(a)(ii), 19-6-407(1)(c), and R311-203-2(4), an installation is considered complete when:

(a) in the case of installation of a new ~~(U)~~PST system, tank only, or product piping only, the new installation first holds a regulated substance; or

(b) in the case of installation of the components listed in Subsections R311-203-3(1)(d) through R311-203-3(1)(f), the new installation is functional and the ~~(U)~~PST holds a regulated substance and is operational.

(5) If, before completion of an installation for which a ~~(n)~~ (U)PST installation permit fee is required, the owner or operator decides to install additional ~~(U)~~PST system components, the installer shall notify the director of the change.

(a) when additions are made, the ~~(U)~~PST installation permit fee shall be increased based on the additional number of tanks to be installed in accordance with Subsection 19-6-411(2)(a)(i) and the Department of Environmental Quality Fee Schedule, as approved annually by the Legislature.

(6) The number of ~~(U)~~PST installation companies performing work on a particular installation will not be a factor in determining the ~~(U)~~PST installation permit fee for that installation.

(a) each installation company must be identified on the ~~(U)~~PST installation permit.

(7) When a new ~~(U)~~PST system, tank only, product piping only, or new cathodic protection system is installed, the owner or operator must submit to the director an as-built drawing that meets the requirements of Subsection R311-200-1(2)(~~b~~)d.

R311-203-4. Petroleum Storage Tank Registration Fee.

(1) Registration fees will be assessed by the Department against tanks which are not permanently closed for the entire fiscal year, and will be billed per facility.

(2) Registration fees are due on July 1 of the fiscal year for which the assessment is made, or, for PSTs brought into use after the beginning of the fiscal year, registration fees are due when the tanks are brought into use, as a requirement for receiving a certificate of compliance.

(3) The director may waive all or part of the penalty assessed under Subsection 19-6-408(5) if no fuel has been dispensed from the tank on or after July 1, 1991 and if the tank has been properly closed according to Rules R311-204 and R311-205, or in other circumstances as approved by the director.

(4) The director shall issue a certificate of registration to owners or operators for individual PSTs at a facility if:

(a) the tanks are in use or are temporarily closed as outlined in 40 CFR Part 280 Subpart G; and

(b) the PST registration fee has been paid.

(5) Pursuant to Subsection 19-6-408(5)(c), past due PST registration fees, late payment penalties and interest must be paid before the director may issue or re-issue a certificate of compliance regardless of whether there is a new owner or operator at the facility.

(a) the director may decline active collection of past due registration fees, late payment penalties and interest if a certificate of compliance is not issued and the new owner or new operator properly closes the PSTs within one year of becoming the new owner or operator of the facility.

(6) A [U]PST will be assessed the higher registration fee established under Section 63J-1-504 if it is found to be out of compliance with the EPA Technical Compliance Rate during an inspection, and remains out of compliance for six months or greater following the initial inspection. the higher registration fee is due July 1 following the documented six-month period of non-compliance.

(7) When the director is notified of the existence of a previously unregistered regulated PST, the director shall assess the applicable notification fee and PST registration fee for the current fiscal year.

(a) if the PST is properly permanently closed within 90 days of the notification of the existence of the PST, the director may decline active collection of past due registration fees, late payment penalties, and interest for previous fiscal years.

R311-203-5. PST Testing Requirements.

(1) Tank tightness testing. The testing method must be able to test the PST system at the maximum level that could contain regulated substances.

(a) tanks with overfill prevention devices that prevent product from entering the upper portion of the tank may be tested at the maximum level allowed by the overfill device.

(2) Spill prevention equipment. An individual who conducts a test of spill prevention equipment to meet the requirements of 40 CFR 280.35(a)(1)(ii) must report the test results using:

(a) the form "Utah Spill Prevention Test"; or

(b) the form "Appendix C-3 Spill Bucket Integrity Testing Hydrostatic Test Method Single and Double-Walled Vacuum Test Method," found in PEI RP1200, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities;" or

(c) another form approved by the director.

(3) Containment sump testing. An individual who conducts a test of a containment sump used for interstitial monitoring to meet the requirements of 40 CFR 280.35(a)(1)(ii) or a test of a piping containment sump or under-dispenser containment to meet the requirements of Section R311-206-11 must report the test results using:

(a) the form "Utah Containment Sump Test"; or

(b) the form "Appendix C-4 Containment Sump Integrity Testing Hydrostatic Testing Method," found in PEI RP1200; or

(c) another form approved by the director.

(4) When a sump sensor is used as an automatic line leak detector, the secondary containment sump must be tested for tightness annually according to the manufacturer's guidelines or standards, or by another method approved by the director.

(a) the sensor shall be located as close as is practicable to the lowest portion of the sump.

(5) Cathodic protection testing. Cathodic protection tests must meet the inspection criteria outlined in 40 CFR 280.31(b), or other criteria approved by the director. The tester who performs the test must provide the following information:

(a) location of [at least three] test points [per] for each tank;

(b) location of one remote test point for galvanic systems;

(c) test results in volts or millivolts;

(d) pass or fail determination for each tank, line, flex connector, or other [U]PST system component tested;

(e) the criteria by which the pass or fail determination is made;

(f) a site plat showing locations of test points; and

(g) a re-test of any cathodic protection system is required within six months of any below-grade work that may harm the integrity of the system.

(6) [U]PST testers performing tank and line tightness testing must include the following as part of the test report:

(a) pass or fail determination for each tank or line tested;

(b) measured leak rate;

(c) test duration;

(d) product level for tank tests;

(e) pressure used for pressure tests;

(f) type of test; and

(g) test equipment used.

(7) overfill prevention equipment inspection. An individual who conducts an inspection of overfill prevention equipment to meet the requirements of 40 CFR 280.35(a)(2) must report the results using:

(a) the form "Appendix C-5 UST Overfill Equipment Inspection Automatic Shutoff Device and Ball Float Valve," found in PEI RP1200, when the overfill prevention is provided by either an automatic shutoff device or a ball float valve;

(b) the form "Appendix C-6 Overfill Alarm Operation Inspection," found in PEI RP1200, when overfill prevention is provided by an overfill alarm; or

(c) another form approved by the director.

(8) Automatic tank gauge inspection. An individual who conducts an inspection of automatic tank gauges to meet the requirements of 40 CFR 280.40(a)(3) must report the results using:

(a) the form "Appendix C-7 Automatic Tank Gauge Operation Inspection," found in PEI RP1200, and if the PST system or any portion thereof is interstitially monitored, "Appendix C-8: Liquid Sensor Functionality Testing," found in PEI RP1200; or

(b) another form approved by the director.

(9) Automatic line leak detector testing. An individual who conducts a test of automatic line leak detectors to meet the requirements of 40 CFR 280.40(a)(3) must report the results using:

(a) the form "Appendix C-9 Mechanical and Electronic Line Leak Detector Performance Tests," found in PEI RP1200; or

(b) another form approved by the director.

(10) Leak Detection and Testing Requirements for APSTs:

(a) annual line tightness testing or monthly monitoring is required for underground piping associated with APSTs.

(i) [an individual who conducts a tightness test of product lines must perform the test as set forth in 40 CFR 280.44(b)] line tightness tests must meet the requirements of 40 CFR-280.44(b) and Subsection R311-203-5(6).

(ii) ~~[when pressurized underground product piping is connected to an APST that is not double-walled, sensor equipped, and monitored monthly, the product piping must be tested for tightness annually. The test must meet the requirements of Subsection R311-203-5(6)]~~containment sumps associated with monthly monitoring must be tested every three years. The test must meet the requirements of Subsection R311-203-5(3).

~~(iii) another method may be used if approved by the director.~~

(b) spill prevention equipment associated with an APST must meet the standards set forth in International Fire Code (IFC) 2306.6.2.6 referenced in the Utah State Fire Code adopted pursuant to Section 15A-5-103.

(c) ~~leak detection requirements, beginning July 1, 2026, an APST that rest[ing]s directly on the ground must [perform monthly interstitial monitoring, a monthly 0.2 gallon per hour release detection test, or a tank tightness test every 5 years. The test must meet the requirements of Subsection R311-203-5(1)]~~meet one of the following:

~~(i) perform monthly interstitial monitoring;~~

~~(ii) conduct a monthly 0.2 gallon per hour release detection test; or~~

~~(iii) complete a tank tightness test every five years. The test must meet the requirements of Subsection R311-203-5(1).~~

(d) ~~corrosion protection, beginning July 1, 2026, [if applicable, an APST[s] that rests directly on the ground [and], associated piping and ancillary equipment subject to external corrosion [are required to]~~must have cathodic protection that meet[s] the standards set forth in IFC 5704.2.7.9 and National Fire Protection Agency (NFPA) 30.23.3.5 and must have a passing cathodic protection test every 3 years ~~[The test must]~~that meet the requirements of Subsection R311-203-5(5).

(e) ~~overflow prevention devices, beginning July 1, 2026, an APST [shall]~~must have an overflow prevention device that meet[s] the standards set forth in IFC 2306.6.2.3, 5704.2.7.5.8 and 5704.2.927.5 and must have an overflow prevention equipment inspection performed every three years. The overflow prevention equipment inspection must meet the requirements of Subsection R311-203-5(7).

(f) ~~automatic line leak detector, beginning July 1, 2026, an APST with [pressurized]underground product piping:[shall have an automatic line leak detector that meets the standards set forth in IFC 2306.7.7.1 and must have an automatic line leak detector test performed annually. The test must meet the requirements of Subsection R311-203-5(9).]~~

~~(i) must have an automatic line leak detector that meet the requirements of 40 CFR 280.44(a);~~

~~(ii) must have an automatic line leak detector test performed annually that meet the requirements of subsection R311-203-5(9); or~~

~~(iii) may use another method if approved by the director.~~

R311-203-6. Secondary Containment and Under-Dispenser Containment.

(1) Secondary containment for tanks and piping.

(a) to meet the requirements of Subsection 42 USC 6991b(i) of the Solid Waste Disposal Act, tanks and product piping that are installed as part of an UST system after October 1, 2008 and before January 1, 2017 must have secondary containment if the installation is located 1,000 feet or less from an existing community water system or an existing potable drinking water well.

(b) the secondary containment installed under Subsection R311-203-6(1) must meet the requirements of 40 CFR 280.42(b), and shall be monitored monthly for releases from the tank and piping.

(i) monthly monitoring must meet the requirements of 40 CFR 280.43(g).

(c) containment sumps for piping installed under Subsection R311-203-6(1) are required:

(i) at the submersible pump or other location where the piping connects to the tank;

(ii) where the piping connects to a dispenser, or otherwise goes aboveground; and

(iii) where double-walled piping that is required under Subsection R311-203-6(1) connects with existing piping.

(d) containment sumps for piping that is installed under Subsection R311-203-6(1) must:

(i) contain submersible pumps, check valves, unburied risers, flexible connectors, and other transitional components that connect the piping to the tank, dispenser, or existing piping; and

(ii) meet the requirements of Subsection R311-203-6(2)(b).

(e) in the case of a replacement of tank or piping, only the portion of the UST system being replaced is subject to the requirements of Subsection R311-203-6(1).

(i) if less than 100% of the piping from a tank to a dispenser is replaced, the requirements of Subsection R311-203-6(1) applies to new product piping that is installed.

(ii) the closure requirements of Rule R311-205 apply to product piping that is taken out of service.

(iii) when new piping is connected to existing piping that is not taken out of service, the connection between the new and existing piping must be secondarily contained, and monitored for releases according to 40 CFR 280.43(g).

(f) the requirements of Subsection R311-203-6(1) do not apply to:

(i) piping that meets the requirements for "safe suction" piping in 40 CFR 280.41(b)(2); or

(ii) piping that connects two or more tanks to create a siphon system.

(g) the requirements of Subsection R311-203-6(1) apply to emergency generator USTs installed after October 1, 2008.

(2) Under-dispenser containment.

(a) to meet the requirements of Subsection 42 USC 6991b(i) of the Solid Waste Disposal Act, new motor fuel dispenser systems installed after October 1, 2008 and before January 1, 2017, and connected to an UST, must have under-dispenser containment if the installation is located 1,000 feet or less from an existing community water system or an existing potable drinking water well.

(b) the under-dispenser containment must:

(i) be liquid-tight on its sides, bottom, and at penetrations;

(ii) be compatible with the substance conveyed by the piping; and

(iii) allow for visual inspection and access to the components in the containment system, or be continuously monitored for the presence of liquids.

(c) if an existing dispenser is replaced, the requirements of Subsection R311-203-6(2) apply to the new dispenser if any equipment used to connect the dispenser to the PST system is replaced.

(i) this equipment includes unburied flexible connectors, risers, and other transitional components that are beneath the dispenser and connect the dispenser to the product piping.

(3) The requirements of Subsections R311-203-6(1) and R311-203-6(2) do not apply if the installation is located more than 1,000 feet from an existing community water system or an existing potable drinking water well.

(a) the PST owner or operator must provide to the director documentation to show that the requirements of Subsections R311-203-6(1) and R311-203-6(2) do not apply to the installation.

(b) the documentation shall be provided at least 60 days before the beginning of the installation, and shall include:

(i) a detailed to-scale map of the proposed installation that demonstrates that no part of the installation is within 1,000 feet of any community water system, potable drinking water well, or any well the owner or operator plans to install at the facility; and

(ii) a certified statement by the owner or operator explaining who researched the existence of a community water system or potable drinking water well, how the research was conducted, and how the proposed installation qualifies for an exemption from the requirements of Subsections R311-203-6(1) and R311-203-6(2).

(4) To determine whether the requirements of Subsections R311-203-6(1) and R311-203-6(2) apply, the distance from the UST installation to an existing community water system or existing potable drinking water well shall be measured from the closest part of the new UST, piping, or motor fuel dispenser system to:

(a) the closest part of the nearest community water system, including:

(i) the location of the wellheads for groundwater and the location of the intake points for surface water;

(ii) water lines, processing tanks, and water storage tanks; and

(iii) water distribution^[4] and service lines under the control of the community water system operator^[5]; or

(b) the wellhead of the nearest existing potable drinking water well.

(5) If a new UST facility is installed, and is not within 1,000 feet of an existing community water system or an existing potable drinking water well, the requirements of Subsections R311-203-6(1) and R311-203-6(2) apply if the owner or operator installs a potable drinking water well at the facility that is within 1,000 feet of the UST, piping, or motor fuel dispenser system, regardless of the sequence of installation of the UST system, dispenser system, and well.

(6) To meet the requirements of 40 CFR 280.20, tanks and product piping that are installed or replaced as part of an UST system on or after January 1, 2017 must be secondarily contained and use interstitial monitoring in accordance with 40 CFR 280.43(g).

R311-203-7. Operator Inspections.

(1) Owners and operators must perform periodic inspections in accordance with 40 CFR 280.36.

(a) inspections must be conducted by or under the direction of the designated Class B operator.

(b) the Class B operator must ensure that documentation of each inspection is kept and made available for review by the director.

(2) The individual who conducts inspections to meet the requirements of 40 CFR 280.36(a)(1) or 208.36(a)(3) shall use the form "UST Operator Inspection- Utah" or another form approved by the director.

(3) An UST facility whose tanks are properly temporarily closed according to 40 CFR 280.70 and Section R311-204-4 must have an annual operator inspection.

(4) An owner or operator who conducts visual checks of tank top containment sumps and under-dispenser containment sumps for compliance with piping leak detection in accordance with 40 CFR 280.43(g) must conduct the visual checks monthly and report the results on the operator inspection form.

R311-203-8. Unattended Facilities.

(1) ~~[A]~~^[U]an [U]PST facility that:

(a) normally has no employee on site or is open to dispense fuel at times when no employee or trained operator is on site must have:

(i) a sign posted in a conspicuous place, giving the name and telephone number of the facility owner, operator, or local emergency responders; and

(ii) an emergency shutoff device in a readily accessible location, if the facility dispenses fuel.

KEY: fees, hazardous substances, petroleum, underground storage tanks

Date of Last Change: ~~July 12, 2024~~2025

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-408

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R311-204

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

[Click or tap to enter a date.](#)

Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-204. Petroleum Storage Tanks: Closure and Remediation.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
H.B. 18 Petroleum Storage Tank Amendments which was passed in the 2025 legislative session struck out Subsection 19-6-407(2)(a)(iii) which was referenced in Subsection R311-204-2(1)(a) for the requirement for 30 day notification for closure of APSTs. The requirement for 30 day notification before the closure for Aboveground Petroleum Storage tanks (APSTs) was added to match the requirement for Underground Storage Tanks (USTs).	
5. Summary of the new rule or change:	
Subsection R311-204-2(1)(a): H.B. 18 struck out Subsection 19-6-407(2)(a)(iii) which is referenced in this rule for the requirement for 30-day notification for closure of APSTs. The requirement for 30-day notification before the closure for Aboveground Petroleum Storage tanks (APSTs) was added to match the requirement for Underground Storage Tanks (USTs).	
R311-204-5(2): Changed "UST remover" to "PST remover" due to the definition change in H.B. 18.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
This rule change is not expected to have a fiscal cost to state owned facilities with APSTs because the 30 day notification requirement is currently required and matches the same notification requirement for closure of USTs.	
B. Local governments:	
This rule change is not expected to have a fiscal cost to local government owned facilities with APSTs because the 30 day notification requirement is currently required and matches the same notification requirement for closure of USTs.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
This rule change is not expected to have a fiscal cost to small business owned facilities with APSTs because the 30 day notification requirement is currently required and matches the same notification requirement for closure of USTs.	
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):	
This rule change is not expected to have a fiscal cost to non-small business owned facilities with APSTs because the 30 day notification requirement is currently required and matches the same notification requirement for closure of USTs.	

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

These rule changes are not expected to have any fiscal impacts on other persons because the rule changes will not apply to these entities.

F. Compliance costs for affected persons:

This rule change is not expected to have a fiscal cost to affected persons owned facilities with APSTs because the 30 day notification requirement is currently required and matches the same notification requirement for closure of USTs.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-105	Section 19-6-402	Section 19-6-403

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
10/15/2025	02:00 PM	Multi Agency State Office Building 195 N. 1950 W. Salt Lake City, Utah 84116 Room 1015
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/14/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.	
Agency head or designee and title:	Date: 09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-204. Petroleum Storage Tanks: Closure and Remediation.

R311-204-1. Definitions.

Definitions are found in Rule R311-200.

R311-204-2. Petroleum Storage Tank Closure Plan.

(1) Owners or operators of PSTs or any portion thereof which are to be permanently closed or undergo change-in-service must submit a permanent closure plan to the director[.] at least 30-days before the closure of the PSTs;

~~[(a)]~~ the permanent closure plan shall be submitted by the owner or operator as fulfillment of the 30-day permanent closure notification requirement in accordance with ~~[Subsection 19-6-407(2)(a)(iii) for APSTs and]~~ 40 CFR 280.71(a) ~~[Subpart G.]~~ for USTs.

(2) If a tank is to be removed as part of corrective action as allowed by 40 CFR 280 Subpart G, the owner or operator is not required to submit a closure plan, but must meet the requirements of 40 CFR 280.66(d) before any removal activity takes place, and must submit a corrective action plan as required by 40 CFR 280.66.

(3) The closure plan shall address applicable issues involved with permanent closure, change-in-service, or reuse of APSTs, including:

- (a) product removal;
- (b) sludge disposal;
- (c) vapor purging or inerting;
- (d) removing or securing and capping product piping;
- (e) removing vent lines or securing vent lines open;
- (f) tank cleaning;
- (g) environmental sampling;
- (h) contaminated soil and water management;
- (i) in-place tank disposal or tank removal;
- (j) transportation of tank;
- (k) permanent disposal; and
- (l) other disposal activities which may affect human health, human safety, or the environment.

(4) No PST shall be permanently closed or undergo change-in-service before the owner or operator receiving final approval of the submitted permanent tank closure plan by the director, except as outlined in Subsection R311-204-2(2).

(a) closure plan approval is effective for a period of one year.

(b) if the PST has not been permanently closed or undergone change-in-service as proposed within one year following approval from the director, the plan must be re-submitted for approval, unless otherwise approved by the director.

(5) Permanent closure plans shall be prepared using the current approved form according to guidance furnished by the director.

(6) The owner or operator shall ensure that the approved permanent closure plan and approval letter are on site during closure activities.

(7) Any deviation from or modification to an approved closure plan must be approved by the director before implementation, and must be submitted in writing to the director.

(8) The director must be notified at least three business days before the start of closure activities.

R311-204-3. Disposal.

(1) Tank labeling. Immediately after being removed, tanks which are permanently closed by removal must be labeled with the following in letters at least two inches high:

- (a) the facility identification number;
- (b) the substance contained; and
- (c) the date removed: "month/day/year."

(2) Removed tanks shall be expeditiously disposed of as regulated PSTs by the following methods:

- (a) the tank may be cut up after the interior atmosphere is first purged or inerted.
- (b) the tank may be crushed after the interior atmosphere is first purged or inerted.
- (c) the tank may not be used to store food or liquid intended for human or animal consumption.
- (d) the tank may be disposed of in a manner approved by the director.
- (3) Any removed APST that is to be reused as an APST must be recertified by the manufacturer of the tank or undergo a tank inspection, conducted by a qualified contractor, using a nationally recognized standard such as STI SP001 or API 653.
- (4) Tank transportation. Used tanks which are transported on roads of the state must be cleaned inside the tank before transportation, and be free of product, free of vapors, or made inert during transport.

R311-204-4. Closure Notice.

- (1) Owners or operators of USTs which were permanently closed or had a change-in-service before December 22, 1988 must submit a completed closure notice, unless the tanks were properly closed on or before January 1, 1974.
- (2) Owners or operators of USTs which are permanently closed after December 22, 1988, and APSTs closed or having a change-in-service as defined in 40 CFR 280 Subpart G after May 5, 2021 must submit a completed closure notice form and the following information within 90 days after tank closure:
 - (a) results from the closure site assessment conducted in accordance with Rule R311-205, including analytical laboratory results and chain of custody forms; and
 - (b) a site plat displaying depths and distances such that the sample locations can be determined solely from the site plat. The site plat shall include:
 - (i) scale;
 - (ii) north arrow;
 - (iii) streets;
 - (iv) property boundaries;
 - (v) building structures;
 - (vi) utilities;
 - (vii) PST system location;
 - (viii) location of any contamination observed or suspected during sampling;
 - (ix) location and volume of any stockpiled soil;
 - (x) the extent of the excavation zone; and
 - (xi) any other relevant features.
 - (c) sample identification numbers used on the site plat shall correspond to the chain of custody form and the lab analysis report.
- (3) Owners and operators of PSTs that are temporarily closed for a period greater than three months must submit a completed temporary closure notice within 120 days after the beginning of the temporary closure.
- (4) Closure notices for permanent and temporary closure shall be submitted on the current approved forms.

R311-204-5. Remediation.

- (1) Any PST release management, abatement, investigation, corrective action or evaluation activities performed for a fee, or in connection with services for which a fee is charged, must be performed under the supervision of a certified PST consultant, except as outlined in Subsections 19-6-402(6)(b), R311-201-2(1), and R311-204-5(2).
- (2) At the time of PST closure, a certified ~~[U]~~PST remover may over-excavate and properly dispose of up to 50 cubic yards of contaminated soil per facility, or another volume approved by the director, in addition to the minimum amount required for closure of the PST.
 - (a) this over-excavation may be performed without the supervision of a certified PST consultant.
 - (b) appropriate confirmation samples must be taken by a certified sampler in accordance with Rule R311-201 to determine the extent and degree of contamination.

KEY: hazardous substances, petroleum, underground storage tanks

Date of Last Change: ~~May 21, 2024~~2025

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-402; 19-6-403

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF NONSUBSTANTIVE CHANGE

Rule or section number:	R311-205	Filing ID: OFFICE USE ONLY
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Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-205. Petroleum Storage Tanks: Site Assessment Protocol and Release Reporting.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
3. Reason for the change:	
H.B. 18 deleted a portion of the statute. This required a change of the reference in the rule.	
4. Summary of the change:	
Changed 19-6-428(3) to 19-6-428(2).	

Agency Authorization Information

To the agency: The Office of Administrative Rules is responsible for setting the effective date of nonsubstantive changes, as outlined in Section R15-4-6. The agency does NOT file a notice of effective date.			
Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-205. Petroleum Storage Tanks: Site Assessment Protocol and Release Reporting.

R311-205-1. Definitions.

Definitions are found in Rule R311-200.

R311-205-2. Site Assessment Protocol.

- (1) General Requirements.
 - (a) a site assessment or site check is required:
 - (i) for USTs, pursuant to 40 CFR 280.72 or Subsection 19-6-428([3]2).
 - (ii) for APSTs, when the tank or connected piping are permanently closed or as pursuant to Subsections 19-6-420(2)(a) and 19-6-428([3]2).
 - (b) when a site assessment or site check is required, owners or operators shall perform the work or commission the work to be performed according to Rule R311-205 or equivalent, as approved by the director.
 - (c) additional environmental media samples must be collected when contamination is found, suspected, or as requested by the director.
 - (d) environmental media samples are to be collected according to the Utah Petroleum Storage Tank Environmental Media Sampling Handbook, dated June 1, 2021, which is incorporated by reference, or as determined by the director.
 - (e) owners and operators must document and report to the director the following:
 - (i) sample types;
 - (ii) sample locations and depths;
 - (iii) field and sampling measurement methods;
 - (iv) the nature of the stored substance;
 - (v) the type of backfill and native soil;
 - (vi) the depth to groundwater; and
 - (vii) other factors appropriate for identifying the source area and the degree and extent of subsurface soil and groundwater contamination.

- (f) the owner or operator must report the discovery of any reportable release or suspected release to the director within 24 hours.
- (i) owners or operators must begin release investigation and confirmation steps as outlined in 40 CFR 280, Subpart E and Section 19-6-420 upon suspecting a release.
- (ii) owners or operators must begin release response and corrective action as outlined in 40 CFR 280, Subpart F and Section 19-6-420 upon confirming a release.
- (g) environmental media samples must be collected by a certified sampler who meets the requirements of Rule R311-201.
- (i) the certified sampler shall record the depth below grade and location of each sample collected to within one foot.
- (h) environmental media samples must be analyzed within the time frame allowed, in accordance with the Utah Petroleum Storage Tank Environmental Media Sampling Handbook, by a certified environmental laboratory.
- (i) soil samples must be corrected for moisture, if necessary, with percent moisture reported to accurately represent the level of contamination.
- (i) environmental media samples for PST permanent closure or change in service must be collected according to the protocol outlined in Subsection R311-205-2(2), after the PST system is emptied and cleaned and after the closure plan has been approved.
- (j) environmental media confirmation samples are required following over-excavation of soils.
- (i) confirmation samples shall be taken at locations and depths sufficient to detect the presence, extent, and degree of a release from any portion of the PST as outlined in 40 CFR 280, Subparts E, F, and G.
- (ii) additional confirmation samples may be required as determined by the director.
- (k) upon confirming a release, a site assessment report, an updated site plat, analytical laboratory results, chain of custody forms, and other applicable documentation referenced in 40 CFR 280, Subparts E and F, following any abatement, investigation or assessment, monitoring, remediation or corrective action activities, shall be submitted to the director within the specified time frames.
- (l) when conducting environmental media sampling as referenced in 40 CFR 280, subparts E and F, soil classification samples to determine native soil type shall be collected at locations and depths as requested by the director.
- (i) techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification, or a field description from a qualified individual as determined by the director, may be used to satisfy requirements of determining native soil type.
- (m) other types of environmental media or quality assurance samples may be required as determined by the director.
- (2) Site assessment protocol for PST closure.
- (a) the appropriate number of environmental media samples, as described in Subsections R311-205-2(2) and R311-205-2(3) shall be collected in native soils, below the backfill material, and as close as technically feasible to the tank, piping, or dispenser island.
- (i) any other samples required by Subsection R311-205-2(1) must also be collected.
- (ii) soil samples shall be collected from a depth of zero to two feet below the backfill and native soil interface.
- (A) if groundwater is contacted in the process of collecting the soil samples, the soil samples required by Subsections R311-205-2(2) and R311-205-2(3) shall be collected from the unsaturated zone immediately above the capillary fringe.
- (iii) groundwater samples collected from an excavation shall be collected using proper surface water collection techniques according to the Utah Petroleum Storage Tank Environmental Media Sampling Handbook, or as determined by the director.
- (b) environmental media samples must be analyzed using the appropriate analytical methods outlined in Subsections R311-205-2(2) and R311-205-2(5).
- (c) one soil classification sample to determine native soil type shall be collected at the same depth as indicated for environmental media samples, at each tank and product piping area.
- (i) for dispenser islands, only one representative sample to determine native soil type is required.
- (ii) techniques of the Unified Soil Classification such as a sieve analysis or laboratory classification shall be used to satisfy requirements of determining native soil type when taking samples for PST closure.
- (3) Environmental sampling protocol for PST closures:
- (a) for a tank area containing one PST, one soil sample shall be collected at each end of the tank.
- (i) if groundwater is contacted during the process of collecting soil samples, a minimum of one groundwater and one soil sample shall be collected from each end of the tank.
- (b) for a tank area containing more than one PST, one soil sample shall be collected from each corner of the tank area.
- (i) if groundwater is contacted during the process of collecting soil samples, a minimum of one groundwater and one soil sample shall be collected from each end of the tank area.
- (c) product piping samples shall be collected from each product piping area, at locations where leaking is most likely to occur, such as joints, connections, and fittings.
- (i) these samples must be collected at intervals which do not allow more than 50 linear feet of piping in a single piping area to go unsampled.
- (ii) if groundwater is contacted during the process of collecting soil samples, a minimum of one groundwater and one soil sample shall be collected from each piping area where groundwater was encountered.
- (d) for product dispensers, environmental media samples shall be collected from beneath each product dispenser.
- (i) if groundwater is contacted during the process of collecting soil samples, a minimum of one groundwater and one soil sample shall be collected from each product dispenser where groundwater was encountered.
- (e) for PSTs with remote fill, environmental media samples shall be collected from beneath each remote fill location and in intervals which do not allow more than 25 linear feet of the piping associated with the remote fill to go unsampled.
- (i) if groundwater is contacted during the process of collecting soil samples, a minimum of one groundwater and one soil sample shall be collected from each sample location where groundwater was encountered.
- (4) Site check requirements for re-applying to participate in the EAP.
- (a) owners or operators wishing to re-apply for participation in the EAP following a period of lapse or non-participation may perform a site check pursuant to Subsection 19-6-428([3]2).
- (b) the owner or operator shall develop or commission to have developed a site check plan outlining the intended sampling program.
- (i) the director shall review and approve the site check plan before its implementation.
- (c) the site check must meet the sampling requirements for PSTs, dispensers, and piping as defined in Subsection R311-205-2(2), or as determined by the director on a site-specific basis.
- (d) additional sampling may be required by the director based on review of the proposed site check plan and site-specific conditions.

- (5) Laboratory analyses of environmental media samples.
- (a) environmental media samples which have been collected to determine levels of contamination from PSTs must be analyzed by a certified environmental laboratory.
- (b) unless otherwise approved by the director, the required analytes and corresponding analytical methods shall be:
- (i) for gasoline contamination:
- (A) total petroleum hydrocarbons, purgeable TPH as gasoline range organics C₆ - C₁₀, by either EPA 8015 or EPA 8260; and
- (B) benzene, toluene, ethylbenzene, xylenes, naphthalene (BTEXN), and methyl tertiary butyl ether (MTBE) by either EPA 8021 or EPA 8260.
- (ii) for diesel fuel contamination:
- (A) total petroleum hydrocarbons, extractable TPH as diesel range organics C₁₀ - C₂₈, by EPA 8015; and
- (B) benzene, toluene, ethylbenzene, xylenes and naphthalene (BTEXN) by either EPA 8021 or EPA 8260.
- (iii) for used oil contamination:
- (A) oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH) by EPA 1664; and
- (B) benzene, toluene, ethylbenzene, xylenes, naphthalene (BTEXN), methyl tertiary butyl ether (MTBE), and halogenated volatile organic compounds (VOX) by EPA 8021 or EPA 8260.
- (iv) for new oil contamination:
- (A) oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH) by EPA 1664.
- (v) contamination from PSTs which contain substances other than or in addition to petroleum shall be analyzed for appropriate constituents as determined by the director.
- (vi) for contamination of an unknown petroleum product type:
- (A) total petroleum hydrocarbons, purgeable TPH as gasoline range organics C₆ - C₁₀, by either EPA 8015 or EPA 8260;
- (B) total petroleum hydrocarbons, extractable TPH as diesel range organics C₁₀ - C₂₈, by EPA 8015;
- (C) oil and grease (O and G) or total recoverable petroleum hydrocarbons (TRPH) by EPA 1664; and
- (D) benzene, toluene, ethylbenzene, xylenes, naphthalene (BTEXN), methyl tertiary butyl ether (MTBE), and halogenated volatile organic compounds (VOX) by either EPA 8021 or EPA 8260.
- (vii) potential vapor intrusion from petroleum product types shall be analyzed for appropriate constituents as determined by the director.
- (c) original laboratory sample results must be returned to the certified sampler or certified PST consultant to verify chain of custody protocols, including holding times and analytical procedures, were properly followed.
- (d) environmental media samples must be collected and transported under chain of custody according to EPA methods as approved by the director.
- (e) reporting limits used by laboratories analyzing environmental media samples taken under this rule shall be below Initial Screening Levels for the contaminated media under study.
- (i) environmental media samples shall be analyzed with the least possible dilution to ensure reporting limits are below Initial Screening Levels to the extent possible.
- (ii) if more than one determinative analysis is performed on any given environmental media sample, the final dilution factor used and the reporting limit must be reported by the laboratory.
- (A) as an alternative to diluting environmental media samples, the laboratory shall use appropriate analytical cleanup methods and describe which analytical cleanup methods were used to eliminate or minimize matrix interference.
- (iii) any analytical cleanup method used must not eliminate the contaminant of concern or target analyte.

KEY: petroleum, underground storage tanks

Date of Last Change: ~~July 15, 2022~~ 2025

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-413

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF NONSUBSTANTIVE CHANGE

Rule or section number:	R311-206	Filing ID: OFFICE USE ONLY
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Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-206. Petroleum Storage Tanks: Certificate of Compliance and Financial Assurance Mechanisms.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
3. Reason for the change:	
H.B. 18 deleted a portion of the statute. This required a change of the reference in the rule. Fixed several incorrect references. Fixed a typographic error.	
4. Summary of the change:	
Changed 19-6-428(3) to 19-6-428(2) due to statutory change. Subsection R311-206-8(1): Fixed incorrect reference 19-6-407(2)(d)(ii) should be 19-6-407(2)(g)(ii). Subsection R311-206-8(4)(a): Fixed reference R311-200-1(ss) should be R311-200-1(zz) due to proposed changes in Section R311-200-1. Definitions Change Subsection R311-206-9(2) "prorata" to "pro rata".	

Agency Authorization Information

To the agency: The Office of Administrative Rules is responsible for setting the effective date of nonsubstantive changes, as outlined in Section R15-4-6. The agency does NOT file a notice of effective date.			
Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-206. Petroleum Storage Tanks: Certificate of Compliance and Financial Assurance Mechanisms.

R311-206-1. Definitions.

Definitions are found in Rule R311-200.

R311-206-2. Declaration of Financial Assurance Mechanism.

(1) To demonstrate financial assurance, as required by Section 19-6-412 and Subsection 19-6-407(2)(c), owners or operators of petroleum storage tanks must:

(a) declare they will participate in the EAP and meet the requirements for participation in the EAP under Sections 19-6-410.5, 19-6-428 and R311-206-4; or

(b) demonstrate financial assurance that meets the coverage amounts specified in 40 CFR 280.93, by an allowable method specified in Section R311-206-5.

(2) For the purposes of Subsection 19-6-412(6), tanks at a facility must be covered by the same financial assurance mechanism, and must be considered to be in one area, unless the director determines there is sufficient information so that releases from different tanks at the facility could be accurately differentiated.

R311-206-3. Requirements for Issuance of Certificates of Compliance.

- (1) The director shall issue a certificate of compliance to an owner or operator for individual petroleum storage tanks at a facility if:
 - (a) the owner or operator has a certificate of registration;
 - (b) the owner or operator must certify that the PST is in substantial compliance with state and federal statutes, rules, and regulations applicable to PST systems;
 - (c) the tank tightness test, as required by Section 19-6-413 conducted within six months before the tank was registered or within 60 days after the date the tank was registered, indicates that each individual PST is not leaking;
 - (d) the owner or operator has submitted a letter to the director stating that based on customary business inventory practices standards there has been no release from the tank;
 - (e) the owner or operator has submitted a completed application according to a form provided and approved by the director, and participates in the EAP or demonstrates that the financial assurance that will be used meets the requirements of Subsection R311-206-2(1)(b) and Section R311-206-5;
 - (f) the owner or operator has met the requirements for the financial assurance mechanism chosen, including payment of applicable fees;
 - (g) the owner or operator has submitted an as-built drawing, for newly-installed systems, that meets the requirements of Subsection R311-200-1(2)(d) or a site plat, for existing systems, that meets the requirements of Subsection R311-200-1(2)(~~eee~~jji); and
 - (h) the owner or operator has, for newly-installed tanks, submitted the completed tank manufacturer's installation checklist.

R311-206-4. Requirements for Environmental Assurance Program Participants.

- (1) In accordance with Subsection 19-6-411(1)(a), the annual facility throughput rate, if reported, shall be reported to the director as a specific number of gallons, based on the throughput for the previous calendar year.
- (2) In accordance with Subsection 19-6-411(1)(b), when a petroleum storage tank is initially registered with the director, any petroleum storage tank fee for that tank for the current fiscal year is due when the tank is brought into use, as a requirement for receiving a certificate of compliance.
- (3) In accordance with Subsection 19-6-411(2)(a)(i), if an installation company receives its annual permit after the beginning of the fiscal year, the annual fee must be paid for the entire year.
- (4) Auditing of PST facility throughput records.
 - (a) owners and operators must retain for seven years the monthly tank throughput records of the facility.
 - (b) tank throughput records shall include financial and product documentation for receipts, deliveries, transfers, and inventories.
 - (c) the director may audit or commission an audit, by an independent auditor, of records which support the amount of throughput, for each tank at a participant's facility.
 - (i) records must be made available at the department for inspection within 30 calendar days after receiving notice from the director.
 - (ii) audits may be determined by random selection or for particular reasons, including suspicion or discovery of inaccuracies in throughput reports, aggregating throughput reports, having a release, or filing a claim.
 - (iii) auditing tank throughput may be accomplished by any method approved by the director.
 - (iv) costs of an independent audit shall be paid by the owner or operator.
- (5) Owners or operators eligible for participation in the EAP must demonstrate financial assurance for the difference between coverage provided by the EAP and coverage amounts required by 40 CFR 280 Subpart H.
 - (a) if the owner or operator chooses self-insurance as the mechanism for demonstrating financial assurance for the difference, they must document a tangible net worth of \$10,000 upon request and to the satisfaction of the director.
 - (i) the director may require the owner or operator to submit an independent audit to demonstrate new worth for self-insurance.
 - (A) the owner or operator will bear the expense for the audit.
 - (B) the criteria for an audit are the same as set forth in Subsection R311-206-4(4)(b).
 - (b) an owner or operator may also select and document another mechanism specified in 40 CFR 280.94 to demonstrate financial assurance for the difference.
 - (c) the processing fee requirement referenced in Subsection R311-206-5(2) is not applicable because the administrative cost is covered by the EAP fee.

R311-206-5. Requirements for Owners and Operators Demonstrating Financial Assurance by Other Methods.

- (1) Owners and operators who elect to utilize an alternate form of financial assurance must meet the minimum coverage amounts using one or a combination of mechanisms as outlined in 40 CFR 280.94.
 - (a) owners and operators must submit to the director the documents required by 40 CFR 280.111 to be kept and maintained for the mechanism used.
 - (b) formats, calculations, letters, reporting, and record keeping shall be done in accordance with each applicable financial assurance mechanism specified in 40 CFR 280 subpart H.
 - (c) if the financial assurance documentation submitted to the director is not in accordance with 40 CFR 280 subpart H, it shall be rejected and shall be invalid.
- (2) The processing fee established in Subsection 19-6-408(2) for each new or changed financial assurance document submitted for approval shall be included with the financial assurance document and shall be payable to the Department.
 - (a) processing fees for subsequent reviews of financial assurance documents are due on July 1 of the fiscal year for which the review is required.
 - (b) pursuant to 40 CFR 280.97, if the financial assurance mechanism is an insurance policy, the insurer is liable for payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third party, with right of reimbursement by the insured for such payment made by the insurer.
 - (i) this provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 40 CFR 280.95 through 280.102 and 280.104 through 280.107.
 - (ii) a showing of financial assurance for the deductible, if such a showing is made, shall be treated as a separate financial assurance mechanism subject to the processing fee requirement referenced in Subsection R311-206-5(2).
 - (c) if an owner or operator desires to make any material change to the financial assurance document, the change shall be approved by the director, and an additional processing fee shall be paid in circumstances as determined by the director.
- (3) Evidence of a current and approved financial assurance mechanism must be reported to the director as follows:

(a) owners and operators using the financial test of self-insurance must submit the "Letter from Chief Financial Officer" to the director within the maximum 120-day period specified in 40 CFR 280.95.

(b) owners and operators using insurance and risk retention group coverage for financial assurance must submit the coverage policy in its entirety, with the current Certificate of Insurance or Endorsement specified in 40 CFR 280.97(b), to the director within 30 days of acceptance of such policy by the insurer or risk retention group.

(i) if the insurance policy or risk retention group coverage is canceled, the insurer or risk retention group shall provide written notice of cancellation or other termination of coverage required by 40 CFR 280.97(b)(1)2.d. and 280.97(b)(2)2.d. to the director as well as the insured.

(ii) the insurer must have a rating of A- or greater by A.M. Best Co.

(c) owners and operators using an irrevocable letter of credit must submit proof of the letter of credit, standby trust fund, and formal certification of acknowledgement to the director within 30 days of issuance from the issuing institution.

(d) owners and operators using a fully funded trust fund for financial assurance must submit proof of the trust fund and formal certification of acknowledgement to the director within 30 days after implementation of the trust fund.

(e) owners and operators using a guarantee for financial assurance shall submit the Guarantee document, standby trust fund, and certification of acknowledgement to the director within 30 days of issuance.

(i) the owner or operator must also submit the guarantor's letter from the chief financial officer within the 120-day period specified in 40 CFR 280.95.

(f) owners and operators using a surety bond for financial assurance must submit the surety bond document, standby trust fund, and certification of acknowledgement to the director within 30 days of issuance.

(g) guarantees and surety bonds may be used as financial assurance mechanisms in Utah only if the requirement of 40 CFR Part 280.94(b) is met.

(h) owners and operators using one of the local government methods specified in 40 CFR 280.104 through 280.107 must submit the letter from the chief financial officer and associated documents to the director within 120 days of the end of the owner, operator, or guarantor's fiscal year.

(4) The director may require reports of financial condition or any other information relative to justification of the financial assurance mechanism from the owner or operator at any time.

(a) information requested must be reported to the director within 30 calendar days after receiving the request.

(b) owners and operators must maintain evidence of all financial assurance mechanisms as specified in 40 CFR 280.111.

(c) owners and operators must keep records of all financial assurance mechanisms in accordance with 40 CFR 280.111 and 280.113.

(d) the director may audit or commission an audit of records supporting the financial assurance mechanism at any time.

(i) audits may be determined by random selection or for specific reasons, including the occurrence of a release or suspected release, deficiencies in complying with regulations or orders, or the suspicion or discovery of inaccuracies.

(ii) auditing of financial assurance methods may be accomplished by any method approved by the director.

(5) Any costs of securing a selected financial assurance mechanism and generating and providing the necessary reporting evidence of an assurance mechanism to the director is the sole responsibility of the owner or operator.

(6) Processing of the alternate financial assurance mechanism documents may be accomplished utilizing any method approved by the director.

R311-206-6. Voluntary Admission of Eligible Exempt Underground Petroleum Storage Tanks and Eligible Exempt Aboveground Storage Tanks Containing Petroleum to the Environmental Assurance Program.

(1) Owners or operators of eligible exempt USTs specified in Subsection 19-6-415(1)(a) may voluntarily participate in the EAP by:

(a) performing a site check in accordance with Rule R311-205;

(b) meeting the requirements of Subsections 19-6-428([3]2)(a), 19-6-415(1) and R311-206-3(1);

(c) properly performing release detection according to the requirements of 40 CFR Part 280 Subpart D; and

(d) meeting the upgrade requirements in 40 CFR 280.21 or the new tank requirements in 40 CFR 280.20, as applicable.

(2) Owners or operators of eligible exempt aboveground storage tanks containing petroleum may voluntarily participate in the EAP by

(a) performing a site check in accordance with Rule R311-205; and

(b) meeting the requirements of Subsections 19-6-415(2) and 19-6-428([3]2)(a), and Sections R311-206-3 and R311-206-4.

R311-206-7. Revocation and Lapsing of Certificates.

(1) The director shall revoke a certificate of compliance or registration if the director determines that the owner or operator has willfully submitted a fraudulent application or is not in compliance with any requirement pertaining to the certificate.

(2) A PST owner or operator who has had a certificate of compliance revoked under Section 19-6-414 or Subsection R311-206-7(1) may have the certificate reissued by the director after the owner or operator demonstrates compliance with Subsections 19-6-412(2), 19-6-428([3]2), and Section R311-206-3.

(3) A PST owner or operator who has had a certificate of compliance lapse under Subsection 19-6-408(5)(c) may have the certificate reissued by the director after the owner or operator demonstrates compliance with Sections 19-6-412 and R311-206-3.

(4) A PST owner or operator who has had eligibility to receive payments for claims against the fund lapse under Subsection 19-6-411(3)(c)(ii) must:

(a) meet the requirements of Subsection 19-6-428([3]2); and

(b) pay fees, interest, and penalties due to reinstate eligibility.

(5) Upon permanent closure of a tank which is covered by the Petroleum Storage Tank Fund, the eligibility to make a claim against the Petroleum Storage Tank Fund will terminate as specified in Section R311-207-2.

(a) permanently closed tanks are not eligible to be reissued a certificate of compliance.

(6) In accordance with Section 19-6-414, the director may revoke a certificate of compliance for the owner's or operator's failure to comply with the following requirements as outlined in 40 CFR 280:

(a) release reporting;

(b) abatement;

(c) investigation;

(d) corrective action; or

(e) other measures to bring the release site under control.

R311-206-8. Delivery Prohibition.

(1) In accordance with Subsections 19-6-411(7) and 19-6-407(2)(~~l~~g)(ii), the director shall authorize the placement of a delivery prohibition tag identifying a tank:

- (a) for which the certificate of compliance has been revoked in accordance with Section 19-6-414;
- (b) for which the certificate of compliance has lapsed for non-payment of fees in accordance with Subsection 19-6-408(5);
- (c) that has never qualified for a certificate of compliance, and is not a new installation under Subsection R311-206-8(1)(d); or
- (d) that is a new installation, and has not been issued a certificate of compliance.

(2) For USTs, in accordance with Subsection 19-6-403(1)(b)(i), the director shall authorize the placement of a delivery prohibition tag to be placed on the UST as soon as practicable after the determination is made that a tank does not have:

- (a) spill prevention equipment required under 40 CFR 280.20(c) or 280.21(d);
- (b) overfill prevention equipment required under 40 CFR 280.20(c) or 280.21(d);
- (c) equipment required for tank or piping leak detection in accordance with 40 CFR 280 Subpart D; or
- (d) equipment required for tank or piping corrosion protection in accordance with 40 CFR 280 Subpart B or C.

(3) For APSTs, out of service after May 5, 2021, the director shall authorize the placement of a delivery prohibition tag as soon as practicable.

(4) For PSTs, the director shall authorize the placement of a delivery prohibition tag to be placed on the PST as soon as practicable after the determination that a release from a PST is ongoing. The determination may be made by:

- (a) failed tests as defined by "PST Testing" in R311-200-1(~~ss~~zz); or
- (b) visual presence, odors, inventory loss, or otherwise apparent contamination of environmental media.

(5) The delivery prohibition tag shall be placed on the tank fill or in a visible location near the tank fill.

(6) A person who delivers or accepts delivery of a regulated substance or petroleum into a tank marked with a delivery prohibition tag shall be subject to the penalties outlined in Section 19-6-416, unless authorized under Subsection R311-206-8(8).

(7) The director may issue written approval for a delivery of petroleum to:

- (a) provide ballast for a new tank during installation, or
- (b) allow for the tank tightness test required under Section 19-6-413.

(8) The delivery prohibition tag must remain in place until the director issues:

- (a) for tanks that have a tag in place in accordance with Subsection R311-206-8(1):
 - (i) a new certificate of compliance for the tank; and
 - (ii) written authorization to remove the delivery prohibition tag; or
- (b) for tanks that have a tag in place in accordance with Subsection R311-206-8(2):
 - (i) written authorization to remove the delivery prohibition tag.

(9) If a delivery prohibition tag is removed without the authorization specified in Subsection R311-206-8(8)(a)(ii) or R311-206-8(8)(b)(i), the PST owner or operator is subject to:

- (a) a re-inspection and any applicable fees; and
- (b) placement of a new delivery prohibition tag on the tank.

R311-206-9. Removing Participating Tanks from the Environmental Assurance Program.

(1) Owners and operators of PSTs who have voluntarily elected to participate in the EAP may cease participation in the EAP and be exempted from the requirements described in Section R311-206-4 by:

- (a) permanently closing tanks as outlined in 40 CFR 280, subpart G and Rules R311-204 and R311-205; or
- (b) meeting the following requirements:
 - (i) demonstrating compliance with Section R311-206-5; and
 - (ii) notifying the director in writing at least 30 days before the date of cessation of participation in the EAP, and specifying the date of cessation.

(A) the director may waive the 30-day requirement if the owner or operator has already documented current financial assurance under Section R311-206-5 for other petroleum storage tanks owned or operated by the owner or operator.

(B) the date of cessation of participation in the EAP may occur after the date designated in Subsection R311-206-9(1)(b)(ii) if the owner or operator does not document compliance with Section R311-206-5 by the date originally designated.

(2) pro rata refunds will not be given.

(3) For tanks being removed voluntarily from the EAP, the date of cessation of participation in the EAP shall be the date on which coverage under the EAP ends.

(a) subsequent claims for payments from the Petroleum Storage Tank Fund must be made in accordance with Sections 19-6-424 and R311-207-2.

(4) For any facility that participates in the EAP and is sold to a company with facilities that do not participate in the EAP, the date of termination of coverage is the closing date for the real estate transaction.

- (a) the purchaser shall provide documentation of the closing date to the director within 30 days of closing.

R311-206-10. Participation in the Environmental Assurance Program After a Period of Non-participation.

(1) Owners and operators not participating in the EAP must, before any subsequent participation in the EAP, meet the following requirements:

- (a) notify the director of the intent to participate in the EAP;
- (b) comply with the requirements of Subsection 19-6-428(~~3~~2); and
- (c) meet the requirements of Section R311-206-3 to qualify for a new certificate of compliance.

R311-206-11. Environmental Assurance Fee Rebate.

(1) To meet the requirements of Subsection 19-6-410.5(5)(d), for each UST Facility participating in the EAP, a risk value will be calculated according to the "Environmental Assurance Program Risk Factor Table and Calculation," which is incorporated by reference.

- (a) the table, dated June 2, 2014, contains risk factors and the formula for risk value calculation.

- (2) The risk value for each facility participating in the EAP shall be:
- (a) calculated on a facility basis;
 - (b) valid for the calendar year;
 - (c) based on the facility characteristics as of December 15 of the prior calendar year; and
 - (d) determined, at sites with mixed equipment, by considering the highest risk-valued petroleum storage tank system component for each risk factor.
- (3) To qualify as secondarily contained for purposes of risk calculation, tanks shall:
- (a) meet the requirements for secondary containment in 40 CFR 280.20; and
 - (b) meet one of the following:
 - (i) use an interstitial sensor and documentation of monthly interstitial monitoring; or
 - (ii) documentation of monthly visual checks of a brine-filled interstitial space.
- (4) To qualify as secondarily contained for purposes of risk calculation, piping shall:
- (a) meet the requirements for secondary containment outlined in 40 CFR 280.20; and
 - (b) meet one of the following:
 - (i) maintain monthly records of monitoring of the interstice by vacuum, pressure, or liquid filled interstitial space, or
 - (ii) use an interstitial monitoring method not listed in Subsection R311-206-11(4)(b)(i).
- (5) To qualify as secondarily contained for purposes of risk calculation, piping containment sumps, and under-dispenser containment shall be double-walled with monthly documentation of monitoring of the space between the walls.
- (6) Each facility that participates in the EAP may be eligible for a rebate of a portion of the Environmental Assurance Fee according to the rebate schedule in "Environmental Assurance Fee Rebate Table," dated June 2, 2014, which is incorporated by reference.
- (7) A facility that begins participation in the EAP after January 1 of a calendar year shall have its risk value calculated for that year based on the risk factors in place at the facility on the date the facility begins participation in the EAP.
- (8) The Environmental Assurance Fee rebate does not apply to APSTs until July 1, 2026 as per Subsections 19-6-410.5(5)(d) and 19-6-410.5(5)(e).

KEY: petroleum, underground storage tanks

Date of Last Change: ~~July 12, 2024~~2025

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-410.5; 19-6-428

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF NONSUBSTANTIVE CHANGE

Rule or section number:	R311-207	Filing ID: OFFICE USE ONLY
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Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-207. Accessing the Petroleum Storage Tank Fund for Leaking Petroleum Storage Tanks.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
3. Reason for the change:	
H.B. 18 deleted a portion of the statute. This required a change of a reference in the rule.	
4. Summary of the change:	
Changed 19-6-428(3) to 19-6-428(2).	

Agency Authorization Information

To the agency: The Office of Administrative Rules is responsible for setting the effective date of nonsubstantive changes, as outlined in Section R15-4-6. The agency does NOT file a notice of effective date.			
Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-207. Accessing the Petroleum Storage Tank Fund for Leaking Petroleum Storage Tanks.

R311-207-1. Definitions.

Definitions are found in Rule R311-200.

R311-207-2. Notification of Intent and Eligibility to Claim Against the Petroleum Storage Tank Fund.

- (1) Any responsible party who is making any claim against the Petroleum Storage Tank Fund must:
- (a) have previously satisfied the requirements of Subsection R311-206-3(1);
 - (b) have a valid certificate of compliance at the time of product release by the covered PST; and
 - (c) meet the requirements of Section 19-6-424.
- (2) Except as provided in Subsection R311-207-2(3), a responsible party eligible to receive payments in accordance with Section 19-6-419 must submit to the director a written eligibility application to make a claim against the Fund:
- (a) during a period for which that tank was covered by the Fund;
 - (b) within one year after that Fund-covered tank is closed;
 - (c) within six months after the end of the period during which the tank was covered by the Fund; or
 - (d) before the responsible party expends any amount over their share in eligible costs, whichever is sooner.
- (3) For eligible releases that are discovered and reported to the director after July 1, 1994, the responsible party shall spend the first \$10,000 in eligible costs as determined by the director.
- (4) For eligible releases that are discovered before July 1, 1994, the responsible party shall spend the first \$25,000 in eligible costs as determined by the director.
- (5) Owners and operators of facilities who participate in the EAP after July 1, 2021 without performing a site check:
- (a) for new releases, the responsible party shall spend the first \$10,000 in eligible costs as determined by the director and will be covered at 100%.

(b) for historic contamination, the responsible party shall spend the first \$10,000 in eligible costs as determined by the director and will have release coverage percentages as set forth in Subsection 19-6-428([3]2).

(6) A completed eligibility application form submitted by the responsible party requesting coverage, within the time frames specified in Subsection R311-207-2(2), shall constitute a claim against the Fund in accordance with Section 19-6-424.

(7) The responsible party's share of eligible costs remains the same, regardless of the number of responsible parties who are associated with a release and covered by the Fund.

(a) only one responsible party can claim against the Fund per release in accordance with Section 19-6-419.

(8) When a facility has an open release and a subsequent Fund eligible release occurs at that facility, the Fund allowable coverage for the subsequent release will be limited to the amount required to investigate and remediate the subsequent release up to the maximum allowable under Section 19-6-419.

(a) additional Fund monies cannot be obtained for the investigation and remediation of the original release through the coverage of a subsequent release.

(b) the director shall determine the allowable coverage for a subsequent release.

(9) The maximum coverage allowed in Section 19-6-419 for a series of releases cannot be aggregated to provide additional reimbursement over the maximum for any release included in the series.

(10) When the director has made a determination that the clean up standards established for the site pursuant to Section R311-211-5 have been achieved for a release, the release shall receive a "No Further Action" status.

R311-207-3. Prerequisites for Submission of Requests for Reimbursement of Claims Against the Petroleum Storage Tank Fund.

(1) Upon making a claim for coverage under the Petroleum Storage Tank Fund, and after receiving notice from the director of eligibility to claim against the Fund, the responsible party shall meet compliance time tables issued by the director.

(2) For allowable costs to be covered by the Fund, the director must approve work plans, corrective action plans, and associated budgets before a responsible party initiates any work, except as allowed by Subsections 19-6-420(3)(b) and 19-6-420(6).

(a) work plans must include a budget for the work.

(i) budgets must be in compliance with Subsection R311-207-4(8).

(ii) budgets must include proposed costs in an itemized format as described in Subsections R311-207-4(1) through R311-207-4(5).

(3) Before performing work eligible for reimbursement by the Fund, the consultant must have a Statement of Qualification approved by the director.

(a) the initial Statement of Qualification submittal shall include information about the qualifications of certified PST consultants and other persons who will be performing investigation or corrective action activities in accordance with the work plans.

(b) the Statement of Qualification shall include at least three letters of reference from entities that have retained the services of the consultant, and shall document that:

(i) the consultant and other key personnel are of good character and reputation regarding such matters as control of costs, quality of work, ability to meet deadlines, and technical competence;

(ii) the consultant and other key personnel have completed applicable Occupational Safety and Health Agency-approved safety training and any other applicable safety training, as required by federal and state law; and

(iii) the consultant carries the following insurance:

(A) Commercial General Liability Insurance or Comprehensive General Liability Insurance, including coverage for premises and operation, explosion, collapse and underground hazards, products and completed operations, contractual, personal injury and death, and catastrophic, with limits of \$1,000,000 minimum per occurrence, \$2,000,000 minimum general aggregate, and \$2,000,000 minimum products or completed operations aggregate;

(B) Comprehensive Automobile Liability Insurance, with limits of \$1,000,000 minimum and \$2,000,000 aggregate; and

(C) Workers' Compensation and Employers' Liability Insurance, as required by applicable state law.

(c) the Statement of Qualification must be updated annually in January, and shall be approved by the director for a period of one year.

(i) the update shall include changes in personnel and current documentation of compliance with Subsections R311-207-3(3)(a) and R311-207-3(3)(b).

(4) Work plans must include the Fund Work Plan Approval Application and Agreement form documenting the claimant's contract with any proposed consultant or other person performing remedial action.

(a) information provided on that form shall demonstrate that the claimant's contract has met the following requirements:

(i) the contract shall be with the consultant and specify the certified PST consultant and other key personnel for which qualifications are submitted under Subsection R311-207-3(3);

(ii) the contract shall require a 100% payment bond through a United States Treasury-listed bonding company, or other equivalent assurance;

(iii) the consultant shall have no cause of action against the state for payment;

(iv) the contract will specify a subcontracting method consistent with the requirements of Rule R311-207;

(v) the contract shall require, and include documentation that the consultant carries, the insurance specified in Subsection R311-207-3(3)(b)(iii);

(vi) payment under the contract shall be limited to amounts that are customary, legitimate, and reasonable;

(vii) the contract shall include a provision indicating that the State of Utah is not a party to the contract, unless the State of Utah is a responsible party; and

(viii) any other requirements specified by the director.

(5) Work plans shall address any additional requirements outlined in 40 CFR 280, Subparts E and F.

(6) The director may waive specific requirements of Rule R311-207 if the director determines there is good cause for a waiver, and that public health and the environment will be protected.

(a) the director may also consider, in determining whether to grant a waiver, the extent to which the financial soundness of the Fund will be affected.

(7) Once the responsible party's share of eligible costs has been spent in accordance with Section 19-6-419, the director shall review and approve or disapprove work plans and the corrective action plan and associated budgets.

(8) A request for time and material reimbursement from the Fund must be received by the director within one year from the date the included work was performed or reimbursement shall be denied.

(a) if there are any deficiencies in the request, the claimant has 90 days from the date of notification of the deficiency to correct the deficiency or the amount of the deficient items shall not be reimbursed.

(b) if a release was initially denied eligibility and is subsequently found to be eligible:

(i) work conducted before the determination of eligibility is not subject to the one-year requirement; and

(ii) work conducted after the determination of eligibility is subject to the one-year requirement.

(9) The request for final reimbursement from the Fund must be received by the director within one year from the date of the "No Further Action" letter issued by the director or reimbursement shall be denied.

(a) if a release is re-opened as provided for in the "No Further Action" letter, payments from the Fund may be resumed when approved by the director.

(10) For costs incurred by a consultant hired by a third party pursuant to Subsection 19-6-409(2)(e):

(a) the director must approve work plans and associated budgets before the consultant initiates any work; and

(b) the contract with the consultant shall comply with Subsection R311-207-3(4).

R311-207-4. Submission Requirements for Requests for Reimbursement of Claims Against the Petroleum Storage Tank Fund.

(1) To receive payment from the Petroleum Storage Tank Fund, a claimant must submit a request for reimbursement to the director.

(2) The request for reimbursement must be on the form provided by the director.

(a) the form must be properly completed and signed by the claimant and include invoices and other appropriate documentation.

(3) Reimbursement will be on a time and material basis as approved in advance by the director.

(4) Costs for time and material reimbursement must be itemized at a minimum to show the following:

(a) amounts allocated to each approved work plan budget;

(b) employee name, date of work, task or description of work, labor cost and the number of hours spent on each task;

(c) sampling, reporting, and laboratory analysis costs;

(d) equipment rental and materials;

(e) utilities;

(f) other direct costs; and

(g) other items as determined by the director.

(5) Itemized expenses must state the full name and address of the company or contractor providing materials or performing services.

(6) Expenses for time and material reimbursement shall be documented on a monthly basis, or as otherwise directed by the director, with a copy of the original bill provided to the director by the claimant.

(a) the claimant shall provide documentation that claimed costs and associated work were reasonable, customary, and legitimate in accordance with Section R311-207-5 and Subsection R311-207-4(8).

(7) For time and material reimbursement, before receiving payment under Section 19-6-419, the claimant must provide proof of past payments for services or construction rendered, in a form acceptable to, or as directed by, the director, unless the director has agreed to other arrangements.

(a) the responsible party remains primarily liable, however, for costs incurred and should obtain lien releases from the company or contractor providing material or performing services.

(8) For time and material reimbursement, documentation of expenses for construction or other services provided by a subcontractor retained by a consultant or contractor must include one or more of the following items:

(a) a minimum of three competitive bids by responsive bidders. For a bid to be competitive:

(i) two of the bids must be from bidders who are not related parties;

(ii) bids must be submitted on the appropriate standardized Bid Summary form in accordance with the "Cost Guidelines for Underground Storage Tank Sites" document dated June 3, 2021, which is incorporated by reference;

(iii) the bid specifications shall contain a clear and accurate description of the technical requirements for the material, product or service and shall not contain features which unduly restrict competition; and

(iv) the bid specifications shall include a statement of the qualitative nature of the material, product or service to be procured, and, when necessary shall set forth those minimum essential characteristics.

(b) sole source justification; or

(c) other documentation as required or requested by the director to document expenses are reasonable, customary, and legitimate.

(9) In accordance with Section 19-6-420, the director may not authorize payment from the Fund for services provided by consultants, contractors, or subcontractors which are not in compliance with the requirements of Rule R311-207 or any other applicable federal, state, or local law.

(10) Any third party claims brought against the responsible party or any occurrence likely to result in third party claims against the responsible party as a result of the release must be immediately reported to the State Risk Manager and to the director.

R311-207-5. Customary, Reasonable and Legitimate Expenses.

(1) Costs claimed by the claimant in accordance with Subsection 19-6-419(1) must be customary, reasonable, and legitimate, and must be expended for customary, reasonable, and legitimate work, as determined by the director.

(2) The director may determine the amount of Fund monies that will be reimbursed to a claimant for items such as labor, equipment, services, and tasks established according to Section R311-207-7, the Cost Guidelines document, or such other methods that are applicable to the item or task.

(3) As conditions require, costs of the following activities may be considered to be customary, reasonable, and legitimate:

(a) performing abatement;

(b) investigation;

(c) site assessment;

(d) monitoring;

(e) corrective action activities;

(f) providing alternative drinking water supplies; and

- (g) settling or otherwise resolving third party damage claims and settlements in accordance with Section 19-6-422.
- (4) If a claim that does not comply with the requirements of Rule R311-207 or the Cost Guidelines is returned by the director to a claimant or consultant for correction, the claimant or consultant shall not claim for reimbursement the costs expended to correct and re-submit the claim.
- (5) The Fund may reimburse a responsible party or other eligible claimant for the use or purchase of the consultant's originally designed and manufactured equipment provided the cost is customary, reasonable, and legitimate as determined by the director.
- (a) the rate of reimbursement shall not exceed the consultant's direct labor hours for manufacturing at specified fixed hourly rates and the materials at cost to the consultant. Material costs shall include:
 - (i) adjustments for available discounts;
 - (ii) refunds;
 - (iii) rebates;
 - (iv) allowances which the consultant reasonably should take under the circumstances; and
 - (v) credits for proceeds the consultant received or should have received from salvage and material returned to suppliers.
- (b) in no event shall the price paid by the Fund exceed the sales price of comparable equipment available to other customers through the consultant or through another source.
- (c) the consultant's claimed direct labor hours for manufacturing and costs shall be documented through time sheets, original invoices, or other documents acceptable to the director.
- (d) no reimbursement will be made for labor hours and costs associated with development, patenting, or marketing.
- (6) The director may audit or commission an audit of records supporting request for reimbursement or payment at any time.
- (a) audits may be determined by random selection or for specific reasons, including the suspicion or discovery of inaccuracies, or deficiencies in complying with regulations.

R311-207-6. Subrogation.

- (1) When the state makes a payment from the Petroleum Storage Tank Fund, the state has the right to sue or take other action as may be necessary and appropriate to recover the amount of payment from any third party who may be held responsible.
- (a) the claimant who receives payment from the Fund must execute and deliver the necessary documents and cooperate as necessary to preserve the state's rights and do nothing to prejudice them.

R311-207-7. Consultant Personnel Classifications, Requirements, Rates, Tasks, and Responsibilities.

- (1) Consultants must assign to one of the categories identified in the Cost Guidelines, any service time for an individual that is billed to a claimant or directly to the Fund and for which reimbursement is claimed.
- (a) by submitting a claim for reimbursement for a labor category, the consultant warrants that the person so claimed meets the described education, skills, and experience.
- (2) Materials, equipment, and services will be reimbursed in accordance with the Cost Guidelines.
- (3) Costs not identified in the Cost Guidelines must be customary, reasonable, and legitimate, and must be expended for customary, reasonable, and legitimate work, as determined by the director.

R311-207-8. Third Party Claims Apportionment.

- (1) To prioritize payments from the Petroleum Storage Tank Fund as required by Subsection 19-6-419(7)(a), the director may utilize budget projections to allocate coverage available for the payment of third party claims before a determination that corrective action has been properly performed and completed.
- (a) the director may amend budget projections as frequently as deemed appropriate.
- (2) Costs among third party claimants shall be apportioned after the responsible party has agreed to the settlement and the State Risk Manager has approved the settlement.
- (3) Apportionment and priority shall be based on the order in which an approved and agreed upon claim is received by the director.

R311-207-9. Consultants Hired by Third Parties.

- (1) A certified PST consultant hired by a third party under Subsection 19-6-409(2)(e) must:
 - (a) have an approved Petroleum Storage Tank Fund Statement of Qualification in accordance with Subsection R311-207-3(3); and
 - (b) charge labor rates in accordance with Section R311-207-7.
- (2) To ensure compliance with Subsection 19-6-409(4)(a)(ii), one consultant shall be designated by all known third parties claiming injury or damage from a release.
 - (a) the designation shall be made in writing to the director.
- (3) For the claimant to be eligible to receive payments from the Fund under Subsection 19-6-409(2)(e):
 - (a) work plans and budgets must be pre-approved by the director in accordance with Subsection R311-207-3(10);
 - (b) the consultant must comply with Sections R311-207-4 and R311-207-5; and
 - (c) requests for reimbursement from the Fund shall be made in accordance with Subsections R311-207-3(8) and R311-207-3(9).

KEY: financial responsibility, petroleum, underground storage tanks

Date of Last Change: July 15, 2022

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-409; 19-6-419

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R311-212

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

[Click or tap to enter a date.](#)

Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT 84116	
Mailing address:	P.O Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
David Wilson	385-251-0893	djwilson@utah.gov
Morgan Atkinson	801-979-2512	mpatkinson@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:	
R311-212. Administration of the Petroleum Storage Tank Fund Loan Program.	
3. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
If yes, any bill number and session:	H.B. 18 (2025 General Session)
4. Purpose of the new rule or reason for the change:	
H.B. 18 Petroleum Storage Tank Amendments which was passed in the 2025 legislative session made changes that allows owners and operators of Aboveground Petroleum Storage Tanks (APSTs) to apply for loans from the Petroleum Storage Tank Fund Loan Program for the purpose of upgrading, replacing, or permanently closing an APST.	
5. Summary of the new rule or change:	
The term "Underground Storage Tanks" (USTs) has been updated to the broader term "Petroleum Storage Tanks" (PSTs) in multiple parts of this rule since "Aboveground Petroleum Storage Tanks" (APSTs) are now permitted to apply for a loan from the Petroleum Storage Tanks Loan Program. Loan Forms, which were incorporated by reference, were updated by changing the wording "Underground Storage Tanks" to "Petroleum Storage Tanks".	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
This rule change is not expected to have a fiscal cost or savings to state owned facilities with APSTs because it is unlikely that state owned facilities will apply for a 0% interest loan for the purpose of upgrading, replacing, or permanently closing state owned APSTs. Any additional compliance costs to state government revenues or expenditures were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session.	
B. Local governments:	
This rule change is not expected to have a fiscal cost or savings to local governments owned APSTs because it is unlikely that local government owned facilities will apply for a 0% interest loan for the purpose of upgrading, replacing or repairing local government owned APSTs. Any additional compliance costs to local government revenues or expenditures were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
This rule change is expected to have a fiscal savings to small businesses owned facilities with APSTs due to the ability of small businesses to use this 0% interest loan for the purpose of upgrading, replacing, or permanently closing an APST. This savings is inestimable because it is unknown how many small businesses will apply for a loan from the PST Loan Fund. Any additional compliance costs to small businesses revenues or expenditures were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session.	

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):					
This rule change is expected to have a fiscal savings to non-small businesses owned facilities with APSTs due to the ability of non-small businesses to use this 0% interest loan for the purpose of upgrading, replacing, or permanently closing an APST. This savings is inestimable because it is unknown how many non-small businesses will apply for a loan from the PST Loan Fund. Any additional compliance costs to non-small businesses revenues or expenditures were accounted for in the fiscal note attached to H.B. 18 in the 2025 legislative general session.					
E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):					
These rule changes are not expected to have any fiscal impacts on other persons because the rule changes will not apply to these entities.					
F. Compliance costs for affected persons:					
This rule change is expected to have a direct fiscal savings (0% interest) to affected persons who choose to apply for a PST loan for the purpose of upgrading, replacing, or permanently closing an APST.					
G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)					
Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-403	Section 19-6-409

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Loan Application version 7/31/25
Publisher	Utah Department of Environmental Quality Division of Environmental Response and Remediation
Issue Date	7/31/25
Issue or Version	7/31/25

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated
--

by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Loan Agreement version 7/31/25
Publisher	Utah Department of Environmental Quality Division of Environmental Response and Remediation
Issue Date	7/31/25
Issue or Version	7/31/25

C. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Trust Deed version 7/31/25
Publisher	Utah Department of Environmental Quality Division of Environmental Response and Remediation
Issue Date	7/31/25
Issue or Version	7/31/25

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
10/15/2025	02:00 PM	Multi Agency State Office Building 195 N. 1950 W. Salt Lake City, Utah 84116 Room 1015
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/14/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Brent Everett, Director	Date:	09/11/2025

R311. Environmental Quality, Environmental Response and Remediation.

R311-212. Administration of the Petroleum Storage Tank Fund Loan Program.

R311-212-1. Definitions.

Definitions are found in Rule R311-200.

R311-212-2. Declaration of Loan Application Periods, and Loan Application Submittal.

- (1) Application for a loan must be made on forms incorporated in Section R311-212-10, in accordance with Subsection 19-6-409(9)[-]; ~~[(a)]~~ loan applications will be accepted during application periods designated by the director.
- (2) At least one application period shall be designated each calendar year if, on January 1:
- (a) the current balance due for outstanding loans is less than 25% of the cash balance of the Petroleum Storage Tank Fund; and
 - (b) the cash balance of the Fund exceeds \$10,000,000.
- (3) If the requirements of Subsections R311-212-2(2)(a) and R311-212-2(2)(b) are not met on January 1, but are met at a later time in the calendar year, the director may designate an application period.
- (4) An open application period will close if:
- (a) the current balance due for outstanding loans exceeds 25% of the cash balance of the Fund; or
 - (b) the cash balance of the Fund is less than \$10,000,000.
- (5) If an open application period closes as required by Subsection R311-212-2(4), loan applications currently under review when the application period closes may be renewed when a new application period opens, unless the applicant must re-apply as required by Subsection R311-212-5(1).
- (6) Applications must be received by the director by 5 p.m. on the last day of the application period.
- (7) Loan applications received outside the application period will be invalid.

R311-212-3. Eligibility Review.

- (1) The director shall determine if the applicant meets the eligibility criteria stated in Subsections 19-6-409(5) through 19-6-409(8).
- (2) To meet the eligibility requirements of Subsection 19-6-409(6) the applicant must, for facilities for which the applicant requests a loan:
 - (a) demonstrate current compliance with all state PST and federal UST laws, rules and regulations, including compliance with requirements for remediation of facilities with leaking [U]PSTs; or
 - (b) must be able to achieve compliance with the loan proceeds.
- (3) To meet the eligibility requirements of Subsection 19-6-409(6) the applicant must meet the following for facilities owned or operated by the applicant for which the applicant does not request a loan:
 - (a) the applicant has demonstrated current compliance with all state PST and federal UST laws, rules and regulations, including compliance with requirements for remediation of facilities with leaking [U]PSTs;
 - (b) regulated [U]PSTs owned by the applicant have met the requirements of Subsection 19-6-412(2) and have a current certificate of compliance;
 - (c) the applicant has paid PST registration fees, interest, and penalties which have been assessed; and
 - (d) the applicant has paid applicable petroleum storage tank fees, interest, and penalties which have been assessed.
- (4) To meet the requirements of Subsection 19-6-409(5), the loan request must be for:
 - (a) upgrading [U]PSTs;
 - (b) replacing [U]PSTs; or
 - (c) permanently closing petroleum [U]PSTs.
- (5) if an applicant requests a loan for closing [U]PSTs which will be replaced by [aboveground] storage tanks that are not regulated under the Petroleum Storage Tank Act, the loan, if approved, will be only for closing the [U]PSTs;
 - ~~(a)~~ the security pledged by the applicant for a loan to replace [U]PSTs with [aboveground] storage tanks that are not regulated under the Petroleum Storage Tank Act will be subject to the limitations in Section R311-212-6.

R311-212-4. Prioritization of Loan Applications.

- (1) When determined by the director to be necessary, applications received during a designated application period shall be prioritized by total points assigned.
 - (a) ten points shall be given for each item that applies to the applicant or the facility for which the loan is requested:
 - (i) the applicant has less than \$1,000,000 annual gross income and fewer than five full-time employee equivalents and is not owned or operated by any person not meeting the income and employee criteria.
 - (ii) the applicant's income is derived solely from operations at [U]PST facilities.
 - (iii) the applicant owns or operates no more than two facilities.
 - (iv) the facility is located in a U.S. Census Bureau population unit containing fewer than 5,000 people.
 - (v) there are no more than three operating retail outlets selling motor fuel within 15 miles road distance in all directions.
 - (vi) loan proceeds will be used solely for replacing or upgrading petroleum [U]PSTs.
 - (vii) [U]PSTs at the facility are greater than 15 years old.
 - (b) one point shall be given for each road mile of distance from the facility to the nearest operating retail outlet selling motor fuel, to a maximum of 30 points.
- (2) Applications which receive the same number of points shall be sub-prioritized according to the date postmarked or the date delivered to the director by any other method.
- (3) Applications shall remain in priority order regardless of availability of funds until a new application period is declared~~[-]~~;
 - ~~(a)~~ when a new application period begins, priority order of applications which have not been reviewed terminates.
- (4) An applicant whose application has not been reviewed or an applicant whose application has not been approved because the applicant has not satisfied the requirements of Subsections 19-6-409(5) through 19-6-409(8), loses eligibility to apply for a loan and must submit a new application in the subsequent period to be considered for a loan in that period.

R311-212-5. Loan Application Review.

- (1) The applicant shall ensure that the loan application is complete~~[-]~~;
 - ~~(a)~~ the completed application with supporting documents must contain information required by the application.
- (2) If the applicant does not submit a complete application within 60 days of eligibility approval, the applicant's eligibility approval shall be forfeited, and the applicant must re-apply.
- (3) Costs incurred in processing the application shall be the responsibility of and paid for by the applicant including:
 - (a) appraisals;
 - (b) title reports; or
 - (c) UCC-1 releases.
- (i) the director may require payment of costs in advance.
- (ii) the director ~~shall~~ may not reimburse costs which have been expended, even if the loan fails to close, regardless of the reason.
- (4) The review and approval of the application shall be based on information provided by the applicant, and:
 - (a) review of any records and documents on file;
 - (b) verification of any information provided by the applicant;
 - (c) review of credit worthiness and security pledged; and
 - (d) review of a site construction work plan.
- (5) The applicant must close the loan within 30 days after the director conveys the loan documents for the applicant's signature.
 - (a) if the applicant fails to close the loan within this time period, the approval is forfeited and the applicant must re-apply.
 - (b) an exception to the 30-day period may be granted by the director if the closing is delayed due to circumstances beyond the applicant's control.

R311-212-6. Security for Loans.

- (1) When an applicant applies for a loan of greater than \$30,000, the applicant must pledge for security personal or real property which meets or exceeds the following criteria:

- (a) the loan amount may not be greater than 80% of the value of the applicant's equity in the security for cases where the Department obtains a first mortgage position; or
- (b) the loan amount may not be greater than 60% of the value of the applicant's equity in the security for cases where the Department obtains a second mortgage position.
- (2) The applicant shall provide acceptable documentation of the value of the property to be used as security using:
 - (a) a current written appraisal, performed by a State of Utah certified appraiser;
 - (b) a current county tax assessment notice; or
 - (c) other documentation acceptable to the director.
- (3) A title report on all real property and a UCC-1 clearance on all personal property used as security shall be submitted to the director by a title company or appropriate professional person approved by the director.
- (4) When the title report indicates an existing lien or encumbrance on real property to be used as security, the existing lien holders may subordinate their interest in favor of the Department[.];
- [~~_____~~ (a)] the director will accept no less than a second mortgage position on real property pledged for loan security.
- (5) When a corporation seeks a loan, its principals must guarantee the loan personally.
- (6) The applicant must provide a complete financial statement with cash flow projections for debt service.
- (7) [~~Aboveground~~ s]Storage tanks that are not regulated under the Petroleum Storage Tank Act and real property on which they are located will not be acceptable as security.
- (8) [~~U~~]PSTs and the real property on which they are located will not be acceptable as security unless:
 - (a) the [~~U~~]PST facility offered for security has not had a petroleum release which has not been properly remediated; and
 - (b) the applicant provides documentation to demonstrate the [~~U~~]PST facility is currently in compliance with the loan eligibility requirements set forth in Section R311-212-3.
- (9) If a loan is made without security, the maximum loan repayment period will be seven years.

R311-212-7. Procedure for Making Loans.

- (1) Loan funds shall be obligated after documents to secure a loan are complete, processed, and appropriately signed by the applicant and the director.
- (2) The director may approve a borrower's request for one initial disbursement of loan proceeds to the borrower after the loan is closed, and before work begins.
 - (a) the initial disbursement shall be for the lesser of 40% of the approved loan amount or the amount required by the borrower's contractor as an initial payment before work is done.
 - (b) disbursement of the remaining loan proceeds, or disbursement of the entire loan proceeds if no initial disbursement is made, shall be made after work at the site is completed, and paperwork and notifications have been received by the director.
 - (i) if an initial loan disbursement is made, the borrower shall begin work on the project no later than 60 days, or another time period approved by the director, following the initial disbursement.
 - (ii) disbursement of the remaining loan proceeds shall be made no later than 180 days, or another time period approved by the director, following the initial disbursement.
 - (c) if work is not initiated or completed within the time periods established in Subsection R311-212-7(2)(a), the loan balance must be paid within 30 days of notice provided by the director.
- (3) Loan proceeds may not be used to pay [~~U~~]PST registration fees, penalties, or interest assessed under Section 19-6-408 or petroleum storage tank fees, penalties, or interest assessed under Section 19-6-411.
- (4) Loans [~~shall~~ may] not be made for work which is performed before the applicant's loan application is approved and the loan is closed.

R311-212-8. Servicing the Loans.

- (1) The director shall establish a repayment schedule for each loan based on the financial situation and income circumstances of the borrower and the term of loans allowed by Subsection 19-6-409(8)(b)(ii).
- (2) Loans shall be amortized with equal payment amounts and payments shall be of such amount to pay interest and principal in full.
 - (a) the initial installment payment shall be due on a date established by the director.
 - (b) subsequent installment payments shall be due on the first day of each month.
 - (i) a notice of payment and due date shall be sent for each subsequent payment.
 - (c) non-receipt of the statement of account or notice of payment [~~shall~~ may] not be a defense for non-payment or late payment.
- (3) The director shall apply loan payments received first to penalty, next to interest, and then to principal.
- (4) Loan payments may be made in advance, and the remaining principal balance of the loan may be paid in full at any time without penalty.
- (5) Notices of late payment penalty assessed with amounts of penalty and the total payment due shall be sent to the borrower.
- (6) The penalty for late loan payments shall be 10% of the payment due.
 - (a) the penalty shall be assessed and payable on payments received by the director more than five days after the due date.
 - (b) a penalty shall be assessed only once on a given late payment.
- (7) Payments are considered received the day of the U.S. Postal Service postmark date or receipt date for payments delivered to the director by methods other than the U.S. Postal Service.
- (8) If a loan payment check is returned due to insufficient funds, a service charge in the amount allowed by law shall be added to the payment amount due.
- (9) Notice of loans paid in full shall be sent after penalties, interest, and principal have been paid.
- (10) Releases of the director's interest in security shall be prepared and sent to the borrower or filed for public notice as applicable.

R311-212-9. Recovering on Defaulted Loans.

- (1) Loans may be considered in default when:
 - (a) two consecutive payments are past due by 30 days or more;
 - (b) when the applicant's ability to receive payments for claims against the Fund lapses; or
 - (c) if the certificate of compliance lapses or is revoked.

- (2) Lapsing under Subsection R311-206-7(5) will not be considered as grounds for default for ~~[U]~~PSTs which are permanently closed.
- (3) The director may declare the full amount of the defaulted loan, penalty, and interest immediately due.
- (4) The director need not give notice of default before declaring the full amount due and payable.
- (5) The borrower is liable for attorney's fees and collection costs for defaulted loans whether incurred before or after court action.

R311-212-10. Forms.

(1) The forms dated and listed in this section, on file with the Department, are incorporated by reference as part of Rule R311-212, and shall be used by the director for making loans.

- (a) Loan Application version ~~[7/14/16]~~7/31/25
- (b) Balance Sheet version 7/29/14
- (c) Loan Agreement version ~~[7/29/14]~~7/31/25
- (d) Corporate Authorization version 7/29/14
- (e) Promissory Note version 7/29/14
- (f) Extension and Modification of Promissory Note Agreement version 7/29/14
- (g) Security Agreement version 7/29/14
- (h) Hypothecation Agreement version 7/29/14
- (i) General Pledge Agreement version 7/29/14
- (j) Assignment version 7/29/14
- (k) Assignment of Account version 7/29/14
- (l) Trust Deed version ~~[7/29/14]~~7/31/25
- (m) Trust Deed Note version 7/29/14
- (n) Extension and Modification of Trust Deed Note Agreement version 7/29/14

(2) The director may require or allow the use of other forms that are consistent with these rules as necessary for the loan approval process.

(3) The director may change these forms for administrative purposes provided the revised forms remain consistent with the substantive provisions of the adopted forms.

R311-212-11. Rules in Effect.

~~[(4)]~~ The rules in effect on the closing date of the loan and the forms signed by the parties shall govern the parties.

KEY: hazardous substances, petroleum, underground storage tanks

Date of Last Change: ~~[July 15, 2022]~~2025

Notice of Continuation: March 8, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-409

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Proposed Rule Changes
UAC R315-260, R315-261, R315-262, R315-263, R315-264, R315-265,
R315-266 and R315-270
September 11, 2025

What is the issue before the Board?	Approval from the Board to proceed with formal rulemaking and public comment on proposed changes to Utah Administrative Code R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 of the hazardous waste rules to incorporate federal regulatory changes made by the U.S. Environmental Protection Agency (EPA) and published in the <i>Federal Register</i> on July 26, 2024 (89 FR 60692), October 11, 2024 (89 FR 82682), October 31, 2024 (89 FR 86758), December 11, 2024 (89 FR 99727), and February 5, 2025 (90 FR 9010). The Division is also proposing to incorporate additional requirements for the management of military munitions as requested by the U.S. EPA.
What is the historical background or context for this issue?	In February of 1997 the U.S. EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time Utah adopted parts of rulemaking. In July of 2023, comments were received from the U.S. EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. After conducting a review of the proposed regulations in the Military Munitions Rule it was determined that some, but not all, of the proposed regulations should be adopted. This proposed rulemaking adopts those regulations. In July of 2024, the U.S. EPA finalized rulemaking that integrates the e-Manifest system with hazardous waste imports and exports and some manifest related reports, PCB manifest amendments, and makes technical corrections. The proposed changes remove language that allowed for claims of confidentiality for export documents, clarify the type of address that must be provided on export documents and provide new instructions for documents and processes used for importing and exporting hazardous secondary materials and waste. In December of 2024, the U.S. EPA finalized five regulatory amendments that had been withdrawn from a rulemaking in December of 2023. The amendments made technical corrections to various hazardous waste regulations.

	In October of 2024, the U.S. EPA finalized regulations for the management of certain hydrofluorocarbons and substitutes (ignitable spent refrigerants) under the American Innovation and Manufacturing Act of 2020. This rulemaking included amendments to rules regarding the recycling and disposal hydrofluorocarbons. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend the Utah hazardous waste rules to conform with the federal regulations. Additional details can be found in the summary section in the attached Administrative Rule Analysis forms. Additionally, the Division is fixing typographical and formatting errors found in the rules as requested by the Governor's Office.
What is the governing statutory or regulatory citation?	The Board is authorized under Subsection 19-6-105 to make rules that establish minimum standards for protection of human health and the environment for the treatment and disposal of hazardous waste. The rule changes also meet existing DEQ and state rulemaking procedures.
Is Board action required?	Yes. Board approval is necessary to begin the formal rulemaking process by filing the appropriate documents with the Office of Administrative Rules for publishing the proposed rule changes in the <i>Utah State Bulletin</i> and conducting a public comment period.
What is the Division Director's recommendation?	The Director recommends the Board approve proceeding with formal rulemaking and public comment by publishing in the October 1, 2025, <i>Utah State Bulletin</i> the proposed changes to Utah Admin. Code R315-260, R315-261, R315-262, R315-263, R315-264, R315-265, R315-266 and R315-270 and conducting a public comment period from October 1, 2025 to October 31, 2025.
Where can more information be obtained?	Please contact Tom Ball by email at tball@utah.gov or by phone at 385-454-5574, or Kari Lundeen by email at klundeen@utah.gov or by phone at 385-499-4923.

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-260

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs): [Click or tap to enter a date.](#)

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-260. Hazardous Waste Management System.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 260 in response to vacatur of certain provisions of the definition of solid waste that became effective in 2018. The conforming change makes hazardous secondary material export documents available to the public on March 1 of the calendar year after the exports occur. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-260 to conform with the federal regulations.	
5. Summary of the new rule or change:	
Subsection R315-260-2(d)(1) is being amended to state that after January 22, 2025, a person submitting hazardous secondary material export documents to the EPA cannot make a claim of business confidentiality. Subsection R315-260-2(d)(2) is being amended to state that after January 22, 2025, EPA will make hazardous secondary material export documents available to the public on March 1 of the calendar year after the exports occur. Additionally, the Division is correcting typographical and formatting errors in Sections R315-260-1, R315-260-2, and R315-260-10.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:	
A. State budget:	
It is not anticipated that this rulemaking will result in any cost or savings to the state budget because it does not require the state to do anything or stop doing anything with regards to these rules. Additionally, the division does not oversee the import or export of hazardous waste, this is handled by the EPA.	
B. Local governments:	
It is not anticipated that this rulemaking will result in any cost or savings to local governments because it does not require local governments to do anything or stop doing anything with regards to these rules.	
C. Small businesses ("small business" means a business employing 1-49 persons):	
It is not anticipated that this rulemaking will result in any cost or savings to small businesses that must comply with these rules because it does not require them to do anything or stop doing anything with regards to these rules.	

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this rulemaking will result in any cost or savings to non-small businesses that must comply with these rules because it does not require them to do anything or stop doing anything with regards to these rules.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this rulemaking will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because it does not require them to do anything or stop doing anything with regards to these rules.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)**Regulatory Impact Summary Table**

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 19-1-301	Section 19-6-105	Section 19-6-106

Incorporation by Reference Information**8. Incorporation by Reference** (if this rule incorporates more than two items by reference, please include additional tables):**A. This rule adds or updates the following title of material incorporated by reference** (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:	10/31/2025	
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/17/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.		
Agency head or designee and title:	Douglas J. Hansen, Director	Date:
		Click or tap to enter a date.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-260. Hazardous Waste Management System.

R315-260-1. Purpose, scope, and applicability.

(a) Rule R315-260 provides definitions of terms, general standards, and overview information applicable to Rules R315-260 through R315-265 and R315-268.

R315-260-2. Availability of Information and Confidentiality of Information.

(a) Any information provided to ~~[The Director]~~the director under Rules R315-15 and R315-101; Rules R315-260 through R315-266, R315-268, R315-270 and R315-273 will be made available to the public to the extent and in the manner authorized by Sections 63G-2-101 through 63G-2-901.

