

## Chapter NR 662

### HAZARDOUS WASTE GENERATOR STANDARDS

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Note: Chapter NR 662 as it existed on August 31, 2020, is repealed and a new ch. NR 661 is created by CR 19-082, eff. 9-1-20.

#### Subchapter A — General

##### NR 662.001 Definitions applicable in this chapter.

When used in this chapter the following terms have the meanings given below:

(1) "Condition for exemption" means any requirement specified in s. NR 662.014, 662.015, 662.016, 662.017, or 662.070 or subch. K or L that states an event, action, or standard that shall occur or be met in order to obtain an exemption from any applicable requirement specified in chs. NR 664 to 668 and 670, or from any requirement for notification under s. NR 660.07.

Note: The condition for exemption requirements are associated with management standards for containers and tanks, accumulation time limits for hazardous waste, preparedness and prevention, and personnel training.

(2) "Independent requirement" means a requirement under ch. NR 662 that states an event, action, or standard that shall occur or be met and that applies without relation to, or irrespective of,

the purpose of obtaining a conditional exemption from storage facility license, interim status, and operating requirements under s. NR 662.014, 662.015, 662.016, or 662.017, or subch. K or L.

Note: The independent requirements are associated with generator category determination, waste determinations, manifesting, and most recordkeeping.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

##### NR 662.010 Purpose, scope, and applicability.

(1) The regulations in this chapter establish the following standards for generators of hazardous waste:

(a) A person who generates a hazardous waste as defined under ch. NR 661 is subject to all of the following applicable independent requirements in the subchapters and sections:

1. 'Independent requirements of a very small quantity generator.' a. Section NR 662.011 (1) to (4) Hazardous waste determination and recordkeeping.

b. Section NR 662.013 Generator category determination.

2. 'Independent requirements of a small quantity generator.' a. Section NR 662.011 Hazardous waste determination and recordkeeping.

- b. Section NR 662.013 Generator category determination.
  - c. Section NR 662.018 EPA identification numbers and re-notification for small quantity generators and large quantity generators.
  - d. Subchapter B—Manifest requirements applicable to small and large quantity generators.
  - e. Subchapter C—Pre-transport requirements applicable to small and large quantity generators.
  - f. Section NR 662.040 Recordkeeping.
  - g. Section NR 662.044 Recordkeeping for small quantity generators.
  - h. Subchapter H—Transboundary movements of hazardous waste for recovery or disposal.
3. 'Independent requirements of a large quantity generator.'
- a. Section NR 662.011 Hazardous waste determination and recordkeeping.
    - b. Section NR 662.013 Generator category determination.
    - c. Section NR 662.018 EPA identification numbers and re-notification for small quantity generators and large quantity generators.
    - d. Subchapter B—Manifest requirements applicable to small and large quantity generators.
    - e. Subchapter C—Pre-transport requirements applicable to small and large quantity generators.
    - f. Subchapter D—Recordkeeping and reporting applicable to small and large quantity generators, except s. NR 662.044.
    - g. Subchapter H—Transboundary movements of hazardous waste for recovery or disposal.
  - (b) A generator that accumulates hazardous waste on-site is a person that stores hazardous waste. Such generator is subject to the applicable requirements of chs. NR 664 to 667 and 670, and s. NR 660.07, unless it is any of the following:
    - 1. A very small quantity generator that meets the conditions for exemption under s. NR 662.014.
    - 2. A small quantity generator that meets the conditions for exemption under ss. NR 662.015 and 662.016.
    - 3. A large quantity generator that meets the conditions for exemption under ss. NR 662.015 and 662.017.
  - (c) A generator may not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in s. NR 660.10 (21), or not otherwise authorized to receive the generator's hazardous waste.
  - (2) When determining a generator category, a generator shall use s. NR 662.013 to determine which provisions of this chapter are applicable to the generator based on the quantity of hazardous waste generated per calendar month.
  - (4) Any person who exports or imports hazardous wastes shall comply with subch. H and s. NR 662.018.
  - (5) Any person who imports hazardous waste into the United States shall comply with the standards applicable to generators established in this chapter.
  - (6) A farmer who generates waste pesticides that are hazardous waste and who complies with all of the requirements under s. NR 662.070 is not required to comply with other standards in this chapter or ch. NR 670, 664, 665, 667, or 668 with respect to such pesticides.
  - (7) A person who generates a hazardous waste as defined under ch. NR 661 is subject to all of the following:
    - (a) A generator's violation of an independent requirement is subject to penalty and injunctive relief under ch. 291, Stats., and 42 USC 6928.
    - (b) A generator's noncompliance with a condition for exemption in this chapter is not subject to penalty or injunctive relief under ch. 291, Stats., or 42 USC 6928 as a violation of a ch. NR 662 condition for exemption. Noncompliance by any generator

with an applicable condition for exemption from storage license and operations requirements means that the facility is a storage facility operating without an exemption from the license, interim status, and operations requirements under chs. NR 664 to 667 and 670, and the notification requirements under s. NR 660.07. Without an exemption, any violations of such storage requirements are subject to penalty and injunctive relief under ch. 291, Stats., or 42 USC 6928.

(8) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in this chapter.

(9) A person responding to an explosives or munitions emergency in accordance with s. NR 664.0001 (7) (h) 1. d. or 4., s. NR 665.0001 (3) (k) 1. d. or 4., or s. NR 670.001 (3) (c) 1. d. or 3. is not required to comply with the standards of this chapter.

(12) In this subsection, "eligible academic entity" has the meaning given in s. NR 662.200 (3) and "laboratory" has the meaning given in s. NR 662.200 (5). A laboratory owned by an eligible academic entity that chooses to be subject to the requirements of subch. K is not subject to any of the following:

(a) The independent requirements under s. NR 662.011 or the regulations specified in s. NR 662.015 for large quantity generators and small quantity generators, except as provided in subch. K.

(b) The conditions under s. NR 662.014, for very small quantity generators, except as provided in subch. K.

**Note:** The provisions specified in s. NR 662.015 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions specified in s. NR 662.015 only apply to owners or operators who are shipping hazardous waste generated at that facility.

**Note:** A generator that treats, stores, or disposes of hazardous waste on-site is required to comply with the applicable standards and license requirements under chs. NR 664, 665, 666, 668, and 670.

(13) A reverse distributor as defined in s. NR 666.500 is subject to subch. P of ch. NR 666 for the management of hazardous waste pharmaceuticals in lieu of this chapter.

(14) Each healthcare facility as defined in s. NR 666.500 shall determine whether it is subject to subch. P of ch. NR 666 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month, including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste. A healthcare facility that generates more than 100 kg of hazardous waste per calendar month, or more than 1 kg of acute hazardous waste per calendar month, or more than 100 kg per calendar month of any residue or contaminated soil, water, or other debris, resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in s. NR 661.0031 or 661.0033 (5), is subject to subch. P of ch. NR 666 for the management of hazardous waste pharmaceuticals in lieu of this chapter. A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to s. NR 662.014 and is not subject to subch. P of ch. NR 666, except for ss. NR 666.505 and 666.507 and the optional provisions under s. NR 666.504.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (a) 2. d., e., h., 3. d. to g., (4), (9), (14) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.011 Hazardous waste determination and recordkeeping.** A person who generates a solid waste, as defined in s. NR 661.0002, shall make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to chs. NR 660 to 679. A hazardous waste determination is made using all of the following steps:

(1) The hazardous waste determination for each solid waste shall be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other fac-

tors that may change the properties of the waste such that the RCRA classification of the waste may change.

(2) A person shall determine whether the solid waste is excluded from regulation under s. NR 661.0004.

(3) If the waste is not excluded under s. NR 661.0004, the person shall use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subch. D of ch. NR 661. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under 40 CFR 260.20 and 260.22 to demonstrate to the EPA administrator that the waste from this particular site or operation is not a hazardous waste. The department shall recognize an EPA granted delisting unless the department clearly establishes that a delisting would threaten human health or the environment.

(4) The person shall also determine whether the waste exhibits one or more hazardous characteristics as identified in subch. C of ch. NR 661 by following all of the following procedures:

(a) The person shall apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include any of the following: process knowledge, which describes information about chemical feedstocks and other inputs to the production process; knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in subch. C of ch. NR 661, or an equivalent test method approved by the department under s. NR 660.21, may be used as evidence of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. A person testing the waste shall obtain a representative sample of the waste for the testing, as defined in s. NR 660.10 (101).

(b) When available knowledge is inadequate to make an accurate determination, the person shall test the solid waste according to the applicable methods set forth in subch. C of ch. NR 661 or according to an equivalent method approved by the department under s. NR 660.21 and in accordance with all of the following:

1. A person testing the waste shall obtain a representative sample of the waste for the testing, as defined in s. NR 660.10 (101).

2. When a test method is specified in subch. C of ch. NR 661, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.

**Note:** Wisconsin hazardous waste treatment, storage and disposal facility standard s. NR 664.0013 (1) (a) 1. requires that chemical and physical samples are analyzed by a laboratory certified or registered under ch. NR 149, except for field analyses for pH, specific conductance, and temperature.

(5) If the waste is determined to be hazardous, the generator shall refer to chs. NR 661, 664 to 668, and 673 for other possible exclusions or restrictions pertaining to management of the specific waste.

