

**CHAPTER 265a. INTERIM STATUS STANDARDS FOR OWNERS
AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE
AND DISPOSAL FACILITIES**

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Authority

The provisions of this Chapter 265a issued under sections 105, 401—403 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.401—6018.403 and 6018.501); sections 105, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.105, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), unless otherwise noted.

Source

The provisions of this Chapter 265a adopted April 20, 1999, effective May 1, 1999, 29 Pa.B. 2367, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 245.437 (relating to periodic testing); 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 261a.7 (relating to residues of hazardous waste in empty containers); 25 Pa. Code § 270a.10 (relating to general application requirements and permit issuance procedures); 25 Pa. Code § 298.10 (relating to applicability); 25 Pa. Code § 298.12 (relating to prohibitions); 25 Pa. Code § 298.22 (relating to waste oil storage); 25 Pa. Code § 298.45 (relating to waste oil storage at transfer facility); 25 Pa. Code § 298.54 (relating to waste oil management); 25 Pa. Code § 298.62 (relating to notification); and 25 Pa. Code § 298.64 (relating to waste oil storage).

Subchapter A. GENERAL

Sec.

265a.1. Incorporation by reference, purpose, scope and applicability.

Cross References

This subchapter A cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.1. Incorporation by reference, purpose, scope and applicability.

(a) Except as expressly provided in this chapter, 40 CFR Part 265 and its appendices (relating to interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities) are incorporated by reference.

(b) Relative to the requirements incorporated by reference in this section:

(1) 40 CFR 265.1(c)(4) (relating to purpose, scope and applicability) regarding state program authorization under 40 CFR Part 271 (relating to requirements for authorization of state hazardous waste programs), are not incorporated to this section.

(2) This chapter applies to owners and operators of facilities which treat, store or dispose of hazardous waste in this Commonwealth, except as specifically provided in this chapter, Chapter 261a, 266a or § 270a.60 (relating to identification and listing of hazardous waste; management of specific hazardous wastes and specific types of hazardous waste management facilities; and permits by rule) instead of 40 CFR 265.1(b).

(3) Instead of 40 CFR 265.1(c)(6), this chapter does not apply to the owner or operator of a facility managing recyclable materials described in 40 CFR 261.6(a)(2)—(4) (relating to requirements for recyclable materials) except to the extent they are referred to in Chapter 266a, Subchapters C, E, F, G or § 270a.60.

(4) This chapter does not apply to handlers and transporters of universal wastes identified in 40 CFR Part 273 (relating to universal waste management) or additional Pennsylvania-designated universal wastes identified in Chapter 266b (relating to universal waste management).

Cross References

This section cited in 25 Pa. Code § 298.54 (relating to waste oil management); and 25 Pa. Code § 298.61 (relating to restrictions on burning).

Subchapter B. GENERAL FACILITY STANDARDS

Sec.

265a.11. Identification number and transporter license.

265a.12. Required notices.

265a.13. General and generic waste analysis.

265a.15. General inspection and construction inspection requirements.

265a.18. Location standards.

Cross References

This section cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.11. Identification number and transporter license.

In addition to the requirements incorporated by reference, a person or municipality who owns or operates a hazardous waste management facility may not accept hazardous waste for treatment, storage or disposal from a transporter without an EPA identification number and a license from the Department, except as otherwise provided. The licensing requirement does not apply to very small quantity generators transporting their own hazardous waste if the very small quantity generator is in compliance with § 262a.14(b) (relating to conditions for exemption for a very small quantity generator), transporters transporting recyclable materials utilized for precious metal recovery in compliance with § 266a.70(1) (relating to applicability and requirements) or universal waste transporters in compliance with § 266b.50 (relating to applicability).

Authority

The provisions of this § 265a.11 reserved under sections 105, 402 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.303 and 6020.305(e)(2)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 51-20).

Source

The provisions of this § 265a.11 amended July 17, 2020, effective July 18, 2020, 50 Pa.B. 3581.

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§ 265a.12. Required notices.

The substitution of terms as specified in § 260a.3(a)(1) (relating to terminology and citations related to Federal regulations) does not apply to 40 CFR 265.12 (relating to required notices).

§ 265a.13. General and generic waste analysis.

In addition to the requirements incorporated by reference:

(1) Except as provided in paragraphs (4) and (5), before an owner or operator treats, stores or disposes of a specific hazardous waste from a specific generator for the first time, the owner or operator shall submit to the Department for approval, on a form provided by the Department, or on a form approved by the Department, a Module I report which the owner or operator shall retain for 3 years. The report shall include the following information:

- (i) A detailed chemical and physical analysis of the waste.
- (ii) A description of the waste and the process generating the waste.
- (iii) The name and address of the hazardous waste management facility.
- (iv) A description of the hazardous waste management facility's treatment, storage and disposal methods.
- (v) Results of liner compatibility testing.
- (vi) An assessment of the impact of the waste on the hazardous waste management facility.

(vii) Other information which the Department may prescribe for the Department to determine whether the waste will be treated, stored or disposed of in accordance with this chapter. The chemical and physical analysis of the waste shall be repeated under one or more of the following circumstances:

- (A) When necessary to ensure that it is accurate and up-to-date.
- (B) When the owner or operator is notified, or has reason to believe, that the process or operation that generates the hazardous waste has changed.
- (C) For offsite facilities or onsite facilities receiving waste from offsite sources, when the results of the inspection or analysis, or both, of each hazardous waste indicates that the waste received at the facility does not match the description of the waste on the accompanying manifest or shipping paper.

(2) The owner or operator shall develop and follow a written waste analysis plan in compliance with 40 CFR 265.13 (relating to general waste analysis) which shall be submitted to the Department for approval at a time in the application process as the Department may prescribe. The plan shall be retained at the facility.

(3) The owner or operator of a facility utilizing a liner shall conduct an evaluation of the liner compatibility with the hazardous waste before accepting the waste for emplacement in a waste pile, surface impoundment or landfill

unless the approval to accept the waste is granted in the facility's permit. The evaluation procedure shall meet the approval of the Department prior to its commencement. The evaluation of the liner shall consist of testing the liner in the presence of the waste for a minimum of 30 days or as otherwise approved by the Department. In lieu of actual testing, existing published or documented data on the hazardous waste or waste generated from similar processes proving the liner compatibility may be substituted if approved by the Department. The results of the evaluation of the liner compatibility shall be furnished to the Department for approval of the waste before acceptance by the facility.

(4) The Department may waive prior approval of the report specified in paragraph (1) for wastes that are in containers that are only to be stored at the facility. The Department may waive prior approval of the report only if:

(i) The Department determines that the waiver does not pose a potential threat to human health or the environment.

(ii) The management of the wastes is allowed in the permit for the facility and properly addressed in the approved waste analysis plan for the facility.

(iii) The report is submitted to the Department within 1 week of the arrival of the wastes at the facility and a copy of the report is maintained in the operating record onsite for 20 years.

(5) Prior Department approval of the report specified in paragraph (1) is not required for offsite reclamation facilities that, under a contractual agreement, supply raw material to a generator and accept the expended material from the generator for storage prior to reclamation.

(6) In lieu of the waste and generator specific report required by paragraphs (1)—(3), the Department may accept from the operator of a treatment, storage or disposal facility a Generic Module I application for similar wastes containing similar hazardous constituents from multiple generators.

(7) An application for a Generic Module I shall include:

(i) The information required by paragraph (1). Generator specific information shall be included for each generator identified in the application.

(ii) Criteria for determining whether the wastes have similar physical and chemical characteristics and contain similar hazardous constituents.

(8) Additional generators may be added to an approved Generic Module I if the operator of the treatment, storage or disposal facility demonstrates that the waste from the new generator is consistent with the waste already approved in the Generic Module I. At least 15 days prior to accepting a waste from a new generator, the operator of the treatment, storage or disposal facility shall submit to the Department in writing, the generator specific information required by paragraph (1). The Department will not add an additional generator to the Generic Module I if the Department finds that the operator of the treatment, storage or disposal facility has not demonstrated that the waste from the new generator is consistent with that approved under the Generic Module I.

(9) A permit modification and Generic Module I requested under this section shall be accompanied by a fee, as specified in § 270a.3 (relating to payment of fees).

Source

The provisions of this 265a.13 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102. Immediately preceding text appears at serial pages (272719) to (272721).

Cross References

This section cited in 25 Pa. Code § 264a.13 (relating to general and generic waste analysis).

§ 265a.15. General inspection and construction inspection requirements.

In addition to the requirements incorporated by reference, an owner or operator shall submit a schedule for construction of a hazardous waste management facility to the Department for approval. At a minimum, the schedule shall provide for inspection and approval by the Department of each phase of construction.

§ 265a.18. Location standards.

In addition to the requirements incorporated by reference, Chapter 269a (relating to siting) applies to hazardous waste treatment and disposal facilities.

**Subchapter D. CONTINGENCY PLAN AND
EMERGENCY PROCEDURES**

Sec.
265a.56. Emergency procedures.

Cross References

This subchapter cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.56. Emergency procedures.

In addition to the requirements incorporated by reference, the emergency coordinator shall immediately notify the appropriate regional office of the Department, or the Department's Central Office by telephone at (717) 787-4343.

**Subchapter E. MANIFEST SYSTEM, RECORDKEEPING
AND REPORTING**

Sec.
265a.71. Use of the manifest system.
265a.75. Biennial report.
265a.78. Hazardous waste management fee.
265a.79. Documentation of hazardous waste management fee submission.
265a.80. [Reserved].
265a.81. [Reserved].
265a.82. Administration fees.
265a.83. Administration fees during closure.

Cross References

This subchapter cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.71. Use of the manifest system.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 265.71 (relating to use of manifest system).

Authority

The provisions of this § 265a.71 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this 265a.71 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294524).

§ 265a.75. Biennial report.

Relative to the requirements incorporated by reference, the owner or operator shall submit to the Department its biennial report on EPA Form 8700-13B, as modified by the Department.

§ 265a.78. Hazardous waste management fee.

(a) The owner or operator of a hazardous waste management facility shall remit to the Department a hazardous waste management fee based on the total number of tons, or portion thereof, treated, stored or disposed at that facility.

(b) A hazardous waste management fee will not be assessed for:

(1) Storage or treatment of hazardous waste at the site at which it was generated.

(2) Storage or treatment at a captive facility.

(3) Storage of hazardous waste prior to recycling at a commercial recycling facility which meets the requirements of this article.

(4) Hazardous waste derived from the cleanup of a site under the Hazardous Sites Cleanup Act, the Federal Superfund Act, Title II of the Solid Waste Disposal Act (42 U.S.C.A. §§ 6901—6987) or the act.

(c) The owner or operator shall remit hazardous waste management fees quarterly along with the forms required by § 265a.79 (relating to documentation of hazardous waste management fee submission) postmarked or delivered to the Department by the 20th day of the month following the quarter ending the last

day of March, June, September and December of each year. If the submission date falls on a weekend or State holiday, the report shall be postmarked or received by the Department on or before the next business day after the 20th.

(d) Payment shall be by check or money order, payable to "The Hazardous Sites Cleanup Fund," and shall be forwarded along with the required forms to the Department at the address specified on the form. Alternative payment methods may be accepted with prior written approval of the Department.

