

## Environmental Protection Agency

§ 265.90

unmanifested waste report for the hazardous waste movement.]

[45 FR 33232, May 19, 1980, as amended at 48 FR 3982, Jan. 28, 1983; 50 FR 4514, Jan. 31, 1985]

EFFECTIVE DATE NOTE: At 70 FR 10824, Mar. 4, 2005, §265.76 was revised, effective Sept. 6, 2005. For the convenience of the user, the revised text is set forth as follows:

### § 265.76 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 §263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare and submit a letter to the Regional Administrator within fifteen days after receiving the waste. The unmanifested waste report must contain the following information:

- (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 his authorized representative; and
  - (7) A brief explanation of why the waste was unmanifested, if known.
- (b) [Reserved]

### § 265.77 Additional reports.

In addition to submitting the biennial report and unmanifested waste reports described in §§265.75 and 265.76, the owner or operator must also report to the Regional Administrator:

- (a) Releases, fires, and explosions as specified in §265.56(j);
  - (b) Ground-water contamination and monitoring data as specified in §§265.93 and 265.94; and
  - (c) Facility closure as specified in §265.115.
- (d) As otherwise required by Subparts AA, BB, and CC of this part.

[45 FR 33232, May 19, 1980, as amended at 48 FR 3982, Jan. 28, 1983; 55 FR 25507, June 21, 1990; 59 FR 62935, Dec. 6, 1994]

## Subpart F—Ground-Water Monitoring

### § 265.90 Applicability.

(a) Within one year after the effective date of these regulations, the owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste must implement a ground-water monitoring program capable of determining the facility's impact on the quality of ground water in the uppermost aquifer underlying the facility, except as §265.1 and paragraph (c) of this section provide otherwise.

(b) Except as paragraphs (c) and (d) of this section provide otherwise, the owner or operator must install, operate, and maintain a ground-water monitoring system which meets the requirements of §265.91, and must comply with §§265.92 through 265.94. This ground-water monitoring program must be carried out during the active life of the facility, and for disposal facilities, during the post-closure care period as well.

(c) All or part of the ground-water monitoring requirements of this subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial, or agricultural) or to surface water. This demonstration must be in writing, and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:

(1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer, by an evaluation of:

- (i) A water balance of precipitation, evapotranspiration, runoff, and infiltration; and
- (ii) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and

(2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water, by an evaluation of: