

US EPA ARCHIVE DOCUMENT

**MISCELLANEOUS CHANGES TO DRGHW FOR 2002**

**PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

Section 261.21 is revised by removing the following language from the end of paragraphs (a)(1) and (a)(3):

Section 261.21 Characteristics of ignitability.

(a) \*\*\*

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60C (140F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 (incorporated by reference, see §260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 (incorporated by reference, see §260.11), ~~or as determined by an equivalent test method approved by the Secretary under procedures set forth in Part 260 Subpart C.~~

\* \* \*

(3) It is an ignitable compressed gas as defined in 49 CFR Part 173 and as determined by the test methods described in that regulation ~~or equivalent test methods approved by the Secretary under Part 260 Subpart C.~~

\* \* \* \* \*

**PART 264 - STANDRDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

Section 264.53, introductory sentence, and paragraph (a) are revised to read as follows:

Section 264.53 Copies of contingency plan.

A printed copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the facility and made available immediately upon request; and

\* \* \* \* \*

Section 264.1033 is amended by revising paragraphs (l)(3)(ii) to read as follows:

Section 264.1033 Standards: Closed-vent systems and control devices.

(l) \*\*\*

(3) \*\*\*

(ii) A first attempt at repair shall be made ~~no later than 5 calendar days~~ within one calendar day after the emission is detected.

\* \* \* \* \*

Section 264.1052 is amended by revising paragraphs (c)(2) and (d)(6)(iii) to read as follows:

Section 264.1052 Standards: Pumps in light liquid service.

(c) \*\*\*

(2) A first attempt at repair (e.g., tightening the packing gland) shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \*

(d) \*\*\*

(6) \*\*\*

(iii) A first attempt at repair (e.g., relapping the seal) shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 264.1053 is amended by revising paragraph (g)(2) to read as follows:

Section 264.1053 Standards: Compressors.

(g) \*\*\*

(2) A first attempt at repair (e.g., tightening the packing gland) shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 264.1057 is amended by revising paragraph (d)(2) to read as follows:

Section 264.1057 Standards: Valves in gas/vapor service or in light liquid service.

(d) \*\*\*

(2) A first attempt at repair shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 264.1058 is amended by revising paragraph (c)(2) to read as follows:

Section 264.1058 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid service, and flanges and other connectors.

(c) \*\*\*

(2) The first attempt at repair shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 264.1084 is amended by revising paragraph (k)(1) to read as follows:

Section 264.1084 Standards: Tanks.

(k) \*\*\*

(1) The owner or operator shall make first efforts at repair of the defect ~~no later than 5 calendar days~~ within one calendar day after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (k)(2) of this section.

\* \* \* \* \*

Section 264.1085 is amended by revising paragraph (f)(1) to read as follows:

Section 264.1085 Standards: Surface impoundments.

(f) \*\*\*

(1) The owner or operator shall make first efforts at repair of the defect ~~no later than 5 calendar days~~ within one calendar day after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (f)(2) of this section.

\* \* \* \* \*

Section 264.1086 is amended by revising the first sentence in paragraph (c)(4)(iii) to read as follows:

Section 264.1086 Standards: Containers.

(c) \*\*\*

(4) \*\*\*

(iii) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect ~~no later than 24 hours~~ within one calendar day after detection and repair shall be completed as soon as possible but no later than 5 calendar days after detection.....

\* \* \* \* \*

**PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

Section 265.37(a) introductory paragraph is amended to read as follows:

Section 265.37 Arrangements with local authorities.

(a) The owner or operator must attempt in writing, with documentation of receipt, to make the following arrangements, as appropriate for the type of waste handled at his facility and potential need for the services of these organizations:

\* \* \* \* \*

Section 265.53(b) is amended to read as follows:

Section 265.53 Copies of Contingency Plan.

(a) \*\*\*

(b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. Documentation of written submission and receipt must be maintained at the facility.

\* \* \* \* \*

Section 265.1033 is amended by revising paragraph (k)(3)(ii) to read as follows:

Section 265.1033 Standards: Closed-vent systems and control devices.

(k) \*\*\*

(3) \*\*\*

(ii) A first attempt at repair shall be made ~~no later than 5 calendar days~~ within one calendar day after the emission is detected.

\* \* \* \* \*

Section 265.1052 is amended by revising paragraph (d)(6)(ii) to read as follows:

Section 265.1052 Standards: Pumps in light liquid service.