(b) Except as provided under Subsections R315-260-2(c) and R315-260-2(d), any person who submits information to the ~~[D]~~director in accordance with Rules R315-15 and R315-101; Rules R315-260 through R315-266, R315-268, R315-270 and R315-273 may assert a claim of business confidentiality covering any part ~~[or all]~~ of that information by following the procedures set forth in Section 63G-2-309. Information covered by such a claim shall be disclosed by the ~~[D]~~director only to the extent, and by ~~[means of]~~the procedures, set forth in Sections 63G-2-101 through 63G-2-901. However, if no claim under Sections 63G-2-101 through 63G-2-804 accompanies the information when it is received by the ~~[D]~~director, it may be made available to the public without further notice to the person submitting it.

(c)(1) After August 6, 2014, no claim of business confidentiality may be asserted by any person with respect to information entered on a Hazardous Waste Manifest, EPA Form 8700-22, a Hazardous Waste Manifest Continuation Sheet, EPA Form 8700-22A, or an electronic manifest format that may be prepared and used in accordance with Subsection R315-262-20(a)(3).

(2) EPA shall make any electronic manifest that is prepared and used in accordance with Subsection R315-262-20(a)(3), or any paper manifest that is submitted to the system under Subsection R315-264-71(a)(6) or Subsection R315-265-71(a)(6), available to the public under Section R315-260-2 when the electronic or paper manifest is a complete and final document. Electronic manifests and paper manifests submitted to the system are considered by EPA to be complete and final documents and publicly available information after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

(d)(1) After June 26, 2018January 22, 2025, no claim of business confidentiality may be asserted by any person with respect to information contained in ~~[cathode ray tube]~~hazardous secondary material export documents prepared, used and submitted under Subsection~~[s]~~ R315-261-4(a)(25) ~~[R315-261-39(a)(5) and R315-261-41(a), and with respect to information contained in hazardous waste export, import, and transit documents prepared, used and submitted under Sections R315-262-82, R315-262-83, R315-262-84, R315-263-20, R315-264-12, R315-264-71, R315-265-12, and R315-265-71]~~, whether submitted electronically into the EPA's Waste Import Export Tracking System or in paper format.

(2) After January 22, 2025, the EPA will make ~~[any cathode ray tube export documents prepared, used and submitted under Subsections R315-261-39(a)(5) and R315-261-41(a), and any hazardous waste export, import, and transit documents prepared, used and submitted under Sections R315-262-82, R315-262-83, R315-262-84, R315-263-20, R315-264-12, R315-264-71, R315-265-12, and R315-265-71]~~ available to the public under Section R315-260-2 any hazardous secondary material export documents prepared, used, and submitted under Subsection R315-261-4(a)(25) on March 1 of the calendar year after the related hazardous secondary material exports occur, when these documents are considered by the EPA to be final documents. [when these electronic or paper documents are considered by EPA to be final documents. These submitted electronic and paper documents related to hazardous waste exports, imports and transits and cathode ray tube exports are considered by EPA to be final documents on March 1 of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur.]

R315-260-10. Definitions.

- (a) Terms used in Rules R315-15, R315-260 through R315-266, R315-268, R315-270, R315-273, and Rule R315-101 are defined in Sections 19-1-103 and 19-6-102.
- (b) Terms used in Rule R315-15 are also defined in Sections 19-6-703 and 19-6-706.
- (c) Additional terms used in Rules R315-260 through R315-266, R315-268, R315-270, R315-273, and Rule R315-101 are defined as follows:
- (1) "Above ground tank" means a device meeting the definition of "tank" in Section R315-260-10 and that is situated in a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank, including the tank bottom, can be visually inspected.
- (2) "Acute hazardous waste" means hazardous wastes that meet the listing criteria in Subsection R315-261-11(a)(2) and therefore are either listed in Section R315-261-31 with the assigned hazard code of (H) or are listed in Subsection R315-261-33(e).
- (3) "Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the director receives certification of final closure.
- (4) "Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after November 19, 1980, and that is not a closed portion. See also "closed portion" and "inactive portion."
- (5) "Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, for the sole purpose of ~~[which is to]~~ expelling a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.
- (6) "AES filing compliance date" means the date that EPA announces in the Federal Register, on or after which exporters of hazardous waste and exporters of cathode ray tubes for recycling are required to file EPA information in the Automated Export System or its successor system, under the International Trade Data System (ITDS) platform.
- (7) "Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.
- (8) "Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under Subsection R315-261-4(j), and accumulates the waste for more than ten days.
- (9) "Airbag waste handler" means any person, by site, who generates airbag waste that is subject to regulation under Rules R315-260 through R315-266, R315-268, R315-270, and R315-273.
- (10) "Approved hazardous waste management facility" or "approved facility" means a hazardous waste treatment, storage, or disposal facility that has received an EPA permit in accordance with federal requirements, has been approved under Section 19-6-108 and Rule R315-270, or has been permitted or approved under any other EPA authorized hazardous waste state program.
- (11) "Ancillary equipment" means any device including devices such as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.
- (12) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
- (13) "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit that is part of a facility, for example, the plant manager, superintendent, or person of equivalent responsibility.
- (14) "Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus any connections, electrical and mechanical, as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery that has had the electrolyte removed.
- (15) "Boiler" means an enclosed device using controlled flame combustion and having the ~~[following]~~ characteristics found in Subsections R315-260-10(c)(15)(i) and R315-260-10(c)(15)(ii):
- (i)(A) The unit shall have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and
- (B) The unit's combustion chamber and primary energy recovery sections shall be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections, such as waterwalls and superheaters, shall be physically formed into one manufactured or assembled unit. A unit that has the combustion chamber and the primary energy recovery sections joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment, such as economizers or air preheaters, need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters, units that transfer energy directly to a process stream, and fluidized bed combustion units; and
- (C) While in operation, the unit shall maintain a thermal energy recovery efficiency of at least 60 %, calculated in terms of the recovered energy compared with the thermal value of the fuel; and
- (D) The unit shall export and utilize at least 75 % of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the unit. Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps; or
- (ii) The unit is one that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section R315-260-32.
- (16) "Carbon dioxide stream" means carbon dioxide that has been captured from an emission source, for example a power plant, plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.
- (17) "Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.
- (18) "Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, ~~[which]~~ that is the visual or video display component of an electronic device. A used, intact CRT means a CRT whose vacuum has not been released. A used, broken CRT means glass removed from its housing or casing whose vacuum has been released.
- (19) "Central accumulation area" means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either Section R315-262-16, for small quantity generators, or Section R315-262-17, for large quantity generators. A central accumulation area at an eligible academic entity that chooses to operate under Sections R315-262-200 through R315-262-216 is also subject to Section R315-262-211 if accumulating unwanted material or hazardous waste, or both.
- (20) "Certification" means a statement of professional opinion based upon knowledge and belief.
- (21) "Closed portion" means that portion of a facility that an owner or operator has closed in accordance with the approved facility closure plan and any applicable closure requirements. See also "active portion" and "inactive portion."[-]
- (22) "Component" means either the tank or ancillary equipment of a tank system.

(23) "Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

(24) "Contained" means held in a unit, including a land-based unit as defined in Section R315-260-10, that meets the ~~[following]~~ criteria found in Subsections R315-260-10(c)(24)(i) through R315-260-10(c)(24)(iv):

(i) the unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent releases of hazardous secondary materials to the environment. Unpermitted releases are releases that are not covered by a permit, such as a permit to discharge to water or air, and may include; releases through surface transport by precipitation run-off, releases to soil and ground water, wind-blown dust, fugitive air emissions, and catastrophic unit failures;

(ii) the unit is properly labeled or otherwise has a system, such as a log, to immediately identify the hazardous secondary materials in the unit;

(iii) the unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit and is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions; and

(iv) hazardous secondary materials in units that meet the applicable requirements of Rule R315-264 or R315-265 are presumptively contained.

(25) "Container" means any portable device ~~[in which a material]~~ that is used to store~~[d]~~, transport~~[ed]~~, treat~~[ed]~~, dispose~~[d]~~ of, or otherwise handle~~[d]~~ a material.

(26) "Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under Sections R315-264-1100 through R315-264-1102 or Sections R315-265-1100 through R315-265-1102.

(27) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed ~~[in case of]~~ if a fire, explosion, or release of hazardous waste or hazardous waste constituents ~~[that]~~ could threaten human health or the environment.

(28) "Corrosion expert" means a person who, by reason of their knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. A corrosion expert shall be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

(29) "CRT collector" means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

(30) "CRT exporter" means any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for export.

(31) "CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

(32) "CRT processing" means conducting each of the ~~[following]~~ activities listed in Subsection R315-260-10(c)(32)(i) through R315-260-10(c)(32)(iii):

(i) receiving broken or intact CRTs; and

(ii) intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

(iii) sorting or otherwise managing glass removed from CRT monitors.

(33) "Designated facility" means:

(i) a hazardous waste treatment, storage, or disposal facility that:

(A) has received a permit, or interim status, in accordance with the requirements of Rules R315-270 and R315-124;

(B) has received a permit, or interim status, from a state authorized in accordance with 40 CFR 271; or

(C) is regulated under Subsection R315-261-6(c)(2) or Section R315-266-70; and

(D) that has been designated on the manifest by the generator pursuant to Section R315-262-20.

(ii) "Designated facility" also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with Subsection R315-264-72(f) or R315-265-72(f).

(iii) If a waste is destined to a facility in an authorized state that has not yet received authorization to regulate that particular waste as hazardous, then the designated facility shall be a facility allowed by the receiving state to accept the waste.

(34) "Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Subsections R315-273-13(a) and R315-273-13(c) and Section R315-273-33. A facility ~~[at which]~~ where a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

(35) "Dike" means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

(36) "Dioxins and furans (D/F)" means tetra, penta, hexa, hepta, and octa-chlorinated dibenzo dioxins and furans.

(37) "Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

(38) "Disposal facility" means a facility or part of a facility ~~[at which]~~ where hazardous waste is intentionally placed into or on any land or water, and ~~[at which]~~ where waste will remain after closure. The term disposal facility does not include a corrective action management unit ~~[into which]~~ where remediation wastes are placed.

(39) "Division" means the Division of Waste Management and Radiation Control.

(40) "Drip pad" is an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or dripage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

(41) "Electronic import[-] export reporting compliance date" means the date that EPA announces in the Federal Register, on or after which exporters, importers, and receiving facilities are required to submit certain export and import related documents to EPA using EPA's Waste Import Export Tracking System, or its successor system.

(42) "Elementary neutralization unit" means a device that:

(i) is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in Section R315-261-22, or they are listed in Sections R315-261-30 through R315-261-35 only for this reason; and

(ii) meets the definition of tank, tank system, container, transport vehicle, or vessel in Section R315-260-10.

(43) "Electronic manifest, or e-Manifest" means the electronic format of the hazardous waste manifest that is received from EPA's national e-Manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22, Manifest, and 8700-22A, Continuation Sheet.

(44) "Electronic Manifest System, or e-Manifest System" means EPA's national information technology system ~~[through which]~~ where the electronic manifest may be procured, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

(45) "EPA hazardous waste number" means the number assigned by EPA to each hazardous waste listed in Sections R315-261-30 through R315-261-35 and to each characteristic identified in Sections R315-261-20 through R315-261-24.

(46) "EPA identification number" means the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

(47) "EPA region" means the states and territories found in any one of the ~~following~~ ten regions listed in Subsections R315-260-10(c)(47)(i) through R315-260-10(c)(47)(x):

(i) Region I-Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

(ii) Region II-New York, New Jersey, Commonwealth of Puerto Rico, and the ~~U.S.~~ US Virgin Islands.

(iii) Region III-Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

(iv) Region IV-Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

(v) Region V-Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

(vi) Region VI-New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

(vii) Region VII-Nebraska, Kansas, Missouri, and Iowa.

(viii) Region VIII-Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

(ix) Region IX-California, Nevada, Arizona, Hawaii, Guam, American Samoa, Commonwealth of the Northern Mariana Islands.

(x) Region X-Washington, Oregon, Idaho, and Alaska.

(48) "Equivalent method" means any testing or analytical method approved by the director under Sections R315-260-20 and R315-260-21.

(49) "Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or commenced construction on or before November 19, 1980. A facility has commenced construction if:

(i) the owner or operator has received the federal, state and local approvals or permits necessary to begin physical construction; and either

(ii)(A) a continuous on-site, physical construction program has begun; or

(B) the owner or operator has entered into contractual obligations, which cannot be cancel~~l~~ed or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

(50) "Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, ~~on which~~ where wastes have been placed before the issuance of a permit.

(51) "Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or ~~for which~~ installation has commenced on or before July 14, 1986, or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of Title R315. A non-HSWA existing tank system or non-HSWA tank component is one that does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1. Installation shall be considered to have commenced if the owner or operator has received any federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

(i) a continuous on-site physical construction or installation program has begun; or

(ii) the owner or operator has entered into contractual obligations, which cannot be cancel~~l~~ed or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

(52) "Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. These situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

(53) "Explosives or munitions emergency response" means any immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures; treatment or destruction of the explosives or munitions or transporting those items to another location to be made safe, or both; treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not ~~terminate~~ end the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

(54) "Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

(55) "Facility" means:

(i) Any contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials before reclamation. A facility may consist of several treatment, storage, or disposal operational units, for example, one or more landfills, surface impoundments, or combinations of them.

(ii) For implementing corrective action under Section R315-264-101, any contiguous property under the control of the owner or operator seeking a permit under Section 19-6-108. This definition also applies to facilities implementing corrective action under Section R315-263-31 and Rule R315-101.

(iii) ~~Notwithstanding Subsection R315-260-10(c)(55)(ii), a~~ remediation waste management site is not a facility that is subject to Section R315-264-101, but is subject to corrective action requirements if the site is located within such a facility.

(56) "Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation, and the Government Printing Office.

(57) "Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, rules, regulations, or ordinances.

(58) "Final closure" means the closure of each hazardous waste management unit at the facility in accordance with any applicable closure requirements so that hazardous waste management activities under Rules R315-264 and R315-265 are no longer conducted at the facility unless subject to the provisions in Sections R315-262-16 and R315-262-17.

(59) "Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

(60) "Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

(61) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

(62) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in Rule R315-261 or whose act first causes a hazardous waste to become subject to regulation.

(63) "Ground water" means water below the land surface in a zone of saturation.

(64) "Hazard class" means:

(i) the DOT hazard class identified in 49 CFR 172; and

(ii) if the DOT hazard class is "OTHER REGULATED MATERIAL," ORM, the EPA hazardous waste characteristic exhibited by the waste and identified in Sections R315-261-20 through R315-261-24.

(65) "Hazardous secondary material" means a secondary material, for example, spent material, by-product, or sludge, which if discarded, would be identified as hazardous waste under Rule R315-261.

(66) "Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of Subsection R315-260-10(c)(66), "generating facility" means any contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of Subsections R315-261-2(a)(2)(ii) and R315-261-4(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

(67) "Hazardous waste constituent" means a constituent that caused the Board to list the hazardous waste in Sections R315-261-30 through R315-261-35, or a constituent listed in ~~Table 1~~ Table 1 of Section R315-261-24.

(68) "Hazardous waste management unit" is a contiguous area of land ~~on or in which~~ that hazardous waste is placed ~~on or in~~, or the largest area ~~in which~~ where there is significant likelihood of mixing hazardous waste constituents in the area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit. The unit includes containers and the land or pad ~~upon which~~ where they are placed.

(69) "In operation" refers to a facility that is treating, storing, or disposing of hazardous waste.

(70) "Inactive portion" means that portion of a facility that is not operated after November 19, 1980. See also "active portion" and "closed portion."[-]

(71) "Incinerator" means any enclosed device that:

(i) uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

(ii) meets the definition of infrared incinerator or plasma arc incinerator.

(72) "Incompatible waste" means a hazardous waste that is unsuitable for:

(i) placement in a particular device or facility because it may cause corrosion or decay of containment materials, for example, container inner liners or tank walls;

(ii) commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases; or

(iii) see Appendix V to Rule R315-264 in Section R315-264-1[4]405 and Appendix V to Rule R315-265 in Section R315-265-1400 for examples.

(73) "Individual generation site" means the contiguous site ~~at or on which~~ where one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

(74) "Industrial furnace" means any of the ~~following~~ enclosed devices listed in Subsections R315-260-10(c)(74)(i) through R315-260-10(c)(74)(xiii) that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

(i) cement kilns;

(ii) lime kilns;

(iii) aggregate kilns;

(iv) phosphate kilns;

(v) coke ovens;

(vi) blast furnaces;

(vii) smelting, melting and refining furnaces, including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machine, roasters, and foundry furnaces;

(viii) titanium dioxide chloride process oxidation reactors;

(ix) methane reforming furnaces;

(x) pulping liquor recovery furnaces;

(xi) combustion devices used in the recovery of sulfur values from spent sulfuric acid;

(xii) halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20% as-generated; and

(xiii) other devices as the Board may, after notice and comment, add to this list on the basis of one or more of the ~~following~~ factors listed in Subsections R315-260-10(c)(74)(xiii)(A) through R315-260-10(c)(74)(xiii)(F):

(A) the design and use of the device primarily to accomplish recovery of material products;

(B) the use of the device to burn or reduce raw materials to make a material product;

(C) the use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

(D) the use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

(E) the use of the device in common industrial practice to produce a material product; and

(F) other factors, as appropriate.

(75) "Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

(76) "Inground tank" means a device meeting the definition of "tank" in Section R315-260-10 that has a portion of the tank wall that is situated to any degree within the ground preventing visual inspection of that external surface area of the tank that is in the ground.

(77) "Injection well" means a well that fluids are injected into. See also "underground injection."[-]

(78) "Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

(79) "Installation inspector" means a person who, by reason of their knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

(80) "Intermediate facility" means any facility that stores hazardous secondary materials for more than 10 days, other than a hazardous secondary material generator or reclaimer of hazardous secondary material.

(81) "International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

(82) "Lamp," also referred to as "universal waste lamp,"^[5] is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include; fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

(83) "Land-based unit" means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

(84) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

(85) "Landfill cell" means a discrete volume of a hazardous waste landfill that uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

(86) "Land treatment facility" means a facility or part of a facility where hazardous waste is applied onto or incorporated into the soil surface, these facilities are disposal facilities if the waste will remain after closure.

(87) "Large quantity generator" is a generator who generates any of the ~~following~~ amounts listed in Subsections R315-260-10(c)(87)(i) through R315-260-10(c)(87)(iii) in a calendar month:

(i) greater than or equal to 1,000 kilograms, 2,200 lbs, of non-acute hazardous waste;

(ii) greater than one kilogram, 2.2 lbs, of acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e); or

(iii) greater than 100 kilograms, 220 lbs, of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e).

(88) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

(89) "Leak detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. A leak detection system shall use operational controls, for example daily visual inspections for releases into the secondary containment system of aboveground tanks, or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

(90) "Liner" means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

(91) "Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

(92) "Manifest" is defined in Subsection 19-6-102(14) and is further defined as the shipping document EPA Form 8700-22, including, if necessary, EPA Form 8700-22A, or the electronic manifest, originated and signed in accordance with the applicable requirements of Rules R315-262 through R315-265.

(93) "Manifest tracking number" means the alphanumeric identification number that is a unique three letter suffix preceded by nine numerical digits, that is pre-printed in Item 4 of the Manifest by a registered source.

(94) "Mercury-containing equipment" means a device or part of a device, including thermostats, but excluding batteries and lamps, that contains elemental mercury integral to its function.

(95) "Military munitions" means the ammunition products and components produced or used by or for the ~~U.S.]US [Department of Defense]~~DOD or the ~~U.S.]US~~ Armed Services for national defense and security, including military munitions under the control of the ~~[Department of Defense]~~DOD, the ~~U.S.]US~~ Coast Guard, the ~~U.S.]US~~ Department of Energy (DOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after any required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

(96) "Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclamation of a surface mine.

(97) "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR 146, containment building, corrective action management unit, unit eligible for a research, development, and demonstration permit under Section R315-270-65, or staging pile.

(98) "Monitoring" means any procedures used to systematically inspect and collect data on operational parameters of the facility or on the quality of the air, ground water, surface water, or soils.

(99) "Movement" means that hazardous waste transported to a facility in an individual vehicle.

(100) "New hazardous waste management facility" or "new facility" means a facility that began operation, or commenced construction after November 19, 1980. See also "Existing hazardous waste management facility."[-]

(101) "New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and commenced installation after July 14, 1986; except, however, for purposes of Subsections R315-264-193(g)(2) and R315-265-193(g)(2), a new tank system is one that commences construction after July 14, 1986, or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of Title R315; except, however, for purposes of Subsection R315-265-193(g)(2) and Subsection R315-264-193(g)(2), a new tank system is one that commences construction after July 14, 1986. A non-HSWA new tank system or non-HSWA new tank component is one that does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1. See also "existing tank system."

(102) "No free liquids, as used in Subsections R315-261-4(a)(26) and R315-261-4(b)(18)", means that solvent-contaminated wipes may not contain free liquids as determined by Method 9095B, Paint Filter Liquids Test, included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"

EPA Publication SW-846, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method as defined by the director.

(103) "Non-acute hazardous waste" means any hazardous wastes that are not acute hazardous waste, as defined in Section R315-260-10.

(104) "On ground tank" means a device meeting the definition of "tank" in Section R315-260-10 and that is situated so that the bottom of the tank is at the level of the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

(105) "On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross[-]roads intersection, and access is by crossing as opposed to going along, the right-of-way. Non-contiguous properties owned by a person but connected by a right-of-way that the person controls and the public does not have access, is also considered on-site property.

(106) "Open burning" means the combustion of any material without the ~~following~~ characteristics listed in Subsections R315-260-10(c)(106)(i) through R315-260-10(c)(106)(iii):

(i) control of combustion air to maintain adequate temperature for efficient combustion;

(ii) containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(iii) control of emission of the gaseous combustion products. See also "incineration" and "thermal treatment."[-]

(107) "Operator" means the person responsible for the overall operation of a facility.

(108) "Owner" means the person who owns a facility or part of a facility.

(109) "Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of Rules R315-264 and R315-265 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank, including its associated piping and underlying containment systems, landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the facility continue to operate.

(110) "Polychlorinated biphenyl, PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances that contain the substance. PCB and PCBs as contained in PCB items are defined in Section R315-260-10. For any purposes under Rules R315-260 through R315-266, R315-268, R315-270, R315-273, R315-15, and R315-101, inadvertently generated non-Aroclor PCBs are defined as the total PCBs calculated following division of the quantity of monochlorinated biphenyls by 50 and dichlorinated biphenyls by 5.

(111) "PCB Item" means any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.

(112) "Permit" means the plan approval as required by Subsection 19-6-108(3)(a), or equivalent control document issued by the director to implement the requirements of the Utah Solid and Hazardous Waste Act;

(113) "Permittee" is defined in Subsection 19-6-102(18) and includes any person who has received an approval of a hazardous waste operation plan under Section 19-6-108 and Rule R315-262 or a federal RCRA permit for a treatment, storage, or disposal facility.

(114) "Person" means an individual, trust, firm, joint stock company, federal agency, corporation, including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

(115) "Personnel" or "facility personnel" means any person who works at, or oversees the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of Rule R315-264 or R315-265.

(116) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

(i) is a new animal drug under FFDCA Section 201(w);

(ii) is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug; or

(iii) is an animal feed under FFDCA Section 201(x) that bears or contains any substances described by Subsection R315-260-10(c)(116)(i) or R315-260-10(c)(116)(ii).

(117) "Pile" means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage and that is not a containment building.

(118) "Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

(119) "POHCs" means principle organic hazardous constituents.

(120) "Point source" means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, ~~from which~~ where pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(121) "Precipitation run-off" means water generated from naturally occurring storm events. If the precipitation run-off has been in contact with a waste defined in Sections R315-261-20 through R315-261-24, it qualifies as "precipitation run-off" if the water does not exhibit any of the characteristics identified in Sections R315-261-20 through R315-261-24. If the precipitation run-off has been in contact with a waste listed in Sections R315-261-30 through R315-261-35, then it qualifies as "precipitation run-off" if the water has been excluded under Section R315-260-22. Water containing any leachate does not qualify as "precipitation run-off."[-]

(122) "Publicly owned treatment works" or "POTW" means any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial wastes of a liquid nature that is owned by the state or a political subdivision within the state. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

(123) "Qualified Ground Water Scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, professional certifications, or completion of accredited university courses that enable that individual to make sound professional judgments regarding ground water monitoring and contaminant fate and transport.

(124) "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. Section 6901 et seq.

(125) "Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

(126) "Remanufacturing" means processing a higher-value hazardous secondary material to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

(127) "Remediation waste" means any solid and hazardous wastes, and any media, including ground water, surface water, soils, and sediments, and debris, that are managed for implementing cleanup.

(128) "Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under Section R315-264-101, but is subject to corrective action requirements if the site is located in such a facility.

(129)(i) "Replacement unit" means a landfill, surface impoundment, or waste pile unit:

(A) ~~from which~~ where the waste or a substantial amount of the waste is removed; and

(B) that is subsequently reused to treat, store, or dispose of hazardous waste.

(ii) "Replacement unit" does not apply to a unit ~~from which~~ where waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure plan approved by the director or a corrective action approved by the director.

(130) "Representative sample" means a sample of a universe or whole, for example, waste pile, lagoon, ground water, that can be expected to exhibit the average properties of the universe or whole.

(131) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

(132) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

(133) "Saturated zone" or "zone of saturation" means that part of the earth's crust where each void is filled with water.

(134) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(135) "Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu per lb of sludge treated on a wet-weight basis.

(136) "Small Quantity Generator" is a generator who generates the ~~following~~ amounts listed in Subsections R315-260-10(c)(136)(i) through R315-260-10(c)(136)(iii) in a calendar month:

(i) greater than 100 kilograms, 220 lbs, but less than 1,000 kilograms, 2,200 lbs, of non-acute hazardous waste; and

(ii) less than or equal to one kilogram, 2.2 lbs, of acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e); and

(iii) less than or equal to 100 kilograms, 220 lbs, of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e).

(137) "Solid Waste Management Unit" means any discernible unit ~~at which~~ where solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. These units include any area at a facility ~~at which~~ where solid wastes have been routinely and systematically released.

(138) "Solvent-contaminated wipe" means:

(i) a wipe that, after use or after cleaning up a spill, meets one or more of the ~~following~~ criteria listed in Subsections R315-260-10(c)(138)(i)(A) through R315-260-10(c)(138)(i)(C):

(A) Contains one or more of the F001 through F005 solvents listed in Section R315-261-31 or the corresponding P- or U- listed solvents found in Section R315-261-33.

(B) Exhibits a hazardous characteristic found in Sections R315-261-20 through R315-261-24 if that characteristic results from a solvent listed in Rule R315-261.

(C) Exhibits only the hazardous waste characteristic of ignitability found in Section R315-261-21 due to the presence of one or more solvents that are not listed in Rule R315-261.

(ii) Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at Subsections R315-261-4(a)(26) and R315-261-4(b)(18).

(139) "Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both.

(140) "Sorb" means to either adsorb or absorb, or both.

(141) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose ~~for which~~ that it was produced ~~for~~ without processing.

(142) "Spill" means the accidental discharging, spilling, leaking, pumping, pouring, emitting, emptying, releasing, or dumping of hazardous wastes or materials that, if spilled, become hazardous wastes, into or on any land or water.

(143) "Staging pile" means an accumulation of solid, non-flowing remediation waste, as defined in Section R315-260-10, that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles shall be designated by the director according to the requirements of Section R315-264-554.

(144) "State" means the state of Utah.

(145) "Storage" is defined in Subsection 19-6-102(20) and includes the holding of hazardous waste for a temporary period, when at the end of ~~which~~ the period the hazardous waste is treated, disposed of, or stored elsewhere.

(146) "Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

(147) "Surface impoundment" or "impoundment" means a facility or part of a facility that is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials, although it may be lined with man-made materials, that is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and that is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

(148) "Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials, for example, wood, concrete, steel, plastic, that provide structural support.

(149) "Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

(150) "TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin or furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

(151) "Thermal treatment" means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. See also "incinerator" and "open burning."[-]

(152) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of Subsection R315-273-13(c)(2) or R315-273-33(c)(2).

(153) "Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and that is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe ~~[in which]~~ where waste acid is neutralized.

(154) "Transfer facility" means any transportation-related facility, including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.

(155) "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body, for example, trailer or railroad freight car, is a separate transport vehicle.

(156) "Transportation" is defined in Subsection 19-6-102(23) and includes the movement of hazardous waste by air, rail, highway, or water.

(157) "Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

(158)(i) "Treatability study" means a study ~~[in which]~~ that subjects a hazardous waste ~~[is subjected]~~ to a treatment process to determine:

(A) whether the waste is amenable to the treatment process;

(B) what pretreatment, if any, is required;

(C) the optimal process conditions needed to achieve the desired treatment;

(D) the efficiency of a treatment process for a specific waste or wastes; or

(E) the characteristics and volumes of residuals from a particular treatment process.

(ii) Also included in this definition for the Subsections R315-261-4(e) and R315-261-4(f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies.

(iii) A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

(159) "Treatment" is defined in Subsection 19-6-102(22) and includes any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste, or so as to recover energy or material resources from the waste, or so as to make the waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

(160) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit ~~[within which]~~ where hazardous constituents are degraded, transformed, or immobilized.

(161) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. See also "injection well."[-]

(162) "Underground tank" means a device meeting the definition of "tank" in Section R315-260-10 whose entire surface area is totally below the surface of and covered by the ground.

(163) "Unfit-for use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

(164) "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the ~~[U.S.]~~ US Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(165) "Universal waste" means any of the ~~[following]~~ hazardous wastes listed in Subsections R315-260-10(c)(165)(i) through R315-260-10(c)(165)(vi) that are managed under the universal waste requirements of Rule R315-273:

(i) batteries as described in Section R315-273-2;

(ii) pesticides as described in Section R315-273-3;

(iii) mercury-containing equipment as described in Section R315-273-4;

(iv) lamps as described in Section R315-273-5;

(v) aerosol cans as described in Section R315-273-6; and

(vi) antifreeze as described in Section R315-273-7.

(166)(i) "Universal waste handler" means:

(A) a generator of universal waste; or

(B) the owner or operator of a facility, including any contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(ii) "Universal waste handler" does not mean:

(A) a person who treats, except under Subsection R315-273-13(a) or R315-273-13(c), or R315-273-33(a) or R315-273-33(c), disposes of, or recycles, except under Subsection R315-273-13(f) or R315-273-33(f), universal waste; or

(B) a person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(167) "Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(168) "Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

(169) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

(170) Used oil is defined in Subsection 19-6-703(19). Used oil includes engine oil, transmission fluid, compressor oils, metalworking oils, hydraulic oil, brake fluid, oils used as buoyants, lubricating greases, electrical insulating, and dielectric oils.

(171) "User of the electronic manifest system" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person that:

(i) is required to use a manifest to comply with:

(A) any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

(B) any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

(ii) elects to use the system to get, complete and ~~[transmit]~~ send an electronic manifest format supplied by the EPA electronic manifest system; or

(iii) elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest, or data from a paper copy, in accordance with Subsection R315-264-71(a)(2)(v) or R315-265-71(a)(2)(v). These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

(172) "Very small quantity generator" is a generator who generates less than or equal to the ~~[following]~~ amounts listed in Subsections R315-260-10(c)(172)(i) through R315-260-10(c)(172)(iii) in a calendar month:

- (i) one hundred kilograms, 220 lbs, of non-acute hazardous waste;
- (ii) one kilogram, 2.2 lbs, of acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e); and
- (iii) one hundred kilograms, 220 lbs, of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e).

(173) "Vessel" includes any description of watercraft, used or capable of being used as a means of transportation on the water.

(174) "Waste management area" means the limit projected in the horizontal plane of the area ~~[on which]~~ where waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(175) "Wastewater treatment unit" means a device that:

- (i) is part of a wastewater treatment facility that is subject to regulation under either Section 402 or Subsection 307(b) of the Clean Water Act;
- (ii) receives and treats or stores an influent wastewater that is a hazardous waste as defined in Section R315-261-3, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in Section R315-261-3, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in Section R315-261-3; and
- (iii) meets the definition of tank or tank system in Section R315-260-10.

(176) "Water, bulk shipment" means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

(177) "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

(178) "Well injection": See "underground injection"

(179) "Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

(180) "Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up before the release of hazardous waste or hazardous constituents to ground water or surface water.

KEY: hazardous waste

Date of Last Change: January 13, 2025

Notice of Continuation: January 14, 2021

Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-6-105; 19-6-106

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-261

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Kari Lundeen	385-499-4923	klundeen@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-261. General Requirements – Identification and Listing of Hazardous Waste.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In February of 1997 the EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time Utah adopted a few of the rules. In July of 2023, comments were received from the EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. Utah then conducted a review of the proposed regulations in the Military Munitions Rule and it was determined that some, but not all, of the proposed rules should be adopted resulting in an amendment to R315-261. In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 261 in response to vacatur of certain provisions of the definition of solid waste that became effective in 2018. The conforming change removes language allowing for claims of confidentiality for export documents. The amendments clarify the type of address that must be provided on export documents and provide new instructions for documents and processes used for importing and exporting hazardous secondary materials and waste. In December of 2024, the EPA finalized five regulatory amendments that had been withdrawn from a rulemaking in December of 2023. The amendments made technical corrections to various hazardous waste regulations including some in 40 CFR 261. In October of 2024, the EPA finalized regulations for the management of certain hydrofluorocarbons and substitutes (ignitable spent refrigerants) under the American Innovation and Manufacturing Act of 2020. This rulemaking included amendments to rules regarding the recycling and disposal hydrofluorocarbons. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-261 to conform with the federal regulations.	
5. Summary of the new rule or change:	
Subsection R315-261-2(a)(2)(i)(D) is being added to the rules to state that a military munition identified as a solid waste in Section R315-266-202 is a discarded material. Amendments are being made in R315-261-4(a)(25) and R315-261-39(a)(5) to state that the site address is required on export documents submitted to the EPA. R315-261-39(a)(5) is also being amended to update the requirements for submission of export documents.	

Subsection R315-261-4(e)(1) is being amended to correct and replace references to other rules that are no longer correct. Subsections R315-261-6(a)(2) is being amended to update the list of rule references to include new rules being adopted in R315-266 for military munitions and ignitable spent refrigerants. R315-261-6(a)(2)(v) is being added to include ignitable spent refrigerants as a recyclable materials and provide references to new rules in R315-266. Subsections R315-261-6(a)(3)(i)(A) and R315-261-6(a)(3)(i)(B) are being added to provide references to the appropriate rule sections for persons shipping or transporting materials for reclamation in a foreign country. Sections R315-261-400 and R315-261-420 are being amended to state these rules apply to facilities that receive ignitable spent refrigerants. The date of the version of Appendix IX adopted in R315-261-1093 is being updated to the current version. Additionally, the Division is correcting typographical and formatting errors in Rule R315-261.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this rulemaking will result in any cost or savings to the state budget because the state does not manage military munitions, is not an importer or exporter of hazardous waste, and does not recycle ignitable spent refrigerants. Any costs associated with new rules will be absorbed in the current agency budget.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that manage military munitions, import or export hazardous waste, or recycle ignitable spent refrigerants.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to small businesses that must comply with these rules because there are no small businesses in Utah engaged in these activities. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to non-small businesses because there are no non-small businesses in Utah engaged in these activities. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules. There are three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because there are no persons other than small businesses, non-small businesses, state or local governments in Utah engaged in these activities. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules except for the cost to the three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Appendix IX to Part 261 – Wastes Excluded Under 260.20 and 260.22, Table 1 – Waste Excluded from Non- Specific Sources
Publisher	United States Government
Issue Date	June 17, 2025
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/17/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:

Douglas J. Hansen, Director

Date:

Click or tap to enter a date.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-261. General Requirements -- Identification and Listing of Hazardous Waste.

R315-261-2. Definition of Solid Waste.

(a)(1) A solid waste is any discarded material that is not excluded by Subsection R315-261-4(a) or that is not excluded under Sections R315-260-30 and R315-260-31 or that is not excluded by a non-waste determination under Sections R315-260-30 and R315-260-34.

(2)(i) A discarded material is any material ~~which~~that is:

(A) ~~[A]~~abandoned, as explained in Subsection R315-261-2(b); or

(B) ~~[R]~~recycled, as explained in Subsection R315-261-2(c); or

(C) ~~[E]~~considered inherently waste-like, as explained in Subsection R315-261-2(d); or

(D) a military munition identified as a solid waste in Section R315-266-202.

(b) Materials are solid waste if they are abandoned by being:

(1) ~~[D]~~disposed of; or

(2) ~~[B]~~burned or incinerated; or

(3) ~~[A]~~accumulated, stored, or treated, but not recycled, before or in lieu of being abandoned by being disposed of, burned, or incinerated; or

(4) ~~[S]~~sham recycled, as explained in Subsection R315-261-2(g)

(c) Materials are solid wastes if they are recycled~~[-]~~ or accumulated, stored, or treated before recycling~~[-]~~, as specified in Subsections R315-261-2(c)(1) through R315-261-2(c)(4).

(1) Used in a manner constituting disposal.

(i) Materials noted with a "*" in Column 1 of Table 1 are solid wastes ~~when~~if they are:

(A) ~~[A]~~applied to or placed on the land in a manner that constitutes disposal; or

(B) ~~[U]~~used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land, ~~[i]n which cases the product itself remains a solid waste[i]~~.

(ii) However, commercial chemical products listed in Section R315-261-33 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(2) Burning for energy recovery.

(i) Materials noted with a "*" in column 2 of Table 1 are solid wastes ~~when~~if they are:

(A) ~~[B]~~burned to recover energy;

(B) ~~[U]~~used to produce a fuel or are otherwise contained in fuels, in which cases the fuel itself remains a solid waste.

(ii) However, commercial chemical products listed in Section R315-261-33 are not solid wastes if they are themselves fuels.

(3) Reclaimed. Materials noted with a "-" in column 3 of Table 1 are not solid wastes ~~when~~if reclaimed. Materials noted with an "*" in column 3 of Table 1 are solid wastes ~~when~~if reclaimed unless they meet the requirements of Subsection[s] R315-261-4(a)(17), or R315-261-4(a)(23), R315-261-4(a)(24) or R35-261-4(a)(27).

(4) Accumulated speculatively. Materials noted with a "*" in column 4 of Table 1 are solid wastes ~~when~~if accumulated speculatively.

Table 1

	<u>Use constituting disposal.</u> <u>Subsection R315-261-2(c)(1)</u>	<u>Energy recovery/fuel.</u> <u>Subsection R315-261-2(c)(2)</u>	<u>Reclamation.</u> <u>Subsection R315-261-2(c)(3), except as provided in Subsection R315-261-4(a)(17), R315-261-4(a)(23), R315-261-4(a)(24), or R315-261-4(a)(27)</u>	<u>Speculative accumulation.</u> <u>Subsection R315-261-2(c)(4)</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Spent Materials	(*)	(*)	(*)	(*)
Sludges, listed in Section R315-261-31 or R315-261-32	(*)	(*)	(*)	(*)
Sludges exhibiting a characteristic of hazardous waste	(*)	(*)	=	(*)
By-products, listed in Section R315-261-31 or R315-261-32	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic of hazardous waste	(*)	(*)	=	(*)

Commercial chemical products listed in Section R315-261-33	(*)	(*)	=	=
Scrap metal that is not excluded under Subsection R315-261-4(a)(13)	(*)	(*)	(*)	(*)
Note: The terms "spent materials," "sludges," "by-products," and "scrap metal" and "processed scrap metal" are defined in Section R315-261-1.				

[Table 1]

~~Use Energy Reclamation Speculative~~
~~Constituting recovery/ 261-2(c)(2) accumulation~~
~~Disposal fuel except as 261-2(c)(4)~~
~~261-2(c)(1) 261-2(c) provided in~~
~~(2) 261-4(a)(17)~~
~~261-4(a)(23)~~
~~261-4(a)(24)~~
~~or~~
~~261-4(a)(27)~~

~~1 2 3 4~~
~~Spent Materials (*) (*) (*) (*)~~

~~Sludges (listed (*) (*) (*) (*)~~
~~in 261-31 or~~
~~261-32)~~

~~Sludges (*) (*) (*)~~
~~exhibiting a~~
~~characteristic~~
~~of hazardous~~
~~waste~~

~~By-products (*) (*) (*) (*)~~
~~(listed in~~
~~261-31 or~~
~~261-32~~

~~By-products (*) (*) (*)~~
~~exhibiting a~~
~~characteristic~~
~~of hazardous~~
~~waste~~

~~Commercial (*) (*)~~
~~chemical~~
~~products listed~~
~~in 261-33~~

~~Scrap metal (*) (*) (*) (*)~~
~~that is not~~
~~excluded under~~
~~261-4(a)(13)~~

Note 1: All rule references in Table 1 are to R315.

Note 2: The terms "spent materials," "sludges," "by-products," and "scrap metal" and "processed scrap metal" are defined in Section R315-261-1.

1

(d) Inherently waste-like materials. The ~~following~~ materials listed in Subsections R315-261-2(d)(1) and R315-261-2(d)(2) are solid wastes ~~when~~ if they are recycled in any manner:

(1) Hazardous Waste Nos. F020; F021, unless used as an ingredient to make a product at the site of generation; F022; F023; F026; and F028.

(2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Sections R315-261-20 through R315-261-24 and R315-261-30 through R315-261-35, except for brominated material that meets the ~~following~~ criteria listed in Subsections R315-261-2(d)(2)(i) through R315-261-2(d)(2)(iii):

(i) ~~[F]~~the material shall contain a bromine concentration of at least 45%; and

(ii) ~~[F]~~the material shall contain less than a total of 1% of toxic organic compounds listed in Rule R315-261 appendix VIII; and

(iii) ~~[F]~~the material is processed continually on-site in the halogen acid furnace via direct conveyance, hard piping.

(3) The Board shall use the ~~following~~ criteria listed in Subsections R315-261-2(d)(3)(i) and R315-261-2(d)(3)(ii) to add wastes to Subsection R315-261-2(d)(1) or R315-261-2(d)(2):

(i)(A) ~~[F]~~the materials are ordinarily disposed of, burned, or incinerated; or

(B) ~~[F]~~the materials contain toxic constituents listed in appendix VIII of Rule R315-261 and these constituents are not ordinarily found in raw materials or products for which the materials substitute, ~~[f]or are found in raw materials or products in smaller concentrations~~, and are not used or reused during the recycling process; and

(ii) ~~[F]~~the material may pose a substantial hazard to human health and the environment ~~when~~ if recycled.

(e) Materials that are not solid waste ~~when~~ if recycled.

(1) Materials are not solid wastes ~~when~~ if they can be shown to be recycled by being:

(i) ~~[U]~~used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
(ii) ~~[U]~~used or reused as effective substitutes for commercial products; or
(iii) ~~[R]~~returned to the original process from which they are generated, without first being reclaimed or land disposed. The material shall be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials shall be managed ~~[such]~~so that there is no placement on the land. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Subsection R315-261-4(a)(17) apply rather than Subsection R315-261-2(e)(1)(iii).

(2) The ~~[following]~~materials listed in Subsections R315-261-2(e)(2)(i) through R315-261-2(e)(2)(iv) are solid wastes, even if the recycling involves use, reuse, or return to the original process described in Subsections R315-261-2(e)(1)(i) through R315-261-2(e)(1)(iii):

(i) ~~[M]~~materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(ii) ~~[M]~~materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(iii) ~~[M]~~materials accumulated speculatively; or

(iv) ~~[M]~~materials listed in Subsections R315-261-2(d)(1) and R315-261-2(d)(2).

(f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce rules implementing Sections 19-6-101 through 19-6-125 who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, shall demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they shall provide appropriate documentation, such as contracts showing that a second person uses the material as an ingredient in a production process, to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials shall show that they have the necessary equipment to ~~[do so]~~recycle.

(g) Sham recycling. A hazardous secondary material found to be sham recycled is considered discarded and a solid waste. Sham recycling is recycling that is not legitimate recycling as defined in Section R315-260-43.

R315-261-4. Exclusions.

(a) Materials that are not solid wastes. The materials listed in Subsections R315-261-4(a)(1) through R315-261-4(a)(27) are not solid wastes for Rule R315-261:

(1)(i) domestic sewage; and

(ii) any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment, except as prohibited by Section R315-266-505 and Clean Water Act requirements at 40 CFR 403.5(b). "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(2) Industrial wastewater discharges that are point source discharges subject to regulation under ~~[s]~~Section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

(3) Irrigation return flows.

(4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.

(5) Materials subjected to in~~[-]~~situ mining techniques that are not removed from the ground as part of the extraction process.

(6) Pulping liquors that is black liquor, that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in Subsection R315-261-1(c).

(7) Spent sulfuric acid used to produce virgin sulfuric acid provided it is not accumulated speculatively as defined in Subsection R315-261-1(c).

(8) Secondary materials that are reclaimed and returned to the original process or processes that they were generated in if they are reused in the production process provided:

(i) only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) reclamation does not involve controlled flame combustion, such as occurs in boilers, industrial furnaces, or incinerators;

(iii) the secondary materials are never accumulated in tanks for over 12 months without being reclaimed; and

(iv) the reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

(9)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose.

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Before reuse, the wood preserving wastewaters and spent wood preserving solutions described in Subsections R315-261-4(a)(9)(i) and R315-261-4(a)(9)(ii), so long as they meet the conditions contained in Subsections R315-261-4(a)(9)(iii)(A) through R315-261-4(a)(9)(iii)(E):

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose.

(B) Before reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both.

(C) Any unit used to manage wastewaters or spent wood preserving solutions or both before reuse can be visually or otherwise determined to prevent releases.

(D) Any drip pad used to manage the wastewaters or spent wood preserving solutions or both before reuse complies with the standards in Sections R315-265-440 through R315-265-445, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste.

(E) Before operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date when the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant shall maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies so long as the plant meets each of the conditions. If the plant goes out of compliance with any condition, it may apply to the director for reinstatement. The director may reinstate the exclusion upon finding that the plant has returned to compliance with each of the conditions and that the violations are not likely to recur.

(10) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic specified in Section R315-261-24, after generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar before the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums, if shipped and not land disposed before recovery.

(12)(i) Oil-bearing hazardous secondary materials that is sludges, by-products, or spent materials, that are generated at a petroleum refinery, SIC code 2911, and are inserted into the petroleum refining process, SIC code 2911-including distillation, catalytic cracking, fractionation, or thermal cracking units namely cokers, unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under Subsection R315-261-4(12)(i), provided the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the petroleum refinery when they are generated, or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in Subsection R315-261-4(a)(12)(ii), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry namely from sources other than petroleum refineries, are not excluded under Section R315-261-4. Residuals generated from processing or recycling materials excluded under Subsection R315-261-4(a)(12)(i), if the materials as generated would have otherwise met a listing under Sections R315-261-30 through R315-261-35, are designated as F037 listed wastes if disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the manner and with the conditions as described in Subsection R315-261-4(a)(12)(i). Recovered oil is oil that has been reclaimed from secondary materials, including wastewater, generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto, SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172. Recovered oil does not include oil-bearing hazardous wastes listed in Sections R315-261-30 through R315-261-35; however, oil recovered from these wastes may be considered recovered oil. Recovered oil does not include used oil as defined in Subsection 19-6-703(19).

(13) Excluded scrap metal includes processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal being recycled.

(14) Shredded circuit boards being recycled provided they are:

(i) stored in containers sufficient to prevent a release to the environment before recovery; and

(ii) free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(16) Reserved.

(17) Spent materials, as defined in Section R315-261-1, other than hazardous wastes listed in Sections R315-261-30 through R315-261-35, generated within the primary mineral processing industry that minerals, acids, cyanide, water, or other values are recovered from by mineral processing or by beneficiation, provided:

(i) the spent material is legitimately recycled to recover minerals, acids, cyanide, water or other values;

(ii) the spent material is not accumulated speculatively; and

(iii) except as provided in Subsection R315-261-4(a)(17)(iv), the spent material is stored in tanks, containers, or buildings meeting the following minimum integrity standards: a building shall be an engineered structure with a floor, walls, and a roof each being made of non-earthen materials providing structural support, except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion, and have a roof suitable for diverting rainwater away from the foundation; a tank shall be free standing, not be a surface impoundment, as defined in Section R315-260-10, and be manufactured of a material suitable for containment of its contents; a container shall be free standing and be manufactured of a material suitable for containment of its contents. If tanks or containers contain any particulate that may be subject to wind dispersal, the owner or operator shall operate these units in a manner that controls fugitive dust. Tanks, containers, and buildings shall be designed, constructed, and operated to prevent significant releases to the environment of these materials.

(iv) The director may make a site-specific determination, after public review and comment, that only solid mineral processing spent material may be placed on pads rather than tanks containers, or buildings. Solid mineral processing spent materials do not contain any free liquid. The director shall affirm that pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment. Pads shall provide the degree of containment given by the non-RCRA tanks, containers, and buildings eligible for exclusion.

(A) The director shall also consider if storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, air exposure pathways are:

(I) the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad;

(II) the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and

(III) the possibility and extent of harm to human and environmental receptors via each exposure pathway.

(B) Pads shall meet the following minimum standards: Be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material, capable of withstanding physical stresses associated with placement and removal, have run-on and runoff controls, or both, be operated in a manner that controls fugitive dust, and have integrity assurance through inspections and maintenance programs.

(C) Before making a determination under Subsection R315-261-4(a)(17)(iv), the director shall provide notice and the opportunity for comment to each person potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

(v) The owner or operator provides notice to the director providing the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification shall be updated if there is a change in the type of materials recycled or the location of the recycling process.

(vi) For purposes of Subsection R315-261-4(b)(7), mineral processing spent materials shall be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

(18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, if the oil is to be inserted into the petroleum refining process, SIC code 2911, along with normal petroleum refinery process streams, provided:

(i) the oil is hazardous only because it exhibits the characteristic of ignitability, as defined in Section R315-261-21, or toxicity for benzene, or both, Section R315-261-24, waste code D018; and

(ii) the oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically co-located with a petroleum refinery; and where the petroleum refinery that the oil being recycled is returned to also provides hydrocarbon feedstocks to the organic chemical manufacturing facility.

"Petrochemical recovered oil" is oil that has been reclaimed from secondary materials that is sludges, by-products, or spent materials, including wastewater, from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in Subsection R315-261-1(c).

(20) Hazardous secondary materials used to make zinc fertilizers, provided the conditions specified in Subsections R315-261-4(a)(20)(i) through R315-261-4(a)(20)(v) are satisfied:

(i) Hazardous secondary materials used to make zinc micronutrient fertilizers may not be accumulated speculatively, as defined in Subsection R315-261-1(c)(8).

(ii) Generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers shall:

(A) Submit a one-time notice to the director, which contains the name, address and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in Subsection R315-261-4(a)(20).

(B) Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose shall be an engineered structure made of non-earthen materials that provide structural support, and shall have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose shall be structurally sound and, if outdoors, shall have roofs or covers that prevent contact with wind and rain. Containers used for this purpose shall be kept closed except if it is necessary to add or remove material, and shall be in sound condition. Containers that are stored outdoors shall be managed within storage areas that:

(I) have containment structures or systems sufficiently impervious to contain leaks, spills and accumulated precipitation; and

(II) provide for effective drainage and removal of leaks, spills and accumulated precipitation; and

(III) prevent run-on into the containment system.

(C) With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of Subsection R315-261-4(a)(20).

(D) Maintain at the generator's or intermediate handlers's facility for no less than three years records of each shipment of excluded hazardous secondary materials. For each shipment these records shall at a minimum contain the information required by Subsections R315-261-4(a)(20)(i)(D)(I) through R315-261-4(a)(20)(ii)(D)(III):

(I) name of the transporter and date of the shipment;

(II) name and address of the facility that received the excluded material, and documentation confirming receipt of the shipment; and

(III) type and quantity of excluded secondary material in each shipment.

(iii) Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials shall:

(A) store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in Subsection R315-261-4(a)(20)(ii)(B);

(B) submit a one-time notification to the director that, at a minimum, specifies the name, address and EPA ID number of the manufacturing facility, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in Subsection R315-261-4(a)(20);

(C) maintain for a minimum of three years records of each shipment of excluded hazardous secondary materials received by the manufacturer, which shall at a minimum identify for each shipment the name and address of the generating facility, name of transporter and date the materials were received, the quantity received, and a brief description of the industrial process that generated the material; and

(D) submit to the director an annual report that identifies the total quantities of any excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes that they were generated from.

(iv) Nothing in Section R315-261-4 preempts, overrides, or otherwise negates the provision in Section R315-262-11, which requires any person who generates a solid waste to determine if that waste is a hazardous waste.

(v) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes before the submission of the one-time notice described in Subsection R315-261-4(a)(20)(ii)(A), and that afterward will be used only to store hazardous secondary materials excluded under Subsection R315-261-4(a)(20), are not subject to the closure requirements of Rules R315-264 and R315-265.

(21) Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under Subsection R315-261-4(a)(20), provided:

(i) The fertilizers meet the contaminant limits specified in the Table:

(A) For metal contaminants:

Table	
Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

(B) For dioxin contaminants the fertilizer shall contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than each six month period, and for dioxins no less than each 12 month period. Testing shall also be performed if changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable

limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

(iii) The manufacturer maintains for no less than three years records of each sampling and analyses performed for purposes of determining compliance with the requirements of Subsection R315-261-4(a)(21)(ii). These records shall at a minimum include:

- (A) the dates and times product samples were taken, and the dates the samples were analyzed;
- (B) the names and qualifications of the person taking the samples;
- (C) a description of the methods and equipment used to take the samples;
- (D) the name and address of the laboratory facility where analyses of the samples were performed;
- (E) a description of the analytical methods used, including any cleanup and sample preparation methods; and
- (F) any laboratory analytical results used to determine compliance with the contaminant limits specified in this Subsection R315-261-4(a)(21).

(22) Used cathode ray tubes (CRTs).

(i) Used, intact CRTs as defined in Section R315-260-10 are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in Subsection R315-261-1(c)(8) by CRT collectors or glass processors.

(ii) Used, intact CRTs as defined in Section R315-260-10 are not solid wastes if exported for recycling provided they meet the requirements of Section R315-261-40.

(iii) Used, broken CRTs as defined in Section R315-260-10 are not solid wastes provided they meet the requirements of Section R315-261-39.

(iv) Glass removed from CRTs is not a solid waste provided it meets the requirements of Subsection R315-261-39(c).

(23) Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, provided the material complies with Subsections R315-261-4(a)(23)(i) and R315-261-4(a)(23)(ii):

(i)(A) the hazardous secondary material is generated and reclaimed at the generating facility, for purposes of this definition, generating facility means any contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator; or

(B) the hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in Section R315-260-10, and if the generator provides one of the following certifications: "On behalf of (insert generator facility name), I certify that this facility will send the indicated hazardous secondary material to (insert reclaimer facility name), which is controlled by (insert generator facility name) and that (insert name of either facility) has acknowledged full responsibility for the safe management of the hazardous secondary material," or "On behalf of (insert generator facility name), I certify that this facility will send the indicated hazardous secondary material to (insert reclaimer facility name), that both facilities are under common control, and that (insert name of either facility) has acknowledged full responsibility for the safe management of the hazardous secondary material." For purposes of ~~this paragraph~~ Subsection R315-261-4(a)(23)(i)(B), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person as defined in Section R315-260-10 may not be considered to "control" these facilities. The generating and receiving facilities shall both maintain at their facilities for no less than three years records of hazardous secondary materials sent or received under this exclusion. In both cases, the records shall contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records such as financial records, bills of lading, copies of ~~U.S.~~US Department of Transportation (DOT) shipping papers, or electronic confirmations; or

(C) the hazardous secondary material is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies the following: "On behalf of (insert tolling contractor name), I certify that (insert tolling contractor name) has a written contract with (insert toll manufacturer name) to manufacture (insert name of product or intermediate) which is made from specified unused materials, and that (insert tolling contractor name) will reclaim the hazardous secondary materials generated during this manufacture. On behalf of (insert tolling contractor name), I also certify that (insert tolling contractor name) keeps ownership of, and responsibility for, the hazardous secondary materials that are generated during the manufacture, including any releases of hazardous secondary materials that occur during the manufacturing process". The tolling contractor shall maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer shall maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In both cases, the records shall contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received pursuant to the written contract. These requirements may be satisfied by routine business records such as financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations. For purposes of Subsection R315-261-4(a)(23)(i)(C), tolling contractor means a person who arranges for the production of a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. Toll manufacturer means a person who produces a product or intermediate made from specified unused materials pursuant to a written contract with a tolling contractor.

(ii)(A) The hazardous secondary material is contained as defined in Section R315-260-10. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded and a solid waste.

(B) The hazardous secondary material is not speculatively accumulated, as defined in Subsection R315-261-1(c)(8).

(C) Notice is provided as required by Section R315-260-42.

(D) The material is not otherwise subject to material-specific management conditions under Subsection R315-261-4(a) if reclaimed, and it is not a spent lead-acid battery, see Sections R315-266-80 and R315-273-2.

(E) Persons performing the recycling of hazardous secondary materials under this exclusion shall maintain documentation of their legitimacy determination on-site. Documentation shall be a written description of how the recycling meets the three factors in Subsection R315-260-43(a) and how the factor in Subsection R315-260-43(b) was considered. Documentation shall be maintained for three years after the recycling operation has stopped.

(F) The emergency preparedness and response requirements found in Sections R315-261-400, R315-261-410, R315-261-411, and R315-261-420 are met.

(24) Hazardous secondary material that is generated and then transferred to another person for reclamation is not a solid waste, provided:

(i) the material is not speculatively accumulated, as defined in Subsection R315-261-1(c)(8);

(ii) the material is not handled by any person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility or a reclaimer, and, while in transport, is not stored for more than 10 days at a transfer facility, as defined in Section R315-260-

10, and is packaged according to applicable ~~[Department of Transportation]~~ US DOT regulations at 49 CFR parts 173, 178, and 179 while in transport;

(iii) the material is not otherwise subject to material-specific management conditions under Subsection R315-261-4(a) if reclaimed, and it is not a spent lead-acid battery, see Sections R315-266-80 and R315-273-2;

(iv) the reclamation of the material is legitimate, as specified under Section R315-260-43; and

(v) the hazardous secondary material generator satisfies the conditions in Subsections R315-261-4(a)(24)(v)(A) through R315-261-4(a)(24)(v)(F):

(A) The material shall be contained as defined in Section R315-260-10. A hazardous secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for recycling. Hazardous secondary material managed in a unit with leaks or other continuing releases is discarded and a solid waste.

(B) Before arranging for transport of hazardous secondary materials to a reclamation facility, or facilities, where the management of the hazardous secondary materials is not addressed under a hazardous waste part B permit or interim status standards, the hazardous secondary material generator shall make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will be passing through an intermediate facility where the management of the hazardous secondary materials is not addressed under a hazardous waste part B permit or interim status standards, the hazardous secondary material generator shall make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator shall perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts shall be repeated at a minimum of each three year period for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or either the intermediate facility, a third party, or both. The hazardous secondary material generator shall affirmatively answer the questions in Subsections R315-261-4(a)(24)(v)(B)(I) through R315-261-4(a)(24)(v)(B)(V) for each reclamation facility and any intermediate facility:

(I) Does the available information show that the reclamation process is legitimate pursuant to Section R315-260-43? In answering this question, the hazardous secondary material generator can rely on their existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from other sources including the reclamation facility and audit reports about the reclamation process.

(II) Does the publicly available information show that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities pursuant to Section R315-260-42 and have they notified the appropriate authorities that the financial assurance condition is satisfied per Subsection R315-261-4(a)(24)(vi)(F)? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements per Section R315-260-42, including the requirement in Subsection R315-260-42(a)(5) to notify the director whether the reclaimer or intermediate facility has financial assurance.

(III) Does publicly available information show that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three years for violations of Rules R315-260 through R315-268, R315-270, and R315-273 and has not been classified as a significant non-complier with Rules R315-260 through R315-268, R315-270, and R315-273? In answering this question, the hazardous secondary material generator can rely on the publicly available information from EPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for violations of Rules R315-260 through R315-268, R315-270, and R315-273 and has been classified as a significant non-complier with Rules R315-260 through R315-268, R315-270, and R315-273, does the hazardous secondary material generator have credible evidence that the facilities will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can get additional information from EPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

(IV) Does the available information show that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third person of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

(V) If residuals are generated from the reclamation of the excluded hazardous secondary materials, does the reclamation facility have the permits required, if any, to manage the residuals? If not, does the reclamation facility have a contract with an appropriately permitted facility to dispose of the residuals? If not, does the hazardous secondary material generator have credible evidence that the residuals will be managed in a manner that is protective of human health and the environment? In answering these questions, the hazardous secondary material generator can rely on publicly available information from EPA or the state, or information provided by the facility itself.

(C) The hazardous secondary material generator shall maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the management of the hazardous secondary materials is not addressed under a hazardous waste part B permit or interim status standards before transferring hazardous secondary material. Documentation and certification shall be made available upon request by the director within 72 hours, or within a longer period as specified by the director. The certification statement shall:

(I) include the printed name and official title of an authorized representative of the hazardous secondary material generator company, the authorized representative's signature, and the date signed; and

(II) incorporate the following language: "I hereby certify in good faith and to the best of my knowledge that, before arranging for transport of excluded hazardous secondary materials to (insert name(s) of reclamation facility and any intermediate facility), reasonable efforts were made in accordance with Subsection R315-261-4(a)(24)(v)(B) to ensure that the hazardous secondary materials would be recycled legitimately, and otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information."

(D) The hazardous secondary material generator shall maintain at the generating facility for no less than three years records of each off-site shipment of hazardous secondary materials. For each shipment, these records shall, at a minimum, contain the information listed in Subsections R315-261-4(a)(24)(v)(D)(I) through R315-261-4(a)(24)(v)(D)(III):

(I) name of the transporter and date of the shipment;

(II) name and address of each reclaimer and, if applicable, the name and address of each intermediate facility that the hazardous secondary material was sent to; and

(III) the type and quantity of hazardous secondary material in the shipment.

(E) The hazardous secondary material generator shall maintain at the generating facility for no less than three years confirmations of receipt from each reclaimer and, if applicable, each intermediate facility for each off-site shipment of hazardous secondary materials. Confirmations of receipt shall include the name and address of the reclaimer, or intermediate facility, the type and quantity of the hazardous secondary materials received and the date that the hazardous secondary materials were received. This requirement may be satisfied by routine business records such as financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt.

(F) The hazardous secondary material generator shall comply with the emergency preparedness and response conditions in Sections R315-261-400, R315-261-410, R315-261-411, and R315-261-420.

(vi) Reclaimers of hazardous secondary material excluded from regulation under this exclusion and intermediate facilities as defined in Section R315-260-10 satisfy the conditions in Subsections R315-261-4(a)(24)(vi)(A) through R315-261-4(a)(24)(vi)(F):

(A) The reclaimer and intermediate facility shall maintain at its facility for no less than three years records of each shipment of hazardous secondary materials that were received at the facility and, if applicable, for each shipment of hazardous secondary materials that were received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records shall at a minimum contain the information required by Subsections R315-261-4(a)(24)(vi)(A)(I) through R315-261-4(a)(24)(vi)(A)(IV):

(I) name of the transporter and date of the shipment;

(II) name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility that the hazardous secondary materials were received from;

(III) the type and quantity of hazardous secondary material in the shipment; and

(IV) for hazardous secondary materials that, after being received by the reclaimer or intermediate facility, were subsequently transferred off-site for further reclamation, the name and address of the, subsequent, reclaimer and, if applicable, the name and address of each intermediate facility that the hazardous secondary material was sent to.

(B) The intermediate facility shall send the hazardous secondary material to the reclaimer, or reclaimers designated by the hazardous secondary materials generator.

(C) The reclaimer and intermediate facility shall send to the hazardous secondary material generator confirmations of receipt for each off-site shipment of hazardous secondary materials. Confirmations of receipt shall include the name and address of the reclaimer, or intermediate facility, the type and quantity of the hazardous secondary materials received and the date that the hazardous secondary materials were received. This requirement may be satisfied by routine business records such as financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt.

(D) The reclaimer and intermediate facility shall manage the hazardous secondary material in a manner that is at least as protective as that used for analogous raw material and shall be contained. An "analogous raw material" is a raw material that a hazardous secondary material is a substitute for and serves the function and has similar physical and chemical properties as the hazardous secondary material.

(E) Any residuals that are generated from reclamation processes shall be managed in a manner that is protective of human health and the environment. If any residuals exhibit a hazardous characteristic according to Sections R315-261-20 through R315-261-24, or if they themselves are specifically listed in Sections R315-261-30 through R315-261-35, these residuals are hazardous wastes and shall be managed in accordance with the applicable requirements of Rules R315-260 through R315-266, R315-268, and R315-270.

(F) The reclaimer and intermediate facility have financial assurance as required under Sections R315-261-140 through R315-261-151.

(vii) In addition, each person claiming the exclusion under Subsection R315-261-4(a)(24) provide notification as required under Section R315-260-42.

(25) Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided the hazardous secondary material generator complies with the applicable requirements of Subsections R315-261-4(a)(24)(i) through R315-261-4(a)(24)(v), excepting Subsection R315-261-4(a)(24)(v)(B)(2) for foreign reclaimers and foreign intermediate facilities, and that the hazardous secondary material generator also complies with the requirements in Subsections R315-261-4(a)(25)(i) through R315-261-4(a)(25)(xii):

(i) Notify EPA of an intended export before the hazardous secondary material is scheduled to leave the United States. A complete notification shall be submitted at least 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12 month or lesser period. The notification shall be in writing, signed by the hazardous secondary material generator, and include the information required by Subsections R315-261-4(a)(25)(i)(A) through R315-261-4(a)(25)(i)(I):

(A) name, mailing site address, telephone number, and EPA ID number, if applicable, of the hazardous secondary material generator;

(B) a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste and the U.S. DOT proper shipping name, hazard class and ID number, UN/NA, for each hazardous secondary material as identified in 49 CFR parts 171 through 177;

(C) the estimated frequency or rate that the hazardous secondary material is to be exported and the period that the hazardous secondary material is to be exported;

(D) the estimated total quantity of hazardous secondary material;

(E) each point of entry to and departure from each foreign country that the hazardous secondary material will pass through;

(F) a description of the means that will be used to transport each shipment of the hazardous secondary material, for example mode of transportation vehicle including air, highway, rail and water, and types of containers including drums, boxes and tanks;

(G) a description of the manner that will be used to reclaim the hazardous secondary material in the country of import;

(H) the name and site address of the reclaimer, any intermediate facility and any alternate reclaimer and intermediate facilities; and

(I) the name of any countries of transit that the hazardous secondary material will be sent through and a description of the approximate length of time it will remain in these countries and the nature of its handling while there, for purposes of ~~this section~~ Section R315-261-4, the terms "EPA Acknowledgement of Consent", "country of import" and "country of transit" are used as defined in Section R315-262-81 with the exception that the terms in Section R315-261-4 refer to hazardous secondary materials, rather than hazardous waste.

(ii) Notifications shall be submitted electronically using ~~[EPA's Waste Import Export Tracking System,]WIETS~~ or its successor system.

(iii) Except for changes to the telephone number in Subsection R315-261-4(a)(25)(i)(A) and decreases in the quantity of hazardous secondary material indicated pursuant to Subsection R315-261-4(a)(25)(i)(D), if the conditions specified on the original notification change, including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification, the hazardous

secondary material generator shall provide EPA with a written renotification of the change. The shipment cannot take place until consent of the country of import to the changes, except for changes to Subsection R315-261-4(a)(25)(i)(I) and in the ports of entry to and departure from countries of transit pursuant to Subsection R315-261-4(a)(25)(i)(E), has been received and the hazardous secondary material generator receives from EPA an EPA Acknowledgment of Consent reflecting the country of import's consent to the changes.

(iv) Upon request by EPA, the hazardous secondary material generator shall furnish to EPA any additional information that a country of import requests to respond to a notification.

(v) EPA will provide a complete notification to the country of import and any countries of transit. A notification is complete ~~[if] when~~ EPA receives a notification that EPA determines satisfies the requirements of Subsection R315-261-4(a)(25)(i). ~~[If a claim of confidentiality is asserted with respect to any notification information required by Subsection R315-261-4(a)(25)(i), EPA may find the notification not complete until the claim is resolved in accordance with 40 CFR 260.2.]~~

(vi) The export of hazardous secondary material under Subsection R315-261-4(a)(25) is prohibited unless the hazardous secondary material generator receives from EPA an EPA Acknowledgment of Consent documenting the consent of the country of import to the receipt of the hazardous secondary material. If the country of import objects to receipt of the hazardous secondary material or withdraws an earlier consent, EPA will notify the hazardous secondary material generator in writing. EPA will also notify the hazardous secondary material generator of any responses from countries of transit.

(vii) Before each shipment, the hazardous secondary material generator or a ~~[U.S.]~~US authorized agent shall:

(A) submit Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor systems, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b); and

(B) include the items in Subsections R315-261-4(a)(25)(vii)(B)(1) through R315-261-4(a)(25)(vii)(B)(7) in the EEI, along with the other information required under 15 CFR 30.6:

(1) EPA license code;

(2) commodity classification code per 15 CFR 30.6(a)(12);

(3) EPA consent number;

(4) country of ultimate destination per 15 CFR 30.6(a)(5);

(5) date of export per 15 CFR 30.6(a)(2); and

(6) quantity of waste in shipment and units for reported quantity, if required reporting units established by values for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15); or

(7) EPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(viii) A copy of the EPA Acknowledgment of Consent shall accompany the shipment. The shipment shall conform to the terms of the EPA Acknowledgment of Consent.

(ix) If a shipment cannot be delivered for any reason to the reclaimer, intermediate facility, or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator shall ~~re-~~notify EPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with Subsection R315-261-4(a)(25)(iii) and get another EPA Acknowledgment of Consent.

(x) Hazardous secondary material generators shall keep a copy of each notification of intent to export and each EPA Acknowledgment of Consent for a period of three years following receipt of the EPA Acknowledgment of Consent. They may satisfy this recordkeeping requirement by keeping electronically submitted notifications or electronically generated Acknowledgements in their account on ~~[EPA's Waste Import Export Tracking System,]~~WIETS, or its successor system, provided copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No hazardous secondary material generator may be held liable for the inability to produce a notification or Acknowledgement for inspection under Subsection R315-261-4(a)(25) if they can demonstrate that the inability to produce copies is due exclusively to technical difficulty with ~~[EPA's Waste Import Export Tracking System,]~~WIETS, or its successor system, for which [that] the hazardous secondary material generator bears no responsibility.

(xi) Hazardous secondary material generators shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of each hazardous secondary material exported during the previous calendar year. Annual reports shall be submitted electronically using ~~[EPA's Waste Import Export Tracking System,]~~WIETS or its successor system. These reports shall include the information listed in Subsections R315-261-4(a)(25)(xi)(A) through R315-261-4(a)(25)(xi)(E):

(A) name, mailing and site address, and EPA ID number, if applicable, of the hazardous secondary material generator;

(B) the calendar year covered by the report;

(C) the name and site address of each reclaimer and intermediate facility;

(D) by reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste, the DOT hazard class, the name and ~~[U.S.]~~US EPA ID number, if applicable, for each transporter used, the consent numbers that the hazardous secondary material was shipped under and for each consent number, the total amount of hazardous secondary material shipped and the number of shipments exported during the calendar year covered by the report; and

(E) a certification signed by the hazardous secondary material generator that states: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and each attached document, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

(xii) Each person claiming an exclusion under Subsection R315-261-4(a)(25) shall provide notification as required by Section R315-260-42.

(26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided:

(i) the solvent-contaminated wipes, if accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers shall be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed if there is complete contact between the fitted lid and the rim, except ~~[when]~~if it is necessary to add or remove solvent-contaminated wipes. If the container is full, or if the solvent-contaminated wipes are no longer being accumulated, or if the container is being transported, the container shall be sealed with the lids properly and securely affixed to the container and any openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) the solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container before being sent for cleaning;

(iii) at the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes shall contain no free liquids as defined in Section R315-260-10;

(iv) free liquids removed from the solvent-contaminated wipes or from the container holding the wipes shall be managed according to the applicable rules found in Rules R315-260 through R315-266, R315-268, R315-270, and R315-273;

(v) generators shall maintain at their site the documentation listed in Subsections R315-261-4(a)(26)(iv)(A) through R315-261-4(a)(26)(iv)(C):

(A) name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

(B) documentation that the 180-day accumulation time limit in Subsection R315-261-4(a)(26)(ii) is being met; and

(C) description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and

(vi) the solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under [s]Sections 301 and 402 or [s]Section 307 of the Clean Water Act.

(27) Hazardous secondary material that is generated and then transferred to another person for remanufacturing is not a solid waste, provided:

(i) The hazardous secondary material consists of one or more of the following spent solvents: Toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, or methanol.

(ii) The hazardous secondary material originated from using one or more of the solvents listed in Subsection R315-261-4(a)(27)(i) in a commercial grade for reacting, extracting, purifying, or blending chemicals, or for rinsing out the process lines associated with these functions; in the pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and the paints and coatings manufacturing sectors, NAICS 325510.

(iii) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in Subsection R315-261-4(a)(27)(i) to a remanufacturer in the pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; or the paints and coatings manufacturing sectors, NAICS 325510.

(iv) After remanufacturing one or more of the solvents listed in Subsection R315-261-4(a)(27)(i), the use of the remanufactured solvent shall be limited to reacting, extracting, purifying, or blending chemicals, or for rinsing out the process lines associated with these functions, in the pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and the paints and coatings manufacturing sectors, NAICS 325510; or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated under the Chemical Data Reporting Rule of the Toxic Substances Control Act, 40 CFR parts 704, 710-711, including Industrial Function Codes U015, solvents consumed in a reaction to produce other chemicals, and U030, solvents become part of the mixture.

(v) After remanufacturing one or more of the solvents listed in Subsection R315-261-4(a)(27)(i), the use of the remanufactured solvent does not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. These disallowed continuing uses correspond to chemical functional uses in Industrial Function Code U029 under the Chemical Data Reporting Rule of the Toxics Substances Control Act.

(vi) Both the hazardous secondary material generator and the remanufacturer shall:

(A) notify the director and update the notification each two year period per Section R315-260-42;

(B) develop and maintain an up-to-date remanufacturing plan that identifies:

(I) the name, address and EPA ID number of the generators and the remanufacturers;

(II) the types and estimated annual volumes of spent solvents to be remanufactured;

(III) the processes and industry sectors that generate the spent solvents;

(IV) the specific uses and industry sectors for the remanufactured solvents; and

(V) a certification from the remanufacturer stating, "On behalf of (insert remanufacturer facility name), I certify that this facility is a remanufacturer under pharmaceutical manufacturing, NAICS 325412; basic organic chemical manufacturing, NAICS 325199; plastics and resins manufacturing, NAICS 325211; and/or the paints and coatings manufacturing sectors, NAICS 325510; and will accept the spent solvent(s) for the sole purpose of remanufacturing into commercial[-] grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals, or for rinsing out the process lines associated with these functions, or for use as product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR part 60, part 61 or part 63, or, absent [such]the Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Sections R315-261-1030 through R315-261-1035, R315-261-1050 through R315-261-1064 and R315-261-1080 through R315-261-1089";

(C) maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;

(D) before remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Sections R315-261-17 through R315-261-179 and R315-261-190 through R315-261-200, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;

(E) during remanufacturing, and during storage of the hazardous secondary materials before remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls in compliance with the appropriate Clean Air Act regulations under 40 CFR part 60, part 61 or part 63; or, absent any Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are in compliance with the appropriate standards in Sections R315-261-1030 through R315-261-1035, R315-261-1050 through R315-261-1064 and R315-261-1080 through R315-261-1089; and

(F) meet the requirements prohibiting speculative accumulation per Subsection R315-261-1(c)(8).

(b) Solid wastes that are not hazardous wastes. The solid wastes listed in Subsections R315-261-4(b)(1) through R315-261-4(b)(18) are not hazardous wastes:

(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered such as refuse-derived fuel, or reused. "Household waste" means any material, including garbage, trash, and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. A resource recovery facility managing municipal solid waste may not be considered to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if the facility:

(i) receives and burns only:

- (A) household waste, from single and multiple dwellings, hotels, motels, and other residential sources; and
- (B) solid waste from commercial or industrial sources that does not contain hazardous waste.
- (ii) The facility does not accept hazardous wastes and the owner or operator of the facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in the facility.
- (2) Solid wastes generated by any of the methods listed in Subsections R315-261-4(b)(2)(i) and R315-261-4(b)(2)(ii) and that are returned to the soils as fertilizers:
 - (i) The growing and harvesting of agricultural crops.
 - (ii) The raising of animals, including animal manures.
- (3) Mining overburden returned to the mine site.
- (4)(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided by Section R315-266-112 for facilities that burn or process hazardous waste.
- (ii) The wastes listed in Subsections R315-261-4(b)(4)(ii)(A) through R315-261-4(b)(4)(ii)(H) and generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with the wastes in Subsection R315-261-4(b)(4)(i), except as provided by Section R315-266-112 for facilities that burn or process hazardous waste:
 - (A) Coal pile run[-]off. For purposes of Subsection R315-261-4(b)(4), coal pile run[-]off means any precipitation that drains off coal piles.
 - (B) Boiler cleaning solutions. For purposes of Subsection R315-261-4(b)(4), boiler cleaning solutions means water solutions and chemical solutions used to clean the fire-side and water-side of the boiler.
 - (C) Boiler blowdown. For purposes of Subsection R315-261-4(b)(4), boiler blowdown means water purged from boilers used to generate steam.
 - (D) Process water treatment and demineralizer regeneration wastes. For purposes of Subsection R315-261-4(b)(4), process water treatment and demineralizer regeneration wastes means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.
 - (E) Cooling tower blowdown. For purposes of Subsection R315-261-4(b)(4), cooling tower blowdown means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.
 - (F) Air heater and precipitator washes. For purposes of Subsection R315-261-4(b)(4), air heater and precipitator washes means wastes from cleaning air preheaters and electrostatic precipitators.
 - (G) Effluents from floor and yard drains and sumps. For purposes of Subsection R315-261-4(b)(4), effluents from floor and yard drains and sumps means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and wastewaters, such as rain runoff, collected by yard drains and sumps located outside the power plant building.
 - (H) Wastewater treatment sludges. For purposes of Subsection R315-261-4(b)(4), wastewater treatment sludges refers to sludges generated from the treatment of wastewaters specified in Subsections R315-261-4(b)(4)(ii)(A) through R315-261-4(b)(4)(ii)(F).
- (5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
- (6)(i) Wastes that fail the test for the Toxicity Characteristic because chromium is present or are listed in Sections R315-261-30 through R315-261-35 due to the presence of chromium, that do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
 - (A) the chromium in the waste is exclusively, or nearly exclusively, trivalent chromium; and
 - (B) the waste is generated from an industrial process that uses trivalent chromium exclusively, or nearly exclusively, and the process does not generate hexavalent chromium; and
 - (C) the waste is typically and often managed in non-oxidizing environments.
- (ii) Specific wastes that meet the standard in Subsections R315-261-4(b)(6)(i)(A), R315-261-4(b)(6)(i)(B), and R315-261-4(b)(6)(i)(C), so long as they do not fail the test for the Toxicity Characteristic for any other constituent, and do not exhibit any other characteristic, are:
 - (A) Chrome, blue, trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - (B) Chrome, blue, shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - (C) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
 - (D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - (E) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
 - (F) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
 - (G) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
 - (H) Wastewater treatment sludges from the production of TiO₂ pigment using chromium-bearing ores by the chloride process.
- (7) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including coal, phosphate rock, and overburden from the mining of uranium ore, except as provided by Section R315-266-112 for facilities that burn or process hazardous waste.
 - (i) For purposes of Subsection R315-261-4(b)(7) beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water, carbon dioxide, or both; roasting, autoclaving, chlorination, or both in preparation for leaching, except if the roasting, or autoclaving, or chlorination or leaching, or any combination of these, sequence produces a final or intermediate product that does not undergo further beneficiation or processing; gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching.
 - (ii) For the purposes of Subsection R315-261-4(b)(7), solid waste from the processing of ores and minerals includes only the wastes listed in Subsections R315-261-4(b)(7)(ii)(A) through R315-261-4(b)(7)(ii)(T) as generated:
 - (A) slag from primary copper processing;

- (B) slag from primary lead processing;
 - (C) red and brown muds from bauxite refining;
 - (D) phosphogypsum from phosphoric acid production;
 - (E) slag from elemental phosphorus production;
 - (F) gasifier ash from coal gasification;
 - (G) process wastewater from coal gasification;
 - (H) calcium sulfate wastewater treatment plant sludge from primary copper processing;
 - (I) slag tailings from primary copper processing;
 - (J) fluorogypsum from hydrofluoric acid production;
 - (K) process wastewater from hydrofluoric acid production;
 - (L) air pollution control dust or sludge from iron blast furnaces;
 - (M) iron blast furnace slag;
 - (N) treated residue from roasting or leaching of chrome ore;
 - (O) process wastewater from primary magnesium processing by the anhydrous process;
 - (P) process wastewater from phosphoric acid production;
 - (Q) basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
 - (R) basic oxygen furnace and open hearth furnace slag from carbon steel production;
 - (S) chloride process waste solids from titanium tetrachloride production; and
 - (T) slag from primary zinc processing.
- (iii) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under Subsection R315-261-4(b) if the owner or operator:
- (A) processes at least 50% by weight normal beneficiation raw materials or normal mineral processing raw materials; and
 - (B) legitimately reclaims the secondary mineral processing materials.
- (8) Cement kiln dust waste, except as provided by Section R315-266-112 for facilities that burn or process hazardous waste.
- (9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and that is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- (10) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of Section R315-261-24, Hazardous Waste Codes D018 through D043 only, and are subject to the corrective action rules in 40 CFR 280 ~~which~~ that are contained in Section R311-202-1.
- (11) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic, Hazardous Waste Codes D018 through D043 only, in Section R315-261-24 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or that contracts have been issued for, on or before March 25, 1991. For groundwater returned through infiltration galleries from these operations at petroleum refineries, marketing terminals, and bulk plants, until October 2, 1991. New operations involving injection wells, beginning after March 25, 1991, will qualify for this compliance date extension, until January 25, 1993, only if:
- (i) operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is finished; and
 - (ii) a copy of the written agreement has been submitted to: Waste Identification Branch (5304), ~~U.S.~~US Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460 and the Division of Waste Management and Radiation Control, PO Box 144880, Salt Lake City, UT 84114-4880.
- (12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- (13) Non-terne plated used oil filters that are not mixed with wastes listed in Sections R315-261-30 through R315-261-35 if these oil filters have been gravity hot-drained using one of the methods listed in Subsections R315-261-4(b)(13)(i) through R315-261-4(b)(13)(iv):
- (i) puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - (ii) hot-draining and crushing;
 - (iii) dismantling and hot-draining; or
 - (iv) any other equivalent hot-draining method that will remove used oil.
- (14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- (15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided:
- (i) the solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, K178 and K181 if these wastes had been generated after the effective date of the listing;
 - (ii) the solid wastes described in Subsection R315-261-4(b)(15)(i) were disposed before the effective date of the listing;
 - (iii) the leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;
 - (iv) discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under ~~[s]~~Sections 307(b) or 402 of the Clean Water Act; and
 - (v) as of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if it is stored or managed in a surface impoundment before discharge. As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 is no longer exempt if it is stored or managed in a surface impoundment before discharge. After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment before discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation such as shutdown of wastewater treatment system, provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of Subsection R315-261-4(b)(15)(v) after the emergency ends.
- (16) Reserved
 - (17) Reserved

(18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided:

(i) the solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers shall be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed if there is complete contact between the fitted lid and the rim, except ~~[when]~~ if it is necessary to add or remove solvent-contaminated wipes. If the container is full, or if the solvent-contaminated wipes are no longer being accumulated, or if the container is being transported, the container shall be sealed with the lids properly and securely affixed to the container and any openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) the solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container before being sent for disposal;

(iii) at the point of being transported for disposal, the solvent-contaminated wipes shall contain no free liquids as defined in Section R315-260-10;

(iv) free liquids removed from the solvent-contaminated wipes or from the container holding the wipes shall be managed according to the applicable rules found in Rules R315-260 through R315-266, R315-268, R315-270, and R315-273;

(v) ~~[G]~~generators shall maintain at their site the documentation listed in Subsections R315-261-4(b)(18)(v)(A) through R315-261-4(b)(18)(v)(C):

(A) name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

(B) documentation that the 180-day accumulation time limit in Subsection R315-261-4(b)(18)(ii) is being met; and

(C) description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

(vi) the solvent-contaminated wipes are sent for disposal:

(A) to a solid waste landfill that:

(I) is regulated under Rules R315-301 through R315-320;

(II) is a Class I or V Landfill; and

(III) has a composite liner; or

(B) to a hazardous waste landfill regulated under Rules R315-260 through R315-266, R315-268, and R315-270; or

(C) to a municipal waste combustor or other combustion facility regulated under ~~[s]~~Section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under Rule R315-264, Rule R315-265, or Sections R315-266-100 through R315-266-112.

(c) Hazardous wastes that are exempted from certain rules. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under Rules R315-262 through R315-265, R315-268, R315-270, and R315-124 or to the notification requirements of ~~[s]~~Section 3010 of RCRA until it exits the unit that it was generated in, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit stops being operated for manufacturing, or for storage or transportation of product or raw materials.

(d)(1) Samples. Except as provided in Subsections R315-261-4(d)(2) and R315-261-4(d)(4), a sample of solid waste or a sample of water, soil, or air, ~~[which]~~that is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of Rules R315-261 through R315-266, R315-268 or R315-270 or R315-124 or to the notification requirements of Section 3010 of RCRA, if:

(i) the sample is being transported to a laboratory for testing; or

(ii) the sample is being transported back to the sample collector after testing; or

(iii) the sample is being stored by the sample collector before transport to a laboratory for testing; or

(iv) the sample is being stored in a laboratory before testing; or

(v) the sample is being stored in a laboratory after testing but before it is returned to the sample collector; or

(vi) the sample is being stored temporarily in the laboratory after testing for a specific purpose, for example, until conclusion of a court case or enforcement action ~~[when]~~if further testing of the sample may be necessary.

(2) To qualify for the exemption in Subsections R315-261-4(d)(1)(i) and R315-261-4(d)(1)(ii), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

(i) comply with DOT, ~~[U.S.]~~US Postal Service (USPS), or any other applicable shipping requirements; or

(ii) comply with the requirements of Subsections R315-261-4(d)(2)(ii)(A) and R315-261-4(d)(2)(ii)(B) if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

(A) Assure that the information listed in Subsections R315-261-4(d)(2)(ii)(A)(I) through R315-261-4(d)(2)(ii)(A)(V) accompanies the sample:

(I) the sample collector's name, mailing address, and telephone number;

(II) the laboratory's name, mailing address, and telephone number;

(III) the quantity of the sample;

(IV) the date of shipment; and

(V) a description of the sample.

(B) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in Subsection R315-261-4(d)(1).

(4) To qualify for the exemption in Subsections R315-261-4(d)(1)(i) and R315-261-4(d)(1)(ii), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a ~~[U.S.]~~US laboratory from a foreign source shall additionally not exceed 25 kg.

(e)(1) Treatability Study Samples. Except as provided in Subsections R315-261-4(e)(2) and R315-261-4(e)(4), persons who generate or collect samples for conducting treatability studies as defined in Section R315-260-10, are not subject to any requirement of Rules R315-261 through R315-263 or to the notification requirements of Section 3010 of RCRA, nor are the samples included in the quantity determinations of Section R315-262-13 and the accumulation limits in Subsections R315-262-14(a)(3), R315-262-14(a)(4), and R315-262-16(b)(1)~~[261-5 and Subsection R315-262-34(d)]~~ if:

(i) the sample is being collected and prepared for transportation by the generator or sample collector; or

(ii) the sample is being accumulated or stored by the generator or sample collector before transportation to a laboratory or testing facility;

or

(iii) the sample is being transported to the laboratory or testing facility for conducting a treatability study.

(2) The exemption in Subsection R315-261-4(e)(1) applies to samples of hazardous waste being collected and shipped for conducting treatability studies provided:

(i) the generator or sample collector uses, in treatability studies, no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream; and

(ii) the mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste; and

(iii) the sample shall be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of Subsection R315-261-4(e)(2)(iii)(A) or R315-261-4(e)(2)(iii)(B) are met.

(A) The transportation of each sample shipment complies with DOT, USPS, or any other applicable shipping requirements; or

(B) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the information listed in Subsections R315-261-4(e)(2)(iii)(B)(I) through R315-261-4(e)(2)(iii)(B)(V) shall accompany the sample:

(I) the name, mailing address, and telephone number of the originator of the sample;

(II) the name, address, and telephone number of the facility that will perform the treatability study;

(III) the quantity of the sample;

(IV) the date of shipment; and

(V) a description of the sample, including its EPA Hazardous Waste Number.

(iv) The sample is shipped to a laboratory or testing facility that is exempt under Subsection R315-261-4(f) or has an appropriate hazardous waste permit or interim status.

(v) The generator or sample collector maintains the records listed in Subsections R315-261-4(e)(2)(v)(A) through R315-261-4(e)(2)(v)(C) for a period ending three years after completion of the treatability study:

(A) copies of the shipping documents;

(B) a copy of the contract with the facility conducting the treatability study;

(C) documentation showing:

(I) the amount of waste shipped under this exemption;

(II) the name, address, and EPA identification number of the laboratory or testing facility that received the waste;

(III) the date the shipment was made; and

(IV) whether or not unused samples and residues were returned to the generator.

(vi) The generator reports the information required under Subsection R315-261-4(e)(2)(v)(C) in its biennial report.

(3) The director may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The director may grant requests on a case-by-case basis for quantity limits ~~in excess of~~ more than those specified in Subsections R315-261-4(e)(2)(i) and R315-261-4(e)(2)(ii) and Subsection R315-261-4(f)(4), for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste and 1 kg of acute hazardous waste.

(i) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing these requests include the nature of the technology; the type of process, batch versus continuous; size of the unit undergoing testing, particularly in relation to scale-up considerations; the time or quantity of material required to reach steady state operating conditions; or test design considerations such as mass balance calculations.

(ii) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, if:

(A) there has been an equipment or mechanical failure during the conduct of a treatability study;

(B) there is a need to verify the results of a previously conducted treatability study;

(C) there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or

(D) there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(iii) The additional quantities and timeframes allowed in Subsections R315-261-4(e)(3)(i) and R315-261-4(e)(3)(ii) are subject to Subsections R315-261-4(e)(1) and R315-261-4(e)(2)(iii) through R315-261-4(e)(2)(vi). The generator or sample collector shall apply to the director and provide in writing the information listed in Subsections R315-261-4(e)(3)(iii)(A) through R315-261-4(e)(3)(iii)(E):

(A) the reason why the generator or sample collector requires additional time or quantity of sample for treatability study evaluation and the additional time or quantity needed;

(B) documentation accounting for any samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility that it was shipped to, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;

(C) a description of the technical modifications or change in specifications that will be evaluated and the expected results;

(D) if further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(E) other information that the director considers necessary.

