

SUBCHAPTER I—SOLID WASTES (CONTINUED)

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

Subpart A—General

Sec.

- 260.1 Purpose, scope, and applicability.
- 260.2 Availability of information; confidentiality of information.
- 260.3 Use of number and gender.

Subpart B—Definitions

- 260.10 Definitions.
- 260.11 References.

Subpart C—Rulemaking Petitions

- 260.20 General.
- 260.21 Petitions for equivalent testing or analytical methods.
- 260.22 Petitions to amend part 261 to exclude a waste produced at a particular facility.
- 260.23 Petitions to amend 40 CFR part 273 to include additional hazardous wastes.
- 260.30 Variances from classification as a solid waste.
- 260.31 Standards and criteria for variances from classification as a solid waste.
- 260.32 Variances to be classified as a boiler.
- 260.33 Procedures for variances from classification as a solid waste or to be classified as a boiler.
- 260.40 Additional regulation of certain hazardous waste recycling activities on a case-by-case basis.
- 260.41 Procedures for case-by-case regulation of hazardous waste recycling activities.

APPENDIX I TO PART 260—OVERVIEW OF SUBTITLE C REGULATIONS

AUTHORITY: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

SOURCE: 45 FR 33073, May 19, 1980, unless otherwise noted.

EFFECTIVE DATE NOTE: The reporting or recordkeeping provisions included in the final rule published at 47 FR 32274, July 26, 1982, will be submitted for approval to the Office of Management and Budget (OMB), and will not become effective until OMB approval has been obtained. EPA will publish a notice of the effective date of the reporting and recordkeeping provisions of this rule after it obtains OMB approval.

Subpart A—General

§ 260.1 Purpose, scope, and applicability.

(a) This part provides definitions of terms, general standards, and overview information applicable to parts 260 through 265 and 268 of this chapter.

(b) In this part: (1) Section 260.2 sets forth the rules that EPA will use in making information it receives available to the public and sets forth the requirements that generators, transporters, or owners or operators of treatment, storage, or disposal facilities must follow to assert claims of business confidentiality with respect to information that is submitted to EPA under parts 260 through 265 and 268 of this chapter.

(2) Section 260.3 establishes rules of grammatical construction for parts 260 through 265 and 268 of this chapter.

(3) Section 260.10 defines terms which are used in parts 260 through 265 and 268 of this chapter.

(4) Section 260.20 establishes procedures for petitioning EPA to amend, modify, or revoke any provision of parts 260 through 265 and 268 of this chapter and establishes procedures governing EPA's action on such petitions.

(5) Section 260.21 establishes procedures for petitioning EPA to approve testing methods as equivalent to those prescribed in parts 261, 264, or 265 of this chapter.

(6) Section 260.22 establishes procedures for petitioning EPA to amend subpart D of part 261 to exclude a waste from a particular facility.

[45 FR 33073, May 19, 1980, as amended at 51 FR 40636, Nov. 7, 1986]

§ 260.2 Availability of information; confidentiality of information.

(a) Any information provided to EPA under parts 260 through 265 and 268 of this chapter will be made available to the public to the extent and in the manner authorized by the Freedom of Information Act, 5 U.S.C. section 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of

Information Act and section 3007(b), part 2 of this chapter, as applicable.

(b) Any person who submits information to EPA in accordance with parts 260 through 266 and 268 of this chapter may assert a claim of business confidentiality covering part or all of that information by following the procedures set forth in § 2.203(b) of this chapter. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in part 2, subpart B, of this chapter except that information required by § 262.53(a) and § 262.83 that is submitted in a notification of intent to export a hazardous waste will be provided to the U.S. Department of State and the appropriate authorities in the transit and receiving or importing countries regardless of any claims of confidentiality. However, if no such claim accompanies the information when it is received by EPA, it may be made available to the public without further notice to the person submitting it.

[45 FR 33073, May 19, 1980, as amended at 51 FR 28682, Aug. 8, 1986; 51 FR 40636, Nov. 7, 1986; 61 FR 16309, Apr. 12, 1996]

§ 260.3 Use of number and gender.

As used in parts 260 through 265 and 268 of this chapter:

(a) Words in the masculine gender also include the feminine and neuter genders; and

(b) Words in the singular include the plural; and

(c) Words in the plural include the singular.

[45 FR 33073, May 19, 1980, as amended at 51 FR 40636, Nov. 7, 1986]

Subpart B—Definitions

§ 260.10 Definitions.

When used in parts 260 through 273 of this chapter, the following terms have the meanings given below:

Above ground tank means a device meeting the definition of “tank” in § 260.10 and that is situated in such 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 (in-

cluding the tank bottom) is able to be visually inspected.

Act or *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.

Active life of a facility means the period from the initial receipt of hazardous waste at the facility until the Regional Administrator receives certification of final closure.

Active portion means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after the effective date of part 261 of this chapter and which is not a closed portion. (See also “closed portion” and “inactive portion”.)

Administrator means the Administrator of the Environmental Protection Agency, or his designee.

Ancillary equipment means any device including, but not limited to, such devices 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 a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

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.

Authorized representative means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

Battery means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such 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 from which the electrolyte has been removed.

Environmental Protection Agency

§ 260.10

Boiler means an enclosed device using controlled flame combustion and having the following characteristics:

(1)(i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery sections(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are 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

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same 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

(2) The unit is one which the Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in § 260.32.

Carbon regeneration unit means any enclosed thermal treatment device used to regenerate spent activated carbon.

Certification means a statement of professional opinion based upon knowledge and belief.

Closed portion means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

Component means either the tank or ancillary equipment of a tank system.

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.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Containment building means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of subpart DD of parts 264 or 265 of this chapter.

Contingency plan means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Corrosion expert means a person who, by reason of his 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. Such a person must 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.

Designated facility means a hazardous waste treatment, storage, or disposal facility which (1) has received a permit (or interim status) in accordance with the requirements of parts 270 and 124 of this chapter, (2) has received a permit (or interim status) from a State authorized in accordance with part 271 of this chapter, or (3) is regulated under § 261.6(c)(2) or subpart F of part 266 of