(d) \*\*\*

(6) \*\*\*

(iii) A first attempt at repair (e.g., relapping the seal) shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 265.1053 is amended by revising paragraph (g)(2) to read as follows:

Section 265.1053 Standards: Compressors.

(g) \*\*\*

(2) A first attempt at repair (e.g., tightening the packing gland) shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 265.1057 is amended by revising paragraph (d)(2) to read as follows:

Section 265.1057 Standards: Valves in gas/vapor service or in light liquid service.

(d) \*\*\*

(2) A first attempt at repair shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 265.1058 is amended by revising paragraph (c)(2) to read as follows:

Section 265.1058 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light or heavy liquid service, and flanges and other connectors.

(c) \*\*\*

(2) The first attempt at repair shall be made ~~no later than 5 calendar days~~ within one calendar day after each leak is detected.

\* \* \* \* \*

Section 265.1085 is corrected by reinserting erroneously deleted paragraph (i) after paragraph (h)(3)(ii), and paragraph (k)(1) is revised to read as follows:

Section 265.1085 Standards: Tanks.

(i) The owner or operator who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in paragraphs (i)(1) through (i)(4) of this section.

\* \* \*

(k) \*\*\*

(1) The owner or operator shall make first efforts at repair of the defect ~~no later than 5 calendar days~~ within one calendar day after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (k)(2) of this section.

\* \* \* \* \*

Section 265.1086 is amended by revising paragraph (f)(1) to read as follows:

Section 265.1086 Surface impoundments.

(f) \*\*\*

(1) The owner or operator shall make first efforts at repair of the defect ~~no later than 5 calendar days~~ within one calendar day after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in paragraph (f)(2) of this section.

\* \* \* \* \*

Section 265.1087 is amended by revising paragraph (c)(4)(iii) to read as follows:

Section 265.1087 Standards: Containers.

(c) \*\*\*

(4) \*\*\*

(iii) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect ~~no later than 24 hours~~ within one calendar day after detection, and repair shall be completed as soon as possible but no later than 5 calendar days after detection. If repair of a defect cannot be completed within 5 calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.

\* \* \* \* \*

Part 265 Appendix I is revised by correcting the reference "§254.74" found in the first line of the first paragraph to read "§265.74".

\* \* \* \* \*

**PART 268- LAND DISPOSAL RESTRICTIONS**

Appendix VIII to Part 268 is amended by correcting the title of the appendix to read as follows:

Appendix VIII to Part 268 - ~~LDR Effective Dates of National Capacity LDR Variances for UIC-Injected Prohibited Hazardous Wastes~~

\* \* \* \* \*

**PART 279 - STANDARDS FOR THE MANAGEMENT OF USED OIL**

Section 279.11 Table 1 is amended by correcting the degree symbol used in the entry for "Flash Point" to read:

Flash point	100 <del>0F</del> <sup>°F</sup> minimum.
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\* \* \* \* \*

Section 279.42(b) is amended to read as follows:

Section 279.42 Notification.

(b) Mechanics of notification. A used oil transporter who has not received an EPA identification number may obtain one by notifying the Secretary of their used oil activity by submitting either:

- (1) ~~A~~ completed "State of Delaware Notification of Regulated Waste Activity Form" (8700-12); ~~or~~
- (2) ~~A letter requesting an EPA identification number. The letter should include the following information:~~



- ~~(i) Transporter company name;~~
- ~~(ii) Owner of the transporter company;~~
- ~~(iii) Mailing address for the transporter;~~
- ~~(iv) Name and telephone number for the transporter point of contact;~~
- ~~(v) Type of transport activity (i.e., transport only, transport and transfer facility, transfer facility only);~~
- ~~(vi) Location of all transfer facilities at which used oil is stored;~~
- ~~(vii) Name and telephone number for a contact at each transfer facility.~~

\* \* \* \* \*

Section 122.1(c)(7) is amended to read as follows:

Section 122.1 Purpose and scope of Part 122.

(7) Enforceable documents for post-closure care. At the discretion of the Secretary, an owner or operator may obtain, in lieu of a post-closure permit, an enforceable document imposing the requirements of §265.121. "Enforceable document" means an order, a plan, or other document issued by EPA or by an authorized State under an authority that meets the requirements of 40 CFR, 271.16(e) including, but not limited to, a corrective action order issued by EPA under Section 3008(h) or DNREC under 7 Del. C. Chapter 63, a CERCLA remedial action, or a closure or post-closure plan.

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