(4) To qualify for the exemption in Subsection R315-261-4(e)(1)(i), the mass of a sample that will be exported to a foreign laboratory or testing facility or that will be imported to a ~~U.S.~~ US laboratory or testing facility from a foreign source shall additionally not exceed 25 kg.

(f) Samples Undergoing Treatability Studies at Laboratories and Testing Facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting the treatability studies, to the extent the facilities are not otherwise subject to RCRA requirements, are not subject to any requirement of Rules R315-261 through R315-266, R315-268, and R315-270, or to the notification requirements of Section 3010 of RCRA provided the conditions of Subsections R315-261-4(f)(1) through R315-261-4(f)(11) are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to Subsections R315-261-4(f)(1) through R315-261-4(f)(11). If a group of MTUs are located at a site, the limitations specified in Subsections R315-261-4(f)(1) through R315-261-4(f)(11) apply to the entire group of MTUs collectively as if the group were one MTU.

(1) No less than 45 days before conducting treatability studies, the facility notifies the director, in writing that it intends to conduct treatability studies under Subsection R315-261-4(f).

(2) The laboratory or testing facility conducting the treatability study has an EPA identification number.

(3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(4) The quantity of "as received" hazardous waste stored at the facility for evaluation in treatability studies does not exceed 10,000 kg, the total can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials, including ~~non-hazardous~~ solid waste, added to "as received" hazardous waste.

(5) No more than 90 days have elapsed since the treatability study for the sample was finished, or no more than one year, two years for treatability studies involving bioremediation, have elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

(7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The specific information listed in Subsections R315-261-4(f)(7)(i) through R315-261-4(f)(7)(vii) shall be included for each treatability study conducted:

(i) the name, address, and EPA identification number of the generator or sample collector of each waste sample;

(ii) the date the shipment was received;

(iii) the quantity of waste accepted;

(iv) the quantity of "as received" waste in storage each day;

(v) the date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(vi) the date the treatability study was concluded; and

(vii) the date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the EPA identification number.

(8) The facility keeps, on-site, a copy of the treatability study contract and any shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(9) The facility prepares and submits a report to the director, by March 15 of each year, that includes the information listed in Subsections R315-261-4(f)(9)(i) through R315-261-4(f)(9)(vii) for the previous calendar year:

(i) the name, address, and EPA identification number of the facility conducting the treatability studies;

(ii) the types, by process, of treatability studies conducted;

(iii) the names and addresses of persons for whom studies have been conducted, including their EPA identification numbers;

(iv) the total quantity of waste in storage each day;

(v) the quantity and types of waste subjected to treatability studies;

(vi) when each treatability study was conducted; and

(vii) the final disposition of residues and unused sample from each treatability study.

(10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section R315-261-3 and, if so, are subject to Rules R315-261 through R315-268 and R315-270, unless the residues and unused samples are returned to the sample originator under the Subsection R315-261-4(e) exemption.

(11) The facility notifies the director, by letter when the facility is no longer planning to conduct any treatability studies at the site.

(g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1344, or ~~[s]~~Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1413, is not a hazardous waste. For Subsection R315-261-4(g), the definitions in Subsections R315-261-4(g)(1) and R315-261-4(g)(2) apply:

(1) The term "dredged material" has the meaning as defined in 40 CFR 232.2;

(2) The term "permit" means:

(i) a permit issued by the ~~[U.S.]~~US Army Corps of Engineers (Corps) or an approved state under ~~[s]~~Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1344;

(ii) a permit issued by the Corps under ~~[s]~~Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1413; or

(iii) in the case of Corps civil works projects, the administrative equivalent of the permits referred to in Subsections R315-261-4(g)(2)(i) and R315-261-4(g)(2)(ii), as provided for in Corps regulations.

(h) Carbon dioxide stream injected for geologic sequestration. Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI Underground Injection Control wells, including the requirements in Rule R317-7, are not a hazardous waste, provided the conditions in Subsections R315-261-4(h)(1) through R315-261-4(h)(4) are met:

(1) transportation of the carbon dioxide stream shall be in compliance with ~~[U.S.]~~US DOT ~~[Department of Transportation]~~ requirements, including the pipeline safety laws, 49 U.S.C. 60101 et seq. and regulations, 49 CFR Parts 190-199, of the ~~[U.S.]~~US DOT ~~[Department of Transportation]~~, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 U.S.C. 60105, as applicable;

(2) injection of the carbon dioxide stream shall be in compliance with the applicable requirements for Class VI Underground Injection Control wells, including the applicable requirements in Rule R317-7;

(3) no hazardous wastes shall be mixed with, or otherwise co-injected with, the carbon dioxide stream; and

(4)(i) Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under Subsection R315-261-4(h), shall have an authorized representative, as defined in Section R315-260-10, sign a certification statement worded as follows: "I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under Subsection R315-261-4(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with, or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with, ~~[Department of Transportation]~~US DOT requirements, including the pipeline safety laws, 49 U.S.C.

60101 et seq., and regulations, 49 CFR Parts 190-199, of the [U.S.]US DOT[Department of Transportation], and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 U.S.C. 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of Rule R317-7."

(ii) Any Class VI Underground Injection Control well owner or operator, who claims that a carbon dioxide stream is excluded under Subsection R315-261-4(h), shall have an authorized representative, as defined in Section R315-260-10, sign a certification statement worded as follows: "I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under Subsection R315-261-4(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the Underground Injection Control (UIC) Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in Rule R317-7."

(iii) The signed certification statement shall be kept on-site for no less than three years[.] and shall be made available within 72 hours of a written request from the director. The signed certification statement shall be renewed each year that the exclusion is claimed, by having an authorized representative, as defined in Section R315-260-10, annually prepare and sign a new copy of the certification statement within one year of the date of the previous statement. The signed certification statement shall also be readily accessible on the facility's publicly available website, if the website exists, as a public notification with the title of "Carbon Dioxide Stream Certification" when the exclusion is claimed.

(i) Reserved

(j)(1) Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not subject to regulation under Rules R315-262 through R315-268, R315-270 or R315-124, and is not subject to the notification requirements of [§]Section 3010 of RCRA provided:

(i) the airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

(ii) the airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste -- Do Not Reuse;" and

(iii) the airbag waste is sent directly to either:

(A) an airbag waste collection facility in the United States under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized person administering a remedy program in response to a recall under the National Highway Traffic Safety Administration; or

(B) a designated facility as defined in Section R315-260-10;

(iv) the transport of the airbag waste complies with applicable [U.S.]US DOT[Department of Transportation] regulations in 49 CFR part 171 through 180 during transit; and

(v) the airbag waste handler maintains at the handler facility for no less than three years records of each off-site shipment of airbag waste and each confirmation of receipt from the receiving facility. For each shipment, these records shall, at a minimum, contain the name of the transporter and date of the shipment; name and address of receiving facility; and the type and quantity of airbag waste, that is, airbag modules or airbag inflators, in the shipment. Confirmations of receipt shall include the name and address of the receiving facility; the type and quantity of the airbag waste, that is, airbag modules and airbag inflators, received; and the date that it was received. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records such as electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt.

(2) Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to applicable hazardous waste rules, and the facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste rules and shall comply with the requirements of Rule R315-262.

(3) Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration is considered sham recycling and prohibited under Subsection R315-261-2(g).

R315-261-6. Requirements for Recyclable Materials.

(a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of Subsections R315-261-6(b) and R315-261-6(c), except for the materials listed in Subsections R315-261-6(a)(2) and R315-261-6(a)(3). Hazardous wastes that are recycled shall be known as recyclable materials.

(2) The recyclable materials listed in Subsections R315-261-6(a)(2)(i) through R315-261-6(a)(2)(iv)[(iv)](v) are not subject to the requirements of Section R315-261-6 but are regulated under Sections R315-266-20 through R315-266-23, Section R315-266-70, Section R315-266-80, Sections R315-266-100 through R315-266-112, Sections R315-266-200[2] through R315-266-206, Sections R315-266-500 through R315-266-510, Sections R315-266-600 through R315-266-602, and the applicable requirements of Rules R315-268, R315-270, and R315-124:

(i) recyclable materials used in a manner constituting disposal, Sections R315-266-20 through R315-266-23;

(ii) hazardous wastes burned, as defined in Subsection R315-266-100(a), in boilers and industrial furnaces that are not regulated under Sections R315-264-340 through R315-264-345, R315-264-347, and R315-264-351 or R315-265-340 through R315-265-369, Sections R315-266-100 through R315-266-112;

(iii) recyclable materials that precious metals are reclaimed from, Section R315-266-70;[and]

(iv) spent lead-acid batteries that are being reclaimed, Section R315-266-80; and

(v) ignitable spent refrigerants recycled for reuse, Sections R315-266-600 through R315-266-602.

(3) The recyclable materials listed in Subsections R315-261-6(a)(3)(i) through R315-261-6(a)(3)(iv) are not subject to regulation under Rules R315-262 through R315-268, R315-270, and R315-124, and are not subject to the notification requirements of [§]Section 3010 of RCRA:

(i) industrial ethyl alcohol that is reclaimed except that exports and imports of these recyclable materials shall comply with the requirements of Sections R315-262-80 through R315-262-84;

(A) the person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to an exporter in Section R315-262-83 with the exception of Subsection R315-262-83(c); and

(B) transporters transporting a shipment for export or import shall comply with the movement document requirements listed in Subsections R315-263-20(a)(2) and R315-263-20(c);

(ii) scrap metal that is not excluded under Subsection R315-261-4(a)(13);

(iii) fuels produced from the refining of oil-bearing hazardous waste along with normal process streams at a petroleum refining facility if the wastes result from normal petroleum refining, production, and transportation practices, this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, if the recovered oil is already excluded under Subsection R315-261-4(a)(12); and

(iv)(A) hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from the hazardous wastes, if the hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under Subsection R315-15.1.2(c) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

(B) hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, if the hazardous wastes are reintroduced into a refining process after a point that contaminants are removed, so long as the fuel meets the used oil fuel specification under Subsection R315-15.1.2(c); and

(C) oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under Subsection R315-15.1.2(c).

(4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of Rules R315-260 through R315-268, but is regulated under Rule R315-15. Used oil that is recycled includes any used oil that is reused, following its original use, for any purpose, including the purpose that the oil was originally used. This term includes oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

(5) Hazardous waste that is exported or imported for purpose of recovery is subject to the requirements of Sections R315-262-80 through R315-262-84.

(b) Generators and transporters of recyclable materials are subject to the applicable requirements of Rules R315-262 and R315-263 and the notification requirements under [s]Section 3010 of RCRA, except as provided in Subsection R315-261-6(a).

(c)(1) Owners and operators of facilities that store recyclable materials before they are recycled are regulated under the applicable requirements of Sections R315-264-1 through R315-264-259, R315-264-1030 through R315-264-1102, R315-265-1 through R315-265-260, R315-265-1030 through R315-265-1102 of Rules R315-264 and R315-265, and under Rules R315-266, R315-268, R315-270, and R315-124 and the notification requirements under [s]Section 3010 of RCRA, except as provided in Subsection R315-261-6(a). The recycling process itself is exempt from regulation except as provided in Subsection R315-261-6(d).

(2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the requirements of Subsections R315-261-6(c)(2)(i) through R315-261-6(c)(2)(iv), except as provided in Subsection R315-261-6(a):

(i) notification requirements under [s]Section 3010 of RCRA;

(ii) Sections R315-265-71 and R315-265-72 dealing with the use of the manifest and manifest discrepancies;

(iii) Subsection R315-261-6(d); and

(iv) Section R315-265-75, addressing biennial reporting requirements.

(d) Owners or operators of facilities subject to permitting requirements under Section 19-6-108 with hazardous waste management units that recycle hazardous wastes are subject to the requirements of Sections R315-264-1030 through R315-264-1036 and Sections R315-264-1050 through R315-264-1065, Sections R315-265-1030 through R315-265-1035, or Sections R315-265-1050 through R315-265-1064.

R315-261-39. Exclusions and Exemptions - Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

Used, broken CRTs are not solid wastes if they meet the ~~following~~ conditions listed in Subsection R315-261-39(a):

(a) Before processing. These materials are not solid wastes if they are destined for recycling and if they meet the ~~following~~ requirements found in Subsections R315-261-39(a)(1) through R315-261-39(a)(5):

(1) Storage. The broken CRTs shall be either:

(i) stored in a building with a roof, floor, and walls~~;~~ or

(ii) placed in a container, for example, a package or a vehicle, that is constructed, filled, and closed to minimize releases to the environment of CRT glass, including fine solid materials.

(2) Labeling. Each container ~~in which~~ that contains the used, broken CRT ~~is contained~~ shall be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass " or "Leaded glass from televisions or computers." It shall also be labeled: "Do not mix with other glass materials."

(3) Transportation. The used, broken CRTs shall be transported in a container meeting the requirements of Subsections R315-261-39(a)(1)(ii) and R315-261-39(a)(2).

(4) Speculative accumulation and use constituting disposal. The used, broken CRTs are subject to the limitations on speculative accumulation as defined in Subsection R315-261-39(c)(8). If they are used in a manner constituting disposal, they shall comply with the applicable requirements of Sections R315-266-20 through R315-266-23 instead of the requirements of Section R315-261-39.

(5) Exports. In addition to the applicable conditions specified in Subsections R315-261-39(a)(1) through R315-261-39(a)(4), exporters of used, broken CRTs shall comply with the ~~following~~ requirements of Subsections R315-261-39(a)(5)(i) through R315-261-39(a)(5)(xi):

(i) Notify EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off~~[-]~~ site. This notification may cover export activities extending over a 12-month or lesser period. The notification shall be in writing, signed by the exporter, and include the ~~following~~ information listed in Subsections R315-261-39(a)(5)(i)(A) through R315-261-39(a)(5)(i)(H):

(A) Name, ~~mailing~~ **site** address, telephone number, and EPA ID number, if applicable, of the exporter of the CRTs.

(B) The estimated frequency or rate at which the CRTs are to be exported and the period over which they are to be exported.

(C) The estimated total quantity of CRTs specified in kilograms.

(D) The points of entry to and departure from each foreign country through which the CRTs will pass.

(E) A description of the means by which each shipment of the CRTs will be transported; such as mode of transportation vehicle, air, highway, rail, water; types of container, drums, boxes, tanks.

(F) The name and **site** address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the names of any alternate recyclers.

(G) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.

(H) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in the transit country and the nature of their handling while there.

(ii) Notifications shall be submitted electronically using ~~[EPA's Waste Import Export Tracking System (WIETS)]~~ or its successor system.

(iii) Upon request by EPA, the exporter shall furnish to EPA any additional information that a receiving country requests to respond to a notification.

(iv) EPA shall provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification that EPA determines satisfies the requirements of Subsection R315-261-39(a)(5)(i).

(v) The export of CRTs is prohibited unless each of the ~~following~~ requirements of Subsections R315-261-39(a)(5)(v)(A) and R315-261-39(a)(5)(B) occur:

(A) The receiving country consents to the intended export. ~~When~~ If the receiving country consents in writing to the receipt of the CRTs, EPA will forward an Acknowledgment of Consent to Export CRTs to the exporter. If the receiving country objects to receipt of the CRTs or withdraws a earlier consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries.

(B) ~~On or after the AES filing compliance date, t~~ The exporter or a ~~U.S.~~ US authorized agent shall:

(I) Submit ~~Electronic Export Information (EEI)~~ for each shipment to the ~~Automated Export System (AES)~~ or its successor system, under the ~~International Trade Data System (ITDS)~~ platform, in accordance with 15 CFR 30.4(b).

(II) Include the following items in the EEI, along with the other information required under 15 CFR 30.6: EPA license code; Commodity classification code per 15 CFR 30.6(a)(12); EPA consent number; Country of ultimate destination per 15 CFR 30.6(a)(5); Date of export per 15 CFR 30.6(a)(2); Quantity of waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15); or EPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(vi) If the conditions specified on the original notification change, the exporter shall provide EPA with a written renotification of the change using the allowable methods listed in Subsection R315-261-39(a)(5)(ii), except for changes to the telephone number in Subsection R315-261-39(a)(5)(i)(A) and decreases in the quantity indicated pursuant to Subsection R315-261-39(a)(5)(i)(C). The shipment cannot take place until consent of the receiving country to the changes has been received, except for changes to information about points of entry and departure and transit countries pursuant to Subsections R315-261-39(a)(5)(i)(D) and R315-261-39(a)(5)(i)(H) and the exporter of CRTs receives from EPA a copy of the Acknowledgment of Consent to Export CRTs reflecting the receiving country's consent to the changes.

(vii) A copy of the Acknowledgment of Consent to Export CRTs shall accompany the shipment of CRTs. The shipment shall conform to the terms of the Acknowledgment.

(viii) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs shall renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with Subsection R315-261-39(a)(5)(vi) and get another Acknowledgment of Consent to Export CRTs.

(ix) Exporters shall keep copies of notifications and Acknowledgments of Consent to Export CRTs for a period of three years following receipt of the Acknowledgment. Exporters may satisfy this recordkeeping requirement by keeping electronically submitted notifications or electronically generated Acknowledgments in the CRT exporter's account on ~~EPA's Waste Import Export Tracking System (WIETS)~~, or its successor system, if these copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No CRT exporter may be held liable for the inability to produce a notification or Acknowledgment for inspection under Section R315-261-39 if the CRT exporter can demonstrate that the inability to produce copies is due exclusively to technical difficulty with ~~EPA's Waste Import Export Tracking System (WIETS)~~, or its successor system for which the CRT exporter bears no responsibility.

(x) CRT exporters shall file with EPA no later than March 1 of each year, an annual report summarizing the quantities, in kilograms; frequency of shipment; and ultimate destinations, for example, the facility or facilities where the recycling occurs, of the used CRTs exported during the previous calendar year. Annual reports shall also include the ~~following~~ the information listed in Subsections R315-261-39(a)(5)(x)(A) through R315-261-39(a)(5)(x)(C):

(A) the name; EPA ID number, if applicable; and mailing and site address of the exporter;

(B) the calendar year covered by the report; and

(C) a certification signed by the CRT exporter that states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(xi) ~~Before one year after the AES filing compliance date, annual reports shall be sent to the following mailing address: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch, (Mail Code 2255A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Hand-delivered annual reports on used CRTs exported during 2016 should be sent to: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch, (Mail Code 2255A), Environmental Protection Agency, William Jefferson Clinton South Building, Room 6144, 1200 Pennsylvania Ave. NW., Washington, DC 20004. Subsequently, annual reports shall be submitted to the office listed using the allowable methods specified in Subsection R315-261-39(a)(5)(ii). Exporters shall~~ Annual reports shall be submitted to the EPA using the allowable methods specified in Subsection R315-261-39(a)(5)(ii). Exporters shall keep copies of each annual report for a period of at least three years from the due date of the report. Exporters may satisfy this recordkeeping requirement by keeping electronically submitted annual reports in the CRT exporter's account on ~~EPA's Waste Import Export Tracking System (WIETS)~~, or its successor system, ~~if provided that~~ a copy is readily available for viewing and production if requested by any EPA or authorized Utah inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under Section R315-261-39 if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with ~~EPA's Waste Import Export Tracking System (WIETS)~~, or its successor system for which the CRT exporter bears no responsibility.

(b) Requirements for used CRT processing: Used, broken CRTs undergoing CRT processing as defined in Section R315-260-10 are not solid wastes if they meet the ~~following~~ requirements of Subsections R315-261-39(b)(1) and R315-261-39(b)(2):

(1) Storage. Used, broken CRTs undergoing processing are subject to the requirement of Subsection R315-261-39(a)(4).

(2) Processing.

(i) The activities specified in Subsections R315-260-10(32)(ii) and R315-260-10(32)(iii) of the definition of CRT Processing in Section R315-260-10 shall be performed within a building with a roof, floor, and walls; and

(ii) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(c) Processed CRT glass sent to CRT glass making or lead smelting: Glass from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in Subsection R315-261-1(c)(8).

(d) Use constituting disposal. Glass from used CRTs that is used in a manner constituting disposal shall comply with the requirements of Sections R315-266-20 through R315-266-23 instead of the requirements of Section R315-261-39.

R315-261-400. Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials - Applicability.

The requirements of Sections R315-261-400, R315-261-410, R315-261-411, and R315-261-420 apply to those areas of an entity managing hazardous secondary materials excluded under Subsection[s] R315-261-4(a)(23) or R315-261-4(a)(24) or both where hazardous secondary materials are generated or accumulated on[-] site, and facilities regulated under the standards in Sections R315-266-600 through R315-266-602 that receive ignitable spent refrigerant from off-site and that are not transfer facilities that store the refrigerants for less than ten days.

(a) A generator of hazardous secondary material, or an intermediate or reclamation facility, that accumulates 6,000 kg or less of hazardous secondary material at any time shall comply with Sections R315-261-410 and R315-261-411.

(b) A generator of hazardous secondary material, or an intermediate or reclamation facility that accumulates more than 6,000 kg of hazardous secondary material at any time shall comply with Sections R315-261-410 and R315-261-420.

(c) Facilities receiving refrigerant from off-site under Sections R315-266-600 through R315-266-602 that are not transfer facilities that store the refrigerants for less than ten days shall comply with Sections R315-261-410 and R315-261-420.

R315-261-420. Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials - Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6,000 ~~kg~~ kg of Hazardous Secondary Material or Receiving Ignitable Spent Refrigerants.

A generator or an intermediate or reclamation facility that generates or accumulates more than 6,000 kg of hazardous secondary material, or a facility receiving refrigerant from off-site in accordance with Sections R315-266-600 through R315-266-602, that is not a transfer facility that stores the refrigerants for less than ten days shall comply with the requirements in Subsections R315-261-420(a) through R315-261-420(g):

(a) Purpose and implementation of contingency plan.

(1) Each generator or an intermediate or reclamation facility that accumulates more than 6,000 kg of hazardous secondary material shall have a contingency plan for their facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water.

(2) The ~~[provisions of the]~~ plan shall be carried out immediately if there is a fire, explosion, or release of hazardous secondary material or hazardous secondary material constituents that could threaten human health or the environment.

(b) Content of contingency plan.

(1) The contingency plan shall describe the actions facility personnel shall take to comply with Subsections R315-261-420(a) and R315-261-420(f) in response to fires, explosions, or any unplanned sudden or nonsudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water at the facility.

(2) If the generator or an intermediate or reclamation facility accumulating more than 6,000 kg of hazardous secondary material has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or another emergency or contingency plan, the generator need only amend that plan to incorporate hazardous waste management provisions that are enough to comply with the requirements of Rule R315-261. The hazardous secondary material generator or an intermediate or reclamation facility operating under a verified recycler variance under Subsection R315-260-13(d) may develop one contingency plan that meets the regulatory requirements. The director recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). If modifications are made to non-hazardous waste provisions in an integrated contingency plan, the changes do not trigger the need for a hazardous waste permit modification.

(3) The plan shall describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, pursuant to Subsection R315-261-410(f).

(4) The plan shall list names, addresses, and phone numbers, office and home, of each person qualified to act as emergency coordinator, see Subsection R315-261-420(e), and this list shall be kept up-to-date. If more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order that they shall assume responsibility as alternates.

(5) The plan shall include a list of the emergency equipment at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems, internal and external, and decontamination equipment, if this equipment is required. This list shall be kept up[-] to[-]date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(6) The plan shall include an evacuation plan for facility personnel if there is a possibility that evacuation could be necessary. This plan shall describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes, in cases where the primary routes could be blocked by releases of hazardous waste or fires.

(c) Copies of contingency plan. A copy of the contingency plan and any revisions to the plan shall be:

(1) maintained at the facility; and

(2) submitted to each local police department, fire department, hospital, and state and local emergency response team that may be called upon to provide emergency services.

(d) Amendment of contingency plan. The contingency plan shall be reviewed, and immediately amended, if necessary, if:

(1) applicable rules are revised;

(2) the plan fails in an emergency;

(3) the facility changes-in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of hazardous secondary material or hazardous secondary material constituents, or changes the response necessary in an emergency;

(4) the list of emergency coordinators changes; or

(5) the list of emergency equipment changes.

(e) Emergency coordinator. There shall always be at least one employee either on the facility premises or on call, that is, available to respond to an emergency by reaching the facility within a short period, with the responsibility for coordinating emergency response measures. This emergency coordinator shall be thoroughly familiar with the aspects of the facility's contingency plan, the operations and activities at the facility, the location and characteristics of hazardous secondary material handled, the location of records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in Subsection R315-261-420(f). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of hazardous secondary materials handled by the facility, and type and complexity of the facility.

(f) Emergency procedures.

(1) If there is an imminent or actual emergency situation, the emergency coordinator, or the emergency coordinator's designee if the emergency coordinator is on call, shall immediately:

- (i) activate internal facility alarms or communication systems, if applicable, to notify the facility personnel; and
- (ii) notify appropriate state or local agencies with designated response roles if their help is needed.

(2) If there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(3) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion, for example, the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.

(4) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health, or the environment, outside the facility, the emergency coordinator shall report their findings as follows:

(i) If the emergency coordinator's assessment shows that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) The emergency coordinator shall immediately notify the Utah Department of Environmental Quality 24 hour answering service at 801-536-4123, and the National Response Center, using their 24-hour toll[-]free number 800-424-8802. The report shall include:

(A) name and telephone number of reporter;

(B) name and address of facility;

(C) time and type of incident, for example, release, fire;

(D) name and quantity of materials involved, to the extent known;

(E) the extent of injuries, if any; and

(F) the possible hazards to human health, or the environment, outside the facility.

(5) During an emergency, the emergency coordinator shall take any reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous secondary material at the facility. These measures shall include, if applicable, stopping processes and operations, collecting and containing released material, and removing or isolating containers.

(6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, if this is appropriate.

(7) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered secondary material, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the hazardous secondary material generator can demonstrate, in accordance with Subsection R315-261-3(c) or R315-261-3(d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with the applicable requirements of Rules R315-262, R315-263, and R315-265.

(8) The emergency coordinator shall ensure that, in the affected areas of the facility:

(i) no secondary material that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are finished; and

(ii) the emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(9) The hazardous secondary material generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the hazardous secondary material generator shall submit a written report on the incident to the director. The report shall include:

(i) name, address, and telephone number of the hazardous secondary material generator;

(ii) name, address, and telephone number of the facility;

(iii) date, time, and type of incident, for example, fire, explosion;

(iv) name and quantity of materials involved;

(v) the extent of injuries, if any;

(vi) an assessment of actual or potential hazards to human health or the environment, if this applies; and

(vii) estimated quantity and disposition of recovered material that resulted from the incident.

(g) Personnel training. Each employee shall be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

R315-261-1093. Appendix IX to Rule 315-261-Hazardous Constituents.

Appendix IX to 40 CFR Part 261, 20222025 Ed., is incorporated by reference

KEY: hazardous waste

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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

R315-262. Hazardous Waste Generator Requirements.

3. Are any changes in this filing because of state legislative action?

Changes are not because of legislative action.

If yes, any bill number and session:

HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)

4. Purpose of the new rule or reason for the change:

In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 262. The amendments require large and small quantity generators of hazardous waste to register with EPA's e-Manifest system. The amendments provide clarity as to when a manifest is required and provide direction on making data corrections to a manifest after it has been submitted to the EPA. Paper manifests are reduced from a five-copy form to a four-copy form. Beginning in December of 2025 exception reports must be submitted via the e-Manifest system and the requirement for a generator to keep a copy of the report is satisfied by the electronic copy in the e-Manifest system. The timeframes with regard to when generators must contact designated facilities and when exception reports must be submitted are extended. Exporters of hazardous waste must submit the Electronic Export Information to the Automated Export System for each shipment. The amendments clarify the type of address that must be provided on export documents and provide new instructions for documents and processes used for importing and exporting hazardous secondary materials and waste. The amendments update the requirements for use of a hazardous waste manifest for the export of hazardous waste and the requirements for shipments that cannot be delivered.

In December of 2024, the EPA finalized five regulatory amendments that had been withdrawn from a rulemaking in December of 2023. The amendments made technical corrections to various hazardous waste regulations including some in 40 CFR 262.

In October of 2024, the EPA finalized regulations for the management of certain hydrofluorocarbons and substitutes (ignitable spent refrigerants) under the American Innovation and Manufacturing Act of 2020. This rulemaking included amendments to rules regarding the recycling and disposal hydrofluorocarbons.

As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-262 to conform with the federal regulations.

5. Summary of the new rule or change:

R315-262-14(a)(5)(vi)(B) is amended to include facilities that meet the requirements of R315-266-600 through 602.

R315-262-16(b)(1) is amended to include the limit for acute hazardous waste.

R315-262-17(a)(8)(i) and (i)(A) and (i)(B) are amended to provide clarification regarding notices for closure of a waste accumulation unit.

R315-262-20(a)(1) is amended to required large and small quantity generators to register with the EPA's e-Manifest system.

R315-262-20(a)(2) is amended to provide requirements for post-receipt manifest data corrections.
R315-262-21(f)(5), (6), and (7) are amended to incorporate changes to the paper manifest.
R315-262-24(h) is deleted because it was moved to R315-262-20(a)(2).
R315-262-42(a)(1) is amended to extend the number of days from 35 to 45 before a generator must contact the designated facility because the generator has not received the signed copy of the manifest.
R315-262-42(a)(2) is amended to extend the number of days from 45 to 60 before a large quantity generator must submit an exception report.
R315-262-42(a)(3) is added to the rules and contains the requirement for large quantity generators exception reports to be submitted electronically via the e-Manifest system beginning on December 1, 2025. The language details what must be included in the report.
R315-262-42(b) is amended by adding (2) that contains the requirement for small quantity generators exception reports to be submitted electronically via the e-Manifest system beginning on December 1, 2025.
R315-262-42(c)(2) is amended because of the changes in timeframes in R315-262-42(a)(1).
R315-262-42(d)(1) and (2) are added to the rules stating that any requirement for a generator to keep a copy of an exception report is satisfied by the electronic report in the e-Manifest system and generators cannot be held liable for the inability to produce an electronic report for inspection due to technical difficulties with the e-Manifest system.
R315-262-83 is amended in several subsections with updates to the processes for exporting hazardous waste to include new requirements for electronic reporting and use of the e-Manifest system by exporters of hazardous waste.
R315-262-84 is amended in several subsections updating the type of information that is reported on export documents and the requirements for how to submit the information.
R315-262-84(c)(4) is amended with new requirements for shipments that cannot be delivered.
Additionally, the Division is correcting typographical and formatting errors in Rule R315-262.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this rulemaking will result in any cost or savings to the state budget because the state is not an importer or exporter of hazardous waste, and does not recycle ignitable spent refrigerants. Additionally, the division does not oversee the import or export of hazardous waste, this is handled by the EPA.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that import or export hazardous waste, or recycle ignitable spent refrigerants.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that the rulemaking regarding import and export of hazardous waste will result in any cost or savings to small businesses that must comply with these rules because there are no small businesses in Utah engaged in these activities. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings for non-small businesses engaged in these activities, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules. There are three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency):**

It is not anticipated that the rulemaking regarding import and export of hazardous waste will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because there are no persons other than small businesses, non-small businesses, state or local governments in Utah engaged in these activities. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules except for the cost to the three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency

could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):	
Date:	Time (hh:mm AM/PM):
Place (physical address or URL):	

Click or tap to enter a date.

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on:

11/17/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:

Douglas J. Hansen, Director

Date:

Click or tap to enter a date.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-262. Hazardous Waste Generator Requirements.

R315-262-14. General -- Conditions For Exemption for a Very Small Quantity Generator.

(a) If the very small quantity generator meets the conditions for exemption listed in Section R315-262-14, hazardous waste generated by the very small quantity generator is not subject to the requirements of Rules R315-124, R315-262 through R315-268, except Sections R315-262-10 through R315-262-14, and Rule R315-270, and the notification requirements of Section 3010 of RCRA and the very small quantity generator may accumulate hazardous waste on site without complying with the requirements. The conditions for exemption are as follows:

(1) In a calendar month the very small quantity generator generates less than or equal to the amounts specified in the definition of "very small quantity generator" in Section R315-260-10[~~3~~].

(2) The very small quantity generator complies with Subsections R315-262-11(a) through R315-262-11(d)[~~3~~].

(3) If the very small quantity generator accumulates at any time greater than ~~4~~one kilogram, 2.2 lbs, of acute hazardous waste or 100 kilograms, 220 lbs, of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in Section R315-261-31 or Subsection R315-261-33(e), the quantities of that acute hazardous waste are subject to the ~~following~~ additional conditions for exemption and independent requirements listed in Subsections R315-262-14(a)(3)(i) through R315-262-14(a)(3)(vii):

(i) the waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in Subsection R315-262-14(a)(3);

(ii) the conditions for exemption in Subsections R315-262-17(a) through R315-262-17(g);

(iii) notification as a "very small quantity generator" under Subsections R315-262-18(a) through R315-262-18(c);

(iv) preparation and use of the manifest in Sections R315-262-20 through R315-262-27;

(v) pre-transport requirements in Sections R315-262-30 through R315-262-35;

(vi) recordkeeping and reporting requirements of Sections R315-262-40 through R315-262-44; and

(vii) requirements for transboundary movements of hazardous wastes in Sections R315-262-80 through R315-262-89[~~3~~].

(4) If the very small quantity generator accumulates at any time 1,000 kilograms, 2,200 lbs, or greater of non-acute hazardous waste, the quantities of that hazardous waste are subject to the ~~following~~ additional conditions for exemption and independent requirements listed in Subsections R315-262-14(a)(4)(i) through R315-262-14(a)(4)(viii):

(i) the waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceeds the amounts provided in Subsection R315-262-14(a)(4);

(ii) the quantity of waste accumulated on site never exceeds 6,000 kilograms, 13,200 lbs;

(iii) the conditions for exemption in Subsections R315-262-16(b)(2) through R315-262-16(f);

(iv) notification as a "very small quantity generator" under Subsections R315-262-18(a) through R315-262-18(c);

(v) preparation and use of the manifest in Sections R315-262-20 through R315-262-27;

(vi) pre-transport requirements in Sections R315-262-30 through R315-262-35;

(vii) recordkeeping and reporting requirements of Sections R315-262-40 through R315-262-44; and

(viii) requirements for transboundary movements of hazardous wastes in Sections R315-262-80 through R315-262-89[~~and~~].

(5) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in Subsections R315-262-14(a)(3) and R315-262-14(a)(4) shall either treat or dispose of its hazardous waste in an on[~~-~~]site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the ~~U.S.~~US, is:

(i) permitted under Rule R315-270;

(ii) in interim status under Rules R315-265 and R315-270;

(iii) authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271;

(iv) permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to Rules R315-301 through R315-322;

(v) permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, is subject to the requirements in Rules R315-301 through R315-322 or 40 CFR 257.5 through 257.30;

(vi) a facility that:

(A) ~~(I)~~ beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

~~(B)~~ ~~(II)~~ treats its waste before beneficial use or reuse, or legitimate recycling or reclamation; and

(B) for ignitable spent refrigerants regulated in accordance with Sections R315-266-600 through R315-266-602, meets the requirements of Sections R315-266-600 through R315-266-602;

(vii) for universal waste managed under Rule R315-273, a universal waste handler or destination facility subject to the requirements of Rule R315-273;

(viii) a large quantity generator under the control of the person who controls the very small quantity generator, provided the [following] conditions listed in Subsections R315-262-14(a)(5)(viii)(A) and R315-262-14(a)(5)(viii)(B) are met:

(A) The person, as defined in Section R315-260-10, who controls the very small quantity generator also controls the large quantity generator. "Control," for the purposes of Subsection R315-262-14(a)(5)(viii), means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person as defined in Section R315-260-10 may not be considered to "control" the generators.

(B) The very small quantity generator marks its containers of hazardous waste with:

(1) the words "Hazardous Waste"; and

(2) an indication of the hazards of the contents, examples include:

(I) the applicable hazardous waste characteristics, ignitable, corrosive, reactive, toxic;

(II) hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding;

(III) a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or

(IV) a chemical hazard label consistent with the National Fire Protection Association code 704;

(ix) a reverse distributor, as defined in Section R315-266-500, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility, as defined in Section R315-266-500; or

(x) a healthcare facility, as defined in Section R315-266-500, that meets the conditions in Subsections R315-266-502(l) and R315-266-503(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.

(xi) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of Subsection R315-261-4(j).

(b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited.

(c) A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with Sections R315-262-230 through R315-262-233 in lieu of Sections R315-262-15, R315-262-16, and R315-262-17.

R315-262-16. General -- Conditions for Exemption for a Small Quantity Generator that Accumulates Hazardous Waste.

A small quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of Rules R315-124, R315-264 through R315-266, and R315-270, or the notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities, if the conditions for exemption listed in Section R315-262-16 are met.

(a) Generation. The generator generates in a calendar month no more than the amounts specified in the definition of "small quantity generator" in Section R315-260-10.

(b) Accumulation. The generator accumulates hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in Subsections R315-262-16(c), R315-262-16(d) and R315-262-16(e). The [following] accumulation conditions listed in Subsections R315-262-16(b)(1) through R315-262-16(b)(6) also apply:

(1) Accumulation limit. The quantity of acute hazardous waste accumulated on site never exceeds one kilogram, 2.2 pounds, and the quantity of non-acute hazardous waste accumulated on site never exceeds 6,000 kilograms, 13,200 pounds.

(2) Accumulation of hazardous waste in containers.

(i) Condition of containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in another way that complies with the conditions for exemption of Section R315-262-16.

(ii) Compatibility of waste with container. The small quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

(iii) Management of containers.

(A) A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

(B) A container holding hazardous waste may not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

(iv) Inspections. At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See Subsection R315-262-16(b)(2)(i) for remedial action required if deterioration or leaks are detected.

(v) Special conditions for accumulation of incompatible wastes.

(A) Incompatible wastes, or incompatible wastes and materials, see appendix V of Rule R315-265 in Section R315-265-1400 for examples, may not be placed in a container together, unless Subsection R315-265-17(b) is complied with.

(B) Hazardous waste may not be placed in an unwashed container that previously held an incompatible waste or material, see appendix V of Rule R315-265 in Section R315-265-1400 for examples, unless Subsection R315-265-17(b) is complied with.

(C) A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by a dike, berm, wall, or other device.

(3) Accumulation of hazardous waste in tanks.

(i) Reserved.

(ii) A small quantity generator of hazardous waste shall comply with the [following] general operating conditions listed in Subsections R315-262-16(b)(3)(ii)(A) through R315-262-16(b)(3)(ii)(D):

(A) Treatment or accumulation of hazardous waste in tanks shall comply with Subsection R315-265-17(b).

(B) Hazardous wastes or treatment reagents may not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

(C) Uncovered tanks shall be operated to ensure at least 60 centimeters, 2 feet, of freeboard, unless the tank is equipped with a containment structure, for example, a dike or trench, a drainage control system, or a diversion structure, for example a stand-by tank with a capacity that equals or exceeds the volume of the top 60 centimeters, 2 feet, of the tank.

(D) If hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow, for example a [] waste feed cutoff system or by-pass system to a stand-by tank.

(iii) Except as noted in Subsection R315-262-16(b)(3)(iv), a small quantity generator that accumulates hazardous waste in tanks shall inspect, if present:

(A) discharge control equipment, for example waste feed cutoff systems, by-pass systems, and drainage systems at least once each operating day, to ensure that it is in good working order;

(B) data gathered from monitoring equipment, for example pressure and temperature gauges, at least once each operating day to ensure that the tank is being operated according to its design;

(C) the level of waste in the tank at least once each operating day to ensure compliance with Subsection R315-262-16(b)(3)(ii)(C);

(D) the construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(E) the construction materials of, and the area immediately surrounding, discharge confinement structures, for example, dikes, at least weekly to detect erosion or obvious signs of leakage, for example, wet spots or dead vegetation. The generator shall remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule that ensures that the problem does not lead to an environmental or human health hazard. If a hazard is imminent or has already occurred, remedial action shall be taken immediately.

(iv) A small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly, if applicable, the areas identified in Subsections R315-262-16(b)(3)(iii)(A) through R315-262-16(b)(3)(iii)(E). Use of the alternate inspection schedule shall be documented in the generator's operating record. This documentation shall include a description of the established workplace practices at the generator.

(v) Reserved.

(vi) A small quantity generator accumulating hazardous waste in tanks shall, upon closure of the facility, remove any hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with Subsection R315-261-3(c) or R315-261-3(d), that any solid waste removed from its tank is not a hazardous waste, then it shall manage the waste in accordance with the applicable requirements of Rules R315-262, R315-263, R315-265, and R315-268.

(vii) A small quantity generator shall comply with the ~~following~~ special conditions for accumulation of ignitable or reactive waste listed in Subsections R315-262-16(b)(3)(vii)(A) through R315-262-16(b)(3)(vii)(C):

(A) Ignitable or reactive waste may not be placed in a tank, unless:

(I) the waste is treated, ~~rendered~~ made, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under Section R315-261-21 or R315-261-23 and Subsection R315-265-17(b) is complied with; or

(II) the waste is accumulated or treated in a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(III) the tank is used solely for emergencies.

(B) A small quantity generator that treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," 1977 or 1981, incorporated by reference, see Section R315-260-11.

(C) A small quantity generator shall comply with the ~~following~~ special conditions for incompatible wastes listed in Subsections R315-262-16(b)(3)(vii)(C)(I) and R315-262-16(b)(3)(vii)(C)(II):

(I) Incompatible wastes, or incompatible wastes and materials, see appendix V of Rule R315-265 in Section R315-265-1400 for examples, may not be placed in a tank together, unless Subsection R315-265-17(b) is complied with.

(II) Hazardous waste may not be placed in an unwashed tank that previously held an incompatible waste or material, unless Subsection R315-265-17(b) is complied with.

(4) Accumulation of hazardous waste on drip pads. If the waste is placed on drip pads, the small quantity generator shall comply with ~~the following~~ Subsections R315-262-16(b)(4)(i) through R315-262-16(b)(4)(iii):

(i) Sections R315-265-440 through R315-265-445, except Subsection R315-265-445(c);

(ii) The small quantity generator shall remove any wastes from the drip pad at least once each 90 days. Any hazardous wastes that are removed from the drip pad at least once each 90 days are then subject to the 180-day accumulation limit in Subsections R315-262-16(b) and Section R315-262-15 if hazardous wastes are being managed in satellite accumulation areas before being moved to the central accumulation area; and

(iii) The small quantity generator shall maintain on site at the facility the ~~following~~ records listed in Subsections R315-262-16(b)(4)(iii)(A) and R315-262-16(b)(4)(iii)(B) readily available for inspection:

(A) A written description of procedures that are followed to ensure that any wastes are removed from the drip pad and associated collection system at least once each 90 days; and

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(5) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the small quantity generator shall comply with Sections R315-265-1100 through R315-265-1102. The generator shall label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site and also in a conspicuous place provide an indication of the hazards of the contents, examples include the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic; hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding; a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704. The generator shall also maintain:

(i) the professional engineer certification that the building complies with the design standards specified in Section R315-265-1101. This certification shall be in the generator's files before operation of the unit; and

(ii) the ~~following~~ records listed in Subsections R315-262-16(b)(5)(ii)(A) through R315-262-16(b)(5)(ii)(C) by use of inventory logs, monitoring equipment, or any other effective means:

(A) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90-day limit, and documentation that the procedures are complied with; or

(B) Documentation that the unit is emptied at least once each 90 days.

(C) Inventory logs or records with the information required by Subsections R315-262-16(b)(5)(ii)(A) and R315-262-16(b)(95)(ii)(B) shall be maintained on site and readily available for inspection.

(6) Labeling and marking of containers and tanks.

(i) Containers. A small quantity generator shall mark or label its containers with the ~~following~~ items listed in Subsections R315-262-16(b)(6)(i)(A) through R315-262-16(b)(6)(i)(C):

(A) The words "Hazardous Waste" [;].

(B) An indication of the hazards of the contents, examples include:

(I) the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic;

(II) hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding;

(III) a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or

(IV) a chemical hazard label consistent with the National Fire Protection Association code 704~~[-and]~~.

(C) The date when each period of accumulation begins clearly visible for inspection on each container.

(ii) Tanks. A small quantity generator accumulating hazardous waste in tanks shall ~~do the following~~:

(A) Mark or label its tanks with the words "Hazardous Waste" [;].

(B) Mark or label its tanks with an indication of the hazards of the contents, examples include:

(I) the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic;

(II) hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding;

(III) a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or

(IV) a chemical hazard label consistent with the National Fire Protection Association code 704[;].

(C) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering~~[-and]~~.

(D) Keep inventory logs or records with the information required by Subsection R315-262-16(b)(6)(ii)(C) on site and readily available for inspection.

(7) Land disposal restrictions. A small quantity generator shall comply with the applicable requirements under Rule R315-268.

(8) Preparedness and prevention.

(i) Maintenance and operation of facility. A small quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

(ii) Required equipment. Any areas where hazardous waste is either generated or accumulated shall be equipped with the items in Subsections R315-262-16(b)(8)(ii)(A) through R315-262-16(b)(8)(ii)(D), unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in Subsections R315-262-16(b)(8)(ii)(A) through R315-262-16(b)(8)(ii)(D) or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in Subsections R315-262-16(b)(8)(ii)(A) through R315-262-16(b)(8)(ii)(D). A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

(A) An internal communications or alarm system capable of providing immediate emergency instruction, voice or signal, to facility personnel;

(B) A device, such as a telephone, immediately available at the scene of operations, or a hand~~[-]~~held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(C) Portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, spill control equipment, and decontamination equipment; and

(D) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(iii) Testing and maintenance of equipment. Communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, if required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

(iv) Access to communications or alarm system.

(A) ~~When~~ If hazardous waste is being poured, mixed, spread, or otherwise handled, any personnel involved in the operation shall have immediate access, for example, direct or unimpeded access, to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Subsection R315-262-16(b)(8)(ii).

(B) In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access, for example, direct or unimpeded access, to a device, such as a telephone, immediately available at the scene of operation, or a hand~~[-]~~held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Subsection R315-262-16(b)(8)(ii).

(v) Required aisle space. The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(vi) Arrangements with local authorities.

(A) The small quantity generator shall try to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous

wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization for the arrangements.

(I) A small quantity generator trying to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals.

(II) As part of this coordination, the small quantity generator shall try to make arrangements, as necessary, to familiarize the organizations listed in Subsection R315-262-16(b)(8)(vi)(A) with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

(III) If more than one police or fire department might respond to an emergency, the small quantity generator shall try to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

(B) A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms the arrangements actively exist or, if no arrangements exist, confirms that the small quantity generator tried to make the arrangements.

(C) A facility that has 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, if the waiver is documented in the operating record.

(9) Emergency procedures. The small quantity generator complies with Subsections R315-262-16(b)(9)(i) through R315-262-16(b)(9)(iv) ~~[the following conditions]~~ for those areas of the generator facility where hazardous waste is generated and accumulated:

(i) There shall always be at least one employee either on the premises or on call, that is, available to respond to an emergency by reaching the facility within a short period, with the responsibility for coordinating any emergency response measures specified in Subsection R315-262-16(b)(9)(iv). This employee is the emergency coordinator.

(ii) The small quantity generator shall post the ~~[following]~~ information listed in Subsections R315-262-16(b)(9)(ii)(A) through R315-262-16(b)(9)(ii)(C) next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

(A) The name and emergency telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The small quantity generator shall ensure that employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or the emergency coordinator's designee shall respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or try to extinguish it using a fire extinguisher;

(B) In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil. The containment and cleanup can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator;

(C) In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately notify the National Response Center, using their 24-hour toll[-]free number 800-424-8802 and the state environmental incident reporting program at 801-536-0200 or after hours at 801-536-4123. The report shall include ~~[the following information]~~:

(I) The name, address, and ~~[U.S.]~~ US EPA identification number of the small quantity generator;

(II) Date, time, and type of incident, for example, spill or fire;

(III) Quantity and type of hazardous waste involved in the incident;

(IV) Extent of injuries, if any; and

(V) Estimated quantity and disposition of recovered materials, if any.

(c) Transporting over 200 miles. A small quantity generator who shall transport its waste, or offer its waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on site for 270 days or less without a permit or without having interim status if the generator complies with the conditions of Subsection R315-262-16(b).

(d) Accumulation time limit extension. A small quantity generator who accumulates hazardous waste for more than 180 days, or for more than 270 days if it shall transport its waste, or offer its waste for transportation, over a distance of 200 miles or more, is subject to the requirements of Rules R315-264, R315-265, R315-268, and R315-270 unless it has been granted an extension to the 180-day, or 270-day if applicable, period. The extension may be granted by the director if hazardous wastes shall remain on site for longer than 180 days, or 270 days if applicable, due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the director on a case-by-case basis.

(e) Rejected load. A small quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy requirements of Section R315-264-72 or R315-265-72 may accumulate the returned waste on site in accordance with Subsections R315-262-16(a) through R315-262-16(d). Upon receipt of the returned shipment, the generator shall:

(1) sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(f) A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with Sections R315-262-230 through R315-262-233 in lieu of Section R315-262-17.

R315-262-17. General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste.

A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of Rules R315-124, R315-264 through R315-266, and R315-270, or the notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities, if each of the ~~[following]~~ conditions for exemption listed in Section R315-262-17 are met:

(a) Accumulation. A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in Subsections R315-262-17(b) through R315-262-17(e). The ~~[following]~~ accumulation conditions listed in Subsections R315-262-17(a)(1) through R315-262-17(a)(5) also apply:

(1) Accumulation of hazardous waste in containers. If the hazardous waste is placed in containers, the large quantity generator shall ~~comply with the following~~:

(i) Air emission standards. The applicable requirements of Sections R315-265-1030 through R315-265-1035, R315-265-1050 through R315-265-1064, and R315-265-1080 through R315-265-1090;

(ii) Condition of containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in another way that complies with the conditions for exemption of Section R315-262-17;

(iii) Compatibility of waste with container. The large quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

(iv) Management of containers.

(A) A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

(B) A container holding hazardous waste may not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

(v) Inspections. At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See Subsection R315-262-17(a)(1)(ii) for remedial action required if deterioration or leaks are detected.

(vi) Special conditions for accumulation of ignitable and reactive wastes.

(A) Containers holding ignitable or reactive waste shall be located at least 15 meters, 50 feet, from the facility's property line unless a written approval is received from the ~~[authority having jurisdiction]~~ AHJ over the local fire code allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval shall be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

(B) The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including ~~[but not limited to]~~ the following: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks that are static, electrical, or mechanical, spontaneous ignition, for example, from heat-producing chemical reactions, and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(vii) Special conditions for accumulation of incompatible wastes.

(A) Incompatible wastes, or incompatible wastes and materials, see appendix V of Rule R315-265 in Section R315-265-1400 for examples, may not be placed in a container together, unless Subsection R315-265-17(b) is complied with.

(B) Hazardous waste may not be placed in an unwashed container that previously held an incompatible waste or material, see appendix V of Rule R315-265 in Section R315-265-1400 for examples, unless Subsection R315-265-17(b) is complied with.

(C) A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by a dike, berm, wall, or other device.

(2) Accumulation of hazardous waste in tanks. If the waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of Sections R315-265-190 through R315-265-202, except Subsection R315-265-197(c) and Section R315-265-200, as well as the applicable requirements of Sections R315-265-1030 through R315-265-1035, R315-265-1050 through R315-265-1064, and R315-265-1080 through R315-265-1090.

(3) Accumulation of hazardous waste on drip pads. If the hazardous waste is placed on drip pads, the large quantity generator shall ~~comply with the following~~:

(i) ~~comply with~~ Sections R315-265-440 through R315-265-445;

(ii) ~~[The large quantity generator shall]~~ remove wastes from the drip pad at least once each 90 days. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day accumulation limit in Subsection R315-262-17(a) and Section R315-262-15, if the hazardous wastes are being managed in satellite accumulation areas before being moved to a central accumulation area; and

(iii) ~~[The large quantity generator shall]~~ maintain on site at the facility the ~~[following]~~ records listed in Subsections R315-262-17(a)(3)(iii)(A) and R315-262-17(a)(3)(iii)(B) readily available for inspection:

(A) A written description of procedures that are followed to ensure that wastes are removed from the drip pad and associated collection system at least once each 90 days; and

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(4) Accumulation of hazardous waste in containment buildings. If the waste is placed in containment buildings, the large quantity generator shall comply with Sections R315-265-1100 through R315-265-1102. The generator shall label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site, and also in a conspicuous place provide an indication of the hazards of the contents, examples include the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic; hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding; a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704. The generator shall also maintain:

(i) the professional engineer certification that the building complies with the design standards specified in Section R315-265-1101. This certification shall be in the generator's files before operation of the unit; and

(ii) the ~~[following]~~ records listed in Subsections R315-262-17(a)(4)(ii)(A) through R315-262-17(a)(4)(ii)(C) by use of inventory logs, monitoring equipment, or any other effective means:

(A) ~~[A]~~ a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the procedures are complied with; or

(B) ~~[D]~~ documentation that the unit is emptied at least once each 90 days ~~[-]~~; or

(C) ~~[H]~~inventory logs or records with the information required by Subsections R315-262-17(a)(4)(ii)(A) and R315-262-17(a)(4)(ii)(B) shall be maintained on site and readily available for inspection.

(5) Labeling and marking of containers and tanks.

(i) Containers. A large quantity generator shall mark or label its containers with the ~~[following]~~ information listed in Subsections R315-262-17(a)(5)(i)(A) through R315-262-17(a)(5)(i)(C):

(A) The words "Hazardous Waste" ~~[i]~~;

(B) An indication of the hazards of the contents, examples include:

(I) the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic;

(II) hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding;

(III) a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or

(IV) a chemical hazard label consistent with the National Fire Protection Association code 704~~[, and]~~.

(C) The date that each period of accumulation begins clearly visible for inspection on each container.

(ii) Tanks. A large quantity generator accumulating hazardous waste in tanks shall~~[-do the following]~~:

(A) ~~[M]~~mark or label its tanks with the words "Hazardous Waste";

(B) ~~[M]~~mark or label its tanks with an indication of the hazards of the contents, examples include:

(I) the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic;

(II) hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding;

(III) a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or

(IV) a chemical hazard label consistent with the National Fire Protection Association code 704; and

(C) ~~[U]~~use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

(D) ~~[K]~~keep inventory logs or records with the information required by Subsection R315-262-17(a)(5)(ii)(C) on site and readily available for inspection.

(6) Emergency procedures. The large quantity generator complies with the standards in Sections R315-262-250 through R315-262-265, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

(7) Personnel training.

(i)(A) Facility personnel shall successfully finish a program of classroom instruction, online training, for example, computer-based or electronic, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with Rule R315-262. The large quantity generator shall ensure that this program includes the elements described in the document required under Subsection R315-262-17(a)(7)(iv)(C).

(B) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction that teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to their employment positions.

(C) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including if applicable:

(I) procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(II) key parameters for automatic waste feed cutoff systems;

(III) communications or alarm systems;

(IV) response to fires or explosions;

(V) response to ground-water contamination incidents; and

(VI) shutdown of operations.

(D) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the large quantity generator is not required to provide separate emergency response training pursuant to Section R315-262-17, if the overall facility training meets the conditions of exemption in Section R315-262-17.

(ii) Facility personnel shall successfully finish the program required in Subsection R315-262-17(a)(7)(i) within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees may not work in unsupervised positions until they have finished the training standards of Subsection R315-262-17(a)(7)(i).

(iii) Facility personnel shall take part in an annual review of the initial training required in Subsection R315-262-17(a)(7)(i).

(iv) The large quantity generator shall maintain the ~~[following]~~ documents and records listed in Subsections R315-262-17(a)(7)(iv)(A) through R315-262-17(a)(7)(iv)(D) at the facility:

(A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(B) A written job description for each position listed under Subsection R315-262-17(a)(7)(iv)(A). This description may be consistent in its degree of specificity with descriptions for other similar positions in the company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

(C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Subsection R315-262-17(a)(7)(iv)(A); and

(D) Records that document that the training or job experience, required under Subsections R315-262-17(a)(7)(i), R315-262-17(a)(7)(ii), and R315-262-17(a)(7)(iii), has been given to, and finished by, facility personnel.

(v) Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the company.

(8) Closure. A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, before closing a unit at the facility, or before closing the facility, shall meet the ~~[following]~~ conditions listed in Subsections R315-262-17(a)(8)(i) through R315-262-17(a)(8)(v):

(i) Notification for closure of a waste accumulation unit. A large quantity generator shall perform one of the ~~[following]~~ requirements listed in Subsection R315-262-17(a)(8)(i)(A) or R315-262-17(a)(8)(i)(B) when closing a waste accumulation unit, but not each waste accumulation unit:

(A) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility, if the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record; or

(B) Meet the closure performance standards of Subsection R315-262-17(a)(8)(iii) for container, tank, and containment building waste accumulation units or Subsection R315-262-17(a)(8)(iv) for drip pads and notify the director following the procedures in Subsection R315-262-17(a)(8)(ii)(B) for the waste accumulation unit. [-If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.]

(ii) Notification for closure of the facility.

(A) Notify the director using EPA [F]Form 8700-12 no later than 30 days before closing the facility.

(B) Notify the director using EPA [F]Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of Subsection R315-262-17(a)(8)(iii) or R315-262-17(a)(8)(iv). If the facility cannot meet the closure performance standards of Subsection R315-262-17(a)(8)(iii) or R315-262-17(a)(8)(iv), notify the director using EPA [F]Form 8700-12 that it will close as a landfill under Section R315-265-310, in the case of a container, tank or containment building units, or for a facility with drip pads, notify using EPA [F]Form 8700-12 that it will close under the standards of Subsection R315-265-445(b).

(C) A large quantity generator may request additional time to clean close, but it shall notify the director using EPA [F]Form 8700-12 within 75 days after the date provided in Subsection R315-262-17(a)(8)(ii)(A) to request an extension and provide an explanation as to why the additional time is required.

(iii) Closure performance standards for container, tank systems, and containment building waste accumulation units.

(A) At closure, the generator shall close the waste accumulation unit or facility in a manner that:

(I) minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

(II) removes or decontaminates contaminated equipment, structures and soil and any remaining hazardous waste residues from waste accumulation units including containment system components such as pads of liners, contaminated soils, and subsoils, bases, and structures and equipment contaminated with waste, unless Subsection R315-261-3(d) applies.

(III) Any hazardous waste generated in the process of closing either the generator's facility or units accumulating hazardous waste shall be managed in accordance with the applicable standards of Rules R315-262, R315-263, R315-265 and R315-268, including removing any hazardous waste contained in these units within 90 days of generating it and managing these wastes in a hazardous waste permitted treatment, storage and disposal facility or interim status facility.

(IV) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in Subsection R315-262-17(a)(8)(ii)(A)(II), then the waste accumulation unit is considered to be a landfill and the generator shall close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills, Section R315-265-310. In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator shall meet the requirements for landfills specified in Sections R315-265-110 through R315-265-121 and R315-265-140 through R315-265-148.

(iv) Closure performance standards for drip pad waste accumulation units. At closure, the generator shall comply with the closure requirements of Subsections R315-262-17(a)(8)(ii) and R315-262-17(a)(8)(iii)(A)(I) and R315-262-17(a)(8)(iii)(A)(III), and Subsections R315-265-445(a) and R315-265-445(b).

(v) The closure requirements of Subsection R315-262-17(a)(8) do not apply to satellite accumulation areas.

(9) Land disposal restrictions. The large quantity generator complies with the applicable requirements under Rule R315-268.

(b) Accumulation time limit extension. A large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements of Rules R315-124, R315-264 through R315-266, R315-268, and R315-270 and the notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities, unless it has been granted an extension to the 90-day period. The extension may be granted by the director if hazardous wastes shall remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the director on a case-by-case basis.

(c) Accumulation of F006. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on site for more than 90 days, but not more than 180 days without being subject to Rules R315-124, R315-264 through R315-266 and R315-270, and the notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities, if it complies with the ~~[following]~~ additional conditions for exemption contained in Subsections R315-262-17(c)(1) through R315-262-17(c)(4):

(1) The large quantity generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment before its recycling;

(2) The F006 waste is legitimately recycled through metals recovery;

(3) No more than 20,000 kilograms of F006 waste is accumulated on site at any one time; and

(4) The F006 waste is managed in accordance with one or a combination of the ~~[following]~~ requirements contained in Subsections R315-262-17(c)(4)(i) through R315-262-17(c)(4)(v):

(i)(A) If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption in Subsection R315-262-17(a)(1).

(B) If the F006 is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption of Subsection R315-262-17(a)(2).

(C) If the F006 is placed in containment buildings, the large quantity generator shall comply with Sections R315-265-1100 through R315-265-1102 and has placed its professional engineer certification that the building complies with the design standards specified in Section R315-265-1101 in the facility's files before operation of the unit. The large quantity generator shall maintain the ~~[following]~~ records listed in Subsections R315-262-17(c)(4)(i)(C)(I) and R315-262-17(c)(4)(i)(C)(II):

(I) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the large quantity generator is complying with the procedures; or

- (II) Documentation that the unit is emptied at least once each 180 days.
- (ii) The large quantity generator is exempt from the requirements in Sections R315-265-110 through R315-265-121 and R315-265-140 through R315-265-148 except for those referenced in Subsection R315-262-17(a)(8).
- (iii) The date that each period of accumulation begins is clearly marked and shall be clearly visible for inspection on each container;
- (iv) While being accumulated on site, each container and tank is labeled or marked clearly with:
 - (A) the words "Hazardous Waste"; and
 - (B) an indication of the hazards of the contents, examples include:
 - (I) the applicable hazardous waste characteristics, that is, ignitable, corrosive, reactive, toxic;
 - (II) hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E, labeling, or subpart F, placarding;
 - (III) a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or
 - (IV) a chemical hazard label consistent with the National Fire Protection Association code 704.
- (v) The large quantity generator complies with the requirements in Subsections R315-262-17(a)(6) and R315-262-17(a)(7).
- (d) F006 transported over 200 miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on site for more than 90 days, but not more than 270 days without being subject to Rules R315-124, R315-264 through R315-266, R315-270, and the notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities, if the large quantity generator complies with the conditions for exemption of Subsections R315-262-17(c)(1) through R315-262-17(c)(4).
- (e) F006 accumulation time extension. A large quantity generator accumulating F006 in accordance with Subsections R315-262-17(c) and R315-262-17(d) who accumulates F006 waste on site for more than 180 days, or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more, or who accumulates more than 20,000 kilograms of F006 waste on site is an operator of a storage facility and is subject to the requirements of Rules R315-124, R315-264, R315-265, and R315-270, and the notification requirements of Section 3010 of RCRA, for treatment, storage, and disposal facilities, unless the generator has been granted an extension to the 180-day, or 270-day if applicable, period or an exception to the 20,000 kilogram accumulation limit. These extensions and exceptions may be granted by the director if F006 waste shall remain on site for longer than 180 days, or 270 days if applicable, or if more than 20,000 kilograms of F006 waste shall remain on site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the director on a case-by-case basis.
- (f) Consolidation of hazardous waste received from very small quantity generators. Large quantity generators may accumulate on site hazardous waste received from very small quantity generators under control of the person, as defined in Section R315-260-10, who controls the large quantity generator facility without a storage permit or interim status and without complying with the requirements of Rules R315-124, R315-264 through R315-266, R315-268, and R315-270, and the notification requirements of Section 3010 of RCRA for treatment, storage, and disposal facilities, if they comply with Subsections R315-262-17(f)(1) through R315-262-17(f)(3). "Control," for the purposes of Subsection R315-262-17(f), means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person may not be considered to "control" the generators.
 - (1) The large quantity generator notifies the director at least 30 days before receiving the first shipment from a very small quantity generators using EPA Form 8700-12; and
 - (i) Identifies on the form the names and site addresses for the very small quantity generators as well as the name and business telephone number for a contact person for the very small quantity generators; and
 - (ii) Submits an updated Site ID form, EPA Form 8700-12, within 30 days after a change in the name or site address for the very small quantity generator.
 - (2) The large quantity generator maintains records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records shall identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.
 - (3) The large quantity generator complies with the independent requirements identified in Subsection R315-262-10(a)(1)(iii) and the conditions for exemption in Subsection R315-262-17(f) for hazardous wastes received from a very small quantity generator. For purposes of the labeling and marking rules in Subsection R315-262-17(a)(5), the large quantity generator shall label the container or unit with the date accumulation started, that is, the date the hazardous waste was received from the very small quantity generator. If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either its own hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator shall label each container or unit with the earliest date any hazardous waste in the container was accumulated on site.
 - (g) Rejected load. A large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy requirements of Section R315-264-72 or R315-265-72 may accumulate the returned waste on site in accordance with Subsections R315-262-17(a) and R315-262-17(b). Upon receipt of the returned shipment, the generator shall:
 - (1) sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - (2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

R315-262-20. Manifest Requirements Applicable to Small and Large Quantity Generators -- General Requirements.

- (a)(1) A generator ~~who that~~ transports, or offers for transport a hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, ~~and for~~ disposal facility who offers for transport a rejected hazardous waste load, shall prepare a ~~[M]~~manifest, ~~[f]~~OMB Control number 2050-0039, ~~[f]~~ on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A. Large and small quantity generators shall register with the EPA's e-Manifest system to get signed and dated copies of completed manifests from the EPA e-Manifest system and comply with Subsection R315-262-20(a)(2).
- (2) ~~[Reserved.]~~ Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it when it is submitted to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person, for example a waste handler, named on the manifest. If corrections are requested by the director for portions of the manifest that a generator shall complete, the generator shall address the data correction within 30 days from the date of the request. Data correction submissions shall be made electronically via

the post-receipt data corrections process as described in Subsection R315-265-71(I), which applies to corrections made to either paper or electronic manifests.

- (3) Electronic manifest. In lieu of using the manifest form specified in Subsection R315-262-20(a)(1), a person required to prepare a manifest under Subsection R315-262-20(a)(1) may prepare and use an electronic manifest, provided that the person:
- (i) ~~complies~~ with the requirements in Section R315-262-24 for use of electronic manifests~~;~~; and
 - (ii) ~~complies~~ with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.
- (b) A generator shall designate on the manifest one facility ~~which~~ that is permitted to handle the waste described on the manifest.
- (c) A generator may also designate on the manifest one alternate facility ~~which~~ that is permitted to handle ~~his~~ the generator's waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- (d) If the transporter ~~is unable to~~ cannot deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.
- (e) The requirements of Sections R315-262-20 through R315-262-27 do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where:
- (1) ~~the~~ the waste is reclaimed under a contractual agreement pursuant to which:
 - (i) ~~the~~ the type of waste and frequency of shipments are specified in the agreement; and
 - (ii) ~~the~~ the vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - (2) ~~the~~ the generator maintains a copy of the reclamation agreement in ~~his~~ the generator's files for a period of at least three years after termination or expiration of the agreement.
- (f) The requirements of Sections R315-262-20 through R315-262-27 and Subsection R315-262-32(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if ~~such~~ the contiguous property is divided by a public or private right-of-way. ~~Notwithstanding Subsection R315-263-10(a),~~ The generator or transporter shall comply with the requirements for transporters set forth in Sections R315-263-30 and R315-262-31 in the event of a discharge of hazardous waste on a public or private right-of-way.

R315-262-21. Manifest Requirements Applicable to Small and Large Quantity Generators -- Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests.

- (a)(1) A registrant may not print, or have printed, the manifest for use of distribution unless it has received approval from the EPA Director of the Office of Resource Conservation and Recovery to do so under Subsections R315-262-21(c) and R315-262-21(e).
- (2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of Section R315-262-21. The registrant is responsible for assigning manifest tracking numbers to its manifests.
- (b) A registrant shall submit an initial application to the EPA Director of the Office of Resource Conservation and Recovery that contains the ~~following information~~:
- (1) ~~Name~~ name and mailing address of registrant;
 - (2) ~~Name~~ name, telephone number and email address of contact person;
 - (3) ~~Brief~~ brief description of registrant's government or business activity;
 - (4) EPA identification number of the registrant, if applicable;
 - (5) ~~Description~~ description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including:
 - (i) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house, ~~if it is~~ that is using its own printing establishments, or through a separate, ~~if it is~~ that is unaffiliated, printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application shall identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries, ~~if it is~~ for example prime and subcontractor relationships, the role of each shall be discussed. The application shall provide the name and mailing address of each company. It also shall provide the name and telephone number of the contact person at each company.
 - (ii) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of Section R315-262-21. The application shall discuss how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application shall describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application shall describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application shall also ~~indicate~~ state how the printer will pre-print a unique number on each form, ~~if it is~~ for example crash or press numbering. The application also shall explain the other quality procedures to be followed by each establishment and printing company to ensure that ~~all~~ the required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.
 - (iii) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public, ~~if it is~~ for example, for purchase.
- (6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so, ~~if it is~~ for example corporate brochures, product samples, customer references, documentation of ISO certification, so long as ~~such~~ the information pertains to the establishments or company being proposed to print the manifest.
- (7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant shall use this suffix to pre-print a unique manifest tracking number on each manifest.
- (8) A signed certification by an ~~authorized~~ authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of Section R315-262-21 and that it will notify the EPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- (c) EPA shall review the application submitted under Subsection R315-262-21(b) and either approve it or request additional information or modification before approving it.
- (d)(1) Upon EPA approval of the application under Subsection R315-262-21(c), EPA shall provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet

samples, except as noted in Subsection R315-262-21(d)(3). The registrant's samples shall meet ~~all of~~ the specifications in Subsection R315-262-21(f) and be printed by the company that will print the manifest as identified in the application approved under Subsection R315-262-21(c).

(2) The registrant shall submit a description of the manifest samples as follows:

- (i) Paper type, ~~i.e.,~~ that is manufacturer and grade of the manifest paper;
- (ii) Paper weight of each copy;
- (iii) Ink color of the manifest's instructions. If screening of the ink was used, the registrant shall ~~indicate~~ state the extent of the screening;

and

- (iv) Method of binding the copies.

(3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

(e) EPA shall evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA shall notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until EPA approves them. An approved registrant shall print the manifest and continuation sheet according to its application approved under Subsection R315-262-21(c) and the manifest specifications in Subsection R315-262-21(f). It also shall print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

(f) Paper manifests and continuation sheets shall be printed according to the ~~following~~ specifications listed in Subsections R315-262-21(f)(1) through R315-262-21(f)(8):

(1) The manifest and continuation sheet shall be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.

(2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA shall be pre-printed in Item 4 of the manifest. The tracking number shall consist of a unique three-letter suffix following nine digits.

(3) The manifest and continuation sheet shall be printed on 8-1/2 x 11-inch white paper, excluding common stubs, ~~e.g.,~~ for example top- or side-bound stubs. The paper shall be durable enough to withstand normal use.

(4) The manifest and continuation sheet shall be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution shall be printed with a distinct ink color or with another method; ~~e.g.,~~ for example white text against black background in text box, or, black text against grey background in text box; that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

(5) The manifest and continuation sheet shall be printed as ~~five~~ four-copy forms. Copy-to-copy registration shall be exact within 1/32nd of an inch. Handwritten and typed impressions on the form shall be legible on ~~all the~~ ~~five~~ four copies. Copies shall be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

(6) Each copy of the manifest and continuation sheet shall ~~indicate~~ state how the copy shall be distributed, as follows:

(i) Page 1, top copy: "US Designated ~~[#]~~ Facility or US Exporter to the EPA's e-Manifest ~~[s]~~ System";

(ii) Page 2: "Designated ~~[#]~~ Facility to ~~[#]~~ Generator";

(iii) Page 3: "~~[Designated facility]~~ Transporter ~~[e]~~ Copy"; and

(iv) Page 4: "~~[Transporter]~~ ~~[e]~~ Copy"; and

~~(v) Page 5, bottom copy: "Generator's ~~[#]~~ Initial ~~[e]~~ Copy".~~

(7) The instructions for the manifest form, EPA Form 8700-22, and the manifest continuation sheet, EPA Form 8700-22A, shall be printed in accordance with the content that is currently approved under OMB Control Number 2050-0039, ~~[and published to the e-Manifest program's web site.]~~ The instructions shall appear legibly on the back of the copies of the manifest and continuation sheet as provided in Subsection R315-262-21(f). The instructions ~~shall~~ may not be visible through the front of the copies when photocopied or faxed.

(i) Manifest Form 8700-22.

(A) The "Instructions for Generators" on Copy ~~[5]~~ 4;

(B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy ~~[4]~~ 3; and

(C) The "Instructions Treatment, Storage, and Disposal Facilities" on Copy ~~[3]~~ 2.

(ii) Manifest Form 8700-22A.

(A) The "Instructions for Generators" on Copy ~~[5]~~ 4;

(B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy ~~[4]~~ 3; and

(C) The "Instructions for Exporters or Owners and Operators of Receiving Facilities Designated on the Manifest ~~Treatment, Storage, and Disposal Facilities]~~" on Top Copy, Page 1 ~~[3]~~.

(8) The designated facility copy of each manifest and continuation sheet shall include in the bottom margin the following warning in prominent font: "If you received this manifest, you have responsibilities under the e-Manifest Act. See instructions on reverse side."

(g)(1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under Subsections R315-262-21(c) and R315-262-21(e). A registered source may be a:

(i) ~~[S]~~ state agency;

(ii) ~~[E]~~ commercial printer;

(iii) ~~[H]~~ hazardous waste generator, transporter or TSDF; or

(iv) ~~[H]~~ hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

(2) A generator shall determine whether the generator state or the consignment state for a shipment regulates any additional wastes, beyond those regulated ~~[F]~~ federally, as hazardous wastes under these states' authorized programs. Generators also shall determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator shall supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(h)(1) If an approved registrant would like to update any of the information provided in its application approved under Subsection R315-262-21(c), ~~e.g.,~~ for example, to update a company phone number or name of contact person, the registrant shall revise the application and submit it to the EPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. The Agency either shall approve or deny the revision. If the Agency denies the revision, it shall explain the reasons for the denial, and it shall contact the registrant and request further modification before approval.

(2) If the registrant would like a new tracking number suffix, the registrant shall submit a proposed suffix to the EPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. The Agency shall either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

(3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet ~~[subsequent to]~~after approval under Subsection R315-262-21(e), then the registrant shall submit three samples of the revised form for EPA review and approval. If the approved registrant would like to use a new printer, the registrant shall submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. EPA shall evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. EPA shall notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until EPA approves them.

(i) If, ~~[subsequent to]~~after its approval under Subsection R315-262-21(e), a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it shall submit three samples of the manifest or continuation sheet to the registry for approval. EPA shall evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA shall notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until EPA approves them.

(j) EPA may exempt a registrant from the requirement to submit form samples under Subsection R315-262-21(d) or R315-262-21(h)(3) if the Agency is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision; ~~[e.g.,]~~for example a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions and binding method of the form samples approved for some other registrant. A registrant may request an exemption from EPA by indicating why an exemption is warranted.

(k) An approved registrant shall notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

(l) If, ~~[subsequent to]~~after approval of a registrant under Subsection R315-262-21(e), EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, EPA shall contact the registrant and require modifications to the form.

(m)(1) EPA may suspend and, if necessary, revoke printing privileges if ~~[we find]~~it is determined that the registrant:

(i) ~~[H]~~has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

(ii) ~~[E]~~exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

(2) EPA shall send a warning letter to the registrant that specifies the date by which it shall come into compliance with the requirements. If the registrant does not come in compliance by the specified date, EPA shall send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant shall provide information on its printing activities to EPA if requested.

R315-262-24. Manifest Requirements Applicable to Small and Large Quantity Generators -- Use of the Electronic Manifest.

(a) Legal equivalence to paper manifests. Electronic manifests that are gotten, completed, and transmitted in accordance with Subsection R315-262-20(a)(3), and used in accordance with Section R315-262-24 in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy any requirement in Title R315 to get, complete, sign, provide, use, or keep a manifest.

(1) Any requirement in Title R315 to sign a manifest or manifest certification by hand, or to get a handwritten signature, is satisfied by signing with or getting a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(2) Any requirement in Title R315 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the system.

(3) Any requirement in Title R315 for a generator to keep or keep a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest system, if these copies are readily available for viewing and production if requested by any EPA or Utah inspector.

(4) No generator may be held liable for the inability to produce an electronic manifest for inspection under Section R315-262-24 if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(b) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

(c) Restriction on use of electronic manifests. A generator may use an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known when the manifest is originated that each waste handler named on the manifest participates in the use of the electronic manifest.

(1) Except that a generator may sign by hand and keep a paper copy of the electronic manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the rest of the manifest copies electronically.

(d) Requirement for one printed copy. To the extent the Hazardous Materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, a generator originating an electronic manifest shall also provide the initial transporter with one printed copy of the electronic manifest.

(e) Special procedures if electronic manifest is unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason before the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator shall get and complete a paper manifest and if necessary, a continuation sheet, ~~[EPA Forms 8700-22 and 8700-22A,]~~ in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of Section R315-262-23.

(f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under Subsection R315-262-24(d).

~~(g) Reserved.~~

(h) Post receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post receipt data corrections may be submitted at any time by any interested person, such as the waste handler, named on the manifest. Generators may participate electronically in the post receipt data corrections process by following the process described in Subsection R315-264-71(l), which applies to corrections made to either paper or electronic manifest records.

R315-262-42. Recordkeeping and Reporting Applicable to Small and Large Quantity Generators -- Exception Reporting.

(a)(1) A large quantity generator who does not receive a copy of the manifest with the ~~handwritten~~ signature of the owner or operator of the designated facility within ~~33~~45 days of the date the waste was accepted by the initial transporter shall contact the transporter, ~~or~~ the owner or operator of the designated facility, or both, to determine the status of the hazardous waste.

(2) A large quantity generator shall submit an Exception Report to the director if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within ~~45~~60 days of the date the waste was accepted by the initial transporter. The Exception Report shall include:

- (i) a legible copy of the manifest that the generator does not have confirmation of delivery; and
- (ii) a cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(3) Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator shall submit an Exception Report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report shall include:

- (i) a legible copy of the manifest for which the generator does not have confirmation of delivery; and
- (ii) an explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A small quantity generator of hazardous waste 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 shall: ~~submit a legible copy of the manifest, with an indication that the generator has not received confirmation of delivery, to the director.~~

- (1) ~~submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the director.~~

~~(1+1)~~ The submission to the director need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

(2) Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of Subsection R315-262-42(b)(2) because of an episodic generation event pursuant to Subsection R315-262-232(a)(5), shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the director.

(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 Subsections R315-264-72(e)(1) through R315-264-72(e)(6) or R315-265-72(e)(1) through R315-265-72(e)(6); the generator shall comply with the requirements of Subsection R315-262-42(a) or R315-262-42(b), 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 Subsection R315-262-42(a) or R315-262-42(b) for a shipment forwarding the waste to an alternate facility by a designated facility:

(1) The copy of the manifest received by the generator shall 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 or 45 or~~ 45 or 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.

(d)(1) Beginning on December 1, 2025, any requirement in Title R315 for a generator to keep a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the EPA e-Manifest system, provided that the Exception Report is readily available if requested by the director.

(2) Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic Exception Report for inspection under Section R315-262-42 if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

R315-262-83. Transboundary Movements of Hazardous Waste for Recovery or Disposal -- Exports of Hazardous Waste.

(a) General export requirements. Except as provided in Subsections R315-262-83(a)(5) and R315-262-83(a)(6), exporters that have received an AOC from EPA before December 31, 2016 are subject to that approval and the requirements listed in the AOC that existed ~~at the time of that approval~~ when approved until the time that the approval period expires. Any other exports of hazardous waste are prohibited unless:

- (1) the exporter complies with the contract requirements in Subsection R315-262-83(f);
- (2) the exporter complies with the notification requirements in Subsection R315-262-83(b);
- (3) the exporter receives an AOC from EPA documenting consent from the countries of import and transit, and original country of export if exporting previously imported hazardous waste;

- (4) the exporter ensures compliance with the movement documents requirements in Subsection R315-262-83(d);
- (5) the exporter ensures compliance with the manifest instructions for export shipments in Subsection R315-262-83(c); and

(6) the exporter or a ~~U.S.~~US authorized agent submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), and includes the items listed in Subsections R315-262-83(a)(6)(i) and R315-262-83(a)(6)(ii) in the EEI, along with the other information required under 15 CFR 30.6;

(i) For shipments initiated before the AES filing compliance date, ~~does one of the following~~complies with either Subsection R315-262-83(a)(6)(i)(A) or R315-262-83(a)(6)(i)(B):

(A) Submits ~~Electronic Export Information (EEI)~~ for each shipment to the ~~Automated Export System (AES)~~ or its successor system, under the ~~International Trade Data System (ITDS)~~ platform, in accordance with 15 CFR 30.4(b), and includes the ~~following~~items listed in Subsections R315-262-83(a)(6)(i)(A)(I) through R315-262-83(a)(6)(i)(A)(VIII) in the EEI, along with the other information required under 15 CFR 30.6;

- (I) EPA license code;
- (II) [E]commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12);
- (III) EPA consent number for each hazardous waste;
- (IV) [E]country of ultimate destination code per 15 CFR 30.6(a)(5);
- (V) [D]date of export per 15 CFR 30.6(a)(2);
- (VI) hazardous waste manifest tracking number, if required;
- (VII) [Q]quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15); or
- (VIII) EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(B) Complies with a paper-based process by:

(I) Attaching paper documentation of consent, for example, a copy of the EPA Acknowledgment of Consent, international movement document, to the manifest, or shipping papers if a manifest is not required, that shall accompany the hazardous waste shipment. For exports by rail or water, bulk shipment, the primary exporter shall provide the transporter with the paper documentation of consent that shall accompany the hazardous waste but need not be attached to the manifest except that for exports by water, bulk shipment, the primary exporter shall attach the paper documentation of consent to the shipping paper.

(II) Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the [U.S.]US Customs official at the point the hazardous waste leaves the United States in accordance with Subsection R315-263-20(g)(4)(ii);

(ii) For shipments initiated on or after the AES filing compliance date, submits [Electronic Export Information (EEI)] for each shipment to the [Automated Export System (AES)] or its successor system, under the [International Trade Data System (ITDS)] platform, in accordance with 15 CFR 30.4(b), and includes the [following] items listed in Subsections R315-262-83(a)(6)(ii)(A) through R315-262-83(a)(6)(ii)(H) in the EEI, along with the other information required under 15 CFR 30.6:

- (A) EPA license code;
- (B) [E]commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12);
- (C) EPA consent number for each hazardous waste;
- (D) [E]country of ultimate destination code per 15 CFR 30.6(a)(5);
- (E) [D]date of export per 15 CFR 30.6(a)(2);
- (F) hazardous waste manifest tracking number, if required;
- (G) [Q]quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15); or
- (H) EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(b) Notifications.

(1) General notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to EPA of the proposed transboundary movement. Notifications shall be submitted electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to a recovery or disposal facility, and shall include [the following information]:

- (i) [E]exporter name and EPA identification number, site address, telephone, fax numbers, and email address;
- (ii) [F]foreign receiving facility name, site address, telephone, fax numbers, email address, technologies used, and the applicable recovery or disposal operations as defined in Section R315-262-81;
- (iii) [F]foreign importer name, if not the owner or operator of the foreign receiving facility, site address, telephone, fax numbers, and email address;
- (iv) [F]intended transporters, their agents, or both; site address, telephone, fax, and email address;
- (v) "[U.S.]US" as the country of export name, "USA01" as the relevant competent authority code, and the intended [U.S.]US ports of exit;
- (vi) [F]the ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit;
- (vii) [F]the ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of entry for the country of import;
- (viii) [S]a statement of whether the notification covers a single shipment or multiple shipments;
- (ix) [S]start and [E]end [D]dates requested for transboundary movements;
- (x) [M]means of transport planned to be used;
- (xi) [D]descriptions of each hazardous waste, including whether each hazardous waste is regulated universal waste under Rule R315-273, spent lead-acid batteries being exported for recovery of lead under Section R315-266-80, or industrial ethyl alcohol being exported for reclamation under Subsection R315-261-6(a)(3)(i), estimated total quantity of each waste in either metric tons or cubic meters, the applicable RCRA waste codes for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in Section R315-260-11, and the United Nations or [U.S.]US Department of Transportation (DOT) ID number for each waste;

(xii) [S]specification of the recovery or disposal operations as defined in Section R315-262-81; and

(xiii) [E]certification or [D]declaration signed by the exporter that states: "I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Name: Signature: Date:".

(2) Exports to pre-consented recovery facilities in OECD [M]member countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. Notifications proposing export to a pre-consented facility in an OECD member country shall include the information listed in Subsections R315-262-83(b)(1)(i) through R315-262-83(b)(1)(xiii) and additionally state that the facility is pre-consented. Exporters shall submit the notification to EPA using the allowable methods listed in Subsection R315-262-83(b)(1) at least ten days before the first shipment is expected to leave the United States.

(3) Notifications listing interim recycling operations or interim disposal operations. If the foreign receiving facility listed in Subsection R315-262-83(b)(1)(ii) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the

case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 to D14, or D15, the notification submitted according to Subsection R315-262-83(b)(1) shall also include the final foreign recovery or disposal facility name, site address, telephone, fax numbers, email address, technologies used, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 will be used at the final foreign recovery or disposal facility. The recovery and disposal operations in Subsection R315-262-83(b) are defined in Section R315-262-81.

(4) Renotifications. If the exporter wishes to change any of the information specified on the original notification, including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters, the exporter shall submit a renotification of the changes to EPA using the allowable methods in Subsection R315-262-83(b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an EPA AOC letter documenting the countries' consents to the changes.

(5) If the proposed country of import and recovery or disposal operations is not covered under an international agreement between the United States and the country of import, EPA will coordinate with the Department of State to provide the complete notification to country of import and any countries of transit. In any other case, EPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when EPA receives a notification that EPA determines satisfies the requirements of Subsections R315-262-83(b)(1)(i) through R315-262-83(b)(1)(xiii).

(6) If the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, EPA will forward an EPA AOC letter to the exporter documenting the countries' consents. If any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws an earlier consent, EPA will notify the exporter.

(7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section R315-262-83, including providing notification to EPA in accordance with Subsection R315-262-83(b)(1). In addition to listing the required information in Subsections R315-262-83(b)(1)(i) through R315-262-83(b)(1)(xiii), the exporter shall provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from EPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries before re-export.

(8) Upon request by EPA, the exporter shall furnish to EPA any additional information that the country of import requests to respond to a notification.

(c) **Hazardous Waste** Manifest instructions for export shipments. The exporter shall comply with the manifest requirements of Sections R315-262-20 through R315-262-~~23~~**25** except that:

(1) ~~[-]~~in lieu of the name, site address and EPA ID number of the designated permitted facility, the exporter shall enter the name and site address of the foreign receiving facility~~[-]~~;

(2) ~~[-]~~in the International Shipments block on the continuation sheet, EPA Form 8700-22A, the exporter shall: ~~[check the export box and enter the U.S. port of exit, city and state, from the United States.]~~

(i) check the export box and enter the US port of exit, city and State, from the United States;

(ii) enter the exporter's EPA ID number, if the exporter is not identified in Item 5 of the manifest, EPA Form 8700-22, for the export shipment; and

(iii) list the waste stream consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use an additional continuation sheet, EPA Form 8700-22A.

~~[(3) The exporter shall list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets, EPA Form 8700-22A.]~~

~~[(3) The exporter may get the manifest from any source so long as the source of the printed form has received approval from the EPA to print the manifest in accordance with Subsection R315-262-21(g)(1).]~~

~~[(4) [The exporter may get the manifest from any source that is registered with the U.S. EPA as a supplier of manifests, for example, states, waste handlers, or commercial forms printers.]Beginning on December 1, 2025, within 30 days of receiving an export manifest from the final domestic transporter to carry the export shipment to or across the US port of exit, the exporter shall submit the top copy, Page 1, of the signed and dated manifest, whether electronic or paper, and any continuation sheets, whether electronic or paper, to the EPA e-Manifest system. The exporter shall submit the paper manifest and any paper continuation sheets to the EPA e-Manifest system for purposes of data entry and processing by transmitting to the EPA e-Manifest system an image file of Page 1 of the manifest and any continuation sheets, or by transmitting to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheets.]~~

(i) As prescribed in 40 CFR 265.1311, and determined in 40 CFR 265.1312, an exporter who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. The EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313.

(ii) An exporter subject to user fees under Section R315-262-83 shall make user fee payments in accordance with the requirements of 40 CFR 265.1314, subject to the informal fee dispute resolution process of 40 CFR 265.1316, and subject to the sanctions for delinquent payments under 40 CFR 265.1315.

(iii) Electronic manifest signatures shall meet the criteria described in Section R315-262-25.

(iv) Within 30 days of receiving a paper replacement manifest from the last transporter carrying the shipment to or across the US border for a manifest that was originated electronically, the exporter shall send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system.

(v) After foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter in accordance with the requirements of Subsection R315-262-83(d)(2)(xvii), any post-receipt data corrections may be submitted at any time by any interested person, for example a domestic waste handler, shown on the manifest. If requested by the director, an exporter shall address manifest data corrections within 30 days from the date of the request. Data correction submissions shall be made electronically via the post-receipt data corrections process as described in Subsection R315-265-71(l), which applies to corrections made to either paper or electronic manifests.

(d) Movement document requirements for export shipments.

(1) Exporters shall ensure that a movement document meeting the conditions of Subsection R315-262-83(d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until it reaches the foreign receiving facility, including cases when

the hazardous waste is stored, sorted by the foreign importer before shipment to the foreign receiving facility, or both, except as provided in Subsections R315-262-83(d)(1)(i) and R315-262-83(d)(1)(ii).

(i) For shipments of hazardous waste within the United States solely by water, bulk shipments only, the exporter shall forward the movement document to the last water, bulk shipment, transporter to handle the hazardous waste in the United States if exported by water.

(ii) For rail shipments of hazardous waste within the United States that start from the company originating the export shipment, the exporter shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.