(6) A small or large quantity generator shall maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined in s. NR 661.0003. Records shall be maintained for at least 3 years from the date that the waste was last sent to on-site or off-site

treatment, storage, or disposal. These records shall comprise the generator's knowledge of the waste and support the generator's determination, as described in pars. (3) and (4). The records shall include the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described in sub. (4) (a). The periods of record retention referred in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the department.

(7) If the waste is determined to be hazardous, small quantity generators and large quantity generators shall identify all applicable EPA hazardous waste numbers (EPA hazardous waste codes) in subchs. C and D of ch. NR 661. Prior to shipping the waste off-site, the generator also shall mark its containers with all applicable EPA hazardous waste numbers, or EPA hazardous waste codes, as specified in s. NR 662.032.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (4) (intro.), (b) 1., (5) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.013 Generator category determination.** A generator shall determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a "very small quantity generator," a "small quantity generator," or a "large quantity generator" for a particular month, as each of those terms is defined in s. NR 660.10, by applying any of the following, as applicable:

(1) **GENERATORS OF EITHER ACUTE HAZARDOUS WASTE OR NON-ACUTE HAZARDOUS WASTE.** A generator who either generates acute hazardous waste or non-acute hazardous waste in a calendar month shall determine its generator category for that month by doing all of the following:

(a) Counting the total amount of hazardous waste generated in the calendar month.

(b) Subtracting from the total any amounts of waste exempt from counting as described in subs. (3) and (4).

(c) Determining the resulting generator category for the hazardous waste generated using Table 1.

(2) **GENERATORS OF BOTH ACUTE AND NON-ACUTE HAZARDOUS WASTES.** A generator who generates both acute hazardous waste and non-acute hazardous waste in the same calendar month shall determine its generator category for that month by doing all of the following:

(a) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month.

(b) Subtracting from each total any amounts of waste exempt from counting as described in subs. (3) and (4).

(c) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using Table 1.

(d) Comparing the resulting generator categories from par. (c) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that month.

**Table 1**  
**Generator Categories Based on Quantity of Waste Generated in a Calendar Month**

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
> 1 kg	Any amount	Any amount	Large quantity generator.
Any amount	≥ 1,000 kg	Any amount	Large quantity generator.
Any amount	Any amount	> 100 kg	Large quantity generator.
≤ 1 kg	> 100 kg and < 1,000 kg	≤ 100 kg	Small quantity generator.
≤ 1 kg	≤ 100 kg	≤ 100 kg	Very small quantity generator.

**(3) MONTHLY QUANTITY-BASED DETERMINATIONS.** When making the monthly quantity-based determinations required under this chapter, the generator shall include all hazardous waste that it generates, except hazardous waste that is any of the following:

- (a) Exempt from regulation under ss. NR 661.0004 (3) to (6), 661.0006 (1) (c), 661.0007 (1) (a), or 661.0008.
- (b) Managed immediately upon generation in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in s. NR 660.10.
- (c) Recycled, without prior storage or accumulation, only in an on-site process subject to regulation under s. NR 661.0006 (3) (b).
- (d) Used oil that is managed under the requirements specified in s. NR 661.0006 (1) (d) and ch. NR 679.
- (e) Spent lead-acid batteries managed under the requirements specified in subch. G of ch. NR 666.
- (f) Universal waste managed under s. NR 661.0009 and ch. NR 673.
- (g) A hazardous waste that is an unused commercial chemical product listed in subch. D of ch. NR 661 or exhibiting one or more characteristics in subch. C of ch. NR 661 that is generated solely as a result of a laboratory clean-out under s. NR 662.213 conducted at an eligible academic entity, as defined in s. NR 662.200 (3).
- (h) Managed as part of an episodic event in compliance with the conditions under subch. L.
- (i) A hazardous waste pharmaceutical, as defined in s. NR 666.500, that is subject to or managed in accordance with subch. P of ch. NR 666 or is a hazardous waste pharmaceutical that is also a drug enforcement administration controlled substance and is conditionally exempt under s. NR 666.506.

**(4) DETERMINING THE QUANTITY OF HAZARDOUS WASTE GENERATED IN A CALENDAR MONTH.** In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

- (a) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once.
- (b) Hazardous waste generated by on-site treatment, including reclamation, of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once.
- (c) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on-site, so long as the spent materials were previously counted once.

**(5) GENERATOR CATEGORY.** Based on the generator category as determined under this section, the generator shall meet the applicable independent requirements listed in s. NR 662.010. A generator's category also determines which of the provisions specified in s. NR 662.014, 662.015, 662.016, or 662.017 shall be met to obtain an exemption from the storage facility license, interim status, and operating requirements when accumulating hazardous waste.

**(6) MIXING HAZARDOUS WASTES WITH SOLID WASTES.** (a) *Very small quantity generator wastes.* 1. Hazardous wastes generated by a very small quantity generator may, as part of a treatment process, be mixed with solid wastes. A very small quantity generator may, as part of a treatment process, mix a portion or all of its hazardous waste with solid waste and remain subject to s. NR 662.014 even though the resultant mixture exceeds the quantity limits identified in the definition of very small quantity generator under s. NR 660.10 (139), unless the mixture exhibits one or more of the characteristics of hazardous waste identified in subch. C of ch. 661. Legitimate treatment processes include the following examples: stabilization and solidification, polymerization, electrochemical oxidation of organic chemicals, elementary neutralization, and precipitating heavy metals out of solution.

**Note:** The mixing of hazardous waste by a very small quantity generator into a disposal container, such as a roll off box containing solid wastes, is not considered a treatment process.

2. If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a newly generated hazardous waste. The very small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the very small quantity generator calendar month quantity limits identified in the definition of generator categories under s. NR 660.10. If so, to remain exempt from the permitting, interim status, and operating standards, the very small quantity generator shall meet the conditions for exemption applicable to either a small quantity generator or a large quantity generator. The very small quantity generator shall also comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

3. If a very small quantity generator's wastes are mixed with used oil, the mixture is subject to ch. NR 679. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under ch. NR 679.

(b) *Small quantity generator and large quantity generator wastes.* 1. Hazardous wastes generated by a small quantity generator or large quantity generator may be mixed with solid waste.

These mixtures are subject to the following: the mixture rule specified in s. NR 661.0003 (1) (b) 4., (2) (b) and (c), and (7) (b) 1.; the prohibition of dilution rule specified in s. NR 668.03 (1); the land disposal restriction requirements specified in s. NR 668.40 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement specified in s. NR 662.011.

2. If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly generated hazardous waste. A small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the small quantity generator calendar monthly quantity limits identified in the definition of generator categories under s. NR 660.10. If so, to remain exempt from the permitting, interim status, and operating standards, the small quantity generator shall meet the conditions for exemption applicable to a large quantity generator. The small quantity generator shall also comply with the applicable independent requirements for a large quantity generator.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (intro.), (3) (a) to (i), (6) (b) 1. made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.014 Conditions for exemption for a very small quantity generator.** (1) Provided that the very small quantity generator meets all of the conditions for exemption listed in this section, hazardous waste generated by the very small quantity generator is not subject to the requirements under chs. NR 662 (except for the requirements under ss. NR 662.010 to 662.014) to 668, and 670, and the notification requirements under s. NR 660.07, and the very small quantity generator may accumulate hazardous waste on-site without complying with such requirements. The conditions for exemption are all of the following:

(a) In a calendar month the very small quantity generator generates less than or equal to the amounts specified for a very small quantity generator in s. NR 660.10 (139).

(b) The very small quantity generator complies with s. NR 662.011 (1) to (4).

**Note:** It is recommended that a very small quantity generator follow the record-keeping requirements specified in s. NR 662.011 (6) to document its waste determinations.

(c) If the very small quantity generator accumulates at any time greater than 1 kilogram of acute hazardous waste or 100 kilograms of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5), all quantities of that acute hazardous waste are subject to all of the following additional conditions for exemption:

1. The waste is held on-site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in s. NR 662.014 (1) (c).

2. The conditions for exemption specified in s. NR 662.017 (1) to (7) are met.

(d) If the very small quantity generator accumulates at any time 1,000 kilograms or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to all of the following additional conditions for exemption:

1. The waste is held on-site for no more than 180 days, or 270 days if the generator meets the requirements specified in s. NR 662.016 (3), beginning on the date when the accumulated waste exceeds the amounts provided in s. NR 662.014 (1) (c).

2. The quantity of waste accumulated on-site never exceeds 6,000 kilograms.

3. The conditions for exemption specified in s. NR 662.016 (2) (b) to (6) are met.

(e) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits specified in pars. (c) and (d) shall either treat or dispose of its hazardous

waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. If the off-site treatment, storage, or disposal facility is located outside of Wisconsin, the facility shall be one of the following:

1. Permitted under 40 CFR part 270.

2. In interim status under 40 CFR parts 265 and 270.

3. Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR part 271.

4. Permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill, subject 40 CFR part 258.

5. Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, subject to the requirements in 40 CFR 257.5 to 257.30.

6. A facility that does any of the following:

a. Beneficially uses or reuses, or legitimately recycles or reclaims, its waste.

b. Treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation.

7. For universal waste managed under 40 CFR part 273, a universal waste handler or destination facility subject to the requirements of 40 CFR part 273.