(e) For purposes of assessing fees, incineration is considered to be treatment. A fee will not be assessed for the incineration of hazardous waste at an onsite or captive incineration facility.

(f) Fees shall be calculated based on standard tons.

(1) For purposes of this section:

(i) A standard ton equals 2,000 pounds.

(ii) A metric ton shall be converted to a standard ton by dividing the metric ton by a factor of 0.91.

(2) Liquid wastes shall be converted to tons as follows:

(i) Standard measure gallons shall be converted to tons using a factor of 8.0 pounds per gallon.

(ii) Liters shall be converted to tons using a factor of 2.1 pounds per liter.

(3) Cubic yards and cubic meters shall be converted to standard tons using a factor of 1 ton per each of these units, or part thereof.

(g) Quantities reported shall be as indicated on the manifest by the treatment, storage or disposal facility designated on the manifest or, if not indicated by that facility, as specified on the manifest by the generator.

(h) Except as provided in subsection (i), if more than one hazardous waste management activity occurs at the same commercial hazardous waste management facility, the owner or operator shall pay a single fee per ton, or fraction thereof, which shall be the highest rate of the management activities involving each individual waste stream at that facility.

(i) When treatment or incineration prior to disposal results in a reduction in the tonnage of waste requiring disposal, the operator shall be assessed the disposal management fee for the waste requiring disposal after treatment or incineration, and the treatment management fee for the remainder of the waste which underwent treatment.

Cross References

This section cited in 25 Pa. Code § 265a.79 (relating to documentation of hazardous waste management fee submission).

§ 265a.79. Documentation of hazardous waste management fee submission.

(a) The owner or operator of a hazardous waste management facility required to submit hazardous waste management fees under § 264a.78 (relating to hazard-

ous waste management fee) shall submit specific information to the Department to document that the amount of fees submitted under § 264a.78 is accurate. This information shall be submitted on forms provided or approved by the Department and completed in conformance with instructions provided.

(1) The owner or operator of a commercial facility, including onsite facilities which accept hazardous waste generated offsite, shall submit forms ER-WM-55D, ER-WM-55E and ER-WM-55F, or successor documents. If no hazardous waste management activities subject to the fees have occurred during a quarter, documentation to that effect shall be submitted on form ER-WM-55D only.

(2) The owner or operator of an offsite captive disposal facility shall submit forms ER-WM-55I, ER-WM-55L, ER-WM-55M and ER-WM-55N, or successor documents. If no hazardous waste management activities subject to the fees have occurred during a quarter, documentation to that effect shall be submitted on form ER-WM-55I only.

(3) The owner or operator of an onsite captive disposal facility which does not accept wastes generated offsite shall submit forms ER-WM-55I, ER-WM-55J and ER-WM-55K, or successor documents. If no hazardous waste management activities subject to the fees have occurred during a quarter, documentation to that effect shall be submitted on form ER-WM-55I only.

(b) The owner or operator of a hazardous waste management facility shall, upon request from the Department, provide additional information or documentation regarding its hazardous waste management activities necessary for the Department to assess the accuracy of the information contained on the required forms and the amount of fees due.

Cross References

This section cited in 25 Pa. Code § 265a.78 (relating to hazardous waste management fee).

§ 265a.80. [Reserved].

Source

The provisions of this § 265a.80 reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (254970).

§ 265a.81. [Reserved].

Source

The provisions of this § 265a.81 reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (254971).

§ 265a.82. Administration fees.

(a) The owner or operator of a hazardous waste management facility shall annually pay an administration fee to the Department according to the following schedule:

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- (1) Land disposal facilities—\$2,500.
- (2) Surface impoundments—\$2,500.
- (3) Commercial treatment—\$2,000.
- (4) Captive treatment—\$700.
- (5) Storage—\$550.
- (6) Incinerators—\$1,300.

(b) The administration fee shall be in the form of a check made payable to the “Commonwealth of Pennsylvania” and be paid on or before the first of March to cover the preceding year.

(c) If more than one permitted activity is located at a site, or more than one activity occurs, the fee shall be cumulative.

Cross References

This section cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials); 25 Pa. Code § 266a.80 (relating to applicability and requirements); and 25 Pa. Code § 270a.201 (relating to incorporation by reference, scope and applicability).

§ 265a.83. Administration fees during closure.

A nonrefundable administration fee in the form of a check payable to the “Commonwealth of Pennsylvania” shall be forwarded to the Department within 30 days after receiving the final volumes of waste, and on or before January 20th of each succeeding year until the requirements of § 264a.115 (relating to certification of closure) are met. The fee shall be:

- (1) Land disposal facilities—\$100.
- (2) Impoundments—\$100.
- (3) Other facilities—\$50.

Authority

The provisions of this § 265a.83 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.83 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (254971) to (254972).

Cross References

This section cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials); and 25 Pa. Code § 270.201 (relating to incorporation by reference, scope and applicability).

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Subchapter G. CLOSURE AND POSTCLOSURE

Sec.	
265a.115.	Certification of closure.
265a.120.	Certification of completion of postclosure care.

Cross References

This subchapter cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.115. Certification of closure.

The owner or operator shall satisfy § 265a.166 (relating to closure and post-closure certification) instead of the reference to 40 CFR 265.143(h) (relating to final assurance for closure).

§ 265a.120. Certification of completion of postclosure care.

The owner or operator shall satisfy § 265a.166 (relating to closure and post-closure certification) instead of the reference to § 265a.145(h) (relating to financial assurance for postclosure care).