(2) The movement document shall include the ~~following~~ information required by Subsections R315-262-83(d)(2)(i) through R315-262-83(d)(2)(xv):

(i) The corresponding consent numbers and hazardous waste numbers for the listed hazardous waste from the relevant EPA AOCs ~~and if required to be accompanied by a RCRA Uniform Hazardous Waste Manifest within the United States, the manifest tracking number from block 4;~~

(ii) The shipment number and the total number of shipments from the EPA ~~AOC or the movement tracking number;~~

(iii) Exporter name and EPA identification number, ~~site~~ address, telephone, fax numbers, and email address;

(iv) Foreign receiving facility name, ~~site~~ address, telephone, fax numbers, email address, technologies used, and the applicable recovery or disposal operations as defined in Section R315-262-81;

(v) Foreign importer name, if not the owner or operator of the foreign receiving facility, ~~site~~ address, telephone, fax numbers, and email address;

(vi) Descriptions of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste codes for each hazardous waste, applicable OECD waste code for each hazardous waste from the lists incorporated by reference in Section R315-260-11, and the United Nations or ~~U.S. Department of Transportation (DOT)~~ ID number for each hazardous waste;

(vii) Date movement began;

(viii) Name, if not exporter, ~~site~~ address, telephone, fax numbers, and email of company originating the shipment;

(ix) Company name, EPA ID number, ~~site~~ address, telephone, fax, and email address of each transporter;

(x) Identification, for example, license, registered name or registration number, of means of transport, including types of packaging;

(xi) Any special precautions to be taken by transporters;

(xii) Certification or declaration signed and dated by the exporter that the information in the movement document is complete and correct;

(xiii) Appropriate signatures for each custody transfer, for example, transporter, importer, and owner or operator of the foreign receiving facility;

(xiv) Each ~~U.S.~~US person that has physical custody of the hazardous waste from the time the movement begins until it arrives at the foreign receiving facility shall sign the movement document, for example, transporter, foreign importer, and owner or operator of the foreign receiving facility; and

(xv) As part of the contract requirements per Subsection R315-262-83(f), the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, to the competent authorities of the countries of import and transit ~~that control the shipment as an import and transit of hazardous waste respectively.[-and f] For shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall: [additionally require that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in Subsection R315-262-83(b)(1).]~~

(A) initiate the movement document using the allowable methods listed in Subsection R315-262-83(b)(1); and

(B) close out the movement document within three working days of receiving a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed in Subsection R315-262-83(b)(1);

(xvi) As part of the contract requirements of Subsection R315-262-83(f), the exporter shall require that the foreign receiving facility send a copy of the confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter shall additionally require that the interim receiving facility promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 as defined in Section R315-262-81 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall submit each confirmation of recovery or disposal to the EPA within three working days of receiving the confirmation of recovery or disposal from the foreign receiving facility using the allowable methods listed in Subsection R315-262-83(b)(1); and

(xvii) For shipments sent to a country that the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt and the confirmation of recovery or disposal may be sent via the electronic exchange.

(e) Duty to return or re-export hazardous wastes. If a transboundary movement of hazardous wastes cannot be finished in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter shall ensure that the hazardous waste is returned to the United States or re-exported to a third country. If the waste shall be returned, the exporter shall provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs EPA of the need to return the waste or another period as the concerned countries agree. In each case, the exporter shall submit an ~~[e]~~Exception ~~[f]~~Report to EPA in accordance with Subsection R315-262-83(h).

(f) Export contract requirements.

(1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements, if the movement occurs between parties controlled by the same corporate or legal entity. The contracts or equivalent arrangements shall be executed by the exporter, foreign importer, if different from the foreign receiving facility, and the owner or operator of the foreign receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of Section R315-262-83 only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

(2) Contracts or equivalent arrangements shall specify the name and EPA ID number, if available, of Subsections R315-262-83(f)(2)(i) through R315-262-83(f)(2)(iv):

(i) The company from where each export shipment of hazardous waste is initiated;

(ii) Each person who will have physical custody of the hazardous wastes;

(iii) Each person who will have legal control of the hazardous wastes; and

(iv) The foreign receiving facility.

(3) Contracts or equivalent arrangements shall specify party to the contract that will assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export. In these cases, contracts shall specify that:

(i) the transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; and

(ii) the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and include the equivalent of the information required in Subsection R315-262-83(b)(1), the original consent number issued for the initial export of the hazardous wastes in the notification, and get consent from EPA and the competent authorities in the new country of import and any transit countries before re-export.

~~(iii) Transmittals made by the transporter or foreign receiving facility under Subsection R315-262-83(f)(3)(i) being sent to the exporter or the EPA from a country that the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.~~

(4) Contracts shall specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of the hazardous waste respectively. For shipments sent to a country that the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange. ~~For contracts that will be in effect on or after the electronic import export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in Subsection R315-262-83(b)(1) on or after that date.~~

(5) Contracts shall specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import that controls the shipment as an import of hazardous waste. For shipments sent to a country that the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange. ~~For contracts that will be in effect on or after the electronic import export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in Subsection R315-262-83(b)(1) on or after that date.~~

(6) Contracts shall specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, recovery and disposal operations defined in Section R315-262-81, as appropriate, will:

(i) provide the notification required in Subsection R315-262-83(f)(3)(ii) before any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and

(ii) promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 to the competent authority of the country of import that controls the shipment as an import of hazardous waste and to the exporter. For shipments sent to a country that the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange. ~~For contracts that will be in effect on or after the electronic import export reporting compliance date, the contracts shall additionally specify that the foreign facility send copies to EPA at the same time using the allowable method listed in Subsection R315-262-83(b)(1) on or after that date.~~

(7) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

(i) Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes if arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require these financial guarantees at this time; however, several OECD ~~[M]~~ member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with the requirements and persons or facilities located in those OECD ~~[M]~~ member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(8) Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with the applicable requirements of Sections R315-262-80 through R315-262-84.

(9) Upon request by EPA, ~~[U.S.]~~US exporters, importers, or recovery facilities shall submit to EPA copies of contracts, chain of contracts, or equivalent arrangements, if the movement occurs between parties controlled by the same corporate or legal entity.

(g) Annual reports. The exporter shall file an annual report with EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of any hazardous waste exported during the previous calendar year. ~~Before one year after the AES filing compliance date, the exporter shall mail or hand deliver annual reports to EPA using one of the addresses specified in Subsection R315-262-82(e), or submit to EPA using the allowable methods specified in Subsection R315-262-83(b)(1) if the exporter has electronically filed EPA information in AES, or its successor system, per Subsection R315-262-83(a)(6)(i)(A) for each shipment made the previous calendar year. Subsequently, t~~The exporter shall submit annual reports to EPA using the allowable methods specified in Subsection R315-262-83(b)(1). The annual report shall include ~~each of the following Subsections R315-262-83(g)(1) through R315-262-83(g)(6) specified as follows~~:

(1) ~~[F]~~the EPA identification number, name, and mailing and site address of the exporter filing the report;

(2) ~~[F]~~the calendar year covered by the report;

(3) ~~[F]~~the name and site address of each foreign receiving facility;

(4) ~~[B]~~by foreign receiving facility, for each hazardous waste exported:

(i) ~~[A]~~a description of the hazardous waste;

(ii) ~~[F]~~the applicable EPA hazardous waste codes, from Sections R315-261-20 through R315-261-24 and R315-261-30 through R315-261-35, for each waste;

(iii) ~~[F]~~the applicable waste code from the appropriate OECD waste list incorporated by reference in Section R315-260-11;

(iv) ~~[F]~~the applicable DOT ID number;

(v) ~~(F)~~the name and ~~(U.S.)~~US EPA ID number, if applicable, for each transporter used over the calendar year covered by the report; and
(vi) ~~(F)~~the consent numbers the hazardous waste was shipped under, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;
(5) ~~(H)~~in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000kg in a calendar month, and except for hazardous waste that the information was already provided pursuant to Section R315-262-41:

(i) ~~(A)~~a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and
(ii) ~~(A)~~a description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent this information is available for years earlier than 1984; and
(6) ~~(A)~~a certification signed by the exporter that states: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

(h) Exception reports.

(1) The exporter shall file an ~~(e)~~Exception ~~(f)~~Report in lieu of the requirements of Section R315-262-42, if applicable, with EPA if any of the ~~(following)~~ items in Subsections R315-262-83(h)(1)(i) through R315-262-83(h)(1)(iii) occurs:

(i) The exporter has not received a copy of the hazardous waste manifest, if applicable, signed by the transporter identifying the point of departure of the hazardous waste from the United States, within 45 days from the date it was accepted by the initial transporter, in this case the exporter shall file the ~~(e)~~Exception ~~(f)~~Report within the next 30 days;

(ii) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with Subsection R315-262-83(d) within 90 days from the date the waste was accepted by the initial transporter in this case the exporter shall file the ~~(e)~~Exception ~~(f)~~Report within the next 30 days; or

(iii) The foreign receiving facility notifies the exporter, or the country of import notifies EPA, of the need to return the shipment to the ~~(U.S.)~~US or arrange alternate management, in this case the exporter shall file the ~~(e)~~Exception ~~(f)~~Report within 30 days of notification, or one day before the date the return shipment begins, whichever is sooner.

(2) Before the electronic import-export reporting compliance date, ~~(e)~~Exception ~~(f)~~Reports shall be mailed or hand delivered to EPA using the addresses listed in Subsection R315-262-82(e). Subsequently, ~~(e)~~Exception ~~(f)~~Reports shall be submitted to EPA using the allowable methods listed in Subsection R315-262-83(b)(1).

(i) Recordkeeping.

(1) The exporter shall keep the ~~(following)~~ records as described in Subsections R315-262-83(i)(1)(i) through R315-262-83(i)(1)(vi) and provide them to EPA or Utah personnel upon request:

(i) ~~(A)~~a copy of each notification of intent to export and each EPA AOC for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

(ii) ~~(A)~~a copy of each annual report for a period of at least three years from the due date of the report;

(iii) ~~(A)~~a copy of any ~~(e)~~Exception ~~(f)~~Reports and a copy of each confirmation of receipt, for example, movement document, sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter; and

(iv) ~~(A)~~a copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility finished interim or final processing of the hazardous waste shipment.

(v) A copy of each contract or equivalent arrangement established per Subsection R315-262-83(f) for at least three years from the expiration date of the contract or equivalent arrangement.

(vi) A copy of each manifest sent by the last transporter in the United States per Subsection R315-263-20(g).

(2) Exporters may satisfy these recordkeeping requirements by keeping electronically submitted documents in the exporter's account on ~~(EPA's Waste Import Export Tracking System (WIETS))~~, or its successor system, if copies are readily available for viewing and production if requested by any EPA or Utah inspector. No exporter may be held liable for the inability to produce the documents for inspection under Section R315-262-83 if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with ~~(EPA's Waste Import Export Tracking System (WIETS))~~, or its successor system that is not the responsibility of the exporter.

(3) The periods of retention referred to in Section R315-262-83 are extended automatically during any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

R315-262-84. Transboundary Movements of Hazardous Waste for Recovery or Disposal -- Imports of Hazardous Waste.

(a) General import requirements.

(1) With the exception of Subsection R315-262-84(a)(5), importers of shipments covered under a consent from EPA to the country of export issued before December 31, 2016 are subject to that approval and the requirements that existed at the time of that approval until the time that the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States shall comply with the requirements of Rule R315-262 and the special requirements of Sections R315-262-80 through R315-262-84.

(2) If the country of export does not require the foreign exporter to submit a notification and get consent to the export before shipment, the importer shall submit a notification to EPA in accordance with Subsection R315-262-84(b).

(3) The importer shall comply with the contract requirements in Subsection R315-262-84(f).

(4) The importer shall ensure compliance with the movement documents requirements in Subsection R315-262-84(d).

(5) The importer shall ensure compliance with the manifest instructions for import shipments in Subsection R315-262-84(c).

(b) Notifications. If the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and get consent from EPA and the competent authorities for the countries of transit, but EPA does regulate the waste as hazardous waste:

(1) The importer shall provide notification in English to EPA of the proposed transboundary movement of hazardous waste at least 60 days before the first shipment is expected to depart the country of export. Notifications submitted before the electronic import-export reporting compliance date shall be mailed or hand delivered to EPA at the addresses specified in Subsection R315-262-82(e). Notifications submitted on or after the electronic import-export reporting compliance date shall be submitted electronically using ~~(EPA's Waste Import Export Tracking System (WIETS))~~ or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and shall include~~(the following information)~~:

(i) [F]foreign exporter name, site address, telephone, fax numbers, and email address;

(ii) [R]receiving facility name, EPA ID number, site address, telephone, fax numbers, email address, technologies used, and the applicable recovery or disposal operations as defined in Section R315-262-81;

(iii) [I]importer name, if not the owner or operator of the receiving facility, EPA ID number, site address, telephone, fax numbers, and email address;

(iv) [I]intended transporters, their agents, or both, site address, telephone, fax, and email address;

(v) "[U.S.]US" as the country of import, "USA01" as the relevant competent authority code, and the intended [U.S.]US ports of entry;

(vi) [F]the ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit;

(vii) [F]the ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of exit for the country of export;

(viii) [S]a statement of whether the notification covers a single shipment or multiple shipments;

(ix) [S]start and [E]nd [D]ates requested for transboundary movements;

(x) [M]means of transport planned to be used;

(xi) [D]descriptions of each hazardous waste, including whether each hazardous waste is regulated universal waste under Rule R315-273, spent lead-acid batteries being exported for recovery of lead under Section R315-266-80, or industrial ethyl alcohol being exported for reclamation under Subsection R315-261-6(a)(3)(i), estimated total quantity of each hazardous waste, the applicable RCRA hazardous waste codes for each hazardous waste, the applicable OECD waste code from the lists incorporated by reference in Section R315-260-11, and the United Nations or [U.S. Department of Transportation (DOT)] ID number for each hazardous waste;

(xii) [S]specification of the recovery or disposal operations as defined in Section R315-262-81; and

(xiii) [C]a certification or [D]declaration signed by the importer that states: "I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Name: Signature: Date:".

(A) The United States does not currently require financial assurance for these waste shipments.

(2) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in Subsection R315-262-84(b)(1)(ii) will engage in any of the interim recovery operations R12, R13, or RC3 or interim disposal operations D13 through D15, the notification submitted according to Subsection R315-262-84(b)(1) shall also include the final recovery or disposal facility name, site address, telephone, fax numbers, email address, technologies used, and the applicable recovery or disposal operations R1 through R11, RC1, and D1 through D12, that will be used at the final recovery or disposal facility. The recovery and disposal operations in Subsection R315-262-84(b)(2) are defined in Section R315-262-81.

(3) Renotifications. If the foreign exporter wishes to change any of the conditions specified on the original notification, including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters, the importer shall submit a renotification of the changes to EPA using the allowable methods in Subsection R315-262-84(b)(1). Any shipment using the requested changes cannot take place until EPA and the countries of transit consent to the changes and the importer receives an EPA AOC letter documenting the consents to the changes.

(4) A notification is complete when EPA determines the notification satisfies the requirements of Subsections R315-262-84(b)(1)(i) through R315-262-84(b)(1)(xiii).

(5) If EPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, EPA will forward an EPA AOC letter to the importer documenting the countries' consents and EPA's consent. If any of the countries of transit or EPA objects to the proposed transboundary movements of the hazardous waste or withdraws an earlier consent, EPA will notify the importer.

(6) Export of hazardous wastes originally imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Subsection R315-262-83(b)(7).

(c) Manifest instructions for import shipments.

(1) When importing hazardous waste, the importer shall meet the requirements of Section R315-262-20 for the manifest except that:

(i) In place of the generator's name, mailing and site addresses and EPA identification number, the name and site address of the foreign generator and the importer's name, mailing address and EPA identification number shall be used.

(ii) In place of the generator's signature on the certification statement, the importer or the importer's agent shall sign and date the certification and get the signature of the initial transporter.

(2) The importer may get the manifest form from any source that is registered with the EPA as a supplier of manifests, for example, states, waste handlers, or commercial forms printers.

(3) In the International Shipments block on the continuation sheet, EPA Form 8700-22A, the importer shall check the import box and enter the point of entry, city and state, into the United States.

(4) The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with Subsection R315-264-71(a)(3) and Subsection R315-265-71(a)(3). In lieu of the requirements of Subsection R315-262-20(d), where a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email or mail to:

(i) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

(ii) Revise the manifest in accordance with the importer's instructions.

(5) In lieu of the requirements of Subsection R315-262-20(d), if a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email or mail to:

(i) return the hazardous waste to the foreign exporter or designate another facility within the United States; and

(ii) revise the manifest in accordance with the importer's instructions.

(d) Movement document requirements for import shipments.

(1) The importer shall ensure that a movement document meeting the conditions of Subsection R315-262-84(d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases where the hazardous waste is stored, sorted by the importer before shipment to the receiving facility, or both, except as provided in Subsections R315-262-84(d)(1)(i) and R315-262-84(d)(1)(ii).

(i) For shipments of hazardous waste within the United States by water, bulk shipments only, the importer shall forward the movement document to the last water, bulk shipment, transporter to handle the hazardous waste in the United States if imported by water.

(ii) For rail shipments of hazardous waste within the United States that start from the company originating the export shipment, the importer shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

(2) The movement document shall include the ~~following~~ the information required by Subsections R315-262-84(d)(2)(i) through R315-262-84(d)(2)(xv):

(i) The corresponding AOC numbers and waste numbers for the listed ~~waste and if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4;~~

(ii) The shipment number and the total number of shipments under the AOC ~~number or the movement tracking number;~~

(iii) Foreign exporter name, ~~site~~ address, telephone, fax numbers, and email address;

(iv) Receiving facility name, EPA ID number, ~~site~~ address, telephone, fax numbers, email address, technologies used, and the applicable recovery or disposal operations as defined in Section R315-262-81;

(v) Importer name, if not the owner or operator of the receiving facility, EPA ID number, ~~site~~ address, telephone, fax numbers, and email address;

(vi) Descriptions of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste codes for each hazardous waste, the applicable OECD waste code for each hazardous waste from the lists incorporated by reference in Section R315-260-11, and the United Nations or ~~U.S. Department of Transportation (DOT)~~ ID number for each hazardous waste;

(vii) Date movement began;

(viii) Name, if not the foreign exporter, ~~site~~ address, telephone, fax numbers, and email of the foreign company originating the shipment;

(ix) Company name, EPA ID number, ~~site~~ address, telephone, fax ~~numbers~~, and email address of each transporter;

(x) Identification, license, registered name or registration number, of means of transport, including types of packaging;

(xi) Any special precautions to be taken by transporters;

(xii) Certification or declaration signed and dated by the foreign exporter that the information in the movement document is complete and correct;

(xiii) Appropriate signatures for each custody transfer, for example, transporter, importer, and owner or operator of the receiving facility;

(xiv) Each person that has physical custody of the waste from the time the movement begins until it arrives at the receiving facility shall sign the movement document, for example, transporter, importer, and owner or operator of the receiving facility; and

(xv) The receiving facility shall send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter, ~~and~~ and to the competent authorities of the countries of export and transit ~~that control the shipment as an export and transit of hazardous waste respectively.~~ ~~and if~~ For shipments received on or after the electronic import-export reporting compliance date, ~~the receiving facility shall close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's WIETS or its successor system. For shipments sent from a country that the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.~~ ~~to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system.~~

(e) Duty to return or export hazardous wastes. If a transboundary movement of hazardous wastes cannot be finished in accordance with the terms of the contract or the consents, Subsection R315-262-84(f)(4) applies. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste shall be returned to the country of export or exported to a third country. Subsection R315-262-84(b)(6) applies to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and gets consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

(f) Import contract requirements.

(1) Imports of hazardous waste shall occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements, if the movement occurs between parties controlled by the same corporate or legal entity. These contracts or equivalent arrangements shall be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of Section R315-262-84 only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

(2) Contracts or equivalent arrangements shall specify the name and EPA ID number, if available, of Subsections R315-262-84(f)(2)(i) through R315-262-84(f)(2)(iv):

(i) The foreign company from where each import shipment of hazardous waste is initiated;

(ii) Each person who will have physical custody of the hazardous wastes;

(iii) Each person who will have legal control of the hazardous wastes; and

(iv) The receiving facility.

(3) Contracts or equivalent arrangements shall specify the use of a movement document in accordance with Subsection R315-262-84(d).

(4) Contracts or equivalent arrangements shall specify the party to the contract that will assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In these cases, contracts shall specify that:

(i) the transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and

(ii) the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous wastes and, as the case may be, shall provide the notification for re-export required in Subsection R315-262-83(b)(7).

(iii) Transmittals made by the transporter or receiving facility under Subsection R315-262-84(f)(4)(i) being sent to a competent authority or foreign exporter in a country that the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

(5) Contracts shall specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, as appropriate, will provide the notification required in Subsection R315-262-83(b)(7) before the re-export of hazardous wastes. The recovery and disposal operations in Subsection R315-262-84(f)(5) are defined in Section R315-262-81.

(6) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

(i) Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes if arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require these financial guarantees at this time; however, several OECD ~~[M]~~ member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with the requirements and persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(7) Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with the applicable requirements of Sections R315-262-80 through R315-262-84.

(8) Upon request by EPA, importers or disposal or recovery facilities shall submit to EPA copies of contracts, chain of contracts, or equivalent arrangements, if the movement occurs between parties controlled by the same corporate or legal entity.

(g) Confirmation of recovery or disposal. The receiving facility shall ~~do the following~~:

(1) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to EPA electronically using [EPA's Waste Import Export Tracking System (WIETS)] or its successor system. For shipments sent from a country that the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(2) If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 to RC2, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for confirmations received on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's [Waste Import Export Tracking System (WIETS)] or its successor system. The recovery and disposal operations in Subsection R315-262-84(g)(2) are defined in Section R315-262-81. For shipments sent from a country that the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

(h) Recordkeeping.

(1) The importer shall keep the ~~following~~ records required by Subsections R315-262-84(h)(1)(i) and R315-262-84(h)(1)(ii) and provide them to EPA or ~~[authorized state]~~ Utah personnel upon request:

(i) ~~[A]~~ a copy of each notification that the importer sends to EPA under Subsection R315-262-84(b)(1) and each EPA AOC it receives in response for a period of at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and

(ii) ~~[A]~~ a copy of each contract or equivalent arrangement established per Subsection R315-262-84(f) for at least three years from the expiration date of the contract or equivalent arrangement.

(2) The receiving facility shall keep the ~~following~~ records required by Subsections R315-262-84(h)(2)(i) through R315-262-84(h)(2)(iv):

(i) ~~[A]~~ a copy of each confirmation of receipt, for example, movement document, that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;

(ii) ~~[A]~~ a copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it finished processing the waste shipment;

(iii) ~~[F]~~ for the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, recovery and disposal operations defined in Section R315-262-81, a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three years from the date that the final recovery or disposal facility finished processing the waste shipment; and

(iv) ~~[A]~~ a copy of each contract or equivalent arrangement established per Subsection R315-262-84(f) for at least three years from the expiration date of the contract or equivalent arrangement.

(3) Importers and receiving facilities may satisfy these recordkeeping requirements by keeping electronically submitted documents in the importer's or receiving facility's account on ~~[EPA's Waste Import Export Tracking System (WIETS)] or its successor system~~ if copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No importer or receiving facility may be held liable for the inability to produce the documents for inspection under Subsection R315-262-84(h) if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with ~~[EPA's Waste Import Export Tracking System (WIETS)] or its successor system~~ that is not the responsibility of the importer or receiving facility.

(4) The periods of retention referred to in Section R315-262-84 are extended automatically during any unresolved enforcement action regarding the regulated activity or as requested by the director.

KEY: hazardous waste, generators

Date of Last Change: January 13, 2025

Notice of Continuation: January 14, 2021

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-263

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Kari Lundeen	385-499-4923	klundeen@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-263. Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for Any Hazardous Waste Handlers.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In February of 1997 the EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time Utah adopted a few of the rules. In July of 2023, comments were received from the EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. Utah then conducted a review of the proposed regulations in the Military Munitions Rule and it was determined that some, but not all, of the proposed rules should be adopted resulting in an amendment to R315-263. In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste imports and exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 263. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-261 to conform with the federal regulations.	
5. Summary of the new rule or change:	
Language is added at R315-263-10(f) to state that R315-266-203 identifies how the requirements of R315-263 apply to military munitions classified as solid waste. R315-263-20(a)(2) is amended to remove a requirement that is outdated. R315-263-20(a)(9) is amended to update the requirements for post-receipt manifest data corrections. R315-263-20(c) is amended to remove outdated requirements. R315-263-20(g) is amended to update manifest requirements for transporters who transport hazardous waste out of the United States. Additionally, the Division is correcting typographical and formatting errors in Rule R315-263.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
It is not anticipated that this rulemaking will result in any cost or savings to the state budget because the state does not manage

military munitions and is not an importer or exporter of hazardous waste. Additionally, the division does not oversee the import or export of hazardous waste, this is handled by the EPA.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that manage military munitions or import or export hazardous waste.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to small businesses that must comply with these rules because there are no small businesses in Utah engaged in these activities.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to non-small businesses because there are no non-small businesses in Utah engaged in these activities. There are three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because there are no persons other than small businesses, non-small businesses, state or local governments in Utah engaged in these activities.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules except for the cost to the three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 10/31/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on: 11/17/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	Click or tap to enter a date.
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-263. Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for Any Hazardous Waste Handlers.

R315-263-10. Scope.

(a) Sections R315-263-11, R315-263-12, R315-263-20, R315-263-21, R315-263-22, R315-263-25, and R315-263-34 establish standards ~~which~~ that apply to persons transporting hazardous waste within Utah if the transportation requires a manifest under Rule R315-262.

(b) Sections R315-263-11, R315-263-12, R315-263-20, R315-263-21, R315-263-22, R315-263-25, and R315-263-34 do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste shall also comply with Rule R315-262 if the transporter ~~he~~:

(1) Transports hazardous waste into Utah; or

(2) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

(d) A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal is subject to Sections R315-263-10 through R315-263-12 and to ~~all~~ any other relevant requirements of Sections R315-262-80 through R315-262-84, including ~~but not limited to,~~ Subsections R315-262-83(d) and R315-262-84(d) for movement documents.

(e) Reserved

(f) ~~Reserved~~ Section R315-266-203 identifies how the requirements of Rule R315-263 apply to military munitions classified as solid waste under Section R315-266-202.

(g) Sections R315-263-30, R315-263-31, R315-263-32, and R315-263-33 apply to ~~all~~ handlers of hazardous waste or material that ~~when~~ if spilled may become a hazardous waste.

R315-263-20. The Manifest System.

(a)(1) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form; EPA Form 8700-22, and if necessary, EPA Form 8700-22A; signed in accordance with the requirement of Section R315-262-23, or is provided with an electronic manifest that is gotten, completed, and transmitted in accordance with Subsection R315-262-20(a)(3), and signed with a valid and enforceable electronic signature as described in 40 CFR 262.25.

(2) Exports. For exports of hazardous waste subject to the requirements of Sections R315-262-80 through R315-262-84, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with Section R315-263-20, as appropriate, and for exports occurring under the terms of consent issued by EPA on or after December 31, 2016, a movement document that includes the information required by Subsection R315-262-83(d).

(3) Compliance date for form revisions. The revised manifest form and procedures in Sections R315-260-10, R315-261-7, R315-263-20, and R315-263-21, had an effective date of September 5, 2006.

(4) Use of electronic manifest legal equivalence to paper forms for participating transporters. Electronic manifests that are gotten, completed, and transmitted in accordance with Subsection R315-262-20(a)(3), and used in accordance with Section R315-263-20 in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy any requirement in Title R315 to get, complete, sign, carry, provide, give, use, or keep a manifest.

(i) Any requirement in Title R315 to sign a manifest or manifest certification by hand, or to get a handwritten signature, is satisfied by signing with or getting a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(ii) Any requirement in Title R315 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the system.

(iii) Any requirement in Title R315 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person who is scheduled to receive delivery of the waste shipment, except that to the extent that the Hazardous Materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, a hazardous waste transporter shall carry one printed copy of the electronic manifest on the transport vehicle.

(iv) Any requirement in Title R315 for a transporter to keep a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-Manifest system, if the copies are readily available for viewing and production if requested by any EPA or Utah inspector.

(v) No transporter may be held liable for the inability to produce an electronic manifest for inspection under Section R315-263-20 if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.

(5) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

(6) Special procedures if electronic manifest is not available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then:

(i) The transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to Subsection R315-263-20(a)(4)(iii)(A), or get and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and each subsequent waste handler with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

(ii) On each printed copy, the transporter shall include a notation in the Special Handling and Additional Description space, Item 14, that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include, if not pre-printed on the replacement manifest, the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

(iii) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste shall ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

(iv) From the point that the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, kept as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of paper manifests.

(7) Special procedures for electronic signature methods undergoing tests. If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically and also sign with an ink signature the transporter acknowledge[ment] of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with Subsection R315-263-20(a)(4)(iii)(A). This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate show the receipt of the waste materials or to indicate show discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

(8) Reserved.

(9) Post-receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes that the manifest is complete, by signing it when it is submitted to the EPA e-Manifest system, Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person, such as the waste handler, named on the manifest. If corrections are requested by the director for portions of the manifest that a transporter is required to complete, the transporter shall address the data correction within 30 days from the date of the request. [Transporters may participate] Data correction submissions shall be made electronically [in] via the post-receipt data corrections process [by following the process] as described in Subsection R315-264-71(l), which applies to corrections made to either paper or electronic manifests [records].

(b) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.

(c) The transporter shall ensure that the manifest accompanies the hazardous waste. [In the case of] For exports [occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016], the transporter shall ensure that a movement document that includes the information required by Subsection R315-262-83(d) also accompanies the hazardous waste. [In the case of] For imports [occurring under the terms of

a consent issued by EPA to the country of export or the importer on or after December 31, 2016], the transporter shall ensure that a movement document that includes the information required by Subsection R315-262-84(d) also accompanies the hazardous waste.

(d) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:

(1) get the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) keep one copy of the manifest in accordance with Section R315-263-22; and

(3) give the remaining copies of the manifest to the accepting transporter or designated facility.

(e) The requirements of Subsections R315-263-20(c), R315-263-20(d) and R315-263-20(f) do not apply to water, bulk shipment, transporters if:

(1) the hazardous waste is delivered by water, bulk shipment, to the designated facility; and

(2) a shipping paper containing the information required on the manifest; excluding the EPA identification numbers, generator certification, and signatures; and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes the information required by Subsection R315-262-83(d) or R315-262-84(d) accompanies the hazardous waste; and

(3) the delivering transporter gets the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(4) the person delivering the hazardous waste to the initial water, bulk shipment, transporter gets the date of delivery and signature of the water, bulk shipment, transporter on the manifest and forwards it to the designated facility; and

(5) a copy of the shipping paper or manifest is kept by each water, bulk shipment, transporter in accordance with Section R315-263-22.

(f) For shipments involving rail transportation, the requirements of Subsections R315-263-20(c), R315-263-20(d) and R315-263-20(e) do not apply and the ~~following~~ requirements listed in Subsections R315-263-20(f)(1) through R315-263-20(f)(5) do apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

(i) sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) return a signed copy of the manifest to the non-rail transporter;

(iii) forward at least three copies of the manifest to:

(A) the next non-rail transporter, if any; or

(B) the designated facility, if the shipment is delivered to that facility by rail; or

(C) the last rail transporter designated to handle the waste in the United States; and

(iv) keep one copy of the manifest and rail shipping paper in accordance with Section R315-263-22.

(2) Rail transporters shall ensure that a shipping paper containing the information required on the manifest; excluding the EPA identification numbers, generator certification, and signatures; and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes the information required by Subsection R315-262-83(d) or R315-262-84(d) always accompanies the hazardous waste.

~~[Note to Subsection R315-263-20(f)(2):]~~ (i) Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter shall:

(i) get the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper, if the manifest has not been received by the facility; and

(ii) keep a copy of the manifest or signed shipping paper in accordance with Section R315-263-22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:

(i) get the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) keep a copy of the manifest in accordance with Section R315-263-22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(g) Transporters who transport hazardous waste out of the United States shall:

(1) sign and date the manifest in the International Shipments block on the continuation sheet, EPA Form 8700-22A, to ~~indicate~~ show the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

(2) keep one copy in accordance with Subsection R315-263-22(d); and

(3) ~~return a signed copy of the manifest to the generator; and~~ Compliance date for manifest returns on January 22, 2025. Beginning on January 22, 2025, return signed, top copies of the manifest and continuation sheet to the generator. On December 1, 2025, Subsection R315-263-20(g)(3) no longer applies, and Subsection R315-263-20(g)(4) applies instead.

(4) Compliance date for manifest returns on December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter. ~~for paper manifest only;~~

(i) ~~send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in Subsection R315-264-71(a)(2)(v); and~~

(ii) ~~for shipments initiated before the AES filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States].~~

(h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month need not comply with the requirements of Section 315-263-20 or those of Section R315-263-22 if:

(1) the waste is being transported pursuant to a reclamation agreement as provided for in Subsection R315-262-20(e);

(2) the transporter records, on a log or shipping paper, the ~~following~~ information listed in Subsections R315-263-20(h)(2)(i) through R315-263-20(h)(2)(iv) for each shipment:

(i) the name, address, and ~~U.S.]~~US EPA Identification Number of the generator of the waste;

(ii) the quantity of waste accepted;

(iii) any DOT required shipping information; and

(iv) the date the waste is accepted;

(3) the transporter carries this record when transporting waste to the reclamation facility; and

(4) the transporter keeps these records for a period of at least three years after termination or expiration of the agreement.

Date of Last Change: January 17, 2023

Notice of Continuation: January 14, 2021

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-264

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Kari Lundeen	385-499-4923	klundeen@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In February of 1997 the EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time Utah adopted a few of the rules. In July of 2023, comments were received from the EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. Utah then conducted a review of the proposed regulations in the Military Munitions Rule and it was determined that some, but not all, of the proposed rules should be adopted resulting in an amendment to R315-264. In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste imports and exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 264. In December of 2024, the EPA finalized five regulatory amendments that had been withdrawn from a rulemaking in December of 2023. The amendments made technical corrections to various hazardous waste regulations including some in 40 CFR 264. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-264 to conform with the federal regulations.	
5. Summary of the new rule or change:	
R315-264-1(i) is amended to add language stating that the R315-266-205 identifies when R315-264 applies to the storage of military munitions classified as hazardous waste. The rule also states that treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards of R315-260 through R315-270. R315-264-12(a)(2) and (4) are being amended to update the requirements for management of movement documents for the tracking of import and export of hazardous waste. R315-264-71(a)(2) is being amended to remove manifest requirements that are outdated. R315-264-71(a)(3) is being amended to update and clarify the information required to be listed on a hazardous waste manifest for imports and exports of hazardous waste. R315-264-71(b)(4) and R315-264-71(d) are being amended to update the requirements for management of manifests and movement documents for the tracking of import and export of hazardous waste. R315-264-71(d)(1) is being added to provide the requirements for post-receipt manifest data corrections. R315-264-72(c) is being amended to add the requirement to submit discrepancy reports via the e-Manifest system beginning	

on December 1, 2025.

R315-264-72(g) is being amended to remove the requirement for facilities to send an amended manifest to a transporter and to state that transporters can access a copy of the amended manifest in the e-Manifest system.

R315-264-76(b) is being added to the rules to provide the requirements for electronic submission of unmanifested waste reports via the e-Manifest system beginning on December 1, 2025.

R315-264-1200, 1201 and 1202 are being added to provide requirements for the storage of munitions and explosives hazardous waste.

R315-264-1103, 1104, 1105, 1106 and 1107 are being renumbered due to the addition of R315-264-1200, 1201, and 1202. Additionally, the Division is correcting typographical and formatting errors in Rule R315-264.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this rulemaking will result in any cost or savings to the state budget because the state does not manage military munitions and is not an importer or exporter of hazardous waste.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that manage military munitions or import or export hazardous waste.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to small businesses that must comply with these rules because there are no small businesses in Utah engaged in these activities.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to non-small businesses because there are no non-small businesses in Utah engaged in these activities. There are three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because there are no persons other than small businesses, non-small businesses, state or local governments in Utah engaged in these activities.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules except for the cost to the three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

Net Fiscal Benefits	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/17/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Douglas J. Hansen, Director	Date:	Click or tap to enter a date.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

R315-264-1. General -- Purpose, Scope and Applicability.

(a) The purpose of Rule R315-264 is to establish minimum standards that define the acceptable management of hazardous waste.

(b) The standards in Rule R315-264 apply to each owner and operator of facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in Rule R315-264 or R315-261.

(c) Reserved.

(d) The requirements of Rule R315-264 apply to a person disposing of hazardous waste by underground injection subject to a permit issued under an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act only to the extent they are required by 40 CFR 144.14. Rule R315-264 applies to the above ground treatment or storage of hazardous waste before it is injected underground.

(e) The requirements of Rule R315-264 apply to each owner or operator of a POTW that treats, stores, or disposes of hazardous waste only to the extent they are included in a RCRA permit by rule granted to such a person under Rule R315-270.

(f) Reserved.

(g) The requirements of Rule R315-264 do not apply to the Subsections R315-264-1(g)(1) through R315-264-1(g)(13):

(1) The owner or operator of a facility permitted under Rules R315-301 through R315-320 to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under Rule R315-264 by Section R315-262-14.

(2) The owner or operator of a facility managing recyclable materials described in Subsections R315-261-6(a)(2), R315-261-6(a)(3), and R315-261-6(a)(4), except to the extent they are referred to in Rule R315-15 or Sections R315-266-20 through R315-266-23, R315-266-70, R315-266-80, or R315-266-100 through R315-266-112.

(3) A generator accumulating waste on[-]site in compliance with Sections R315-262-14, R315-262-15, R315-262-16, or R315-262-17 or Sections R315-262-200 through R315-262-216 or Sections R315-262-230 through R315-262-233.

(4) A farmer disposing of waste pesticides from the farmer's own use in compliance with Section R315-262-70.

(5) The owner or operator of a totally enclosed treatment facility, as defined in Section R315-260-10.

(6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in Section R315-260-10, shall comply with the requirements set out in Subsection R315-264-17(b) if the owner or operator is diluting hazardous ignitable (D001) wastes, other than the D001 High TOC Subcategory defined in Section R315-268-40, or reactive (D003) waste, to remove the characteristic before land disposal.

(7) Reserved.

(8)(i) Except as provided in Subsection R315-264-1(g)(8)(ii), a person engaged in treatment or containment activities during immediate response to any of the situations in Subsections R315-264-1(g)(8)(i) through R315-264-1(g)(8)(iv):

(A) a discharge of a hazardous waste;

(B) an imminent and substantial threat of a discharge of hazardous waste; or

(C) a discharge of a material that, if discharged, becomes a hazardous waste.

(ii) An owner or operator of a facility otherwise regulated by Rule R315-264 shall comply with the applicable requirements of Sections R315-264-30 through R315-264-35, R315-264-37, and R315-264-50 through R315-264-56.

(iii) Any person who is covered by Subsection R315-264-1(g)(8)(i) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to the applicable requirements of Rule R315-264 and 40 CFR 122 and 123 and Rule R315-124 for those activities.

(iv) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of their official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall keep records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of Section R315-262-30 at a transfer facility for a period of ten days or less.

(10) The addition of absorbent material to waste in a container, as defined in Section R315-260-10, or the addition of waste to absorbent material in a container, if these actions occur when waste is first placed in the container, and Subsection R315-264-17(b) and Sections R315-264-171 and R315-264-172 are complied with.

(11) Universal waste handlers and universal waste transporters, as defined in Section R315-260-10, handling the wastes listed in Subsections R315-264-1(g)(11)(i) through R315-264-1(g)(11)(vi). These handlers are subject to regulation under Rule R315-273, if handling the universal wastes listed in Subsections R315-264-1(g)(11)(i) through R315-264-1(g)(11)(vi):

(i) batteries as described in Section R315-273-2;

(ii) pesticides as described in Section R315-273-3;

(iii) mercury containing equipment as described in Section R315-273-4;

(iv) lamps as described in Section R315-273-5;

(v) aerosol cans as described in Section R315-272-6; and

(vi) antifreeze as described in Section R315-273-7.

(12) Reserved.

(13) Reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in Section R315-266-500. Reverse distributors are subject to regulation under Sections R315-266-500 through R315-266-510 in lieu of Rule R315-264 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

(h) The requirements of Rule R315-264 apply to each owner or operator of facilities that treat, store, or dispose of hazardous wastes referred to in Rule R315-268.

(i) Reserved Section R315-266-205 identifies when the requirements of Rule R315-264 apply to the storage of military munitions classified as solid waste in accordance with Section R315-266-202. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in Rules R315-260 through R315-270.

(j) The requirements of Sections R315-264-10 through R315-264-19, R315-264-30 through R315-264-37, R315-264-50 through R315-264-56, and R315-264-101 do not apply to remediation waste management sites. However, remediation waste management sites may be a part of a facility that is subject to a traditional hazardous waste permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Sections R315-264-10 through R315-264-19, R315-264-30 through R315-264-37, R315-264-50 through R315-264-56, and R315-264-101 do apply to the facility subject to the traditional hazardous waste permit. Instead of the requirements of Sections

R315-264-10 through R315-264-19, R315-264-30 through R315-264-37, and R315-264-50 through R315-264-56, owners or operators of remediation waste management sites shall comply with Subsections R315-264-1(j)(1) through R315-264-1(j)(13):

- (1) Get an EPA identification number by applying to the director using EPA Form 8700-12.
- (2) Get a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis shall contain the information that shall be known to treat, store or dispose of the waste according to Rules R315-264 and R315-268, and shall be kept accurate and up to date.
- (3) Prevent people who are unaware of the danger from entering, and minimize the possibility for unauthorized people or livestock to enter onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate to the director that:
 - (i) physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site may not injure people or livestock who may enter the active portion of the remediation waste management site; and
 - (ii) disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site, may not cause a violation of the requirements of Rule R315-264.
- (4) Inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment and shall remedy the problem before it leads to a human health or environmental hazard. If a hazard is imminent or has already occurred, the owner or operator shall take remedial action immediately.
- (5) Provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of Rule R315-264, and on how to respond effectively to emergencies.
- (6) Take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and prevent threats to human health and the environment from ignitable, reactive, and incompatible waste.
- (7) For remediation waste management sites subject to regulation under Sections R315-264-170 through R315-264-179, R315-264-190 through R315-264-200, R315-264-220 through R315-264-232, R315-264-250 through R315-264-259, R315-264-270 through R315-264-283, R315-264-300 through R315-264-317, R315-264-340 through R315-264-351, and R315-264-600 through R315-264-603, the owner or operator shall design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the demonstration of Subsection R315-264-18(b).
- (8) Not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave.
- (9) Develop and maintain a construction quality assurance program for each surface impoundment, waste pile, and landfill unit that are required to comply with Subsections R315-264-221(c) and R315-264-221(d), R315-264-251(c) and R315-264-251(d), and R315-264-301(c) and R315-264-301(d) at the remediation waste management site, according to the requirements of Section R315-264-19.
- (10) Develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures shall address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan shall be to minimize the possibility of, and the hazards from a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan shall explain specifically how to treat, store and dispose of the hazardous remediation waste in question, and shall be implemented immediately if a fire, explosion, or release of hazardous waste or hazardous waste constituents could threaten human health or the environment.
- (11) Designate at least one employee, either on the facility premises or on call, that is, available to respond to an emergency by reaching the facility quickly, to coordinate emergency response measures. This emergency coordinator shall be thoroughly familiar with the facility's contingency plan, operations and activities at the facility, the location and characteristics of waste handled, the location of the records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.
- (12) Develop, maintain, and implement a plan to meet the requirements in Subsections R315-264-1(j)(2) through R315-264-1(j)(6) and R315-264-1(j)(9) through R315-264-1(j)(10).
- (13) Maintain records documenting compliance with Subsections R315-264-1(j)(1) through R315-264-1(j)(12).

R315-264-12. General Facility Standards - Required Notices.

(a) The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to Sections R315-262-80 through R315-262-84 from a foreign source shall submit the notices required by Subsections R315-264-12(a)(1) through R315-264-12(a)(4):

(1) In accordance with Subsection R315-262-84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and get consent from EPA and the competent authorities for the countries of transit, the owner or operator of the facility, if acting as the importer, shall provide notification of the proposed transboundary movement in English to EPA using the allowable methods listed in Subsection R315-262-84(b)(1) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter.

(2) In accordance with Subsection R315-262-84(d)(2)(xv), a copy of the movement document bearing each required signature within three working days of receipt of the shipment to the foreign exporter, ~~and~~ and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively, ~~and~~ For shipments received on or after the electronic import/export reporting compliance date, ~~the receiving facility shall close out the movement document to EPA electronically~~ confirm receipt within three working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document shall be maintained at the facility for at least three years. The owner or operator of a facility may satisfy this recordkeeping requirement by keeping electronically submitted documents in the facility's account on EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system, if copies are readily available for viewing and production if requested by any EPA or Utah inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under Section R315-264-12 if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system ~~that~~ for which the owner or operator of a facility bears no responsibility.

(3) In accordance with Subsection R315-262-84(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, the owner or operator of the facility shall inform EPA, using the allowable methods listed in Subsection R315-262-84(b)(1) of the need to return or arrange alternate management of the shipment.

(4) In accordance with Subsection R315-262-84(g), the owner or operator shall:

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import/export reporting compliance date, to EPA electronically using EPA's [~~Waste Import Export Tracking System (WIETS)~~], or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import/export reporting compliance date, to EPA electronically using EPA's [~~Waste Import Export Tracking System (WIETS)~~], or its successor system. The recovery and disposal operations in Subsection R315-264-12(a)(4)(ii) are defined in Section R315-262-81. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

(b) The owner or operator of a facility that receives hazardous waste from an off-site source, except if the owner or operator is also the generator, shall inform the generator in writing that the owner or operator has the appropriate permits for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of Rule R315-264 and Rule R315-270. An owner's or operator's failure to notify the new owner or operator of the requirements of Rule R315-264 in no way relieves the new owner or operator of their obligation to comply with the applicable requirements.

R315-264-71. Manifest System, Recordkeeping, and Reporting -- Use of Manifest System.

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or the owner or operator's agent shall sign and date the manifest as indicated in Subsection R315-264-71(a)(2) to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the [~~d~~]Discrepancy Indication [~~s~~]Space of the manifest, or that the hazardous waste was rejected as noted in the manifest [~~d~~]Discrepancy Indication [~~s~~]Space.

(2) If the facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or the owner or operator's agent shall:

(i) sign and date, by hand, each copy of the manifest;

(ii) note any discrepancies, as defined in Subsection R315-264-72(a), on each copy of the manifest;

(iii) immediately give the transporter at least one copy of the manifest;

(iv) [~~within 30 days of delivery, send a copy, Page 2, of the manifest to the generator;~~]Reserved;

(v) paper manifest submission requirements are:

(A) [~~Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top copy, Page 1, of any paper manifest and any paper continuation sheet to the e-Manifest system for data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the manifest and any continuation sheet, or both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made at the mailing address or electronic mail or submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in e-Manifest.~~]Reserved.

(B) Options for compliance on June 30, 2021. [~~Beginning on June 30, 2021, the requirement to submit the top copy, Page 1, of the paper manifest and any paper continuation sheet to the e-Manifest system for data entry and processing may be met by the owner or operator only by transmitting.]~~Send to the EPA e-Manifest system an image file of Page 1 of the manifest and any continuation sheet, or [~~by transmitting.]~~send to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. [~~Submissions of copies to the e-Manifest system shall be made to the electronic mail or submission address specified at the e-Manifest program website's directory of services;~~] and

(vi) keep at the facility a copy of each manifest for at least three years from the date of delivery.

(3) The owner or operator of a facility receiving hazardous waste subject to Sections R315-262-80 through R315-262-84 from a foreign source shall:

(i) additionally, list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipments block on the continuation sheet, EPA Form 8700-22A, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional continuation sheet or sheets, EPA Form 8700-22A; and

(ii) send a copy of the manifest within 30 days of delivery to EPA using the addresses listed in Subsection R315-262-82(e) until the facility can submit a copy to the e-Manifest system per Subsection R315-264-71(a)(2)(v).

(b) If a facility receives, from a rail or water, bulk shipment, transporter, hazardous waste that is accompanied by a shipping paper containing the information required on the manifest; excluding the EPA identification numbers, generator's certification, and signatures; the owner or operator, or the owner or operator's agent, shall:

(1) sign and date each copy of the manifest or shipping paper, if the manifest has not been received, to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies, as defined in Subsection R315-264-72(a), in the manifest or shipping paper, if the manifest has not been received, on each copy of the manifest or shipping paper. The director does not intend that the owner or operator of a facility whose procedures under Subsection R315-264-13(c) include waste analysis shall perform that analysis before signing the shipping paper and giving it to the transporter. Subsection R315-264-72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

(3) immediately give the rail or water, bulk shipment, transporter at least one copy of the manifest or shipping paper, if the manifest has not been received;

(4) within 30 days ~~off~~^{after the} delivery, send a copy of Page 1 of the signed and dated manifest to the EPA e-Manifest system~~[or a signed and dated copy of the shipping paper, if the manifest has not been received within 30 days after delivery, to the generator]~~; and

Comment: Subsection R315-262-23(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water, bulk shipment.

(5) keep at the facility a copy of the manifest and shipping paper, if signed in lieu of the manifest when delivered, for at least three years from the date of delivery.

(c) When a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of Rule R315-262. Sections R315-262-15, R315-262-16, and R315-262-17 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, Sections R315-262-15, R315-262-16, and R315-262-17 only apply to owners or operators who are shipping hazardous waste that they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under Subsection R315-262-17(f).

(d) ~~[As per Subsection]~~^{In accordance with} R315-262-84(d)(2)(xv), within three working days of the receipt of a shipment subject to Sections R315-262-80 through R315-262-84, the owner or operator of a facility shall provide a copy of the movement document bearing the required signatures to the foreign exporter~~[-]~~^{and} to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively~~[-]~~. For shipments received~~and~~ on or after the electronic import~~[-]~~ export reporting compliance date, the receiving facility shall close out the movement document to confirm receipt within three working days of shipment delivery~~[to EPA electronically]~~ using EPA's ~~[Waste Import Export Tracking System (WIETS)]~~, or its successor system. For shipments sent from a country with which EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document shall be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by keeping electronically submitted documents in the facility's account on EPA's ~~[Waste Import Export Tracking System (WIETS)]~~, or its successor system, if the copies are readily available for viewing and production if requested by any EPA or Utah inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under Section R315-264-71 if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's ~~[Waste Import Export Tracking System (WIETS)]~~, or its successor system, for which the owner or operator of a facility bears no responsibility.

(1) Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it when it is submitted to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person, for example a waste handler, named on the manifest. If corrections are requested by the director for portions of the manifest that a designated facility is required to complete, the facility shall make the data correction within 30 days from the date of the request.

(e) A facility shall determine whether the consignment state for a shipment regulates any additional wastes, beyond those regulated federally, as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

(f) Legal equivalence to paper manifests. Electronic manifests that are gotten, completed, and transmitted in accordance with Subsection R315-262-20(a)(3), and used in accordance with Section R315-264-71 in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy any requirement in Title R315 to get, complete, sign, provide, use, or keep a manifest.

(1) Any requirement in Title R315 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to get a handwritten signature, is satisfied by signing with or getting a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

(2) Any requirement in Title R315 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

(3) Any requirement in Title R315 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person who is scheduled to receive delivery of the waste shipment.

(4) Any requirement in Title R315 for an owner or operator to keep a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest system, if the copies are readily available for viewing and production if requested by any EPA or Division of Waste Management and Radiation Control inspector.

(5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under Section R315-264-71 if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the owner or operator bears no responsibility.

(g) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(h) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the ~~[following]~~^{following} procedures in Subsections R315-264-71(h)(1) through R315-264-71(h)(4) apply to the delivery of the hazardous waste by the final transporter:

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator shall sign and date each copy of the paper replacement manifest by hand in Item 20, Designated Facility Certification of Receipt, and note any discrepancies in Item 18, Discrepancy Indication Space, of the paper replacement manifest.

(2) The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest.

(3) Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility shall send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system.

(4) The owner or operator of the facility shall keep at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(i) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall keep this original copy among its records for at least 3 years from the date of delivery of the waste.

(j) Imposition of user fee for manifest submissions.

(1) As prescribed in 40 CFR 264.1311, and determined in 40 CFR 264.1312, which are incorporated by reference, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by EPA for the submission and processing of each electronic and paper manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, which is ~~adopted and~~ incorporated by reference.

(2) An owner or operator subject to user fees under Section R315-264-71 shall make user fee payments in accordance with the requirements of 40 CFR 264.1314, which is incorporated by reference, subject to the informal fee dispute resolution process of 40 CFR 264.1316, which is incorporated by reference, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, which is incorporated by reference.

(k) Electronic manifest signatures. Electronic manifest signatures shall meet the criteria described in 40 CFR 262.25.

(l) Post-receipt manifest data corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person, such as the waste handler, shown on the manifest.

(1) Interested persons shall make each correction to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in e-Manifest for the corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

(2) Each correction submission shall include~~the following information~~:

(i) the Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

(ii) the item numbers of the original manifest that is the subject of the submitted corrections; and

(iii) for each item number with corrected data, the data previously entered, and the corresponding data as corrected by the correction submission.

(3) Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete.

(i) The certification statement shall be executed with a valid electronic signature; and

(ii) A batch upload of data corrections may be submitted under one certification statement.

(4) Upon receipt by the system of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

(5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the system, certified by the respondent as specified in Subsection R315-264-71(l)(3), and with notice of the corrections to other interested persons shown on the manifest.

R315-264-72. Manifest Discrepancies.

(a) Manifest discrepancies are:

(1) significant differences, as defined by Subsection R315-264-72(b), between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;

(2) rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept; or

(3) container residues, which are residues that exceed the quantity limits for empty containers set forth in Subsection R315-261-7(b) and Section R315-266-507.

(b) Significant differences in quantity are: for bulk waste, variations greater than 10% in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(c) Upon discovering a significant difference in quantity or type, the owner or operator shall try to reconcile the discrepancy with the waste generator or transporter, for example with telephone conversations. If the discrepancy is not resolved within 15 ~~15~~ 20 days after receiving the waste, the owner or operator shall: ~~immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~

(1) immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(2) Beginning on December 1, 2025, immediately submit a discrepancy report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper discrepancy reports from facilities.

(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for empty containers set forth in Subsection R315-261-7(b), the facility shall consult with the generator before forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.

(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under Section R315-264-72, it shall ensure that either the delivering transporter keeps custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under Subsection R315-264-72(e) or R315-264-72(f).

(e) Except as provided in Subsection R315-264-72(e)(7), for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility shall prepare a new manifest in accordance with Subsection R315-262-20(a) and the instructions contained in Subsections R315-264-72(e)(1) through R315-264-72(e)(7):

(1) Write the generator's ~~U.S.~~ US EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the alternate designated facility and the facility's ~~U.S.~~ US EPA ID number in the designated facility block, Item 8, of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and ~~indicate~~ state that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest, Item 18a.

(5) Write the DOT description for the rejected load or the residue in Item 9, [U.S.]US DOT Description, of the new manifest and write the container types, quantity, and volumes of waste.

(6) Sign the Generator's/Offoror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall keep a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with Subsections R315-264-72(e)(1), R315-264-72(e)(2), R315-264-72(e)(3), R315-264-72(e)(4), R315-264-72(e)(5), and R315-264-72(e)(6).

(f) Except as provided in Subsection R315-264-72(f)(7), for rejected wastes and residues that shall be sent back to the generator, the facility shall prepare a new manifest in accordance with Subsection R315-262-20(a) and the instructions contained in Subsections R315-264-72(f)(1) through R315-264-72(f)(8):

(1) Write the facility's [U.S.]US EPA ID number in Item 1 of the new manifest. Write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest.

(2) Write the name of the initial generator and the generator's [U.S.]US EPA ID number in the designated facility block, Item 8, of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and [indicate]state that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest, Item 18a.

(5) Write the DOT description for the rejected load or the residue in Item 9, [U.S.]US DOT Description, of the new manifest and write the container types, quantity, and volumes of waste.

(6) Sign the Generator's/Offoror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall keep a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with Subsections R315-264-72(f)(1), R315-264-72(f)(2), R315-264-72(f)(3), R315-264-72(f)(4), R315-264-72(f)(5), R315-264-72(f)(6), and R315-264-72(f)(8).

(8) For full or partial load rejections and container residues contained in non[-]empty containers that are returned to the generator, the facility shall also comply with the exception reporting requirements in Subsection R315-262-42(a).

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers set forth in Subsection R315-261-7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to show the rejected wastes or residues in the [d]Discrepancy Indication [s]Space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy Indication [s]Space of the amended manifest[-] and shall re-sign and date the manifest to certify to the information as amended. The facility shall keep the amended manifest for at least three years from the date of amendment, and shall, within 30 days, send a copy of the amended manifest to the transporter [and generator]that received copies before the [it being] manifest was amended. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may get the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through US postal mail.

R315-264-76. Unmanifested Waste Report.

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by Subsection R315-263-20(e), and if the waste is not excluded from the manifest requirement by Rules R315-260, through R315-266, R315-268, R315-270, and R315-273 then the owner or operator shall prepare and submit a letter to the [D]director within 15 days after receiving the waste. The [u]Unmanifested [w]Waste [r]Report shall contain [the following information]:

(1) [F]the EPA identification number, name, and address of the facility;

(2) [F]the date the facility received the waste;

(3) [F]the EPA identification number, name, and address of the generator and the transporter, if available;

(4) [A]a description and the quantity of each unmanifested hazardous waste the facility received;

(5) [F]the method of treatment, storage, or disposal for each hazardous waste;

(6) [F]the certification signed by the owner or operator of the facility or [his]the owner or operator's authorized representative; and[-];

(7) [A]a brief explanation of why the waste was unmanifested, if known.

(b) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by Subsection R315-263-20(e), and if the waste is not excluded from the manifest requirement by Rules R315-260, through R315-266, R315-268, R315-270, and R315-273 then the owner or operator shall prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report shall contain:

(1) the EPA identification number, name, and address of the facility;

(2) the date the facility received the waste;

(3) the EPA identification number, name, and address of the generator and the transporter, if available;

(4) a description and the quantity of each unmanifested hazardous waste the facility received;

(5) the method of treatment, storage, or disposal for each hazardous waste;

(6) the certification signed by the owner or operator of the facility or the owner or operator's authorized representative; and

(7) a brief explanation of why the waste was unmanifested, if known.

R315-264-301. Design and Operating Requirements.

(a) Any landfill that is not covered by Subsection R315-264-301(c) or ~~[40 CFR, R315-265, 301(a)]~~, ~~which is adopted by reference,~~ shall have a liner system for ~~[all portions of]~~ the landfill, except for portions of ~~[such]~~ the landfill that existed on or ~~[prior to]~~ before October 10, 1984. The liner system shall have:

(1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at anytime during the active life, including the closure period, of the landfill. The liner shall be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner shall be:

(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(iii) Installed to cover ~~[all]~~ any surrounding earth likely to be in contact with the waste or leachate; and

(2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The ~~[D]~~ director shall specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm, one foot. The leachate collection and removal system shall be:

(i) Constructed of materials that are:

(A) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(B) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(ii) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator shall be exempted from the requirements of Subsection R315-264-301(a) if the ~~[D]~~ director finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents, see Section R315-264-93, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the ~~[D]~~ director shall consider:

(1) ~~[F]~~ the nature and quantity of the wastes;

(2) ~~[F]~~ the proposed alternate design and operation;

(3) ~~[F]~~ the hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and

(4) ~~[A]~~ any other factors ~~[which]~~ that would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to ~~[commence]~~ start reuse after July 29, 1992 shall install two or more liners and a leachate collection and removal system above and between ~~[such]~~ the liners. "Construction commences" is as defined in Section R315-260-10 under "existing facility".

(1)(i) The liner system shall include:

(A) A top liner designed and constructed of materials~~[, e.g.,]~~ such as a geomembrane~~[,]~~ to prevent the migration of hazardous constituents into ~~[such]~~ the liner during the active life and post-closure care period; and

(B) A composite bottom liner, consisting of at least two components. The upper component shall be designed and constructed of materials~~[, e.g.,]~~ such as a geomembrane~~[,]~~ to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component shall be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component shall be constructed of at least 91 cm, 3 feet, of compacted soil material with a hydraulic conductivity of no more than $1 \times 10^{-17} \text{ cm/sec}$.

(ii) The liners shall comply with Subsections R315-264-301(a)(1)(i), R315-264-301(a)(1)(ii), and R315-264-301(a)(1)(iii).

(2) The leachate collection and removal system immediately above the top liner shall be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The ~~[D]~~ director shall specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm, one foot. The leachate collection and removal system shall comply with Subsections R315-264-301(c)(3)(iii) and R315-264-301(c)(3)(iv).

(3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system shall be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through ~~[all]~~ any areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in Subsection R315-264-301(c) are satisfied by installation of a system that is, at a minimum:

(i) Constructed with a bottom slope of ~~[one percent]~~ 1% or more;

(ii) Constructed of granular drainage materials with a hydraulic conductivity of $1 \times 10^{-2} \text{ cm/sec}$ or more and a thickness of 30.5 cm, 12 inches, or more; or constructed of synthetic or geonet drainage materials with a transmissivity of $3 \times 10^{-5} \text{ m}^2/\text{sec}$ or more;

(iii) Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;

(iv) Designed and operated to minimize clogging during the active life and post-closure care period; and

(v) Constructed with sumps and liquid removal methods~~[, e.g.,]~~ such as pumps~~[,]~~ of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit shall have its own sump~~[, or]~~ sumps. The design of each sump and removal system shall provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(4) The owner or operator shall collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.

(5) The owner or operator of a leak detection system that is not located completely above the seasonal high water table shall demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.

(d) The ~~[D]~~ director may approve alternative design or operating practices to those specified in Subsection R315-264-301(c) if the owner or operator demonstrates to the ~~[D]~~ director that ~~[such]~~ the design and operating practices, together with location characteristics:

(1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in Subsection R315-264-301(c); and

(2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.

- (e) The double liner requirement set forth in Subsection R315-264-301(c) may be waived by the [D]director for any monofill, if:
- (1) [F]the monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and [such]the wastes do not contain constituents [which]that would [render]make the wastes hazardous for reasons other than the Toxicity Characteristic in Section R315-261-24, with EPA Hazardous Waste Numbers D004 through D017; and
- (2)(i)(A) [F]the monofill has at least one liner for which there is no evidence that such liner is leaking;
- (B) [F]the monofill is located more than one-quarter mile from an "underground source of drinking water," as that term is defined in Section R315-270-2[3]; and
- (C) [F]the monofill is in compliance with generally applicable ground[-]water monitoring requirements for facilities with permits under Section 19-6-108; or
- (ii) [F]the owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into ground water or surface water at any future time.
- (f) The owner or operator of any replacement landfill unit is exempt from Subsection R315-264-301(c) if:
- (1) The existing unit was constructed in compliance with the design standards of [s]Section 3004(o)(1)(A)(i) and 3004(o)(5) of the Resource Conservation and Recovery Act; and
- (2) There is no reason to believe that the liner is not functioning as designed.
- (g) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 24-hour, 25-year storm.
- (h) The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
- (i) Collection and holding facilities[~~—e.g.,~~] such as tanks or basins[;] associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
- (j) If the landfill contains any particulate matter [which]that may be subject to wind dispersal, the owner or operator shall cover or otherwise manage the landfill to control wind dispersal.
- (k) The [D]director shall specify in the permit [all]the design and operating practices that are necessary to ensure that the requirements of Section R315-264-301 are satisfied.

R315-264-1200. Hazardous Waste Munitions and Explosives Storage – Applicability.

The requirements of Sections R315-264-1200 through R315-264-1202 apply to owners or operators who store munitions and explosive hazardous wastes, except as Section R315-264-1 provides otherwise. Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings, Sections R315-264-1100 through R315-264-1102, tanks, Sections R315-264-190 through R315-264-200, or containers, Sections R315-264-170 through R315-264-179. See Section R315-266-205 for storage of waste military munitions.

R315-264-1201. Hazardous Waste Munitions and Explosives Storage – Design and Operating Standards.

- (a) Hazardous waste munitions and explosives storage units shall be designed and operated with containment systems, controls, and monitoring that:
- (1) minimize the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off, to the soil, ground water, surface water, and atmosphere;
- (2) provide a primary barrier, that may be a container, including a shell, or tank, designed to contain the hazardous waste;
- (3) for wastes stored outdoors, provide that the waste and containers will not be in standing precipitation;
- (4) for liquid wastes, provide a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area, or vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken, for example, additional containment, such as overpacking, or removal from the waste area; and
- (5) provide monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.
- (b) Hazardous waste munitions and explosives stored in accordance with Sections R315-264-1200 through R315-264-1202 may be stored in:
- (1) earth-covered magazines. Earth-covered magazines shall be:
- (i) constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;
- (ii) designed and constructed:
- (A) to be of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;
- (B) to provide working space for personnel and equipment in the unit; and
- (C) to withstand movement activities that occur in the unit; and
- (iii) located and designed with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion;
- (2) above ground magazines. Above ground magazines shall be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion; or
- (3) outdoor or open storage areas. Outdoor or open storage areas shall be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.
- (c) Hazardous waste munitions and explosives shall be stored in accordance with a Standard Operating Procedure specifying procedures to ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section R315-264-14, the preparedness and prevention procedures of Sections R315-264-30 through R315-264-37, and the contingency plan and emergency procedures requirements of Sections R315-264-50 through R315-264-56, then these procedures will be used to fulfill those requirements.
- (d) Hazardous waste munitions and explosives shall be packaged to ensure safety in handling and storage.
- (e) Hazardous waste munitions and explosives shall be inventoried at least annually.
- (f) Hazardous waste munitions and explosives and their storage units shall be inspected and monitored to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

R315-264-1202. Hazardous Waste Munitions and Explosives Storage – Closure and Post-Closure Care.

- (a) At closure of a magazine or unit that stored hazardous waste in accordance with Sections R315-264-1200 through R315-264-1202, the owner or operator shall remove or decontaminate any waste residues, contaminated containment system components, contaminated subsoils, and structures and

equipment contaminated with waste, and manage them as hazardous waste unless Subsection R315-261-3(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units shall meet the requirements specified in Sections R315-264-110 through R315-264-120 and Sections R315-264-140 through R315-264-151, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

(b) If, after removing or decontaminating any residues and making reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in Subsection R315-264-1202(a), the owner or operator finds that not every contaminated subsoil can be practicably removed or decontaminated, the owner or operator shall close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills contained in Section R315-264-310.

R315-264-~~1103~~1400. Appendix I to Rule R315-264 -- Recordkeeping Instructions.

(a) The recordkeeping ~~provisions~~ requirements of Section R315-264-73 specify that an owner or operator shall keep a written operating record at ~~his~~ the owner or operator's facility. This appendix provides additional instructions for keeping portions of the operating record. See Subsection R315-264-73(b) for additional recordkeeping requirements.

(b) Records of each hazardous waste received, treated, stored, or disposed of at the facility that contain the ~~The following~~ information listed in Subsections R315-264-1400(b)(1) through R315-264-1400(b)(3) shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility ~~in the following manner~~:

~~Records of each hazardous waste received, treated, stored, or disposed of at the facility [which] that include the following:~~

(1) A description by its common name and the EPA Hazardous Waste Number ~~(s)~~s from Rule R315-261 ~~which~~ that apply to the waste. The waste description also shall include the waste's physical form, ~~i.e., that is~~, liquid, sludge, solid, or contained gas. If the waste is not listed in Sections R315-261-30 through R315-261-35, the description also shall include the process that produced it, for example, solid filter cake from production of ----, EPA Hazardous Waste Number W051.

(i) Each hazardous waste listed in Sections R315-261-30 through R315-261-35, and each hazardous waste characteristic defined in Sections R315-261-20 through R315-261-24, has a four-digit EPA Hazardous Waste Number assigned to it. This number shall be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description shall include ~~all~~ the applicable EPA Hazardous Waste Numbers.

(2) The estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1[~~3~~].

Table 1	
Unit of Measure	Code ¹
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I
Pounds	P
Short tons	T
Kilograms	K
Tons	M

¹ Single digit symbols are used here for data processing purposes.

[Table 1

Unit of measure	Code(1)
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y

Cubic Meters _____ C
 Acres _____ B
 Acre feet _____ A
 Hectares _____ Q
 Hectare meter _____ F
 Btu's per Hour _____ I
 Pounds _____ P
 Short tons _____ T
 Kilograms _____ K
 Tons _____ M

(1) Single digit symbols are used here for data processing purposes.

(3) The method[(+)]s, by handling code[(+)]s as specified in Table 2, and date[(+)]s of treatment, storage, or disposal.

Table 2	
Handling Codes for Treatment, Storage, and Disposal Methods	
Enter the handling code or codes listed in this table that most closely represent the technique or techniques used at the facility to treat, store, or dispose of each quantity of hazardous waste received.	
1. Storage	
Code	Storage Type
S01	Container (example barrel or drum)
S02	Tank
S03	Waste Pile
S04	Surface Impoundment
S05	Drip Pad
S06	Containment Building (Storage)
S99	Other Storage (specify)
2. Treatment	
(a) Thermal Treatment	
Code	Type of Thermal Treatment
T06	Liquid injection incinerator
T07	Rotary kiln incinerator
T08	Fluidized bed incinerator
T09	Multiple hearth incinerator
T10	Infrared furnace incinerator
T11	Molten salt destructor
T12	Pyrolysis
T13	Wet air oxidation
T14	Calcination
T15	Microwave discharge
T18	Other (specify)
(b) Chemical Treatment	
Code	Type of Chemical Treatment
T19	Absorption mound
T20	Absorption field
T21	Chemical fixation
T22	Chemical oxidation
T23	Chemical precipitation
T24	Chemical reduction
T25	Chlorination
T26	Chlorinolysis
T27	Cyanide destruction
T28	Degradation
T29	Detoxification
T30	Ion exchange
T31	Neutralization
T32	Ozonation
T33	Photolysis
T34	Other (specify)
(c) Physical Treatment	
(1) Separation of components	
Code	Type of Separation Treatment
T35	Centrifugation
T36	Clarification
T37	Coagulation
T38	Decanting
T39	Encapsulation

T40	<u>Filtration</u>
T41	<u>Flocculation</u>
T42	<u>Flotation</u>
T43	<u>Foaming</u>
T44	<u>Sedimentation</u>
T45	<u>Thickening</u>
T46	<u>Ultrafiltration</u>
T47	<u>Other (specify)</u>
<u>(2) Removal of Specific Components</u>	
<u>Code</u>	<u>Type of Removal Treatment</u>
T48	<u>Absorption-molecular sieve</u>
T49	<u>Activated carbon</u>
T50	<u>Blending</u>
T51	<u>Catalysis</u>
T52	<u>Crystallization</u>
T53	<u>Dialysis</u>
T54	<u>Distillation</u>
T55	<u>Electrodialysis</u>
T56	<u>Electrolysis</u>
T57	<u>Evaporation</u>
T58	<u>High gradient magnetic separation</u>
T59	<u>Leaching</u>
T60	<u>Liquid ion exchange</u>
T61	<u>Liquid-liquid extraction</u>
T62	<u>Reverse osmosis</u>
T63	<u>Solvent recovery</u>
T64	<u>Stripping</u>
T65	<u>Sand filter</u>
T66	<u>Other (specify)</u>
<u>(d) Biological Treatment</u>	
<u>Code</u>	<u>Type of Biological Treatment</u>
T67	<u>Activated sludge</u>
T68	<u>Aerobic lagoon</u>
T69	<u>Aerobic tank</u>
T70	<u>Anaerobic tank</u>
T71	<u>Composting</u>
T72	<u>Septic tank</u>
T73	<u>Spray irrigation</u>
T74	<u>Thickening filter</u>
T75	<u>Trickling filter</u>
T76	<u>Waste stabilization pond</u>
T77	<u>Other (specify)</u>
T78-T79	<u>Reserved</u>
<u>(e) Boilers and Industrial Furnaces</u>	
<u>Code</u>	<u>Type of Boiler or Industrial Furnace</u>
T80	<u>Boiler</u>
T81	<u>Cement Kiln</u>
T82	<u>Lime Kiln</u>
T83	<u>Aggregate Kiln</u>
T84	<u>Phosphate Kiln</u>
T85	<u>Coke Oven</u>
T86	<u>Blast Furnace</u>
T87	<u>Smelting, Melting, or Refining Furnace</u>
T88	<u>Titanium Dioxide Chloride Process Oxidation Reactor</u>
T89	<u>Methane Reforming Furnace</u>
T90	<u>Pulping Liquor Recovery Furnace</u>
T91	<u>Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid</u>
T92	<u>Halogen Acid Furnaces</u>
T93	<u>Other Industrial Furnaces Listed in Section R315-260-10 (specify)</u>
<u>(f) Other Treatment</u>	
<u>Code</u>	<u>Other Type of Treatment</u>
T94	<u>Containment Building (Treatment)</u>
<u>(3) Disposal</u>	
<u>Code</u>	<u>Type of Disposal</u>

<u>D79</u>	<u>Underground Injection</u>
<u>D80</u>	<u>Landfill</u>
<u>D81</u>	<u>Land Treatment</u>
<u>D82</u>	<u>Ocean Disposal</u>
<u>D83</u>	<u>Surface Impoundment (to be closed as a landfill)</u>
<u>D99</u>	<u>Other Disposal (specify)</u>
<u>(4) Miscellaneous (Subpart X)</u>	
<u>Code</u>	<u>Type of Unit</u>
<u>X01</u>	<u>Open Burning Open Detonation</u>
<u>X02</u>	<u>Mechanical Processing</u>
<u>X03</u>	<u>Thermal Unit</u>
<u>X04</u>	<u>Geologic Repository</u>
<u>X99</u>	<u>Other Subpart X (specify)</u>

[Table 2]
Handling Codes for Treatment, Storage and Disposal Methods

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store or dispose of each quantity of hazardous waste received.

For Storage

Code Storage type

S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)

For Treatment

—(a) Thermal Treatment—

Code Type of Thermal Treatment

T06 Liquid injection incinerator
T07 Rotary kiln incinerator
T08 Fluidized bed incinerator
T09 Multiple hearth incinerator
T10 Infrared furnace incinerator
T11 Molten salt destructor
T12 Pyrolysis
T13 Wet air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)

—(b) Chemical Treatment—

Code Type of Chemical Treatment

T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination
T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)

—(c) Physical Treatment—

—(1) Separation of components:

Code Type of Separation treatment

T35 Centrifugation
T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening

T46—Ultrafiltration
T47—Other (specify)

—(2) Removal of Specific Components:

Code—Type of Removal Treatment

T48—Absorption-molecular sieve
T49—Activated carbon
T50—Blending
T51—Catalysis
T52—Crystallization
T53—Dialysis
T54—Distillation
T55—Electrodialysis
T56—Electrolysis
T57—Evaporation
T58—High gradient magnetic separation
T59—Leaching
T60—Liquid ion exchange
T61—Liquid-liquid extraction
T62—Reverse osmosis
T63—Solvent recovery
T64—Stripping
T65—Sand filter
T66—Other (specify)

—(d) Biological Treatment

Code—Type of Biological Treatment

T67—Activated sludge
T68—Aerobic lagoon
T69—Aerobic tank
T70—Anaerobic tank
T71—Composting
T72—Septic tank
T73—Spray irrigation
T74—Thickening filter
T75—Trickling filter
T76—Waste stabilization pond
T77—Other (specify)

—(e) Boilers and Industrial Furnaces

Code—Type of Boiler or Industrial Furnace

T80—Boiler
T81—Cement Kiln
T82—Lime Kiln
T83—Aggregate Kiln
T84—Phosphate Kiln
T85—Coke Oven
T86—Blast Furnace
T87—Smelting, Melting, or Refining Furnace
T88—Titanium Dioxide-Chloride Process Oxidation Reactor
T89—Methane Reforming Furnace
T90—Pulping Liquor Recovery Furnace
T91—Combustion Device Used in the Recovery of Sulfur
—Values from Spent Sulfuric Acid
T92—Halogen Acid Furnaces
T93—Other Industrial Furnaces Listed in Section R315—
—260.10 (specify)

—(f) Other Treatment

Code—Other type of Treatment

T94—Containment Building (Treatment)

For Disposal

Code—Type of Disposal

D79—Underground Injection
D80—Landfill
D81—Land Treatment
D82—Ocean Disposal
D83—Surface Impoundment (to be closed as a landfill)
D99—Other Disposal (specify)

For Miscellaneous Sections R315-264-600 through 603 Units

Code—Unit type

X01—Open Burning/Open Detonation
X02—Mechanical Processing
X03—Thermal Unit
X04—Geologic Repository
X99—Other Sections R315-264-600 through 603 Units
—(specify)

]

R315-264-~~1104~~1404. Appendix IV to Rule R315-264 - Cochran's Approximation to the Behrens-Fisher Students' t-test.
40 CFR 264 Appendix IV, 2015 edition, is [adopted and] incorporated by reference.

R315-264-~~1105~~1405. Appendix V to Rule R315-264 -- Examples of Potentially Incompatible Waste.

Many hazardous wastes, when mixed with other waste or materials at a hazardous waste facility, can produce effects ~~that~~^{which} are harmful to human health and the environment, such as (1) heat or pressure, (2) fire or explosion, (3) violent reaction, (4) toxic dusts, mists, fumes, or gases, or (5) flammable fumes or gases.

~~Below~~Section R315-264-1405 lists ~~are~~ examples of potentially incompatible wastes, waste components, and materials, along with the harmful consequences ~~which~~^{that} result from mixing materials in one group with materials in another group. The list is intended as a guide to owners or operators of treatment, storage, and disposal facilities, and to enforcement and permit granting officials, to ~~indicate~~^{show} the need for special precautions when managing these potentially incompatible waste materials or components.

This list is not intended to be exhaustive. An owner or operator shall, as the ~~regulations~~^{rules} require, adequately analyze ~~the owner or operator's~~^{his} wastes so that ~~he~~^{the owner or operator} can avoid creating uncontrolled substances or reactions ~~of the type listed below~~, whether they are listed ~~below~~ or not.

It is possible for potentially incompatible wastes to be mixed in a way that precludes a reaction, ~~e.g.,~~^{for example} adding acid to water rather than water to acid, or that neutralizes them, ~~e.g.,~~^{for example} a strong acid mixed with a strong base, or that controls substances produced, ~~e.g.,~~^{for example} by generating flammable gases in a closed tank equipped so that ignition cannot occur, and burning the gases in an incinerator.

In the lists ~~below~~, the mixing of a Group A material with a Group B material may have the potential ~~consequence~~^{result} as noted.

Group 1-A

Acetylene sludge

Alkaline caustic liquids

Alkaline cleaner

Alkaline corrosive liquids

Alkaline corrosive battery fluid

Caustic wastewater

Lime sludge and other corrosive alkalies

Lime wastewater

Lime and water

Spent caustic

Group 1-B

Acid sludge

Acid and water

Battery acid

Chemical cleaners

Electrolyte, acid

Etching acid liquid or solvent

Pickling liquor and other corrosive acids

Spent acid

Spent mixed acid

Spent sulfuric acid

Potential result: Heat generation; violent reaction.

Group 2-A

Aluminum

Beryllium

Calcium

Lithium

Magnesium

Potassium

Sodium

Zinc powder

Other reactive metals and metal hydrides

Group 2-B

Any waste in Group 1-A or 1-B

Potential result: Fire or explosion; generation of flammable hydrogen gas.

Group 3-A

Alcohols

Water

Group 3-B

Any concentrated waste in Groups 1-A or 1-B

Calcium

Lithium

Metal hydrides

Potassium

SO₂ Cl₂, SOCl₂, PCl₃, CH₃ SiCl₃

Other water-reactive waste

Potential result: Fire, explosion, or heat generation; generation of flammable or toxic gases.

Group 4-A
Alcohols
Aldehydes
Halogenated hydrocarbons
Nitrated hydrocarbons
Unsaturated hydrocarbons
Other reactive organic compounds and solvents

Group 4-B
Concentrated Group 1-A or 1-B wastes
Group 2-A wastes
Potential result: Fire, explosion, or violent reaction.

Group 5-A
Spent cyanide and sulfide solutions

Group 5-B
Group 1-B wastes
Potential result: Generation of toxic hydrogen cyanide or hydrogen sulfide gas.

Group 6-A
Chlorates
Chlorine
Chlorites
Chromic acid
Hypochlorites
Nitrates
Nitric acid, fuming
Perchlorates
Permanganates
Peroxides
Other strong oxidizers

Group 6-B
Acetic acid and other organic acids
Concentrated mineral acids
Group 2-A wastes
Group 4-A wastes
Other flammable and combustible wastes
Potential result: Fire, explosion, or violent reaction.

Source: "Law, Regulations, and Guidelines for Handling of Hazardous Waste." California Department of Health, February 1975.

[Table

Group 1-A

Acetylene sludge
Alkaline caustic liquids
Alkaline cleaner
Alkaline corrosive liquids
Alkaline corrosive battery fluid
Caustic wastewater
Lime sludge and other corrosive alkalies
Lime wastewater
Lime and water
Spent caustic

Group 1-B

Acid sludge
Acid and water
Battery acid
Chemical cleaners
Electrolyte, acid
Etching acid liquid or solvent
Pickling liquor and other corrosive acids
Spent acid
Spent mixed acid
Spent sulfuric acid
Potential consequences: Heat generation; violent reaction.

Group 2-A

Aluminum
Beryllium

Calcium
Lithium
Magnesium
Potassium
Sodium
Zinc powder
Other reactive metals and metal hydrides

Group 2-B

Any waste in Group 1-A or 1-B
Potential consequences: Fire or explosion; generation of flammable hydrogen gas.

Group 3-A

Alcohols
Water

Group 3-B

Any concentrated waste in Groups 1-A or 1-B
Calcium
Lithium
Metal hydrides
Potassium
SO₂, Cl₂, SOCl₂, PCl₃, CH₃SiCl₃
Other water-reactive waste
Potential consequences: Fire, explosion, or heat generation; generation of flammable or toxic gases.

Group 4-A

Alcohols
Aldehydes
Halogenated hydrocarbons
Nitrated hydrocarbons
Unsaturated hydrocarbons
Other reactive organic compounds and solvents

Group 4-B

Concentrated Group 1-A or 1-B wastes
Group 2-A wastes
Potential consequences: Fire, explosion, or violent reaction.

Group 5-A

Spent cyanide and sulfide solutions

Group 5-B

Group 1-B wastes
Potential consequences: Generation of toxic hydrogen cyanide or hydrogen sulfide gas.

Group 6-A

Chlorates
Chlorine
Chlorites
Chromic acid
Hypochlorites
Nitrates
Nitric acid, fuming
Perchlorates
Permanganates
Peroxides
Other strong oxidizers

Group 6-B

Acetic acid and other organic acids
Concentrated mineral acids
Group 2-A wastes
Group 4-A wastes
Other flammable and combustible wastes
Potential consequences: Fire, explosion, or violent reaction.
Source: "Law, Regulations, and Guidelines for Handling of Hazardous Waste." California Department of Health, February 1975.

(1) These include counties, city-county consolidations, and independent cities. In the case of Alaska, the political

jurisdictions are election districts, and, in the case of Hawaii,
the political jurisdiction listed is the island of Hawaii.

1

R315-264-~~1106~~1406. Appendix VI to Rule R315-264 – Political Jurisdictions within Utah in Which Compliance With Subsection R315-264-18(a) Shall Be Demonstrated.

Beaver
Box Elder
Cache
Carbon
Daggett
Davis
Duchesne
Emery
Garfield
Grand
Iron
Juab
Kane
Millard
Morgan
Piute
Rich
Salt Lake
San Juan
Sanpete
Sevier
Summit
Tooele
Uintah
Utah
Wasatch
Washington
Wayne
Weber

R315-264-~~1107~~1409. Appendix IX to Rule R315-264 – Ground[-] Water Monitoring List.
40 CFR 264 Appendix IX, 2015 edition, is ~~adopted and~~ incorporated by reference.

KEY: hazardous waste, TSD facilities
Date of Last Change: January 13, 2025
Notice of Continuation: January 14, 2021
Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-265

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Kari Lundeen	385-499-4923	klundeen@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In February of 1997 the EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time Utah adopted a few of the rules. In July of 2023, comments were received from the EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. Utah then conducted a review of the proposed regulations in the Military Munitions Rule and it was determined that some, but not all, of the proposed rules should be adopted resulting in an amendment to R315-265. In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste imports and exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 265. In December of 2024, the EPA finalized five regulatory amendments that had been withdrawn from a rulemaking in December of 2023. The amendments made technical corrections to various hazardous waste regulations including some in 40 CFR 265. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-265 to conform with the federal regulations.	
5. Summary of the new rule or change:	
R315-265-1(f) is being added to the rule to add language stating that the R315-266-205 identifies when R315-265 applies to the storage of military munitions classified as hazardous waste. The rule also states that treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards of R315-260 through R315-270. R315-265-12(a)(2) and (4) are being amended to update the requirements for management of movement documents for the tracking of import and export of hazardous waste. R315-265-71(a)(2) is being amended to remove manifest requirements that are outdated. R315-265-71(a)(3) is being amended to update and clarify the information required to be listed on a hazardous waste manifest for imports and exports of hazardous waste. R315-265-71(b)(4) and (d) are being amended to update the requirements for management of manifests and movement documents for the tracking of import and export of hazardous waste.	

R315-265-71(l) is being added to provide the requirements for post-receipt manifest data corrections.
R315-265-72(c) is being amended to add the requirement to submit discrepancy reports via the e-Manifest system beginning on December 1, 2025, and to provide an additional 5 days for submission increasing the number of days from 15 to 20.
R315-265-72(g) is being amended to remove the requirement for facilities to send an amended manifest to a transporter and to state that transporters can access a copy of the amended manifest in the e-Manifest system.
R315-265-76(a) is being amended to provide the requirements for electronic submission of unmanifested waste reports via the e-Manifest system beginning on December 1, 2025.
R315-265-1200, 1201 and 1202 are being added to provide requirements for the storage of munitions and explosives hazardous waste.
Additionally, the Division is correcting typographical and formatting errors in Rule R315-265.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this rulemaking will result in any cost or savings to the state budget because the state does not manage military munitions and is not an importer or exporter of hazardous waste.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that manage military munitions or import or export hazardous waste.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to small businesses that must comply with these rules because there are no small businesses in Utah engaged in these activities.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to non-small businesses because there are no non-small businesses in Utah engaged in these activities. There are three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that the rulemaking regarding military munitions or import and export of hazardous waste will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because there are no persons other than small businesses, non-small businesses, state or local governments in Utah engaged in these activities.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules except for the cost to the three non-small businesses in Utah that are importers of hazardous waste. It is estimated that the amendments to the rules regarding the import and export of hazardous waste could cost these businesses approximately \$3,744 annually.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$3,744	\$3,744	\$3,744	\$3,744	\$3,744
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)	\$(3,744)
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:	10/31/2025	
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/17/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.		
Agency head or designee and title:	Douglas J. Hansen, Director	Date: Click or tap to enter a date.

40 CFR 265.270 through 265.282, 265.370 through 265.383, 265.400 through 265.406, 265.430, 265.1200 through 265.1202, 265.1300 through 265.1316 and Appendices I and III through IV and VI of 40 CFR 265, 2024 edition, are incorporated by reference except that "director" is substituted for references to "Regional Administrator", and for references to "EPA" or "Environmental Protection Agency" except for references to "EPA identification number" and when EPA is used in reference to actions under Subsection R315-268-42(b) and in Subsection R315-265-71(a)(3).

(a) The purpose of Rule R315-265 is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in Subsection R315-265-1080(b), the standards of Rule R315-265, and of Sections R315-264-552, R315-264-553, and R315-264-554, apply to owners and operators of facilities that treat, store or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of RCRA and Section R315-270-10 until either a permit is issued under Rule R315-270 or until applicable Rule R315-265 closure and post-closure responsibilities are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by Section 3010(a) of RCRA, failed to file Part A of the permit application as required by Subsections R315-270-10(e) and R315-270-10(g), or both. These standards apply to treatment, storage, and disposal of hazardous waste at these facilities after the effective date of Title R315, except as specifically provided otherwise in Rule R315-265 or Rule R315-261.

(1) As stated in Section 3005(a) of RCRA, after the effective date of regulations under that section, which are Rules R315-270 and R315-124, the treatment, storage, and disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions, until final administrative disposition of the owner's and operator's permit application is made.

(c) The requirements of Rule R315-265 do not apply to ~~the following~~ Subsections R315-265-1(c)(1) through R315-265-1(c)(16):

(1) A person disposing of hazardous waste by ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act.

(i) Rule R315-265 does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in Subsection R315-265-1(b).

(2) Reserved.

(3) The owner or operator of a POTW that treats, stores, or disposes of hazardous waste.

(i) The owner or operator of a facility under Subsections R315-265-1(c)(1) through R315-265-1(c)(3) is subject to the requirements of Rule R315-264 to the extent they are included in a permit by rule granted to the owner or operator under 40 CFR 122, or are required by 40 CFR 144.14.

(4) Reserved.

(5) The owner or operator of a facility permitted under Rules R315-301 through R315-320 to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under Rule R315-265 by Section R315-262-14.

(6) The owner or operator of a facility managing recyclable materials described in Subsections R315-261-6(a)(2), R315-261-6(a)(3), and R315-261-6(a)(4), except to the extent they are referred to in Rule R315-15 or Sections R315-266-20 through R315-266-23, R315-266-70, R315-266-80, or R315-266-100 through R315-266-112.

(7) A generator accumulating waste on-site in compliance with applicable conditions for exemption in Sections R315-262-14 through R315-262-17 and Sections R315-262-200 through R315-262-216 and Sections R315-262-230 through R315-262-233, except to the extent the requirements of Rule R315-265 are included in those ~~sections~~ Sections R315-262-14 through R315-262-17 and Sections R315-262-200 through R315-262-216 and Sections R315-262-230 through R315-262-233.

(8) A farmer disposing of waste pesticides from the farmer's own use in compliance with Section R315-262-70.

(9) The owner or operator of a totally enclosed treatment facility, as defined in Section R315-260-10.

(10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in Section R315-260-10, except that if the owner or operator is diluting hazardous ignitable (D001) wastes, other than the D001 High TOC Subcategory defined in the Treatment Standards for Hazardous Waste table in Section R315-268-40, ~~Table Treatment Standards for Hazardous Wastes~~, or reactive (D003) waste, to remove the characteristic before land disposal, the owner or operator shall comply with the requirements set out in Subsection R315-265-17(b).

(11)(i) Except as provided in Subsection R315-265-1(c)(11)(ii), a person engaged in treatment or containment activities during immediate response to any of the ~~following~~ situations listed in Subsections R315-265-1(c)(11)(i)(A) through R315-265-1(c)(11)(i)(C):

(A) a discharge of a hazardous waste;

(B) an imminent and substantial threat of a discharge of a hazardous waste; or

(C) a discharge of a material that, if discharged, becomes a hazardous waste.

(ii) An owner or operator of a facility otherwise regulated by this Rule R315-265 shall comply with the applicable requirements of Sections R315-265-30 through R315-265-37 and Sections R315-265-50 through R315-265-56.