8. A large quantity generator under the control of the same person as the very small quantity generator, provided all the following conditions are met:

a. "Control," for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person as defined in s. NR 660.10 (90) may not be deemed to "control" such generators.

b. The very small quantity generator and the large quantity generator are under the control of the same person as defined in 40 CFR 260.10.

c. The very small quantity generator marks its container of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

9. A reverse distributor, as defined in s. NR 666.500, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility as defined in s. NR 666.500.

10. A healthcare facility as defined in s. NR 666.500 that meets the conditions in ss. NR 666.502 (a) and 666.503 (2), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.

11. For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 40 CFR 261.4 (j).

(f) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits specified in pars. (c) and (d) shall either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treat-

ment, storage, or disposal facility. If the off-site treatment, storage, or disposal facility is located in Wisconsin, the facility shall be all of the following:

1. Licensed under ch. NR 670.
2. In interim status under chs. NR 665 and 670.
3. A licensed solid waste disposal facility that has been approved by the department to accept hazardous waste from very small quantity generators.
4. A facility that does any of the following:
  - a. Beneficially uses or reuses or legitimately recycles or reclaims its waste.
  - b. Treats its waste prior to beneficial use or reuse or legitimate recycling or reclamation.
5. For universal waste managed under ch. NR 673, a universal waste handler or destination facility subject to the requirements of ch. NR 673.

6. A large quantity generator under the control of the same person as the very small quantity generator, provided all of the following conditions are met:

- a. The very small quantity generator and the large quantity generator are under the control of the same person as defined in s. NR 660.10 (90).
- b. The very small quantity generator marks its container of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

11. For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements specified in s. NR 661.0004 (10).

**Note:** Very Small Quantity Generators may also send their waste to facilities identified in 40 CFR 262.14 (5).

(2) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids, in any landfill is prohibited, whether or not sorbents have been added.

(3) A very small quantity generator experiencing an episodic event, as defined in s. NR 662.231 (1), may generate and accumulate hazardous waste in accordance with subch. L in lieu of complying with ss. NR 662.015, 662.016, and 662.017.

(4) If waste is placed in containers, the very small quantity generator shall comply with the requirements specified in ss. NR 665.0171, 665.0172, 665.0173 (1), and 665.0177 (1) and mark the containers with the words "Hazardous Waste."

(5) If waste is placed in tanks, the very small quantity generator shall meet all of the following requirements:

- (a) All tanks shall be leak proof and in good overall condition.
- (b) All tanks shall be made or lined with materials that will not react with or be incompatible with the hazardous waste being stored.
- (c) Incompatible wastes and materials may not be placed in the same tank.
- (d) While being accumulated on-site, each tank shall be labeled or marked clearly with the words, "Hazardous Waste."
- (e) If the tank begins to leak, the contents shall be removed and placed in leak proof containers or tanks immediately. All spilled material shall be cleaned up and properly managed.

(6) A very small quantity generator is not required to use a manifest. A very small quantity generator who chooses to use a manifest shall comply with all of the following:

- (a) The notification requirements specified in s. NR 660.07.
- (b) The manifest requirements specified in ss. NR 662.020 to 662.025.
- (c) The exception reporting requirement specified in s. NR 662.042 (2).
- (d) The manifest recordkeeping requirement specified in s. NR 662.040.

**Note:** It is recommended that a very small quantity generator maintain records of all hazardous waste shipments for 3 years from the date the hazardous waste was shipped off-site.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (b), (d) 1., 3., (e) 5., 8. b., 10., (4) made under s. 35.17, Stats., Register August 2020 No. 776.

#### NR 662.015 Satellite accumulation area regulations for small and large quantity generators. (1) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and either one quart of liquid acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5) or 1 kg of solid acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5) in containers at or near any point of generation where wastes initially accumulate that are under the control of the operator of the process generating the waste, without a license or interim status and without complying with the requirements under chs. NR 664 to 667 and 670, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption under s. NR 662.016 (2) or 662.017 (1), except as required in pars. (g) and (h). The conditions for exemption for satellite accumulation are all of the following:

(1) A generator may accumulate as much as 55 gallons of non-acute hazardous waste and either one quart of liquid acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5) or 1 kg of solid acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5) in containers at or near any point of generation where wastes initially accumulate that are under the control of the operator of the process generating the waste, without a license or interim status and without complying with the requirements under chs. NR 664 to 667 and 670, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption under s. NR 662.016 (2) or 662.017 (1), except as required in pars. (g) and (h). The conditions for exemption for satellite accumulation are all of the following:

(a) If a container holding hazardous waste is not in good condition, or if it begins to leak, the generator shall immediately transfer the hazardous waste to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated as specified in s. NR 662.016 (2) or 662.017 (1).

(b) The generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

(c) Special standards for incompatible wastes include all of the following:

1. The generator may not place incompatible wastes, or incompatible wastes and materials, in the same container, unless it complies with the requirements specified in s. NR 665.0017 (2).

2. The generator may not place hazardous waste in an unwashed container that previously held an incompatible waste or material, unless it complies with the requirements specified in s. NR 665.0017 (2).

3. A container holding a hazardous waste that is incompatible with any waste or other materials accumulated nearby in other containers shall be separated from the other materials or protected from them by any practical means.

**Note:** See ch. NR 665 Appendix V for examples of incompatible wastes.

(d) A container holding hazardous waste shall be closed at all times during accumulation, except in any of the following cases:

1. When adding, removing, or consolidating waste.
2. When temporary venting of a container is necessary for the proper operation of equipment or to prevent dangerous situations, such as build-up of extreme pressure.

(e) A generator shall mark or label its container with all of the following:

1. The words "Hazardous Waste."

2. An indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

(f) A generator that accumulates either acute hazardous waste listed in s. NR 661.0031 or 661.0033 (5) or non-acute hazardous waste in excess of the amounts listed in sub. (1) at or near any point of generation shall comply with either subd. 1. or 2., and subd. 3.

1. Within 3 consecutive calendar days the generator shall comply with the applicable central accumulation area regulations specified in s. NR 662.016 (2) or 662.017 (1).

2. Within 3 consecutive calendar days the generator shall remove the excess from the satellite accumulation area and move it to one of the following:

a. A central accumulation area operated in accordance with the applicable regulations specified in s. NR 662.016 (2) or 662.017 (1).

b. An on-site interim status or permitted treatment, storage, or disposal facility.

c. An off-site designated facility.

3. During the 3 consecutive calendar day period the generator shall continue to comply with pars. (a) to (f). The generator shall mark or label the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(g) All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention regulations specified in s. NR 662.016 (2) (h) and emergency procedures specified in s. NR 662.016 (2) (i).

(h) All satellite accumulation areas operated by a large quantity generator shall meet the preparedness, prevention, and emergency procedures specified in subch. M.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (intro.), (f) 1., 2. (intro.), a., 3. made under s. 35.17, Stats., Register August 2020 No. 776.

#### **NR 662.016 Conditions for exemption for a small quantity generator that accumulates hazardous waste.**

A small quantity generator may accumulate hazardous waste on-site without a license or interim status, and without complying with the requirements of chs. NR 664 to 667 and 670, or the notification requirements under s. NR 660.07, provided that all of the following conditions for exemption are met:

(1) **GENERATION.** The generator generates in a calendar month no more than the amounts specified in the definition of "small quantity generator" in s. NR 660.10.

(2) **ACCUMULATION.** The generator accumulates hazardous waste on-site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation specified in subs. (4) and (5). All of the following accumulation conditions also apply:

(a) *Accumulation limit.* The quantity of hazardous waste accumulated on-site never exceeds 6,000 kilograms.

(b) *Accumulation of hazardous waste in containers.* 1. 'Condition of containers.' If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator shall immediately transfer the hazardous waste to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

2. 'Compatibility of waste with container.' The small quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3. 'Management of containers.' a. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

b. A container holding hazardous waste may not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

4. 'Inspections.' At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors.

5. 'Special conditions for accumulation of incompatible wastes.' a. A generator may not place incompatible wastes, or incompatible wastes and materials, in the same container, unless it complies with the requirements specified in s. NR 665.0017 (2).

b. A generator may not place hazardous waste in an unwashed container that previously held an incompatible waste or material, unless it complies with the requirements specified in s. NR 665.0017 (2).

c. A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

**Note:** See ch. NR 665 Appendix V for examples of incompatible wastes.

(c) *Accumulation of hazardous waste in tanks.* 2. A small quantity generator of hazardous waste shall comply with all of the following general operating conditions:

a. Treatment or accumulation of hazardous waste in tanks shall comply with s. NR 665.0017 (2).

b. Hazardous wastes or treatment reagents may not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

c. Uncovered tanks shall be operated to ensure at least 60 centimeters or 2 feet of freeboard, unless the tank is equipped with a containment structure, a drainage control system, or a diversion structure with a capacity that equals or exceeds the volume of the top 60 centimeters or 2 feet of the tank.

**Note:** A ditch or trench is an example of a containment structure. A standby tank is an example of a diversion structure.

d. If hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow, such as, a waste feed cutoff system or a bypass system to a stand-by tank.