Subchapter H. FINANCIAL REQUIREMENTS

Sec.	
265a.141.	Definitions.
265a.143.	Financial assurance for closure.
265a.145.	Financial assurance for postclosure care.
265a.147.	Liability requirements.
265a.148.	Incapacity of owners or operators, guarantors or financial institutions.
265a.149.	Use of state-required mechanisms.
265a.150.	State assumption of responsibility.
265a.153.	Requirement to file a bond.
265a.154.	Form, terms and conditions of bond.
265a.155.	Special terms and conditions for surety bonds.
265a.156.	Special terms and conditions for collateral bonds and bonds pledging corporate guarantee for closure.
265a.157.	[Reserved].
265a.158.	Replacement of bond.
265a.159.	Reissuance of permits.
265a.160.	Bond amount determination.
265a.162.	Bond amount adjustments.
265a.163.	Failure to maintain adequate bond.
265a.164.	Separate bonding for a portion of a facility.
265a.165.	Bond release.
265a.166.	Closure and postclosure certification.
265a.167.	Public notice and comment.
265a.168.	Bond forfeiture.
265a.169.	Preservation of remedies.

Cross References

This subchapter cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.141. Definitions.

In addition to the terms defined in 40 CFR 265.141 (relating to definitions of terms as used in this subpart) which are incorporated by reference, the definitions in section 103 of the act (35 P. S. § 6018.103) and Chapter 260a (relating to definitions and requests for determination) apply to this subchapter. The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—An owner or operator of a hazardous waste treatment, storage or disposal facility which is attempting to demonstrate the capability to self-insure all or part of its liabilities to third persons for personal injury and property damage from sudden or nonsudden pollution occurrences, or both.

Collateral bond—A penal bond agreement in a sum certain, payable to the Department, executed by the facility owner or operator and which is supported by the deposit with the Department of cash, negotiable bonds of the United States, the Commonwealth, the Turnpike Commission, the General State Authority, the State Public School Building Authority, or a Commonwealth municipality, Pennsylvania Bank Certificates of Deposit, or irrevocable letters of credit of a bank organized or authorized to transact business in the United States.

Final closure—Successful completion of requirements for closure and post-closure care as required by 40 CFR Part 265, Subpart G (relating to closure and postclosure).

Financial institutions—Banks and other similar establishments organized or authorized to transact business in this Commonwealth or the United States, and insurance companies or associations licensed and authorized to transact business in this Commonwealth or designated by the Insurance Commissioner as an eligible surplus lines insurer.

Surety bond—A penal bond agreement in a sum certain, payable to the Department, executed by the facility owner or operator, and which is supported by the guarantee of payment on the bond by a corporation licensed to do business as a surety in this Commonwealth.

Surety company—A corporation licensed to do business as a surety in this Commonwealth.

§ 265a.143. Financial assurance for closure.

40 CFR 265.143 (relating to financial assurance for closure) is not incorporated by reference except for 40 CFR 265.143(e) as referenced in § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure).

Authority

The provisions of this § 265a.143 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.143 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (272726).

§ 265a.145. Financial assurance for postclosure care.

40 CFR 265.145 (relating to financial assurance for postclosure care) is not incorporated by reference except for 40 CFR 265.145(e) as referenced in § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure).

Authority

The provisions of this § 265a.145 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.145 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (272727).

Cross References

This section cited in 25 Pa. Code § 265a.120 (relating to certification of completion of postclosure care).

§ 265a.147. Liability requirements.

The substitution of terms as specified in § 260a.3(a)(5) (relating to terminology and citations related to Federal regulations) does not apply to 40 CFR 265.147(g)(2) and (i)(4) (relating to liability requirements).

§ 265a.148. Incapacity of owners or operators, guarantors or financial institutions.

In addition to the requirements incorporated by reference, an owner or operator or guarantor of a corporate guarantee shall also notify the Department by certified mail in accordance with the provisions applicable to notifying the regional administrator of the EPA.

§ 265a.149. Use of State-required mechanisms.

Relative to the requirements incorporated by reference, 40 CFR 265.149 (relating to use of state-required mechanisms) is not incorporated by reference.

§ 265a.150. State assumption of responsibility.

Relative to the requirements incorporated by reference, 40 CFR 265.150 (relating to State assumption of responsibility) is not incorporated by reference.

§ 265a.153. Requirement to file a bond.

(a) Hazardous waste storage, treatment and disposal facilities permitted under the act, or being treated as having a permit under the act, shall file a bond in accordance with this subchapter and in the amount determined by § 265a.160 (relating to bond amount determination), payable to the Department.

(b) The Department will not issue a new, revised, amended, modified or renewed permit for the storage, treatment or disposal of hazardous waste unless the applicant files with the Department a bond under this subchapter, payable to the Department, on a form prepared and provided by the Department, and the bond is approved by the Department.

(c) An applicant for a new, revised, amended, modified or renewed permit may not disturb surface acreage, start construction of facilities for the storage, treatment or disposal of hazardous waste, or accept hazardous waste prior to receipt from the Department of approval of bond and issuance of a permit to conduct a hazardous waste storage, treatment or disposal operation.

(d) A hazardous waste storage, treatment or disposal facility permitted or treated as issued a permit, shall cease accepting hazardous waste unless the owner or operator has submitted a bond under this subchapter. The Department will review and determine whether or not to approve the bond within 1 year of the submittal. If, on review, the Department determines the owner or operator has submitted an insufficient bond amount, the Department will require the owner or operator to deposit additional bond amounts under § 265a.162 (relating to bond amount adjustments).

Authority

The provisions of this § 265a.153 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.153 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (254975) to (254976).

§ 265a.154. Form, terms and conditions of bond.