(iii) Any person who is covered by Subsection R315-265-1(c)(11)(i) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to the applicable requirements of Rule R315-265 and Rule R315-124 for those activities.

(iv) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of their official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall keep records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of Section R315-262-30 at a transfer facility for a period of ten days or less.

(13) The addition of absorbent material to waste in a container, as defined in Section R315-260-10, or the addition of waste to the absorbent material in a container if these actions occur when waste is first placed in the containers, and Subsection R315-265-17(b) and Sections R315-265-171 and R315-265-172 are complied with.

(14) Universal waste handlers and universal waste transporters, as defined in Section R315-260-10, handling the wastes listed in Subsections R315-265-1(c)(14)(i) through R315-265-1(c)(14)(vi). These handlers are subject to regulation under Rule R315-273, if handling the ~~following~~ universal wastes listed in Subsections R315-265-1(c)(14)(i) through R315-265-1(c)(14)(vi):

- (i) batteries as described in Section R315-273-2;
- (ii) pesticides as described in Section R315-273-3;
- (iii) mercury-containing equipment as described in Section R315-273-4;
- (iv) lamps as described in Section R315-273-5;
- (v) aerosol cans as described in Section R315-273-6; and
- (vi) antifreeze as described in Section R315-273-7.

(15) Reserved

(16) Reverse distributors accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in Section R315-266-500. Reverse distributors are subject to regulation under Sections R315-266-500 through R315-266-510 in lieu of Rule R315-265 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

(d) The ~~following~~ hazardous wastes listed in Subsection R315-265-1(d)(1) may not be managed at facilities subject to regulation under Rule R315-265.

(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:

- (i) the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- (ii) the waste is stored in tanks or containers;
- (iii) the waste is stored or treated in waste piles that meet the requirements of Subsection R315-264-250(c) as well as other applicable requirements of Sections R315-265-250 through R315-265-260;
- (iv) the waste is burned in incinerators that are certified pursuant to the standards and procedures in Section R315-265-352; or
- (v) the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in 40 CFR 265.383, which is incorporated by reference.

(e) The requirements of Rule R315-265 apply to owners or operators of facilities that treat, store or dispose of hazardous waste referred to in Rule R315-268, and the Rule R315-268 standards are considered material conditions or requirements of the Rule R315-265 interim status standards.

(f) Section R315-266-205 identifies when the requirements of Rule R315-265 apply to the storage of military munitions classified as solid waste in accordance with Section R315-266-202. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in Rules R315-260 through R315-270.

R315-265-12. General Facility Standards -- Required Notices.

(a) The owner or operator of a facility that is arranging or has arranged to receive hazardous waste subject to Sections R315-262-80 through R315-262-84 from a foreign source shall submit the ~~following required~~ notices required by Subsections R315-265-12(a)(1) through R315-265-12(a)(4):

(1) As per Subsection R315-262-84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and get consent from EPA and the competent authorities for the countries of transit, the owner or operator of the facility, if acting as the importer, shall provide notification of the proposed transboundary movement in English to EPA using the allowable methods listed in Subsection R315-262-84(b)(1) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the identical United Nations classification, the identical RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter.

(2) ~~As per~~ In accordance with Subsection R315-262-84(d)(2)(xv), a copy of the movement document bearing the required signatures within three working days of receipt of the shipment to the foreign exporter, and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively, and For shipments received on or after the electronic import[-] export reporting compliance date, the receiving facility must close out the movement document to EPA electronically confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document shall be maintained at the facility for at least three years. The owner or operator of a facility may satisfy this recordkeeping requirement by keeping electronically submitted documents in the facility's account on EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system, provided that copies shall be ~~are~~ readily available for viewing and production if requested by any EPA or Utah inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under ~~this~~ Section R315-265-12 if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system, for which the owner or operator of a facility bears no responsibility.

(3) As per Subsection R315-262-84(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, the owner or operator of the facility shall inform EPA, using the allowable methods listed in Subsection R315-262-84(b)(1) of the need to return or arrange alternate management of the shipment.

(4) As per Subsection R315-262-84(g), the owner or operator shall:

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import[-] export reporting compliance date, to EPA electronically using EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import[-] export reporting compliance date, to the EPA electronically using EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system. The recovery and disposal operations in Subsection R315-265-12(a)(4)(ii) are defined in Section R315-262-81. For shipments

sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use EPA's WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

(b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of Rule R315-265 and Rule R315-270. Also see Section R315-270-72.

(i) An owner's or operator's failure to notify the new owner or operator of the requirements of Rule R315-265 in no way relieves the new owner or operator of their obligation to comply with the applicable requirements.

R315-265-71. Manifest System, Recordkeeping, and Reporting -- Use of Manifest System.

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator or the owner or operator's agent shall sign and date the manifest as indicated in Subsection R315-265-71(a)(2) to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

(2) If the facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or the owner or operator's agent shall:

- (i) sign and date, by hand, each copy of the manifest;
- (ii) note any discrepancies, as defined in Subsection R315-265-72(a), on each copy of the manifest;
- (iii) immediately give the transporter at least one copy of the manifest;
- (iv) within 30 days of delivery, send a copy, Page 2, of the manifest to the generator; [Reserved;
- (v) paper manifest submission requirements are:

(A) [Options for compliance on June 30, 2018. Beginning on June 30, 2018, send the top copy, Page 1, of any paper manifest and any paper continuation sheet to the e-Manifest system for data entry and processing, or in lieu of submitting the paper copy to EPA, the owner or operator may transmit to the EPA system an image file of Page 1 of the manifest and any continuation sheet, or both a data file and image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. Submissions of copies to the e-Manifest system shall be made at the mailing address or electronic mail or submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, EPA will not accept mailed paper manifests from facilities for processing in e-Manifest.]Reserved.

(B) Options for compliance on June 30, 2021. [Beginning on June 30, 2021, the requirement to submit]Send to the EPA e-Manifest system an image file of the top copy, Page 1, of the [paper] manifest and any [paper] continuation sheet [to the e-Manifest system for data entry and processing may be met by the owner or operator only by transmitting]send to the EPA e-Manifest system an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the EPA system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery.[- Submissions of copies to the e-Manifest system shall be made to the electronic mail or submission address specified at the e-Manifest program website's directory of services]; and

(vi) keep at the facility a copy of each manifest for at least three years from the date of delivery.

(3) The owner or operator of a facility that receives hazardous waste subject to Sections R315-262-80 through R315-265-84 from a foreign source shall:

(i) additionally, list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipments block on the continuation sheet, EPA Form 8700-22A, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use a continuation sheet or sheets, EPA Form 8700-22A; and

(ii) send a copy of the manifest to the EPA[- using the addresses listed in Subsection R315-262-82(e) within 30 days of delivery until the facility can submit a copy to the] e-Manifest system per Subsection R315-265-71(a)(2)(v).

(b) If a facility receives, from a rail or water, bulk shipment, transporter, hazardous waste that is accompanied by a shipping paper containing the information required on the manifest, excluding the EPA identification numbers, generator's certification, and signatures, the owner or operator, or the owner or operator's agent, shall:

(1) sign and date each copy of the manifest or shipping paper, if the manifest has not been received, to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies, as defined in Subsection R315-265-72(a), in the manifest or shipping paper, if the manifest has not been received, on each copy of the manifest or shipping paper;

(i) The director does not intend that the owner or operator of a facility whose procedures under Subsection R315-265-13(c) include waste analysis shall perform that analysis before signing the shipping paper and giving it to the transporter. Subsection R315-265-72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

(3) immediately give the rail or water, bulk shipment, transporter at least one copy of the manifest or shipping paper, if the manifest has not been received;

(4) within 30 days after the delivery, send a copy, Page 1, of the signed and dated manifest [or a signed and dated copy of the shipping paper, if the manifest has not been received within 30 days after delivery, to the generator; and]to the EPA e-Manifest system.

(i) Subsection R315-262-23(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water, bulk shipment.

(5) keep at the facility a copy of the manifest and shipping paper, if signed in lieu of the manifest when delivered, for at least three years from the date of delivery.

(c) When a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of Rule R315-262. Sections R315-262-15, R315-262-16, and R315-262-17 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, Sections R315-262-15, R315-262-16, and R315-262-17 only apply to owners or operators who are shipping hazardous waste that they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under Subsection R315-262-17(f).

(d) [As per Subsection]In accordance with Subsection R315-262-84(d)(2)(xv), within three working days of the receipt of a shipment subject to Sections R315-262-80 through R315-262-84, the owner or operator of a facility shall provide a copy of the movement document bearing the required signatures to the foreign exporter[-] and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively[-] and]For shipments received on or after the electronic import[-] export reporting compliance date, the receiving facility must close out the movement document to [EPA electronically]confirm receipt within three working days of

shipment delivery using EPA's ~~Waste Import Export Tracking System (WIETS)~~ or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use EPA's WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document shall be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by keeping electronically submitted documents in the facility's account on EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system, if the copies are readily available for viewing and production if requested by any EPA or Utah inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under ~~this~~ Section R315-265-71 if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's ~~Waste Import Export Tracking System (WIETS)~~, or its successor system, for which the owner or operator of a facility bears no responsibility.

(e) A facility shall determine whether the consignment state for a shipment regulates any additional wastes, beyond those regulated federally, as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

(f) Legal equivalence to paper manifests. Electronic manifests that are procured, finished, and transmitted in accordance with Subsection R315-262-20(a)(3), and used in accordance with ~~this~~ Section R315-265-71 in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy any requirement in Title R315 to get, finish, sign, provide, use, or keep a manifest.

(1) Any requirement in Rules R315-260 through R315-266, R315-268, R315-270, and R315-273 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to get a handwritten signature, is satisfied by signing with or getting a valid and enforceable electronic signature within the meaning of Section R315-262-25.

(2) Any requirement in Title R315 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied if a copy of an electronic manifest is transmitted to the other person.

(3) Any requirement in Title R315 for a manifest to accompany a hazardous waste shipment is satisfied if a copy of an electronic manifest is accessible during transportation and forwarded to the person who is scheduled to receive delivery of the hazardous waste shipment.

(4) Any requirement in Title R315 for an owner or operator to keep or keep a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-Manifest system, if the copies are readily available for viewing and production if requested by any EPA or Utah inspector.

(5) No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this Section R315-265-71 if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the EPA system, for which the owner or operator bears no responsibility.

(g) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(h) Special procedures applicable to replacement manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the ~~following~~ procedures listed in Subsections R315-265-71(h)(1) through R316-265-71(h)(4) apply to the delivery of the hazardous waste by the final transporter:

(1) Upon delivery of the hazardous waste to the designated facility, the owner or operator shall sign and date each copy of the paper replacement manifest by hand in Item 20, Designated Facility Certification of Receipt, and note any discrepancies in Item 18, Discrepancy Indication Space, of the replacement manifest.

(2) The owner or operator of the facility shall give back to the final transporter one copy of the paper replacement manifest.

(3) Within 30 days of delivery of the hazardous waste to the designated facility, the owner or operator of the facility shall send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the EPA e-Manifest system.

(4) The owner or operator of the facility shall keep at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

(i) Special procedures applicable to electronic signature methods undergoing tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall keep this original copy among its records for at least three years from the date of delivery of the waste.

(j) Imposition of user fee for electronic manifest use.

(1) As prescribed in 40 CFR 265.1311, and determined in 40 CFR 265.1312, which are incorporated by reference, an owner or operator who is a user of the electronic manifest system shall be assessed a user fee by EPA for the submission and processing of each electronic and paper manifest. EPA shall update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313, which is incorporated by reference.

(2) An owner or operator subject to user fees under Section R315-265-71 shall make user fee payments in accordance with the requirements of 40 CFR 265.1314, subject to the informal fee dispute resolution process of 40 CFR 265.1316, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, which are incorporated by reference.

(k) Electronic manifest signatures.

(1) Electronic manifest signatures shall meet the criteria described in Section R315-262-25.

(l) Post-receipt manifest data corrections. After facilities have certified ~~to~~ that the receipt of hazardous wastes by signing Item 20 of the manifest is complete by signing it when it is submitted to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person, for example, waste handler, ~~shown~~ named on the manifest. If corrections are requested by the director for portions of the manifest that a designated facility is required to complete, the facility must address the data correction within 30 days from the date of the request.

(1) Interested persons shall make each correction to manifest data by electronic submission, either by directly entering corrected data to the web based service provided in e-Manifest for corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

(2) Each correction submission shall include ~~the following information~~:

- (i) the Manifest Tracking Number and date of receipt by the facility of the original manifest or manifests for which data are being corrected;
 - (ii) the Item Numbers of the original manifest that is the subject of the submitted corrections; and
 - (iii) for each Item Number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.
- (3) Each correction submission shall include a statement that the person submitting the corrections certifies that to the best of their knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete.
- (i) The certification statement shall be executed with a valid electronic signature; and
 - (ii) A batch upload of data corrections may be submitted under one certification statement.
- (4) Upon receipt by the system of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.
- (5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the system, certified by the respondent as specified in Subsection R315-265-71(1)(3), and with notice of the corrections to other interested persons shown on the manifest.

R315-265-72. Manifest System, Recordkeeping, and Reporting -- Manifest Discrepancies.

- (a) Manifest discrepancies are:
 - (1) significant differences, as defined by Subsection R315-265-72(b), between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;
 - (2) rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or
 - (3) container residues, which are residues that exceed the quantity limits for "empty" containers set forth in Subsection R315-261-7(b) and Section R315-266-507.
- (b) Significant differences in quantity are: For bulk waste, variations greater than 10% in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.
- (c) Upon discovering a significant difference in quantity or type, the owner or operator shall try to reconcile the discrepancy with the waste generator or transporter, for example, with telephone conversations. If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall ~~immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~
 - (1) immediately submit to the director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.
 - (2) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.
- (d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in Subsection R315-261-7(b), the facility shall consult with the generator before forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.
- (2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this Section R315-265-72, it shall ensure that either the delivering transporter keeps custody of the waste, or the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under Subsection R315-265-72(e) or R315-265-72(f).
- (e) Except as provided in Subsection R315-265-72(e)(7), for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility shall prepare a new manifest in accordance with Subsection R315-262-20(a) and the ~~following~~ instructions contained in Subsections R315-265-72(e)(1) through R315-265-72(e)(7):
 - (1) Write the generator's ~~U.S.~~ US EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space in Item 5.
 - (2) Write the name of the alternate designated facility and the facility's ~~U.S.~~ US EPA ID number in the designated facility block, Item 8, of the new manifest.
 - (3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and state that the shipment is a residue or rejected waste from the previous shipment.
 - (4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest, Item 18a.
 - (5) Write the DOT description for the rejected load or the residue in Item 9, ~~U.S.~~ US DOT Description, of the new manifest and write the container types, quantity, and volumes of waste.
 - (6) Sign the Generator's/Offoror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.
 - (7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall keep a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with Subsections R315-265-72(e)(1), R315-265-72(e)(2), R315-265-72(e)(3), R315-265-72(e)(4), R315-265-72(e)(5), and R315-265-72(e)(6).
- (f) Except as provided in Subsection R315-265-72(f)(7), for rejected wastes and residues that must be sent back to the generator, the facility shall prepare a new manifest in accordance with Subsection R315-262-20(a) and the ~~following~~ instructions contained in Subsections R315-265-72(f)(1) through R315-265-72(f)(8):

(1) Write the facility's ~~U.S.~~US EPA ID number in Item 1 of the new manifest. Write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest.

(2) Write the name of the initial generator and the generator's ~~U.S.~~US EPA ID number in the designated facility block, Item 8, of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and state that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest, Item 18a.

(5) Write the DOT description for the rejected load or the residue in Item 9, ~~U.S.~~US DOT Description, of the new manifest and write the container types, quantity, and volumes of waste.

(6) Sign the Generator's/Officer's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall keep a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with Subsections R315-265-72(f)(1), R315-265-72(f)(2), R315-265-72(f)(3), R315-265-72(f)(4), R315-265-72(f)(5), R315-265-72(f)(6), and R315-265-72(f)(8).

(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility shall also comply with the exception reporting requirements in Subsection R315-262-42(a).

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in Subsection R315-261-7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to show the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest and shall re-sign and date the manifest to certify to the information as amended. The facility shall keep the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies before their being amended. **Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may get the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through US postal mail.**

R315-265-76. Manifest System, Recordkeeping, and Reporting – Unmanifested Waste Report.

(a) **Beginning on December 1, 2025, if** a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by Subsection R315-263-20(e), and if the waste is not excluded from the manifest requirement by Rules R315-260 through R315-266, R315-268, R315-270 or R315-273, then the owner or operator shall prepare and submit a letter to the ~~D~~director within ~~fifteen~~15 days after receiving the waste. The unmanifested waste report shall contain~~the following information~~:

- (1) ~~T~~the EPA identification number, name and address of the facility;
- (2) ~~T~~the date the facility received the waste;
- (3) ~~T~~the EPA identification number, name and address of the generator and the transporter, if available;
- (4) ~~A~~a description and the quantity of each unmanifested hazardous waste the facility received;
- (5) ~~T~~the method of treatment, storage, or disposal for each hazardous waste;
- (6) ~~T~~he certification signed by the owner or operator of the facility or ~~his~~the owner or operator's authorized representative; and
- (7) ~~A~~a brief explanation of why the waste was unmanifested, if known.

R315-265-178. Use and Management of Containers -- Air Emission Standards.

The owner or operator shall manage ~~all~~any hazardous waste placed in a container in accordance with the applicable requirements of Sections R315-265-1030 through R315-265-1035, R315-265-1050 through R315-265-1064, and R315-265-1080 through R315-265-1090~~subparts AA, BB, and CC of 40 CFR 265 which is adopted and incorporated by reference~~.

R315-265-231. Surface Impoundments -- Air Emission Standards.

The owner or operator shall manage ~~all~~any hazardous waste placed in a surface impoundment in accordance with the applicable requirements of Sections R315-265-1050 through R315-265-1064 and R315-265-1080 through R315-265-1090~~40 CFR 265 subparts BB and CC, which are adopted and incorporated by reference~~.

R315-265-1200. Hazardous Waste Munitions and Explosives Storage – Applicability.

The requirements of Sections R315-265-1200 through R315-265-1202 apply to owners or operators who store munitions and explosive hazardous wastes, except as Section R315-265-1 provides otherwise. Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings, Sections R315-265-1100 through R315-265-1102, tanks, Sections R315-265-190 through R315-265-202, or containers, Sections R315-265-170 through R315-265-178. See Section R315-266-205 for storage of waste military munitions.

R315-265-1201. Hazardous Waste Munitions and Explosives Storage – Design and Operating Standards.

(a) Hazardous waste munitions and explosives storage units shall be designed and operated with containment systems, controls, and monitoring, **that:**

- (1) **minimize the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off, to the soil, ground water, surface water, and atmosphere;**
- (2) **provide a primary barrier, which may be a container, including a shell, or tank, designed to contain the hazardous waste;**
- (3) **for wastes stored outdoors, provide that the waste and containers will not be in standing precipitation;**
- (4) **for liquid wastes, provide a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area, or vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken, for example, additional containment, such as overpacking, or removal from the waste area; and**

(5) provide monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

(b) Hazardous waste munitions and explosives stored in accordance with Sections R315-265-1200 through R315-265-1202 may be stored in one of the places listed in Subsections R315-265-1201(b)(1) through R315-265-1201(b)(3):

(1) Earth-covered magazines. Earth-covered magazines shall be:

(i) constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

(ii) designed and constructed:

(A) to be of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

(B) to provide working space for personnel and equipment in the unit; and

(C) to withstand movement activities that occur in the unit; and

(iii) located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

(2) Above-ground magazines. Above-ground magazines shall be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

(3) Outdoor or open storage areas. Outdoor or open storage areas shall be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

(c) Hazardous waste munitions and explosives shall be stored in accordance with a Standard Operating Procedure specifying procedures to ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section R315-265-14, the preparedness and prevention procedures of Sections R315-265-30 through R315-265-37, and the contingency plan and emergency procedures requirements of Sections R315-265-50 through R315-265-56, then these procedures will be used to fulfill those requirements.

(d) Hazardous waste munitions and explosives shall be packaged to ensure safety in handling and storage.

(e) Hazardous waste munitions and explosives shall be inventoried at least annually.

(f) Hazardous waste munitions and explosives and their storage units shall be inspected and monitored to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

R315-265-1202. Hazardous Waste Munitions and Explosives Storage – Closure and Post-Closure Care.

(a) At closure of a magazine or unit which stored hazardous waste in accordance with Sections R315-265-1200 through R315-265-1202, the owner or operator shall remove or decontaminate the waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste, and manage them as hazardous waste unless Subsection R315-261-3(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units shall meet the requirements specified in Sections R315-265-110 through R315-265-121 and Sections R315-265-140 through R315-265-150, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

(b) If, after removing or decontaminating any residues and making reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in Subsection R315-265-1202(a), the owner or operator finds that not every contaminated subsoil can be practicably removed or decontaminated, the owner or operator shall close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills contained in Section R315-264-310.

KEY: hazardous waste, TSD facilities, interim status

Date of Last Change: January 13, 2025

Notice of Continuation: January 14, 2021

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-266

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
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Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In February of 1997 the EPA finalized a rulemaking known as the Military Munitions Rule. Authorized states were not required to adopt this rule because it was considered less stringent than existing regulations. At the time Utah adopted a few of the rules. In July of 2023, comments were received from the EPA that Utah should adopt more of the regulations promulgated in the Military Munitions Rule because Utah had begun to regulate military facilities in ways that appeared to be consistent with these regulations. Utah then conducted a review of the proposed regulations in the Military Munitions Rule and it was determined that some, but not all, of the proposed rules should be adopted resulting in an amendment to R315-266. In December of 2024, the EPA finalized five regulatory amendments that had been withdrawn from a rulemaking in December of 2023. The amendments made technical corrections to various hazardous waste regulations including some in 40 CFR 266. In October of 2024, the EPA finalized regulations for the management of certain hydrofluorocarbons and substitutes (ignitable spent refrigerants) under the American Innovation and Manufacturing Act of 2020. This rulemaking included amendments to rules regarding the recycling and disposal hydrofluorocarbons. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-266 to conform with the federal regulations.	
5. Summary of the new rule or change:	
R315-266-200 was added to the rule to specify that the requirements in R315-266-200 through R315-266-206 are applicable to military munitions. R315-266-201 adds definitions to the rule that apply to military munitions. R315-266-202(a) through (c) was added to define when a military munition becomes a solid waste and when a military munition is not a solid waste. R315-266-203 through 204 were added to provide standards for the transportation, emergency response actions, storage, and treatment and disposal of military munitions. R315-266-508(a)(2)(ii) was amended to clarify that healthcare facilities may also include applicable EPA hazardous waste numbers on a hazardous waste manifest. R315-266-600 through 602 were added to the rule to provide the requirements for recycling and reuse of ignitable spent	

refrigerants.

R315-266-600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, and 611 are being renumbered due to the adoption of the rules for ignitable spent refrigerants.

Additionally, the Division is correcting typographical and formatting errors in Rule R315-266.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this rulemaking will result in any cost or savings to the state budget because the state does not manage military munitions and does not recycle ignitable spent refrigerants. Any costs associated with new rules will be absorbed in the current agency budget.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that manage military munitions or recycle ignitable spent refrigerants.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to small businesses because there are no small businesses in Utah engaged in this activity. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to non-small businesses because there are no non-small businesses in Utah engaged in these activities. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

It is not anticipated that the rulemaking regarding military munitions will result in any cost or savings to persons other than small businesses, non-small businesses, state or local governments that must comply with these rules because there are no persons other than small businesses, non-small businesses, state or local governments in Utah engaged in this activity. It is anticipated that the new rules regarding management of spent ignitable refrigerants will result in cost savings, however; compliance with the new rules is voluntary and it is unknown how many of the entities affected by the rule amendments will choose to comply with the new rules so it is not possible for the Division to determine the cost savings for any entity that chooses to comply with the new rules.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table

Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
H. Department head comments on fiscal impact and approval of regulatory impact analysis:					
The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.					

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):	
A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	Appendix IX to Part 261 – Wastes Excluded Under 260.20 and 260.22, Table 1 – Waste Excluded from Non- Specific Sources
Publisher	United States Government
Issue Date	June 17, 2025
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. <i>If none, leave blank</i>):	
Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.		
A. Comments will be accepted until:		10/31/2025
B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):		
Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		
To the agency: If more than one hearing is planned to take place, continue to add rows.		

10. This rule change MAY become effective on:	11/17/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Douglas J. Hansen, Director	Date:	Click or tap to enter a date.

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-266. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

R315-266-200. Military Munitions – Applicability.

(a) The rules in Sections R315-266-200 through R315-266-206 identify when military munitions become a solid waste, and, if these wastes are also hazardous under Sections R315-266-200 through R315-266-206 or Rule R315-261, the management standards that apply to these wastes.

(b) Unless otherwise specified in Sections R315-266-200 through R315-266-206, the applicable requirements in Rules R315-260 through R315-270 apply to waste military munitions.

R315-266-201. Military Munitions – Definitions.

(a) In addition to the definitions in Section R315-260-10, the definitions in Subsections R315-266-201(a)(1) through R315-266-201(a)(11) apply to Sections R315-266-200 through R315-266-206:

- (1) Active range means a military range that is currently in service and is being regularly used for range activities.
- (2) Chemical agents and munitions are defined as in 50 U.S.C. Section 1521(p)(1).
- (3) Director is as defined in Section R315-270-2.
- (4) Explosives or munitions emergency response specialist is as defined in Section R315-260-10.
- (5) Explosives or munitions emergency is as defined in Section R315-260-10.
- (6) Explosives or munitions emergency response is as defined in Section R315-260-10.
- (7) Inactive range means a military range that is not currently being used, but that is still under military control and considered by the military to be a potential range area, and that has not been put to a new use that is incompatible with range activities.
- (8) Military means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.
- (9) Military munitions is as defined in Section R315-260-10.
- (10) Military range means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.
- (11) Unexploded ordnance (UXO) means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

R315-266-202. Military Munitions – Definition of Solid Waste.

- (a) ~~Reserved.~~ A military munition is not a solid waste if:
- (1) used for its intended purpose, including:
 - (i) use in training military personnel or explosives and munitions emergency response specialists, including training in proper destruction of unused propellant or other munitions; or
 - (ii) use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems.
 - (2) An unused munition, or component thereof, is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless the activities involve use constituting disposal as defined in Subsection R315-261-2(c)(1), or burning for energy recovery as defined in Subsection R315-261-2(c)(2).
- (b) ~~Reserved.~~ An unused military munition is a solid waste if any of the situations listed in Subsections R315-266-202(b)(1) through R315-266-202(b)(4) occurs:
- (1) the munition is abandoned by being disposed of, burned, detonated, except during intended use as specified in Subsection R315-266-202(a), incinerated, or treated before disposal; or
 - (2) the munition is removed from storage in a military magazine or other storage area to be disposed of, burned, or incinerated, or treated before disposal; or
 - (3) the munition is deteriorated or damaged; for example the integrity of the munition is compromised by cracks, leaks, or other damage; to the point that it cannot be put into serviceable condition and cannot reasonably be recycled or used for other purposes; or
 - (4) the munition has been declared a solid waste by an authorized military official.
- (c) ~~Reserved.~~ A used or fired military munition is a solid waste:
- (1) if transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment before disposal; or
 - (2) if recovered, collected, and then disposed of by burial, or landfilling either on or off a range.
- (d) For purposes of Subsection 19-6-102(19)(a), a used or fired military munition is a solid waste, and, therefore, is potentially subject to RCRA corrective action authorities under [s]Sections 3004(u) and 3004(v), and 3008(h), or imminent and substantial endangerment authorities under [s]Section 7003, if the munition lands off[-]range and is not promptly retrieved, ~~rendered~~ made safe, or both ~~and~~ or retrieved. Any imminent and substantial threats associated with any remaining material shall be addressed. If remedial action is infeasible, the operator of the range shall maintain a record of the event for as long as any threat remains. The record shall include the type of munition and its location, to the extent the location is known.

R315-266-203. Military Munitions – Standards Applicable to the Transportation of Solid Waste Military Munitions.

- (a) Criteria for hazardous waste regulation of waste non-chemical military munitions in transportation.
- (1) Waste military munitions that are being transported and that exhibit a hazardous waste characteristic, are listed as hazardous waste under Rule R315-261, or are otherwise identified as a hazardous waste are subject to the applicable sections of Rules R315-260 through R315-270.

R315-266-204. Military Munitions – Standards Applicable to Emergency Responses.

Explosives and munitions emergencies involving military munitions or explosives are subject to Section R315-270-61.

R315-266-205. Military Munitions – Standards Applicable to the Storage of Solid Waste Military Munitions.

- (a) Criteria for hazardous waste regulation of waste non-chemical military munitions in storage.
- (1) Waste military munitions in storage that exhibit a hazardous waste characteristic, are listed as hazardous waste under Rule R315-261, or are otherwise identified as a hazardous waste are subject to the applicable sections of Rules R315-260 through R315-270.

R315-266-206. Military Munitions – Standards Applicable to the Treatment and Disposal of Waste Military Munitions.

The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in Rules R315-260 through R315-270.

R315-266-508. Hazardous Waste Pharmaceuticals -- Shipping Non-Creditable Hazardous Waste Pharmaceuticals from a Healthcare Facility or Evaluated Hazardous Waste Pharmaceuticals from a Reverse Distributor.

(a) Shipping non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. A healthcare facility shall ship non-creditable hazardous waste pharmaceuticals and a reverse distributor shall ship evaluated hazardous waste pharmaceuticals off[-]site to a designated facility, that is, a permitted or interim status treatment, storage, or disposal facility, in compliance with:

(1) the ~~following~~ pre-transport requirements listed in Subsections R315-266-508(a)(1)(i) through R315-266-508(a)(1)(iv), before transporting or offering for transport off[-]site:

(i) Packaging. Package the waste in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR parts 173, 178, and 180.

(ii) Labeling. Label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR part 172 subpart E.

(iii) Marking.

(A) Mark each package of hazardous waste pharmaceuticals in accordance with the applicable Department of Transportation (DOT) regulations on hazardous materials under 49 CFR part 172 subpart D.

(B) Mark each container of 119 gallons or less used in the transportation in accordance with the requirements of 49 CFR 172.304 with the following words and information:

HAZARDOUS WASTE---Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the ~~U.S.]US~~ Environmental Protection Agency.

Healthcare Facility's or Reverse distributor's Name and Address _____.

Healthcare Facility's or Reverse distributor's EPA Identification Number _____.

Manifest Tracking Number _____.

(C) Lab packs that will be incinerated in compliance with Subsection R315-268-42(c) are not required to be marked with EPA ~~[H]azardous [W]aste [N]umbers~~, that is, hazardous waste codes, except D004, D005, D006, D007, D008, D010, and D011, if applicable. A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the applicable EPA hazardous waste numbers, that is, hazardous waste codes.

(iv) Placarding. Placard or offer the initial transporter the appropriate placards according to ~~[Department of Transportation]~~ DOT regulations for hazardous materials under 49 CFR part 172 subpart F.

(2) the manifest requirements of Sections R315-262-20 through R315-262-27, except as follows:

(i) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list each applicable EPA hazardous waste number, in other words, hazardous waste codes, in Item 13 of EPA Form 8700-22.

(ii) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals shall write either the word "PHARMS" or "PHRM" in Item 13 of EPA Form 8700-22. A healthcare facility may also include the applicable EPA hazardous waste numbers, that is, hazardous waste codes, in Item 13 of EPA Form 8700-22.

(b) Exporting non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. A healthcare facility or reverse distributor that exports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Sections R315-262-80 through R315-262-89.

(c) Importing non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals. Any person that imports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Sections R315-262-80 through R315-262-89. A healthcare facility or reverse distributor may not accept imported non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals unless they have a permit or interim status that allows them to accept hazardous waste from off site.

R315-266-600. Ignitable Spent Refrigerants Recycled for Reuse – Purpose and Applicability.

(a) The purpose of Sections R315-266-600 through R315-266-602 is to reduce emissions of ignitable spent refrigerants to the lowest achievable level by maximizing the recovery and safe recycling for reuse of the refrigerants during the service, repair, and disposal of appliances.

(b) The requirements of Sections R315-266-600 through R315-266-602 operate in lieu of Rules R315-260 through R315-270 and apply to lower flammability spent refrigerants, as defined in Section R315-266-601, where the refrigerant exhibits the hazardous waste characteristic of ignitability per Section R315-261-21 and is being recycled for reuse in the United States.

(c) These requirements do not apply to other ignitable spent refrigerants. Ignitable spent refrigerants not subject to Sections R315-266-600 through R315-266-602 are subject to the applicable requirements of Rules R315-260 through R315-270 when recovered, that is, removed from an appliance and stored in an external container, dispose of, or both.

R315-266-601. Ignitable Spent Refrigerants Recycled for Reuse – Definitions for Sections R315-266-600 through R315-266-602.

For the purposes of Sections R315-266-600 through R315-266-602, the terms in Subsections R315-266-601(a) through R315-266-601(d) are defined as follows:

(a) "Refrigerant" has the meaning as defined in 40 CFR 82.152.

(b) "Ignitable spent refrigerant" means a used refrigerant that cannot be reused without first being processed, and that exhibits the hazardous characteristic of ignitability per Section R315-261-21. Used refrigerants that can be legitimately reused without processing are not spent refrigerant.

(c) "Recycle for reuse" if referring to an ignitable spent refrigerant, means to process the refrigerant to remove contamination and prepare it to be used again. "Recycle for reuse" does not include recycling that involves burning for energy recovery or use in a manner constituting disposal as defined in Subsection R315-261-2(c), or sham recycling as defined in Subsection R315-261-2(g).

(d) "Lower flammability spent refrigerant" means a spent refrigerant that is not considered highly flammable. Highly flammable refrigerants include the following chemicals: butane, isobutane, methane, propane, and propylene.

R315-266-602. Ignitable Spent Refrigerants Recycled for Reuse – Standards for Ignitable Spent Refrigerants Recycled for Reuse in Accordance with Sections R315-266-600 through R315-266-602.

(a) A person who recovers, that is, removes from an appliance and stores in an external container, recycles, or both, ignitable spent refrigerants for reuse either for further use in equipment of the same owner, or in compliance with motor vehicle air conditioner (MVAC) standards in 40 CFR part 82, subpart B, or who sends recovered refrigerant off site to be recycled for reuse shall:

- (1) recover, recycle, or both, for reuse the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36, 40 CFR 82.158 or both; and
- (2) not speculatively accumulate the ignitable spent refrigerant per Subsection R315-261-1(c).
- (b) A person who receives ignitable spent refrigerants from off site, and are not a transfer facility that stores the refrigerants for less than ten days before sending the refrigerant to another site to be recycled for reuse, shall:
- (1) if recovering the refrigerant, recover the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36;
- (2) meet the applicable emergency preparedness and response requirements of Sections R315-261-400, R315-261-410, R315-261-411, and R315-261-420; and
- (3) not speculatively accumulate the ignitable spent refrigerant per Subsection R315-261-1(c).
- (c) A person receiving ignitable spent refrigerant from off site to be recycled for reuse in accordance with Sections R315-266-600 through R315-266-602 shall:
- (1) maintain certification by EPA under 40 CFR 82.164;
- (2) meet the applicable emergency preparedness and response requirements of Sections R315-261-400, R315-261-410, R315-261-411, and R315-261-420; and
- (3) starting with the calendar year beginning January 1, 2029, not speculatively accumulate the ignitable spent refrigerant per Subsection R315-261-1(c).

R315-266-~~600~~1000. Appendix I to Rule R315-266 -- Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals.
Appendix I of 40 CFR 266, 2015 edition, is [~~adopted and~~] incorporated by reference.

R315-266-~~601~~1001. Appendix II to Rule R315-266 -- Tier I Feed Rate Screening Limits for Total Chlorine.

Table 2			
Terrain-adjusted effective stack height (m)	Noncomplex Terrain		Complex Terrain
	Urban (g/hr)	Rural (g/hr)	(g/hr)
4	8.2E+01	4.2E+01	1.9E+01
6	9.1E+01	4.8E+01	2.8E+01
8	1.0E+02	5.3E+01	4.1E+01
10	1.2E+02	6.2E+01	5.8E+01
12	1.3E+02	7.7E+01	7.2E+01
14	1.5E+02	9.1E+01	9.1E+01
16	1.7E+02	1.2E+02	1.1E+02
18	1.9E+02	1.4E+02	1.2E+02
20	2.1E+02	1.8E+02	1.3E+02
22	2.4E+02	2.3E+02	1.4E+02
24	2.7E+02	2.9E+02	1.6E+02
26	3.1E+02	3.7E+02	1.7E+02
28	3.5E+02	4.7E+02	1.9E+02
30	3.9E+02	5.8E+02	2.1E+02
35	5.3E+02	9.6E+02	2.6E+02
40	6.2E+02	1.4E+03	3.3E+02
45	8.2E+02	2.0E+03	4.0E+02
50	1.1E+03	2.6E+03	4.8E+02
55	1.3E+03	3.5E+03	6.2E+02
60	1.6E+03	4.6E+03	7.7E+02
65	2.0E+03	6.2E+03	9.1E+02
70	2.3E+03	7.2E+03	1.1E+03
75	2.5E+03	8.6E+03	1.2E+03
80	2.9E+03	1.0E+04	1.3E+03
85	3.3E+03	1.2E+04	1.4E+03
90	3.7E+03	1.4E+04	1.6E+03
95	4.2E+03	1.7E+04	1.8E+03
100	4.8E+03	2.1E+04	2.0E+03
105	5.3E+03	2.4E+04	2.3E+03
110	6.2E+03	2.9E+04	2.5E+03
115	7.2E+03	3.5E+04	2.8E+03
120	8.2E+03	4.1E+04	3.2E+03

[Table

Terrain-adjusted — Noncomplex Terrain — Complex Terrain
effective stack — Urban (g/hr) Rural (g/hr) — (g/hr)
height (m)

4 — 8.2E+01 — 4.2E+01 — 1.9E+01
6 — 9.1E+01 — 4.8E+01 — 2.8E+01
8 — 1.0E+02 — 5.3E+01 — 4.1E+01
10 — 1.2E+02 — 6.2E+01 — 5.8E+01

12 1.3E+02 7.7E+01 7.2E+01
 14 1.5E+02 9.1E+01 9.1E+01
 16 1.7E+02 1.2E+02 1.1E+02
 18 1.9E+02 1.4E+02 1.2E+02
 20 2.1E+02 1.8E+02 1.3E+02
 22 2.4E+02 2.3E+02 1.4E+02
 24 2.7E+02 2.9E+02 1.6E+02
 26 3.1E+02 3.7E+02 1.7E+02
 28 3.5E+02 4.7E+02 1.9E+02
 30 3.9E+02 5.8E+02 2.1E+02
 35 5.3E+02 9.6E+02 2.6E+02
 40 6.2E+02 1.4E+03 3.3E+02
 45 8.2E+02 2.0E+03 4.0E+02
 50 1.1E+03 2.6E+03 4.8E+02
 55 1.3E+03 3.5E+03 6.2E+02
 60 1.6E+03 4.6E+03 7.7E+02
 65 2.0E+03 6.2E+03 9.1E+02
 70 2.3E+03 7.2E+03 1.1E+03
 75 2.5E+03 8.6E+03 1.2E+03
 80 2.9E+03 1.0E+04 1.3E+03
 85 3.3E+03 1.2E+04 1.4E+03
 90 3.7E+03 1.4E+04 1.6E+03
 95 4.2E+03 1.7E+04 1.8E+03
 100 4.8E+03 2.1E+04 2.0E+03
 105 5.3E+03 2.4E+04 2.3E+03
 110 6.2E+03 2.9E+04 2.5E+03
 115 7.2E+03 3.5E+04 2.8E+03
 120 8.2E+03 4.1E+04 3.2E+03

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R315-266-[602]1002. Appendix III to Rule R315-266 -- Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride.

[Appendix III of 40 CFR 266, 2015 edition, is adopted and incorporated by reference.]

Terrain-adjusted effective stack height (m)	Table 3					
	Noncomplex terrain				Complex terrain	
	Values for urban areas		Values for rural areas		Values for use in urban and rural areas	
	Cl ₂ (g/hr)	HCl (g/hr)	Cl ₂ (g/hr)	HCl (g/hr)	Cl ₂ (g/hr)	HCl (g/hr)
4	8.2E+01	1.4E+03	4.2E+01	7.3E+02	1.9E+01	3.3E+02
6	9.1E+01	1.6E+03	4.8E+01	8.2E+02	2.8E+01	4.9E+02
8	1.0E+02	1.8E+03	5.3E+01	9.2E+02	4.1E+01	7.1E+02
10	1.2E+02	2.0E+03	6.2E+01	1.1E+03	5.8E+01	1.0E+03
12	1.3E+02	2.3E+03	7.7E+01	1.3E+03	7.2E+01	1.3E+03
14	1.5E+02	2.6E+03	9.1E+01	1.6E+03	9.1E+01	1.6E+03
16	1.7E+02	2.9E+03	1.2E+02	2.0E+03	1.1E+02	1.8E+03
18	1.9E+02	3.3E+03	1.4E+02	2.5E+03	1.2E+02	2.0E+03
20	2.1E+02	3.7E+03	1.8E+02	3.1E+03	1.3E+02	2.3E+03
22	2.4E+02	4.2E+03	2.3E+02	3.9E+03	1.4E+02	2.4E+03
24	2.7E+02	4.8E+03	2.9E+02	5.0E+03	1.6E+02	2.8E+03
26	3.1E+02	5.4E+03	3.7E+02	6.5E+03	1.7E+02	3.0E+03
28	3.5E+02	6.0E+03	4.7E+02	8.1E+03	1.9E+02	3.4E+03
30	3.9E+02	6.9E+03	5.8E+02	1.0E+04	2.1E+02	3.7E+03
35	5.3E+02	9.2E+03	9.6E+02	1.7E+04	2.6E+02	4.6E+03
40	6.2E+02	1.1E+04	1.4E+03	2.5E+04	3.3E+02	5.7E+03
45	8.2E+02	1.4E+04	2.0E+03	3.5E+04	4.0E+02	7.0E+03
50	1.1E+03	1.8E+04	2.6E+03	4.6E+04	4.8E+02	8.4E+03
55	1.3E+03	2.3E+04	3.5E+03	6.1E+04	6.2E+02	1.1E+04
60	1.6E+03	2.9E+04	4.6E+03	8.1E+04	7.7E+02	1.3E+04
65	2.0E+03	3.4E+04	6.2E+03	1.1E+05	9.1E+02	1.6E+04
70	2.3E+03	3.9E+04	7.2E+03	1.3E+05	1.1E+03	1.8E+04
75	2.5E+03	4.5E+04	8.6E+03	1.5E+05	1.2E+03	2.0E+04
80	2.9E+03	5.0E+04	1.0E+04	1.8E+05	1.3E+03	2.3E+04
85	3.3E+03	5.8E+04	1.2E+04	2.2E+05	1.4E+03	2.5E+04
90	3.7E+03	6.6E+04	1.4E+04	2.5E+05	1.6E+03	2.9E+04
95	4.2E+03	7.4E+04	1.7E+04	3.0E+05	1.8E+03	3.2E+04
100	4.8E+03	8.4E+04	2.1E+04	3.6E+05	2.0E+03	3.5E+04
105	5.3E+03	9.2E+04	2.4E+04	4.3E+05	2.3E+03	3.9E+04
110	6.2E+03	1.1E+05	2.9E+04	5.1E+05	2.5E+03	4.5E+04
115	7.2E+03	1.3E+05	3.5E+04	6.1E+05	2.8E+03	5.0E+04
120	8.2E+03	1.4E+05	4.1E+04	7.2E+05	3.2E+03	5.6E+04

R315-266-[603]1003. Appendix IV to Rule R315-266 -- Reference Air Concentrations*.

Table 4		
Constituent	CAS No.	RAC (ug/m ³)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)		0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1,000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidyaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	7
Hydrogen Sulfide	7783-06-4	3
Isobutyl Alcohol	78-83-1	300
Lead	7439-92-1	0.09
Maleic Anhydride	108-31-6	100
Mercury	7439-97-6	0.3
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50
Methyl Chlorocarbonate	79-22-1	1,000
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30
Phenol	108-95-2	30
M-Phenylenediamine	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000

Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	5
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30
Strychnine	57-24-9	0.3
1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallic Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.5
Thallium Selenite	12039-52-0	0.5
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	20
Trichloromonofluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3
The RAC for other appendix VIII Rule R315-261 constituents not listed in Appendix IV, Table 4 or in appendix V of Rule R315-266 is 0.1 ug/m ³ .		

[Table

Constituent	CAS No.	RAC (ug/m ³)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30
Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)		0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-82-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50

Formic Acid 64-18-6 2000
 Glycidyaldehyde 765-34-4 0.3
 Hexachlorocyclopentadiene 77-47-4 5
 Hexachlorophene 70-30-4 0.3
 Hydrocyanic Acid 74-90-8 20
 Hydrogen Chloride 7647-01-1 7
 Hydrogen Sulfide 7782-06-4 3
 Isobutyl Alcohol 78-83-1 300
 Lead 7439-92-1 0.09
 Maleic Anhydride 108-31-6 100
 Mercury 7439-97-6 0.3
 Methacrylonitrile 126-98-7 0.1
 Methomyl 16752-77-5 20
 Methoxychlor 72-43-5 50
 Methyl Chlorocarbonate 79-22-1 1000
 Methyl Ethyl Ketone 78-93-3 80
 Methyl Parathion 298-00-0 0.3
 Nickel Cyanide 557-19-7 20
 Nitric Oxide 10102-43-9 100
 Nitrobenzene 98-95-3 0.8
 Pentachlorobenzene 608-93-5 0.8
 Pentachlorophenol 87-86-5 30
 Phenol 108-95-2 30
 M-Phenylenediamine 108-45-2 5
 Phenylmercuric Acetate 62-38-4 0.075
 Phosphine 7803-51-2 0.3
 Phthalic Anhydride 85-44-9 2000
 Potassium Cyanide 151-50-8 50
 Potassium Silver Cyanide 506-61-6 200
 Pyridine 110-86-1 1
 Selenious Acid 7782-60-8 3
 Selenourea 630-10-4 5
 Silver 7440-22-4 3
 Silver Cyanide 506-64-9 100
 Sodium Cyanide 143-33-9 30
 Strychnine 57-24-9 0.3
 1,2,4,5-Tetrachlorobenzene 95-94-3 0.3
 2,3,4,6-Tetrachlorophenol 58-90-2 30
 Tetraethyl Lead 78-00-2 0.0001
 Tetrahydrofuran 109-99-9 10
 Thallic Oxide 1314-32-5 0.3
 Thallium 7440-28-0 0.5
 Thallium (I) Acetate 562-68-8 0.5
 Thallium (I) Carbonate 6533-73-9 0.3
 Thallium (I) Chloride 7791-12-0 0.3
 Thallium (I) Nitrate 10102-45-1 0.5
 Thallium Selenite 12039-52-0 0.5
 Thallium (I) Sulfate 7446-18-6 0.075
 Thiram 137-26-8 5
 Toluene 108-88-3 300
 1,2,4-Trichlorobenzene 120-82-1 20
 Trichloromonofluoromethane 75-69-4 300
 2,4,5-Trichlorophenol 95-95-4 100
 Vanadium Pentoxide 1314-62-1 20
 Warfarin 81-81-2 0.3
 Xylenes 1330-20-7 80
 Zinc Cyanide 557-21-1 50
 Zinc Phosphide 1314-84-7 0.3

*The RAC for other appendix VIII Rule R315-261 constituents not listed herein or in appendix V of Rule R315-266 is 0.1 ug/m³.

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R315-266-[604]1004. Appendix V to Rule R315-266 -- Risk Specific Doses, 10⁻⁵.

Table 5			
Constituent	CAS No.	Unit risk (m ³ /ug)	RsD (ug/m ³)
Acrylamide	79-06-1	1.3E-03	7.7E-03
Acrylonitrile	107-13-1	6.8E-05	1.5E-01
Aldrin	309-00-2	4.9E-03	2.0E-03
Aniline	62-53-3	7.4E-06	1.4E + 00
Arsenic	7440-38-2	4.3E-03	2.3E-03
Benz(a)anthracene	56-55-3	8.9E-04	1.1E-02
Benzene	71-43-2	8.3E-06	1.2E + 00
Benzidine	92-87-5	6.7E-02	1.5E-04
Benzo(a)pyrene	50-32-8	3.3E-03	3.0E-03
Beryllium	7440-41-7	2.4E-03	4.2E-03
Bis(2-chloroethyl)ether	111-44-4	3.3E-04	3.0E-02
Bis(chloromethyl)ether	542-88-1	6.2E-02	1.6E-04
Bis(2-ethylhexyl)-phthalate	117-81-7	2.4E-07	4.2E + 01

<u>1,3-Butadiene</u>	<u>106-99-0</u>	<u>2.8E-04</u>	<u>3.6E-02</u>
<u>Cadmium</u>	<u>7440-43-9</u>	<u>1.8E-03</u>	<u>5.6E-03</u>
<u>Carbon Tetrachloride</u>	<u>56-23-5</u>	<u>1.5E-05</u>	<u>6.7E-01</u>
<u>Chlordane</u>	<u>57-74-9</u>	<u>3.7E-04</u>	<u>2.7E-02</u>
<u>Chloroform</u>	<u>67-66-3</u>	<u>2.3E-05</u>	<u>4.3E-01</u>
<u>Chloromethane</u>	<u>74-87-3</u>	<u>3.6E-06</u>	<u>2.8E + 00</u>
<u>Chromium VI</u>	<u>7440-47-3</u>	<u>1.2E-02</u>	<u>8.3E-04</u>
<u>DDT</u>	<u>50-29-3</u>	<u>9.7E-05</u>	<u>1.0E-01</u>
<u>Dibenz(a,h)anthracene</u>	<u>53-70-3</u>	<u>1.4E-02</u>	<u>7.1E-04</u>
<u>1,2-Dibromo-3-chloropropane</u>	<u>96-12-8</u>	<u>6.3E-03</u>	<u>1.6E-03</u>
<u>1,2-Dibromoethane</u>	<u>106-93-4</u>	<u>2.2E-04</u>	<u>4.5E-02</u>
<u>1,1-Dichloroethane</u>	<u>75-34-3</u>	<u>2.6E-05</u>	<u>3.8E-01</u>
<u>1,2-Dichloroethane</u>	<u>107-06-2</u>	<u>2.6E-05</u>	<u>3.8E-01</u>
<u>1,1-Dichloroethylene</u>	<u>75-35-4</u>	<u>5.0E-05</u>	<u>2.0E-01</u>
<u>1,3-Dichloropropene</u>	<u>542-75-6</u>	<u>3.5E-01</u>	<u>2.9E-05</u>
<u>Dieldrin</u>	<u>60-57-1</u>	<u>4.6E-03</u>	<u>2.2E-03</u>
<u>Diethylstilbestrol</u>	<u>56-53-1</u>	<u>1.4E-01</u>	<u>7.1E-05</u>
<u>Dimethylnitrosamine</u>	<u>62-75-9</u>	<u>1.4E-02</u>	<u>7.1E-04</u>
<u>2,4-Dinitrotoluene</u>	<u>121-14-2</u>	<u>8.8E-05</u>	<u>1.1E-01</u>
<u>1,2-Diphenylhydrazine</u>	<u>122-66-7</u>	<u>2.2E-04</u>	<u>4.5E-02</u>
<u>1,4-Dioxane</u>	<u>123-91-1</u>	<u>1.4E-06</u>	<u>7.1E + 00</u>
<u>Epichlorohydrin</u>	<u>106-89-8</u>	<u>1.2E-06</u>	<u>8.3E + 00</u>
<u>Ethylene Oxide</u>	<u>75-21-8</u>	<u>1.0E-04</u>	<u>1.0E-01</u>
<u>Ethylene Dibromide</u>	<u>106-93-4</u>	<u>2.2E-04</u>	<u>4.5E-02</u>
<u>Formaldehyde</u>	<u>50-00-0</u>	<u>1.3E-05</u>	<u>7.7E-01</u>
<u>Heptachlor</u>	<u>76-44-8</u>	<u>1.3E-03</u>	<u>7.7E-03</u>
<u>Heptachlor Epoxide</u>	<u>1024-57-3</u>	<u>2.6E-03</u>	<u>3.8E-03</u>
<u>Hexachlorobenzene</u>	<u>118-74-1</u>	<u>4.9E-04</u>	<u>2.0E-02</u>
<u>Hexachlorobutadiene</u>	<u>87-68-3</u>	<u>2.0E-05</u>	<u>5.0E-01</u>
<u>Alpha-hexachloro-cyclohexane</u>	<u>319-84-6</u>	<u>1.8E-03</u>	<u>5.6E-03</u>
<u>Beta-hexachloro-cyclohexane</u>	<u>319-85-7</u>	<u>5.3E-04</u>	<u>1.9E-02</u>
<u>Gamma-hexachloro-cyclohexane</u>	<u>58-89-9</u>	<u>3.8E-04</u>	<u>2.6E-02</u>
<u>Hexachlorocyclo-hexane, Technical</u>		<u>5.1E-04</u>	<u>2.0E-02</u>
<u>Hexachlorodibenzo-p-dioxin(1,2 Mixture)</u>		<u>1.3E + 0</u>	<u>7.7E-06</u>
<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>4.0E-06</u>	<u>2.5E + 00</u>
<u>Hydrazine</u>	<u>302-01-2</u>	<u>2.9E-03</u>	<u>3.4E-03</u>
<u>Hydrazine Sulfate</u>	<u>302-01-2</u>	<u>2.9E-03</u>	<u>3.4E-03</u>
<u>3-Methylcholanthrene</u>	<u>56-49-5</u>	<u>2.7E-03</u>	<u>3.7E-03</u>
<u>Methyl Hydrazine</u>	<u>60-34-4</u>	<u>3.1E-04</u>	<u>3.2E-02</u>
<u>Methylene Chloride</u>	<u>75-09-2</u>	<u>4.1E-06</u>	<u>2.4E + 00</u>
<u>4,4'-Methylene-bis-2-chloroaniline</u>	<u>101-14-4</u>	<u>4.7E-05</u>	<u>2.1E-01</u>
<u>Nickel</u>	<u>7440-02-0</u>	<u>2.4E-04</u>	<u>4.2E-02</u>
<u>Nickel Refinery Dust</u>	<u>7440-02-0</u>	<u>2.4E-04</u>	<u>4.2E-02</u>
<u>Nickel Subsulfide</u>	<u>12035-72-2</u>	<u>4.8E-04</u>	<u>2.1E-02</u>
<u>2-Nitropropane</u>	<u>79-46-9</u>	<u>2.7E-02</u>	<u>3.7E-04</u>
<u>N-Nitroso-n-butylamine</u>	<u>924-16-3</u>	<u>1.6E-03</u>	<u>6.3E-03</u>
<u>N-Nitroso-n-methylurea</u>	<u>684-93-5</u>	<u>8.6E-02</u>	<u>1.2E-04</u>
<u>N-Nitrosodiethylamine</u>	<u>55-18-5</u>	<u>4.3E-02</u>	<u>2.3E-04</u>
<u>N-Nitrosopyrrolidine</u>	<u>930-55-2</u>	<u>6.1E-04</u>	<u>1.6E-02</u>
<u>Pentachloronitrobenzene</u>	<u>82-68-8</u>	<u>7.3E-05</u>	<u>1.4E-01</u>
<u>PCBs</u>	<u>1336-36-3</u>	<u>1.2E-03</u>	<u>8.3E-03</u>
<u>Pronamide</u>	<u>23950-58-5</u>	<u>4.6E-06</u>	<u>2.2E + 00</u>
<u>Reserpine</u>	<u>50-55-5</u>	<u>3.0E-03</u>	<u>3.3E-03</u>
<u>2,3,7,8-Tetrachloro-dibenzo-p-dioxin</u>	<u>1746-01-6</u>	<u>4.5E + 01</u>	<u>2.2E-07</u>
<u>1,1,2,2-Tetrachloroethane</u>	<u>79-34-5</u>	<u>5.8E-05</u>	<u>1.7E-01</u>
<u>Tetrachloroethylene</u>	<u>127-18-4</u>	<u>4.8E-07</u>	<u>2.1E + 01</u>
<u>Thiourea</u>	<u>62-56-6</u>	<u>5.5E-04</u>	<u>1.8E-02</u>
<u>1,1,2-Trichloroethane</u>	<u>79-00-5</u>	<u>1.6E-05</u>	<u>6.3E-01</u>
<u>Trichloroethylene</u>	<u>79-01-6</u>	<u>1.3E-06</u>	<u>7.7E + 00</u>
<u>2,4,6-Trichlorophenol</u>	<u>88-06-2</u>	<u>5.7E-06</u>	<u>1.8E + 00</u>
<u>Toxaphene</u>	<u>8001-35-2</u>	<u>3.2E-04</u>	<u>3.1E-02</u>
<u>Vinyl Chloride</u>	<u>75-01-4</u>	<u>7.1E-06</u>	<u>1.4E + 00</u>

[Table

Constituent CAS No. Unit risk R_{5D}
(m3/microg) (microg/m3)

Acrylamide 79 06 1 1.3E-03 7.7E-03
 Acrylonitrile 107 13 1 6.8E-05 1.5E-01
 Aldrin 309 00 2 4.9E-03 2.0E-03
 Aniline 62 53 3 7.4E-06 1.4E+00
 Arsenic 7440 38 2 4.3E-03 2.3E-03
 Benz(a)anthracene 56 55 3 8.9E-04 1.1E-02
 Benzene 71 43 2 8.3E-06 1.2E+00
 Benzidine 92 87 5 6.7E-02 1.5E-04
 Benzo(a)pyrene 50 32 8 3.3E-03 3.0E-03
 Beryllium 7440 41 7 2.4E-03 4.2E-03
 Bis(2-chloroethyl) 111 44 4 3.3E-04 3.0E-02
 ether
 Bis(chloromethyl)ether 542 88 1 6.2E-02 1.6E-04
 Bis(2-ethylhexyl) 117 81 7 2.4E-07 4.2E+01
 -phthalate
 1,3-Butadiene 106 99 0 2.8E-04 3.6E-02
 Cadmium 7440 43 9 1.8E-03 5.6E-03
 Carbon Tetrachloride 56 23 5 1.5E-05 6.7E-01
 Chlordane 57 74 9 3.7E-04 2.7E-02
 Chloroform 67 66 3 2.3E-05 4.3E-01
 Chloromethane 74 87 3 3.6E-06 2.8E+00
 Chromium VI 7440 47 3 1.2E-02 8.3E-04
 DDT 50 29 3 9.7E-05 1.0E-01
 Dibenz(a,h)anthracene 53 70 3 1.4E-02 7.1E-04
 1,2-Dibromo-2 96 12 8 6.3E-03 1.6E-03
 -chloropropane
 1,2-Dibromoethane 106 93 4 2.2E-04 4.5E-02
 1,1-Dichloroethane 75 34 3 2.6E-05 3.8E-01
 1,2-Dichloroethane 107 06 2 2.6E-05 3.8E-01
 1,1-Dichloroethylene 75 35 4 5.0E-05 2.0E-01
 1,3-Dichloropropene 542 75 6 3.5E-01 2.9E-05
 Dieldrin 60 57 1 4.6E-03 2.2E-03
 Diethylstilbestrol 56 53 1 1.4E-01 7.1E-05
 Dimethylnitrosamine 62 75 9 1.4E-02 7.1E-04
 2,4-Dinitrotoluene 121 14 2 8.8E-05 1.1E-01
 1,2-Diphenylhydrazine 122 66 7 2.2E-04 4.5E-02
 1,4-Dioxane 123 91 1 1.4E-06 7.1E+00
 Epichlorohydrin 106 89 8 1.2E-06 8.3E+00
 Ethylene Oxide 75 21 8 1.0E-04 1.0E-01
 Ethylene Dibromide 106 93 4 2.2E-04 4.5E-02
 Formaldehyde 50 00 0 1.3E-05 7.7E-01
 Heptachlor 76 44 8 1.3E-03 7.7E-03
 Heptachlor Epoxide 1024 57 3 2.6E-03 3.8E-03
 Hexachlorobenzene 118 74 1 4.9E-04 2.0E-02
 Hexachlorobutadiene 87 68 3 2.0E-05 5.0E-01
 Alpha-hexachloro 319 84 6 1.8E-03 5.6E-03
 -cyclohexane
 Beta-hexachloro 319 85 7 5.3E-04 1.9E-02
 -cyclohexane
 Gamma-hexachloro 58 89 9 3.8E-04 2.6E-02
 -cyclohexane
 Hexachlorocyclo 5.1E-04 2.0E-02
 -hexane, Technical
 Hexachlorodibenzo 1.3E+0 7.7E-06
 -p-dioxin
 (1,2-Mixture)
 Hexachloroethane 67 72 1 4.0E-06 2.5E+00
 Hydrazine 302 01 2 2.9E-03 3.4E-03
 Hydrazine Sulfate 302 01 2 2.9E-03 3.4E-03
 3-Methylcholanthrene 56 49 5 2.7E-03 3.7E-03
 Methyl Hydrazine 60 34 4 3.1E-04 3.2E-02
 Methylene Chloride 75 09 2 4.1E-06 2.4E+00
 4,4'-Methylene bis-2 101 14 4 4.7E-05 2.1E-01
 -chloroaniline
 Nickel 7440 02 0 2.4E-04 4.2E-02
 Nickel Refinery Dust 7440 02 0 2.4E-04 4.2E-02
 Nickel Subulfide 12035 72 2 4.8E-04 2.1E-02
 2-Nitropropane 79 46 9 2.7E-02 3.7E-04
 N-Nitroso-n-butylamine 924 16 3 1.6E-03 6.3E-03
 N-Nitroso-n-methylurea 684 93 5 8.6E-02 1.2E-04
 N-Nitrosodiethylamine 55 18 5 4.3E-02 2.3E-04
 N-Nitrosopyrrolidine 930 55 2 6.1E-04 1.6E-02
 Pentachloronitrobenzene 82 68 8 7.3E-05 1.4E-01
 PCBs 1336 36 3 1.2E-03 8.3E-03
 Pronamide 23950 58 5 4.6E-06 2.2E+00
 Reserpine 50 55 5 3.0E-03 3.3E-03
 2,3,7,8-Tetrachloro 1746 01 6 4.5E+01 2.2E-07
 -dibenzo-p-dioxin
 1,1,2,2 79 34 5 5.8E-05 1.7E-01
 Tetrachloroethane
 Tetrachloroethylene 127 18 4 4.8E-07 2.1E+01
 Thiourea 62 56 6 5.5E-04 1.8E-02
 1,1,2-Trichloroethane 79 00 5 1.6E-05 6.3E-01

Trichloroethylene 79-01-6 1.3E-06 7.7E+00
 2,4,6-Trichlorophenol 88-06-2 5.7E-06 1.8E+00
 Toxaphene 8001-35-2 3.2E-04 3.1E-02
 Vinyl Chloride 75-01-4 7.1E-06 1.4E+00

1

R315-266-[605]1005. Appendix VI to Rule R315-266 -- Stack Plume Rise.

Appendix VI of 40 CFR 266, 2015 edition, is [adopted and] incorporated by reference.

R315-266-[606]1006. Appendix VII to Rule R315-266 -- Health-Based Limits for Exclusion of Waste-Derived Residues*.

Table 7		
Metals-TCLP Extract Concentration Limits		
Constituent	CAS No.	Concentration limits (mg/L)
Antimony	7440-36-0	1xE + 00
Arsenic	7440-38-2	5xE + 00
Barium	7440-39-3	1xE + 02
Beryllium	7440-41-7	7xE-03
Cadmium	7440-43-9	1xE + 00
Chromium	7440-47-3	5xE + 00
Lead	7439-92-1	5xE + 00
Mercury	7439-97-6	2xE-01
Nickel	7440-02-0	7xE + 01
Selenium	7782-49-2	1xE + 00
Silver	7440-22-4	5xE + 00
Thallium	7440-28-0	7xE + 00
Nonmetals-Residue Concentration Limits		
Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	2xE-01
Acetophenone	98-86-2	4xE + 00
Acrolein	107-02-8	5xE-01
Acrylamide	79-06-1	2xE-04
Acrylonitrile	107-13-1	7xE-04
Aldrin	309-00-2	2xE-05
Allyl alcohol	107-18-6	2xE-01
Aluminum phosphide	20859-73-8	1xE-02
Aniline	62-53-3	6xE-02
Barium cyanide	542-62-1	1xE + 00
Benz(a)anthracene	56-55-3	1xE-04
Benzene	71-43-2	5xE-03
Benzidine	92-87-5	1xE-06
Bis(2-chloroethyl) ether	111-44-4	3xE-04
Bis(chloromethyl) ether	542-88-1	2xE-06
Bis(2-ethylhexyl) phthalate	117-81-7	3xE + 01
Bromoform	75-25-2	7xE-01
Calcium cyanide	592-01-8	1xE-06
Carbon disulfide	75-15-0	4xE + 00
Carbon tetrachloride	56-23-5	5xE-03
Chlordane	57-74-9	3xE-04
Chlorobenzene	108-90-7	1xE + 00
Chloroform	67-66-3	6xE-02
Copper cyanide	544-92-3	2xE-01
Cresols (Cresylic acid)	1319-77-3	2xE + 00
Cyanogen	460-19-5	1xE + 00
DDT	50-29-3	1xE-03
Dibenz(a, h)-anthracene	53-70-3	7xE-06
1,2-Dibromo-3-chloropropane	96-12-8	2xE-05
p-Dichlorobenzene	106-46-7	7.5xE-02
Dichlorodifluoromethane	75-71-8	7xE + 00
1,1-Dichloroethylene	75-35-4	5xE-03
2,4-Dichlorophenol	120-83-2	1xE-01
1,3-Dichloropropene	542-75-6	1xE-03
Dieldrin	60-57-1	2xE-05
Diethyl phthalate	84-66-2	3xE + 01
Diethylstilbesterol	56-53-1	7xE-07
Dimethoate	60-51-5	3xE-02
2,4-Dinitrotoluene	121-14-2	5xE-04
Diphenylamine	122-39-4	9xE-01

<u>1,2-Diphenylhydrazine</u>	<u>122-66-7</u>	<u>5xE-04</u>
<u>Endosulfan</u>	<u>115-29-7</u>	<u>2xE-03</u>
<u>Endrin</u>	<u>72-20-8</u>	<u>2xE-04</u>
<u>Epichlorohydrin</u>	<u>106-89-8</u>	<u>4xE-02</u>
<u>Ethylene dibromide</u>	<u>106-93-4</u>	<u>4xE-07</u>
<u>Ethylene oxide</u>	<u>75-21-8</u>	<u>3xE-04</u>
<u>Fluorine</u>	<u>7782-41-4</u>	<u>4xE + 00</u>
<u>Formic acid</u>	<u>64-18-6</u>	<u>7xE + 01</u>
<u>Heptachlor</u>	<u>76-44-8</u>	<u>8xE-05</u>
<u>Heptachlor epoxide</u>	<u>1024-57-3</u>	<u>4xE-05</u>
<u>Hexachlorobenzene</u>	<u>118-74-1</u>	<u>2xE-04</u>
<u>Hexachlorobutadiene</u>	<u>87-68-3</u>	<u>5xE-03</u>
<u>Hexachlorocyclopentadiene</u>	<u>77-47-4</u>	<u>2xE-01</u>
<u>Hexachlorodibenzo-p-dioxins</u>	<u>19408-74-3</u>	<u>6xE-08</u>
<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>3xE-02</u>
<u>Hydrazine</u>	<u>302-01-1</u>	<u>1xE-04</u>
<u>Hydrogen cyanide</u>	<u>74-90-8</u>	<u>7xE-05</u>
<u>Hydrogen sulfide</u>	<u>7783-06-4</u>	<u>1xE-06</u>
<u>Isobutyl alcohol</u>	<u>78-83-1</u>	<u>1xE + 01</u>
<u>Methomyl</u>	<u>16752-77-5</u>	<u>1xE + 00</u>
<u>Methoxychlor</u>	<u>72-43-5</u>	<u>1xE-01</u>
<u>3-Methylcholanthrene</u>	<u>56-49-5</u>	<u>4xE-05</u>
<u>4,4'-Methylenebis (2-chloroaniline)</u>	<u>101-14-4</u>	<u>2xE-03</u>
<u>Methylene chloride</u>	<u>75-09-2</u>	<u>5xE-02</u>
<u>Methyl ethyl ketone (MEK)</u>	<u>78-93-3</u>	<u>2xE + 00</u>
<u>Methyl hydrazine</u>	<u>60-34-4</u>	<u>3xE-04</u>
<u>Methyl parathion</u>	<u>298-00-0</u>	<u>2xE-02</u>
<u>Naphthalene</u>	<u>91-20-3</u>	<u>1xE + 01</u>
<u>Nickel cyanide</u>	<u>557-19-7</u>	<u>7xE-01</u>
<u>Nitric oxide</u>	<u>10102-43-9</u>	<u>4xE + 00</u>
<u>Nitrobenzene</u>	<u>98-95-3</u>	<u>2xE-02</u>
<u>N-Nitrosodi-n-butylamine</u>	<u>924-16-3</u>	<u>6xE-05</u>
<u>N-Nitrosodiethylamine</u>	<u>55-18-5</u>	<u>2xE-06</u>
<u>N-Nitroso-N-methylurea</u>	<u>684-93-5</u>	<u>1xE-07</u>
<u>N-Nitrosopyrrolidine</u>	<u>930-55-2</u>	<u>2xE-04</u>
<u>Pentachlorobenzene</u>	<u>608-93-5</u>	<u>3xE-02</u>
<u>Pentachloronitrobenzene (PCNB)</u>	<u>82-68-8</u>	<u>1xE-01</u>
<u>Pentachlorophenol</u>	<u>87-86-5</u>	<u>1xE + 00</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>1xE + 00</u>
<u>Phenylmercury acetate</u>	<u>62-38-4</u>	<u>3xE-03</u>
<u>Phosphine</u>	<u>7803-51-2</u>	<u>1xE-02</u>
<u>Polychlorinated biphenyls, N.O.S</u>	<u>1336-36-3</u>	<u>5xE-05</u>
<u>Potassium cyanide</u>	<u>151-50-8</u>	<u>2xE + 00</u>
<u>Potassium silver cyanide</u>	<u>506-61-6</u>	<u>7xE + 00</u>
<u>Pronamide</u>	<u>23950-58-5</u>	<u>3xE + 00</u>
<u>Pyridine</u>	<u>110-86-1</u>	<u>4xE-02</u>
<u>Reserpine</u>	<u>50-55-5</u>	<u>3xE-05</u>
<u>Selenourea</u>	<u>630-10-4</u>	<u>2xE-01</u>
<u>Silver cyanide</u>	<u>506-64-9</u>	<u>4xE + 00</u>
<u>Sodium cyanide</u>	<u>143-33-9</u>	<u>1xE + 00</u>
<u>Strychnine</u>	<u>57-24-9</u>	<u>1xE-02</u>
<u>1,2,4,5-Tetrachlorobenzene</u>	<u>95-94-3</u>	<u>1xE-02</u>
<u>1,1,2,2-tetrachloroethane</u>	<u>79-34-5</u>	<u>2xE-03</u>
<u>Tetrachloroethylene</u>	<u>127-18-4</u>	<u>7xE-01</u>
<u>2,3,4,6-Tetrachlorophenol</u>	<u>58-90-2</u>	<u>1xE-02</u>
<u>Tetraethyl lead</u>	<u>78-00-2</u>	<u>4xE-06</u>
<u>Thiourea</u>	<u>62-56-6</u>	<u>2xE-04</u>
<u>Toluene</u>	<u>108-88-3</u>	<u>1xE + 01</u>
<u>Toxaphene</u>	<u>8001-35-2</u>	<u>5xE-03</u>
<u>1,1,2-Trichloroethane</u>	<u>79-00-5</u>	<u>6xE-03</u>
<u>Trichloroethylene</u>	<u>79-01-6</u>	<u>5xE-03</u>
<u>Trichloromonofluoromethane</u>	<u>75-69-4</u>	<u>1xE + 01</u>
<u>2,4,5-Trichlorophenol</u>	<u>95-95-4</u>	<u>4xE + 00</u>
<u>2,4,6-Trichlorophenol</u>	<u>88-06-2</u>	<u>4xE + 00</u>
<u>Vanadium pentoxide</u>	<u>1314-62-1</u>	<u>7xE-01</u>
<u>Vinyl chloride</u>	<u>75-01-4</u>	<u>2xE-03</u>

*1: The health-based concentration limits for appendix VIII Rule R315-261 constituents for which a health-based concentration is not provided is 2xE-06 mg/kg.

2: The levels specified in this appendix and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of this appendix are administratively stayed under the condition, for those constituents specified in Subsection R315-266-112(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in Section R315-268-43 for FO39 nonwastewaters. See Subsection R315-266-112(b)(2)(i).

[Table

Metals — TCLP Extract Concentration Limits:

Constituent — CAS No. — Concentration limits
(mg/L)

Antimony — 7440-36-0 — 1xE+00
Arsenic — 7440-38-2 — 5xE+00
Barium — 7440-39-3 — 1xE+02
Beryllium — 7440-41-7 — 7xE-03
Cadmium — 7440-43-9 — 1xE+00
Chromium — 7440-47-3 — 5xE+00
Lead — 7439-92-1 — 5xE+00
Mercury — 7439-97-6 — 2xE-01
Nickel — 7440-02-0 — 7xE+01
Selenium — 7782-49-2 — 1xE+00
Silver — 7440-22-4 — 5xE+00
Thallium — 7440-28-0 — 7xE+00

Nonmetals — Residue Concentration Limits

Constituent — CAS No. — Concentration limits
for residues (mg/kg)

Acetonitrile — 75-05-8 — 2xE-01
Acetophenone — 98-86-2 — 4xE+00
Acrolein — 107-02-8 — 5xE-01
Acrylamide — 79-06-1 — 2xE-04
Acrylonitrile — 107-13-1 — 7xE-04
Aldrin — 309-00-2 — 2xE-05
Allyl alcohol — 107-18-6 — 2xE-01
Aluminum phosphide — 20859-73-8 — 1xE-02
Aniline — 62-53-3 — 6xE-02
Barium cyanide — 542-62-1 — 1xE+00
Benz(a)anthracene — 56-55-3 — 1xE-04
Benzene — 71-43-2 — 5xE-03
Benzidine — 92-87-5 — 1xE-06
Bis(2-chloroethyl) ether — 111-44-4 — 3xE-04
Bis(chloroethyl) ether — 542-88-1 — 2xE-06
Bis(2-ethylhexyl) — 117-81-7 — 3xE+01
phthalate
Bromoform — 75-25-2 — 7xE-01
Calcium cyanide — 592-01-8 — 1xE-06
Carbon disulfide — 75-15-0 — 4xE+00
Carbon tetrachloride — 56-23-5 — 5xE-03
Chlordane — 57-74-9 — 3xE-04
Chlorobenzene — 108-90-7 — 1xE+00
Chloroform — 67-66-3 — 6xE-02
Copper cyanide — 544-92-3 — 2xE-01
Cresols — 1319-77-3 — 2xE+00
(Cresylic acid)
Cyanogen — 460-19-5 — 1xE+00
DDT — 50-29-3 — 1xE-03
Dibenz(a,h) anthracene — 53-70-3 — 7xE-06
1,2-Dibromo-3 — 96-12-8 — 2xE-05
-chloropropane
p-Dichlorobenzene — 106-46-7 — 7.5xE-02
Dichlorodifluoromethane — 75-71-8 — 7xE+00
1,1-Dichloroethylene — 75-35-4 — 5xE-03
2,4-Dichlorophenol — 120-83-2 — 1xE-01
1,2-Dichloropropene — 542-75-6 — 1xE-03
Dieldrin — 60-57-1 — 2xE-05
Diethyl phthalate — 84-66-2 — 3xE+01
Diethylstilbesterol — 56-53-1 — 7xE-07
Dimethoate — 60-51-5 — 3xE-02
2,4-Dinitrotoluene — 121-14-2 — 5xE-04
Diphenylamine — 122-39-4 — 9xE-01
1,2-Diphenylhydrazine — 122-66-7 — 5xE-04
Endosulfan — 115-29-7 — 2xE-03
Endrin — 72-20-8 — 2xE-04
Epichlorohydrin — 106-89-8 — 4xE-02
Ethylene dibromide — 106-93-4 — 4xE-07

Ethylene oxide	75-21-8	3xE-04
Fluorine	7782-41-4	4xE+00
Formic acid	64-18-6	7xE+01
Heptachlor	76-44-8	8xE-05
Heptachlor epoxide	1024-57-3	4xE-05
Hexachlorobenzene	118-74-1	2xE-04
Hexachlorobutadiene	87-68-3	5xE-03
Hexachlorocyclopentadiene	77-47-4	2xE-01
Hexachlorodibenzo-p-dioxins	19408-74-3	6xE-08
Hexachloroethane	67-72-1	3xE-02
Hydrazine	302-01-1	1xE-04
Hydrogen cyanide	74-90-8	7xE-05
Hydrogen sulfide	7783-06-4	1xE-06
Isobutyl alcohol	78-83-1	1xE+01
Methomyl	16752-77-5	1xE+00
Methoxychlor	72-43-5	1xE-01
3-Methylcholanthrene	56-49-5	4xE-05
4,4'-Methylenebis(2-chloroaniline)	101-14-4	2xE-02
Methylene chloride	75-09-2	5xE-02
Methyl ethyl ketone (MEK)	78-93-3	2xE+00
Methyl hydrazine	60-34-4	3xE-04
Methyl parathion	298-00-0	2xE-02
Naphthalene	91-20-3	1xE+01
Nickel cyanide	557-19-7	7xE-01
Nitric oxide	10102-43-9	4xE+00
Nitrobenzene	98-95-3	2xE-02
N-Nitrosodi-n-butylamine	924-16-3	6xE-05
N-Nitrosodiethylamine	55-18-5	2xE-06
N-Nitroso-N-methylurea	684-93-5	1xE-07
N-Nitrosopyrrolidine	930-55-2	2xE-04
Pentachlorobenzene	608-93-5	3xE-02
Pentachloronitrobenzene (PCNB)	82-68-8	1xE-01
Pentachlorophenol	87-86-5	1xE+00
Phenol	108-95-2	1xE+00
Phenylmercury acetate	62-38-4	3xE-03
Phosphine	7803-51-2	1xE-02
Polychlorinated biphenyls, N.O.S	1336-36-3	5xE-05
Potassium cyanide	151-50-8	2xE+00
Potassium silver cyanide	506-61-6	7xE+00
Pronamide	23950-58-5	3xE+00
Pyridine	110-86-1	4xE-02
Reserpine	50-55-5	3xE-05
Selenourea	630-10-4	2xE-01
Silver cyanide	506-64-9	4xE+00
Sodium cyanide	143-23-9	1xE+00
Strychnine	57-24-9	1xE-02
1,2,4,5-Tetrachlorobenzene	95-94-3	1xE-02
1,1,2,2-Tetrachloroethane	79-34-5	2xE-03
Tetrachloroethylene	127-18-4	7xE-01
2,3,4,6-Tetrachlorophenol	58-90-2	1xE-02
Tetraethyl lead	78-00-2	4xE-06
Thiourea	62-56-6	2xE-04
Toluene	108-88-3	1xE+01
Toxaphene	8001-35-2	5xE-03
1,1,2-Trichloroethane	79-00-5	6xE-03
Trichloroethylene	79-01-6	5xE-03
Trichloromonofluoromethane	75-69-4	1xE+01
2,4,5-Trichlorophenol	95-95-4	4xE+00
2,4,6-Trichlorophenol	88-06-2	4xE+00
Vanadium pentoxide	1314-62-1	7xE-01
Vinyl chloride	75-01-4	2xE-03

*Note 1: The health-based concentration limits for appendix VIII Rule R315-261 constituents for which a health-based concentration is not provided below is 2xE-06 mg/kg.

Note 2: The levels specified in this appendix and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of this appendix are administratively stayed under the condition, for those constituents specified in Subsection R315-266-112(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in Section R315-268-42 for F039 nonwastewaters. See Subsection R315-266-112(b)(2)(i).

Table 8	
Volatiles	Semivolatiles
Benzene	Bis(2-ethylhexyl)phthalate
Toluene	Naphthalene
Carbon tetrachloride	Phenol
Chloroform	Diethyl phthalate
Methylene chloride	Butyl benzyl phthalate
Trichloroethylene	2,4-Dimethylphenol
Tetra chloroethylene	o-Dichlorobenzene
1,1,1-Trichloroethane	m-Dichlorobenzene
Chlorobenzene	p-Dichlorobenzene
cis-1,4-Dichloro-2-butene	Hexachlorobenzene
Bromochloromethane	2,4,6-Trichlorophenol
Bromodichloromethane	Fluoranthene
Bromoform	o-Nitrophenol
Bromomethane	1,2,4-Trichlorobenzene
Methylene bromide	o-Chlorophenol
Methyl ethyl ketone	Pentachlorophenol
	Pyrene
	Dimethyl phthalate
	Mononitrobenzene
	2,6-Toluene diisocyanate
	Polychlorinated dibenzo-p-dioxins ¹
	Polychlorinated dibenzo-furans ¹
1. Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber, for example: ductwork, boiler tubes, heat exchange surfaces, air pollution control devices.	
Note to the table: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.	

[Table

Volatiles

Benzene
 Toluene
 Carbon tetrachloride
 Chloroform
 Methylene chloride
 Trichloroethylene
 Tetra chloroethylene
 1,1,1-Trichloroethane
 Chlorobenzene
 cis-1,4-Dichloro-2-butene
 Bromochloromethane
 Bromodichloromethane
 Bromoform
 Bromomethane
 Methylene bromide
 Methyl ethyl ketone

Semivolatiles

 Bis(2-ethylhexyl)phthalate
 Naphthalene
 Phenol
 Diethyl phthalate
 Butyl benzyl phthalate
 2,4-Dimethylphenol
 o-Dichlorobenzene
 m-Dichlorobenzene
 p-Dichlorobenzene
 Hexachlorobenzene
 2,4,6-Trichlorophenol
 Fluoranthene
 o-Nitrophenol
 1,2,4-Trichlorobenzene
 o-Chlorophenol
 Pentachlorophenol
 Pyrene
 Dimethyl phthalate
 Mononitrobenzene

2,6-Toluene diisocyanate
Polychlorinated dibenzo-p-dioxins(1)
Polychlorinated dibenzo-furans(1)

(1) Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber, e.g., ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, etc.

Note to Appendix VIII: Analysis is not required for those compounds that do not have an established F029 nonwastewater concentration limit.

]

R315-266-~~[608]~~1008. Appendix IX to Rule R315-266 -- Methods Manual for Compliance With the BIF Regulations.

Appendix IX of 40 CFR 266, 2015 edition, is ~~[adopted and]~~ incorporated by reference.

R315-266-~~[609]~~1009. Appendix XI to Rule R315-266 -- Lead-Bearing Materials That May Be Processed in Exempt Lead Smelters.

A. Exempt Lead-Bearing Materials If Generated or Originally Produced By Lead-Associated Industries¹~~[(1)]~~

Acid dump or fill solids

Sump mud

Materials from laboratory analyses

Acid filters

Baghouse bags

Clothing, ~~[e.g.,]~~for example coveralls, aprons, shoes, hats, gloves

Sweepings

Air filter bags and cartridges

Respiratory cartridge filters

Shop abrasives

Stacking boards

Waste shipping containers, ~~[e.g.,]~~for example cartons, bags, drums, cardboard

Paper hand towels

Wiping rags and sponges

Contaminated pallets

Water treatment sludges, filter cakes, residues, and solids

Emission control dusts, sludges, filter cakes, residues, and solids from lead-associated industries, ~~[e.g.,]~~for example K069 and D008 wastes

Spent grids, posts, and separators

Spent batteries

Lead oxide and lead oxide residues

Lead plates and groups

Spent battery cases, covers, and vents

Pasting belts

Water filter media

Cheesecloth from pasting rollers

Pasting additive bags

Asphalt paving materials

B. Exempt Lead-Bearing Materials If Generated or Originally Produced By Any Industry

Charging jumpers and clips

Platen abrasive

Fluff from lead wire and cable casings

Lead-based pigments and compounding pigment dust

(1) Lead-associated industries are lead smelters, lead-acid battery manufacturing, and lead chemical manufacturing, for example~~[e.g.,]~~ manufacturing of lead oxide or other lead compounds.

R315-266-~~[610]~~1010. Appendix XII to Rule R315-266 -- Nickel or Chromium-Bearing Materials That May Be Processed in Exempt Nickel-Chromium Recovery Furnaces.

A. Exempt Nickel or Chromium-Bearing Materials if Generated by Manufacturers or Users of Nickel, Chromium, or Iron

Baghouse bags

Raney nickel catalyst

Floor sweepings

Air filters

Electroplating bath filters

Wastewater filter media

Wood pallets

Disposable clothing such as~~[e.g.,]~~coveralls, aprons, hats, and gloves~~[}]~~

Laboratory samples and spent chemicals

Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes

Respirator cartridge filters

Paper hand towels

B. Exempt Nickel or Chromium-Bearing Materials if Generated by Any Industry

Electroplating wastewater treatment sludges, ~~[e.g.,]~~F006~~[}]~~

Solutions containing Nickel, chromium or both

Nickel, chromium, and iron catalysts

Nickel-cadmium and nickel-iron batteries

Filter cake from wet scrubber system water treatment plants in the specialty steel industry¹~~[(4)]~~

Filter cake from nickel-chromium alloy pickling operations¹~~[(4)]~~

(1) If a hazardous waste under an authorized [S]state program.

R315-266-~~614~~1011. Appendix XIII to Rule R315-266 -- Mercury Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units.

These are exempt mercury[-]bearing materials with less than 500 ppm of Rule R315-261, appendix VIII organic constituents if generated by manufacturers or users of mercury or mercury products.

1. Activated carbon
2. Decomposer graphite
3. Wood
4. Paper
5. Protective clothing
6. Sweepings
7. Respiratory cartridge filters
8. Cleanup articles
9. Plastic bags and other contaminated containers
10. Laboratory and process control samples
11. K106 and other wastewater treatment plant sludge and filter cake
12. Mercury cell sump and tank sludge
13. Mercury cell process solids
14. Recoverable levels of mercury contained in soil

KEY: hazardous waste

Date of Last Change: January 13, 2025

Notice of Continuation: January 14, 2021

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

State of Utah
Administrative Rule Analysis
Revised May 2025

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:

R315-270

Filing ID: OFFICE USE ONLY

Date of previous publication (only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	Mutli Agency State Office Building	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Kari Lundeen	385-499-4923	klundeen@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:	
R315-270. Hazardous Waste Permit Program.	
3. Are any changes in this filing because of state legislative action?	Changes are not because of legislative action.
If yes, any bill number and session:	HB 1 (2025 General Session), SB 25 (2024 3rd Special Session)
4. Purpose of the new rule or reason for the change:	
In July of 2024, the EPA finalized rulemaking that integrates e-Manifest with hazardous waste exports and other manifest related reports, PCB manifest amendments, and technical corrections. This rulemaking amended federal regulations found in 40 CFR 270. In October of 2024, the EPA finalized regulations for the management of certain hydrofluorocarbons and substitutes (ignitable spent refrigerants) under the American Innovation and Manufacturing Act of 2020. This rulemaking included amendments to rules regarding the recycling and disposal hydrofluorocarbons. As an authorized state Utah is required to maintain a program that is equivalent to the federal program and therefore must amend R315-270 to conform with the federal regulations.	
5. Summary of the new rule or change:	
R315-270-1(c)(2)(ix) adds recyclers of ignitable spent refrigerants to the list of persons not required to get a hazardous waste permit. R315-270-30(l)(7) is being amended to update the requirements for submission of manifest discrepancy reports and to add requirements for unmanifested waste reports. Subsection R315-261-2(a)(2)(i)(D) is being added to the rules to state that a military munition identified as a solid waste in Additionally, the Division is correcting typographical and formatting errors in Rule R315-261.	

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
It is not anticipated that this rulemaking will result in any cost or savings to the state budget because it does not add or remove any requirements for state agencies.

B. Local governments:

It is not anticipated that this rulemaking will result in any cost or savings to local governments because there are no local governments in Utah that recycle ignitable spent refrigerants or would need to submit manifest discrepancy or unmanifested waste reports..

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that this rulemaking will result in any costs to small businesses that must comply with these rules because the amendments do not add any new requirements for small businesses in Utah. It is anticipated that the amended rules could result in cost savings resulting from the move to submit reports electronically, however; it is not possible to determine how many facilities will need to submit manifest discrepancy reports or unmanifested waste reports because these reports are only submitted when required and not on a regular basis so it is not possible for the Division to determine the cost savings that may result.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this rulemaking will result in any costs to non-small businesses that must comply with these rules because the amendments do not add any new requirements for non-small businesses in Utah. It is anticipated that the amended rules could result in cost savings resulting from the move to submit reports electronically, however; it is not possible to determine how many facilities will need to submit manifest discrepancy reports or unmanifested waste reports because these reports are only submitted when required and not on a regular basis so it is not possible for the Division to determine the cost savings that may result.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this rulemaking will result in any costs to small businesses, non-small businesses, state, or local governments that must comply with these rules because the amendments do not add any new requirements for small businesses, non-small businesses, state, or local governments in Utah. It is anticipated that the amended rules could result in cost savings resulting from the move to submit reports electronically, however; it is not possible to determine how many facilities will need to submit manifest discrepancy reports or unmanifested waste reports because these reports are only submitted when required and not on a regular basis so it is not possible for the Division to determine the cost savings that may result.

F. Compliance costs for affected persons:

It is not anticipated that there will be any additional compliance costs above those costs that are already in place for affected persons who must comply with these rules.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 19-6-105	Section 19-6-106	

Incorporation by Reference Information

8. Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 10/31/2025

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		

To the agency: If more than one hearing is planned to take place, continue to add rows.

10. This rule change MAY become effective on: 11/17/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	Click or tap to enter a date.
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-270. Hazardous Waste Permit Program.

R315-270-1. Hazardous Waste Permit Program -- Purpose and Scope of ~~This~~ Rule R315-270.

(a) No person shall own, construct, modify, or operate any facility for treating, storing, or disposing of hazardous waste without first submitting, and receiving the approval of the director for, a hazardous waste permit for that facility. However, any person owning or operating a facility on or before November 19, 1980, who has given timely notification as required by Section 3010 of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C., Section 6921, et seq., and who has submitted a proposed hazardous waste permit as required by Section R315-270-1 and Section 19-6-108 for that facility, may continue to operate that facility without violating Section R315-270-1 until the permit is approved or disapproved pursuant to Section R315-270-1.

(b)(1) The director shall review each proposed hazardous waste permit application to determine whether the application will be in accord with Rules R315-260 through R315-266, R315-268, R315-270, and R315-273, and Section 19-6-108 and, on that basis, shall approve or disapprove the application within the applicable time period specified in Section 19-6-108. If, after the receipt of plans, specifications, or other information required under Rule R315-270 and Section 19-6-108 and within the applicable time period of Section 19-6-108, the director determines that the proposed construction, installation or establishment or any part of it will not be in accord with the requirements of Rule R315-270 or other applicable

rules, the director shall issue an order prohibiting the construction, installation, or establishment of the proposal in whole or in part. The date of submission shall be the date that the required information is provided to the director as required by Rule R315-270.

(2) Any permit application that does not meet the requirements of Rules R315-260 through R315-266, R315-268, R315-270, and R315-273 shall be disapproved within the applicable time period specified in Section 19-6-108. If within the applicable time period specified in Section 19-6-108 the director fails to approve or disapprove the permit application or to request the submission of any additional information or modification to the application, the application may not be considered approved but the applicant may petition the director for a decision or seek judicial relief requiring a decision of approval or disapproval.

(3) An application for approval of a hazardous waste permit consists of two parts, part A and part B. For an existing facility, the requirement is satisfied by submitting only part A of the application until the date the director sets for each individual facility for submitting part B of the application, which date shall be in no case less than six months after the director gives notice to a particular facility that it shall submit part B of the application.

(c) Scope of the hazardous waste permit requirement. Section 19-6-108 requires a permit for the "treatment," "storage," and "disposal" of any "hazardous waste" as identified or listed in Rule R315-261. The terms "treatment," "storage," "disposal," and "hazardous waste" are defined in Section R315-270-2. Owners and operators of hazardous waste management units shall have permits during the active life, including the closure period, of the unit. Owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received waste after July 26, 1982, or that certified closure, in accordance with Section R315-265-115, after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal or decontamination as provided under Subsections R315-270-1(c)(5) and R315-270-1(c)(6), or get an enforceable document in lieu of a post-closure permit, as provided under Subsection R315-270-1(c)(7). If a post-closure permit is required, the permit shall address applicable Rule R315-264 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to get a post-closure permit under Section R315-270-1.

(1) Specific inclusions. Owners and operators of certain facilities require hazardous waste permits as well as permits under other programs for certain aspects of the facility operation. Hazardous waste permits are required for the ~~[following]~~ the activities listed in Subsections R315-270-1(c)(1)(i) and R315-270-1(c)(1)(ii):

(i) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store, or dispose of hazardous waste. However, the owner and operator with a Utah or federal UIC permit, shall be considered to have a "permit by rule" for the injection well itself if they comply with the requirements of Subsection R315-270-60(b).

(ii) Treatment, storage, or disposal of hazardous waste at facilities requiring a National Pollutant Discharge Elimination System (NPDES) permit. However, the owner and operator of a publicly owned treatment works receiving hazardous waste shall be considered to have a "permit by rule" for that waste if they comply with the requirements of Subsection R315-270-60(c).

(2) Specific exclusions and exemptions. ~~[The following]~~ Persons listed in Subsections R315-270-1(c)(2)(i) through R315-270-1(c)(2)(ix) are not required to get a hazardous waste permit.

(i) A generator who accumulates hazardous waste on-site in compliance with the conditions for exemption provided in Sections R315-262-14, R315-262-15, R315-262-16, and R315-262-17.

(ii) A farmer who disposes of hazardous waste pesticides from their own use as provided in Section R315-262-70.

(iii) A person who owns or operates facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulation under Rule R315-270 by Section R315-261-4 or Section R315-262-14, very small quantity generator exemption.

(iv) An owner or operator of totally enclosed treatment facilities as defined in Section R315-260-10.

(v) An owner and operator of one or more elementary neutralization units or wastewater treatment units as defined in Section R315-260-10.

(vi) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of Section R315-262-30 at a transfer facility for a period of ten days or less.

(vii) A person adding absorbent material to waste in a container, as defined in Section R315-260-10, and a person adding waste to absorbent material in a container, these actions shall occur waste is first placed in the container, and Subsection R315-264-17(b) and Sections R315-264-171 and R315-264-172 are complied with.

(viii) Universal waste handlers and universal waste transporters, as defined in Section R315-260-10, managing the wastes listed in Subsections R315-270-1(c)(2)(viii)(A) through R315-270-1(c)(2)(viii)(E). These handlers are subject to regulation under Rule R315-273 if handling the ~~[following]~~ universal wastes listed in Subsections R315-270-1(c)(2)(viii)(A) through R315-270-1(c)(2)(viii)(E):

(A) batteries as described in Section R315-273-2;

(B) pesticides as described in Section R315-273-3;

(C) mercury-containing equipment as described in Section R315-273-4;

(D) lamps as described in Section R315-273-5; and

(E) aerosol cans as described in Section R315-273-6.

(ix) ~~[Reserved]~~ Recyclers of ignitable spent refrigerants subject to regulation in accordance with Sections R315-266-600 through R315-266-602.

(3) Further exclusions.

(i) A person is not required to get a permit for treatment or containment activities taken during immediate response to any of the ~~[following]~~ situations listed in Subsections R315-270-1(c)(3)(i)(A) through R315-270-1(c)(3)(i)(C):

(A) a discharge of a hazardous waste;

(B) an imminent and substantial threat of a discharge of hazardous waste; or

(C) a discharge of a material that, if discharged, becomes a hazardous waste.

(ii) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to the applicable requirements of Rule R315-270 for those activities.

(iii) In the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit shall keep records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(4) Permits for less than an entire facility. The director may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to each of the units at the facility. The interim status of any unit that has not been issued or denied a permit is not affected by the issuance or denial of a permit to any other unit at the facility.

(5) Closure by removal. Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under Rule R315-265 standards shall get a post-closure permit unless they can demonstrate to the director that the closure met the standards for closure by removal or decontamination in Section R315-264-228, Subsection R315-264-280(e), or Section R315-264-258, respectively. The demonstration may be made ~~[in the following ways]~~ as detailed in Subsections R315-270-1(c)(5)(i) and R315-270-1(c)(5)(ii).

(i) If the owner or operator has submitted a part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that Rule R315-264 closure by removal standards were met. If the director believes that Rule R315-264 standards were met, the director shall notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in Subsection R315-270-1(c)(6).

(ii) If the owner or operator has not submitted a part B application for a post-closure permit, the owner or operator may petition the director for a determination that a post-closure permit is not required because the closure met the applicable Rule R315-264 closure standards.

(A) The petition shall include data demonstrating that closure by removal or decontamination standards of Rule R315-264 were met.

(B) The director shall approve or deny the petition according to the procedures outlined in Subsection R315-270-1(c)(6).

(6) Procedures for closure equivalency determination.

(i) If a facility owner or operator seeks an equivalency demonstration under Subsection R315-270-1(c)(5), the director shall provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner or operator within 30 days from the date of the notice. The director shall also, in response to a request or at the director's discretion, hold a public hearing ~~[when such]~~ if a hearing might clarify one or more issues concerning the equivalence of the Rule R315-265 closure to a Rule R315-264 closure. The director shall give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given when that notice of the opportunity for the public to submit written comments is given, and the two notices may be combined.

(ii) The director shall determine whether the Rule R315-265 closure met the Rule R315-264 closure by removal or decontamination requirements within 90 days of its receipt. If the director finds that the closure did not meet the applicable Rule R315-264 standards, the director shall provide the owner or operator with a written statement of the reasons why the closure failed to meet Rule R315-264 standards. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving the written statement. The director shall review any additional information submitted and make a final determination within 60 days.

(iii) If the director determines that the facility did not close in accordance with Rule R315-264 closure by removal standards, the facility is subject to post-closure permitting requirements.

(7) Enforceable documents for post-closure care. At the discretion of the director, an owner or operator may get, in lieu of a post-closure permit, an enforceable document imposing the requirements of Section R315-265-121. "Enforceable document" means an order, a permit, or other document issued by the director including a corrective action order issued by EPA under Section 3008(h), a CERCLA remedial action, or a closure or post-closure permit.

R315-270-30. Hazardous Waste Permit Program -- Conditions Applicable to ~~[All]~~ Each Permit[s].

The ~~[following]~~ conditions in Section R315-270-30 apply to ~~[all]~~ each hazardous waste facility permit[s], and shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these ~~[regulations]~~ rules shall be given in the permit.

(a) Duty to comply. The permittee shall comply with ~~[all]~~ the conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration ~~[such]~~ the noncompliance is authorized in an emergency permit ~~[-(8)]~~, see Section R315-270-61 [j]. Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of Sections 19-6-101 through 19-6-125 and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.

(c) Need to halt or reduce activity not a defense. It ~~[shall]~~ may not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity ~~[in order]~~ to maintain compliance with the conditions of this permit.

(d) In the event of noncompliance with the permit, the permittee shall take ~~[all]~~ reasonable steps to minimize releases to the environment, and shall carry out ~~[such]~~ those measures ~~[as]~~ that are reasonable to prevent significant adverse impacts on human health or the environment.

(e) Proper operation and maintenance. The permittee shall ~~[at all times]~~ properly operate and maintain ~~[all]~~ the facilities and systems of treatment and control, and related appurtenances, ~~[which]~~ that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only ~~[when]~~ if necessary to achieve compliance with the conditions of the permit.

(f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to provide information. The permittee shall furnish to the ~~[D]~~ director, within a reasonable time, any relevant information ~~[which]~~ that the ~~[D]~~ director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the ~~[D]~~ director, upon request, copies of records required to be kept by this permit.

(i) Inspection and entry. The permittee shall allow the ~~[D]~~ director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

(1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment; practices; or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Sections 19-6-101 through 19-6-125, any substances or parameters at any location.

(j) Monitoring and records.

(1) Samples and measurements taken for ~~[the purpose of]~~ monitoring shall be representative of the monitored activity.

(2) The permittee shall ~~[retain]~~ keep records of ~~[all]~~ any monitoring information, including ~~[all]~~ any calibration and maintenance records and ~~[all]~~ any original strip chart recordings for continuous monitoring instrumentation, copies of ~~[all]~~ the reports required by this permit, the certification required by

Subsection R315-264-73(b)(9), and records of ~~[all]~~the data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the ~~[D]~~director at any time. The permittee shall maintain records from ~~[all]~~any ground[-]water monitoring wells and associated ground[-]water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

(3) Records for monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
- (ii) The individual~~[f]~~~~[s]~~ who performed the sampling or measurements;
- (iii) The date~~[f]~~~~[s]~~ analyses were performed;
- (iv) The individual~~[f]~~~~[s]~~ who performed the analyses;
- (v) The analytical techniques or methods used; and
- (vi) The results of ~~[such]~~the analyses.

(k) Signatory requirements. ~~[All]~~Any applications, reports, or information submitted to the ~~[D]~~director shall be signed and certified~~[-S]~~, see Section R315-270-11.

(l) Reporting requirements

(1) Planned changes. The permittee shall give notice to the ~~[D]~~director as soon as possible of any planned physical alterations or additions to the permitted facility.

(2) Anticipated noncompliance. The permittee shall give advance notice to the ~~[D]~~director of any planned changes in the permitted facility or activity ~~[which]~~that may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in Section R315-270-42, until:

(i) The permittee has submitted to the ~~[D]~~director by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

(ii)(A) The ~~[D]~~director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(B) Within 15 days of the date of submission of the letter in Subsection R315-270-30(1)(2)(i), the permittee has not received notice from the ~~[D]~~director of the ~~[D]~~director's intent to inspect, prior inspection is waived and the permittee may ~~[commence]~~begin treatment, storage, or disposal of hazardous waste.

(3) Transfers. This permit is not transferable to any person except after notice to the ~~[D]~~director. The ~~[D]~~director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate ~~[such]~~other requirements as may be necessary under Sections 19-6-101 through 19-6-125~~[-S]~~, see Section R315-270-40.

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance ~~[which]~~that may endanger health or the environment orally within 24 hours from the time the permittee becomes aware of the circumstances, including:

(A) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

(B) Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, ~~[which]~~that could threaten the environment or human health outside the facility.

(ii) The description of the occurrence and its cause shall include:

(A) ~~[N]~~name, address, and telephone number of the owner or operator;

(B) ~~[N]~~name, address, and telephone number of the facility;

(C) ~~[D]~~date, time, and type of incident;

(D) ~~[N]~~name and quantity of material~~[f]~~~~[s]~~ involved;

(E) ~~[F]~~the extent of injuries, if any;

(F) ~~[A]~~an assessment of actual or potential hazards to the environment and human health outside the facility, where this ~~[is applicable]~~applies; and

(G) ~~[E]~~estimated quantity and disposition of recovered material that resulted from the incident.

(iii) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The ~~[D]~~director may waive the five-day written notice requirement in favor of a written report within 15 days.

(7) Manifest discrepancy report: If a significant discrepancy in a manifest is discovered, the permittee shall ~~[-attempt to reconcile the discrepancy. If not resolved within 15 days, the permittee shall submit a letter report, including a copy of the manifest, to the Director. See Section R315-264-72.]~~

(i) try to reconcile the discrepancy. If not resolved within 15 days, the permittee shall submit a letter report, including a copy of the manifest, to the director, see Section R315-264-72.

(ii) Beginning on December 1, 2025, try to reconcile the discrepancy. If not resolved within 20 days, the permittee shall immediately submit a Discrepancy Report to the EPA e-Manifest System describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue, see Section R315-264-72.

(8) Unmanifested waste report. A permittee shall: ~~[This report shall be submitted to the Director within 15 days of receipt of unmanifested waste. See Section R315-264-76]~~

(i) submit the Unmanifested Waste Report to the Director within 15 days of receipt of unmanifested waste, see Section R315-264-76.

(ii) Beginning on December 1, 2025, submit an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days of receipt of unmanifested waste, see Section R315-264-76.

(9) Biennial report: A biennial report shall be submitted covering facility activities during odd numbered calendar years~~[-S]~~, see Section R315-264-75.

(10) Other noncompliance. The permittee shall report ~~[all]~~any instances of noncompliance not reported under Subsections R315-270-30(1)(4), R315-270-30(1)(5), and R315-270-30(1)(6), ~~[at the time]~~when monitoring reports are submitted. The reports shall contain the information listed in Subsection~~[s]~~ R315-270-30(1)(6).

(11) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the ~~[D]~~director, it shall promptly submit ~~[such]~~the facts or information.

(m) Information repository. The ~~[D]~~director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Subsection R315-124-33(b). The information repository shall be governed by the provisions in Subsections R315-124~~[-424]~~-33(c) through R315-124-33(f).

KEY: hazardous waste

Date of Last Change: January 13, 2025

Notice of Continuation: January 14, 2021

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Final Adoption of Rule Changes
UAC R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319
September 11, 2025

What is the issue before the Board?	Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 to amend the solid waste rules with regard to coal combustion residuals.
What is the historical background or context for this issue?	At the Board meeting on July 10, 2025, the Board approved the proposed changes to Utah Admin. Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 to be filed with the Office of Administrative Rules for publication in the <i>Utah State Bulletin</i>. The proposed changes were published in the August 1, 2025, issue of the <i>Utah State Bulletin</i>. Selected pages from the August 1, 2025, <i>Utah State Bulletin</i> showing the publication of the proposed changes follow this Executive Summary. The public comment period for this rulemaking ended on September 2, 2025; no comments were received.
What is the governing statutory or regulatory citation?	The Board is authorized under Subsection 19-6-105 to make rules that establish minimum standards for protection of human health and the environment for the treatment and disposal of solid waste. The rule changes also meet existing DEQ and state rulemaking procedures.
Is Board action required?	Yes. Board approval for final adoption of rule changes is necessary.
What is the Division Director's recommendation?	The Director recommends the Board approve final adoption of the proposed changes to Utah Admin. Code R315-306, R315-307, R315-310, R315-311, R315-314, and R315-319 as published in the August 1, 2025, <i>Utah State Bulletin</i> and set an effective date of September 15, 2025.
Where can more information be obtained?	Please contact Tom Ball by email at tball@utah.gov or by phone at 385-454-5574, or Brian Speer by email at bspeer@utah.gov or by phone at 385-499-0010.

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed July 02, 2025, 12:00 a.m. through July 15, 2025, 11:59 p.m.

Number 2025-15
August 01, 2025

Nancy L. Lancaster, Managing Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Government Operations, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
- I. Utah. Office of Administrative Rules.

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between July 02, 2025, 12:00 a.m., and July 15, 2025, 11:59 p.m. are included in this, the August 01, 2025, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Office of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least September 03, 2025. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through November 29, 2025, the agency may notify the Office of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the **RULE ANALYSIS** for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R315-306-1****Filing ID:** 57329**Agency Information**

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	MASOB	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Brian Speer	385-499-0010	bspeer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R315-306-1. Applicability
4. Purpose of the new rule or reason for the change:
Rule R315-319 established requirements for Coal Combustion Residual (CCR) facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. On August 28, 2020, the federal requirements were amended, establishing a revised date of April 11, 2021 by which unlined surface impoundments and units that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit; including revisions to the alternative closure provisions that would grant certain facilities additional time to develop alternative capacity to manage their waste streams (including additional waste - primarily non-CCR wastewater - generated at the facility) before they must stop receiving waste and initiate closure of their surface impoundments. The annual groundwater monitoring and corrective action report requirements and the requirements for the publicly accessible internet sites were also amended. On November 12, 2020, EPA further amended the federal requirements allowing a limited number of facilities to demonstrate to EPA or a Participating State Director that, based on groundwater data and the design of a particular surface impoundment, the unit has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment such that these CCR surface impoundments should be allowed to continue to operate. On May 8, 2024 and March 14, 2025, the federal requirements were again amended, changing regulations for inactive surface impoundments at inactive electric utilities, referred to as "legacy CCR surface impoundments." These changes remove an exemption to the rules for legacy surface impoundments and tailor compliance deadlines for owners and operators of legacy CCR surface impoundments, except for the location restrictions and liner design criteria. The U.S. EPA and the Division of Waste Management and Radiation Control have not been able to identify any legacy CCR surface impoundments subject to regulation by the Division, but these rule amendments have been added. The August 28, 2020, November 12, 2020, May 8, 2024 and March 14, 2025 amendments to the federal requirements have been incorporated into R315-319 for Utah's CCR facilities.
5. Summary of the new rule or change:
This change amends Section R315-306-1 to state that the standards in Rule R315-306 do not apply to facilities regulated under Rule R315-319.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

It is not anticipated that this amendment will result in any cost or savings to the state budget because it does not add any new requirements or remove any existing requirements for state agencies. This amendment makes it clear that Rule R315-306 does not apply to facilities regulated under Rule R315-319.

B. Local governments:

It is not anticipated that this amendment will result in any cost or savings for local governments because it does not add any new requirements or remove any existing requirements for local governments. This amendment makes it clear that Rule R315-306 does not apply to facilities regulated under Rule R315-319.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that this amendment will result in any cost or savings for small businesses because it does not add any new requirements or remove any existing requirements for small businesses. This amendment makes it clear that Rule R315-306 does not apply to facilities regulated under Rule R315-319.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this amendment will result in any cost or savings for non-small businesses because it does not add any new requirements or remove any existing requirements for non-small businesses. This amendment makes it clear that Rule R315-306 does not apply to facilities regulated under Rule R315-319.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this amendment will result in any cost or savings for persons other than small businesses, non-small businesses, state, or local governments because it does not add any new requirements or remove any existing requirements. This amendment makes it clear that Rule R315-306 does not apply to facilities regulated under Rule R315-319.

F. Compliance costs for affected persons:

There are no additional compliance costs for affected persons above the costs that already exist for persons who must comply with Rule R315-306 because the amendment does not add any new requirements.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0

Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 19-6-104	Section 19-6-108	
------------------	------------------	--

Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	09/02/2025
--	------------

10. This rule change MAY become effective on:	09/15/2025
--	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	07/10/2025
---	-----------------------------	--------------	------------

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**R315-306. Incinerator Standards.****R315-306-1. Applicability.**

- (1) These standards apply to any incinerator facility as specified in Subsections R315-306-2(1) and R315-306-3(1).
- (2) These standards do not apply to:
 - (a) an incineration facility ~~which~~ that is required to obtain a state or federal hazardous waste plan approval;
 - (b) a facility burning only untreated woodwaste;
 - (c) the flaring of gases recovered at a landfill; ~~or~~
 - (d) a facility that incinerates or cremates exclusively human or animal remains; or
 - (e) facilities regulated under Rule R315-319.

KEY: solid waste management, waste disposal

Date of Last Change: 2025~~January 16, 2024~~

Notice of Continuation: November 30, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-104; 19-6-105; 19-6-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or section number:	R315-307-1	Filing ID: 57330

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management
Building:	MASOB
Street address:	195 N. 1950 W.
City, state:	Salt Lake City, UT
Mailing address:	PO Box 144880
City, state and zip:	Salt Lake City, UT 84114-4880

Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Brian Speer	385-499-0010	bspeer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R315-307-1. Applicability

4. Purpose of the new rule or reason for the change:

Rule R315-319 established requirements for Coal Combustion Residual (CCR) facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. On August 28, 2020, the federal requirements were amended, establishing a revised date of April 11, 2021 by which unlined surface impoundments and units that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit; including revisions to the alternative closure provisions that would grant certain facilities additional time to develop alternative capacity to manage their waste streams (including additional waste - primarily non-CCR wastewater - generated at the facility) before they must stop receiving waste and initiate closure of their surface impoundments. The annual groundwater monitoring and corrective action report requirements and the requirements for the publicly accessible internet sites were also amended. On November 12, 2020, EPA further amended the federal requirements allowing a limited number of facilities to demonstrate to EPA or a Participating State Director that, based on groundwater data and the design of a particular surface impoundment, the unit has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment such that these CCR surface impoundments should be allowed to continue to operate. On May 8, 2024 and March 14, 2025, the federal requirements were again amended, changing regulations for inactive surface impoundments at inactive electric utilities, referred to as "legacy CCR surface impoundments." These changes remove an exemption to the rules for legacy surface impoundments and tailor compliance deadlines for owners and operators of legacy CCR surface impoundments, except for the location restrictions and liner design criteria. The U.S. EPA and the Division of Waste Management and Radiation Control have not been able to identify any legacy CCR surface impoundments subject to regulation by the Division, but these rule amendments have been added. The August 28, 2020, November 12, 2020, May 8, 2024 and March 14, 2025 amendments to the federal requirements have been incorporated into R315-319 for Utah's CCR facilities.

5. Summary of the new rule or change:

This change amends Section 315-307-1 to state that the standards in Rule R315-307 do not apply to facilities regulated under Rule R315-319.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this amendment will result in any cost or savings to the state budget because it does not add any new requirements or remove any existing requirements for state agencies. This amendment makes it clear that Rule R315-307 does not apply to facilities regulated under Rule R315-319.

B. Local governments:

It is not anticipated that this amendment will result in any cost or savings for local governments because it does not add any new requirements or remove any existing requirements for local governments. This amendment makes it clear that Rule R315-307 does not apply to facilities regulated under Rule R315-319.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that this amendment will result in any cost or savings for small businesses because it does not add any new requirements or remove any existing requirements for small businesses. This amendment makes it clear that Rule R315-307 does not apply to facilities regulated under Rule R315-319.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this amendment will result in any cost or savings for non-small businesses because it does not add any new requirements or remove any existing requirements for non-small businesses. This amendment makes it clear that Rule R315-307 does not apply to facilities regulated under Rule R315-319.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this amendment will result in any cost or savings for persons other than small businesses, non-small businesses, state, or local governments because it does not add any new requirements or remove any existing requirements. This amendment makes it clear that Rule R315-307 does not apply to facilities regulated under Rule R315-319.

F. Compliance costs for affected persons:

There are no additional compliance costs for affected persons above the costs that already exist for persons who must comply with Rule R315-307 because the amendment does not add any new requirements.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 19-6-104	Section 19-6-108	Section 19-6-105
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Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.**

A. Comments will be accepted until:	09/02/2025
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10. This rule change MAY become effective on:	09/15/2025
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	07/10/2025
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**R315-307. Landtreatment Disposal Standards.****R315-307-1. Applicability.**

(1) These standards apply to any facility that engages in the landtreatment, landfarming, or landspreading disposal of solid waste in a manner that has a reasonable agronomic benefit to soils.

(2) These standards do not apply to:

(a) a facility that uses sewage sludge, woodwaste, or other primarily organic sludge in recycling operations as specified in Section R315-312-4;

(b) agricultural solid wastes resulting from the operation of a farm, including farm animal manure and agricultural residues; ~~or~~

(c) inert waste or demolition waste; or

(d) facilities regulated under Rule R315-319.

(3) The landtreatment of domestic sewage sludge and septage is exempt from the requirements of Rule R315-307 but is regulated under the applicable requirements of Rule R317-8 and 40 CFR 503 by the Utah Division of Water Quality.

(4) The owner or operator of a landtreatment disposal facility shall meet the standards for performance specified in Section R315-303-2.

(5) The owner or operator of a landtreatment disposal facility shall meet the location standards of Section R315-302-1.

KEY: solid waste management, waste disposal

Date of Last Change: ~~2025~~~~October 15, 2024~~

Notice of Continuation: November 30, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-104; 19-6-105; 19-6-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: R315-310-12 **Filing ID:** 57331

Agency Information

Agency information:

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	MASOB	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Brian Speer	385-499-0010	bspeer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R315-310-12. Contents of a Permit Application for a New or Expanding Coal Combustion Residual Landfill and Coal Combustion Residual Surface Impoundment

4. Purpose of the new rule or reason for the change:

Rule R315-319 established requirements for Coal Combustion Residual (CCR) facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. On August 28, 2020, the federal requirements were amended, establishing a revised date of April 11, 2021 by which unlined surface impoundments and units that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit; including revisions to the alternative closure provisions that would grant certain facilities additional time to develop alternative capacity to manage their waste streams (including additional waste - primarily non-CCR wastewater - generated at the facility) before they must stop receiving waste and initiate closure of their surface impoundments. The annual groundwater monitoring and corrective action report requirements and the requirements for the publicly accessible internet sites were also amended. On November 12, 2020, EPA further amended the federal requirements allowing a limited number of facilities to demonstrate to EPA or a Participating State Director that, based on groundwater data and the design of a particular surface impoundment, the unit has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment such that these CCR surface impoundments should be allowed to continue to operate. On May 8, 2024 and March 14, 2025, the federal requirements were again amended, changing regulations for inactive surface impoundments at inactive electric utilities, referred to as "legacy CCR surface impoundments." These changes remove an exemption to the rules for legacy surface impoundments and tailor compliance deadlines for owners and operators of legacy CCR surface impoundments, except for the location restrictions and liner design criteria. The U.S. EPA and the Division of Waste Management and Radiation Control (division) have not been able to identify any legacy CCR surface impoundments subject to regulation by the Division, but these rule amendments have been added. The August 28, 2020, November 12, 2020, May 8, 2024 and March 14, 2025 amendments to the federal requirements have been incorporated into R315-319 for Utah's CCR facilities.

5. Summary of the new rule or change:

This change amends Section R315-310-12 to state that permit applications for a CCR landfill and surface impoundment must include the information required by Subsection R315-310-3(2) in addition to the other requirements listed.

Fiscal Information**6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:****A. State budget:**

It is not anticipated that this amendment will result in any savings to the state budget because it does not remove any existing requirements for state agencies. The cost of reviewing the information that is required to be included with new permit applications will be minimal and will be absorbed by the current agency budget.

B. Local governments:

It is not anticipated that this amendment will result in any savings for local governments because it does not remove any existing requirements for local governments. Because any new requirements are administrative in nature and multiple options for compliance are available, local governments should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that this amendment will result in any savings for small businesses because it does not remove any existing requirements for small businesses. Because any new requirements are administrative in nature and multiple options for compliance are available, small businesses should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this amendment will result in any savings for non-small businesses because it does not remove any existing requirements for non-small businesses. Because any new requirements are administrative in nature and multiple options for compliance are available, non-small businesses should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this amendment will result in any savings for persons other than small businesses, non-small businesses, state, or local governments because it does not remove any existing requirements. Because any new requirements are administrative in nature and multiple options for compliance are available, persons other than small businesses, non-small businesses, state, or local government entities should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

F. Compliance costs for affected persons:

Because any new requirements are administrative in nature and multiple options for compliance are available, affected persons should be able to minimize compliance costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-105	Section 19-6-108	Section 19-6-109
40 CFR 258		

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until: 09/02/2025

10. This rule change MAY become effective on: 09/15/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	07/10/2025
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-310. Permit Requirements for Solid Waste Facilities.

R315-310-12. Contents of a Permit Application for a New or Expanding Coal Combustion Residual Landfill and Coal Combustion Residual Surface Impoundment.

Each application for a coal combustion residual landfill and coal combustion residual surface impoundment permit shall contain the information required in Subsections R315-310-3(1)(a) and R315-310-3(1)(k), R315-310-3(2) and [Section] Rule R315-319.

KEY: solid waste management, waste disposal

Date of Last Change: 2025[October 15, 2024]

Notice of Continuation: November 30, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-108; 19-6-109; 40 CFR 258

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number: **R315-311-2** **Filing ID: 57332**

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	MASOB	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Brian Speer	385-499-0010	bspeer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R315-311-2. Permit Modification, Renewal, or Termination
4. Purpose of the new rule or reason for the change:
Rule R315-319 established requirements for Coal Combustion Residual (CCR) facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. On August 28, 2020, the federal requirements were amended, establishing a revised date of April 11, 2021 by which unlined surface impoundments and units that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit; including revisions to the alternative closure provisions that would grant certain facilities additional time to develop alternative capacity to manage their waste streams (including additional waste - primarily non-CCR wastewater - generated at the facility) before they must stop receiving waste and initiate closure of their surface impoundments. The annual groundwater monitoring and corrective action report requirements and the requirements for the publicly accessible internet sites were also amended. On November 12, 2020, EPA further amended the federal requirements allowing a limited number of facilities to demonstrate to EPA or a Participating State Director that, based on groundwater data and the design of a particular surface impoundment, the unit has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment such that these CCR surface impoundments should be allowed to continue to operate. On May 8, 2024 and March 14, 2025, the federal requirements were again amended, changing regulations for inactive surface impoundments at inactive electric utilities, referred to as "legacy CCR surface impoundments." These changes remove an exemption to the rules for legacy surface impoundments and tailor

compliance deadlines for owners and operators of legacy CCR surface impoundments, except for the location restrictions and liner design criteria. The U.S. EPA and the Division of Waste Management and Radiation Control (division) have not been able to identify any legacy CCR surface impoundments subject to regulation by the division, but these rule amendments have been added. The August 28, 2020, November 12, 2020, May 8, 2024, and March 14, 2025 amendments to the federal requirements have been incorporated into Rule R315-319 for Utah's CCR facilities.

5. Summary of the new rule or change:

This change amends Subsection R315-311-2(1)(b) to include facilities subject to Rule R315-319 among permitted facilities that the Director may subject minor permit modification requests to a 45 day public comment period. Additionally, the division is correcting formatting and typographical errors in the rule.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this amendment will result in any savings to the state budget because it does not remove any existing requirements for state agencies. The cost of conducting any potential 45 day comment periods will be minimal and will be absorbed by the current agency budget.

B. Local governments:

It is not anticipated that this amendment will result in any savings for local governments because it does not remove any existing requirements for local governments. Because any new requirements are administrative in nature and multiple options for compliance are available, local governments should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that this amendment will result in any savings for small businesses because it does not remove any existing requirements for small businesses. Because any new requirements are administrative in nature and multiple options for compliance are available, small businesses should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this amendment will result in any savings for non-small businesses because it does not remove any existing requirements for non-small businesses. Because any new requirements are administrative in nature and multiple options for compliance are available, non-small businesses should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this amendment will result in any savings for persons other than small businesses, non-small businesses, state, or local governments because it does not remove any existing requirements. Because any new requirements are administrative in nature and multiple options for compliance are available, persons other than small businesses, non-small businesses, state, or local government entities should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose.

F. Compliance costs for affected persons:

Because any new requirements are administrative in nature and multiple options for compliance are available, affected persons should be able to minimize compliance costs by selecting the alternative that they determine to be most cost effective. There is

no effective method for determining the costs because the division cannot predict which options each affected person will choose.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-104	Section 19-6-105	Section 19-6-108
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	09/02/2025
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10. This rule change MAY become effective on:	09/15/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	07/10/2025
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.

R315-311. Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities.

R315-311-2. Permit Modification, Renewal, or Termination.

(1) A permit may be considered for modification or termination at the request of any interested person, including the permittee, or upon the director's initiative in accordance with Section R315-124-5. Requests for permit modification or termination shall become effective only upon approval by the director and in accordance with Section R315-124-15.

(a) Minor modifications of a permit or plan of operation may not be subject to the 45 day public comment period as required by Section R315-311-3, unless obligatory under Subsection R315-311-2(1)(b). The [following] modifications listed in Subsections R315-311-

NOTICES OF PROPOSED RULES

2(1)(a)(i) through R315-311-2(1)(a)(xvii) shall be considered minor, except that Subsections R315-311-2(1)(a)(vi) and R315-311-2(1)(a)(viii) are not minor modifications for coal combustion residual units.

- (i) Corrections of typographical errors.
- (ii) Changes to the name, address, or phone number of persons or agencies identified in the permit.
- (iii) Changes to administrative or informational items.
- (iv) Making changes to procedures for maintaining the operating record or the location where the operating record is kept.
- (v) Changes are made to provide for more frequent monitoring, reporting, sampling, or maintenance.
- (vi) A compliance date extension request is made for a new date not to exceed 120 days after the date specified in the approved permit.
- (vii) Changes are made to the expiration date of the permit to allow an earlier permit termination.
- (viii) Changes are made to the closure schedule for a unit, to the final closure schedule for the facility, or the closure period is extended.
- (ix) The director determines, in the case of a permit transfer application, that no change in the permit other than the change in the name of the owner or operator is necessary.
- (x) Equipment is upgraded or replaced with functionally equivalent components.
- (xi) Changes are made in sampling or analysis methods, procedures, or schedules and those changes conform with Rule R315-308 if sampling or analyzing groundwater.
- (xii) Changes are made in the construction or groundwater monitoring quality control quality assurance plans that will better certify that the specifications for construction, closure, sampling, or analysis will be met.
- (xiii) Changes are made in the facility plan of operation that conform to guidance or rules approved by the Waste Management and Radiation Control Board or provide more efficient waste handling or more effective waste screening.
- (xiv) Replacement of an existing monitoring well with a new well without changing the location.
- (xv) Changes are made in the design or depth of a monitoring well that provides more effective monitoring.
- (xvi) Changes are made in the statistical method used to statistically analyze the groundwater quality data that conform with Rule R315-308.
- (xvii) Changes are made in any permit condition that are more restrictive or provide more protection to health or the environment.
- (b) The director may subject any minor modification request, including facilities subject to regulation under Rule R315-319, to the 45 day public comment period described in Subsection R315-311-3(1) if justified by conditions and circumstances.
- (c) A permit modification that does not meet the requirements of Subsection R315-311-2(1)(a) for a minor modification shall be a major modification.
- (d) If the director determines that major modifications to a permit or plan of operation are justified, a new operational plan incorporating the approved modifications shall be prepared. The modifications shall be subject to the public comment period as specified in Section R315-311-3.
- (2) An application for permit renewal shall consist of the information required by Section R315-310-9. Upon receipt, the director will review the application in accordance with Section R315-124-3, and a draft permit or a notice of intent to deny will be prepared in accordance with Section R315-124-6. The current permit shall remain in effect until issuance or denial of a new permit. Each permit renewal shall be subject to the public comment requirements of Section R315-311-3.
- (3) The director shall notify, in writing, the owner or operator of any facility of intent to terminate a permit in accordance with Subsections R315-124-5(d) and R315-124-5(e). A permit may be terminated for:
 - (a) noncompliance with any condition of the permit;
 - (b) noncompliance with any applicable rule;
 - (c) failure in the application or during the approval or renewal process to disclose fully each relevant fact;
 - (d) misrepresentation by the owner or operator of any relevant facts at any time; or
 - (e) a determination that the solid waste activity or facility endangers human health or the environment.
- (4) The owner or operator of a facility may appeal any action associated with modification, renewal, or termination in accordance with Section R315-317-3, Title 63G Chapter 4, Administrative Procedures Act, and Rule R305-7.

KEY: solid waste management, waste disposal

Date of Last Change: 2025~~October 15, 2024~~

Notice of Continuation: November 30, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-104; 19-6-105; 19-6-108

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or section number:	R315-314-1	Filing ID: 57333

Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management	
Building:	MASOB	
Street address:	195 N. 1950 W.	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Brian Speer	385-499-0010	bspeer@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R315-314-1. Applicability
4. Purpose of the new rule or reason for the change:
Rule R315-319 established requirements for Coal Combustion Residual (CCR) facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. On August 28, 2020, the federal requirements were amended, establishing a revised date of April 11, 2021 by which unlined surface impoundments and units that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit; including revisions to the alternative closure provisions that would grant certain facilities additional time to develop alternative capacity to manage their waste streams (including additional waste - primarily non-CCR wastewater - generated at the facility) before they must stop receiving waste and initiate closure of their surface impoundments. The annual groundwater monitoring and corrective action report requirements and the requirements for the publicly accessible internet sites were also amended. On November 12, 2020, EPA further amended the federal requirements allowing a limited number of facilities to demonstrate to EPA or a Participating State Director that, based on groundwater data and the design of a particular surface impoundment, the unit has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment such that these CCR surface impoundments should be allowed to continue to operate. On May 8, 2024 and March 14, 2025, the federal requirements were again amended, changing regulations for inactive surface impoundments at inactive electric utilities, referred to as "legacy CCR surface impoundments." These changes remove an exemption to the rules for legacy surface impoundments and tailor compliance deadlines for owners and operators of legacy CCR surface impoundments, except for the location restrictions and liner design criteria. The U.S. EPA and the Division of Waste Management and Radiation Control (division) have not been able to identify any legacy CCR surface impoundments subject to regulation by the Division, but these rule amendments have been added. The August 28, 2020, November 12, 2020, May 8, 2024, and March 14, 2025 amendments to the federal requirements have been incorporated into R315-319 for Utah's CCR facilities.
5. Summary of the new rule or change:
This change amends Subsection R315-314-1(2) to state that the requirements in Rule R315-314 do not apply to facilities regulated under Rule R315-319. Additionally, the division is correcting formatting and typographical errors in the rule.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
It is not anticipated that this amendment will result in any cost or savings to the state budget because it does not add any new requirements or remove any existing requirements for state agencies. This amendment makes it clear that Rule R315-314 does not apply to facilities regulated under Rule R315-319.

B. Local governments:

It is not anticipated that this amendment will result in any cost or savings for local governments because it does not add any new requirements or remove any existing requirements for local governments. This amendment makes it clear that Rule R315-314 does not apply to facilities regulated under Rule R315-319.

C. Small businesses ("small business" means a business employing 1-49 persons):

It is not anticipated that this amendment will result in any cost or savings for small businesses because it does not add any new requirements or remove any existing requirements for small businesses. This amendment makes it clear that Rule R315-314 does not apply to facilities regulated under Rule R315-319.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

It is not anticipated that this amendment will result in any cost or savings for non-small businesses because it does not add any new requirements or remove any existing requirements for non-small businesses. This amendment makes it clear that Rule R315-314 does not apply to facilities regulated under Rule R315-319.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this amendment will result in any cost or savings for persons other than small businesses, non-small businesses, state, or local governments because it does not add any new requirements or remove any existing requirements. This amendment makes it clear that Rule R315-314 does not apply to facilities regulated under Rule R315-319.

F. Compliance costs for affected persons:

There are no additional compliance costs for affected persons above the costs that already exist for persons who must comply with Rule R315-314 because the amendment does not add any new requirements.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-6-104	Section 19-6-105	Section 19-6-108
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	09/02/2025
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10. This rule change MAY become effective on:	09/15/2025
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	07/10/2025
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R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**R315-314. Facility Standards for Piles Used for Storage and Treatment.****R315-314-1. Applicability.**

(1) The requirements of Rule R315-314 apply to ~~the following~~:

- (a) a pile of solid waste containing garbage that has been in place for more than seven days;
- (b) a pile of solid waste that does not contain garbage that has been in place for more than 90 days;
- (c) a pile of material derived from waste tires if more than 1,000 passenger tire equivalents are stored at one site; and
- (d) a pile of whole waste tires if more than 1,000 tires are stored at one site.

(2) The requirements of Rule R315-314 do not apply to ~~the following~~:

- (a) solid waste stored or treated in piles before recycling including compost piles and wood waste;
- (b) solid waste stored in fully enclosed buildings, provided that no liquids or sludge containing free liquids are added to the waste;
- (c) a pile of inert waste, as defined by Subsection R315-301-2(40); ~~and~~
- (d) a pile of whole waste tires located at a permitted waste disposal facility that is stored for not longer than one year; or
- (e) coal combustion residuals regulated under Rule R315-319.

(3) A site where crumb rubber, an ultimate product derived from waste tires, or waste tires that have been reduced to materials for beneficial use are stored for not longer than one year may receive a waiver of the requirements of Rule R315-314 from the director on a site specific basis.

(a) No waiver of the requirements of Rule R315-314 will be granted by the director without application from the owner or operator of the storage site.

(b) In granting a waiver of the requirements of Rule R315-314, the director may place conditions on the owner or operator of the storage site as to the sizes of piles, distance between piles, or other operational practices that will minimize fire danger or a risk to human health or the environment.

(c) The director may revoke a waiver of the ~~R~~ requirements of Rule R315-314 if the director finds that:

- (i) any condition of the waiver is not met; or
- (ii) the operation of the storage site presents a fire danger or a threat to human health or the environment.

KEY: solid waste management, waste disposal

Date of Last Change: 2025[October 15, 2024]

Notice of Continuation: November 30, 2022

Authorizing, and Implemented or Interpreted Law: 19-6-104; 19-6-105; 19-6-108

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or section number:	R315-319	Filing ID: 57334
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Agency Information

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Waste Management
Building:	MASOB

Street address:		195 N. 1950 W.	
City, state:		Salt Lake City, UT	
Mailing address:		PO Box 144880	
City, state and zip:		Salt Lake City, UT 84114-4880	
Contact persons:			
Name:		Phone:	Email:
Tom Ball		385-454-5574	tball@utah.gov
Brian Speer		385-499-0010	bspeer@utah.gov
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule or section catchline:
R315-319. Coal Combustion Residuals Requirements
4. Purpose of the new rule or reason for the change:
Rule R315-319 established requirements for Coal Combustion Residual (CCR) facilities in Utah based on the corresponding federal rules published in Subpart D of 40 CFR 257 on April 17, 2015. On August 28, 2020, the federal requirements were amended, establishing a revised date of April 11, 2021 by which unlined surface impoundments and units that failed the aquifer location restriction must cease receiving waste and initiate closure or retrofit; including revisions to the alternative closure provisions that would grant certain facilities additional time to develop alternative capacity to manage their waste streams (including additional waste - primarily non-CCR wastewater - generated at the facility) before they must stop receiving waste and initiate closure of their surface impoundments. The annual groundwater monitoring and corrective action report requirements and the requirements for the publicly accessible internet sites were also amended. On November 12, 2020, EPA further amended the federal requirements allowing a limited number of facilities to demonstrate to EPA or a Participating State Director that, based on groundwater data and the design of a particular surface impoundment, the unit has and will continue to ensure there is no reasonable probability of adverse effects to human health and the environment such that these CCR surface impoundments should be allowed to continue to operate. On May 8, 2024, and March 14, 2025, the federal requirements were again amended, changing regulations for inactive surface impoundments at inactive electric utilities, referred to as "legacy CCR surface impoundments." These changes remove an exemption to the rules for legacy surface impoundments and tailor compliance deadlines for owners and operators of legacy CCR surface impoundments, except for the location restrictions and liner design criteria. The U.S. EPA and the Division of Waste Management and Radiation Control (division) have not been able to identify any legacy CCR surface impoundments subject to regulation by the division, but these rule amendments have been added. The August 28, 2020, November 12, 2020, May 8, 2024, and March 14, 2025, amendments to the federal requirements have been incorporated into R315-319 for Utah's CCR facilities.
5. Summary of the new rule or change:
R315-319-1(a) is amended to remove the limitation on rules applicable to Class I, II, and V landfills to be more comprehensive. R315-319-2 is amended by removing the exception for the Director to apply compliance date extensions differently than 40 CFR 256.26. R315-319-50(c) is amended so that it now applies to all inactive CCR surface impoundments at active electric utilities or independent power producers. R315-319-50(e) is being deleted because the corresponding federal regulation no longer exempts generators that ceased operating before October 19, 2015. R315-319-50(f) is amended to clarify that the rule does not apply to CCR generated at sites that are not electric utilities or independent power producers, but that it does apply to generators of electricity that use coal for 50% or more of its mass input. R315-319-51 is being amended to incorporate the Waste Management and Radiation Control Board's adoption of Rule R315-319 and published date. The following definitions are being added to Section R315-319-53: Eligible unlined CCR surface impoundment, technically feasible, and technically infeasible. Reference to Subsection 19-6-102(7) is being corrected to Subsection 19-6-102(6) in Subsection R315-319-53(a)(18). R315-319-71(a)(1)(i) is being deleted. This removes the option of a liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. Requirements for an alternate liner demonstration are being added in Subsection R315-319-71(d). These requirements are optional. Requirements for additional information to be included in annual groundwater monitoring and corrective action reports are being added in Subsection R315-319-90(e)(6).

R315-319-91(d)(2) is being deleted because it is out of date and no longer needed.

R315-319-95(g)(5) is being amended to apply the provision more broadly and remove retrofit or closure requirements now addressed elsewhere in the rule.

The requirement found in Subsection R315-319-95(h)(2) to use background concentrations as the groundwater protection standard for constituents where a groundwater protection standard has not been established in Rule R315-308 is being replaced by a list of constituents.

Timeframes for certain inactive CCR surface impoundments are being added in R315-319-100(e).

R315-319-101(a)(1) is being amended to remove the October 19, 2015 compliance date and associated requirements and replace them with the date of April 11, 2021 by which an owner or operator of an unlined CCR surface impoundment shall stop placing waste into the impoundment and either retrofit or close the impoundment.

R315-319-101(b)(1)(i) is being amended and R315-319-101(b)(1)(ii) is being added to update the requirements for when the owner or operator of an existing CCR surface impoundment that has not demonstrated compliance with location standards shall stop placing waste in the impoundment.

R315-319-102(e)(4)(i) is being deleted because Rule R315-319 now applies to inactive CCR surface impoundments.

R315-319-102(k)(2)(ii)(A)(III) is being added as an additional action or activity that is considered initiation of retrofit activities.

Language is being added throughout Section R315-319-103 to clarify which rules in this section apply to CCR landfills and not CCR surface impoundments.

Rule citations are being added to the introductory paragraph of Section R315-319-103 to include all the requirements that owners and operators must meet.

Amendments are being made to Subsections R315-319-103(a) and R315-319-103(b) to clarify that they apply to CCR landfills.

R315-319-103(b)(2) and R315-319-103(b)(3) are being deleted because they apply to CCR surface impoundments and Subsection R315-319-103(b) applies to CCR landfills.

Site specific alternative deadlines to initiate closure of CCR surface impoundments are being added in Subsection R315-319-103(f).

R315-319-104(a)(3) is being deleted because Rule R315-319 now applies to inactive CCR surface impoundments.

The catchline for Section R315-319-105 is being amended to clarify that this section only contains recordkeeping requirements.

The lists of information that a facility must place in the facility operating record found in Subsections R315-319-105(f), R315-319-105(h), and R315-319-105(i) are being expanded to include additional information not previously included.

The catchline for Section R315-319-106 is being amended to clarify that this section only contains notification requirements.

The lists of information that a facility must provide to the Director found in Subsections R315-319-106(f), R315-319-106(h), and R315-319-106(i) are being expanded to include additional information not previously included.

The catchline for Section R315-319-107 is being amended to clarify that this section only contains requirements for information that must be posted on a publicly accessible internet site.

Language was added to Subsection R315-319-107(a) to clarify the accessibility requirements for data posted to the internet site.

The lists of information that a facility must post on the internet site found in Subsections R315-319-107(f), R315-319-107(h), and R315-319-107(i) are being expanded to include additional information not previously included.

Additionally, the division is correcting formatting and typographical errors in the rule.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

It is not anticipated that this amendment will result in any savings to the state budget because it does not remove any existing requirements for state agencies. The cost of reviewing any information or data required to be submitted or posted by permittees will be minimal and will be absorbed by the current agency budget.

B. Local governments:

It is not anticipated that this amendment will result in any cost or savings for local governments because there are no local governments operating CCR units in Utah.

C. Small businesses ("small business" means a business employing 1-49 persons):

Because any new requirements are administrative in nature and multiple options for compliance are available, small businesses should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose. It is not anticipated that there will be any savings for small businesses because the amendments do not remove any existing requirements from the rules.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

Because any new requirements are administrative in nature and multiple options for compliance are available, non-small businesses should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each facility will choose. It is not anticipated that there will be any savings for non-small businesses because the amendments do not remove any existing requirements from the rules.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

Because any new requirements are administrative in nature and multiple options for compliance are available, persons other than small businesses, non-small businesses, state, or local government entities should be able to minimize costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each person will choose. It is not anticipated that there will be any savings for persons other than small businesses, non-small businesses, state, or local governments because the amendments do not remove any existing requirements from the rules.

F. Compliance costs for affected persons:

Because any new requirements are administrative in nature and multiple options for compliance are available, affected persons should be able to minimize compliance costs by selecting the alternative that they determine to be most cost effective. There is no effective method for determining the costs because the division cannot predict which options each affected person will choose.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information**7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 19-6-108		
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Public Notice Information**9. The public may submit written or oral comments to the agency identified in box 1.****A. Comments will be accepted until:**

09/02/2025

10. This rule change MAY become effective on:

09/15/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information**Agency head or
designee and title:**

Douglas J. Hansen, Director

Date:

07/10/2025

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**R315-319. Coal Combustion Residuals Requirements.****R315-319-1. Permit Required.**

(a) ~~[All]~~ Landfills disposing of coal combustion residuals and surface impoundments containing coal combustion residuals shall have a permit for a Class I, II, or V landfill ~~[in accordance with Rules R315-302 through 307]~~ or a coal combustion residuals permit issued under Rule R315-319.

(b) An application for a permit for a coal combustion residual landfill or surface impoundment or multiple landfills and impoundments at a facility covered by one permit shall be made to the ~~[D]~~ director.

(c)(1) An application for a permit for a Coal Combustion Residue (CCR) unit shall contain the information required in Sections R315-319-60 through ~~R315-319-107~~. No information needs be submitted for which the effective date in Sections R315-319-60 through ~~R315-319-107~~ has not been reached ~~[at the time of]~~ when the application is submitted~~[at]~~.

(2) ~~[All]~~ Information required in Sections R315-319-60 through ~~R315-319-107~~ with an effective date that falls later than the application submittal required in Subsection R315-319-1(c)(1) shall be submitted within six months of the effective date of the requirement found in Sections R315-319-60 through ~~R315-319-107~~.

(d) Permit application procedures shall follow the requirements of Sections R315-310-1 and ~~R315-310-2~~.

(e) Permit transfers shall follow the procedures of Section R315-310-11.

(f) Permit applicants shall follow the notification requirements of Subsection R315-310-3(2).

(g) Permit approvals shall follow the requirements of Rule R315-311.

(h) The ~~[D]~~ director approvals required in Sections R315-319-60 through ~~R315-319-107~~ are satisfied by the issuance of a permit by the ~~[D]~~ director.

R315-319-2. Relation to Federal Coal Combustion Residuals ~~R~~ule regulation in 40 CFR 257.

(a) The compliance dates in 40 CFR 257 Subpart D are not affected by the requirements in Rule R315-319 ~~[for director approval except as the extensions allowed by 40CFR 256.26 may be applied by the Director]~~.

R315-319-50. Scope and Applicability.

(a) Rule R315-319 establishes criteria for purposes of managing ~~[coal combustion residuals]~~ CCR in Utah.

(b) Rule R315-319 applies, except as provided in Subsection R315-319-50(i), to owners and operators of new and existing CCR units as defined in Subsection R315-319-53(a)(15). Rule R315-319 applies to any practice that does not meet the definition of a beneficial use of ~~[coal combustion residuals]~~ CCR.

(c) Rule R315-319 applies to inactive CCR surface impoundments ~~[that have not closed prior to the effective date of Rule R315-319]~~ at active electric utilities or independent power producers, regardless of the fuel currently used to produce electricity.

(d) Rule R315-319 does not apply to coal combustion residual landfills that have ceased receiving ~~[coal combustion residuals]~~ CCR ~~[prior to]~~ before October 19, 2015.

(e) ~~[Rule R315-319 does not apply to electric utilities or independent power producers that have ceased producing electricity prior to October 19, 2015]~~ Reserved.

(f) Rule R315-319 does not apply to:

(1) fly ash, bottom ash, boiler slag, and flue gas desulfurization materials, generated from burning exclusively coal to generate electricity at facilities that are not part of an electric utility or independent power producer;

(2) fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated primarily from the combustion of ~~[fuels, including other]~~ fossil fuels~~[,]~~ other than coal, for generating electricity, unless the fuel burned consists of more than 50% coal on a total heat input or mass input basis, whichever results in the greater mass feed rate of coal. ~~[Disposal of these solid wastes are covered by Rules R315-301 through 307.]~~

(g) Rule R315-319 does not apply to practices that meet the definition of a beneficial use of CCR ~~[coal combustion residuals]~~.

(h) Rule R315-319 does not apply to coal combustion residual placement at active or abandoned underground or surface coal mines.

(i) Rule R315-319 does not apply to Class I or V solid waste landfills that receive ~~[coal combustion residuals]~~ CCR.

R315-319-51. Effective Date.

The effective date of Rule R315-319 ~~[will be based on the approval of the Waste Management and Radiation Control Board after publication in the Utah State Bulletin]~~ is September 1, 2016.

R315-319-52. Applicability of Other Rules and Regulations.

(a) Compliance with the requirements of Sections R315-319-50 through R315-319-107 does not affect the need for the owner or operator of a ~~[coal combustion residuals]~~ CCR landfill, ~~[coal combustion residuals]~~ CCR surface impoundment, or lateral expansion of a ~~[coal combustion residuals]~~ CCR unit to comply with ~~[all]~~ other applicable federal, state, tribal, or local laws or other requirements.

(b) Any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit continues to be subject to the requirements in Section R315-302-~~[2]~~1.

R315-319-53. Definitions.

(a) The ~~[following]~~ definitions in Subsections R315-319-53(a)(1) through R315-319-53(a)(71) apply to Rule R315-319. Terms not defined in Section R315-319-53 have the meaning given in Rule R315-301.

(1) "Acre foot" means the volume of one acre of surface area to a depth of one foot.

(2) "Active facility or active electric utilities or independent power producers" means any facility subject to the requirements of Sections R315-319-50 through R315-319-107 that is in operation on October 14, 2015. An electric utility or independent power producer is in operation if it is generating electricity that is provided to electric power transmission systems or to electric power distribution systems on or after October 14, 2015. An off-site disposal facility is in operation if it is accepting or managing CCR on or after October 14, 2015.

(3) "Active life or in operation" means the period of operation beginning with the initial placement of CCR in the CCR unit and ending at completion of closure activities in accordance with Section R315-319-102.

(4) "Active portion" means that part of the CCR unit that has received or is receiving CCR or non-CCR waste and that has not finished closure in accordance with Section R315-319-102.

(5) "Aquifer" means a geologic formation, group of formations, or portion of a formation capable of yielding usable quantities of groundwater to wells or springs.

(6) "Area-capacity curves" means graphic curves that readily show the reservoir water surface area, in acres, at different elevations from the bottom of the reservoir to the maximum water surface, and the capacity or volume, in acre-feet, of the water contained in the reservoir at various elevations.

(7) "Areas susceptible to mass movement" means those areas of influence, that is, areas characterized as having an active or substantial possibility of mass movement, where, because of natural or human-induced events, the movement of earthen material at, beneath, or adjacent to the CCR unit results in the downslope transport of soil and rock material by ~~[- means of]~~ gravitational influence. Areas of mass movement include ~~[- but are not limited to -]~~ landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.

(8) "Beneficial use of CCR" means the CCR meet each of the ~~[following]~~ conditions in Subsections R315-319-53(a)(8)(i) through R315-319-53(a)(8)(iv):

(i) the CCR shall provide a functional benefit;

(ii) the CCR shall substitute for the use of a virgin material, conserving natural resources that would otherwise need to be gotten through practices, such as extraction;

(iii) the use of the CCR shall meet relevant product specifications, regulatory standards or design standards if available, and if standards are not available, the CCR is not used in excess quantities; and

(iv) if unencapsulated use of CCR involves placement on the land of 12,400 tons or more in non-roadway applications, the user shall demonstrate and keep records, and provide the documentation upon request, that environmental releases to groundwater, surface water, soil and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use in accordance with Rule R315-101.

(9) "Closed" means placement of CCR in a CCR unit has stopped, and the owner or operator has finished closure of the CCR unit in accordance with ~~S[ubs]~~ection R315-319-102 and has initiated post-closure care in accordance with ~~S[ubs]~~ection R315-319-104.

(10) "Coal combustion residuals (CCR)" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal to generate electricity by electric utilities and independent power producers.

(11) "CCR fugitive dust" means solid airborne particulate matter that contains or is derived from CCR, emitted from any source other than a stack or chimney.

(12) "CCR landfill or landfill" means an area of land or an excavation that receives CCR and that is not a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. For Rule R315-319, a CCR landfill also includes sand and gravel pits and quarries that receive CCR, CCR piles, and any practice that does not meet the definition of a beneficial use of CCR.

(13) "CCR pile or pile" means any non-containerized accumulation of solid, non-flowing CCR that is placed on the land. CCR that is beneficially used off-site is not a CCR pile.

(14) "CCR surface impoundment or impoundment" means a natural topographic depression, man-made excavation, or diked area, ~~[which]~~ that is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR.

(15) "CCR unit" means any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR unit, or a combination of more than one of these units, based on the context of the ~~[paragraph]~~ subsection in which it is used. This term includes both new and existing units, unless otherwise specified.

(16) "Dike" means an embankment, berm, or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

(17) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(18) "Disposal" is defined in Subsection 19-6-102([7]6), disposal does not include the storage or the beneficial use of CCR.

(19) "Downstream toe" means the junction of the downstream slope or face of the CCR surface impoundment with the ground surface.

(20) "Encapsulated beneficial use" means a beneficial use of CCR that binds the CCR into a solid matrix that minimizes its mobilization into the surrounding environment.

(21) "Eligible unlined CCR surface impoundment" means an existing CCR surface impoundment that:

(i) the owner or operator has documented that the CCR unit complies with the location restrictions specified under Sections R315-319-60 through R315-319-64;

(ii) the owner or operator has documented that the CCR unit complies with the periodic safety factor assessment requirements under Subsections R315-319-73(e) and R315-319-73(f); and

(iii) no constituent listed in Appendix IV to Rule R315-319 has been detected at a statistically significant level exceeding a groundwater protection standard defined under Subsection R315-319-95(h).

(2[4]2) "Existing CCR landfill" means a CCR landfill that receives CCR both before and after October 14, 2015, or for which construction began before October 14, 2015 and receives CCR on or after October 14, 2015. A CCR landfill has begun construction if the owner or operator has received the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun before October 14, 2015.

(2[2]3) "Existing CCR surface impoundment" means a CCR surface impoundment that receives CCR both before and after October 14, 2015, or for which construction began before October 14, 2015 and receives CCR on or after October 14, 2015. A CCR surface impoundment has begun construction if the owner or operator has received the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun October 14, 2015.

(2[3]4) "Facility" means the contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, disposing, or otherwise conducting solid waste management of CCR. A facility may consist of several treatment, storage, or disposal operational units, for example, one or more landfills, surface impoundments, or combinations of them.

(2[4]5) "Factor of safety,"[] "Safety factor," means the ratio of the forces tending to resist the failure of a structure to the forces tending to cause the failure as determined by accepted engineering practice.

(2[5]6) "Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

(2[6]7) "Flood hydrograph" means a graph showing, for a given point on a stream, the discharge, height, or other characteristic of a flood as a function of time.

(2[7]8) "Freeboard" means the vertical distance between the lowest point on the crest of the impoundment dike and the surface of the waste contained therein.

(2[8]9) "Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

([29]30) "Groundwater" means water below the land surface in a zone of saturation.

(3[0]1) "Hazard potential classification" means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of the diked CCR surface impoundment or mis-operation of the diked CCR surface impoundment or its appurtenances. The hazardous potential classifications include high hazard potential CCR surface impoundment, significant hazard potential CCR surface impoundment, and low hazard potential CCR surface impoundment, which terms mean:

(i) "High hazard potential CCR surface impoundment" means a diked surface impoundment where failure or mis-operation will probably cause loss of human life.

(ii) "Low hazard potential CCR surface impoundment" means a diked surface impoundment where failure or mis-operation results in no probable loss of human life and low economic or environmental losses, or both. Losses are principally limited to the surface impoundment owner's property.

(iii) "Significant hazard potential CCR surface impoundment" means a diked surface impoundment where failure or mis-operation results in no probable loss of human life, but can cause economic loss, environmental damage, disruption of lifeline facilities, or impact other concerns.

(3[4]2) "Height" means the vertical measurement from the downstream toe of the CCR surface impoundment at its lowest point to the lowest elevation of the crest of the CCR surface impoundment.

(3[2]3) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch, at 11,700 years before present, to present.

(3[3]4) "Hydraulic conductivity" means the rate that water can move through a permeable medium, that is, the coefficient of permeability.

(3[4]5) "Inactive CCR surface impoundment" means a CCR surface impoundment that no longer receives CCR on or after October 14, 2015 and still contains both CCR and liquids on or after October 14, 2015.

(3[5]6) "Incised CCR surface impoundment" means a CCR surface impoundment that is constructed by excavating entirely below the natural ground surface, holds an accumulation of CCR entirely below the adjacent natural ground surface, and does not consist of any constructed diked portion.

(3[6]7) "Inflow design flood" means the flood hydrograph that is used in the design or modification of the CCR surface impoundments and its appurtenant works.

(3[7]8) "In operation" see "Active life,"[]

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(3[8]9) "Karst terrain" means an area where karst topography, with its characteristic erosional surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terranes include ~~but are not limited to,~~ dolines, collapse shafts or sinkholes, sinking streams, caves, seeps, large springs, and blind valleys.

([39]40) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing CCR landfill or existing CCR surface impoundment made after October 14, 2015.

(4[0]1) "Liquefaction factor of safety" means the factor of safety, safety factor, determined using analysis under liquefaction conditions.

(4[1]2) "Lithified earth material" means any rock, including naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(4[2]3) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration at the ground surface as depicted on a seismic hazard map, with a 98% or greater probability that the acceleration will not be exceeded in 50 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

(4[3]4) "New CCR landfill" means a CCR landfill or lateral expansion of a CCR landfill that first receives CCR or begins construction after October 14, 2015. A new CCR landfill has begun construction if the owner or operator has received the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 14, 2015. Overfills are also considered new CCR landfills.

(4[4]5) "New CCR surface impoundment" means a CCR surface impoundment or lateral expansion of an existing or new CCR surface impoundment that first receives CCR or begins construction after October 14, 2015. A new CCR surface impoundment has begun construction if the owner or operator has received the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 14, 2015.

(4[5]6) "Operator" means the person responsible for the overall operation of a CCR unit.

(4[6]7) "Overfill" means a new CCR landfill constructed over a closed CCR surface impoundment.

(4[7]8) "Owner" means the person who owns a CCR unit or part of a CCR unit.

([48]49) "Poor foundation conditions" mean those areas where features exist that ~~indicate~~ show that a natural or human-induced event may result in inadequate foundation support for the structural components of an existing or new CCR unit. For example, failure to maintain static and seismic factors of safety as required in Subsections R315-319-73(e) and R315-319-74(e) would cause a poor foundation condition.

([49]50) "Probable maximum flood" means the flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the drainage basin.

(5[0]1) "Qualified person" means a person trained to recognize specific appearances of structural weakness and other conditions that are disrupting or have the potential to disrupt the operation or safety of the CCR unit by visual observation and, if applicable, to monitor instrumentation.

(5[1]2) "Qualified professional engineer" means an individual who is licensed in Utah as a ~~P~~professional ~~E~~engineer to practice one or more disciplines of engineering and who is qualified by education, technical knowledge, and experience to make the specific technical certifications required under Sections R315-319-50 through R315-319-107.

(5[2]3) "Recognized and generally accepted good engineering practices" means engineering maintenance or operation activities based on established codes, widely accepted standards, published technical reports, or a practice widely recommended throughout the industry. These practices generally detail approved ways to perform specific engineering, inspection, or mechanical integrity activities.

(5[3]4) "Retrofit" means to remove any CCR and contaminated soils and sediments from the CCR surface impoundment, and to ensure the unit complies with the requirements in Section R315-319-72.

(5[4]5) "Representative sample" means a sample of a universe or whole, for example, waste pile, lagoon, and groundwater, ~~which~~ that can be expected to exhibit the average properties of the universe or whole. See EPA publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Chapter 9, available at <http://www.epa.gov/epawaste/hazard/testmethods/sw846/online/index.htm>, for a discussion and examples of representative samples.

(5[5]6) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a CCR landfill or lateral expansion of a CCR landfill.

(5[6]7) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a CCR landfill or lateral expansion of a CCR landfill.

(5[7]8) "Sand and gravel pit or quarry" means an excavation for the extraction of aggregate, minerals, or metals. The terms sand and gravel pit or quarry do not include subsurface or surface coal mines.

(5[8]9) "Seismic factor of safety" means the factor of safety, safety factor, determined using analysis under earthquake conditions using the peak ground acceleration for a seismic event with a 2% probability of exceedance in 50 years, equivalent to a return period of about 2,500 years, based on the ~~U.S.~~US Geological Survey (USGS) seismic hazard maps for seismic events with this return period for the region where the CCR surface impoundment is located.

([59]60) "Seismic impact zone" means an area having a 2% or greater probability that the maximum expected horizontal acceleration, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 50 years.

(6[0]1) "Slope protection" means engineered or non-engineered measures installed on the upstream or downstream slope of the CCR surface impoundment to protect the slope against wave action or erosion, including ~~but not limited to~~ rock riprap, wooden pile, or concrete revetments, vegetated wave berms, concrete facing, gabions, geotextiles, or fascines.

(6[1]2) "Solid waste management or management" means the systematic administration of the activities that provide for the collection, source separation, storage, transportation, processing, treatment, or disposal of solid waste.

(6[2]3) "State" means the State of Utah unless otherwise indicated.

(6[3]4) ["Director"] means the director of the Division of Waste Management and Radiation Control.

(6[4]5) "Static factor of safety" means the factor of safety, safety factor, determined using analysis under the long-term, maximum storage pool loading condition, the maximum surcharge pool loading condition, and under the end-of-construction loading condition.

(6[5]6) "Structural components" mean liners, leachate collection and removal systems, final covers, run-on and run-off systems, inflow design flood control systems, and any other component used in the construction and operation of the CCR unit that is necessary to ensure the integrity of the unit and that the contents of the unit are not released into the environment.

(67) "Technically feasible" means possible to do in a way that would likely be successful.

(68) "Technically infeasible" means not possible to do in a way that would likely be successful.

(6[6]9) "Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity, including structural components of the CCR unit that are responsible for preventing releases from the unit. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

([67]70) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary. Upper limit is measured at a point nearest to the natural ground surface to which the aquifer rises during the wet season.

([68]71) "Waste boundary" means a vertical surface located at the hydraulically downgradient limit of the CCR unit. The vertical surface extends down into the uppermost aquifer.

R315-319-60. Location Restrictions.

Placement above the uppermost aquifer.

(a) New CCR landfills, existing and new CCR surface impoundments, and ~~and~~ any lateral expansions of CCR units shall be constructed with a base that is located no less than 1.52 meters, five feet, above the upper limit of the uppermost aquifer, or shall demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection between any portion of the base of the CCR unit and the uppermost aquifer due to normal fluctuations in groundwater elevations, including the seasonal high water table. The owner or operator shall demonstrate by the dates specified in Subsection R315-319-60(c) that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.

(b) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of Subsection R315-319-60(a).

(c) The owner or operator of the CCR unit shall complete the demonstration required by Subsection R315-319-60(a) by the date specified in either Subsection R315-319-60(c)(1) or R315-319-60(c)(2).

(1) For an existing CCR surface impoundment, the owner or operator shall complete the demonstration no later than October 17, 2018.

(2) For a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit, the owner or operator shall complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.

(3) The owner or operator has completed the demonstration required by Subsection R315-319-60(a) when the demonstration has been submitted to and has received approval from the ~~the~~ director and is placed in the facility's operating record as required by Subsection R315-319-105(e).

(4) An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of Subsection R315-319-60(a) by the date specified in Subsection R315-319-60(c)(1) is subject to the requirements of Subsection R315-319-101(b)(1).

(5) An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of Subsection R315-319-60(a) is prohibited from placing CCR in the CCR unit.

(d) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(e), the notification requirements specified in Subsection R315-319-106(e), and the internet requirements specified in Subsection R315-319-107(e).

R315-319-62. Fault Areas.

(a) New CCR landfills, existing and new CCR surface impoundments, and ~~and~~ any lateral expansions of CCR units ~~shall~~ may not be located within 60 meters, 200 feet, of the outermost damage zone of a fault that has had displacement in Holocene time unless the owner or operator demonstrates by the dates specified in Subsection R315-319-62(c) that an alternative setback distance of less than 60 meters, 200 feet, will prevent damage to the structural integrity of the CCR unit.

(b) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of Subsection R315-319-62(a).

(c) The owner or operator of the CCR unit shall complete the demonstration required by Subsection R315-319-62(a) by the date specified in either Subsection R315-319-62(c)(1) or R315-319-62(c)(2).

(1) For an existing CCR surface impoundment, the owner or operator shall complete the demonstration no later than October 17, 2018.

(2) For a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit, the owner or operator shall complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.

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(3) The owner or operator has completed the demonstration required by Subsection R315-319-62(a) when the demonstration has been submitted to and has received approval from the ~~[D]~~director and the demonstration is placed in the facility's operating record as required by Subsection R315-319-105(e).

(4) An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of Subsection R315-319-62(a) by the date specified in Subsection R315-319-62(c)(1) is subject to the requirements of Subsection R315-319-101(b)(1).

(5) An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of Subsection R315-319-62~~[-]~~(a) is prohibited from placing CCR in the CCR unit.

(d) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(e), the notification requirements specified in Subsection R315-319-106(e), and the ~~[H]~~internet requirements specified in Subsection R315-319-107(e).

R315-319-63. Seismic Impact Zones.

(a) New CCR landfills, existing and new CCR surface impoundments, and ~~[all]~~any lateral expansions of CCR units ~~[shall]~~may not be located in seismic impact zones unless the owner or operator demonstrates by the dates specified in Subsection R315-319-63(c) that ~~[all]~~the structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

(b) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of Subsection R315-319-63(a).

(c) The owner or operator of the CCR unit shall complete the demonstration required by Subsection R315-319-63(a) by the date specified in either Subsection R315-319-63(c)(1) or R315-319-63(c)(2).

(1) For an existing CCR surface impoundment, the owner or operator shall complete the demonstration no later than October 17, 2018.

(2) For a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit, the owner or operator shall complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.

(3) The owner or operator has completed the demonstration required by Subsection R315-319-63(a) when the demonstration has been submitted to and has received approval from the ~~[D]~~director and the demonstration is placed in the facility's operating record as required by Subsection R315-319-105(e).

(4) An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of Subsection R315-319-63(a) by the date specified in Subsection R315-319-63(c)(1) is subject to the requirements of Subsection R315-319-101(b)(1).

(5) An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of Subsection R315-319-63(a) is prohibited from placing CCR in the CCR unit.

(d) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(e), the notification requirements specified in Subsection R315-319-106(e), and the ~~[H]~~internet requirements specified in Subsection R315-319-107(e).

R315-319-64. Unstable Areas.

(a) An existing or new CCR landfill, existing or new CCR surface impoundment, or any lateral expansion of a CCR unit ~~[shall]~~may not be located in an unstable area unless the owner or operator demonstrates by the dates specified in Subsection R315-319-64(d) that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.

(b) The owner or operator shall consider ~~[all of]~~the following factors in Subsections R315-319-64(b)(1) through R315-319-64(b)(3), at a minimum, when determining whether an area is unstable:

(1) On-site or local soil conditions that may result in significant differential settling;

(2) On-site or local geologic or geomorphologic features; and

(3) On-site or local human-made features or events, both surface and subsurface.

(c) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of Subsection R315-319-64(a).

(d) The owner or operator of the CCR unit shall complete the demonstration required by Subsection R315-319-64(a) by the date specified in either Subsection R315-319-64(d)(1) or R315-319-64(d)(2).

(1) For an existing CCR landfill or existing CCR surface impoundment, the owner or operator shall complete the demonstration no later than October 17, 2018.

(2) For a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit, the owner or operator shall complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.

(3) The owner or operator has completed the demonstration required by Subsection R315-319-64(a) when the demonstration has been submitted to and has received approval from the ~~[D]~~director and the demonstration is placed in the facility's operating record as required by Subsection R315-319-105(e).

(4) An owner or operator of an existing CCR surface impoundment or existing CCR landfill who fails to demonstrate compliance with the requirements of Subsection R315-319-64(a) by the date specified in Subsection R315-319-64(d)(1) is subject to the requirements of Subsection R315-319-101(b)(1) or R315-319-101(d)(1), respectively.

(5) An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of Subsection R315-319-64(a) is prohibited from placing CCR in the CCR unit.

(e) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(e), the notification requirements specified in Subsection R315-319-106(e), and the ~~[d]~~internet requirements specified in Subsection R315-319-107(e).

R315-319-70. Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill.

(a)(1) New CCR landfills and any lateral expansion of a CCR landfill shall be designed, constructed, operated, and maintained with either a composite liner that meets the requirements of Subsection R315-319-70(b) or an alternative composite liner that meets the requirements in Subsection R315-319-70(c), and a leachate collection and removal system that meets the requirements of Subsection R315-319-70(d).

(2) ~~[Prior to]~~Before construction of an overfill the underlying surface impoundment shall meet the requirements of Subsection R315-319-102(d).

(b) A composite liner shall consist of two components; the upper component consisting of, at a minimum, a 30-mil geomembrane liner (GM), and the lower component consisting of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second (cm/sec). GM components consisting of high density polyethylene (HDPE) shall be at least 60-mil thick. The GM or upper liner component shall be installed in direct and uniform contact with the compacted soil or lower liner component. The composite liner shall be:

(1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the CCR or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(2) Constructed of materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes;

(3) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(4) Installed to cover ~~[all]~~any surrounding earth likely to be in contact with the CCR or leachate.

(c) If the owner or operator elects to install an alternative composite liner, ~~[all of]~~the ~~[following]~~requirements in Subsections R315-319-70(c)(1) through R315-319-70(c)(4) shall be met:

(1) An alternative composite liner shall consist of two components; the upper component consisting of, at a minimum, a 30-mil GM, and a lower component, that is not a geomembrane, with a liquid flow rate no greater than the liquid flow rate of two feet of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. GM components consisting of ~~[high density polyethylene (HDPE)]~~ shall be at least 60-mil thick. If the lower component of the alternative liner is compacted soil, the GM shall be installed in direct and uniform contact with the compacted soil.

(2) The owner or operator shall obtain certification from a qualified professional engineer that the liquid flow rate through the lower component of the alternative composite liner is no greater than the liquid flow rate through two feet of compacted soil with a hydraulic conductivity of 1×10^{-7} cm/sec. The hydraulic conductivity for the two feet of compacted soil used in the comparison shall be no greater than 1×10^{-7} cm/sec. The hydraulic conductivity of any alternative to the two feet of compacted soil shall be determined using recognized and generally accepted methods. The liquid flow rate comparison shall be made using Equation 1 of Section R315-319-70, ~~[which]~~that is derived from Darcy's Law for gravity flow through porous media.

Equation 1

$$Q/A = q = k(h/t + 1)$$

Where[-]:

Q = flow rate, cubic centimeters/second;

A = surface area of the liner, squared centimeters;

q = flow rate per unit area, cubic centimeters/second/squared centimeter;

k = hydraulic conductivity of the liner, centimeters/second;

h = hydraulic head above the liner, centimeters; and

t = thickness of the liner, centimeters.

(3) The alternative composite liner shall meet the requirements specified in Subsections R315-319-70(b)(1) through R315-319-70(b)(4).

(d) The leachate collection and removal system shall be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The leachate collection and removal system shall be:

(1) Designed and operated to maintain less than a 30-centimeter depth of leachate over the composite liner or alternative composite liner;

(2) Constructed of materials that are chemically resistant to the CCR and any non-CCR waste managed in the CCR unit and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying waste, waste cover materials, and equipment used at the CCR unit; and

(3) Designed and operated to minimize clogging during the active life and post-closure care period.

(e) ~~[Prior to]~~Before construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator shall obtain a certification from a qualified professional engineer that the design of the composite liner; or, if applicable, alternative composite liner; and the leachate collection and removal system meets the requirements of Section R315-319-70.

(f) Upon completion of construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator shall obtain a certification from a qualified professional engineer that the composite liner; or, if applicable, alternative composite liner; and the leachate collection and removal system has been constructed in accordance with the requirements of Section R315-319-70.

(g) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(f), the notification requirements specified in Subsection R315-319-106(f), and the ~~[H]~~internet requirements specified in Subsection R315-319-107(f).

R315-319-71. Liner Design Criteria for Existing CCR Surface Impoundments.

(a)(1) No later than October 17, 2016, the owner or operator of an existing CCR surface impoundment shall document whether or not ~~[such]~~the unit was constructed with~~[-any one of the following]:~~

(i) ~~Reserved~~~~[A liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec];~~

(ii) ~~[A]~~a composite liner that meets the requirements of Subsection R315-319-70(b); or

(iii) ~~[A]~~an alternative composite liner that meets the requirements of Subsection R315-319-70(c).

(2) The hydraulic conductivity of the compacted soil shall be determined using recognized and generally accepted methods.

(3) An existing CCR surface impoundment is considered to be an existing unlined CCR surface impoundment if either:

(i) The owner or operator of the CCR unit determines that the CCR unit is not constructed with a liner that meets the requirements of Subsection R315-319-71(a)(1)(i), R315-319-71(a)(1)(ii), or R315-319-71(a)(1)(iii); or

(ii) The owner or operator of the CCR unit fails to document whether the CCR unit was constructed with a liner that meets the requirements of Subsection R315-319-71~~[-](a)(1)(i)~~, R315-319-71(a)(1)(ii), or R315-319-71(a)(1)(iii).

(4) ~~[All e]~~Existing unlined CCR surface impoundments are subject to the requirements of Subsection R315-319-101(a).

(b) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer attesting that the documentation as to whether a CCR unit meets the requirements of Subsection R315-319-71(a) is accurate.

(c) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(f), the notification requirements specified in Subsection R315-319-106(f), and the ~~[H]~~internet requirements specified in Subsection R315-319-107(f).

(d) Alternate Liner Demonstration. An owner or operator of a CCR surface impoundment constructed without a composite liner or alternate composite liner, as defined in Subsection R315-319-70(b) or R315-319-70(c), may submit an alternate liner demonstration to the director to demonstrate that, based on the construction of the unit and surrounding site conditions, there is no reasonable probability that continued operation of the surface impoundment will result in adverse effects to human health or the environment. The application and demonstration shall be submitted to the director no later than the relevant deadline in Subsection R315-319-71(d)(2). The director will act on the submissions in accordance with the procedures in Subsection R315-319-71(d)(2).

(1) Application and alternative liner demonstration submission requirements. To get approval under Subsection R315-319-71(d), the owner or operator of the CCR surface impoundment shall submit:

(i) an application. The owner or operator of the CCR surface impoundment shall submit a letter to the director, announcing their intention to submit a demonstration under Subsection R315-319-71(d)(1)(ii). The application shall include the location of the facility and identify the specific CCR surface impoundment for which the demonstration will be made. The letter shall include:

(A) a certification signed by the owner or operator that the CCR unit is in full compliance with Rule R315-319 except for Subsection R315-319-71(a)(1);

(B) documentation supporting the certification required under Subsection R315-319-71(d)(1)(i)(A) that includes:

(I) documentation that the groundwater monitoring network meets the requirements of Section R315-319-91. This shall include documentation that the existing network of groundwater monitoring wells is sufficient to ensure detection of any groundwater contamination resulting from the impoundment, based on direction of flow, well location, screening depth, and other relevant factors. At a minimum, the documentation shall include:

(1) maps of groundwater monitoring well locations in relation to the CCR units that depict the elevation of the potentiometric surface and the directions of groundwater flow across the site;

(2) well construction diagrams and drilling logs for each groundwater monitoring well;

(3) maps that characterize the direction of groundwater flow accounting for temporal variations; and

(4) any other data and analyses the owner or operator of the CCR surface impoundment relied upon when determining the design and location of the groundwater monitoring network;

(II) documentation that the CCR surface impoundment remains in detection monitoring pursuant to Section R315-319-94 as a precondition for submitting an application. This includes documentation that the groundwater monitoring program meets the requirements of Sections R315-319-93 and R315-319-94. This documentation includes data of constituent concentrations, summarized in table format, at each groundwater monitoring well monitored during each sampling event, and documentation of the most recent statistical tests conducted, analyses of the tests, and the rationale for the methods used in these comparisons. As part of this rationale, the owner or operator of the CCR surface impoundment shall provide the data and analyses relied upon to comply with each of the requirements of Rule R315-319;

(III) documentation that the unit meets the location restrictions under Sections R315-319-60 through R315-319-64;

(IV) the most recent structural stability assessment required in Subsection R315-319-73(d); and

(V) the most recent safety factor assessment required in Subsection R315-319-73(e);

(C) documentation of the design specifications for any engineered liner components, as well as the data and analyses the owner or operator of the CCR surface impoundment relied on when determining that the materials are suitable for use and that the construction of the liner is of good quality and in line with proven and accepted engineering practices;

(D) facilities with CCR surface impoundments located on properties adjacent to a water body shall demonstrate that there is no reasonable probability that a complete and direct transport pathway, not mediated by groundwater, can exist between the impoundment and any nearby water body. If the potential for a pathway is identified, then the unit would not be eligible to submit a demonstration. If ongoing releases are identified, the owner or operator of the CCR unit shall address these releases in accordance with Subsection R315-319-96(a); and

(E) upon submission of the application and any supplemental materials submitted in support of the application to the director, the owner or operator shall place the complete application in the facility's operating record as required in Subsection R315-319-105(f)(14).

(ii) Alternate Liner Demonstration Package. The completed alternate liner demonstration package shall be certified by a qualified professional engineer. The package shall present evidence to demonstrate that, based on the construction of the unit and surrounding site conditions, there is no reasonable probability that operation of the surface impoundment will result in concentrations of constituents listed in Appendix IV to Rule R315-319 in the uppermost aquifer at levels above a groundwater protection standard. For each line of evidence, as well as any other data and assumptions incorporated into the demonstration, the owner or operator of the CCR surface impoundment shall include documentation on how the data were collected and why these data and assumptions adequately reflect potential contaminant transport from that specific impoundment. The alternate liner demonstration at a minimum shall contain the lines of evidence listed in Subsection R315-319-71(d)(1)(ii)(A):

(A) Characterization of site hydrogeology. A characterization of the variability of site-specific soil and hydrogeology surrounding the surface impoundment that will control the rate and direction of contaminant transport from the impoundment. As part of this line of evidence the owner or operator shall provide:

(I) measurements of the hydraulic conductivity in the uppermost aquifer from each monitoring well associated with the impoundments and discussion of the methods used to obtain these measurements;

(II) measurements of the variability in subsurface soil characteristics collected from around the perimeter of the CCR surface impoundment to identify regions of substantially higher conductivity;

(III) documentation that the sampling methods used are in line with recognized and generally accepted practices that can provide data at a spatial resolution necessary to adequately characterize the variability of subsurface conditions that will control contaminant transport;

(IV) explanation of how the specific number and location of samples collected are sufficient to capture subsurface variability if:

(1) samples are advanced to a depth less than the top of the groundwater table or 20 feet beneath the bottom of the nearest water body, whichever is greater; or

(2) samples are spaced further apart than 200 feet around the impoundment perimeter; or

(3) both Subsections R315-319-71(d)(1)(ii)(A)(IV)(1) and R315-319-71(d)(1)(ii)(A)(IV)(2).

(V) a narrative description of site geological history; and

(VI) conceptual site models with cross-sectional depictions of the site environmental sequence stratigraphy that include, at a minimum:

(1) the relative location of the impoundment with depth of ponded water noted;

(2) monitoring wells with screening depth noted;

(3) depiction of the location of other samples used in the development of the model;

(4) the upper and lower limits of the uppermost aquifer across the site;

(5) the upper and lower limits of the depth to groundwater measured from monitoring wells if the uppermost aquifer is confined; and

(6) both the location and geometry of any nearby points of groundwater discharge or recharge, for example surface water bodies, with potential to influence groundwater depth and flow measured around the unit.

(B) Potential for infiltration. A characterization of the potential for infiltration through any soil-based liner components or naturally occurring soil that control release and transport of leachate, or both. Samples collected in the field for measurement of saturated hydraulic conductivity shall be sent to a certified laboratory for analysis under controlled conditions and analyzed using recognized and generally accepted methodology. Facilities shall document how the selected method is designed to simulate on-site conditions. As part of this line of evidence the owner or operator shall also provide documentation of:

(I) the location, number, depth, and spacing of samples relied upon is supported by the data collected in Subsection R315-319-71(d)(1)(ii)(A) and is sufficient to capture the variability of saturated hydraulic conductivity for the soil-based liner components or naturally occurring soil, or both;

(II) the liquid used to pre-hydrate the samples and measure long-term hydraulic conductivity reflects the pH and major ion composition of the CCR surface impoundment porewater;

(III) that samples intended to represent the hydraulic conductivity of naturally occurring soils, that is not mechanically compacted soil, are handled in a manner that will ensure the macrostructure of the soil is not disturbed during collection, transport, or analysis; and

(IV) any test for hydraulic conductivity relied upon includes, in addition to other relevant termination criteria specified by the method, criteria that equilibrium has been achieved between the inflow and outflow, within acceptable tolerance limits, for both electrical conductivity and pH.

(C) Mathematical model to estimate the potential for releases. Owners or operators shall incorporate the data collected for Subsections R315-319-71(d)(1)(ii)(A) and R315-319-71(d)(1)(ii)(B) into a mathematical model to calculate the potential groundwater concentrations that may result in downgradient wells as a result of the impoundment. Facilities shall also, where available, incorporate the national-scale data on constituent concentrations and behavior provided by the existing risk record. Application of the model shall account

for the full range of site current and potential future conditions at and around the site to ensure that high-end groundwater concentrations have been effectively characterized. The data and assumptions incorporated into the model shall be documented and justified.

(I) The models relied upon in Subsection R315-319-71(d)(1)(ii)(C) shall be well-established and validated, with documentation that can be made available for public review.

(II) The owner or operator shall use the models to demonstrate that, for each constituent in Appendix IV to Rule R315-319, there is no reasonable probability that the peak groundwater concentration that may result from releases to groundwater from the CCR surface impoundment throughout its active life will exceed the groundwater protection standard at the waste boundary.

(III) The demonstration shall include the peak groundwater concentrations modeled for the constituents in Appendix IV to Rule R315-319 attributed both to the impoundment in isolation and in addition to background.

(D) Upon submission of the alternative liner demonstration to the director, the owner or operator shall place the complete demonstration in the facility's operating record as required in Subsection R315-319-105(f)(15).

(2) Procedures for adjudicating requests.

(i) Deadline for application submission. The owner or operator shall submit the application under Subsection R315-319-71(d)(1)(i) to the director for approval no later than November 30, 2020.

(ii) Deadline for demonstration submission. If the application is approved the owner or operator shall submit the demonstration required under Subsection R315-319-71(d)(1)(ii) to the director for approval no later than November 30, 2021.

(A) Extension due to analytical limitations. If the owner or operator cannot meet the demonstration deadline due to analytical limitations related to the measurement of hydraulic conductivity, the owner or operator shall submit a request for an extension no later than September 1, 2021 that includes a summary of the data that have been analyzed to date for the samples responsible for the delay and an alternate timeline for completion that has been certified by the laboratory. The extension request shall include:

(I) a timeline of fieldwork to confirm that samples were collected expeditiously;

(II) a chain of custody documenting when samples were sent to the laboratory;

(III) written certification from the lab identifying how long it is projected for the tests to reach the relevant termination criteria related to solution chemistry; and

(IV) documentation of the progression toward the test termination metrics to date.

(B) Length of extension. If the extension is granted, the owner or operator will have 45 days beyond the timeframe certified by the laboratory to submit the completed demonstration.

(C) Extension due to analytical limitations for chemical equilibrium. If the measured hydraulic conductivity has not stabilized to within acceptable tolerance limits by the time the termination criteria for solution chemistry are met, the owner or operator shall submit a preliminary demonstration no later than September 1, 2021, with or without the onetime extension for analytical limitations.

(I) In this preliminary demonstration, the owner or operator shall submit a justification of how the bounds of uncertainty applied to the available measurements of hydraulic conductivity ensure that the final value is not underestimated.

(II) The director will review the preliminary demonstration to determine if it is complete and, if so, will propose to deny or to tentatively approve the demonstration. The proposed determination will be posted on the Utah Department of Environmental Quality's (UDEQ) website and will be available for public comment for 30 days. After consideration of the comments, the director will issue a decision on the application within four months of receiving a complete preliminary demonstration.

(III) Once the final laboratory results are available, the owner or operator shall submit a final demonstration that updates only the finalized hydraulic conductivity data to confirm that the model results in the preliminary demonstration are accurate.

(IV) Until the time that the director approves this final demonstration, the surface impoundment shall remain in detection monitoring or the demonstration will be denied.

(V) If the director tentatively approved the preliminary demonstration, the director will then take action on the newly submitted final demonstration using the procedures in Subsections R315-319-71(d)(2)(iv) through R315-319-71(d)(2)(vi).

(VI) The public will have 30 days to comment but may comment only on the new information presented in the complete final demonstration or in the director's tentative decision on the newly submitted demonstration.

(D) Upon submission of a request for an extension to the deadline for the demonstration due to analytical limitations pursuant to Subsection R315-319-71(d)(2)(ii)(A), the owner or operator shall place the alternative liner demonstration extension request in the facility's operating record as required in Subsection R315-319-105(f)(16).

(E) Upon submission of a preliminary demonstration pursuant to Subsection R315-319-71(d)(2)(ii)(C), the owner or operator shall place the preliminary demonstration in the facility's operating record as required in Subsection R315-319-105(f)(17).

(iii) Application review.

(A) The director will evaluate the application and may request additional information not required as part of the application as necessary to complete the review. Submission of a complete application will toll the facility's deadline to stop receipt of waste until issuance of a final decision under Subsection R315-319-71(d)(2)(iii)(C). Incomplete submissions will not toll the facility's deadline and will be rejected without further process.