3. Except as noted in subd. 4., a small quantity generator that accumulates hazardous waste in tanks shall inspect all of the following, where present:

a. Discharge control equipment at least once each operating day, to ensure that it is in good working order. Discharge control equipment includes waste feed cutoff systems, bypass systems, and drainage systems.

b. Data gathered from monitoring equipment at least once each operating day to ensure that the tank is being operated according to its design. Monitoring equipment includes pressure and temperature gauges.

c. The level of waste in the tank at least once each operating day to ensure compliance with subd. 2. c.

d. The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams.

e. The construction materials of, and the area immediately surrounding, discharge confinement structures at least weekly to detect erosion or obvious signs of leakage. The generator shall remedy any deterioration or malfunction of equipment or structures, revealed during an inspection, on a schedule that ensures the

problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately. Note that signs of leakage can include wet spots or dead vegetation.

4. A small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, shall inspect at least weekly, where applicable, the areas identified in subd. 3. a. to e. Use of the alternate inspection schedule shall be documented in the generator's operating record. This documentation shall include a description of the established workplace practices at the generator.

6. A small quantity generator accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with s. NR 661.0003 (3) or (4), that any solid waste removed from its tank is not a hazardous waste, then it shall manage such waste in accordance with all applicable provisions under chs. NR 662, 663, 665, and 668.

7. A small quantity generator shall comply with all of the following special conditions for accumulation of ignitable or reactive waste.

a. Ignitable or reactive waste may not be placed in a tank unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under s. NR 661.0021 or 661.0023, and the generator complies with s. NR 665.0017 (2), or the waste is accumulated or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react, or the tank is used solely for emergencies.

b. A small quantity generator that treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 to 2-6 of the 1977 or 1981 National Fire Protection Association's "Flammable and Combustible Liquids Code," incorporated by reference in s. NR 660.11.

c. A small quantity generator shall comply with the following special conditions for incompatible wastes. Incompatible wastes, or incompatible wastes and materials, may not be placed in the same tank, unless the generator complies with s. NR 665.0017 (2). Hazardous waste may not be placed in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with s. NR 665.0017 (2).

**Note:** See ch. NR 665 Appendix V for examples of incompatible wastes.

(d) *Accumulation of hazardous waste on drip pads.* If the waste is placed on drip pads, the small quantity generator shall comply with all of the following:

1. Subchapter W of ch. NR 665, except s. NR 665.0445 (3).
2. The small quantity generator shall remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that are removed from the drip pad are then subject to the 180-day accumulation limit specified in par. (b) and s. NR 662.015 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area.

3. The small quantity generator shall maintain on-site at the facility the following records readily available for inspection:

a. A written description of procedures that are followed to ensure all wastes are removed from the drip pad and associated collection system at least once every 90 days.

b. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(e) *Accumulation of hazardous waste in containment buildings.* If the waste is placed in containment buildings, the small quantity generator shall comply with subch. D of ch. NR 665. The generator shall label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site and provide an indication of the hazards of the contents in a conspicuous place. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as, ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association, incorporated into s. SPS 314.001 (1) (a). The generator shall also maintain all of the following:

1. The professional engineer certification that the building complies with the design standards specified in s. NR 665.1101. This certification shall be in the generator's files prior to operation of the unit.

2. One of the following records, by use of inventory logs, monitoring equipment, or any other effective means, shall be maintained and readily available for inspection:

- a. A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the procedures are complied with.

- b. Documentation that the unit is emptied at least once every 90 days.

(f) *Labeling and marking of containers and tanks.* 1. 'Containers.' A small quantity generator shall mark or label each of its containers with all of the following:

- a. The words "Hazardous Waste."

- b. An indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association, incorporated into s. SPS 314.001 (1) (a).

- c. The date upon which each period of accumulation begins clearly visible for inspection on each container.

2. 'Tanks.' A small quantity generator accumulating hazardous waste in tanks shall do all of the following:

- a. Mark or label its tanks with the words "Hazardous Waste."

- b. Mark or label its tanks with an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as, ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association, incorporated into s. SPS 314.001 (1) (a).



c. Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering.

d. Keep inventory logs or records with the information identified in subd. c. on-site and readily available for inspection.

(g) *Land disposal restrictions.* A small quantity generator shall comply with all applicable requirements under ch. NR 668.

(h) *Preparedness and prevention.* 1. 'Maintenance and operation of facility.' A small quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

2. 'Required equipment.' All areas where hazardous waste is either generated or accumulated shall be equipped with all of the items specified in subd. 2. a. to d. A generator may demonstrate that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified under this subdivision or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified under this subdivision. A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies. Required equipment includes all of the following:

a. An internal communications or alarm system capable of providing immediate emergency instruction, voice, or signal to facility personnel.

b. A device, such as a telephone, immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.

c. Portable fire extinguishers, spill control equipment, decontamination equipment, and fire control equipment including special extinguishing equipment, such as those that use foam, inert gas, or dry chemicals.

d. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

3. 'Testing and maintenance of equipment.' All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.

4. 'Access to communications or alarm system.' a. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate, direct, and unimpeded access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subd. 2.

b. In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate, direct, and unimpeded access to a device, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under subd. 2.

5. 'Required aisle space.' The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

6. 'Arrangements with local authorities to provide emergency assistance.' a. The small quantity generator shall attempt to make

arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee if it is determined to be the appropriate organization with which to make arrangements. A small quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the organizations identified in this paragraph with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. Where more than one police or fire department might respond to an emergency, the small quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

**Note:** A generator shall attempt to make arrangements to ensure that the generator will receive an immediate and appropriate emergency response from these authorities.

b. A small quantity generator shall maintain records documenting arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements have been made.

c. A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

(i) *Emergency procedures.* The small quantity generator shall comply with all of the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

1. At all times there shall be at least one employee either on the premises or on call and available to respond to an emergency by reaching the facility within a short period of time with the responsibility for coordinating all emergency response measures specified in subd. 4. This employee is the emergency coordinator.

2. The small quantity generator shall post all of the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

a. The name and emergency telephone number of the emergency coordinator.

b. The location of fire extinguishers and spill control material, and, if present, fire alarm.

c. The telephone number of the fire department, unless the facility has a direct alarm.

3. The small quantity generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

4. The emergency coordinator, or his or her designee, shall take the following actions that are applicable in response to any emergency that may arise:

a. In the event of a fire, call the fire department or attempt to extinguish the fire using a fire extinguisher.

b. In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil. Such containment and cleanup may be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator.

c. In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately notify the National Response Center using the 24-hour toll free number 800-424-8802. The report shall include the following information: the name, address, and EPA identification number of the small quantity generator; date, time, and type of incident, spill, or fire; quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and estimated quantity and disposition of recovered materials, if any.

**(3) TRANSPORTING OVER 200 MILES.** A small quantity generator that transports its waste, or offers its waste for transportation, over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a license or without having interim status, provided that the generator complies with the conditions specified in sub. (2).

**(4) ACCUMULATION TIME LIMIT EXTENSION .** A small quantity generator who accumulates hazardous waste for more than 180 days, or for more than 270 days if it shall transport its waste, or offer its waste for transportation, over a distance of 200 miles or more, is subject to the requirements under chs. NR 664, 665, 667, 668, and 670 unless it has been granted an extension to the 180-day period, or 270-day period, if applicable. Such extension may be granted by the department if hazardous wastes shall remain on-site for longer than 180 days, or 270 days if applicable, due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the department on a case-by-case basis.

**(5) REJECTED LOAD.** A small quantity generator that 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 under s. NR 664.0072 or 665.0072 may accumulate the returned waste on-site in accordance with subs. (1) to (4). Upon receipt of the returned shipment, the generator shall do one of the following:

(a) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest.

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

**(6) EPISODIC EVENT.** A small quantity generator experiencing an episodic event, as defined in s. NR 662.231 (1), may accumulate hazardous waste in accordance with subch. L in lieu of complying with s. NR 662.017.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (2) (c) 3. (intro.), c., 4., (d) 1., (i) 4. c. made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.017 Conditions for exemption for a large quantity generator that accumulates hazardous waste.**

A large quantity generator may accumulate hazardous waste on-site without a license or interim status, and without complying with the requirements of chs. NR 664 to 667 and 670, or from any requirement for notification under s. NR 660.07, provided that all of the following conditions for exemption are met:

**(1) ACCUMULATION.** A large quantity generator accumulates hazardous waste on-site for no more than 90 days, unless in compliance with the accumulation time limit extension or accumula-

tion conditions for exemption in subs. (2) to (5). All of the following accumulation conditions also apply:

(a) *Accumulation of hazardous waste in containers.* If the hazardous waste is placed in containers, the large quantity generator shall comply with the following:

1. 'Air emission standards.' The applicable requirements of subchs. AA, BB, and CC of ch. NR 665.

2. 'Condition of containers.' If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

3. 'Compatibility of waste with container.' The large quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

4. 'Management of containers.' a. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

b. A container holding hazardous waste may not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

5. 'Inspections.' At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subd. 2. for remedial action required if deterioration or leaks are detected.

6. 'Special conditions for accumulation of ignitable and reactive wastes.' a. A container holding ignitable or reactive waste shall be located at least 15 meters from the facility's property line unless a written approval is obtained from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval shall be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

b. The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including the following: open flames, smoking, cutting, welding, hot surfaces, frictional heat, static sparks, electrical sparks, mechanical sparks, spontaneous ignition, and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

7. 'Special conditions for accumulation of incompatible wastes.' a. The generator may not place incompatible wastes, or incompatible wastes and materials, in the same container unless the generator complies with the requirements specified in s. NR 665.0017 (2).

b. The generator may not place hazardous waste in an unwashed container that previously held an incompatible waste or material unless the generator complies with the requirements specified in s. NR 665.0017 (2).

c. A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

**Note:** See ch. NR 665 Appendix V for examples of incompatible wastes.

(b) *Accumulation of hazardous waste in tanks.* If the waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of subch. J of ch. NR 665, except s. NR

665.0197 (3) for closure and post-closure care, and s. NR 665.200 as well as the applicable requirements of subchs. AA, BB, and CC of ch. NR 665.