- (a) The Department accepts the following types of bond:
- (1) A surety bond.
 - (2) A collateral bond.
 - (3) A bond pledging a financial test or corporate guarantee.
- (b) The Department prescribes and furnishes the forms, which shall be used for bond instruments.
- (c) Bonds are payable to the Department and conditioned upon the faithful performance of the requirements of the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), the regulations adopted thereunder, the terms and conditions of any permit issued thereunder, orders of the Department and amendments, revisions and changes to the acts, the regulations and the terms and conditions of the hazardous waste storage, treatment and disposal facility permit as may be lawfully made in the future.
- (d) The bond must cover the hazardous waste storage, treatment or disposal operations from the initiation of the operations until the bond is released as provided in this chapter. The bond must cover all operations and activities conducted within the permitted area and all effects caused by the hazardous waste activities within or without the permit area. An owner or operator of a new facility shall submit the bond to the Department at least 60 days before the date that hazardous waste is first received for treatment, storage or disposal.
- (e) Bonds will be reviewed for legality and form according to established Commonwealth procedures.

Authority

The provisions of this § 265a.154 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.154 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (254976).

§ 265a.155. Special terms and conditions for surety bonds.

- (a) The Department does not accept the bond of a surety company that failed or unduly delayed in making payment on a forfeited surety bond.
- (b) The Department accepts only the bond of a surety authorized to do business in this Commonwealth and which is listed in Circular 570 of the United States Department of Treasury.

(c) The surety may cancel the bond by sending written notice of cancellation by certified mail to the owner or operator and the Department. Cancellation may not take effect until 120 days after receipt of the notice of cancellation by the principal and the Department, as evidenced by the return receipts. Within 60 days after receipt of the notice of cancellation, the owner or operator shall provide the Department with a replacement bond under § 265a.158 (relating to replacement of bond). Failure of the owner or operator to provide a replacement bond within the 60-day period constitutes grounds for forfeiture of the existing bond under § 265a.168 (relating to bond forfeiture).

(d) The Department does not accept surety bonds from a surety company for an owner or operator, on all facilities owned or operated by the owner or operator, in excess of the company's single risk limit as provided by The Insurance Company Law of 1921 (40 P. S. §§ 341—991), unless the surety has complied with the provisions of The Insurance Company Act of 1921 (40 P. S. §§ 1—297.4) for accepting risk above its single risk limit.

(e) The bond shall provide that full payment will be made on the bond within 30 days of receipt of a notice of forfeiture by the surety notwithstanding judicial or administrative appeal of the forfeiture and that the amount is confessed to judgment upon forfeiture.

(f) The bond shall provide that the surety and the owner or operator are joint and severally liable for payment of the bond amount.

§ 265a.156. Special terms and conditions for collateral bonds and bonds pledging corporate guarantee for closure.

(a) The Department obtains possession and keeps custody of collateral deposited by the owner or operator until authorized for release or replacement as provided in this subchapter.

(b) The Department values governmental securities for both current market value and face value. For the purpose of establishing the value of the securities for bond deposit, the Department uses the lesser of current market value or face value. Government securities shall be rated at least BBB by Standard and Poor's or Baa by Moody's.

(c) Collateral bonds pledging Pennsylvania bank certificates of deposit are subject to the following conditions:

(1) The Department requires that certificates of deposit be assigned to the Department, in writing, and the assignment recorded upon the books of the issuing institution.

(2) The Department may accept an individual certificate of deposit for the maximum insurable amount as determined by the Federal Deposit Insurance Corporation (FDIC) and which is otherwise secured under Pennsylvania law.

(3) The Department requires the issuing institution to waive all rights of setoff or liens which it has or might have against the certificates.

(4) The Department only accepts automatically-renewable certificates of deposit.

(5) The Department requires that the certificates of deposit be assigned to the Department to assure that the Department can liquidate the certificates prior to maturity, upon forfeiture, for the amount of the bond determined under this subchapter.

(6) The Department only accepts certificates of deposit only from banks or banking institutions licensed, chartered or otherwise authorized to do business in the United States.

(7) The Department does not accept certificates of deposit from banks that failed or delayed to make payment on defaulted certificates of deposit.

(d) Collateral bonds pledging a letter of credit are subject to the following conditions:

(1) The letter of credit is a standby letter of credit issued only by a bank organized or authorized to do business in the United States, examined by a state or Federal agency and Federally insured or equivalently protected.

(2) The letter of credit may not be issued without a credit analysis substantially equivalent to that of a potential borrower in an ordinary loan situation. A letter of credit so issued is supported by the customer's unqualified obligation to reimburse the issuer for moneys paid under the letter of credit.

(3) The letter of credit may not be issued when the amount of the letter of credit, aggregated with other loans and credits extended to the owner or operator, exceeds the issuer legal lending limits for that owner or operator as defined in the United States Banking Code (12 U.S.C.A. §§ 21—220).

(4) The letter of credit is irrevocable and is so designated. The Department may accept a letter of credit for which at least a 1 year period is stated if the following conditions are met and are stated in the credit:

(i) The letter of credit is automatically renewable for additional time periods of at least 1 year, unless the bank gives at least 120 days prior written notice by certified mail to the Department and the customer of its intent to terminate the credit at the end of the current time period.

(ii) The Department has the right to draw upon the credit before the end of the time period, if the customer fails to replace the letter of credit with other acceptable bond guarantee within 30 days of the bank's notice to terminate the credit.

(5) Letters of credit shall name the Department as the beneficiary and be payable to the Department, upon demand, in part or in full, upon presentation of the Department's drafts at sight. The Department's right to draw upon the letter of credit will not require documentary or other proof by the Department that the customer has violated the conditions of the bond, the permit or another requirement of this subchapter.

