

## Environmental Protection Agency

## § 264.75

permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

(10) Records of the quantities and date of placement for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to §268.5 of this chapter, a petition pursuant to §268.6 of this chapter, or a certification under §268.8 of this chapter, and the applicable notice required by a generator under §268.7(a) of this chapter. This information must be maintained in the operating record until closure of the facility.

(11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under §268.7 or §268.8;

(12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under §268.7 or §268.8;

(13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under §§268.7 and 268.8, whichever is applicable; and

(14) For an on-site land disposal facility, the information contained in the notice required by the generator or owner or operator of a treatment facility under §268.7, except for the manifest number, and the certification and demonstration if applicable, required under §268.8, whichever is applicable.

(15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under §268.7 or §268.8; and

(16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under §268.7 or §268.8.

(17) Any records required under §264.1(j)(13).

(18) Monitoring, testing or analytical data where required by §264.347 must be maintained in the operating record for five years.

(19) Certifications as required by §264.196(f) must be maintained in the operating record until closure of the facility.

[45 FR 33221, May 19, 1980, as amended at 46 FR 2849, Jan. 12, 1981; 46 FR 7678, Jan. 23, 1981; 50 FR 4514, Jan. 31, 1985; 50 FR 18374, Apr. 30, 1985; 50 FR 28746, July 15, 1985; 51 FR 40637, Nov. 7, 1986; 52 FR 21016, June 4, 1987; 53 FR 31211, Aug. 17, 1988; 54 FR 26647, June 23, 1989; 55 FR 25494, June 21, 1990; 57 FR 3487, Jan. 29, 1992; 59 FR 62926, Dec. 6, 1994; 62 FR 64656, Dec. 8, 1997; 63 FR 65938, Nov. 30, 1998; 71 FR 16903, Apr. 4, 2006]

### § 264.74 Availability, retention, and disposition of records.

(a) All records, including plans, required under this part must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of EPA who is duly designated by the Administrator.

(b) The retention period for all records required under this part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Administrator.

(c) A copy of records of waste disposal locations and quantities under §264.73(b)(2) must be submitted to the Regional Administrator and local land authority upon closure of the facility.

### § 264.75 Biennial report.

The owner or operator must prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. The biennial report must be submitted on EPA form 8700-13B. The report must cover facility activities during the previous calendar year and must include:

**§ 264.76**

**40 CFR Ch. I (7-1-06 Edition)**

(a) The EPA identification number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

(e) The method of treatment, storage, or disposal for each hazardous waste;

(f) [Reserved]

(g) The most recent closure cost estimate under §264.142, and, for disposal facilities, the most recent post-closure cost estimate under §264.144; and

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

(j) The certification signed by the owner or operator of the facility or his authorized representative.

[45 FR 33221, May 19, 1980, as amended at 46 FR 2849, Jan. 12, 1981; 48 FR 3982, Jan. 28, 1983; 50 FR 4514, Jan. 31, 1985; 51 FR 28556, Aug. 8, 1986]

**§ 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 §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 15 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]

[70 FR 10823, Mar. 4, 2005]

**§ 264.77 Additional reports.**

In addition to submitting the biennial reports and unmanifested waste reports described in §§ 264.75 and 264.76, the owner or operator must also report to the Regional Administrator:

(a) Releases, fires, and explosions as specified in §264.56(j);

(b) Facility closures specified in §264.115; and

(c) As otherwise required by subparts F, K through N, AA, BB, and CC of this part.

[46 FR 2849, Jan. 12, 1981, as amended at 47 FR 32350, July 26, 1982; 48 FR 3982, Jan. 28, 1983; 55 FR 25494, June 21, 1990; 59 FR 62926, Dec. 6, 1994]

**Subpart F—Releases From Solid Waste Management Units**

SOURCE: 47 FR 32350, July 26, 1982, unless otherwise noted.

**§ 264.90 Applicability.**

(a)(1) Except as provided in paragraph (b) of this section, the regulations in this subpart apply to owners or operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must satisfy the requirements identified in paragraph (a)(2) of this section for all wastes (or constituents thereof) contained in solid