(c) *Accumulation of hazardous waste on drip pads.* If the hazardous waste is placed on drip pads, the large quantity generator shall comply with all of the following:

1. Subchapter W of ch. NR 665.

2. The large quantity generator shall remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that are removed from the drip pad are subject to the 90 day accumulation limit specified in sub. (1) and s. NR 662.015, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area.

3. The large quantity generator shall maintain on-site at the facility and readily available for inspection all of the following records:

a. A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days.

b. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(d) *Accumulation of hazardous waste in containment buildings.* If the waste is placed in containment buildings, the large quantity generator shall comply with subch. DD of ch. NR 665. The generator shall label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site, and also in a conspicuous place provide an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as, ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a). The generator shall also maintain all of the following:

1. The professional engineer certification that the building complies with the design standards specified in s. NR 665.1101. This certification shall be in the generator's files prior to operation of the unit.

2. One of the following records, by use of inventory logs, monitoring equipment, or any other effective means, shall be maintained and readily available for inspection:

a. A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the procedures are complied with.

b. Documentation that the unit is emptied at least once every 90 days.

c. Inventory logs or records with the above information must be maintained on site and readily available for inspection.

(e) *Labeling and marking of containers and tanks.* 1. 'Containers.' A large quantity generator shall mark or label its containers with all of the following:

a. The words "Hazardous Waste."

b. An indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on

labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

c. The date upon which each period of accumulation begins clearly visible for inspection on each container.

2. 'Tanks.' A large quantity generator accumulating hazardous waste in tanks shall do all of the following:

a. Mark or label its tanks with the words "Hazardous Waste."

b. Mark or label its tanks with an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

c. Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering.

d. Keep inventory logs or records with the information identified in this subdivision, which shall be maintained on-site and readily available for inspection.

(f) *Emergency procedures.* The large quantity generator complies with the standards in subch. M, Preparedness, Prevention and Emergency Procedures for Large Quantity Generators.

(g) *Personnel training.* 1. a. Facility personnel shall successfully complete a program of classroom instruction, online training or computer-based training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this chapter. The large quantity generator shall ensure that this program includes all the elements described in the document required under subd. 4.

b. This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction that teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

c. At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including the following where applicable: procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

d. For facility employees that receive emergency response training according to Occupational Safety and Health Administration regulations 29 CFR 1910.120 (p) (8) and 1910.120 (q) incorporated into s. SPS 332.50, the large quantity generator is not required to provide separate emergency response training according to this section, provided that the overall facility training meets all the conditions of exemption in this section.

2. Facility personnel shall successfully complete the program required in subd. 1. within 6 months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees may not work in unsupervised

positions until they have completed the training standards required in subd. 1.

3. Facility personnel shall take part in an annual review of the initial training required in subd. 1.

4. The large quantity generator shall maintain all of the following documents and records at the facility:

a. The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

b. A written job description for each position listed under subd. 4. a. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

c. A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subd. 4. a.

d. Records that document that the training or job experience, required under subs. 1., 2., and 3. has been given to, and completed by, facility personnel.

5. Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least 3 years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(h) *Closure.* A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, shall meet all of the following:

1. 'Notification for closure of a waste accumulation unit.' A large quantity generator shall perform one of the following actions when closing a waste accumulation unit:

a. Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility.

b. Meet the closure performance standards of subd. 3. for container, tank, and containment building waste accumulation units or subd. 4. for drip pads and notify the department following the procedures in subd. 2. b. for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

2. 'Notification for closure of the facility.' a. Notify the department using form 8700-12 no later than 30 days prior to closing the facility.

b. Notify the department using form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subd. 3. or 4. If the facility cannot meet the closure performance standards of subd. 3. or 4., notify the department using form 8700-12 that it will close as a landfill under s. NR 665.0310 in the case of a container, tank or containment building unit, or for a facility with drip pads, notify the department using form 8700-12 that it will close under the standards specified in s. NR 665.0445 (2).

c. A large quantity generator may request additional time to clean close, but it shall notify the department using form 8700-12 within 75 days after the date provided in subd. 2. a. to request an extension and provide an explanation as to why the additional time is required.

3. 'Closure performance standards for container, tank systems, and containment building waste accumulation units.' At closure, the generator shall close the waste accumulation unit or facility in a manner that meets all of the following:

a. Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated

run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere.

b. Removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from waste accumulation units including containment system components, contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless s. NR 661.0003 (4) applies.

c. Any hazardous waste generated in the process of closing either the generator's facility or units accumulating hazardous waste shall be managed in accordance with all applicable standards under chs. NR 662, 663, 665 and 668, including removing any hazardous waste contained in these units within 90 days of generating it and managing these wastes in a RCRA Subtitle C hazardous waste permitted treatment, storage and disposal facility or interim status facility.

d. If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in subd. 3. b., then the waste accumulation unit is considered to be a landfill and the generator shall close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills under s. NR 665.0310. In addition, for the purposes of closure, post-closure, and financial responsibility, the waste accumulation unit is then considered to be a landfill, and the generator shall meet all of the requirements for landfills specified in subchs. G and H of ch. NR 665.

4. 'Closure performance standards for drip pad waste accumulation units.' At closure, the generator shall comply with the closure requirements of subs. 2. and 3.a. and c. and s. NR 665.0445 (1) and (2).

5. 'Applicability of closure performance standards to satellite accumulation areas.' The closure requirements of this paragraph do not apply to satellite accumulation areas.

(i) *Land disposal restrictions.* The large quantity generator complies with all applicable requirements under ch. NR 668.

(2) ACCUMULATION TIME LIMIT EXTENSION. A large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements under chs. NR 664 to 668 and 670, and the notification requirements under s. NR 660.07, unless it has been granted an extension to the 90-day period. An extension may be granted by the department if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. A one-time extension of up to 30 days, per occurrence, may be granted at the discretion of the department on a case-by-case basis.

(3) ACCUMULATION OF F006 WASTE. A large quantity generator that also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without being subject to chs. NR 664 to 667 and 670, and the notification requirements under s. NR 660.07, provided that it complies with all of the following additional conditions for exemption:

(a) The large quantity generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 or otherwise released to the environment prior to its recycling.

(b) The F006 waste is legitimately recycled through metals recovery.

(c) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time.

(d) The F006 waste is managed in accordance with all of the following:

1. a. If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption under sub. (1) (a).

b. If the F006 is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption under sub. (1) (b).

c. If the F006 is placed in containment buildings, the large quantity generator shall comply with subch. DD of ch. NR 665, and shall place its professional engineer certification that the building complies with the design standards specified in s. NR 665.1101 in the facility's files prior to operation of the unit. One of the following records shall be maintained and readily available for inspection:

1) A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation, and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the large quantity generator is complying with the procedures.

2) Documentation that the unit is emptied at least once every 180 days.

2. The large quantity generator is exempt from all the requirements in subchs. G and H of ch. NR 665, except for those referenced in sub. (1) (h).

3. The date upon which each period of accumulation begins is clearly marked and shall be clearly visible for inspection on each container.

4. While being accumulated on-site, each container and tank is labeled or marked clearly with all of the following:

a. The words "Hazardous Waste."

b. An indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

5. The large quantity generator complies with the requirements specified in sub. (1) (f) and (g).

**(4) F006 WASTE TRANSPORTED OVER 200 MILES.** A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who shall transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without being subject to chs. NR 664 to 667, 670, and the notification requirements under s. NR 660.07, if the large quantity generator complies with all of the conditions for exemption under sub. (3) (a) to (d).

**(5) F006 WASTE ACCUMULATION TIME EXTENSION.** A large quantity generator accumulating F006 in accordance with subs. (3) and (4) who accumulates F006 waste on-site for more than 180 days, or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more, or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements under chs. NR 664, 665, 667, and 670, and the notification requirements under s. NR 660.07, unless the generator has been granted an extension to the 180 days, or 270 days if applicable, period or an exception to the 20,000 kilograms accumulation limit. Such extensions and exceptions may be granted by the department if the F006 waste must remain on-site for longer than 180 days, or 270 days if applicable, or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation

limit may be granted at the discretion of the department on a case-by-case basis.

**(6) CONSOLIDATION OF HAZARDOUS WASTE RECEIVED FROM VERY SMALL QUANTITY GENERATORS.** In this subsection "control" means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor who operates generator facilities on behalf of a different person may not be deemed to "control" such generators. Large quantity generators may accumulate on-site hazardous waste received from very small quantity generators under control of the same person as defined in s. NR 660.10 (90), without a storage license or interim status and without complying with the requirements under chs. NR 664 to 668 and 670, and the notification requirements under s. NR 660.07, provided they comply with all of the following:

(a) The large quantity generator notifies the department at least 30 days prior to receiving the first shipment from a very small quantity generator using EPA Form 8700-12. The large quantity generator shall do all of the following:

1. Identify on the form the name and site address for the very small quantity generator as well as the name and business telephone number for a contact person for the very small quantity generator.