(B) If the application is determined to be incomplete, the director will notify the facility. The owner or operator shall place the notification of an incomplete application in the facility's operating record as required in Subsection R315-319-105(f)(18).

(C) The director will publish a proposed decision on complete applications on the UDEQ website for a 20-day comment period. After consideration of the comments, the director will issue a decision on the application within 60 days of receiving a complete application.

(D) If the application is approved, the deadline to stop receipt of waste will be tolled until an alternate liner demonstration is determined to be incomplete or a final decision under Subsection R315-319-71(d)(2)(vi) is issued.

(E) If the surface impoundment is determined by the director to be ineligible to apply for an alternate liner demonstration, and the facility lacks alternative capacity to manage its CCR or non-CCR wastestreams, or both, the owner or operator may apply for an alternative

closure deadline in accordance with the procedures in Subsection R315-319-103(f). The owner or operator will be given four months from the date of the ineligibility determination to apply for the alternative closure provisions in either Subsection R315-319-103(f)(1) or R315-319-103(f)(2), during which time the facility's deadline to stop receipt of waste will be tolled.

(F) Upon receipt of a decision on the application pursuant to Subsection R315-319-71(d)(2)(iii)(C), the owner or operator shall place the decision on the application in the facility's operating record as required in Subsection R315-319-105(f)(19).

(iv) Demonstration review. The director will evaluate the demonstration package and may request additional information not required as part of the demonstration as necessary to complete the review. Submission of a complete demonstration package will continue to toll the facility's deadline to stop receipt of waste into that CCR surface impoundment until issuance of a final decision under Subsection R315-319-71(d)(2)(vi). Upon a determination that a demonstration is incomplete the tolling of the facility's deadline will stop and the submission will be rejected without further process.

(v) Proposed decision demonstration. The director will publish a proposed decision on a complete demonstration package on the UDEQ website for a 30-day comment period.

(vi) Final decision on demonstration. After consideration of the comments, the director will issue a decision on the alternate liner demonstration package within four months of receiving a complete demonstration package. Upon approval the facility may continue to operate the impoundment as long as the impoundment remains in detection monitoring. Upon detection of a statistically significant increase over background of a constituent listed on Appendix III to Rule R315-319, the facility shall proceed in accordance with the requirements of Subsection R315-319-71(d)(2)(ix).

(vii) Facility operating record requirements. Upon receipt of the final decision on the alternate liner demonstration pursuant to Subsection R315-319-71(d)(2)(vi), the owner or operator shall place the final decision in the facility's operating record as required in Subsection R315-319-105(f)(20).

(viii) Effect of Demonstration Denial. If the director determines that the CCR surface impoundment's alternate liner does not meet the standard for approval in Subsection R315-319-71(d), the owner or operator shall stop receipt of waste and initiate closure as determined in the director's decision. If the owner or operator needs to get alternate capacity, they may do so in accordance with the procedures in Section R315-319-103. The owner or operator will have four months from the date of director's decision to apply for an alternative closure deadline under either Subsection R315-319-103(f)(1) or R315-319-103(f)(2), during which time the facility's deadline to stop receipt of waste will be tolled.

(ix) Loss of authorization.

(A) The owner or operator of the CCR unit shall comply with the requirements of Subsections R315-319-71(d)(2)(ix)(A)(I) through R315-319-71(d)(2)(ix)(A)(V) upon determining that there is a statistically significant increase over background levels for one or more constituents listed in Appendix III to Rule R315-319 pursuant to Subsection R315-319-94(e);

(I) in addition to the requirements specified in Subsection R315-319-71(d), comply with the groundwater monitoring and corrective action procedures specified in Sections R315-319-90 through R315-319-98;

(II) submit the notification required by Subsection R315-319-94(e)(3) to the director within 14 days of placing the notification in the facility's operating record as required by Subsection R315-319-105(h)(5);

(III) conduct intra-well analysis on each downgradient well to identify any trends of increasing concentrations as required by Subsection R315-319-71(d)(2)(ix)(B). The owner and operator shall conduct the initial groundwater sampling and analysis for the constituents listed in Appendix IV to Rule R315-319 according to the timeframes specified in Subsection R315-319-95(b);

(IV) the owner or operator may elect to pursue an alternative source demonstration pursuant to Subsection R315-319-94(e)(2) that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality, provided that the alternative source demonstration shall be conducted simultaneously with the sampling and analysis required by Subsection R315-319-71(d)(2)(ix)(A)(III). If the owner or operator believes that a successful demonstration has been made, the demonstration shall be submitted to the director for review and approval. The owner or operator shall place the demonstration in the facility's operating record within the deadlines specified in Subsection R315-319-94(e)(2) and submit the demonstration to the director within 14 days of placing the demonstration in the facility's operating record; and

(V) the alternative source demonstration shall be posted to the facility's publicly accessible CCR internet site and submitted to the director within 14 days of completion. The director will publish a proposed decision on the alternative source determination on the UDEQ website for a 20-day comment period. After consideration of the comments, the director will issue a decision. If the alternative source demonstration is approved, the owner or operator may stop conducting the trend analysis and return to detection monitoring. If the alternative source demonstration is denied, the owner or operator shall either complete the trend analysis or stop receipt of waste. Upon receipt of the final decision on the alternative source demonstration, the owner or operator shall place the final decision in the facility's operating record as required by Subsection R315-319-105(f)(22).

(B) Trend analysis.

(I) Except as provided for in Subsection R315-319-95(c), the owner or operator shall collect a minimum of four independent samples from each well, background and downgradient, on a quarterly basis within the first year of triggering assessment monitoring and analyze each sample for the constituents listed in Appendix IV to Rule R315-319. Consistent with Subsection R315-319-95(b), the first samples shall be collected within 90 days of triggering assessment monitoring. After the initial year of sampling, the owner or operator shall then conduct sampling as prescribed in Subsection R315-319-95(d)(1). After each sampling event, the owner or operator shall update the trend analysis with the new sampling information.

(II) The owner or operator of the CCR surface impoundment shall apply an appropriate statistical test to identify any trends of increasing concentrations within the monitoring data. For normally distributed data sets, linear regression will be used to identify trends and determine the associated magnitude. For non-normally distributed data sets, the Mann-Kendall test will be used to identify trends and the Theil-Sen trend line will be used to determine the associated magnitude. If a trend is identified, the owner or operator of the CCR surface

impoundment will use the upper 95th percentile confidence limit on the trend line to estimate future concentrations. The owner or operator will project this trendline into the future for a duration set to the maximum number of years established in Section R315-319-102 for closure of the surface impoundment.

(III) A report of the results of each sampling event, as well as the final trend analysis, shall be posted to the facility's publicly accessible CCR internet site and submitted to the director within 14 days of completion. The trend analysis submitted to the director shall include the data relied upon by the facility to support the analysis. The director will publish a proposed decision on the trend analysis on the UDEQ website for a 30-day comment period. After consideration of the comments, the director will issue a decision. If the trend analysis shows the potential for a future exceedance of a groundwater protection standard, before the closure deadlines established in Section R315-319-102, the CCR surface impoundment shall stop receipt of waste by the date provided in the notice.

(C) If the trend analysis demonstrates the presence of a statistically significant trend of increasing concentration for one or more constituents listed in Appendix IV to Rule R315-319 with potential to result in an exceedance of any groundwater protection standard before closure is complete, or if at any time one or more constituents listed in Appendix IV to Rule R315-319 are detected at a statistically significant level above a groundwater protection standard, the authorization will be withdrawn. Subsection R315-319-96(g)(3) does not apply to CCR surface impoundments operating under an alternate liner demonstration. Upon receipt of a decision that the alternate liner demonstration has been withdrawn, the owner or operator shall place the decision in the facility's operating record as required by Subsection R315-319-105(f)(24).

(D) The burden remains on the owner or operator of the CCR surface impoundment to demonstrate that the CCR surface impoundment meets the conditions for authorization under this Section R315-319-71. If at any point, any condition for qualification under Section R315-319-71 has not been met, the director can without further notice or process deny or revoke the owner or operator's authorization under Subsection R315-319-71(d)(2)(ix).

R315-319-72. Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment.

(a) New CCR surface impoundments and lateral expansions of existing and new CCR surface impoundments shall be designed, constructed, operated, and maintained with either a composite liner or an alternative composite liner that meets the requirements of Subsection R315-319-70(b) or R315-319-70(c).

(b) Any liner specified in Section R315-319-72 shall be installed to cover ~~all~~ any surrounding earth likely to be in contact with CCR. Dikes ~~shall~~ may not be constructed on top of the composite liner.

(c) ~~Prior to~~ Before construction of the CCR surface impoundment or any lateral expansion of a CCR surface impoundment, the owner or operator shall obtain certification from a qualified professional engineer that the design of the composite liner or, if applicable, the design of an alternative composite liner complies with the requirements of Section R315-319-72.

(d) Upon completion, the owner or operator shall obtain certification from a qualified professional engineer that the composite liner or if applicable, the alternative composite liner has been constructed in accordance with the requirements of Section R315-319-72.

(e) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(f), the notification requirements specified in Subsection R315-319-106(f), and the ~~H~~ internet requirements specified in Subsection R315-319-107(f).

R315-319-73. Structural Integrity Criteria for Existing CCR Surface Impoundments.

(a) The requirements of Subsections R315-319-73(a)(1) through ~~R315-319-73(a)(4)~~ apply to ~~all~~ existing CCR surface impoundments, except for those existing CCR surface impoundments that are incised CCR units. If an incised CCR surface impoundment is subsequently modified, ~~e.g.,~~ for example a dike is constructed, such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of Subsections R315-319-73(a)(1) through ~~R315-319-73(a)(4)~~.

(1) No later than, December 17, 2015, the owner or operator of the CCR unit shall place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.

(2) Periodic hazard potential classification assessments.

(i) The owner or operator of the CCR unit shall conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in Subsection R315-319-73(f). The owner or operator shall document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator shall also document the basis for each hazard potential classification.

(ii) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in Subsection R315-319-73(a)(2)(i) was conducted in accordance with the requirements of Section R315-319-73.

(3) Emergency Action Plan (EAP)

(i) Development of the plan. No later than April 17, 2017, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under Subsection R315-319-73(a)(2) shall prepare and maintain a written EAP. At a minimum, the EAP shall:

(A) Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;

(B) Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;

(C) Provide contact information of emergency responders;

(D) Include a map ~~[which] that~~ delineates the downstream area ~~[which] that~~ would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and

(E) Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.

(ii) Amendment of the plan.

(A) The owner or operator of a CCR unit subject to the requirements of Subsection R315-319-73(a)(3)(i) may amend the written EAP at any time provided the revised plan has been submitted to and has received approval from the ~~[D]~~director and placed in the facility's operating record as required by Subsection R315-319-105(f)(6). The owner or operator shall amend the written EAP when ~~[ever]~~ there is a change in conditions that would substantially affect the EAP in effect.

(B) The written EAP shall be evaluated, at a minimum, every five years to ensure the information required in Subsection R315-319-73(a)(3)(i) is accurate. As necessary, the EAP shall be updated and a revised EAP has been submitted to and has received approval from the ~~[D]~~director and placed in the facility's operating record as required by Subsection R315-319-105(f)(6).

(iii) Changes in hazard potential classification.

(A) If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation has been submitted to and has received approval from the ~~[D]~~director and placed in the facility's operating record as required by Subsection R315-319-105(f)(5).

(B) If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit shall prepare a written EAP for the CCR unit as required by Subsection R315-319-73(a)(3)(i) within six months of completing ~~[such] the~~ periodic hazard potential assessment and submit the EAP to the ~~[D]~~director for approval.

(iv) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of Subsection R315-319-73(a)(3) and submit the certification to the ~~[D]~~director.

(v) Activation of the EAP. The EAP shall be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.

(4) The CCR unit and surrounding areas shall be designed, constructed, operated, and maintained with vegetated slopes of dikes except for slopes ~~[which] that~~ are protected with an alternate form ~~[f]s[]~~ of slope protection.

(b) The requirements of Subsections R315-319-73(c) through R315-319-73(e) apply to an owner or operator of an existing CCR surface impoundment that either:

(1) Has a height of five feet or more and a storage volume of 20 acre-feet or more; or

(2) Has a height of 20 feet or more.

(c)(1) No later than October 17, 2016, the owner or operator of the CCR unit shall compile and submit to the ~~[D]~~director a history of construction, which shall contain, to the extent feasible, the information specified in Subsections R315-319-73(c)(1)(i) through R315-319-73(c)(1)(xi).

(i) The name and address of the person ~~[f]s[]~~ owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.

(ii) The location of the CCR unit identified on the most recent ~~[U.S. Geological Survey (USGS)]~~ [7-1/2] 7-1/2 minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.

(iii) A statement of the purpose for which the CCR unit is being used.

(iv) The name and size in acres of the watershed within which the CCR unit is located.

(v) A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.

(vi) A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the approximate dates of construction of each successive stage of construction of the CCR unit.

(vii) At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing ~~[all] the~~ zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or man-made features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.

(viii) A description of the type, purpose, and location of existing instrumentation.

(ix) Area-capacity curves for the CCR unit.

(x) A description of each spillway and diversion design features and capacities and calculations used in their determination.

(xi) The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.

(xii) Any record or knowledge of structural instability of the CCR unit.

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(2) Changes to the history of construction. If there is a significant change to any information compiled under Subsection R315-319-73(c)(1), the owner or operator of the CCR unit shall update the relevant information, submit it to the [D]director, and place it in the facility's operating record as required by Subsection R315-319-105(f)(9).

(d) Periodic structural stability assessments.

(1) The owner or operator of the CCR unit shall conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater [which]that can be impounded therein. The assessment shall, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:

(i) Stable foundations and abutments;

(ii) Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;

(iii) Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;

(iv) Vegetated slopes of dikes and surrounding areas except for slopes [which]that have an alternate form or forms of slope protection;

(v) A single spillway or a combination of spillways configured as specified in Subsection R315-319-73(d)(1)(v)(A). The combined capacity of [all]any spillways shall be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in Subsection R315-319-73(d)(1)(v)(B).

(A) [All]Spillways shall be either:

(I) Of non-erodible construction and designed to carry sustained flows; or

(II) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

(B) The combined capacity of [all]the spillways shall adequately manage flow during and following the peak discharge from a:

(I) Probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or

(II) 1000-year flood for a significant hazard potential CCR surface impoundment; or

(III) 100-year flood for a low hazard potential CCR surface impoundment.

(vi) Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris [which]that may negatively affect the operation of the hydraulic structure; and

(vii) For CCR units with downstream slopes [which]that can be inundated by the pool of an adjacent water body, such as a river, stream, or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.

(2) The periodic assessment described in Subsection R315-319-73(d)(1) shall identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit shall remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken and submit the documentation to the [D]director.

(3) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of Section R315-319-73 and submit the certification to the [D]director.

(e) Periodic safety factor assessments.

(1) The owner or operator shall conduct and submit to the [D]director an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in Subsections R315-319-73(e)(1)(i) through R315-319-73(e)(1)(iv) for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of [all]the cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments shall be supported by appropriate engineering calculations.

(i) The calculated static factor of safety under the long-term, maximum storage pool loading condition shall equal or exceed 1.50.

(ii) The calculated static factor of safety under the maximum surcharge pool loading condition shall equal or exceed 1.40.

(iii) The calculated seismic factor of safety shall equal or exceed [1.00]one.

(iv) For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety shall equal or exceed 1.20.

(2) The owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in Subsection R315-319-73(e)(1) meets the requirements of Section R315-319-73.

(f) Timeframes for periodic assessments

(1) Initial assessments. Except as provided by Subsection R315-319-73(f)(2), the owner or operator of the CCR unit shall complete the initial assessments required by Subsections R315-319-73(a)(2), R315-319-73(d), and R315-319-73(e) no later than October 17, 2016. The owner or operator has completed an initial assessment when the owner or operator has and submit to the [D]director and placed the assessment required by Subsections R315-319-73(a)(2), R315-319-73(d), and R315-319-73(e) in the facility's operating record as required by Subsections R315-319-105(f)(5), R315-319-105(f)(10), and R315-319-105(f)(12).

(2) Use of a previously completed assessment[~~(f)(5)~~]. The owner or operator of the CCR unit may elect to use a previously completed assessment to serve as the initial assessment required by Subsections R315-319-73(a)(2), R315-319-73(d), and R315-319-73(e) provided that the previously completed assessment[~~(f)(5)~~]:

(i) [W]was completed no earlier than 42 months [prior to]before October 17, 2016; and

(ii) [M]meets the applicable requirements of Subsections R315-319-73[~~(a)(2)~~], R315-319-73(d), and R315-319-73(e).

(3) Frequency for conducting periodic assessments. The owner or operator of the CCR unit shall conduct and complete and submit to the [D]director the assessments required by Subsections R315-319-73[-](a)(2), R315-319-73(d), and R315-319-73(e) every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. If the owner or operator elects to use a previously completed assessment[~~(t)s~~] in lieu of the initial assessment as provided by Subsection R315-319-73[~~(f)~~](2), the date of the report for the previously completed assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment [~~prior to~~]before the required deadline provided the owner or operator submits the assessment to the [D]director and places the completed assessment[~~(t)s~~] into the facility's operating record within a reasonable amount of time. In ~~all~~each case[s], the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of Subsection R315-319-73(f)(3), the owner or operator has completed an assessment when the relevant assessment[~~(t)s~~] required by Subsections R315-319-73[-](a)(2), R315-319-73(d), and R315-319-73(e) has been submitted and approved by the [D]director and has been placed in the facility's operating record as required by Subsections R315-319-105(f)(5), R315-319-105(f)(10), and R315-319-105(f)(12).

(4) Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely safety factor assessment or fails to demonstrate minimum safety factors as required by Subsection R315-319-73[-](e) is subject to the requirements of Subsection R315-319-101(b)(2).

(g) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(f), the notification requirements specified in Subsection R315-319-106(f), and the internet requirements specified in Subsection R315-319-107(f).

R315-319-81. Operating Criteria Run-On and Run-Off Controls for CCR Landfills.

(a) The owner or operator of an existing or new CCR landfill or any lateral expansion of a CCR landfill shall design, construct, operate, and maintain:

(1) ~~A~~a run-on control system to prevent flow onto the active portion of the CCR unit during the peak discharge from a 24-hour, 25-year storm; and

(2) ~~A~~a run-off control system from the active portion of the CCR unit to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

(b) Run-off from the active portion of the CCR unit shall be handled in accordance with the surface water requirements under Subsection R315-303-2(3).

(c) Run-on and run-off control system plan.

(1) Content of the plan. The owner or operator shall prepare initial and periodic run-on and run-off control system plans for the CCR unit according to the timeframes specified in Subsections R315-319-81(c)(3) and R315-319-81(c)(4). These plans shall document how the run-on and run-off control systems have been designed and constructed to meet the applicable requirements of Section R315-319-81. Each plan shall be supported by appropriate engineering calculations. The owner or operator has completed the initial run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by Subsection R315-319-105(g)(3).

(2) Amendment of the plan. The owner or operator may amend the written run-on and run-off control system plan at any time provided the revised plan is placed in the facility's operating record as required by Subsection R315-319-105(g)(3). The owner or operator shall amend the written run-on and run-off control system plan when~~ever~~ there is a change in conditions that would substantially affect the written plan in effect.

(3) Timeframes for preparing the initial plan.

(i) Existing CCR landfills. The owner or operator of the CCR unit shall prepare the initial run-on and run-off control system plan no later than October 17, 2016.

(ii) New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator shall prepare the initial run-on and run-off control system plan no later than the date of initial receipt of CCR in the CCR unit.

(4) Frequency for revising the plan. The owner or operator of the CCR unit shall prepare periodic run-on and run-off control system plans required by Subsection R315-319-81(c)(1) every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first subsequent plan. The owner or operator may complete any required plan [~~prior to~~]before the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In ~~all~~each case[s], the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of Subsection R315-319-81(c)(4), the owner or operator has completed a periodic run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by Subsection R315-319-105(g)(3).

(5) The owner or operator shall obtain a certification from a qualified professional engineer stating that the initial and periodic run-on and run-off control system plans meet the requirements of Section R315-319-81.

(d) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(g), the notification requirements specified in Subsection R315-319-106(g), and the internet requirements specified in Subsection R315-319-107(g).

R315-319-82. Operating Criteria - Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments.

(a) The owner or operator of an existing or new CCR surface impoundment or any lateral expansion of a CCR surface impoundment shall design, construct, operate, and maintain an inflow design flood control system as specified in Subsections R315-319-82(a)(1) and R315-319-82(a)(2).

(1) The inflow design flood control system shall adequately manage flow into the CCR unit during and following the peak discharge of the inflow design flood specified in Subsection R315-319-82(a)(3).

(2) The inflow design flood control system shall adequately manage flow from the CCR unit to collect and control the peak discharge resulting from the inflow design flood specified in Subsection R315-319-82(a)(3).

(3) The inflow design flood is:

(i) ~~[F]~~for a high hazard potential CCR surface impoundment, as determined under Subsection R315-319-73(a)(2) or Subsection R315-319-74(a)(2), the ~~probable maximum flood~~ PMF;

(ii) ~~[F]~~for a significant hazard potential CCR surface impoundment, as determined under Subsection R315-319-73(a)(2) or Subsection R315-319-74(a)(2), the 1,000-year flood;

(iii) ~~[F]~~for a low hazard potential CCR surface impoundment, as determined under Subsection R315-319-73(a)(2) or Subsection R315-319-74(a)(2), the 100-year flood; or

(iv) ~~[F]~~for an incised CCR surface impoundment, the 25-year flood.

(b) Discharge from the CCR unit shall be handled in accordance with the surface water requirements under Subsection R315-303-2(3).

(c) Inflow design flood control system plan.

(1) Content of the plan. The owner or operator shall prepare initial and periodic inflow design flood control system plans for the CCR unit according to the timeframes specified in Subsections R315-319-82~~[-](c)(3)~~ and R315-319-82(c)(4). These plans shall document how the inflow design flood control system has been designed and constructed to meet the requirements of Section R315-319-82. Each plan shall be supported by appropriate engineering calculations. The owner or operator of the CCR unit has completed the inflow design flood control system plan when the plan has been placed in the facility's operating record as required by Subsection R315-319-105(g)(4).

(2) Amendment of the plan. The owner or operator of the CCR unit may amend the written inflow design flood control system plan at any time provided the revised plan is placed in the facility's operating record as required by Subsection R315-319-105(g)(4). The owner or operator shall amend the written inflow design flood control system plan when~~ever~~ there is a change in conditions that would substantially affect the written plan in effect.

(3) Timeframes for preparing the initial plan.

(i) Existing CCR surface impoundments. The owner or operator of the CCR unit shall prepare the initial inflow design flood control system plan no later than October 17, 2016.

(ii) New CCR surface impoundments and any lateral expansion of a CCR surface impoundment. The owner or operator shall prepare the initial inflow design flood control system plan no later than the date of initial receipt of CCR in the CCR unit.

(4) Frequency for revising the plan. The owner or operator shall prepare periodic inflow design flood control system plans required by Subsection R315-319-82(c)(1) every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first periodic plan. The owner or operator may complete any required plan ~~prior to~~ before the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In ~~at~~ each case~~s~~, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of Subsection R315-319-82(c)(4), the owner or operator has completed an inflow design flood control system plan when the plan has been placed in the facility's operating record as required by Subsection R315-319-105(g)(4).

(5) The owner or operator shall obtain a certification from a qualified professional engineer stating that the initial and periodic inflow design flood control system plans meet the requirements of Section R315-319-82.

(d) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(g), the notification requirements specified in Subsection R315-319-106(g), and the internet requirements specified in Subsection R315-319-107(g).

R315-319-84. Operating Criteria - Inspection Requirements for CCR Landfills.

(a) Inspections by a qualified person.

(1) ~~All~~ CCR landfills and any lateral expansion of a CCR landfill shall be examined by a qualified person~~as follows~~:

(i) ~~A~~at intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions ~~which~~ that are disrupting or have the potential to disrupt the operation or safety of the CCR unit; and

(ii) ~~F~~the results of the inspection by a qualified person shall be recorded in the facility's operating record as required by Subsection R315-319-105(g)(8).

(2) Timeframes for inspections by a qualified person.

(i) Existing CCR landfills. The owner or operator of the CCR unit shall initiate the inspections required under Subsection R315-319-84(a) no later than October 19, 2015.

(ii) New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit shall initiate the inspections required under Subsection R315-319-84(a) upon initial receipt of CCR by the CCR unit.

(b) Annual inspections by a qualified professional engineer.

(1) Existing and new CCR landfills and any lateral expansion of a CCR landfill shall be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards. The inspection shall, at a minimum, include:

(i) ~~A~~a review of available information regarding the status and condition of the CCR unit, including~~but not limited to,~~ files available in the operating record, ~~e.g.~~for example, the results of inspections by a qualified person, and results of previous annual inspections; and

(ii) ~~A~~a visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit.

(2) Inspection report. The qualified professional engineer shall prepare a report following each inspection that addresses~~the following~~:

(i) ~~[A]~~any changes in geometry of the structure since the previous annual inspection;
 (ii) ~~[F]~~the approximate volume of CCR contained in the unit ~~when it was inspected~~~~[at the time of the inspection]~~;
 (iii) ~~[A]~~any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit; and
 (iv) ~~[A]~~any other change~~(s)~~ ~~[which]~~that may have affected the stability or operation of the CCR unit since the previous annual inspection.

(3) Timeframes for conducting the initial inspection.

(i) Existing CCR landfills. The owner or operator of the CCR unit shall complete the initial inspection required by Subsections R315-319-84(b)(1) and R315-319-85(b)(2) no later than January 18, 2016.

(ii) New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit shall complete the initial annual inspection required by Subsections R315-319-84(b)(1) and R315-319-84(b)(2) no later than 14 months following the date of initial receipt of CCR in the CCR unit.

(4) Frequency of inspections. The owner or operator of the CCR unit shall conduct the inspection required by Subsections R315-319-84(b)(1) and R315-319-84(b)(2) on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted ~~[prior to]~~before the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In ~~[a]~~each case[s], the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of Section R315-319-84, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by Subsection R315-319-105(g)(9).

(5) If a deficiency or release is identified during an inspection, the owner or operator shall remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.

(c) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(g), the notification requirements specified in Subsection R315-319-106(g), and the internet requirements specified in Subsection R315-319-107(g).

R315-319-90. Groundwater Monitoring and Corrective Action - Applicability.

(a) Except as provided for in S~~[ubs]~~ection R315-319-100 for inactive CCR surface impoundments, ~~[a]~~CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under S~~[ubs]~~ections R315-319-90 through R315-319-98.

(b) Initial timeframes.

(1) Existing CCR landfills and existing CCR surface impoundments. No later than October 17, 2017, the owner or operator of the CCR unit shall be in compliance with the ~~[following]~~groundwater monitoring requirements listed in Subsections R315-319-90(b)(1)(i) through R315-319-90(b)(1)(iv):

(i) ~~[I]~~install the groundwater monitoring system as required by S~~[ubs]~~ection R315-319-91;

(ii) ~~[D]~~develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by S~~[ubs]~~ection R315-319-93;

(iii) ~~[I]~~initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by Subsection R315-319-94(b); and

(iv) ~~[B]~~begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in ~~[a]~~Appendix III ~~[of]~~to Rule R315-319 as required by S~~[ubs]~~ection R315-319-94.

(2) New CCR landfills, new CCR surface impoundments, and ~~[a]~~lateral expansions of CCR units. ~~[Prior to]~~Before initial receipt of CCR by the CCR unit, the owner or operator shall be in compliance with the groundwater monitoring requirements specified in Subsections R315-319-90(b)(1)(i) and R315-319-90(b)(1)(ii). In addition, the owner or operator of the CCR unit shall initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by Subsection R315-319-94(b).

(c) Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by Sections R315-319-50 through R315-319-107, the owner or operator shall conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.

(d) In the event of a release from a CCR unit, the owner or operator shall immediately take ~~[a]~~any necessary measures to control the source~~(s)~~ of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit shall comply with ~~[a]~~the applicable requirements in S~~[ubs]~~ections R315-319-96, R315-319-97, and R315-319-98.

(e) Annual groundwater monitoring and corrective action report. For existing CCR landfills and existing CCR surface impoundments, no later than January 31, 2018, and annually thereafter, the owner or operator shall prepare an annual groundwater monitoring and corrective action report and forward the report to the ~~[D]~~director by March 1 of each year. For new CCR landfills, new CCR surface impoundments, and ~~[a]~~lateral expansions of CCR units, the owner or operator shall prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for ~~[such]~~the CCR unit as required by Sections R315-319-50 through R315-319-107, and annually thereafter. For the preceding calendar year, the annual report shall document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of Section[s] R315-319-90, the owner or operator has prepared the annual report when the

report is placed in the facility's operating record as required by Subsection R315-319-105(h)(1). At a minimum, the annual groundwater monitoring and corrective action report shall contain~~[-the following information]~~, to the extent available:

- (1) ~~[A]~~a map, aerial image, or diagram showing the CCR unit and ~~[all]~~the background, or upgradient, and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;
 - (2) ~~[I]~~identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;
 - (3) ~~[I]~~in addition to [all]the monitoring data obtained under Sections R315-319-90 through R315-319-98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;
 - (4) ~~[A]~~a narrative discussion of any transition between monitoring programs, ~~[e.g.]~~for example, the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent~~[s]~~ detected at a statistically significant increase over background levels;~~[-and]~~
 - (5) ~~[O]~~other information required to be included in the annual report as specified in Sections R315-319-90 through R315-319-98;
- and

(6) A section at the beginning of the annual report that provides an overview of the current status of groundwater monitoring and corrective action programs for the CCR unit. At a minimum, the summary shall specify:

(i) at the start of the current annual reporting period, whether the CCR unit was operating under the detection monitoring program in Section R315-319-94 or the assessment monitoring program in Section R315-319-95;

(ii) at the end of the current annual reporting period, whether the CCR unit was operating under the detection monitoring program in Section R315-319-94 or the assessment monitoring program in Section R315-319-95;

(iii) if it was determined that there was a statistically significant increase over background for one or more constituents listed in Appendix III to Rule R315-319 pursuant to Subsection R315-319-94(e);

(A) identify those constituents listed in Appendix III to Rule R315-319 and the names of the monitoring wells associated with an increase; and

(B) provide the date when the assessment monitoring program was initiated for the CCR unit;

(iv) if it was determined that there was a statistically significant level above the groundwater protection standard for one or more constituents listed in Appendix IV to Rule R315-319 pursuant to Subsection R315-319-95(g) include:

(A) identification of those constituents listed in Appendix IV to Rule R315-319 and the names of the monitoring wells associated with an increase;

(B) the date when the assessment of corrective measures was initiated for the CCR unit;

(C) the date when the public meeting was held for the assessment of corrective measures for the CCR unit; and

(D) the date when the assessment of corrective measures was completed for the CCR unit;

(v) whether a remedy was selected pursuant to Section R315-319-97 during the current annual reporting period, and if so, the date of remedy selection; and

(vi) whether remedial activities were initiated or are ongoing pursuant to Section R315-319-98 during the current annual reporting period.

(f) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the internet requirements specified in Subsection R315-319-107(h).

R315-319-91. Groundwater Monitoring and Corrective Action - Groundwater Monitoring Systems.

(a) Performance standard. The owner or operator of a CCR unit shall install a groundwater monitoring system consists of ~~[a sufficient number of]~~enough wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that:

(1) ~~[A]~~accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit. A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:

(i) ~~[H]~~hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or

(ii) ~~[S]~~sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and

(2) ~~[A]~~accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system shall be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. ~~[All]~~Each potential contaminant pathway~~[s]~~ shall be monitored.

(b) The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that shall include thorough characterization of:

(1) ~~[A]~~aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and

(2) ~~[S]~~saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including~~[-but not limited to,]~~ thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities, and effective porosities.

(c) The groundwater monitoring system shall include the minimum number of monitoring wells necessary to meet the performance standards specified in Subsection R315-319-91(a), based on the site-specific information specified in Subsection R315-319-91(b). The groundwater monitoring system shall contain:

(1) ~~[A]~~a minimum of one upgradient and three downgradient monitoring wells; and

(2) ~~[A]~~additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.

(d) The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.

(1) The multiunit groundwater monitoring system shall be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in Subsections R315-319-91(a) through R315-319-91(c) for each CCR unit based on ~~the following factors~~:

(i) ~~[N]~~number, spacing, and orientation of each CCR unit;

(ii) ~~[H]~~hydrogeologic setting;

(iii) ~~[S]~~site history; and

(iv) ~~[E]~~engineering design of the CCR unit.

~~[(2) If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by Subsection R315-319-71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to Rule R315-319 are detected at statistically significant levels above the groundwater protection standard established under Subsection R315-319-95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under Subsection R315-319-101(a) to retrofit or close.]~~

(e) Monitoring wells shall be cased in a manner that maintains the integrity of the monitoring well borehole. This casing shall be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space, ~~[i.e.]that is~~, the space between the borehole and well casing, above the sampling depth shall be sealed to prevent contamination of samples and the groundwater.

(1) The owner or operator of the CCR unit shall document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers, and other measurement, sampling, and analytical devices. The qualified professional engineer shall be given access to this documentation when completing the groundwater monitoring system certification required under Subsection R315-319-91(f).

(2) The monitoring wells, piezometers, and other measurement, sampling, and analytical devices shall be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.

(f) The owner or operator shall obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of Section R315-319-91. If the groundwater monitoring system includes the minimum number of monitoring wells specified in Subsection R315-319-91(c)(1), the certification shall document the basis supporting this determination.

(g) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the internet requirements specified in Subsection R315-319-107(h).

R315-319-93. Groundwater Monitoring and Corrective Action - Groundwater Sampling and Analysis Requirements.

(a) The groundwater monitoring program shall include consistent sampling and analysis procedures designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by ~~S[ubs]~~ection R315-319-91. The owner or operator of the CCR unit shall develop and receive approval from the director for a sampling and analysis program that includes procedures and techniques for:

(1) sample collection;

(2) sample preservation and shipment;

(3) analytical procedures;

(4) chain of custody control; and

(5) quality assurance and quality control.

(b) The groundwater monitoring program shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For ~~S[ubs]~~ections R315-319-90 through R315-319-98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either ~~[a]~~Appendix III or IV ~~[of]~~to Rule R315-319.

(c) Groundwater elevations shall be measured in each well immediately before purging, each time groundwater is sampled. The owner or operator of the CCR unit shall determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells that monitor a CCR management area shall be measured within a period short enough to avoid temporal variations in groundwater flow that could preclude accurate determination of groundwater flow rate and direction.

(d) The owner or operator of the CCR unit shall establish background groundwater quality in a hydraulically upgradient or background well for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under Subsection R315-319-94(a) or ~~[Subsection]~~R315-319-95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of Subsection R315-319-91(a)(1).

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(e) The number of samples collected when conducting detection monitoring and assessment monitoring, for both downgradient and background wells, shall be consistent with the statistical procedures chosen under Subsection R315-319-93(f) and the performance standards under Subsection R315-319-93(g). The sampling procedures shall be those specified under Subsections R315-319-94(b) through R315-319-94(d) for detection monitoring, Subsections R315-319-95(b) through R315-319-95(d) [for assessment monitoring, and Subsection R315-319-96(b) for corrective action.

(f) The owner or operator of the CCR unit shall select one of the statistical methods specified in Subsections R315-319-93(f)(1) through R315-319-93(f)(5) to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.

(1) A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method shall include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(2) An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method shall include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(3) A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(4) A control chart approach that gives control limits for each constituent.

(5) Another statistical test method that meets the performance standards of Subsection R315-319-93(g) and has been approved by the director.

(6) The owner or operator of the CCR unit shall get a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification shall include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.

(g) Any statistical method chosen under Subsection R315-319-93(f) shall comply with the ~~following~~ performance standards listed in Subsections R315-319-93(g)(1) through R315-319-93(g)(6), as appropriate, based on the statistical test method used:

(1) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data shall be transformed or a distribution-free, non-parametric, theory test shall be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons shall be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in Section R315-319-93 for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval shall contain, shall be such that this approach is at least as effective as any other approach in Section R315-319-93 for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(5) The statistical method shall account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in Section R315-319-93 for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(6) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(h) The owner or operator of the CCR unit shall determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under Subsection R315-319-94(a) or ~~Subsection~~ R315-319-95(a).

(1) In determining whether a statistically significant increase has occurred, the owner or operator shall compare the groundwater quality of each constituent at each monitoring well designated pursuant to Subsection R315-319-91(a)(2) or R315-319-91(d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under Subsections R315-319-93(f) and R315-319-93(g).

(2) Within 90 days after completing sampling and analysis, the owner or operator shall determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.

(i) The owner or operator shall measure total recoverable metals concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples ~~shall~~ may not be field-filtered before analysis.

(j) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the [F]internet requirements specified in Subsection R315-319-107(h).

R315-319-94 Groundwater Monitoring and Corrective Action - Detection Monitoring Program.

(a) The owner or operator of a CCR unit shall conduct detection monitoring at ~~at~~ each groundwater monitoring well[s] consistent with Section R315-319-94. At a minimum, a detection monitoring program shall include groundwater monitoring for ~~the~~ constituents listed in ~~[a]~~ Appendix III to Rule R315-319.

(b) Except as provided in Subsection R315-319-94(d), the monitoring frequency for the constituents listed in ~~[a]~~ Appendix III to Rule R315-319 shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well shall be collected and analyzed for the constituents listed in ~~[a]~~ Appendix III and Appendix IV to Rule R315-319 no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and ~~[a]~~ lateral expansions of CCR units, a minimum of eight independent samples for each background well shall be collected and analyzed for the constituents listed in ~~[a]~~ Appendices III and IV to Rule R315-319 during the first six months of sampling.

(c) The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events shall be consistent with Subsection R315-319-93(e), and shall account for any unique characteristics of the site, but shall be at least one sample from each background and downgradient well.

(d) The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in ~~[a]~~ Appendix III to Rule R315-319 during the active life and the post-closure care period based on the availability of groundwater. This demonstration shall be submitted and approved by the ~~[D]~~ director. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency shall be evaluated on a site-specific basis. The demonstration shall be supported by, at a minimum, the information specified in Subsections R315-319-94(d)(1) and R315-319-94(d)(2).

(1) Information documenting that the need for less frequent sampling. The alternative frequency shall be based on consideration of the ~~[following]~~ factors listed in Subsections R315-319-94(d)(1)(i) through R315-319-94(d)(1)(iii):

- (i) ~~[L]~~ lithology of the aquifer and unsaturated zone;
- (ii) ~~[H]~~ hydraulic conductivity of the aquifer and unsaturated zone; and
- (iii) ~~[G]~~ groundwater flow rates.

(2) Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.

(3) The owner or operator shall obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of Section R315-319-94. The owner or operator shall include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by Subsection R315-319-90(e).

(e) If the owner or operator of the CCR unit determines, pursuant to Subsection R315-319-93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in ~~[a]~~ Appendix III to Rule R315-319 at any monitoring well at the waste boundary specified under Subsection R315-319-91(a)(2), the owner or operator shall:

(1) Except as provided for in Subsection R315-319-94(e)(2), within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of ~~S[ub]~~section R315-319-95.

(2) The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator shall complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under Section R315-319-94. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit shall initiate an assessment monitoring program as required under ~~S[ub]~~section R315-319-95. The owner or operator shall also include the demonstration in the annual groundwater monitoring and corrective action report required by Subsection R315-319-90(e), in addition to the certification by a qualified professional engineer.

(3) The owner or operator of a CCR unit shall prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by Subsection R315-319-105(h)(5).

(f) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the [F]internet requirements specified in Subsection R315-319-107(h).

R315-319-95. Groundwater Monitoring and Corrective Action - Assessment Monitoring Program.

(a) Assessment monitoring is required when ~~ever~~ a statistically significant increase over background levels has been detected for one or more of the constituents listed in ~~[a]~~ Appendix III to Rule R315-319.

(b) Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit shall sample and analyze the groundwater for the constituents listed in ~~[a]~~ Appendix IV to Rule R315-319. The number of samples collected

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and analyzed for each well during each sampling event shall be consistent with Subsection R315-319-93(e), and shall account for any unique characteristics of the site, but shall be at least one sample from each well.

(c) The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in [a]Appendix IV to Rule R315-319 during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency shall be evaluated on a site-specific basis. The demonstration shall be supported by, at a minimum, the information specified in Subsections R315-319-95(c)(1) and R315-319-95(c)(2).

(1) Information documenting that the need for less frequent sampling. The alternative frequency shall be based on consideration of the following factors:

- (i) lithology of the aquifer and unsaturated zone;
- (ii) hydraulic conductivity of the aquifer and unsaturated zone; and
- (iii) groundwater flow rates.

(2) Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.

(3) The owner or operator shall get a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of Section R315-319-95. The owner or operator shall include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by Subsection R315-319-90(e).

(d) After getting the results from the initial and subsequent sampling events required in Subsection R315-319-95(b), the owner or operator shall:

(1) within 90 days of getting the results, and on at least a semiannual basis thereafter, resample any wells that were installed pursuant to the requirements of Section R315-319-91, conduct analyses for the parameters in [a]Appendix III to Rule R315-319 and for those constituents in [a]Appendix IV to Rule R315-319 that are detected in response to Subsection R315-319-95(b), and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events shall be consistent with Subsection R315-319-93(e), and shall account for any unique characteristics of the site, but shall be at least one sample from each background and downgradient well;

(2) establish groundwater protection standards for any constituents detected pursuant to Subsection R315-319-95(b) or R315-319-95(d). The groundwater protection standards shall be established in accordance with Subsection R315-319-95(h); and

(3) include the recorded concentrations required by Subsection R315-319-95(d)(1), identify the background concentrations established under Subsection R315-319-94(b), and identify the groundwater protection standards established under Subsection R315-319-95(d)(2) in the annual groundwater monitoring and corrective action report required by Subsection R315-319-90(e).

(e) If the concentrations of the constituents listed in [a]Appendices III and IV of Rule R315-319 are shown to be at or below background values, using the statistical procedures in Subsection R315-319-93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator shall prepare a notification stating that detection monitoring is resuming for the CCR unit and submit the notification to the director for approval. The owner or operator has finished the notification when the notification is placed in the facility's operating record as required by Subsection R315-319-105(h)(7).

(f) If the concentrations of any constituent in [a]Appendices III and IV to Rule R315-319 are above background values, but the concentrations are below the groundwater protection standard established under Subsection R315-319-95(h), using the statistical procedures in Subsection R315-319-93(g), the owner or operator shall continue assessment monitoring in accordance with Section R315-319-95.

(g) If one or more constituents in [a]Appendix IV to Rule R315-319 are detected at statistically significant levels above the groundwater protection standard established under Subsection R315-319-95(h) in any sampling event, the owner or operator shall prepare a notification identifying the constituents in [a]Appendix IV to Rule R315-319 that have exceeded the groundwater protection standard. The owner or operator has finished the notification when the notification is placed in the facility's operating record as required by Subsection R315-319-105(h)(8). The owner or operator of the CCR unit also shall:

(1) [C]characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization shall be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up any releases from the CCR unit pursuant to S[ubs]ection R315-319-96. Characterization of the release includes the [following] minimum measures listed in Subsections R315-319-95(g)(1)(i) through R315-319-95(g)(1)(iv):

- (i) install additional monitoring wells necessary to define the contaminant plume;
- (ii) collect data on the nature and estimated quantity of material released including specific information on the constituents listed in [a]Appendix IV [of] to Rule R315-319 and the levels that they are present in the material released;
- (iii) install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with Subsection R315-319-95(d)(1); and

(iv) sample the wells in accordance with Subsection R315-319-95(d)(1) to characterize the nature and extent of the release.

(2) Notify each person who owns the land or resides on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with Subsection R315-319-95(g)(1). The owner or operator has finished the notifications when they are placed in the facility's operating record as required by Subsection R315-319-105(h)(8).

(3) Within 90 days of finding that any of the constituents listed in [a]Appendix IV to Rule R315-319 have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator shall either:

- (i) initiate an assessment of corrective measures as approved by the director and as required by S[ubs]ection R315-319-96; or
- (ii) demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any demonstration shall be

submitted to and has received approval from the director and supported by a report that includes the factual or evidentiary basis for any conclusions and shall be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator shall continue monitoring in accordance with the assessment monitoring program pursuant to Section R315-319-95, and may return to detection monitoring if the constituents in [a]Appendices III and IV to Rule R315-319 are at or below background as specified in Subsection R315-319-95(e). The owner or operator shall also include the demonstration in the annual groundwater monitoring and corrective action report required by Subsection R315-319-90(e), in addition to the certification by a qualified professional engineer.

(4) If a successful demonstration has not been made at the end of the 90-day period provided by Subsection R315-319-95(g)(3)(ii), the owner or operator of the CCR unit shall initiate the assessment of corrective measures requirements under S[ubs]ection R315-319-96.

(5) ~~If an assessment of corrective measures is required under Subsection R315-319-96 by either Subsection R315-319-95(g)(3)(i) or R315-319-95(g)(4), and if the CCR unit is an existing unlined CCR surface impoundment as determined by Subsection R315-319-71(a), then the CCR unit is subject to the closure requirements under Subsection R315-319-101(a) to retrofit or close. In addition, t]The owner or operator shall prepare a notification stating that an assessment of corrective measures has been initiated.~~

(h) The owner or operator of the CCR unit shall establish a groundwater protection standard for each constituent in [a]Appendix IV to Rule R315-319 detected in the groundwater. The groundwater protection standard shall be:

(1) for constituents that a ground water protection standard has been established in Rule R315-308, the ground water protection standard in Rule R315-308;

(2) for the constituents listed in Subsections R315-319-95(h)(2)(i) and R315-319-95(h)(2)(ii):

(i) lithium 40 micrograms per liter, µg/l; and

(ii) molybdenum 100 µg/l; or~~that a ground water protection standard has not been established in Rule R315-308, the background concentration for the constituent established from wells in accordance with Section R315-319-91; or]~~

(3) for constituents that the background level is higher than the ground water protection standard identified under Subsections R315-319-95(h)(1) and R315-319-95(h)(2), the background concentration.

(i) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the [F]internet requirements specified in Subsection R315-319-107(h).

R315-319-96. Groundwater Monitoring and Corrective Action Assessment of Corrective Measures.

(a) Within 90 days of finding that any constituent listed in [a]Appendix IV to Rule R315-319 has been detected at a statistically significant level exceeding the groundwater protection standard defined under Subsection R315-319-95(h), or immediately upon detection of a release from a CCR unit, the owner or operator shall initiate an assessment of corrective measures to prevent further releases, to remediate any releases, and to restore affected area to original conditions. The assessment of corrective measures shall be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator shall obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator shall also include the demonstration in the annual groundwater monitoring and corrective action report required by Subsection R315-319-90(e), in addition to the certification by a qualified professional engineer.

(b) The owner or operator of the CCR unit shall continue to monitor groundwater in accordance with the assessment monitoring program as specified in S[ubs]ection R315-319-95.

(c) The assessment under Subsection R315-319-96(a) shall include an analysis of the effectiveness of potential corrective measures in meeting ~~all~~each of the requirements and objectives of the remedy as described under S[ubs]ection R315-319-97 addressing at least~~the following~~:

(1) ~~[F]the~~ performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;

(2) ~~[F]the~~ time required to begin and complete the remedy; and

(3) ~~[F]the~~ institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy~~[{s}].~~

(d) The owner or operator shall place the completed assessment of corrective measures in the facility's operating record. The assessment has been completed when it is placed in the facility's operating record as required by Subsection R315-319-105(h)(10).

(e) The owner or operator shall discuss the results of the corrective measures assessment at least 30 days ~~[prior to]~~before the selection of remedy, in a public meeting with interested and affected parties.

(f) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the [F]internet requirements specified in Subsection R315-319-107(h).

R315-319-97. Groundwater Monitoring and Corrective Action Selection of Remedy.

(a) Based on the results of the corrective measures assessment conducted under S[ubs]ection R315-319-96, the owner or operator shall, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in Subsection R315-319-97(b). This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator shall prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator shall prepare a final report describing the selected remedy and how it meets the standards specified in Subsection R315-319-97(b). The remedy and report shall be approved by the ~~[D]director~~. The owner or operator shall obtain a certification from a qualified professional engineer that

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the remedy selected meets the requirements of Section R315-319-97. The report has been completed when it is placed in the operating record as required by Subsection R315-319-105(h)(12).

(b) Remedies shall:

- (1) ~~[B]~~be protective of human health and the environment;
 - (2) ~~[A]~~attain the groundwater protection standard as specified pursuant to Subsection R315-319-95(h);
 - (3) ~~[C]~~control the source~~[s]~~ of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in ~~[a]~~Appendix IV to Rule R315-319 into the environment;
 - (4) ~~[R]~~remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems; ~~and~~
 - (5) ~~[C]~~comply with standards for management of wastes as specified in Subsection R315-319-98(d).
- (c) In selecting a remedy that meets the standards of Subsection R315-319-97(b), the owner or operator of the CCR unit shall consider the ~~following~~ evaluation factors listed in Subsections R315-319-97(c)(1) through R315-319-97(c)(4):
- (1) The long- and short-term effectiveness and protectiveness of the potential remedy~~[s]~~, along with the degree of certainty that the remedy will prove successful based on consideration of ~~the following~~:
 - (i) ~~[M]~~the magnitude of reduction of existing risks;
 - (ii) ~~[M]~~the magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;
 - (iii) ~~[T]~~the type and degree of long-term management required, including monitoring, operation, and maintenance;
 - (iv) ~~[S]~~the short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and re-disposal of contaminant;
 - (v) ~~[T]~~the time until full protection is achieved;
 - (vi) ~~[P]~~the potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;
 - (vii) ~~[E]~~the long-term reliability of the engineering and institutional controls; and
 - (viii) ~~[P]~~the potential need for replacement of the remedy.
 - (2) The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the ~~following~~ factors listed in Subsections R315-319-97(c)(2)(i) and R315-319-97(c)(2)(ii):
 - (i) ~~[T]~~the extent to which containment practices will reduce further releases; and
 - (ii) ~~[T]~~the extent to which treatment technologies may be used.
 - (3) The ease or difficulty of implementing a potential remedy~~[s]~~ based on consideration of the ~~following types of~~ factors listed in Subsections R315-319-97(c)(3)(i) through R315-319-97(c)(3)(v):
 - (i) ~~[D]~~degree of difficulty associated with constructing the technology;
 - (ii) ~~[E]~~expected operational reliability of the technologies;
 - (iii) ~~[N]~~need to coordinate with and obtain necessary approvals and permits from other agencies;
 - (iv) ~~[A]~~availability of necessary equipment and specialists; and
 - (v) ~~[A]~~available capacity and location of needed treatment, storage, and disposal services.
 - (4) The degree to which community concerns are addressed by ~~a~~potential remedy~~[s]~~.
 - (d) The owner or operator shall specify as part of the selected remedy a schedule~~(s)~~ or schedules for implementing and completing remedial activities. ~~Such a~~ The schedule shall require the completion of remedial activities within a reasonable period ~~of time~~ taking into consideration the factors set forth in Subsections R315-319-97~~[-]~~(d)(1) through R315-319-97(d)(6). ~~The owner or operator of the CCR unit shall consider the following factors in determining the schedule of remedial activities:~~
 - (1) ~~[E]~~extent and nature of contamination, as determined by the characterization required under Subsection R315-319-95(g);
 - (2) ~~[R]~~reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under Subsection R315-319-95(h) and other objectives of the remedy;
 - (3) ~~[A]~~availability of treatment or disposal capacity for CCR managed during implementation of the remedy;
 - (4) ~~[P]~~potential risks to human health and the environment from exposure to contamination ~~prior to~~ before completion of the remedy;
 - (5) ~~[R]~~resource value of the aquifer including:
 - (i) ~~[C]~~current and future uses;
 - (ii) ~~[P]~~proximity and withdrawal rate of users;
 - (iii) ~~[G]~~groundwater quantity and quality;
 - (iv) ~~[T]~~the potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;
 - (v) ~~[T]~~the hydrogeologic characteristic of the facility and surrounding land; and
 - (vi) ~~[T]~~the availability of alternative water supplies; and
 - (6) ~~[O]~~other relevant factors as required by the ~~[D]~~director.
 - (e) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the ~~[I]~~internet requirements specified in Subsection R315-319-107(h).

R315-319-98. Groundwater Monitoring and Corrective Action Implementation of the Corrective Action Program.

(a) Within 90 days of selecting a remedy under S[ubs]ection R315-319-97, the owner or operator shall initiate remedial activities. Based on the schedule established under Subsection R315-319-97(d) for implementation and completion of remedial activities the owner or operator shall:

- (1) [E]establish and implement a corrective action groundwater monitoring program that:
 - (i) [A]at a minimum, meets the requirements of an assessment monitoring program under S[ubs]ection R315-319-95;
 - (ii) [D]documents the effectiveness of the corrective action remedy; and
 - (iii) [D]demonstrates compliance with the groundwater protection standard pursuant to Subsection R315-319-98(c)[-]; and
- (2) [I]implement the corrective action remedy selected under S[ubs]ection R315-319-97; and
- (3) [T]take any interim measures necessary to reduce the contaminants leaching from the CCR unit, [and/]or potential exposures to human or ecological receptors, or both. Interim measures shall, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to S[ubs]ection R315-319-97. The [following]owner or operator shall consider the factors listed in Subsections R315-319-98(a)(3)(i) through R315-319-98(a)(3)(vii)[shall be considered by an owner or operator] in determining whether interim measures are necessary:
 - (i) [T]time required to develop and implement a final remedy;
 - (ii) [A]actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of Rule R315-319;
 - (iii) [A]actual or potential contamination of drinking water supplies or sensitive ecosystems;
 - (iv) [F]further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;
 - (v) [W]weather conditions that may cause any of the constituents listed in [a]Appendix IV to this partRule R315-319 to migrate or be released;
 - (vi) [P]potential for exposure to any of the constituents listed in [a]Appendix IV to Rule R315-319 as a result of an accident or failure of a container or handling system; and
 - (vii) [O]other situations that may pose threats to human health and the environment.
- (b) If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of Subsection R315-319-97(b) is not being achieved through the remedy selected, the owner or operator shall, with approval of the [D]director, implement other methods or techniques that could feasibly achieve compliance with the requirements.
- (c) Remedies selected pursuant to S[ubs]ection R315-319-97 shall be considered complete when:
 - (1) [T]the owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under Subsection R315-319-95(h) has been achieved at alleach point[s] within the plume of contamination that lie beyond the groundwater monitoring well system established under S[ubs]ection R315-319-91 and has received [D]director approval[-]; and
 - (2) [E]compliance with the groundwater protection standards established under Subsection R315-319-95(h) has been achieved by demonstrating that concentrations of constituents listed in [a]Appendix IV to Rule R315-319 have not exceeded the groundwater protection standard[(-s)] for a period of three consecutive years using the statistical procedures and performance standards in Subsections R315-319-93(f) [-]and R315-319-93(g).
 - (3) [A]Each action[s] required to complete the remedy have been satisfied.
- (d) [A]CCR[s] that are managed pursuant to a remedy required under Section R315-319-97, or an interim measure required under Subsection R315-319-98(a)(3), shall be managed in a manner that complies with allapplicable Utah requirements.
- (e) Upon completion of the remedy, the owner or operator shall prepare a notification stating that the remedy has been completed. The notification shall be submitted to and be approved by the [D]director. The owner or operator shall obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of Subsection R315-319-98(c). The report has been completed when it is placed in the operating record as required by Subsection R315-319-105(h)(13).
- (f) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(h), the notification requirements specified in Subsection R315-319-106(h), and the internet requirements specified in Subsection R315-319-107(h).

R315-319-100. Closure and Post-Closure Care Inactive CCR Surface Impoundments.

(a) Inactive CCR surface impoundments are subject to all ofthe requirements of Sections R315-319-50 through R315-319-107 applicable to existing CCR surface impoundments.

(b) Reserved.

(c) Reserved.

(d) Reserved.

(e) Timeframes for certain inactive CCR surface impoundments.

(1) An inactive CCR surface impoundment that the owner or operator has completed the actions by the deadlines specified in Subsections R315-319-100(e)(1)(i) through R315-319-100(e)(1)(iii) is eligible for the alternative timeframes specified in Subsections R315-319-100(e)(2) through R315-319-100(e)(6). The owner or operator of the CCR unit shall comply with the applicable recordkeeping, notification, and internet requirements associated with these provisions. For the inactive CCR surface impoundment:

(i) the owner or operator shall have prepared and placed in the facility's operating record by December 17, 2015, a notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to Subsection R315-319-105(i)(1);

(ii) the owner or operator shall have provided notification to the director by January 19, 2016, of the intent to initiate closure of the inactive CCR surface impoundment pursuant to Subsection R315-319-106(i)(1); and

(iii) the owner or operator shall have placed on its CCR web site by January 19, 2016, the notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to Subsection R315-319-107(i)(1).

(2) Location restrictions.

(i) No later than April 16, 2020, the owner or operator of the inactive CCR surface impoundment shall:

(A) complete the demonstration for placement above the uppermost aquifer as set forth in Subsections R315-319-60(a), R315-319-60(b), and R315-319-60(c)(3);

(B) complete the demonstration for wetlands as set forth in Subsections R315-319-61(a), R315-319-61(b), and R315-319-61(c)(3);

(C) complete the demonstration for fault areas as set forth in Subsections R315-319-62(a), R315-319-62(b), and R315-319-62(c)(3);

(D) complete the demonstration for seismic impact zones as set forth in Subsections R315-319-63(a), R315-319-63(b), and R315-319-63(c)(3); and

(E) complete the demonstration for unstable areas as set forth in Subsections R315-319-64(a), R315-319-64(b), R315-319-64(c), and R315-319-64(d)(3).

(ii) An owner or operator of an inactive CCR surface impoundment who fails to demonstrate compliance with the requirements of Subsection R315-319-100(e)(2)(i) is subject to the closure requirements of Subsection R315-319-101(b)(1).

(3) Design criteria. The owner or operator of the inactive CCR surface impoundment shall:

(i) no later than April 17, 2018, complete the documentation of liner type as set forth by Subsection R315-319-71(a) and R315-319-71(b);

(ii) no later than June 16, 2017, place on or immediately adjacent to the CCR unit the permanent identification marker as set forth in Subsection R315-319-73(a)(1);

(iii) no later than October 16, 2018, prepare and maintain an EAP as set forth in Subsection R315-319-73(a)(3);

(iv) no later than April 17, 2018, compile a history of construction as set forth in Subsections R315-319-73(b) and R315-319-73(c); and

(v) no later than April 17, 2018, complete the initial hazard potential classification, structural stability, and safety factor assessments as set forth in Subsections R315-319-73(a)(2), R315-319-73(b), R315-319-73(d), R315-319-73(e), and R315-319-73(f).

(4) Operating criteria. The owner or operator of the inactive CCR surface impoundment shall:

(i) no later than April 18, 2017, prepare the initial CCR fugitive dust control plan as set forth in Subsection R315-319-80(b);

(ii) no later than April 17, 2018, prepare the initial inflow design flood control system plan as set forth in Subsection R315-319-82(c);

(iii) no later than April 18, 2017, initiate the inspections by a qualified person as set forth in Subsection R315-319-83(a); and

(iv) no later than July 19, 2017, complete the initial annual inspection by a qualified professional engineer as set forth in Subsection R315-319-83(b).

(5) Groundwater monitoring and corrective action. The owner or operator of the inactive CCR surface impoundment shall:

(i) no later than April 17, 2019, comply with groundwater monitoring requirements set forth in Subsections R315-319-90(b) and R315-319-94(b); and

(ii) no later than August 1, 2019, prepare the initial groundwater monitoring and corrective action report as set forth in Subsection R315-319-90(e).

(6) Closure and post-closure care. The owner or operator of the inactive CCR surface impoundment shall:

(i) no later than April 17, 2018, prepare an initial written closure plan as set forth in Subsection R315-319-102(b); and

(ii) no later than April 17, 2018, prepare an initial written post-closure care plan as set forth in Subsection R315-319-104(d).

R315-319-101. Closure and Post-Closure Care - Closure or Retrofit of CCR Units.

(a) The owner or operator of an existing unlined CCR surface impoundment, as determined under Subsection R315-319-71(a), is subject to the requirements of Subsection R315-319-101(a)(1).

(1) Except as provided by Subsection R315-319-101(a)(3), ~~[if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to Rule R315-319 are detected at statistically significant levels above the groundwater protection standard established under Subsection R315-319-95(h) for such CCR unit, within six months of making such determination, the]~~ as soon as technically feasible, but before April 11, 2021, an owner or operator of the existing unlined CCR surface impoundment shall [ease] stop placing CCR and non-CCR wastestreams into [such] the CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of S[ub]section R315-319-102.

(2) An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with Subsection R315-319-101(a)(1) shall include a statement in the notification required under Subsection R315-319-102(g) or R315-319-102(k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of Subsection R315-319-101(a)(1).

(3) The timeframe specified in Subsection R315-319-101(a)(1) does not apply if the owner or operator complies with the alternative closure procedures specified in ~~S[ub]section~~ Subsection R315-319-103.

(4) At any time after the initiation of closure under Subsection R315-319-101(a)(1), the owner or operator may ~~stop~~ stop [ease] closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of Subsection R315-319-102(k).

(b) The owner or operator of an existing CCR surface impoundment is subject to the requirements of Subsection R315-319-101(b)(1).

(1)(i) Location standard under Section R315-319-60. Except as provided by Subsection R315-319-101(b)(4), ~~[within six months of determining that] the owner or operator of an existing CCR surface impoundment has not demonstrated compliance with [any] the location~~

standard specified in Subsection ~~R315-319-60(a)~~, ~~61(a)~~, ~~62(a)~~, ~~63(a)~~, and ~~64(a)~~, the owner or operator of the CCR surface impoundment shall ~~cease~~ stop placing CCR and non-CCR wastestreams into ~~such~~ the CCR unit as soon as technically feasible, but no later than April 11, 2021, and close the CCR unit in accordance with the requirements of ~~Subsection~~ R315-319-102.

(ii) Location standards under Sections R315-319-61 through R315-319-64. Except as provided by Subsection R315-319-101(b)(4), within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in Subsections R315-319-61(a), R315-319-62(a), R315-319-63(a), and R315-319-64(a), the owner or operator of the CCR surface impoundment shall stop placing CCR and non-CCR wastestreams into the CCR unit and close the CCR unit in accordance with the requirements of Section R315-319-102.

(2) Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by Subsection R315-319-73(e) by the deadlines specified in Subsections R315-319-73(f)(1) through ~~R315-319-73(f)(3)~~ or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in Subsections R315-319-73(e)(1)(i) through ~~R315-319-73(e)(1)(iv)~~, the owner or operator of the CCR surface impoundment shall ~~cease~~ stop placing CCR and non-CCR wastestreams into ~~such~~ the CCR unit and close the CCR unit in accordance with the requirements of ~~Subsection~~ R315-319-102.

(3) An owner or operator of an existing CCR surface impoundment that closes in accordance with Subsection R315-319-101(b)(1) or ~~R315-319-101(b)(2)~~ shall include a statement in the notification required under Subsection R315-319-102(g) that the CCR surface impoundment is closing under the requirements of Subsection R315-319-101(b)(1) or ~~R315-319-101(b)(2)~~.

(4) The timeframe specified in Subsection R315-319-101(b)(1) does not apply if the owner or operator complies with the alternative closure procedures specified in ~~Subsection~~ R315-319-103.

(c) The owner or operator of a new CCR surface impoundment is subject to the requirements of Subsection R315-319-101(c)(1).

(1) Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by Subsection R315-319-74(e) by the deadlines specified in Subsections R315-319-74(f)(1) through ~~R315-319-74(f)(3)~~ or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in Subsections R315-319-74(e)(1)(i) through ~~R315-319-74(e)(1)(v)~~, the owner or operator of the CCR surface impoundment shall ~~stop~~~~cease~~ placing CCR and non-CCR wastestreams into ~~such~~ the CCR unit and close the CCR unit in accordance with the requirements of Section R315-319-102.

(2) An owner or operator of a ~~new~~ CCR surface impoundment that closes in accordance with Subsection R315-319-101(c)(1) shall include a statement in the notification required under Subsection R315-319-102(g) that the CCR surface impoundment is closing under the requirements of Subsection R315-319-101(c)(1).

(d) The owner or operator of an existing CCR landfill is subject to the requirements of Subsection R315-319-101(d)(1).

(1) Except as provided by Subsection R315-319-101(d)(3), within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in Subsection R315-319-64(a), the owner or operator of the CCR unit shall ~~cease~~ stop placing CCR and non-CCR waste streams into ~~such~~ the CCR landfill and close the CCR unit in accordance with the requirements of Section R315-319-102.

(2) An owner or operator of an existing CCR landfill that closes in accordance with Subsection R315-319-101(d)(1) shall include a statement in the notification required under Subsection R315-319-102(g) that the CCR landfill is closing under the requirements of Subsection R315-319-101(d)(1).

(3) The timeframe specified in Subsection R315-319-101(d)(1) does not apply if the owner or operator complies with the alternative closure procedures specified in Section R315-319-103.

R315-319-102. Closure and Post-Closure Care - Criteria for Conducting the Closure or Retrofit of CCR Units.

(a) Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit shall be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in Subsections R315-319-102(b) through ~~R315-319-102(j)~~. Retrofit of a CCR surface impoundment shall be completed in accordance with the requirements in Subsection R315-319-102(k).

(b) Written closure plan.

(1) Content of the plan. The owner or operator of a CCR unit shall prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices. The written closure plan shall include, at a minimum, the information specified in Subsections R315-319-102(b)(1)(i) through ~~R315-319-102(b)(1)(vi)~~.

(i) A narrative description of how the CCR unit will be closed in accordance with Section R315-319-102.

(ii) If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with Subsection R315-319-102(c).

(iii) If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with Subsection R315-319-102(d), and the methods and procedures to be used to install the final cover. The closure plan shall also discuss how the final cover system will achieve the performance standards specified in Subsection R315-319-102(d).

(iv) An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.

(v) An estimate of the largest area of the CCR unit ever requiring a final cover as required by Subsection R315-319-102(d) at any time during the CCR unit's active life.

(vi) A schedule for completing ~~all~~ the activities necessary to satisfy the closure criteria in Section R315-319-102, including an estimate of the year in which ~~all~~ the closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR

surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in Subsection R315-319-102(f)(1), the written closure plan shall include the site-specific information, factors and considerations that would support any time extension sought under Subsection R315-319-102(f)(2).

(2) Timeframes for preparing the initial written closure plan.

(i) Existing CCR landfills and existing CCR surface impoundments. No later than October 17, 2016, the owner or operator of the CCR unit shall prepare an initial written closure plan consistent with the requirements specified in Subsection R315-319-102(b)(1).

(ii) New CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit. No later than the date of the initial receipt of CCR in the CCR unit, the owner or operator shall prepare an initial written closure plan consistent with the requirements specified in Subsection R315-319-102(b)(1).

(iii) The owner or operator has completed the written closure plan when the plan, including the certification required by Subsection R315-319-102(b)(4), has been placed in the facility's operating record as required by Subsection R315-319-105(i)(4).

(3) Amendment of a written closure plan.

(i) The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to Subsection R315-319-102(b)(1) at any time.

(ii) The owner or operator shall amend the written closure plan when ~~ever~~:

(A) ~~F~~ there is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or

(B) ~~B~~ before or after closure activities have commenced, unanticipated events ~~[necessitate]~~ require a revision of the written closure plan.

(iii) The owner or operator shall amend the closure plan at least 60 days ~~[prior to]~~ before a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator shall amend the current closure plan no later than 30 days following the triggering event.

(4) The owner or operator of the CCR unit shall ~~[obtain]~~ get a written certification from a qualified professional engineer that the initial and any amendment of the written closure plan meets the requirements of Section R315-319-102.

(c) Closure by removal of CCR. An owner or operator may elect to close a CCR unit by removing and decontaminating ~~[all]~~ any areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to Subsection R315-319-95(h) for constituents listed in ~~[a]~~ Appendix IV to Rule R315-319.

(d) Closure performance standard when leaving CCR in place.

(1) The owner or operator of a CCR unit shall ensure that, at a minimum, the CCR unit is closed in a manner that will:

(i) ~~[C]~~ control, minimize, or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;

(ii) ~~[P]~~ preclude the probability of future impoundment of water, sediment, or slurry;

(iii) ~~[F]~~ include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;

(iv) ~~[M]~~ minimize the need for further maintenance of the CCR unit; and

(v) ~~[B]~~ be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.

(2) Drainage and stabilization of CCR surface impoundments. The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment shall meet the requirements of Subsections R315-319-102(d)(2)(i) and R315-319-102(d)(ii) ~~[prior to]~~ before installing the final cover system required under Subsection R315-319-102(d)(3).

(i) Free liquids shall be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.

(ii) Remaining wastes shall be stabilized sufficient to support the final cover system.

(3) Final cover system. If a CCR unit is closed by leaving CCR in place, the owner or operator shall install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of Subsection R315-319-102(d)(3)(i), or the requirements of the alternative final cover system specified in Subsection R315-319-102(d)(3)(ii).

(i) The final cover system shall be designed and constructed to meet the criteria in Subsections R315-319-102(d)(3)(i)(A) through R315-319-102(d)(3)(i)(D). The design of the final cover system shall be included in the written closure plan required by Subsection R315-319-102(b).

(A) The permeability of the final cover system shall be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less.

(B) The infiltration of liquids through the closed CCR unit shall be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.

(C) The erosion of the final cover system shall be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.

(D) The disruption of the integrity of the final cover system shall be minimized through a design that accommodates settling and subsidence.

(ii) The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in Subsections R315-319-102(f)(3)(ii)(A) through r315-319-102(f)(3)(ii)(D). The design of the final cover system shall be included in the written closure plan required by Subsection R315-319-102(b).

(A) The design of the final cover system shall include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in Subsections R315-319-102(d)(3)(i)(A) and R315-319-102(d)(3)(i)(B).

(B) The design of the final cover system shall include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in Subsection R315-319-102(d)(3)(i)(C).

(C) The disruption of the integrity of the final cover system shall be minimized through a design that accommodates settling and subsidence.

(iii) The owner or operator of the CCR unit shall obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of Section R315-319-102.

(e) Initiation of closure activities. Except as provided for in Subsection R315-319-102(e)(4) and Section R315-319-103, the owner or operator of a CCR unit shall ~~[commence]~~begin closure of the CCR unit no later than the applicable timeframes specified in either Subsection R315-319-102(e)(1) or R315-319-102(e)(2).

(1) The owner or operator shall ~~[commence]~~begin closure of the CCR unit no later than 30 days after the date on which the CCR unit either:

(i) ~~[R]~~receives the known final receipt of waste, either CCR or any non-CCR waste stream; or

(ii) ~~[R]~~removes the known final volume of CCR from the CCR unit for ~~[the purpose of]~~beneficial use of CCR.

(2)(i) Except as provided by Subsection R315-319-102(e)(2)(ii), the owner or operator shall ~~[commence]~~begin closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for ~~[the purpose of]~~beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for ~~[the purpose of]~~beneficial use.

(ii) Notwithstanding Subsection R315-319-102(e)(2)(i), the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for ~~[the purpose of]~~beneficial use. The documentation shall be supported by, at a minimum, the information specified in Subsections R315-319-102(e)(2)(ii)(A) and R315-319-102(e)(2)(ii)(B). The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for ~~[the purpose of]~~beneficial use. The owner or operator shall place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by Subsection R315-319-105(i)(5) ~~[prior to]~~before the end of any two-year period.

(A) Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for ~~[the purpose of]~~beneficial use; and

(B) Information demonstrating that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for ~~[the purpose of]~~beneficial use. The narrative shall include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in Subsections R315-319-102(e)(2)(ii)(B)(~~[4]I~~) through R315-319-102(e)(2)(ii)(B)(~~[4]IV~~) are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.

(~~[4]I~~) Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.

(~~[2]II~~) The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled, ~~[e.g.]~~for example, CCR is not being generated, and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.

(~~[3]III~~) The CCR unit is dedicated to an operating coal-fired boiler, ~~[i.e.]~~that is, CCR is being generated; however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.

(~~[4]IV~~) The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period~~[of time]~~, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.

(iii) ~~[In order to obtain]~~To get additional time extension~~[{s}]~~ to initiate closure of a CCR unit beyond the two years provided by Subsection R315-319-102(e)(2)(i), the owner or operator of the CCR unit shall include with the demonstration required by Subsection R315-319-102(e)(2)(ii) the following statement signed by the owner or operator or an authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(3) For purposes of Sections R315-319-50 through R315-319-107, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of ~~[the following]~~actions or activities listed in Subsections R315-319-102(e)(3)(i) through R315-319-102(e)(3)(iii):

(i) ~~[F]~~taken any steps necessary to implement the written closure plan required by Subsection R315-319-102(b);

(ii) ~~[S]~~submitted a completed application for any required state or agency permit or permit modification; or

(iii) ~~[F]~~taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.

(4) The timeframes specified in Subsections R315-319-102(e)(1) and R315-319-102(e)(2) do not apply to~~[any of the following owners or operators]~~:

(i) ~~[An owner or operator of an inactive CCR surface impoundment closing the CCR unit as required by Subsection R315-319-100(b)]~~Reserved;

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(ii) ~~[A]~~an owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by Subsection R315-319-101(a);

(iii) ~~[A]~~an owner or operator of an existing CCR surface impoundment closing the CCR unit as required by Subsection R315-319-101(b);

(iv) ~~[A]~~an owner or operator of a new CCR surface impoundment closing the CCR unit as required by Subsection R315-319-101(c); or

(v) ~~[A]~~an owner or operator of an existing CCR landfill closing the CCR unit as required by Subsection R315-319-101(d).

(f) Completion of closure activities.

(1) Except as provided for in Subsection R315-319-102(f)(2), the owner or operator shall complete closure of the CCR unit:

(i) For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.

(ii) For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.

(2)(i) Extensions of closure timeframes. The timeframes for completing closure of a CCR unit specified under Subsection R315-319-102(f)(1) may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by Subsection R315-319-102(b)(1), the demonstration shall include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator shall place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by Subsection R315-319-105(i)(6) ~~[prior to]~~ before the end of any two-year period. Factors that may support ~~[such a]~~ the demonstration include:

(A) ~~[C]~~complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;

(B) ~~[F]~~time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;

(C) ~~[F]~~the geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or

(D) ~~[F]~~time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.

(ii) Maximum time extensions.

(A) CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.

(B) CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator shall substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.

(C) CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator shall substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.

(iii) ~~[In order to obtain]~~ To get additional time extension~~[s]~~ to complete closure of a CCR unit beyond the times provided by Subsection R315-319-102(f)(1), the owner or operator of the CCR unit shall include with the demonstration required by Subsection R315-319-102(f)(2)(i) the following statement signed by the owner or operator or an authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(3) Upon completion, the owner or operator of the CCR unit shall obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in Subsection R315-319-102(b) and the requirements of Section R315-319-102.

(g) No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator shall prepare a notification of intent to close a CCR unit. The notification shall include the certification by a qualified professional engineer for the design of the final cover system as required by Subsection R315-319-102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by Subsection R315-319-105(i)(7).

(h) Within 30 days of completion of closure of the CCR unit, the owner or operator shall prepare a notification of closure of a CCR unit. The notification shall include the certification by a qualified professional engineer as required by Subsection R315-319-102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by Subsection R315-319-105(i)(8).

(i) Deed notations.

(1) Except as provided by Subsection R315-319-102(i)(4), following closure of a CCR unit, the owner or operator shall record a notation on the deed to the property, or some other instrument that is normally examined during title search.

(2) The notation on the deed shall in perpetuity notify any potential purchaser of the property that:

(i) The land has been used as a CCR unit; and

(ii) Its use is restricted under the post-closure care requirements as provided by Subsection R315-319-104(d)(1)(iii).

(3) Within 30 days of recording a notation on the deed to the property, the owner or operator shall prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by Subsection R315-319-105(i)(9).

(4) An owner or operator that closes a CCR unit in accordance with Subsection R315-319-102(c) is not subject to the requirements of Subsections R315-319-102(i)(1) through R315-319-102(i)(3).

(j) The owner or operator of the CCR unit shall comply with the closure recordkeeping requirements specified in Subsection R315-319-105(i), the closure notification requirements specified in Subsection R315-319-106(i), and the closure ~~[H]~~internet requirements specified in Subsection R315-319-107(i).

(k) Criteria to retrofit an existing CCR surface impoundment.

(1) To retrofit an existing CCR surface impoundment, the owner or operator shall:

(i) First remove ~~[a]~~any CCR, including any contaminated soils and sediments from the CCR unit; and

(ii) Comply with the requirements in S~~[ub]~~section R315-319-72.

(iii) A CCR surface impoundment undergoing a retrofit remains subject to ~~[a]~~the other requirements of Sections R315-319-50 through ~~R315-319-107~~, including the requirement to conduct any necessary corrective action.

(2) Written retrofit plan.

(i) Content of the plan. The owner or operator shall prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices. The written retrofit plan shall include, at a minimum~~[, all of the following information]~~:

(A) ~~[A]~~a narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with Section R315-319-102.

(B) ~~[A]~~a description of the procedures to remove ~~[a]~~the CCR and contaminated soils and sediments from the CCR unit.

(C) ~~[A]~~an estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.

(D) ~~[A]~~an estimate of the largest area of the CCR unit that will be affected by the retrofit operation.

(E) ~~[A]~~a schedule for completing ~~[a]~~the activities necessary to satisfy the retrofit criteria in Section R315-319-102, including an estimate of the year in which retrofit activities of the CCR unit will be completed.

(ii) Timeframes for preparing the initial written retrofit plan.

(A) No later than 60 days ~~[prior to]~~before the date of initiating retrofit activities, the owner or operator shall prepare an initial written retrofit plan consistent with the requirements specified in Subsection R315-319-102(k)(2). For purposes of Sections R315-319-50 through ~~R315-319-107~~, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the ~~[following]~~ actions or activities listed in Subsections R315-319-102(k)(2)(ii)(A)(I) through R315-319-102(k)(2)(ii)(A)(III):

~~(I)~~ ~~[F]~~ taken any steps necessary to implement the written retrofit plan;~~and~~

~~(2)~~ ~~[S]~~ submitted a completed application for a permit or permit modification; or

~~(III) taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.~~

(B) The owner or operator has completed the written retrofit plan when the plan, including the certification required by Subsection R315-319-102(k)(2)(iv), has been placed in the facility's operating record as required by Subsection R315-319-105(j)(1).

(iii) Amendment of a written retrofit plan.

(A) The owner or operator may amend the initial or any subsequent written retrofit plan at any time.

(B) The owner or operator shall amend the written retrofit plan when~~[ever]~~:

~~(1)~~ ~~[F]~~ there is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or

~~(2)~~ ~~[B]~~ before or after retrofit activities have commenced, unanticipated events ~~[necessitate]~~require a revision of the written retrofit plan.

(C) The owner or operator shall amend the retrofit plan at least 60 days ~~[prior to]~~before a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator shall amend the current retrofit plan no later than 30 days following the triggering event.

(iv) The owner or operator of the CCR unit shall obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of Section R315-319-102.

(3) Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted shall complete ~~[a]~~the retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in Subsection R315-319-102(f) or, where applicable, S~~[ub]~~section R315-319-103.

(4) Upon completion, the owner or operator shall obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in Subsection R315-319-102(k)(2) and the requirements of Section R315-319-102.

(5) No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator shall prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by Subsection R315-319-105(j)(5).

(6) Within 30 days of completing the retrofit activities specified in Subsection R315-319-102(k)(1), the owner or operator shall prepare a notification of completion of retrofit activities. The notification shall include the certification by a qualified professional engineer as required by Subsection R315-319-102~~[-]~~(k)(4). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by Subsection R315-319-105(j)(6).

(7) At any time after the initiation of a CCR unit retrofit, the owner or operator may ~~[cease]~~stop the retrofit and initiate closure of the CCR unit in accordance with the requirements of ~~S[ubs]~~section R315-319-102.

(8) The owner or operator of the CCR unit shall comply with the retrofit recordkeeping requirements specified in Subsection R315-319-105(j), the retrofit notification requirements specified in Subsection R315-319-106(j), and the retrofit ~~[f]~~internet requirements specified in Subsection R315-319-107(j).

R315-319-103. Closure and Post-Closure Care - Alternative Closure Requirements.

The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to Subsection R315-319-101(a), R315-319-101(b)(1), or R315-319-101(d) may continue to receive CCR in the unit if the owner or operator meets the requirements of either Subsection R315-319-103(a), ~~[or]~~ R315-319-103(b) R315-319-103(f)(1) or R315-319-103(f)(2).

(a) CCR landfills.

(1) No alternative CCR disposal capacity. Notwithstanding Subsection R315-319-101(a), R315-319-101(b)(1), or R315-319-101(d), a CCR ~~[unit]~~landfill may continue to receive CCR if the owner or operator of the CCR ~~[unit]~~landfill certifies that the CCR shall continue to be managed in that CCR ~~[unit]~~landfill due to the absence of alternative disposal capacity both on-site and off-site of the facility. To qualify under Subsection R315-319-103(a)(1), the owner or operator of the CCR unit shall document that each of the ~~[following]~~ conditions listed in Subsections R315-319-103(a)(1)(i) through R315-319-103(a)(1)(iv) have been met:

(i) no alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under Section R315-319-103;

(ii) the owner or operator has made, and continues to make, efforts to get additional capacity. Qualification under ~~[this s]~~Subsection R315-319-103(a) lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator shall arrange to use the capacity as soon as feasible;

(iii) the owner or operator shall remain in compliance with each of the requirements of Sections R315-319-50 through R315-319-107, including the requirement to conduct any necessary corrective action; and

(iv) the owner or operator shall prepare an annual progress report documenting the continued lack of alternative capacity and the progress toward[s] the development of alternative CCR disposal capacity.

(2) Once alternative capacity is available, the CCR unit shall stop receiving CCR and initiate closure following the timeframes in Subsections R315-319-102(e) and R315-319-102(f).

(3) If no alternative capacity is identified within five years after the initial certification, the CCR unit shall ~~stop~~cease receiving CCR and close in accordance with the timeframes in Subsections R315-319-102(e) and R315-319-102(f).

(b) CCR landfills.

(1) Permanent cessation of a coal-fired boiler by a date certain. Notwithstanding Subsection~~s R315-319-101(a), R315-319-101(b)(1), and~~ R315-319-101(d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will stop operation of the coal-fired boilers within the timeframes specified in Subsection~~s R315-319-103(b)(2) through~~ R315-319-103(b)(4), but in the interim period, before closure of the coal-fired boiler, the facility shall continue to use the CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility. To qualify under~~[this]~~ Subsection R315-319-103(b)(1), the owner or operator of the CCR unit shall document that each of the ~~[following]~~ conditions listed in Subsections R315-319-103(b)(1)(i) through R315-319-103(b)(1)(iii) have been met:

(i) no alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under Section R315-319-103;

(ii) the owner or operator shall remain in compliance with each of the requirements of Sections R315-319-50 through R315-319-107, including the requirement to conduct any necessary corrective action; and

(iii) the owner or operator shall prepare an annual progress report documenting the continued lack of alternative capacity and the progress toward[s] the closure of the coal-fired boiler.

(2) ~~[For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler shall stop operation and the CCR surface impoundment shall have finished closure no later than October 17, 2023.]Reserved.~~

(3) ~~[For a CCR surface impoundment that is larger than 40 acres, the coal-fired boiler shall stop operation, and the CCR surface impoundment shall finish closure no later than October 17, 2028.]Reserved.~~

(4) For a CCR landfill, the coal-fired boiler shall stop operation, and the CCR landfill shall finish closure no later than April 19, 2021.

(c) Required notices and progress reports for CCR landfills. An owner or operator of a CCR unit that closes in accordance with Subsection R315-319-103(a) or R315-319-103(b) shall finish the notices and progress reports specified in Subsections R315-319-103(c)(1) through R315-319-103(c)(3).

(1) Within six months of becoming subject to closure pursuant to Subsection R315-319-101(a), R315-319-101(b)(1), or R315-319-101(d), the owner or operator shall prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of Section R315-319-103. The notification shall describe why the CCR unit qualifies for the alternative closure provisions under either Subsection R315-319-103(a) or R315-319-103(b), in addition to providing the documentation and certifications required by Subsection R315-319-103(a) or R315-319-103(b).

(2) The owner or operator shall prepare the periodic progress reports required by Subsection R315-319-103(a)(1)(iv) or R315-319-103(b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems. The annual progress reports shall be finished according to the ~~[following]~~ schedule in Subsections R315-319-103(c)(2)(i) through R315-319-103(c)(2)(iii):

(i) The first annual progress report shall be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by Subsection R315-319-103(c)(1).

(ii) The second annual progress report shall be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports shall be prepared within 12 months of completing the previous annual progress report.

(iii) The owner or operator has finished the progress reports specified in Subsection R315-319-103(c)(2) when the reports are placed in the facility's operating record as required by Subsection R315-319-105(i)(~~[40]~~11).

(3) An owner or operator of a CCR ~~unit~~ landfill shall also prepare the notification of intent to close a CCR unit as required by Subsection R315-319-102(g).

(d) CCR landfill recordkeeping. The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(i), the notification requirements specified in Subsection R315-319-106(i), and the ~~[4]~~internet requirements specified in Subsection R315-319-107(i).

(e) Reserved.

(f) Site-specific alternative deadlines to initiate closure of CCR surface impoundments. Notwithstanding Subsections R315-319-101(a) and R315-319-101(b)(1), a CCR surface impoundment may continue to receive the waste specified in Subsection R315-319-103(f)(1) or R315-319-103(f)(1)(2), provided the owner or operator submits a demonstration that the criteria in either Subsection R315-319-103(f)(1) or R315-319-103(f)(1)(2) have been met. The demonstration shall be submitted to the director no later than the relevant deadline in Subsection R315-319-103(f)(3). The director will act on the submission in accordance with the procedures in Subsection R315-319-103(f)(3).

(1) Development of alternative capacity is technically feasible. Notwithstanding Subsections R315-319-101(a) and R315-319-101(b)(1), a CCR surface impoundment may continue to receive the waste specified in Subsection R315-319-103(f)(1)(ii)(A) or R315-319-103(f)(1)(ii)(B), provided the owner or operator demonstrates the wastestreams shall continue to be managed in that CCR surface impoundment because it was technically infeasible to complete the measures necessary to provide alternative disposal capacity on or off-site of the facility by April 11, 2021. To get approval under Subsection R315-319-103(f)(1), each criteria of R315-319-103(f)(1)(i) through R315-319-103(f)(1)(xiii) shall be met:

(i) No alternative disposal capacity is available on or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under Section R315-319-103.

(ii)(A) For units closing pursuant to Subsections R315-319-101(a) and R315-319-101(b)(1)(i), CCR or non-CCR, or both, wastestreams, shall continue to be managed in that CCR surface impoundment because it was technically infeasible to complete the measures necessary to obtain alternative disposal capacity either on or off-site of the facility by April 1, 2021.

(B) For units closing pursuant to Subsection R315-319-101(b)(1)(ii), CCR shall continue to be managed in that CCR surface impoundment because it was technically infeasible to complete the measures necessary to get alternative disposal capacity either on or off-site of the facility by April 11, 2021.

(iii) The facility is in compliance with the requirements of Rule R315-319.

(iv) The owner or operator of the CCR surface impoundment shall submit documentation that the criteria in Subsections R315-319-103(f)(1)(i) through R315-319-103(f)(1)(iii) have been met by submitting to the director the information listed in Subsections R315-319-103(f)(1)(iv)(A) and R315-319-103(f)(1)(iv)(B):

(A) To demonstrate that the criteria in Subsections R315-319-103(f)(1)(i) and R315-319-103(f)(1)(ii) have been met the owner or operator shall submit a workplan that contains the elements listed in Subsections R315-319-103(f)(1)(iv)(A)(I) through R315-319-103(f)(1)(iv)(A)(IV):

(I) a written narrative discussing the options considered both on and off-site to get alternative capacity for each CCR or non-CCR, or both, wastestreams, the technical infeasibility of getting alternative capacity before April 11, 2021, and the option selected and justification for the alternative capacity selected. The narrative shall also include:

(1) an in-depth analysis of the site and any site-specific conditions that led to the decision to select the alternative capacity being developed;

(2) an analysis of the adverse impact to plant operations if the CCR surface impoundment in question were to no longer be available for use; and

(3) a detailed explanation and justification for the amount of time being requested and how it is the fastest technically feasible time to complete the development of the alternative capacity;

(II) a detailed schedule of the fastest technically feasible time to complete the measures necessary for alternative capacity to be available including a visual timeline representation. The visual timeline shall clearly show:

(1) how each phase and the steps within that phase interact with or are dependent on each other and the other phases;

(2) the steps and phases that can be completed concurrently;

(3) the total time needed to obtain the alternative capacity and how long each phase and step within each phase will take; and

(4) at a minimum, the following phases: engineering and design, contractor selection, equipment fabrication and delivery, construction, and start up and implementation;

(III) a narrative discussion of the schedule and visual timeline representation, that shall discuss:

(1) why the length of time for each phase and step is needed and a discussion of the tasks that occur during the specific step;

(2) why each phase and step shown on the chart has to happen in the order it is occurring;

(3) the tasks that occur during each of the steps within the phase; and

(4) anticipated worker schedules; and

(IV) a narrative discussion of the progress the owner or operator has made to obtain alternative capacity for the CCR or non-CCR, or both, wastestreams. The narrative shall discuss the steps taken, starting from when the owner or operator initiated the design phase up to

the steps occurring when the demonstration is being compiled. It shall discuss where the facility currently is on the timeline and the efforts that are currently being undertaken to develop alternative capacity.

(B) To demonstrate that the criteria in Subsection R315-319-103(f)(1)(iii) have been met, the owner or operator shall submit:

(I) a certification signed by the owner or operator that the facility is in compliance with the requirements of Rule R315-319;

(II) visual representation of hydrogeologic information at and around the CCR units that supports the design, construction, and installation of the groundwater monitoring system. This includes:

(1) maps of groundwater monitoring well locations in relation to the CCR units;

(2) well construction diagrams and drilling logs for each groundwater monitoring well; and

(3) maps that characterize the direction of groundwater flow accounting for seasonal variations;

(III) constituent concentrations, summarized in table form, at each groundwater monitoring well monitored during each sampling event;

(IV) a description of site hydrogeology including stratigraphic cross sections;

(V) any corrective measures assessment conducted as required in Section R315-319-96;

(VI) any progress reports on corrective action remedy selection and design and the report of final remedy selection required in Subsection R315-319-97(a);

(VII) the most recent structural stability assessment required in Subsection R315-319-73(d); and

(VIII) the most recent safety factor assessment required in Subsection R315-319-73(e).

