

§ 262.40

have occurred as a result of extended accumulation times or other pollution prevention provisions of this section; and

(iii) Information for the previous year on any hazardous waste spills or accidents occurring at extended accumulation units at the facility, or during off-site transport of accumulated wastes; and

(iv) If the generator intends to accumulate hazardous wastes on-site for up to 270 days, a certification that a facility that is permitted (or operating under interim status) under part 270 of this chapter to receive these wastes is not available within 200 miles of the generating facility; and

(k) If hazardous wastes must remain on-site at a Performance Track member facility for longer than 180 days (or 270 days, if applicable) due to unforeseen, temporary, and uncontrollable circumstances, an extension to the extended accumulation time period of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.

(1) If a generator who is a member of the Performance Track Program withdraws from the Performance Track Program, or if the Regional Administrator terminates a generator's membership, the generator must return to compliance with all otherwise applicable hazardous waste regulations as soon as possible, but no later than six months after the date of withdrawal or termination.

(m) A 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 provisions of § 264.72 or § 265.72 of this chapter may accumulate the returned waste on-site in accordance with paragraphs (a) and (b) or (d), (e) and (f) of this section, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:

(1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

40 CFR Ch. I (7-1-08 Edition)

(2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

[47 FR 1251, Jan. 11, 1982, as amended at 48 FR 14294, Apr. 1, 1983; 49 FR 49571, Dec. 20, 1984; 51 FR 10175, Mar. 24, 1986; 51 FR 25472, July 14, 1986; 55 FR 22684, June 1, 1990; 55 FR 50483, Dec. 6, 1990; 56 FR 3877, Jan. 31, 1991; 56 FR 30195, July 1, 1991; 57 FR 37264, Aug. 18, 1992; 59 FR 62926, Dec. 6, 1994; 61 FR 4911, Feb. 9, 1996; 61 FR 59950, Nov. 25, 1996; 64 FR 3388, Jan. 21, 1999; 64 FR 25414, May 11, 1999; 64 FR 56471, Oct. 20, 1999; 65 FR 12397, Mar. 8, 2000; 69 FR 21753, Apr. 22, 2004; 69 FR 62224, Oct. 25, 2004; 70 FR 10817, Mar. 4, 2005; 71 FR 40271, July 14, 2006]

Subpart D—Recordkeeping and Reporting

§ 262.40 Recordkeeping.

(a) A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

(b) A generator must keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.

(c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with § 262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(d) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

[45 FR 33142, May 19, 1980, as amended at 48 FR 3981, Jan. 28, 1983]

§ 262.41 Biennial report.

(a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States 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