2. Submit an updated Site ID form using EPA Form 8700-12 within 30 days after a change in the name or site address for the very small quantity generator.

(b) The large quantity generator maintains records of shipments for 3 years from the date the hazardous waste was received from the very small quantity generator. These records shall identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

(c) The large quantity generator complies with the independent requirements identified in s. NR 662.010 (1) (a) 3. and the conditions for exemption in this section for all hazardous waste received from a very small quantity generator. For purposes of the labeling and marking regulations under sub. (1) (e), the large quantity generator shall label the container or unit with the date the hazardous waste was received from the very small quantity generator. If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either its own hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator shall label each container or unit with the earliest date any hazardous waste in the container was accumulated on-site.

**(7) REJECTED LOAD.** A large quantity 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 under s. NR 664.0072 or 665.0072 may accumulate the returned waste on-site in accordance with subs. (1) and (2). Upon receipt of the returned shipment, the generator shall do one of the following:

(a) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest.

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

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (intro.), (c) 1., (d) 1., (h) 4., (2), (6) (intro.), (7) (intro.) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.018 EPA identification numbers and re-notification for small quantity generators and large quantity generators.** (1) A generator may not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the department.

(2) A generator who has not received an EPA identification number shall obtain one by applying to the department using EPA Form 8700-12. Upon receiving the request, the department will assign an EPA identification number to the generator.

(3) A generator may not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

(4) (a) A small quantity generator shall re-notify the department by March 1 of each even-numbered year using EPA Form 8700-12. A small quantity generator may submit this re-notification as part of its annual report required under s. NR 662.041.

(b) A large quantity generator shall re-notify the department by March 1 of each even-numbered year using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its annual report required under s. NR 662.041.

(5) A recognized trader may not arrange for import or export of hazardous waste without having received an EPA identification number from the department.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**Subchapter B — Manifest Requirements Applicable to Small and Large Quantity Generators**

**NR 662.020 General requirements.** (1) (a) A generator that transports, or offers for transport a hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest, OMB Control number 2050-0039, on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A.

(b) The revised manifest form and procedures specified in ss. NR 660.10, 661.0007, 662.020, 662.021, 662.027, 662.032, 662.034, 662.054, and 662.060 may not apply until September 5, 2006. The manifest form and procedures specified in ss. NR 660.10, 661.0007, 662.020, 662.021, 662.032, 662.054 and 662.060 contained in chs. 660 to 665, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

(c) In lieu of using the manifest form specified in sub. (1) (a), a person required to prepare a manifest under sub. (1) (a) of this section may prepare and use an electronic manifest, provided that the person does all of the following:

1. Complies with the requirements specified in s. NR 662.024 for use of electronic manifests.
2. Complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.

(2) A generator shall designate on the manifest one facility that is permitted to handle the waste described on the manifest.

(3) A generator may also designate on the manifest one alternate facility that is permitted to handle the waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(4) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(5) The requirements of this subchapter do not apply to hazardous waste produced by small quantity generators where all of the following occurs:

- (a) The waste is reclaimed under a contractual agreement according to which:
  1. The type of waste and frequency of shipments are specified in the agreement.
  2. The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste.

(b) The generator maintains a copy of the reclamation agreement in its files for a period of at least 3 years after termination or expiration of the agreement.

(6) The requirements of this subchapter and s. NR 662.032 (2) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Excluding s. NR 663.10 (1), the generator or transporter shall comply with the requirements for transporters set forth in ss. NR 663.30 and 663.31 in the event of a discharge of hazardous waste on a public or private right-of-way.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (b) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.021 Manifest tracking numbers, manifest printing, and obtaining manifests.** (1) (a) A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Resource Conservation and Recovery to do so under subs. (3) and (5).

(b) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

(2) A registrant shall submit an initial application to the EPA Director of the Office of Resource Conservation and Recovery that contains all of the following information:

- (a) Name and mailing address of registrant.
- (b) Name, telephone number and email address of contact person.
- (c) Brief description of registrant's government or business activity.
- (d) EPA identification number of the registrant, if applicable.
- (e) Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including all of the following:
  1. A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house or through a separate and unaffiliated printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application shall identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries, such as prime and subcontractor relationships, the role of each must be discussed. The application shall provide the name and mailing address of each company. It also shall provide the name and telephone number of the contact person at each company.
  2. A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of this section. The application shall discuss how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application shall describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application shall describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application shall also indicate how the printer will pre-print a unique number on each form, such as crash or press numbering. The application also shall explain the other quality procedures to be followed by each establishment and

printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.

3. An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public for purchase.

(f) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so, such as corporate brochures, product samples, customer references, or documentation of ISO certification, so long as such information pertains to the establishments or company being proposed to print the manifest.

(g) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant shall use this suffix to pre-print a unique manifest tracking number on each manifest.

(h) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this section and that it will notify the EPA Director of the Office of Resource Conservation and Recovery of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.

**(3)** EPA will review the application submitted under sub. (2) and either approve it or request additional information or modification before approving it.

**(4)** (a) Upon EPA approval of the application under sub. (3), EPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit 3 fully assembled manifests and continuation sheet samples, except as noted in par. (c). The registrant's samples shall meet all of the specifications in sub. (6) and be printed by the company that will print the manifest as identified in the application approved under sub. (3).

(b) The registrant shall submit a description of the manifest samples as follows:

1. Paper type including the manufacturer and grade of the manifest paper.
2. Paper weight of each copy.
3. Ink color of the manifest's instructions. If screening of the ink was used, the registrant shall indicate the extent of the screening.
4. Method of binding the copies.

(c) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.

**(5)** EPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until EPA approves them. An approved registrant shall print the manifest and continuation sheet according to its application approved under sub. (3) and the manifest specifications in sub. (6). It also shall print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.

**(6)** Paper manifests and continuation sheets shall be printed according to the following specifications:

(a) The manifest and continuation sheet shall be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.

(b) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA shall be pre-printed

in item 4 of the manifest. The tracking number shall consist of a unique three-letter suffix following 9 digits.

(c) The manifest and continuation sheet shall be printed on 8 1/2 x 11-inch white paper, excluding common stubs, such as top- or side-bound stubs. The paper shall be durable enough to withstand normal use.

(d) The manifest and continuation sheet shall be printed in black ink that can be legibly photocopied, scanned, or faxed, except that the marginal words indicating copy distribution shall be printed with a distinct ink color or with another method, such as white text against black background in text box, or black text against grey background in text box, that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

**(7)** (a) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under subs. (3) and (5). A registered source may be any of the following:

1. State agency.
2. Commercial printer.
3. Hazardous waste generator, transporter or a treatment, storage, or disposal facility.
4. Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

(b) A generator shall determine whether the generator state or the consignment state for a shipment regulates any additional wastes, beyond those regulated federally, as hazardous wastes under these states' authorized programs. Generators also shall determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

**(8)** (a) If an approved registrant would like to update any of the information provided in its application approved under sub. (3), such as to update a company phone number or name of contact person, the registrant shall revise the application and submit it to the EPA Director of the Office of Resource Conservation and Recovery, along with an indication or explanation of the update, as soon as practicable after the change occurs. EPA either will approve or deny the revision. If EPA denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.

(b) If the registrant would like a new tracking number suffix, the registrant shall submit a proposed suffix to the EPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. EPA will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

(c) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval under sub. (5), then the registrant shall submit 3 samples of the revised form for EPA review and approval. If the approved registrant would like to use a new printer, the registrant shall submit 3 manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. EPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until EPA approves them.

**(9)** If, subsequent to its approval under sub. (5), a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it shall submit 3 samples of the manifest or continuation sheet to the registry for

approval. EPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until EPA approves them.

(10) EPA may exempt a registrant from the requirement to submit form samples under sub. (4) or (8) (c) if EPA is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision, such as a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions and binding method of the form samples approved for some other registrant. A registrant may request an exemption from EPA by indicating why an exemption is warranted.

(11) An approved registrant shall notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.

(12) If, subsequent to approval of a registrant under sub. (5), EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, EPA will contact the registrant and require modifications to the form.

(13) (a) EPA may suspend and, if necessary, revoke printing privileges if EPA finds that the registrant:

1. Has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method.

2. Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate manifest tracking numbers.

(b) EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant shall provide information on its printing activities to EPA if requested.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (a), (4) (a), (10) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.022 Number of copies.** The manifest consists of at least the number of copies that will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.023 Use of the manifest.** (1) The generator shall do all of the following:

- (a) Sign the manifest certification by hand.
- (b) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest.
- (c) Retain one copy, in accordance with s. NR 662.040 (1).

(2) The generator shall give the transporter the remaining copies of the manifest.

(3) For shipments of hazardous waste within the United States solely by water, bulk shipments only, the generator shall send 3 copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water, bulk shipment, transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(4) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator shall

send at least 3 copies of the manifest dated and signed in accordance with this section to any of the following:

- (a) The next non-rail transporter, if any.
- (b) The designated facility if transported solely by rail.
- (c) The last rail transporter to handle the waste in the United States if exported by rail.

(5) For shipments of hazardous waste to a designated facility in an authorized State that has not yet obtained authorization to regulate that particular waste as hazardous, the generator shall assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

Note: See s. NR 663.20 (5) and (6) for special provisions for bulk shipment by rail or water.

