

Environmental Protection Agency

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or water equivalent to those under 40 CFR 262.23 (c) and (d) and § 263.20 (e) and (f).

(4) Investigate instances where manifests have not been returned by the owner or operator of the designated facility and report such instances to the State in which the shipment originated.

(g) In the case of interstate shipments for which the manifest has not been returned, the State program must provide for notification to the State in which the facility designated on the manifest is located and to the State in which the shipment may have been delivered (or to EPA in the case of unauthorized States).

(h) The State must follow the Federal manifest format (40 CFR 262.21) and may supplement the format to a limited extent subject to the consistency requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*).

(1) A State that supplies the manifest form required by § 262.20(a) may preprint information on the form only as follows:

(i) In Items A and L, a State manifest document number; (EPA Form 8700-22, items A; EPA Form 8700-22A, item L);

(ii) In Items 11 and 28, a hazardous materials (HM) column for use in distinguishing between federally regulated wastes and other materials according to 49 CFR 172.201(a)(1);

(iii) Anywhere on the form, light organizational marks to indicate proper placement of characters or to facilitate data entry;

(iv) Anywhere in the margin of the form or on the back of the form, any information or instructions that do not require generators, transporters, or owners or operators of hazardous waste management facilities to supply additional information;

(v) In Item 16, reference to State laws or regulations following the federal certification; and

(vi) Abbreviations for headings in State optional information spaces (EPA Form 8700-22, Items A-H; and EPA Form 8700-22A, Items L-Q).

(2) In addition to the federally required information, both the State in which the generator is located and the State in which the designated facility

is located may require completion of the following items:

(i) State manifest document number (EPA Form 8700-22, Item A; EPA Form 8700-22A Item L);

(ii) For generators, State generator identification numbers (EPA Form 8700-22, Item B; EPA Form 8700-22A, Item M);

(iii) For transporters, telephone numbers and State transporter identification numbers (EPA Form 8700-22, Items C, D, E and F; EPA Form 8700-22A, Items N, O, P and Q);

(iv) For owners and operators of hazardous waste management facilities, facility telephone number, and State facility identification numbers (EPA Form 8700-22, Items G and H);

(v) Codes associated with particular wastes (EPA Form 8700-22, Item I; EPA Form 8700-22A, Item R);

(vi) Codes associated with particular waste treatment, storage, or disposal methods (EPA Form 8700-22, Item K; EPA Form 8700-22A, Item T); and

(vii) Additional waste description associated with particular hazardous wastes listed on the Manifest. This information is limited to information such as chemical names, constituent percentages, and physical state (EPA Form 8700-22, Item J; EPA Form 8700-22A, Item S).

(3) No State, however, may impose enforcement sanctions on a transporter during transportation of the shipment for failure of the form to include preprinted information or optional State information items.

(i) Unless otherwise provided in part 271, the State program shall have standards for generators which are at least as stringent as any amendment to 40 CFR Part 262 which is promulgated after July 1, 1984.

[48 FR 14248, Apr. 1, 1983, as amended at 48 FR 30114, June 30, 1983; 49 FR 10506, Mar. 20, 1984; 49 FR 11180, Mar. 26, 1984; 51 FR 28685, Aug. 8, 1986; 51 FR 33722, Sept. 22, 1986; 56 FR 43705, Sept. 4, 1991]

§ 271.11 Requirements for transporters of hazardous wastes.

(a) The State program must cover all transporters covered by 40 CFR part 263. New transporters must be required to contact the State and obtain an EPA identification number from the

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State before they accept hazardous waste for transport.

(b) The State shall have the authority to require and shall require all transporters to comply with record-keeping requirements equivalent to those found at 40 CFR 263.22. States must require that records be kept at least 3 years.

(c) The State must require the transporter to carry the manifest during transport, except in the case of shipments by rail or water specified in 40 CFR 263.20 (e) and (f) and to deliver waste only to the facility designated on the manifest. The State program shall provide requirements for shipments by rail or water equivalent to those under 40 CFR 263.20 (e) and (f). For exports of hazardous waste, the State must require the transporter to refuse to accept hazardous waste for export if he knows the shipment does not conform to the EPA Acknowledgment of Consent, to carry an EPA Acknowledgment of Consent to the shipment, and to provide a copy of the manifest to the U.S. Customs official at the point the waste leaves the United States.

(d) For hazardous wastes that are discharged in transit, the State program must require that transporters notify appropriate State, local, and Federal agencies of such discharges, and clean up such wastes, or take action so that such wastes do not present a hazard to human health or the environment. These requirements shall be equivalent to those found at 40 CFR 263.30 and 263.31.

(e) Unless otherwise provided in part 271, the State program shall have standards for transporters which are at least as stringent as any amendment to 40 CFR Part 263 which is promulgated after July 1, 1984.

[48 FR 14248, Apr. 1, 1983, as amended at 51 FR 28686, Aug. 8, 1986; 51 FR 33722, Sept. 22, 1986]

§ 271.12 Requirements for hazardous waste management facilities.

The State shall have standards for hazardous waste management facilities which are equivalent to 40 CFR parts 264 and 266. These standards shall include:

(a) Technical standards for tanks, containers, waste piles, incineration, chemical, physical and biological treatment facilities, surface impoundments, landfills, and land treatment facilities;

(b) Financial responsibility during facility operation;

(c) Preparedness for and prevention of discharges or releases of hazardous waste; contingency plans and emergency procedures to be followed in the event of a discharge or release of hazardous waste;

(d) Closure and post-closure requirements including financial requirements to ensure that money will be available for closure and post-closure monitoring and maintenance;

(e) Groundwater monitoring;

(f) Security to prevent unauthorized access to the facility;

(g) Facility personnel training;

(h) Inspections, monitoring, record-keeping, and reporting;

(i) Compliance with the manifest system, including the requirements that facility owners or operators return a signed copy of the manifest to the generator to certify delivery of the hazardous waste shipment;

(j) Other requirements to the extent that they are included in 40 CFR parts 264 and 266.

§ 271.13 Requirements with respect to permits and permit applications.

(a) State law must require permits for owners and operators of all hazardous waste management facilities required to obtain a permit under 40 CFR part 270 and prohibit the operation of any hazardous waste management facility without such a permit, except that States may, if adequate legal authority exists, authorize owners and operators of any facility which would qualify for interim status under the Federal program to remain in operation until a final decision is made on the permit application, or until interim status terminates pursuant to 40 CFR 270.73 (b) through (f). When State law authorizes such continued operation it shall require compliance by owners and operators of such facilities with standards at least as stringent as EPA's interim status standards at 40 CFR part 265.