(6) Letters of credit are subject to 13 Pa.C.S. (relating to the Uniform Commercial Code) and the latest revision of the Uniform Customs and Prac-

tice for Documentary Credits, published by the International Chamber of Commerce. The Department may accept 13 Pa.C.S. Division 5 (relating to letters of credit) in effect in the state of the issuer.

(7) The issuing bank waives the rights to setoff or liens it has or might have against the letter of credit.

(8) The Department will not accept letters of credit from a bank that failed or delayed in making payment on a letter of credit previously submitted as collateral to the Department.

(e) Bonds pledging a financial test or corporate guarantee for closure shall be subject to the requirements of 40 CFR 265.143(e) (relating to financial test and corporate guarantee for closure) and 40 CFR 265.145(e) (relating to financial assurance for post-closure care) except for the provision of 40 CFR 265.143(e)(10)(i) (relating to financial assurance for closure) as specified in § 264a.143(a) (relating to financial assurance for closure). This is replaced by the procedures of § 265a.168 (relating to bond forfeiture).

Authority

The provisions of this § 265a.156 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.156 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (254977) to (254979).

§ 265a.157. [Reserved].

Source

The provisions of this § 265a.157 reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (254979) to (254980).

§ 265a.158. Replacement of bond.

(a) The Department may allow owners or operators to replace existing surety or collateral bonds with other surety or collateral bonds if the liability accrued against the owner or operator of the hazardous waste storage, treatment or disposal facility is transferred to the replacement bonds. The bond amount for the replacement bond as determined under this chapter, may not be less than the amount on deposit with the Department.

(b) The Department will not release existing bonds until the owner or operator submits and the Department has approved acceptable replacement bonds. A replacement of bonds under this section may not constitute a release of bond under this subchapter.

(c) Within 60 days of approval of acceptable replacement bonds, the Department will take appropriate action to initiate the release of existing surety or collateral bonds being replaced by the owner or operator.

Cross References

This section cited in 25 Pa. Code § 265a.155 (relating to special terms and conditions for surety bonds).

§ 265a.159. Reissuance of permits.

Before a permit is reissued to a new owner or operator, the new owner or operator shall post a new bond in an appropriate amount determined by the Department under this subchapter but in no case less than the amount of bond on deposit with the Department, in the new owner's or operator's name, assuming all accrued liability for the hazardous waste storage, treatment or disposal facility.

§ 265a.160. Bond amount determination.

(a) The Department determines bond amount requirements for each hazardous waste storage, treatment and disposal facility based upon the total estimated cost to the Commonwealth to complete final closure of the facility. This is done in accordance with the requirements of applicable statutes, this article, the terms and conditions of the permit and orders issued thereunder by the Department and to take measures that are necessary to prevent adverse effects upon the environment during the life of the facility and after closure until released as provided by this subchapter.

(b) This amount is based on the owner's or operator's written estimate submitted under 40 CFR 265.142 and 265.144 (relating to cost estimate for closure; and cost estimate for post-closure care).

Cross References

This section cited in 25 Pa. Code § 265a.153 (relating to requirement to file a bond).

§ 265a.162. Bond amount adjustments.

The owner or operator shall deposit additional amounts of bond within 60 days of any of the following:

- (1) The permit is amended to increase acreage, to change the kind of waste handled or for another reason that requires an additional amount of bond determined under 40 CFR 265.142 and 265.144 (relating to cost estimate for closure; and cost estimate for postclosure care).
- (2) Inflationary cost factors exceed the estimate used for the original bond amount determination under 40 CFR 265.142 and 265.144.

(3) The permit is to be renewed or reissued, or the bond on deposit is to be replaced, requiring an additional amount of bond determined under 40 CFR 265.142 and 265.144.

(4) An additional amount of bond is required as determined by 40 CFR 265.142 and 265.144 to meet the requirements of applicable statutes, this subchapter and the terms and conditions of the permit or orders of the Department.

Cross References

This section cited in 25 Pa. Code § 265a.153 (relating to requirement to file a bond); 25 Pa. Code § 265a.163 (relating to failure to maintain adequate bond); 25 Pa. Code § 265a.164 (relating to separate bond for a portion of a facility); and 25 Pa. Code § 265a.165 (relating to bond release).

§ 265a.163. Failure to maintain adequate bond.

If an owner or operator fails to post additional bond within 60 days after receipt of a written request by the Department for additional bond amounts under § 265a.162 (relating to bond amount adjustments), the Department will issue a notice of violation to the owner or operator, and if the owner or operator fails to deposit the required bond amount within 15 days of the notice, the Department will issue a cessation order for all of the hazardous waste storage, treatment and disposal facilities operated by the owner or operator and take additional actions that may be appropriate, including suspending or revoking permits.

Authority

The provisions of this § 265a.163 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.163 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (254981).

§ 265a.164. Separate bonding for a portion of a facility.

(a) The Department may require a separate bond to be posted for a part of a hazardous waste storage, treatment or disposal facility if that part of the facility can be separated and identified from the remainder of the facility and the bond liability for that part will continue beyond the time provided for the remainder of the facility, or the Department determines that separate bonding of the facility is necessary to administer and apply applicable statutes, this article, the terms and conditions of the permit or orders of the Department.

(b) If the Department requires a separate bond for part of a facility, the original bond amount for the facility may be adjusted under § 265a.162 (relating to bond amount adjustments).

Cross References

This section cited in 25 Pa. Code § 265a.166 (relating to closure and postclosure certification).

§ 265a.165. Bond release.