(6) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility, following the procedures under s. NR 664.0072 (6) or 665.0072 (6), the generator shall do all of the following:

- (a) Sign either:
  - 1. Item 20 of the new manifest if a new manifest is used for the returned shipment.
  - 2. Item 18c of the original manifest if the original manifest is used for the returned shipment.
- (b) Provide the transporter a copy of the manifest.
- (c) Within 30 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator.
- (d) Retain at the generator's site a copy of each manifest for at least 3 years from the date of delivery.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.024 Use of the electronic manifest.**

(1) LEGAL EQUIVALENCE TO PAPER MANIFESTS. Electronic manifests that are obtained, completed, and transmitted in accordance with s. NR 662.020 (1) (c), and used in accordance with this section in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

(a) Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning specified in 40 CFR 262.25 and s. NR 662.025.

(b) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the system.

(c) Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-manifest system, provided that the copies are readily available for viewing and production if requested by the department.

(d) A generator is not in violation of s. NR 662.040 (1) for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(2) PARTICIPATION IN THE ELECTRONIC MANIFEST SYSTEM. A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the



transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

**(3) RESTRICTION ON USE OF ELECTRONIC MANIFESTS.** A generator may use an electronic manifest for the tracking of waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that:

(a) A generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

**(4) REQUIREMENT FOR ONE PRINTED COPY.** To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, a generator originating an electronic manifest shall also provide the initial transporter with one printed copy of the electronic manifest.

**(5) SPECIAL PROCEDURES WHEN ELECTRONIC MANIFEST IS UNAVAILABLE.** If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest and if necessary, a continuation sheet, EPA Forms 8700-22 and 8700-22A, in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements specified in s. NR 662.023.

**(6) SPECIAL PROCEDURES FOR ELECTRONIC SIGNATURE METHODS UNDERGOING TESTS.** If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator/offor certification on the printed copy of the manifest provided under sub. (4).

**(8) POST-RECEIPT MANIFEST DATA CORRECTIONS.** After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person named on the manifest. A generator may participate electronically in the post-receipt data corrections process by following the process described in s. NR 664.0071 (9), which applies to corrections made to either paper or electronic manifest records.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.025 Electronic manifest signatures.** Electronic signature methods for the e-manifest system shall meet all of the following requirements:

**(1)** Be a legally valid and enforceable signature under applicable EPA and other federal requirements pertaining to electronic signatures.

**(2)** Be a method that is designed and implemented in a manner that EPA considers to be as cost-effective and practical as possible for the users of the manifest.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.027 Waste minimization certification.** A generator that initiates a shipment of hazardous waste shall certify in Item 15 of the uniform hazardous waste manifest to one of the following statements:

**(1)** "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have

selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment."

**(2)** "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

### Subchapter C — Pre-Transport Requirements Applicable to Small and Large Quantity Generators

**NR 662.030 Packaging.** Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall package the waste in accordance with the applicable department of transportation regulations on packaging under 49 CFR parts 173, 178, and 179.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.031 Labeling.** Before transporting or offering hazardous waste for transportation off-site, a generator shall label each package in accordance with the applicable department of transportation regulations on hazardous materials under 49 CFR part 172.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.032 Marking. (1)** Before transporting or offering hazardous waste for transportation off-site, a generator shall mark each package of hazardous waste in accordance with the applicable department of transportation regulations on hazardous materials under 49 CFR part 172.

**(2)** Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in such transportation with the information in accordance with the requirements of 49 CFR 172.304 and all of the following words:

(a) HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

(b) Generator's Name and Address \_\_\_\_.

(c) Generator's EPA identification number \_\_\_\_.

(d) Manifest Tracking Number \_\_\_\_.

(e) EPA Hazardous Waste Number \_\_\_\_.

**(3)** A generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste numbers, as required under sub. (2) (e) or (4).

**(4)** Lab packs that will be incinerated in compliance with s. NR 668.42 (3) are not required to be marked with EPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.033 Placarding.** Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall placard or offer the initial transporter the appropriate placards according to department of transportation regulations for hazardous materials under 49 CFR part 172, subpart F.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.035 Liquids in landfills prohibition.** The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids shall meet additional requirements as specified in ss. NR 664.314 and 665.314.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

### Subchapter D — Recordkeeping and Reporting Applicable to Small and Large Quantity Generators

**NR 662.040 Recordkeeping.** (1) A generator shall keep a copy of each manifest signed in accordance with s. NR 662.023 (1) for 3 years or until the generator receives a signed copy from the designated facility that received the waste. This signed copy shall be retained as a record for at least 3 years from the date the waste was accepted by the initial transporter.

(2) A generator shall keep a copy of each annual report and exception report for a period of at least 3 years from the due date of the report.

(3) A generator shall comply with s. NR 662.011 (6) for recordkeeping requirements for documenting hazardous waste determinations.

(4) 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 department.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.041 Annual reports for small and large quantity generators.** (1) A generator that is a large quantity generator for at least one month during the calendar year that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall complete and submit an annual report to the department by March 1 of each year. The annual report shall be submitted on department forms and cover generator activities during the previous year. The generator shall use the fee worksheet to determine the environmental repair fee that shall be paid to the department as specified in s. 289.67 (2), Stats.

(2) Any generator that is a large quantity generator for at least one month during the calendar year that treats, stores, or disposes of hazardous waste on-site shall complete and submit an annual report to the department by March 1 of each year in accordance with the provisions under chs. NR 664, 665, 666, 667 and 670. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators according to s. NR 662.017 (6). The generator shall use the fee worksheet to determine the environmental repair fee that shall be paid to the department as specified in s. 289.67 (2), Stats.

(3) Exports of hazardous waste to foreign countries are not required to be reported on the biennial report form. A separate annual report requirement is set forth under s. NR 662.083 (7) for hazardous waste exporters.

(4) A generator that is a small quantity generator for at least one month during the calendar year and is not already subject to subs. (1) and (2) and that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall complete and submit an annual report to the department by March 1 of each year. The annual report shall be submitted on department forms and cover generator activities during the previous year. The generator fee worksheet to determine the environmental repair fee that shall be paid to the department as specified in s. 289.67 (2), Stats.

(5) Any generator that is a small quantity generator for at least one month during the calendar year and is not already subject to subs. (1) and (2) and that treats, stores, or disposes of hazardous waste on-site shall complete and submit an annual report to the department by March 1 of each year in accordance with the provisions under chs. NR 664, 665, 666, 667 and 670. The generator fee worksheet to determine the environmental repair fee that shall be paid to the department as specified in s. 289.67 (2), Stats.

Note: Information on annual reporting is available at: <http://dnr.wi.gov/topic/Waste/AnnualReport.html>.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (5) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.042 Exception reporting.** (1) (a) A large quantity generator that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.

(b) A large quantity generator shall submit an exception report to the department if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The exception report shall include all of the following:

1. A legible copy of the manifest for which the generator does not have confirmation of delivery.

2. A cover letter signed by the generator or its authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(2) A small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the department.

Note: The submission to the department need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

(3) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest, the generator shall comply with the applicable requirements under sub. (1) or (2) for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of sub. (1) or (2) for a shipment forwarding such waste to an alternate facility by a designated facility the generator shall do all of the following:

(a) The copy of the manifest received by the generator shall have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility.

(b) The 35, 45, and 60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (3) (intro.) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.043 Additional reporting.** The department may require a generator to furnish additional reports concerning the quantities and disposition of wastes identified or listed in ch. NR 661.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.044 Recordkeeping for small quantity generators.** A small quantity generator is subject to all of the following independent requirements in this subchapter:

(1) Section 662.040 (1) to (4), recordkeeping.

(2) Section 662.042 (2), exception reporting.

(3) Section 662.043, additional reporting.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

### Subchapter G — Farmers

**NR 662.070 Farmers.** A farmer disposing of waste pesticides from the farmer's own use that are hazardous wastes is not required to comply with the standards in this chapter or other standards under chs. NR 664, 665, 668, or 670 for those wastes provided the farmer triple rinses each emptied pesticide container in accordance with s. NR 661.0007 (2) (c) and disposes of the pesti-

cide residues on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

### Subchapter H — Transboundary Movements of Hazardous Waste for Recovery or Disposal

**Note:** The requirements on which this subchapter is based, 40 CFR part 262, subpart H, are administered and enforced by EPA and not the department because the exercise of foreign relations and international commerce powers is reserved to the federal government under the U.S. Constitution. Wisconsin has adopted these requirements into its rules for the convenience of the regulated community. Wisconsin plays a key role in providing EPA with information on whether Wisconsin facilities designated to receive hazardous waste imports are authorized to manage specific wastes and in ensuring facility compliance with all applicable environmental laws and rules. The 40 CFR part 262, subpart H requirements apply to only those wastes identified or listed under the federal program that are subject to federal manifesting requirements.

**NR 662.080 Applicability.** (1) The requirements of this subchapter apply to transboundary movements of hazardous wastes.

(2) Any person, including exporter, importer, disposal facility operator, or recovery facility operator, who mixes two or more wastes, including hazardous and non-hazardous wastes, or otherwise subjects two or more wastes, including hazardous and non-hazardous wastes, to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any exporter duties, if applicable, under this subchapter.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.081 Definitions.** In addition to the definitions under s. NR 660.10, the following definitions apply to this subchapter:

(1) "Competent authority" means the regulatory authority or authorities of concerned countries having jurisdiction over transboundary movements of wastes.