(v) As soon as alternative capacity for any CCR or non-CCR wastestream is available, the CCR surface impoundment shall stop receiving that CCR or non-CCR wastestream. Once the CCR surface impoundment ceases receipt of the CCR or non-CCR, or both, wastestreams, the CCR surface impoundment shall initiate closure in accordance with the timeframes in Subsections R319-315-102(e) and R319-315-102(f).

(vi) Maximum time frames. Any CCR surface impoundments covered by Subsection R315-319-103(f)(1) shall stop receiving waste by the deadlines specified in Subsections R315-319-103(f)(1)(vi)(A) and R315-319-103(f)(1)(vi)(B) and close in accordance with the timeframes in Subsections R315-319-102(e) and R319-315-102(f).

(A) Except as provided by Subsection R315-319-103(f)(1)(iv)(B), no later than October 15, 2023.

(B) An eligible unlined CCR surface impoundment shall stop receiving CCR or non-CCR, or both, wastestreams no later than October 15, 2024. To continue to operate until October 15, 2024, the owner or operator shall demonstrate that the unit meets the definition of an eligible unlined CCR surface impoundment found in Subsection R315-319-53(a)(21).

(vii) An owner or operator may seek additional time beyond the time granted in the initial approval by making the showing in Subsections R315-319-103(f)(1)(i) through R315-319-103(f)(1)(iv), except that no facility may be granted time to operate the impoundment beyond the maximum allowable time frames provided in Subsection R315-319-103(f)(1)(vi).

(viii) The owner or operator bears responsibility for demonstrating qualification under Section R315-319-103. Failure to remain in compliance with any of the requirements of Rule R315-319 will result in the automatic loss of authorization under Section R315-319.

(ix) The owner or operator shall:

(A) Upon submission of the demonstration to the director, prepare and place in the facility's operating record a notification that it has submitted the demonstration, along with a copy of the demonstration. An owner or operator that makes a claim of business confidentiality (CBI) in accordance with Section 63G-2-309 in the demonstration may post a redacted version of the demonstration to its publicly accessible CCR internet site provided that it contains sufficient detail so that the public can meaningfully comment on the demonstration.

(B) Upon receipt of a decision pursuant to Subsection R315-319-103(f)(3), prepare and place in the facility's operating record a copy of the decision.

(C) If an extension of an approved deadline pursuant to Subsection R315-319-103(f)(1)(vii) has been requested, place a copy of the request submitted to the director in the facility's operating record.

(x) The owner or operator shall prepare semiannual progress reports. The semiannual progress reports shall contain:

(A) discussion of the progress made to date in obtaining alternative capacity, including:

(I) discussion of the current stage of obtaining the capacity in reference to the timeline required under Subsection R315-319-103(f)(1)(iv)(A);

(II) discussion of whether the owner or operator is on schedule for getting alternative capacity; and

(III) if the owner or operator is not on or ahead of schedule for getting alternative capacity, include:

(1) discussion of any problems encountered, and a description of the actions taken or planned to resolve the problems and get back on schedule; and

(2) discussion of the goals for the next six months and major milestones to be achieved for obtaining alternative capacity; and

(B) discussion of any planned operational changes at the facility.

(xi) The progress reports shall be completed according to the schedule in Subsections R315-319-103(f)(1)(xi)(A) through R315-319-103(f)(1)(xi)(C):

(A) The semiannual progress reports shall be prepared no later than April 30 and October 31 of each year during the alternative stop receipt of waste deadline.

(B) The first semiannual progress report shall be prepared by whichever date, April 30 or October 31, is soonest after receiving approval from the director.

(C) The owner or operator has completed the progress reports specified in Subsection R315-319-103(f)(1)(x) when the reports have been placed in the facility's operating record as required by Subsection R315-319-105(i)(17).

(xii) The owner or operator shall prepare the notification of intent to close a CCR surface impoundment as required by Subsection R315-319-102(g).

(xiii) The owner or operator shall comply with the recordkeeping requirements specified in Subsection R315-319-105(i), the notification requirements specified in Subsection R315-319-106(i), and the internet posting requirements in Subsection R315-319-107(i).

(2) Permanent cessation of a coal-fired boilers by a date certain. Notwithstanding Subsections R315-319-101(a), and R315-319-101(b)(1), a CCR surface impoundment may continue to receive CCR or non-CCR, or both, wastestreams if the facility will stop operation of the coal-fired boilers and complete closure of the impoundment within the timeframes specified in Subsection R315-319-103(f)(2)(iv), but in the interim period, before closure of the coal-fired boiler, the facility shall continue to use the CCR surface impoundment due to the absence of alternative disposal capacity both on and off-site of the facility. To qualify under Subsection R315-319-103(f)(2) each criteria in Subsections R315-319-103(f)(2)(i) through R315-319-103(f)(2)(x) shall be met:

(i) no alternative disposal capacity is available on or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under Section R315-319-103;

(ii) potential risks to human health and the environment from the continued operation of the CCR surface impoundment have been adequately mitigated;

(iii) the facility is in compliance with the other requirements of Rule R315-319, including the requirement to conduct any necessary corrective action; and

(iv) the coal-fired boilers shall stop operation and closure of the impoundment shall be completed within the timeframes listed in Subsections R315-319-103(f)(2)(iv)(A) and R315-319-103(f)(2)(iv)(B):

(A) for a CCR surface impoundment that is 40 acres or smaller, the coal-fired boilers shall stop operation and the CCR surface impoundment shall complete closure no later than October 17, 2023; and

(B) for a CCR surface impoundment that is larger than 40 acres, the coal-fired boilers shall stop operation, and the CCR surface impoundment shall complete closure no later than October 17, 2028;

(v) The owner or operator of the CCR surface impoundment shall submit documentation that the criteria in Subsections R315-319-103(f)(2)(i) through R315-319-103(f)(2)(iv) have been met as specified in Subsections R315-319-103(f)(2)(v)(A) through R315-319-103(f)(2)(v)(D):

(A) to demonstrate that the criteria in Subsection R315-319-103(f)(2)(i) have been met the owner or operator shall submit a narrative that explains the options considered to get alternative capacity for CCR or non-CCR, or both, wastestreams both on and off-site;

(B) to demonstrate that the criteria in Subsection R315-319-103(f)(2)(ii) have been met the owner or operator shall submit a risk mitigation plan describing the measures that will be taken to expedite any required corrective action, and that contains:

(I) a discussion of any physical or chemical measures a facility can take to limit any future releases to groundwater during operation;

(II) a discussion of the surface impoundment's groundwater monitoring data and any found exceedances, the delineation of the plume, if necessary based on the groundwater monitoring data, identification of any nearby receptors that might be exposed to current or future groundwater contamination, and how the exposures could be promptly mitigated; and

(III) a plan to expedite and maintain the containment of any contaminant plume that is either present or identified during continued operation of the unit;

(C) to demonstrate that the criteria in Subsection R315-319-103(f)(2)(iii) have been met, the owner or operator shall submit:

(I) a certification signed by the owner or operator that the facility is in compliance with the requirements of Rule R315-319;

(II) visual representation of hydrogeologic information at and around the CCR units that supports the design, construction, and installation of the groundwater monitoring system. This includes:

(1) maps of groundwater monitoring well locations in relation to the CCR unit;

(2) well construction diagrams and drilling logs for each groundwater monitoring well; and

(3) maps that characterize the direction of groundwater flow accounting for seasonal variations;

(III) constituent concentrations, summarized in table form, at each groundwater monitoring well monitored during each sampling event;

(IV) description of site hydrogeology including stratigraphic cross sections;

(V) any corrective measures assessment required in Section R315-319-96;

(VI) any progress reports on remedy selection and design and the report of final remedy selection required in Subsection R315-319-97(a);

(VII) the most recent structural stability assessment required in Subsection R315-319-73(d); and

(VIII) the most recent safety factor assessment required in Subsection R315-319-73(e); and

(D) to demonstrate that the criteria in Subsection R315-319-103(f)(2)(iv) have been met, the owner or operator shall submit the closure plan required in Subsection R315-319-102(b) and a narrative that specifies and justifies the date by which they intend to stop receipt of waste into the unit to meet the closure deadlines;

(vi) the owner or operator bears responsibility for demonstrating qualification for authorization under Section R315-319-103. Failure to remain in compliance with any of the requirements of Rule R315-319 will result in the automatic loss of authorization under Section R315-319-103;

(vii) the owner or operator shall comply with the recordkeeping requirements specified in Subsection R315-319-105(i), the notification requirements specified in Subsection R315-319-106(i), and the internet posting requirements in Subsection R315-319-107(i);

(viii) upon submission of the demonstration to the director the owner or operator shall prepare and place in the facility's operating record and on its publicly accessible CCR internet site a notification that is has submitted a demonstration along with a copy of the demonstration;

(ix) upon receipt of a decision pursuant to Subsection R315-319-103(f)(3), the owner or operator shall place a copy of the decision in the facility's operating record and on the facility's publicly accessible CCR internet site; and

(x) the owner or operator shall prepare an annual progress report documenting the continued lack of alternative capacity and the progress toward the closure of the CCR surface impoundment. The owner or operator has completed the progress report when the report has been placed in the facility's operating record as required by Subsection R315-319-105(i)(20).

(3) Process to get authorization.

(i) Deadlines for Submission.

(A) Except as provided by Subsections R315-319-71(d)(2)(iii)(E) and R315-319-71(d)(2)(viii), the owner or operator shall submit the demonstration required under Subsection R315-319-103(f)(1)(iv), for an alternative deadline to stop receipt of waste pursuant to Subsection R315-319-103(f)(1), to the director for approval no later than November 30, 2020.

(B) An owner or operator may seek additional time beyond the time granted in the initial approval, in accordance with Subsection R315-319-103(f)(1)(vii), by submitting a new demonstration, as required under Subsection R315-319-103(f)(1)(iv), to the director for approval, no later than 14 days from determining that the stop receipt of waste deadline will not be met.

(C) Except as provided by Subsections R315-319-71(d)(2)(iii)(E) and R315-319-71(d)(2)(viii), the owner or operator shall submit the demonstration required under Subsection R315-319-103(f)(2)(v) to the director for approval no later than November 30, 2020.

(ii) The director will evaluate the demonstration and may request additional information to complete the review. Submission of a complete demonstration will toll the facility's deadline to stop receipt of waste until issuance of a decision under Subsection R315-319-103(f)(3)(iv). Incomplete submissions will not toll the facility's deadline and will be rejected without further process. Decisions issued under Subsection R315-319-103(f)(3)(ii) or R315-319-103(f)(3)(iv) will contain the facility's deadline to stop receipt of waste.

(iii) The director will publish the proposed decision on a complete demonstration on the UDEQ's website for a 15-day comment period. If the demonstration is particularly complex, the director will provide a comment period of 20 to 30 days.

(iv) After consideration of the comments, the director will issue a decision on the alternative compliance deadline within four months of receiving a complete demonstration.

(4) Transferring between site-specific alternatives. An owner or operator authorized to continue operating a CCR surface impoundment under Section R315-319-103 may at any time request authorization to transfer between operating the impoundment pursuant to Subsection R315-319-103(f)(1) or R315-319-103(f)(2), by submitting the information in Subsection R315-319-103(f)(4)(i) or R315-319-103(f)(4)(ii).

(i) Transfer from being regulated under Subsection R315-319-103(f)(1) to being regulated under R315-319-103(f)(2). The owner or operator of a surface impoundment authorized to operate pursuant to Subsection R315-319-103(f)(1) may request authorization to instead operate the surface impoundment in accordance with the requirements of Subsection R315-319-103(f)(2), by submitting a new demonstration that meets the requirements of Subsection R315-319-103(f)(2)(v) to the director. The director may approve the request only upon determining that the criteria at Subsections R315-319-103(f)(2)(i) through R315-319-103(f)(2)(iv) have been met.

(ii) Transfer from Subsection R315-319-103(f)(2) to R315-319-103(f)(1). The owner or operator of a surface impoundment authorized to operate pursuant to Subsection R315-319-103(f)(2) may request authorization to instead operate the surface impoundment in accordance with the requirements of Subsection R315-319-103(f)(1), by submitting a new demonstration that meets the requirements of Subsection R315-319-103(f)(1)(iv) to the director. The director will approve the request only upon determining that the criteria in Subsections R315-319-103(f)(1)(i) through R315-319-103(f)(1)(iii) and R315-319-103(f)(1)(vi) have been met.

(iii) The procedures in Subsection R315-319-103(f)(3) will apply to each request for transfer under Subsection R315-319-103(f)(4).

R315-319-104. Closure and Post-Closure Care - Post-Closure Care Requirements.

(a) Applicability.

(1) Except as provided by either Subsection R315-319-104(a)(2) or R315-319-104(a)(3), Section R315-319-104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and ~~and~~ lateral expansions of CCR units that are subject to the closure criteria under Section R315-319-102.

(2) An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by Subsection R315-319-102(c) is not subject to the post-closure care criteria under Section R315-319-104.

~~**(3)** An owner or operator of an inactive CCR surface impoundment that elects to close a CCR unit pursuant to the requirements under Subsection R315-319-100(b) is not subject to the post-closure care criteria under Section R315-319-104.~~

(b) Post-closure care maintenance requirements. Following closure of the CCR unit, the owner or operator shall conduct post-closure care for the CCR unit, ~~which~~ that shall consist of at least ~~the following~~:

(1) ~~[M]~~ [M] maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;

(2) ~~[H]~~ [H] if the CCR unit is subject to the design criteria under Section R315-319-70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of Section R315-319-70; and

(3) ~~[M]~~ [M] maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of Sections R315-319-90 through R315-319-98.

(c) Post-closure care period.

(1) Except as provided by Subsection R315-319-104(c)(2), the owner or operator of the CCR unit shall conduct post-closure care for 30 years.

(2) If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with Section R315-319-95, the owner or operator shall continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with Section R315-319-95.

(d) Written post-closure plan

(1) Content of the plan. The owner or operator of a CCR unit shall prepare a written post-closure plan and any amendments to the plan. The plan shall include, at a minimum, the information specified in Subsections R315-319-104(d)(1)(i) through R315-319-104(d)(1)(iii)[-];

(i) ~~[A]~~a description of the monitoring and maintenance activities required in Subsection R315-319-104(b) for the CCR unit, and the frequency at which these activities will be performed;

(ii) ~~[F]~~the name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and

(iii) ~~[A]~~a description of the planned uses of the property during the post-closure period. Post-closure use of the property ~~[shall]~~may not disturb the integrity of the final cover, liner~~[f]s[]~~, or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in Sections R315-319-50 through R315-319-107. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration shall be certified by a qualified professional engineer, and notification shall be provided to the ~~[D]~~director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible ~~[I]~~internet site.

(2) Deadline to prepare the initial written post-closure plan.

(i) Existing CCR landfills and existing CCR surface impoundments. No later than October 17, 2016, the owner or operator of the CCR unit shall prepare an initial written post-closure plan consistent with the requirements specified in Subsection R315-319-104(d)(1).

(ii) New CCR landfills, new CCR surface impoundments, and any lateral expansion of a CCR unit. No later than the date of the initial receipt of CCR in the CCR unit, the owner or operator shall prepare an initial written post-closure plan consistent with the requirements specified in Subsection R315-319-104(d)(1).

(iii) The owner or operator has completed the written post-closure plan when the plan, including the certification required by Subsection R315-319-104(d)(4), has been placed in the facility's operating record as required by Subsection R315-319-105(i)(4).

(3) Amendment of a written post-closure plan.

(i) The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to Subsection R315-319-104(d)(1) at any time.

(ii) The owner or operator shall amend the written closure plan when~~[ever]~~:

(A) ~~[F]~~there is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or

(B) ~~[A]~~after post-closure activities have commenced, unanticipated events ~~[necessitate]~~require a revision of the written post-closure plan.

(iii) The owner or operator shall amend the written post-closure plan at least 60 days ~~[prior to]~~before a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator shall amend the written post-closure plan no later than 30 days following the triggering event.

(4) The owner or operator of the CCR unit shall ~~[obtain]~~get a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of Section R315-319-104.

(e) Notification of completion of post-closure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit shall prepare a notification verifying that post-closure care has been completed. The notification shall include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in Subsection R315-319-104(d) and the requirements of Section R315-319-104. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by Subsection R315-319-105(i)(13).

(f) The owner or operator of the CCR unit shall comply with the recordkeeping requirements specified in Subsection R315-319-105(i), the notification requirements specified in Subsection R315-319-106(i), and the ~~[I]~~internet requirements specified in Subsection R315-319-107(i).

R315-319-105. ~~[Recordkeeping, Notification, and Posting of Information to the Internet]~~Recordkeeping Requirements.

(a) Each owner or operator of a CCR unit subject to the requirements of Sections R315-319-50 through R315-319-107 shall maintain files of ~~[all]~~the information required by Section R315-319-105 in a written operating record at their facility.

(b) Unless specified otherwise, each file shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.

(c) An owner or operator of more than one CCR unit subject to ~~[the provisions of]~~ Sections R315-319-50 through R315-319-107 may comply with the requirements of Section R315-319-105 in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.

(d) The owner or operator of a CCR unit shall submit to the ~~[D]~~director any demonstration or documentation required by Sections R315-319-50 through R315-319-107.

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(e) Location restrictions. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under Subsections R315-319-60(a), R315-319-61(a), R315-319-62(a), R315-319-63(a), and R315-319-64(a), as it becomes available, in the facility's operating record.

(f) Design criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the[~~following~~] information required by Subsections R315-319-105(f)(1) through R315-319-105(i)(24), as it becomes available, in the facility's operating record:

- (1) ~~[F]~~the design and construction certifications as required by Subsections R315-319-70(e) and R315-319-70(f)(-);
- (2) ~~[F]~~the documentation of liner type as required by Subsection R315-319-71(a)(-);
- (3) ~~[F]~~the design and construction certifications as required by Subsections R315-319-72(c) and R315-319-72(d)(-);
- (4) ~~[D]~~documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by Subsections R315-319-73(a)(1) and R315-319-74(a)(1)(-);
- (5) ~~[F]~~the initial and periodic hazard potential classification assessments as required by Subsections R315-319-73(a)(2) and R315-319-74(a)(2)(-);
- (6) ~~[F]~~the ~~[emergency action plan (EAP)]~~, and any amendment of the EAP, as required by Subsections R315-319-73(a)(3) and R315-319-74(a)(3), except that only the most recent EAP shall be maintained in the facility's operating record irrespective of the time requirement specified in Subsection R315-319-105(b)(-);
- (7) ~~[D]~~documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by Subsections R315-319-73(a)(3)(i)(E) and R315-319-74(a)(3)(i)(E)(-);
- (8) ~~[D]~~documentation prepared by the owner or operator recording ~~[all]~~each activation[s] of the ~~EAP~~[emergency action plan] as required by Subsections R315-319-73(a)(3)(v) and R315-319-74(a)(3)(v)(-);
- (9) ~~[F]~~the history of construction, and any revisions of it, as required by Subsection R315-319-73(c), except that these files shall be maintained until the CCR unit completes closure of the unit in accordance with Section R315-319-102(-);
- (10) ~~[F]~~the initial and periodic structural stability assessments as required by Subsections R315-319-73(d) and R315-319-74(d)(-);
- (11) ~~[D]~~documentation detailing the corrective measures taken to remedy the deficiency or release as required by Subsections R315-319-73(d)(2) and R315-319-74(d)(2)(-);
- (12) ~~[F]~~the initial and periodic safety factor assessments as required by Subsections R315-319-73(e) and 74(e)(-);
- (13) ~~[F]~~the design and construction plans, and any revisions of it, as required by Subsection R315-319-74(c), except that these files shall be maintained until the CCR unit completes closure of the unit in accordance with Section R315-319-102(-);
- (14) The application and any supplemental materials submitted in support of the application as required by Subsection R315-319-71(d)(1)(i)(E);
- (15) The alternative liner demonstration as required by Subsection R315-319-71(d)(1)(ii)(D);
- (16) The alternative liner demonstration extension request as required by Subsection R315-319-71(d)(2)(ii)(D);
- (17) The documentation prepared for the preliminary demonstration as required by Subsection R315-319-71(d)(2)(ii)(E);
- (18) The notification of an incomplete application as required by Subsection R315-319-71(d)(2)(iii)(B);
- (19) The decision on the application as required by Subsection R315-319-71(d)(2)(iii)(F);
- (20) The final decision on the alternative liner demonstration as required by Subsection R315-319-71(d)(2)(vii);
- (21) The alternative source demonstration as required under Subsection R315-319-71(d)(2)(ix)(A)(IV);
- (22) The final decision on the alternative source demonstration as required under Subsection R315-319-71(d)(2)(ix)(A)(V);
- (23) The final decision on the trend analysis as required under Subsection R315-319-71(d)(2)(ix)(B)(III); and
- (24) The decision that the alternative source demonstration has been withdrawn as required under Subsection R315-319-71(d)(2)(ix)(C).

(g) Operating criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall, as it becomes available, place the[~~following~~] information required by Subsections R315-319-105(g)(1) through R315-319-105(g)(9) in the facility's operating record:

- (1) ~~[F]~~the CCR fugitive dust control plan, and any subsequent amendment of the plan, required by Subsection R315-319-80(b), except that only the most recent control plan shall be maintained in the facility's operating record irrespective of the time requirement specified in Subsection R315-319-105(b)(-);
 - (2) ~~[F]~~the annual CCR fugitive dust control report required by Subsection R315-319-80(c)(-);
 - (3) ~~[F]~~the initial and periodic run-on and run-off control system plans as required by Subsection R315-319-81(c)(-);
 - (4) ~~[F]~~the initial and periodic inflow design flood control system plan as required by Subsection R315-319-82(c)(-);
 - (5) ~~[D]~~documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by Subsection R315-319-83(a)(-);
 - (6) ~~[F]~~the periodic inspection report as required by Subsection R315-319-83(b)(2)(-);
 - (7) ~~[D]~~documentation detailing the corrective measures taken to remedy the deficiency or release as required by Subsections R315-319-83(b)(5) and R315-319-84(b)(5)(-);
 - (8) ~~[D]~~documentation recording the results of the weekly inspection by a qualified person as required by Subsection R315-319-84(a)(-); and
 - (9) ~~[F]~~the periodic inspection report as required by Subsection R315-319-84(b)(2).
- (h) Groundwater monitoring and corrective action. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall, as it becomes available, place the[~~following~~] information required by Subsections R315-319-105(h)(1) through R315-319-105(h)(14) in the facility's operating record:

- (1) ~~(F)~~the annual groundwater monitoring and corrective action report as required by Subsection R315-319-90(e)~~[-]~~;
- (2) ~~(D)~~documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by Subsection R315-319-91(e)(1)~~[-]~~;
- (3) ~~(F)~~the groundwater monitoring system certification as required by Subsection R315-319-91(f)~~[-]~~;
- (4) ~~(F)~~the selection of a statistical method certification as required by Subsection R315-319-93(f)(6)~~[-]~~;
- (5) ~~(W)~~within 30 days of establishing an assessment monitoring program, the notification as required by Subsection R315-319-94(e)(3)~~[-]~~;
- (6) ~~(F)~~the results of ~~(a)~~Appendices III and IV to Rule R315-319 constituent concentrations as required by Subsection R315-319-95(d)(1)~~[-]~~;
- (7) ~~(W)~~within 30 days of returning to a detection monitoring program, the notification as required by Subsection R315-319-95(e)~~[-]~~;
- (8) ~~(W)~~within 30 days of detecting one or more constituents in ~~(a)~~Appendix IV to Rule R315-319 at statistically significant levels above the groundwater protection standard, the notifications as required by Subsection R315-319-95(g)~~[-]~~;
- (9) ~~(W)~~within 30 days of initiating the assessment of corrective measures requirements, the notification as required by Subsection R315-319-95(g)(5)~~[-]~~;
- (10) ~~(F)~~the completed assessment of corrective measures as required by Subsection R315-319-96(d)~~[-]~~;
- (11) ~~(D)~~documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by Subsection R315-319-96(e)~~[-]~~;
- (12) ~~(F)~~the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by Subsection R315-319-97(a), except that the selection of remedy report shall be maintained until the remedy has been completed~~[-]~~;
- (13) ~~(W)~~within 30 days of completing the remedy, the notification as required by Subsection R315-319-98(e)~~[-]~~; and
- (14) the demonstration, including long-term performance data, supporting the suspension of groundwater monitoring requirements as required by Subsection R315-319-90(g).
- (i) Closure and post-closure care. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall, as it becomes available, place the~~following~~ information required by Subsections R315-319-105(i)(1) through R315-319-105(i)(20) in the facility's operating record:
 - (1) ~~(F)~~the notification of intent to initiate closure of the CCR unit as required by Subsection R315-319-100(c)(1)~~[-]~~;
 - (2) ~~(F)~~the annual progress reports of closure implementation as required by Subsections R315-319-100(c)(2)(i) and R315-319-100(c)(2)(ii)~~[-]~~;
 - (3) ~~(F)~~the notification of closure completion as required by Subsection R315-319-100(c)(3)~~[-]~~;
 - (4) ~~(F)~~the written closure plan, and any amendment of the plan, as required by Subsection R315-319-102(b), except that only the most recent closure plan shall be maintained in the facility's operating record irrespective of the time requirement specified in Subsection R315-319-105(b)~~[-]~~;
 - (5) ~~(F)~~the written demonstration~~{s}~~, including the certification required by Subsection R315-319-102(e)(2)(iii), for a time extension for initiating closure as required by Subsection R315-319-102(e)(2)(ii)~~[-]~~;
 - (6) ~~(F)~~the written demonstration~~{s}~~, including the certification required by Subsection R315-319-102(f)(2)(iii), for a time extension for completing closure as required by Subsection R315-319-102(f)(2)(i)~~[-]~~;
 - (7) ~~(F)~~the notification of intent to close a CCR unit as required by Subsection R315-319-102(g)~~[-]~~;
 - (8) ~~(F)~~the notification of completion of closure of a CCR unit as required by Subsection R315-319-102(h)~~[-]~~;
 - (9) ~~(F)~~the notification recording a notation on the deed as required by Subsection R315-319-102(i)~~[-]~~;
 - (10) ~~(F)~~the notification of intent to comply with the alternative closure requirements as required by Subsection R315-319-103(c)(1)~~[-]~~;
 - (11) ~~(F)~~the annual progress reports under the alternative closure requirements as required by Subsection R315-319-103(c)(2)~~[-]~~;
 - (12) ~~(F)~~the written post-closure plan, and any amendment of the plan, as required by Subsection R315-319-104(d), except that only the most recent closure plan shall be maintained in the facility's operating record irrespective of the time requirement specified in Subsection R315-319-105(b)~~[-]~~;
 - (13) ~~(F)~~the notification of completion of post-closure care period as required by Subsection R315-319-104(e)~~[-]~~;
 - (14) the notification of intent to comply with the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as required by Subsection R315-319-103(f)(1)(ix)(A);
 - (15) the approved or denied demonstration for the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as required by Subsection R315-319-103(f)(1)(ix)(B);
 - (16) the notification for requesting additional time to the alternative stop receipt of waste deadline as required by Subsection R315-319-103(f)(1)(ix)(C);
 - (17) the semiannual progress reports for the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as required by Subsection R315-319-103(f)(1)(ix);
 - (18) the notification of intent to comply with the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-103(f)(2)(viii);
 - (19) the approved or denied demonstration for the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-103(f)(2)(ix); and
 - (20) the annual progress report for the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-103(f)(2)(x).

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(j) Retrofit criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall, as it becomes available, place ~~the following~~ this information in the facility's operating record:

(1) ~~the~~ the written retrofit plan, and any amendment of the plan, as required by Subsection R315-319-102(k)(2), except that only the most recent retrofit plan shall be maintained in the facility's operating record irrespective of the time requirement specified in Subsection R315-319-105~~[-](b)[-]~~;

(2) ~~the~~ the notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in ~~S[ubs]ection~~ Section R315-319-103~~[-]~~;

(3) ~~the~~ the annual progress reports required under the alternative requirements as required by ~~S[ubs]ection~~ Section R315-319-103~~[-]~~;

(4) ~~the~~ the written demonstration~~[f](s)[3]~~, including the certification in Subsection R315-319-102(f)(2)(iii), for a time extension for completing retrofit activities as required by Subsection R315-319-102(k)(3)~~[-]~~;

(5) ~~the~~ the notification of intent to initiate retrofit of a CCR unit as required by Subsection R315-319-102(k)(5)~~[-]~~; and

(6) ~~the~~ the notification of completion of retrofit activities as required by Subsection R315-319-102(k)(6).

R315-319-106. ~~[Recordkeeping, Notification, and Posting of Information to the Internet]~~Notification Requirements.

(a) The notifications required under Subsections R315-319-106(e) through R315-319-106(i) shall be sent to the director before the close of business on the day the notification is required to be completed. For Section R315-319-106, before the close of business means the notification shall be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.

(b) Reserved.

(c) Notifications may be combined as long as the deadline requirement for each notification is met.

(d) Unless otherwise required in Section R315-319-106, the notifications specified in Section R315-319-106 shall be sent to the director within 30 days of placing in the operating record the information required by Section R315-319-105.

(e) Location restrictions. The owner or operator of a CCR unit subject to the requirements of Sections R315-319-50 through R315-319-107 shall notify the director that each demonstration specified under Subsection R315-319-105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.

(f) Design criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall notify the director when information has been placed in the operating record and on the owner or operator's publicly accessible ~~[I]~~ internet site. The owner or operator shall:

(1) within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under Subsection R315-319-105(f)(1) or R315-319-105(f)(3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator shall also submit to the director a copy of the alternative composite liner design;

(2) no later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under Subsection R315-319-105(f)(1) or R315-319-105(f)(3);

(3) provide notification of the availability of the documentation of liner type specified under Subsection R315-319-105(f)(2);

(4) provide notification of the availability of the initial and periodic hazard potential classification assessments specified under Subsection R315-319-105(f)(5);

(5) provide notification of the availability of ~~the [emergency action plan (EAP)]~~, and any revisions of the EAP, specified under Subsection R315-319-105(f)(6);

(6) provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under Subsection R315-319-105(f)(7);

(7) provide notification of documentation prepared by the owner or operator recording any activations of the ~~[emergency action plan]EAP~~ specified under Subsection R315-319-105(f)(8);

(8) provide notification of the availability of the history of construction, and any revision of it, specified under Subsection R315-319-105(f)(9);

(9) provide notification of the availability of the initial and periodic structural stability assessments specified under Subsection R315-319-105(f)(10);

(10) provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under Subsection R315-319-105(f)(11);

(11) provide notification of the availability of the initial and periodic safety factor assessments specified under Subsection R315-319-105(f)(12); ~~and~~

(12) provide notification of the availability of the design and construction plans, and any revision of them, specified under Subsection R315-319-105(f)(13)~~[-]~~;

(13) provide notification of the availability of the application and any supplemental materials submitted in support of the application specified under Subsection R315-319-105(f)(14);

(14) provide notification of the availability of the alternative liner demonstration specified under Subsection R315-319-105(f)(15);

(15) provide notification of the availability of the alternative liner demonstration extension request specified under Subsection R315-319-105(f)(16);

(16) provide notification of the availability of the documentation prepared for the preliminary demonstration specified under Subsection R315-319-105(f)(17);

(17) provide notification of the availability of the notification of an incomplete application specified under Subsection R315-319-105(f)(18);

- (18) provide notification of the availability of the decision on the application specified under Subsection R315-319-105(f)(19);
(19) provide notification of the availability of the final decision on the alternative liner demonstration specified under Subsection R315-319-105(f)(20);
(20) provide notification of the availability of the alternative source demonstration specified under Subsection R315-319-105(f)(21);
(21) provide notification of the availability of the final decision on the alternative source demonstration specified under Subsection R315-319-105(f)(22);
(22) provide notification of the final decision on the trend analysis specified under Subsection R315-319-105(f)(23); and
(23) provide notification of the decision that the alternative source demonstration has been withdrawn specified under Subsection R315-319-105(f)(24).
- (g) Operating criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall notify the director when information has been placed in the operating record and on the owner or operator's publicly accessible [H]internet site. The owner or operator shall:
- (1) provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under Subsection R315-319-105(g)(1);
 - (2) provide notification of the availability of the annual CCR fugitive dust control report specified under Subsection R315-319-105(g)(2);
 - (3) provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under Subsection R315-319-105(g)(3);
 - (4) provide notification of the availability of the initial and periodic inflow design flood control system plans specified under Subsection R315-319-105(g)(4);
 - (5) provide notification of the availability of the periodic inspection reports specified under Subsection R315-319-105(g)(6);
 - (6) provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under Subsection R315-319-105(g)(7); and
 - (7) provide notification of the availability of the periodic inspection reports specified under Subsection R315-319-105(g)(9).
- (h) Groundwater monitoring and corrective action. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall notify the director when information has been placed in the operating record and on the owner or operator's publicly accessible [H]internet site. The owner or operator shall:
- (1) provide notification of the availability of the annual groundwater monitoring and corrective action report specified under Subsection R315-319-105(h)(1);
 - (2) provide notification of the availability of the groundwater monitoring system certification specified under Subsection R315-319-105(h)(3);
 - (3) provide notification of the availability of the selection of a statistical method certification specified under Subsection R315-319-105(h)(4);
 - (4) provide notification that an assessment monitoring programs has been established specified under Subsection R315-319-105(h)(5);
 - (5) provide notification that the CCR unit is returning to a detection monitoring program specified under Subsection R315-319-105(h)(7);
 - (6) provide notification that one or more constituents in [a]Appendix IV to Rule R315-319 have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under Subsection R315-319-105(h)(8);
 - (7) provide notification that an assessment of corrective measures has been initiated specified under Subsection R315-319-105(h)(9);
 - (8) provide notification of the availability of assessment of corrective measures specified under Subsection R315-319-105(h)(10);
 - (9) provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under Subsection R315-319-105(h)(12);~~[-and]~~
 - (10) provide notification of the completion of the remedy specified under Subsection R315-319-105(h)(13)~~[-]; and~~
 - (11) provide the demonstration supporting the suspension of groundwater monitoring requirements specified under Subsection R315-319-105(h)(14).
- (i) Closure and post-closure care. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall notify the director when information has been placed in the operating record and on the owner or operator's publicly accessible [H]internet site. The owner or operator shall:
- (1) provide notification of the intent to initiate closure of the CCR unit specified under Subsection R315-319-105(i)(1);
 - (2) provide notification of the availability of the annual progress reports of closure implementation specified under Subsection R315-319-105(i)(2);
 - (3) provide notification of closure completion specified under Subsection R315-319-105(i)(3);
 - (4) provide notification of the availability of the written closure plan, and any amendment of the plan, specified under Subsection R315-319-105(i)(4);
 - (5) provide notification of the availability of the demonstration for a time extension for initiating closure specified under Subsection R315-319-105(i)(5);
 - (6) provide notification of the availability of the demonstration for a time extension for completing closure specified under Subsection R315-319-105(i)(6);

NOTICES OF PROPOSED RULES

- (7) provide notification of intent to close a CCR unit specified under Subsection R315-319-105(i)(7);
- (8) provide notification of completion of closure of a CCR unit specified under Subsection R315-319-105(i)(8);
- (9) provide notification of the deed notation as required by Subsection R315-319-105(i)(9);
- (10) provide notification of intent to comply with the alternative closure requirements specified under Subsection R315-319-105(i)(10);
- (11) the annual progress reports under the alternative closure requirements as required by Subsection R315-319-105(i)(11);
- (12) provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under Subsection R315-319-105(i)(12);~~and~~
- (13) provide notification of completion of post-closure care specified under Subsection R315-319-105(i)(13);~~;~~
- (14) provide the notification of intent to comply with the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as specified under Subsection R315-319-105(i)(14);
- (15) provide the approved or denied demonstration for the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as required by as specified under Subsection R315-319-105(i)(15);
- (16) provide the notification for requesting additional time to the alternative stop receipt of waste deadline as required by Subsection R315-319-105(i)(16);
- (17) the semiannual progress reports for the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as specified under Subsection R315-319-105(i)(17);
- (18) provide the notification of intent to comply with the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as specified under Subsection R315-319-105(i)(18);
- (19) provide the approved or denied demonstration for the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-105(i)(19); and
- (20) the annual progress report for the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-105(i)(20).
- (j) Retrofit criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall notify the director when information has been placed in the operating record and on the owner or operator's publicly accessible [H]internet site. The owner or operator shall:
 - (1) provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under Subsection R315-319-105(j)(1);
 - (2) provide notification of intent to comply with the alternative retrofit requirements specified under Subsection R315-319-105(j)(2);
 - (3) the annual progress reports under the alternative retrofit requirements as required by Subsection R315-319-105(j)(3);
 - (4) provide notification of the availability of the demonstration for a time extension for completing retrofit activities specified under Subsection R315-319-105(j)(4);
 - (5) provide notification of intent to initiate retrofit of a CCR unit specified under Subsection R315-319-105(j)(5);and
 - (6) provide notification of completion of retrofit activities specified under Subsection R315-319-105(j)(6).

R315-319-107. ~~[Recordkeeping, Notification, and Posting of Information to the Internet—]~~Publicly Accessible Internet Site Requirements.

- (a) Each owner or operator of a CCR unit subject to the requirements of Sections R315-319-50 through R315-319-107 shall maintain a publicly accessible [H]internet site, CCR [W]web site, containing the information specified in Section R315-319-107. The owner or operator's [W]web site shall be titled "CCR Rule Compliance Data and Information." The website shall ensure that the information required to be posted is immediately available to anyone visiting the site, without requiring any prerequisite, such as registration or a requirement to submit a document request. The required information shall be clearly identifiable and shall be able to be immediately printed and downloaded by anyone accessing the site. If the owner or operator changes the web address, that is the Uniform Resource Locator (URL) at any point, they shall notify the director within 14 days of making the change. The facility's CCR website shall also have a "contact us" form or a specific email address posted on the website for the public to use to submit questions and issues relating to the availability of information on the website.
- (b) An owner or operator of more than one CCR unit subject to ~~[the provisions of]~~Sections R315-319-50 through R315-319-107 may comply with the requirements of Section R315-319-107 by using the same [H]internet site for multiple CCR units provided the CCR [W]web site clearly delineates information by the name or identification number of each unit.
- (c) Unless otherwise required in Section R315-319-107, the information required to be posted to the CCR [W]web site shall be made available to the public for at least five years following the date on which the information was first posted to the CCR [W]web site.
- (d) Unless otherwise required in Section R315-319-107, the information shall be posted to the CCR [W]web site within 30 days of placing the pertinent information required by ~~S[ub]s~~ection R315-319-105 in the operating record.
- (e) Location restrictions. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place each demonstration specified under Subsection R315-319-105(e) on the owner or operator's CCR [W]web site.
- (f) Design criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the ~~following~~ information required by Subsections R315-319-107(f)(1) through R315-319-107(f)(23) on the owner or operator's CCR [W]web site:
 - (1) [W]within 60 days of commencing construction of a new unit, the design certification specified under Subsection R315-319-105(f)(1) or R315-319-105(f)(3)[-];

(2) ~~[N]~~no later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under Subsection R315-319-105(f)(1) or R315-319-105(f)(3)[-];

(3) ~~[F]~~the documentation of liner type specified under Subsection R315-319-105(f)(2)[-];

(4) ~~[F]~~the initial and periodic hazard potential classification assessments specified under Subsection R315-319-105(f)(5)[-];

(5) ~~[F]~~the ~~[emergency action plan (EAP)]~~ specified under Subsection R315-319-105(f)(6), except that only the most recent EAP shall be maintained on the CCR ~~[W]~~web site irrespective of the time requirement specified in Subsection R315-319-107(c)[-];

(6) ~~[D]~~documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under Subsection R315-319-105(f)(7)[-];

(7) ~~[D]~~documentation prepared by the owner or operator recording any activation of the ~~EAP~~[emergency action plan] specified under Subsection R315-319-105(f)(8)[-];

(8) ~~[F]~~the history of construction, and any revisions of it, specified under Subsection R315-319-105(f)(9)[-];

(9) ~~[F]~~the initial and periodic structural stability assessments specified under Subsection R315-319-105(f)(10)[-];

(10) ~~[F]~~the documentation detailing the corrective measures taken to remedy the deficiency or release specified under Subsection R315-319-105(f)(11)[-];

(11) ~~[F]~~the initial and periodic safety factor assessments specified under Subsection R315-319-105(f)(12)[-];

(12) ~~[F]~~the design and construction plans, and any revisions of them, specified under Subsection R315-319-105(f)(13)[-];

(13) ~~the application and any supplemental materials submitted in support of the application specified under Subsection R315-319-105(f)(14);~~

~~(14) the alternative liner demonstration specified under Subsection R315-319-105(f)(15);~~

~~(15) the alternative liner demonstration specified under Subsection R315-319-105(f)(16);~~

~~(16) the documentation prepared for the preliminary demonstration specified under Subsection R315-319-105(f)(17);~~

~~(17) the notification of an incomplete application specified under Subsection R315-319-105(f)(18);~~

~~(18) the decision on the application specified under Subsection R315-319-105(f)(19);~~

~~(19) the final decision on the alternative liner demonstration specified under Subsection R315-319-105(f)(20);~~

~~(20) the alternative source demonstration specified under Subsection R315-319-105(f)(21);~~

~~(21) the final decision on the alternative source demonstration specified under Subsection R315-319-105(f)(22);~~

~~(22) the final decision on the trend analysis specified under Subsection R315-319-105(f)(23); and~~

~~(23) the decision that the alternative source demonstration has been withdrawn specified under Subsection R315-319-105(f)(24).~~

(g) Operating criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the ~~[following]~~ information required by Subsections R315-319-107(g)(1) through R315-319-107(g)(7) on the owner or operator's CCR ~~[W]~~web site:

(1) ~~[F]~~the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under Subsection R315-319-105(g)(1) except that only the most recent plan shall be maintained on the CCR ~~[W]~~web site irrespective of the time requirement specified in Subsection R315-319-107(c)[-];

(2) ~~[F]~~the annual CCR fugitive dust control report specified under Subsection R315-319-105(g)(2)[-];

(3) ~~[F]~~the initial and periodic run-on and run-off control system plans specified under Subsection R315-319-105(g)(3)[-];

(4) ~~[F]~~the initial and periodic inflow design flood control system plans specified under Subsection R315-319-105(g)(4)[-];

(5) ~~[F]~~the periodic inspection reports specified under Subsection R315-319-105(g)(6)[-];

(6) ~~[F]~~the documentation detailing the corrective measures taken to remedy the deficiency or release specified under Subsection R315-319-105(g)(7)[-]; and

(7) ~~[F]~~the periodic inspection reports specified under Subsection R315-319-105(g)(9).

(h) Groundwater monitoring and corrective action. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the ~~[following]~~ information required by Subsections R315-319-107(h)(1) through R315-319-107(h)(11) on the owner or operator's CCR ~~[W]~~web site:

(1) ~~[F]~~the annual groundwater monitoring and corrective action report specified under Subsection R315-319-105(h)(1)[-];

(2) ~~[F]~~the groundwater monitoring system certification specified under Subsection R315-319-105(h)(3)[-];

(3) ~~[F]~~the selection of a statistical method certification specified under Subsection R315-319-105(h)(4)[-];

(4) ~~[F]~~the notification that an assessment monitoring programs has been established specified under Subsection R315-319-105(h)(5)[-];

(5) ~~[F]~~the notification that the CCR unit is returning to a detection monitoring program specified under Subsection R315-319-105(h)(7)[-];

(6) ~~[F]~~the notification that one or more constituents in appendix IV to Rule R315-319 have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under Subsection R315-319-105(h)(8)[-];

(7) ~~[F]~~the notification that an assessment of corrective measures has been initiated specified under Subsection R315-319-105(h)(9)[-];

(8) ~~[F]~~the assessment of corrective measures specified under Subsection R315-319-105(h)(10)[-];

(9) ~~[F]~~the semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under Subsection R315-319-105(h)(12), except that the selection of the remedy report shall be maintained until the remedy has been completed[-];

(10) ~~[F]~~the notification that the remedy has been completed specified under Subsection R315-319-105(h)(13)[-]; and

(11) the demonstration supporting the suspension of groundwater monitoring requirements specified under Subsection R315-319-105(h)(14).

(i) Closure and post-closure care. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the ~~following~~ information required by Subsections R315-319-107(i)(1) through R315-319-107(i)(2) on the owner or operator's CCR ~~W~~web site:

- (1) ~~the~~ notification of intent to initiate closure of the CCR unit specified under Subsection R315-319-105(i)(1)~~[-];~~
- (2) ~~the~~ annual progress reports of closure implementation specified under Subsection R315-319-105(i)(2)~~[-];~~
- (3) ~~the~~ notification of closure completion specified under Subsection R315-319-105(i)(3)~~[-];~~
- (4) ~~the~~ written closure plan, and any amendment of the plan, specified under Subsection R315-319-105(i)(4)~~[-];~~
- (5) ~~the~~ demonstration~~[-]~~ for a time extension for initiating closure specified under Subsection R315-319-105(i)(5)~~[-];~~
- (6) ~~the~~ demonstration~~[-]~~ for a time extension for completing closure specified under Subsection R315-319-105(i)(6)~~[-];~~
- (7) ~~the~~ notification of intent to close a CCR unit specified under Subsection R315-319-105(i)(7)~~[-];~~
- (8) ~~the~~ notification of completion of closure of a CCR unit specified under Subsection R315-319-105(i)(8)~~[-];~~
- (9) ~~the~~ notification recording a notation on the deed as required by Subsection R315-319-105(i)(9)~~[-];~~
- (10) ~~the~~ notification of intent to comply with the alternative closure requirements as required by Subsection R315-319-

105(i)(10)~~[-];~~

- (11) ~~the~~ annual progress reports under the alternative closure requirements as required by Subsection R315-319-105(i)(11)~~[-];~~
- (12) ~~the~~ written post-closure plan, and any amendment of the plan, specified under Subsection R315-319-105(i)(12)~~[-];~~
- (13) ~~the~~ notification of completion of post-closure care specified under Subsection R315-319-105(i)(13)~~[-];~~
- (14) the notification of intent to comply with the site-specific alternative to initiation of closure due to development of alternative

capacity infeasible as specified under Subsection R315-319-105(i)(14);

(15) the approved or denied demonstration for the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as required by as specified under Subsection R315-319-105(i)(15);

(16) the notification for requesting additional time to the alternative stop receipt of waste deadline as required by Subsection R315-319-105(i)(16);

(17) the semiannual progress reports for the site-specific alternative to initiation of closure due to development of alternative capacity infeasible as specified under Subsection R315-319-105(i)(17);

(18) the notification of intent to comply with the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as specified under Subsection R315-319-105(i)(18);

(19) the approved or denied demonstration for the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-105(i)(19); and

(20) the annual progress report for the site-specific alternative to initiation of closure due to permanent cessation of a coal-fired boilers by a date certain as required by Subsection R315-319-105(i)(20).

(j) Retrofit criteria. The owner or operator of a CCR unit subject to Sections R315-319-50 through R315-319-107 shall place the ~~following~~ information required by Subsections R315-319-107(j)(1) through R315-319-107(j)(6) on the owner or operator's CCR ~~W~~web site:

- (1) ~~the~~ written retrofit plan, and any amendment of the plan, specified under Subsection R315-319-105(j)(1)~~[-];~~
- (2) ~~the~~ notification of intent to comply with the alternative retrofit requirements as required by Subsection R315-319-

105(j)(2)~~[-];~~

- (3) ~~the~~ annual progress reports under the alternative retrofit requirements as required by Subsection R315-319-105(j)(3)~~[-];~~
- (4) ~~the~~ demonstration~~[-]~~ for a time extension for completing retrofit activities specified under Subsection R315-319-

105(j)(4)~~[-];~~

- (5) ~~the~~ notification of intent to retrofit a CCR unit specified under Subsection R315-319-105(j)(5)~~[-]; and~~
- (6) ~~the~~ notification of completion of retrofit activities specified under Subsection R315-319-105(j)(6).

R315-319-108. Appendix III to Rule R315-319 - Constituents for Detection Monitoring.

<u>Table 1</u>
<u>Common Name¹</u>
<u>Boron</u>
<u>Calcium</u>
<u>Chloride</u>
<u>Fluoride</u>
<u>pH</u>
<u>Sulfate</u>
<u>Total Dissolved Solids (TDS)</u>
¹ <u>Common names are those widely used in government rules and regulations, scientific publications, and commerce; synonyms exist for many chemicals.</u>

[Table]

Common name(1)
Boron
Calcium
Chloride
Fluoride
pH
Sulfate
Total Dissolved Solids (TDS)

(1) Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

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R315-319-109. Appendix IV to Rule R315-319 - Constituents for Assessment Monitoring.

Table 2
Common Name ¹
Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Cobalt
Fluoride
Lead
Lithium
Mercury
Molybdenum
Selenium
Thallium
Radium 226 and 228 combined
¹ Common names are those widely used in government rules and regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[Table]

Common name(1)
Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Cobalt
Fluoride
Lead
Lithium
Mercury
Molybdenum
Selenium
Thallium
Radium 226 and 228 combined

(1) Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

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KEY: permit, solid waste, coal ash

Date of Last Change: ~~2025~~ November 20, 2023

Notice of Continuation: July 8, 2021

Authorizing, and Implemented or Interpreted Law: 19-6-108

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Final Adoption of Rule Changes
UAC R313-28-20
September 11, 2025

What is the issue before the Board?	Approval from the Board to proceed with final adoption of proposed changes to Utah Administrative Code R313-28-20 to amend the definition of Healing Arts Screening for consistency with the rules.
What is the historical background or context for this issue?	At the Board meeting on June 12, 2025, the Board approved the proposed changes to Utah Admin. Code R313-28-20 to be filed with the Office of Administrative Rules for publication in the <i>Utah State Bulletin</i>. The proposed changes were published in the July 1, 2025, issue of the <i>Utah State Bulletin</i>. Selected pages from the July 1, 2025, <i>Utah State Bulletin</i> showing the publication of the proposed changes follow this Executive Summary. The public comment period for this rulemaking ended on July 31, 2025; no comments were received.
What is the governing statutory or regulatory citation?	The Board is authorized under Subsection 19-3-103.1 to make rules that are necessary to implement the Radiation Control Act. The rule changes also meet existing DEQ and state rulemaking procedures.
Is Board action required?	Yes. Board approval for final adoption of rule changes is necessary.
What is the Division Director's recommendation?	The Director recommends the Board approve final adoption of the proposed changes to Utah Admin. Code R313-28-20 as published in the July 1, 2025, <i>Utah State Bulletin</i> and set an effective date of September 15, 2025.
Where can more information be obtained?	Please contact Tom Ball by email at tball@utah.gov or by phone at 385-454-5574.

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

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The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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Utah state bulletin.

Semimonthly.

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NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or section number:****R313-28-20****Filing ID: 57278****Agency Information**

1. Title catchline:	Environmental Quality, Waste Management and Radiation Control, Radiation	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 144880	
City, state and zip:	Salt Lake City, UT 84114-4880	
Contact persons:		
Name:	Phone:	Email:
Tom Ball	385-454-5574	tball@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R313-28-20. Definitions
4. Purpose of the new rule or reason for the change:
During a recent review of this rule a discrepancy between the definition of Healing Arts Screening and the rules that apply to a Healing Arts Screening in Section R313-28-400 was discovered. This amendment fixes the discrepancy.
5. Summary of the new rule or change:
This rule amendment adds the words "or condition" to the Healing Arts Screening definition so that it addresses diseases "or conditions." This change makes the definition consistent with the rule at R313-28-400(1)(b).
Additionally, the Division of Waste Management and Radiation Control, Radiation is correcting typographical and rule formatting errors that were discovered in this rule.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
This rule amendment will not add any cost to the state budget, nor will it provide any savings.
B. Local governments:
It is not anticipated that this rule amendment will add any costs or provide any savings to local governments.
C. Small businesses ("small business" means a business employing 1-49 persons):
It is not anticipated that this rule amendment will add any costs or provide any savings to small businesses that must comply with this rule.
D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
It is not anticipated that this rule amendment will add any costs or provide any savings to non-small businesses that must comply with this rule.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

It is not anticipated that this rule amendment will add any costs or provide any savings to persons other than small businesses, non-small businesses, state or local governments that must comply with this rule.

F. Compliance costs for affected persons:

As stated above, it is not anticipated that there will be any compliance costs for affected persons.

G. Regulatory Impact Summary Table (This table includes only fiscal impacts the agency was able to measure. If the agency could not estimate an impact, it is excluded from this table but described in boxes A through F.)

Regulatory Impact Summary Table					
Fiscal Cost	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2026	FY2027	FY2028	FY2029	FY2030
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

H. Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Environmental Quality, Tim Davis, has reviewed and approved this regulatory impact analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 19-3-104	Section 19-6-107	
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Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:	07/31/2025
--	------------

10. This rule change MAY become effective on:	08/18/2025
--	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Douglas J. Hansen, Director	Date:	06/12/2025
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R313. Environmental Quality, Waste Management and Radiation Control, Radiation.

R313-28. Use of X-Rays in the Healing Arts.

R313-28-20. Definitions.

As used in Rule R313-28, the following definitions apply:

"Accessible surface" means the external surface of the enclosure or housing provided by the manufacturer.

"Actual focal spot" refer to "Focal spot."

"Aluminum equivalent" means the thickness of aluminum, type 1100 alloy, affording the same attenuation, under specified conditions, as the material in question. The nominal chemical composition of type 1100 aluminum alloy is 99[.00]% minimum aluminum, 0.12% copper.

"Assembler" means individuals engaged in the business of assembling, replacing, or installing one or more components into an x-ray system or subsystem. The term includes the owner of an x-ray system or an employee or agent if they assemble components into an x-ray system that is subsequently used to provide professional or commercial services.

"Attenuation block" means a block or stack, having appropriate dimensions 20 cm by 20 cm by 3.8 cm, of type 1100 aluminum alloy or other materials having equivalent attenuation.

"Automatic EXPOSURE control" means a device that automatically controls one or more technique factors to get, at a preselected location, a required quantity of radiation. Phototimer and ion chamber devices are included in this category.

"Barrier" refer to "Protective barrier."[-]

"Beam axis" means a line from the source through the centers of the x-ray fields.

"Beam-limiting device" means a device that provides a means to restrict the dimensions of the x-ray field.

"Certified components" means components of x-ray systems that are subject to regulations promulgated under Public Law 90-602, the Radiation Control for Health and Safety Act of 1968.

"Certified system" means an x-ray system that has one or more certified components.

"Changeable filters" means filters designed to be removed by the operator.

"Coefficient of variation (C)" means the ratio of the standard deviation to the mean value of a population of observations.

"Computed tomography" means the production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Control panel" means that part of the x-ray control where the switches, knobs, push buttons, and other hardware necessary for setting the technique factors are mounted.

"Cooling curve" means the graphical relationship between heat units stored and cooling time.

"CT" means computed tomography.

"CT gantry" means the tube housing assemblies, beam-limiting devices, detectors, and the supporting structures and frames that house these components.

"Dead-man switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

"Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

"Diagnostic x-ray system" means an x-ray system designed for irradiation of part of the human body for recording or visualization for diagnostic purposes.

"Entrance EXPOSURE rate" means the EXPOSURE free in air per unit time at the point where the useful beam enters the patient.

"Equipment" refer to "X-ray equipment."[-]

"Field emission equipment" means equipment that uses an x-ray tube where electron emission from the cathode is due solely to the action of an electric field.

"Filter" means material placed in the useful beam to absorb preferentially selected radiations.

"Fluoroscopic imaging assembly" means a subsystem where x-ray photons produce a fluoroscopic image. It includes equipment housing, electrical interlocks, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

"Focal spot" means the area on the anode of the x-ray tube bombarded by the electrons accelerated from the cathode and where the useful beam originates. Also referred to as "Actual focal spot."

"Gonad shield" means a protective barrier for the testes or ovaries.

"Half-value layer or HVL" means the thickness of specified material that attenuates the beam of radiation to an extent that the EXPOSURE rate is reduced to one-half of its original value. In this definition, the contribution of scatter radiation, other than scatter radiation that might be present initially in the beam concerned, is considered to be excluded.

"Healing arts" means any system, treatment, operation, diagnosis, prescription, or practice for ascertaining cure, relief, palliation, adjustment, or correction of any health indications, human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition.

"Healing arts screening" means the use of x-ray equipment to examine individuals who are asymptomatic for the disease or condition that is the reason the screening is being performed and the use of x-rays are not specifically and individually ordered by a licensed practitioner of the healing arts legally authorized to order x-ray tests for the diagnosis.

"Heat unit" means a unit of energy equal to the product of the peak kilovoltage, milliamperes, and seconds, for example, kVp times mA times seconds.

"HVL" refers to "half-value layer."

"Image intensifier" means a device installed in its housing that instantaneously converts an x-ray pattern into a light image of higher energy density.

"Image receptor" means a device, for example, a fluorescent screen radiographic film, solid state detector, or gaseous detector, that transforms incident x-ray photons to produce a visible image or stores the information in a form that can be made into a visible image. When means are provided to preselect a portion of the image receptor, the term "image receptor" shall mean the preselected portion of the device.

"Irradiation" means the exposure of matter to ionizing radiation.

"Kilovolts peak" refer to "Peak tube potential."[-]

"kV" means kilovolts.

NOTICES OF PROPOSED RULES

"kVp" refer to "Peak tube potential."

"Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

"Leakage radiation" means radiation emanating from the diagnostic source assembly except for:

(a) the useful beam; and

(b) radiation produced when the exposure switch or timer is not activated.

"Leakage technique factors" means the technique factors associated with the diagnostic source assembly that are used in measuring leakage radiation. They are defined as follows:

(a) For diagnostic source assemblies intended for capacitor energy storage equipment, the maximum-rated peak tube potential and the maximum-rated number of exposures in an hour for operation at the maximum-rated peak tube potential with the quantity of charge per exposure being ten millicoulombs, ten milliamperere seconds, or the minimum obtainable from the unit, whichever is larger.

(b) For diagnostic source assemblies intended for field emission equipment rated for pulsed operation, the maximum-rated peak tube potential and the maximum-rated number of x-ray pulses in an hour for operation at the maximum-rated peak tube potential.

(c) For other diagnostic source assemblies, the maximum-rated peak tube potential and the maximum-rated continuous tube current for the maximum-rated peak tube potential.

"Light field" means that area of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points where the illumination is one-fourth of the maximum in the intersection.

"mA" means tube current in milliamperes.

"mAs" means milliamperere second or the product of the tube current in milliamperes and the time of exposure in seconds.

"Mammography imaging medical physicist" means an individual who conducts mammography surveys of mammography facilities.

"Mammography survey" means an evaluation of x-ray imaging equipment and oversight of a mammography facility's quality control program.

"Mobile x-ray equipment" means x-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.

"Multiple scan average dose" means the average dose at the center of a series of scans, specified at the center of the axis of rotation of a CT x-ray system.

"New installation" means change, modification, or relocation of new or existing shielding or equipment.

"Operator of diagnostic x-ray equipment" means either the individual responsible for insuring that the appropriate technique factors are set on the x-ray equipment or the individual who makes the radiation exposure.

"Patient" means an individual subjected to healing arts examination, diagnosis, or treatment.

"PBL" refer to "Positive beam limitation."

"Peak tube potential" means the maximum value of the potential difference across the x-ray tube during an exposure.

"Phantom" means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation.

"PID" refers to "Position indicating device."

"Portable x-ray equipment" means x-ray equipment designed to be hand-carried.

"Position indicating device (PID)" means a device, on dental x-ray equipment that shows the beam position and establishes a definite source-surface, skin, distance. The device may or may not incorporate or serve as a beam-limiting device.

"Positive beam limitation" means the automatic or semi-automatic adjustment of an x-ray beam to the size of the selected image receptor, whereby exposures cannot be made without the adjustment.

"Primary beam scatter" means scattered radiation that has been deviated in direction or energy by materials irradiated by the primary beam.

"Primary protective barrier" refer to "Protective barrier;"[-]

"Protective apron" means an apron made of radiation absorbing materials, used to reduce radiation exposure.

"Protective barrier" means a barrier of radiation absorbing material used to reduce radiation exposure.

(a) "Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation exposure for protection purposes.

(b) "Secondary protective barrier" means the material that attenuates stray radiation.

"Protective glove" means a glove made of radiation absorbing materials used to reduce radiation exposure.

"Radiation therapy simulation system" means a radiographic or fluoroscopic x-ray system intended for localizing the volume to be exposed during radiation therapy and for confirming the position and size of the therapeutic irradiation field.

"Radiograph" means an image receptor that the image is created directly or indirectly on by an x-ray pattern and results in a permanent record.

"Rating" means the operating limits of an x-ray system or subsystem as specified by the component manufacturer.

"Recording" means producing a permanent form of an image resulting from x-ray photons.

"Reference plane" means a plane that is displaced from and parallel to the tomographic plane.

"Scan" means the complete process of collecting x-ray transmission data for the production of a tomogram. Data can be collected simultaneously during a single scan for the production of one or more tomograms.

"Scan increment" means the amount of relative displacement of the patient with respect to the computer tomographic x-ray system between successive scans measured along the direction of the displacement.

"Scattered radiation" means radiation that, during passage through matter, has been deviated in direction, energy, or both direction and energy. Also refer to "Primary Beam Scatter;"[-]

"Shutter" means a device attached to the tube housing assembly that can intercept the entire cross sectional area of the useful beam and that has a lead equivalency at least that of the tube housing assembly.

"SID" refer to "Source-image receptor distance."^[7]

"Source" means the focal spot of the x-ray tube.

"Source to image receptor distance" means the distance from the source to the center of the input surface of the image receptor.

"Special purpose x-ray system" means a system that is designed for irradiation of specific body parts.

"Spot film" means a radiograph that is made during a fluoroscopic examination to permanently record conditions that exist during that fluoroscopic procedure.

"Spot film device" means a device intended to transport or position a radiographic image receptor between the x-ray source and fluoroscopic image receptor, including a device intended to hold a cassette over the input end of an image intensifier to make a radiograph.

"SSD" means the distance between the source and the skin entrance plane of the patient.

"Stationary x-ray equipment" means x-ray equipment that is installed in a fixed location.

"Stray radiation" means the sum of leakage and scattered radiation.

"Technique factors" means the following conditions of operation:

- (a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs.
- (b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of x-ray pulses.
- (c) For other equipment, peak tube potential in kV and either;
 - (i) the tube current in mA and exposure time in seconds; or
 - (ii) the product of tube current and exposure time in mAs.

"Termination of irradiation" means the stopping of irradiation in a fashion that will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

"Tomogram" means the depiction of the x-ray attenuation properties of a section through the body.

"Tomographic plane" means that geometric plane that is identified as corresponding to the output tomogram.

"Tomographic section" means the volume of an object whose x-ray attenuation properties are imaged in a tomogram.

"Tube" means an x-ray tube, unless otherwise specified.

"Tube housing assembly" means the tube housing with tube installed. It includes high-voltage or filament transformers and other appropriate elements if they are contained within the tube housing.

"Tube rating chart" means the set of curves that specify the rated limits of operation of the tube in terms of the technique factors.

"Useful beam" means the radiation emanating from the tube housing port or the radiation head and passing through the aperture of the beam-limiting device when the switch or timer is activated.

"Visible area" means that portion of the input surface of the image receptor where incident x-ray photons are producing a visible image.

"X-ray exposure control" means a device, switch, button, or other similar means that an operator uses to initiate or terminate the radiation exposure. The x-ray exposure control may include associated equipment, for example, timers and back-up timers.

"X-ray equipment" means an x-ray system, subsystem, or component thereof. See definitions for "Mobile x-ray equipment,"^[7] "Portable x-ray equipment,"^[7] and "Stationary x-ray equipment."^[7]

"X-ray field" means that area of the intersection of the useful beam and one of the sets of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points where the EXPOSURE rate is one-fourth of the maximum in the intersection.

"X-ray high-voltage generator" means a device that transforms electrical energy from the potential supplied by the x-ray control to the tube operating potential. The device may also include means for transforming alternating current to direct current, filament transformers for the x-ray tube high-voltage switches, electrical protective devices, and other appropriate elements.

"X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components that function with the system are considered integral parts of the system.

"X-ray tube" means an electron tube that is designed to be used primarily for the production of x-rays.

KEY: dental, X-rays, mammography, beam limitation

Date of Last Change: ~~April 14,~~ 2025

Notice of Continuation: April 8, 2021

Authorizing, and Implemented or Interpreted Law: 19-3-104; 19-6-107

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal and Reenact

Rule or section number:

R392-302

Filing ID: 57238

Agency Information

1. Title catchline:	Health and Human Services, Population Health, Environmental Health
Building:	Cannon Health Building
Street address:	288 N 1460 W

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
Approval of Mammography Imaging Medical Physicists
September 11, 2025

What is the issue before the Board?	Approval of qualified Mammography Imaging Medical Physicist.
What is the historical background or context for this issue?	Individuals referred to as Mammography Imaging Medical Physicists (MIMP) must submit an application for review of qualifications to be certified by the Board. These physicists perform radiation surveys and evaluate the quality control programs of the facilities in Utah providing mammography examinations. The Division has received a new application for an individual to be certified as MIMP: Hao-Yun Hsu, MS, DABR, MRSE. Division staff have reviewed the qualifications of the applicant and the applicant has met the requirements detailed in Utah Administrative Code R313-28-140.
What is the governing statutory or regulatory citation?	In accordance with Subsection 19-3-103.1(2)(c) of the Utah Code Annotated, the Board shall review the qualifications of, and issue certificates of approval to, individuals who: (i) survey mammography equipment; or (ii) oversee quality assurance practices at mammography facilities. This statutory requirement was effective May 8, 2012.
Is Board action required?	Yes.
What is the Division Director's recommendation?	The Director of the Division of Waste Management and Radiation Control recommends the Board issue a certificate of approval for the applicant reviewed and presented to the Board.
Where can more information be obtained?	Please contact Krystal Thomas, RT (R)(M), at (385) 454-5309.

WASTE MANAGEMENT AND RADIATION CONTROL BOARD
Executive Summary
REQUEST FOR A SITE-SPECIFIC TREATMENT VARIANCE
EnergySolutions, LLC
September 11, 2025

What is the issue before the Board?	On August 6, 2025, EnergySolutions, LLC submitted a request to the Director of the Division of Waste Management and Radiation Control for a one-time site-specific treatment variance from Utah Hazardous Waste Management Rule R315-268-40(a)(3) seeking approval to dispose in EnergySolutions' Mixed Waste Landfill Cell, waste containing D009 or U151 High Mercury-Organic Subcategory and High Mercury-Inorganic Subcategory hazardous waste codes that have been treated using stabilization/amalgamation technologies to either the 0.2 mg/L TCLP standard for hazardous waste or the 0.25 mg/L TCLP standard for contaminated soil.
What is the historical background or context for this issue?	EnergySolutions seeks approval of this variance to receive and dispose, in EnergySolutions' Mixed Waste Landfill Cell, waste containing trace quantities of D009 and/or U151 High Mercury-Organic Subcategory and High Mercury-Inorganic Subcategory hazardous waste that have been treated using stabilization/amalgamation technologies. Furthermore, EnergySolutions will perform the appropriate stabilization and amalgamation treatment on D009 and U151 High Mercury Subcategory waste streams that have not been treated prior to arrival at the EnergySolutions Clive facility. All actions and other necessary treatment will be performed in accordance with EnergySolutions' State-issued Part B Permit. Prior to disposal, the waste will be verified via TCLP to have a mercury concentration of less than 0.2mg/L for hazardous waste and 0.25mg/L for contaminated waste soils. D009 High Mercury-Organic Subcategory waste is described as non-wastewaters that exhibit, or are expected to exhibit, the characteristics of toxicity and contain concentrations greater than or equal to 260 mg/kg of total mercury which also contain organics that are not incinerator residues. Similarly, D009 High Mercury-Inorganic Subcategory is comparable in characteristics but contains inorganic residues which include incinerator residues and retorting/roasting residues. The U151 waste code is described as mercury non-wastewaters that contains greater than or equal to 260 mg/kg total mercury but does not clearly distinguish between organic and inorganic category. For the above-mentioned waste codes the listed treatment technology is found in 40 CFR 268.40. D009 High Mercury-Organic Subcategory waste is to be treated by either incineration (IMERC) or retorting/roasting for mercury recovery (RMERC). The listed treatment technology for the D009 High Mercury-Inorganic Subcategory and for U151 is RMERC.

The need and justification for this specified variance are as follows:

The intent of the RMERC treatment process is to recover elemental mercury for recycling. However, radioactive mercury cannot be recycled and the RMERC process generates secondary waste of radioactive elemental mercury which requires additional stabilization treatment by amalgamation prior to disposal.

The IMERC technology is also intended to be a mercury recovery technology where the waste is incinerated, and the mercury recovered in the ash or in a specific off-gas control system. For radioactive mercury, both the ash and the control equipment/media will require further treatment. Furthermore, IMERC involves an extra handling step for the radioactive residue.

Successful chemical stabilization of High Mercury-Inorganic Subcategory wastes has been demonstrated to achieve a measure of performance equivalent to the required methods which require two treatment methods (RMERC and stabilization) with no detrimental effect to human health or the environment. Additionally, the U.S. Environmental Protection Agency (U.S. EPA) has issued a Determination of Equivalent Treatment (DET) for these High Mercury Subcategory wastes that were chemically stabilized. In the U.S. EPA's determination, they concluded that for waste streams that are radioactive and contain mercury, the recovery portion of RMERC may not be appropriate and that alternative treatment processes should be pursued.

The U.S. EPA has reviewed the treatment of mercury-bearing waste in a Federal Register Notice (68 FR 4481). In this notice, the U.S. EPA concluded that treatment of mercury waste is possible, and it is suggested that stakeholders should use the site-specific treatment variance process to achieve approval for the treatment of high subcategory mercury wastes. The notice specifically designates an example of when this would be appropriate as the case of a high mercury subcategory waste that is also radioactive.

This variance request consists of waste that may be shipped to EnergySolutions over the next year. To date, EnergySolutions has disposed of approximately 22,100 cubic feet of treated High Mercury Subcategory waste. From knowledge of the current market of High Mercury Subcategory Waste requiring treatment or disposal, and from past experience receiving this type of waste, EnergySolutions anticipates less than 2,500 cubic feet of additional High Mercury Subcategory waste for disposal in the next year under this treatment variance.

This is the 20th time EnergySolutions has requested this variance from the Board. Beginning in 2001, EnergySolutions has been consistently successful at treating the high subcategory mercury wastes to LDR compliant levels under this request.

	A 30-day notice for public comment was published in the <i>Salt Lake Tribune</i>, the <i>Deseret News</i> and the <i>Tooele Transcript Bulletin</i> on September 3, 2025. The 30-day public comment period began September 4, 2025 and will end October 3, 2025. Documents related to this application can be reviewed on the Internet at https://deq.utah.gov/waste-management-and-radiation-control/waste-management-radiation-control-public-notices
What is the governing statutory or regulatory citation?	Variances are provided for in 19-6-111 of the Utah Solid and Hazardous Waste Act. This is a one-time site-specific variance from an applicable treatment standard as allowed by R315-268.44 of the Utah Administrative Code.
Is Board action required?	No. This is an informational item before the Board.
What is the Division/Director's recommendation?	The Director will provide a recommendation following the public comment period at the next Board meeting.
Where can more information be obtained?	For technical questions, please contact Tyler Hegburg (385) 622-1875. For legal questions, please contact Bret Randall at (801) 536-0284.

DSHW-2025-003747

August 6, 2025

CD-2025-160

Mr. Doug Hansen
Director
Division of Waste Management and Radiation Control
195 North 1950 West
Salt Lake City, UT 84114-4880

Subject: EPA ID Number UTD982598898 - Request for a Site-Specific Treatment
Variance for Wastes Containing High-Subcategory Mercury

Dear Mr. Hansen,

EnergySolutions hereby requests a variance to receive an exemption from Utah Administrative Code (UAC) R315-268-40(a)(3) for wastes that are characterized with hazardous waste codes D009 or U151, High Mercury-Organic Subcategory or High Mercury-Inorganic Subcategory. This request is submitted in accordance with the requirements of UAC R315-260-19.

The regulatory requirement authorizing this request is found in UAC R315-268-44 which allows a site-specific variance from an applicable treatment standard provided that the following condition is met:

UAC R315-268-44(h)(2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible.

EnergySolutions requests approval to dispose, in EnergySolutions' Mixed Waste Landfill Cell, waste containing the D009 or U151 High Mercury-Organic Subcategory and High Mercury-Inorganic Subcategory hazardous waste codes that have been treated using stabilization/amalgamation technologies. EnergySolutions will perform the stabilization/amalgamation treatment on D009 and U151 High Mercury Subcategory waste streams that have not been treated prior to arrival at the EnergySolutions Clive facility. At the time of disposal, the waste will be verified to have a mercury concentration less than 0.2 mg/L using the Toxicity Characteristic Leaching Procedure (TCLP) or less than 0.25 mg/L TCLP if the waste is a soil matrix. All actions will be performed in accordance with EnergySolutions' state-issued Part B Permit.

The D009 High Mercury-Organic Subcategory is described in the “Treatment Standards for Hazardous Waste” table in 40 CFR 268.40 (incorporated into UAC R315-268-40 by reference). The description is as follows:

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Likewise, the D009 High Mercury-Inorganic Subcategory’s description is as follows:

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

The U151 hazardous waste code does not delineate between organic or inorganic; the description simply states the following:

U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

The listed treatment technology in 40 CFR 268.40 for the D009 High Mercury-Organic Subcategory is either incineration (IMERC) or retorting/roasting for mercury recovery (RMERC). The listed treatment technology for the D009 High Mercury-Inorganic Subcategory and for U151 is RMERC.

The need and justification for this action are as follows:

- The intent of the RMERC treatment technology is to recover elemental mercury for recycling. However, radioactive mercury cannot be recycled and the RMERC process generates secondary waste (radioactive elemental mercury) which requires additional treatment by amalgamation (a stabilization technology) prior to disposal.
- The IMERC technology is also intended to be a mercury recovery technology where the waste is incinerated and the mercury recovered in the ash or in a

specific off-gas control system. For radioactive mercury, both the ash and the control equipment/media will require further treatment. Furthermore, IMERC involves an extra handling step for the radioactive residue.

- Both IMERC and RMERC are described in Table 1 of UAC R315-268-42. Both descriptions state that

[A]ll wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High or Low Mercury Subcategories).

For RMERC, this treatment standard is explained as an additional D009 subcategory:

[N]onwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are residues from RMERC only.

The Land Disposal Restriction (LDR) treatment standard for this subcategory is 0.2 mg/L TCLP (or 0.25 mg/L TCLP alternative treatment standard for contaminated soil described in UAC R315-268-49). For IMERC, the ash and/or control equipment media will be a newly generated hazardous waste and would therefore be required to meet the LDR treatment standard for mercury of 0.2 mg/L. The disposal standard proposed by EnergySolutions meets the LDR TCLP concentration in a single step.

- Successful chemical stabilization of High Mercury-Inorganic Subcategory wastes has been demonstrated to achieve a measure of performance equivalent to the required methods which require two treatment methods (RMERC and stabilization) with no detrimental effect to human health or the environment. The U.S. Environmental Protection Agency (US EPA) has issued a Determination of Equivalent Treatment (DET) for these High Mercury Subcategory wastes that were chemically stabilized. In the EPA's determination, they concluded that for waste streams that are radioactive and contain mercury, the recovery portion of RMERC may not be appropriate and that alternative treatment processes should be pursued. A copy of this letter is attached for reference.

- The US EPA has reviewed the treatment of mercury-bearing waste in Federal Register Notice 68 FR 4481. In this notice, the US EPA concluded that treatment of mercury waste is possible and it is suggested that stakeholders should use the site specific treatment variance process to achieve approval for the treatment of high subcategory mercury wastes. The notice specifically designates an example of when this would be appropriate as the case of a high mercury subcategory waste that is also radioactive.
- EnergySolutions has requested similar site-specific treatment variances (20 times) for High Mercury Subcategory waste in letters dated November 21, 2001; October 21, 2003; April 28, 2004; November 8, 2004; November 29, 2005; December 20, 2006; January 25, 2008; January 20, 2009; January 27, 2010; February 15, 2011; March 21, 2012; March 7, 2013; March 4, 2014; April 21, 2016; September 27, 2017; March 25, 2019; August 25, 2020; January 21, 2022; June 20, 2023; and July 10, 2024. These variance requests were approved on January 8, 2002; December 11, 2003; June 10, 2004; January 13, 2005; January 12, 2006; February 8, 2007; March 13, 2008; March 12, 2009; April 8, 2010; May 12, 2011; May 10, 2012; April 11, 2013; April 10, 2014; June 9, 2016; September 27, 2017; May 9, 2019; November 19, 2020; March 10th, 2022; September 14, 2023; and October 10, 2024 respectively.
- Over the past 24 years that this variance has been granted, EnergySolutions and generators have consistently been successful at treating high subcategory mercury to LDR compliant levels.

This variance request consists of waste that is expected to be disposed by EnergySolutions over the next year. To date, EnergySolutions has disposed of approximately ~22,100 cubic feet of treated High Mercury Subcategory waste. From knowledge of the current market of High Mercury Subcategory Waste requiring treatment or disposal, and from past experience receiving this type of waste, EnergySolutions anticipates less than 2,500 cubic feet of additional High Mercury Subcategory waste for disposal in the next year under this treatment variance.

EnergySolutions requests that a variance be granted to allow the disposal of High Mercury Subcategory waste that has been treated either to the 0.2 mg/L TCLP standard for hazardous waste or the 0.25 mg/L TCLP standard for contaminated soil.



Mr. Doug Hansen
CD-2025-160
August 6, 2025
Page 5 of 5

The name, phone number, and address of the person who should be contacted to notify EnergySolutions of decisions by the Director is:

Mr. Vern Rogers
Director, Regulatory Affairs
EnergySolutions LLC
299 South Main Street, Suite 1700
Salt Lake City, UT 84111
(801) 649-2000

Should there be any questions to this request, please contact me at (801) 649-2043.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve D. Gurr".

A red, stylized digital signature mark, resembling a large, loopy "A" or "S".

Digitally signed by Steve D. Gurr
Date: 2025.08.06 13:13:54
-06'00'

Steve D. Gurr
Environmental Engineer and Manager

enclosure

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Generator: Brookhaven National Laboratory
Generator # / Waste Stream #: ~~8000-22~~ 2066-21 JZH
Waste Stream Name: BNL Treated Mercury Soil

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. George J. Malosh
U.S. Department of Energy
Brookhaven Group Building 464
Upton, NY 11973-5000

Dear Mr. Malosh:

EPA has reviewed your request for a determination of equivalent treatment as authorized by 40 CFR 268.40(h) for the mercury contaminated waste from your facility that will be the subject of treatability studies.

Based on the information provided in your application and conversations between your staff and mine, EPA is approving the request for a determination of equivalent treatment. EPA agrees that RMERC is not appropriate for this waste, due to the generation of elemental mercury that is contaminated with radioactive materials and that has no current use via recycling. Instead, the facility will need to meet a replacement concentration-based treatment standard for this waste, which is detailed in the enclosed determination. This standard does not replace any other applicable federal, state, or local requirements as specified in the facility's waste analysis plan. Additionally, all wastes subject to this determination must be disposed at a facility permitted to accept the radioactive elements present in the waste following treatment.

Enclosed you will find our determination on your request. If you need further assistance, please contact John Austin, Waste Treatment Branch (703/308-0436).

Sincerely yours,

Elizabeth A.
Cotsworth, Acting
Director
Office of Solid
Waste

Enclosure

cc: Jim Thompson, OWPE
RCRA Hotline

Generator: Brookhaven National Laboratory
Generator # / Waste Stream #: ~~8000-22-6646~~ 6646 61 J24
Waste Stream Name: BNL Treated Mercury Soil
Determination of Equivalent Treatment
40 CFR 268.42(b)
Notification of Acceptance

Notification Number: OSW-DE016-0698

Requesting Facility: Brookhaven National Laboratory

Facility Address: U. S. Department of Energy
Brookhaven Group Building 464
Upton, NY 11973-5000

EPA Facility ID #: NY7890008975

Facility Representatives: Gail Penny, Project Manager
(516)344-3229; Email: gpenny@bnl.gov

Glen Todzia, Project Engineer
(516)344-7488

Date of Request: July 1, 1998

Waste Description for Which Replacement Standard is Sought:

The subject wastes consist of (a) treatability samples totaling 4990 kg of RCRA characteristic mercury- and radioactive-contaminated soils and (b) an unspecified amount of residues and newly generated wastes resulting from multiple treatability studies on these samples. The treatability samples are soils that are mostly sand but contain some gravel. Approximately 5% of the treatability sample wastes consists of pieces of glass, metal, and plastic. A summary waste description is given in Table 1.

The subject waste soils were excavated in 1997 from a former land disposal area ("Chemical Holes Area") for miscellaneous laboratory wastes at Brookhaven National Laboratory, in Long Island, New York. The retrieval was performed as a CERCLA removal action. Segregation of the excavated waste into two waste streams was performed by sieving with a 2-inch sieve as the waste was excavated. Only materials that passed through the 2-inch sieve are the subject of the planned treatability studies.

Basis of Request:

The subject mercury-contaminated waste soils (above 260 ppm mercury) are also contaminated with low levels of radioactive materials. The LDR technology specific treatment standard for this waste is RMERC (retorting or roasting with recovery of the mercury for reuse). Retorting or

Generator: Brookhaven National Laboratory

Generator # / Waste Stream #: 8008-79 6646 01

7-4

Waste Stream Name: BNL Treated Mercury Soil

roasting of the waste is inappropriate because any mercury recovered would still be contaminated with radioactive materials, which would prohibit its recycle or reuse as elemental mercury. The

1

Table 1. Initial Waste Descriptions

Waste Container ID	Approximate Volume (yd1)	Approximate Weight (kg)	Total Mercury Concentration (mg/kg)	TCLP Mercury Concentration (mg/l)	Primary Mercury Species	Other RCRA Constituents that exceed TC Regulatory Levels or are Listed Wastes	Waste Description and Treatment/Regulatory Subcategory	Assigned EPA Waste Code	Applicable LDR Treatment Standard
Bin 1	2	2495	6750	3.56	Elemental*	None Identified	Nonwastewater, High Mercury Subcategory*	D009	RMERC
Bin 2	2	2495	13,000	0.263	Elemental*	None Identified	Nonwastewater, High Mercury Subcategory*	D009	RMERC 1. Determined by visual inspection.

2. Nonwaste waters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW 846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including residues from RMERC.

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elemental mercury would therefore require further treatment (amalgamation) prior to its ultimate disposal. The subject wastes are proposed to be treated by a variety of methods as part of a treatability study to evaluate treatment options for other legacy wastes within the U. S. Department of Energy (DOE) complex.

DOE has requested a Determination of Equivalent Treatment for the treated treatability study samples and any newly generated >260 ppm Hg wastes that may result from these treatability studies (i.e., treatment residues). The proposed waste disposal location for the treatability study wastes that meet the assigned substitute treatment standard (and any other applicable LDR waste treatment standards) is the Envirocare of Utah, Clive, Utah, low level radioactive waste landfill. Alternatively, the DOE Hanford Site, Richland, Washington low level radioactive waste landfill

Generator: Brookhaven National Laboratory

Generator # / Waste Stream #: 8006-22 LC 76 01 JLM

Waste Stream Name: BNL Treated Mercury Soil

may be used. Other landfills that become available in the future and that meet all EPA and other agency requirements (e.g., NRC, DOE, or State) for disposal of such waste may also be considered. In the absence of the requested DET replacement standard, all treatment residues would have to be re-treated by retorting or roasting. Any recovered mercury would have to be amalgamated prior to disposal as low level radioactive waste.

EPA is requested to assign a replacement mercury treatment standard of 0.2 mg/kg TCLP to these treated treatability samples and any resulting newly generated treatment residues. The treated samples and newly generated wastes from the treatability study would still be required to meet applicable existing LDR treatment standards for underlying hazardous constituents other than mercury.

Previously Applicable Treatment Standard for Which Equivalency is Granted:

Waste codes of concern		Nonwastewater
D009	Non wastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues from RMERC (High Mercury Inorganic Subcategory	Mercury RMERC

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Replacement Treatment Standards:

Waste codes of concern		Nonwastewater
D009	Non wastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including	Mercury 0.20 mg L TCLP

Generator: Brookhaven National Laboratory
Generator # / Waste Stream #: 8408-22 62-16-01
Waste Stream Name: BNL Treated Mercury Soil

incinerator residues from RMERC (High
Mercury Inorganic Subcategory

Compliance with these standards, as approved below, does not relieve the facility from compliance with any other applicable treatment standards associated with these wastes. This standard does not replace any other applicable federal, state, or local requirements as specified in the facility's waste analysis plan. Additionally, all wastes subject to this determination must be disposed at a facility permitted to accept the radioactive elements present in the waste.

Authorities and References:

A Determination of Equivalent Treatment is governed by 40 CFR 268.42(b), which states: "(b) Any person may submit an application to the Administrator demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achieved by methods specified in paragraphs (a), (c), and (d) of this section....The applicant must submit information demonstrating that his treatment method is in compliance with federal, state, and local requirements and is protective of human health and the environment. On the basis of such information and any other available information, the Administrator may approve the use of the alternative treatment method if he finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in paragraphs (a), (c), and (d) of this section. Any approval must be stated in writing and may contain such provisions and conditions as the Administrator deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination."

The above provision was further clarified in the preamble for the Land Disposal Restriction for Third Third Scheduled Wastes: Final Rule, 55 FR at 22536, (June 1, 1990) as follows: "when EPA requires the use of a technology (or technologies), a generator or treater may demonstrate that an alternative treatment method can achieve the equivalent level of

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performance as that of the specified treatment method [40 CFR 268.42(b)]. This demonstration is typically both waste-specific and site-specific and may be based on: (1) the development of a concentration based standard that utilized a surrogate or indicator compound that guarantees effective treatment of the hazardous constituents; (2) the development of a new analytical method for quantifying the hazardous constituents, and (3) other demonstrations of equivalence for an alternative method of treatment based on a statistical comparison of technologies, including a comparison of specific design and operating parameters."

Justification for the Equivalent Treatment Standard:

Generator: Brookhaven National Laboratory
Generator # / Waste Stream #: 8908-22 6-14-98 JCH
Waste Stream Name: BNL Treated Mercury Soil

In the context of this treatability study situation, roasting or retorting and recovery of mercury (RMERC) from High Mercury-Inorganic nonwastewater wastes does not appear to be an appropriate treatment method if the wastes are also radioactive. This is because the recovered mercury is expected to be still classified as radioactive material and as such will not be recyclable but will require further treatment prior to its ultimate disposal. Therefore, the earlier recovery step appears not to serve a useful purpose in this particular mixed waste context, and would involve additional waste handling with the attendant concerns about potential exposure to radionuclides. The requested replacement standard for the limited quantity of waste to be subject to the treatability studies is the current LDR concentration-based treatment standard for Low Mercury-Inorganic nonwastewaters that have undergone RMERC, 0.20 mg/L TCLP. Therefore, the wastes will be subject to treatment standards equivalent to those for the residues of the RMERC process, but without having to first undergo a non-useful RMERC step. This is an appropriate measure of equivalent performance and is sufficiently protective of human health and the environment in this particular situation.

Based upon the information submitted, the factors identified above, and the conditions for treatment and disposal set out above, I have determined that the petition for Determination of Equivalent Treatment submitted by DCE on May 20, 1998 is hereby granted, effective upon my signature.

Dated:

Elizabeth A. Cotsworth, Acting Director
Office & Solid Waste

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Attachment I - Analytical Data for Wastes to be Subjected to the Treatability Studies

B-25 Container #1

Parameter	Concentration
Mercury (total)	6750 mg/kg
Mercury (TCLP)	3.56 mg/L
Gross Alpha	4560 pCi/g
Gross Beta	525 pCi/g
Plutonium - 238	72.6 pCi/g
Plutonium - 239/240	19.7 pCi/g

Generator: Brookhaven National Laboratory
 Generator # / Waste Stream #: ~~8008-22~~ 6666 of 7-4
 Waste Stream Name: BNL Treated Mercury Soil

Americium - 241	7140 pCi/g
Strontium - 90	2.15 pCi/g

B-25 Container #2

Parameter	Concentration
Mercury (total)	18,000 mg/kg
Mercury (TCLP)	0.263 mg/L
Gross Alpha	24.9 pCi/g
Gross Beta	35.9 pCi/g
Plutonium - 238	7.06 pCi/g
Plutonium - 239/240	5.87 pCi/g
Americium - 241	28.67 pCi/g
Strontium - 90	35.5 pCi/g

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Attachment 2- DOE Description of Treatment Technologies to be Included in Treatability Studies

The DOE Mixed Waste Focus Area (MWFA) Mercury Contamination Product Line: Mercury Working

Group (HgWG) is sponsoring demonstrations of alternative advanced technologies for treating toxicity

characteristic mixed waste containing more than 260 ppm total mercury concentrations to determine which technologies can produce stable products for disposal that are acceptably protective of human health and the environment. The initial wastes and the final waste forms are to be tested using TCLP to

determine if the final waste forms are no longer toxicity characteristic hazardous waste, meet the applicable replacement LDR treatment standard for mercury, and meet any other LDR waste treatment

standards determined to be applicable for this waste. Informational testing to provide additional data for

use by EPA will also be conducted, including measurement of mercury vapor pressure over the final

waste forms, and selected additional leaching tests to be determined in coordination with EPA Office of

Solid Waste. EPA's contractor Professor David Kosson (Rutgers University), Brookhaven National Laboratory (BNL), and the MWFA/HgWG.

Mercury Stabilization

A BNL sulfur polymer cement process will be one of the mercury stabilization processes demonstrated.

Commercial vendors will also be contracted to perform stabilization demonstrations. These vendors will be selected by the HgWG through an open bidding process. Each stabilization process will have been previously demonstrated on wastes or surrogates with less than 260 ppm total mercury concentration.

Mercury Separation

A mercury separation technology may be included in the demonstration tests. A candidate process uses a potassium iodide/iodine leaching solution to solubilize and remove mercury. The mercury is recovered as elemental mercury and amalgamated for disposal. The extractants are recovered and recycled. This process has already been demonstrated for mercury levels below 260 ppm.

Mercury Retort and Amalgamation

For comparison with the results of the advanced separation and stabilization technologies, an additional feasibility study will be performed using a mobile commercial vacuum retort unit to thermally desorb mercury. The recovered mercury will be amalgamated for disposal. This will be the baseline technology to satisfy the existing LDR treatment standard (RMERC) for High Mercury Inorganic Subcategory waste and the amalgamation (AMALG) treatment standard for radioactive elemental mercury waste. Amalgamation will be by commercially available processes or by an advanced sulfur-polymer-cement process developed and used at BNL.