(a) The owner or operator may file a written application with the Department requesting release of all or part of the bond amount posted for a hazardous waste storage, treatment or disposal facility. The bond release may be requested during the operation of the facility as part of a request for bond adjustment under § 265a.162 (relating to bond amount adjustments); upon completion of closure for a storage or treatment facility and upon expiration of the postclosure care period of liability, for a disposal facility as specified in 40 CFR Part 265, Subpart G (relating to closure and postclosure care).

(b) The application for bond release shall contain the following:

(1) The name of the owner or operator and shall identify the hazardous waste storage, treatment or disposal facility for which bond release is sought.

(2) The total amount of bond in effect for the facility and the amount for which release is sought.

(3) The reasons why, in specific detail, bond release is requested, including, but not limited to, the closure, postclosure care and abatement measures taken, the permit amendments authorized or the change in facts or assumptions made during the bond amount determination which demonstrate and would authorize a release of part or all of the bond deposited for the facility.

(4) Provide a revised cost estimate for closure and postclosure care in accordance with 40 CFR 265.142 and 265.144 (relating to cost estimate for closure; and post-closure care).

(5) Closure or postclosure certification for full bond release requests.

(6) Provide other information as may be required by the Department.

(c) The Department will evaluate the bond release request as if it were a request for a new bond amount determination under 40 CFR 265.142 and 265.144. If the new bond amount determination would require less bond for the facility than the amount already on deposit, the Department will release the portion of the bond amount which is not required for the facility. If the new bond amount determination would require an additional amount of bond for the facility, the Department will require the additional amount to be deposited for the facility.

(d) The Department will not release a bond amount deposited for a facility if the release would reduce the total remaining amount of bond to an amount which would be insufficient for the Department to complete closure and postclosure care and to take measures that may be necessary to prevent adverse effects upon the environment or public health, safety or welfare in accordance with applicable statutes, this chapter, the terms and conditions of the permits and orders of the Department.

(e) The Department will make a decision on a bond release application within 6 months after receipt unless additional time is authorized by the owner or operator.

(f) The Department will not release a bond amount for a facility which is causing adverse effects on the public health, safety or welfare or the environment, creating a public nuisance, or is in violation of this chapter, the act or the statutes in section 505(a) of the act (35 P. S. § 6018.505).

§ 265a.166. Closure and postclosure certification.

(a) The owner or operator shall submit a request for closure certification upon completion of closure of the facility in accordance with the provisions of 40 CFR 265.115 and 265.120 (relating to certification of closure; and certification of completion of postclosure care).

(b) Within 60 days after receipt of a written request for closure or postclosure certification, the Department will initiate an inspection of the facility to verify that closure was effected in accordance with the approved facility closure or postclosure care plan and this article.

(c) If the Department determines that the facility closed in accordance with this article, and that there is no reasonable expectation of adverse effects upon the environment or the public health, safety and welfare, the Department will certify in writing to the owner or operator that closure or postclosure effected in accordance with this subchapter. Closure or postclosure certification may not take effect until 1 year after receipt of the Department's determination.

(d) The closure or postclosure certification does not constitute a waiver or release of bond liability or other liability existing in law for adverse environmental conditions or conditions of noncompliance existing at the time of the notice or which might occur at a future time, for which the owner or operator shall remain liable.

(e) The Department will not issue a closure or postclosure certification for a facility causing adverse effects on the public health, safety or welfare or the environment, creating a public nuisance, or is in violation of this article, the act or the statutes set forth in section 505(a) of the act (35 P. S. § 6018.505(a)).

(f) At any time after issuance of a certification of closure or postclosure, if inspection by the Department indicates that additional postclosure care measures are required to abate or prevent any adverse effects upon the environment or the public health, safety and welfare, the Department will issue a written notice to the owner or operator setting forth the schedule of measures which the owner or operator shall take in order to bring the facility into compliance.

(g) At least 6 months prior to expiration of the 1 year liability period following closure and postclosure care, the Department will conduct an inspection of the facility. If the Department determines that the facility will continue to cause adverse effects upon the environment or the public health, safety and welfare after expiration of the 1 year liability period, the Department will require the

owner or operator to deposit a separate bond under § 265a.164 (relating to separate bonding for a portion of a facility), or forfeit the bond under § 264a.168 (relating to bond forfeiture) on deposit with the Department.

§ 265a.167. Public notice and comment.

The original bond amount determination, a decision by the Department to release bond, a request to reduce bond amount after permit issuance and a request for closure or postclosure certification shall be, for the purpose of providing public notice and comment, considered a permit modification and shall be subject to the public notice and comment requirements for Class 3 permit modifications.

Cross References

This section cited in 25 Pa. Code § 265a.115 (relating to certification of closure); and 25 Pa. Code § 265a.120 (relating to certification of completion of postclosure care).

§ 265a.168. Bond forfeiture.

(a) The Department will forfeit the bond for a hazardous waste storage, treatment or disposal facility when it determines that any of the following occur:

(1) The owner or operator fails and continues to fail to conduct the hazardous waste storage, treatment or disposal activities in accordance with this article, the act, the statutes in section 505(a) of the act (35 P. S. § 6018.505(a)), the terms and conditions of the permit or orders of the Department.

(2) The owner or operator abandons the facility without providing closure or postclosure care, or otherwise fails to properly close the facility in accordance with this article, the act, the statutes in section 505(a) of the act, the terms and conditions of the permit or orders of the Department.

(3) The owner or operator fails, and continues to fail to take those measures determined necessary by the Department to prevent effects upon the environment before, during and after closure and postclosure care.

(4) The owner or operator or financial institution becomes insolvent, fails in business, is adjudicated bankrupt, a delinquency proceeding is initiated under Article V of The Insurance Department Act of 1921 (40 P. S. §§ 221.1—221.63), files a petition in bankruptcy, in liquidation, for dissolution or for a receiver, or has a receiver appointed by the court, or had action initiated to suspend, revoke or refuse to renew the license or certificate of authority of the financial institution, or a creditor of the owner or operator attaches or executes a judgment against the owner's or operator's equipment, materials or facilities at the permit area or on the collateral pledged to the Department; and the owner or operator or financial institution cannot demonstrate or prove the ability to continue to operate in compliance with this article, the act, the statutes in section 505(a) of the act, the terms and conditions of the permit and orders of the Department.

(b) If the Department determines that bond forfeiture is appropriate, the Department will do the following:

(1) Send written notification by mail to the owner or operator, the host municipality and the surety on the bond, if any, of the Department's determination to forfeit the bond and the reasons for the forfeiture.

(2) Advise the owner or operator and surety, if any, of their right to appeal to the EHB under section 1921-A of The Administrative Code of 1929 (71 P. S. § 510-21).

(3) Proceed to collect on the bond as provided by applicable statutes for the collection of defaulted bonds or other debts.

(4) Deposit all money collected from defaulted bonds into the Solid Waste Abatement Fund. Use moneys received from the forfeiture of bonds, and interest accrued, first to accomplish final closure of, and to take steps necessary and proper to remedy and prevent adverse environmental effects from the facility upon which liability was charged on the bonds. Excess moneys may be used for other purposes consistent with the Solid Waste Abatement Fund and the act.

(5) Forfeit all bond deposited for the facility, including all additional amounts of bond posted for the facility.

Authority

The provisions of this § 265a.168 amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20).

Source

The provisions of this § 265a.168 amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial pages (254984) and (294527).

Cross References

This section cited in 25 Pa. Code § 265a.155 (relating to special terms and conditions for surety bonds); 25 Pa. Code § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging corporate guarantee for closure); and 25 Pa. Code § 265a.166 (relating to closure and postclosure certification).

§ 265a.169. Preservation of remedies.

Remedies provided or authorized by law for violation of statutes, including but not limited to, the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19c), the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), this article, the terms and conditions of permits and orders of the Department, are expressly preserved. Nothing in this chapter may be construed as an exclusive penalty or remedy for

the violations. An action taken under this subchapter may not waive or impair another remedy or penalty provided in law.

Subchapter I. USE AND MANAGEMENT OF CONTAINERS

Sec.	
265a.173.	Management of containers.
265a.175.	[Reserved].
265a.179.	Containment.

Cross References

This subchapter cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials); 25 Pa. Code § 262a.16 (relating to conditions for exemption for a small quantity generator that accumulates hazardous waste); and 25 Pa. Code § 262a.17 (relating to conditions for exemption for a large quantity generator that accumulates hazardous waste).

§ 265a.173. Management of containers.

In addition to the requirements incorporated by reference:

- (1) For indoor storage of reactive or ignitable hazardous waste, the container height width and depth of a group of containers shall provide a configuration and aisle spacing which insures safe management and access for purposes of inspection, containment and remedial action with emergency vehicles.
- (2) For outdoor storage of reactive or ignitable hazardous waste, the container height, width and depth of a group of containers shall provide a configuration and aisle spacing which insures safe management and access for purposes of inspection, containment and remedial action with emergency vehicles.
- (3) For indoor or outdoor storage of nonreactive or nonignitable hazardous waste, the container height, width and depth of a group of containers shall provide a configuration and aisle spacing which insures safe management and access for purposes of inspection, containment and remedial action with emergency vehicles.

Source

The provisions of this 265a.173 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102. Immediately preceding text appears at serial pages (272730).

§ 265a.175. [Reserved].

Source

The provisions of this 265a.175 reserved December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102. Immediately preceding text appears at serial pages (272730) to (272731).

§ 265a.179. Containment.

40 CFR 264.175 (relating to containment) is incorporated by reference.

Subchapter J. TANK SYSTEMS

Sec.	
265a.191.	Assessment of existing tank system's integrity.
265a.193.	Containment and detection of releases.
265a.194.	General operating requirements.
265a.195.	[Reserved].

Cross References

This subchapter cited in 25 Pa. Code § 261a.6 (relating to requirements for recyclable materials).

§ 265a.191. Assessment of existing tank system's integrity.

In addition to the requirements incorporated by reference, by January 17, 1994, an owner or operator of tanks or tank systems shall obtain and keep on file at the facility a written assessment of the tank or tank system's integrity in accordance with the provisions of 40 CFR 265.191 (relating to assessment of existing tank system's integrity).

§ 265a.193. Containment and detection of releases.

In addition to the requirements incorporated by reference, owners or operators of existing tank systems shall comply with 40 CFR 265.193 (relating to containment and detection of releases) by January 16, 1995, except that owners and operators of existing tank systems for which the age cannot be documented, shall comply with 40 CFR 265.193 by January 16, 1996.

§ 265a.194. General operating requirements.

In addition to the requirements incorporated by reference, tanks shall be labeled to accurately identify their contents.

§ 265a.195. [Reserved].

Source

The provisions of this § 265a.195 reserved January 9, 2009, effective January 10, 2009, 39 Pa.B. 201. Immediately preceding text appears at serial page (294529).

Subchapter P. THERMAL TREATMENT

Sec.	
265a.382.	Open burning; waste explosives.

§ 265a.382. Open burning; waste explosives.

In addition to the requirements incorporated by reference, the open burning of waste explosives as specified in 40 CFR 265.382 (relating to open burning; waste explosives) is not permitted in air basins as defined in § 121.1 (relating to definitions).

[Next page is 266-1.]

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