(2) "Countries concerned" means the countries of export or import and any countries of transit.

(3) "Country of export" means any country from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated.

(4) "Country of import" means any country to which a transboundary movement of hazardous wastes is planned or takes place for the purpose of submitting the wastes to recovery or disposal operations therein.

(5) "Country of transit" means any country other than the country of export or country of import across which a transboundary movement of hazardous wastes is planned or takes place.

(6) "Disposal operations" means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use or alternate uses, which includes all of the following:

(a) D1 Release or Deposit into or onto land, other than by any of operations D2 to D5 or D12.

(b) D2 Land treatment, such as biodegradation of liquids or sludges in soils.

(c) D3 Deep injection, such as injection into wells, salt domes or naturally occurring repositories.

(d) D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds or lagoons.

(e) D5 Specially engineered landfill, such as placement into lined discrete cells that are capped and isolated from one another and the environment.

(f) D6 Release into a water body other than a sea or ocean, and other than by operation D4.

(g) D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

(h) D8 Biological treatment not specified elsewhere in operations D1 to D12, which results in final compounds or mixtures that are discarded by means of any of operations D1 to D12.

(i) D9 Physical or chemical treatment not specified elsewhere in operations D1 to D12, such as evaporation, drying, calcination, neutralization, or precipitation, which results in final compounds or mixtures that are discarded by means of any of operations D1 to D12.

(j) D10 Incineration on land.

(k) D11 Incineration at sea.

(L) D12 Permanent storage.

(m) D13 Blending or mixing, prior to any of operations D1 to D12.

(n) D14 Repackaging, prior to any of operations D1 to D13.

(o) D15 Interim Storage, prior to any of operations D1 to D12, or DC17 for transboundary movements with Canada only, Interim Storage, prior to any of operations D1 to D12.

(p) DC15 Release, including the venting of compressed or liquefied gases, or treatment, other than by any of operations D1 to D12, for transboundary movements with Canada only.

(q) DC16 Testing of a new technology to dispose of a hazardous waste for transboundary movements with Canada only.

(7) "EPA Acknowledgment of Consent" or "AOC" means the letter EPA sends to the exporter documenting the specific terms of the country of import's consent and the countries of transit's consent. The AOC meets the definition of an export license in U.S. Census Bureau regulations 15 CFR 30.1.

(8) "Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the purposes of recovery or disposal operations therein.

(9) "Exporter," also known as primary exporter on the RCRA hazardous waste manifest, means the person domiciled in the United States who is required to originate the movement document in accordance with s. NR 662.083 (4) or the manifest for a shipment of hazardous waste in accordance with subch. B, or equivalent state provision, which specifies a foreign receiving facility as the facility to which the hazardous wastes will be sent, or any recognized trader who proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

(10) "Foreign exporter" means the person under the jurisdiction of the country of export who has, or will have at the time the planned transboundary movement commences, possession or other forms of legal control of the hazardous wastes and who proposes shipment of the hazardous wastes to the United States for recovery or disposal operations.

(11) "Foreign importer" means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the exported hazardous waste is received in the country of import.

(12) "Foreign receiving facility" means a facility which, under the importing country's applicable domestic law, is operating or is authorized to operate in the country of import to receive the hazardous wastes and to perform recovery or disposal operations on them.

(13) "Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the purposes of recovery or disposal operations therein.

(14) "Importer" means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the imported hazardous waste is received in the United States.

(15) "OECD area" means all land or marine areas under the national jurisdiction of any OECD member country. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

(16) "OECD" means the Organization for Economic Cooperation and Development.

(17) "OECD member country" means the countries that are members of the OECD and participate in the Amended 2001 OECD Decision.

**Note:** EPA provides a list of OECD member countries at <https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-waste>.

(18) "Receiving facility" means a U.S. facility which, under RCRA and other applicable domestic laws, is operating or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them.

(19) "Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use or alternative uses, which includes all of the following:

- (a) R1 Use as a fuel, other than in direct incineration, or other means to generate energy.
- (b) R2 Solvent reclamation/regeneration.
- (c) R3 Recycling/reclamation of organic substances that are not used as solvents.
- (d) R4 Recycling/reclamation of metals and metal compounds.
- (e) R5 Recycling/reclamation of other inorganic materials.
- (f) R6 Regeneration of acids or bases.
- (g) R7 Recovery of components used for pollution abatement.
- (h) R8 Recovery of components used from catalysts.
- (i) R9 Used oil re-refining or other reuses of previously used oil.
- (j) R10 Land treatment resulting in benefit to agriculture or ecological improvement.
- (k) R11 Uses of residual materials obtained from any of the operations numbered R1 through R10 or RC14, for transboundary shipments with Canada only.
- (L) R12 Exchange of wastes for submission to any of the operations numbered R1 through R11 or RC14, for transboundary shipments with Canada only.
- (m) R13 Accumulation of material intended for any operation numbered R1 through R12 or RC14, for transboundary shipments with Canada only.
- (n) RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 to R10, for transboundary shipments with Canada only.
- (o) RC15 Testing of a new technology to recycle a hazardous recyclable material, for transboundary shipments with Canada only.
- (p) RC16 Interim storage prior to any of operations R1 to R11 or RC14, for transboundary shipments with Canada only.

(20) "Transboundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.082 General conditions. (1) SCOPE.** The level of control for exports and imports of waste is indicated by assignment of the waste to either a list of wastes subject to the Green control procedures or a list of wastes subject to the Amber control procedures and whether the waste is or is not hazardous waste. The OECD Green and Amber lists are incorporated by reference in 40 CFR 260.11.

(a) *Green list wastes.* 1. Green wastes that are not hazardous wastes are subject to existing controls normally applied to commercial transactions, and are not subject to the requirements of this subchapter.

2. Green wastes that are hazardous wastes are subject to the requirements of this subchapter.

(b) *Amber list wastes.* 1. Amber wastes that are hazardous wastes are subject to the requirements of this subchapter. When Amber wastes are imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export, the following regulations apply:

**Note:** Some Amber list wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of this subchapter. Regardless of the status of the waste under RCRA, however, other Federal environmental statutes, such as the Toxic Substances Control Act, restrict certain waste imports or exports. Such restrictions continue to apply with regard to this subchapter.

- a. For exports, the exporter shall comply with s. NR 662.083.
- b. For imports, the recovery or disposal facility and the importer shall comply with s. NR 662.084.

2. Amber wastes that are not hazardous wastes, but are considered hazardous by the other country are subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of this subchapter. All responsibilities of the importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

(c) *Mixtures of wastes.* 1. A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of this subchapter.

**Note:** The regulated community should note that some countries may require, by domestic law, that mixtures of different Green wastes be subject to the Amber control procedures.

2. A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes, such that the resulting waste mixture is hazardous waste is subject to the requirements of this subchapter.

**Note:** The regulated community should note that some countries may require, by domestic law, that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

(d) *Wastes not yet assigned to an OECD list.* Wastes not yet assigned to an OECD waste list are eligible for transboundary movements, as follows:

1. If the wastes are hazardous wastes, the wastes are subject to the requirements of this subchapter.
2. If the wastes are not hazardous wastes, the wastes are not subject to the requirements of this subchapter.

(2) **GENERAL CONDITIONS APPLICABLE TO TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTE.** (a) The hazardous waste shall be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import.

(b) The transboundary movement shall be in compliance with applicable international transport agreements.

**Note:** These international agreements include the 1944 Chicago Convention, 1957 ADR, 1970 ADN, 1973 and 1978 MARPOL Convention, 1974 SOLAS Convention, 1985 IMDG Code, 1985 COTIF, and the 1985 RID.

(c) Any transit of hazardous waste through one or more countries shall be conducted in compliance with all applicable international and national laws and regulations.

(3) **DUTY TO RETURN WASTES SUBJECT TO THE AMBER CONTROL PROCEDURES DURING TRANSIT THROUGH THE UNITED STATES.** When a transboundary movement of hazardous wastes transiting the United States and subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste shall be returned to the country of export. The U.S. transporter shall inform EPA at the mailing address specified in sub. (5) of the need to return the shipment. EPA will then inform the competent

authority of the country of export, citing the reasons for returning the waste. The U.S. transporter shall complete the return within 90 days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned countries.

(4) **LABORATORY ANALYSIS EXEMPTION.** Export or import of a hazardous waste sample is exempt from the requirements of this subchapter if the sample is destined for laboratory analysis to assess its physical or chemical characteristics, or to determine its suitability for recovery or disposal operations, does not exceed 25 kilograms in quantity, is appropriately packaged and labeled, and complies with the conditions under s. NR 661.0004 (4) or (5).

(5) **EPA ADDRESS FOR SUBMITTALS BY POSTAL MAIL OR HAND DELIVERY.** Submittals required in this subchapter to be made by postal mail or hand delivery shall be sent to the following addresses:

(a) For postal mail delivery, the Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, 1200 Pennsylvania Avenue N.W., Washington, DC 20460.

(b) For hand-delivery, the Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, William Jefferson Clinton South Building, Room 6144, 1200 Pennsylvania Ave. N.W., Washington, DC 20004.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.083 Exports of hazardous waste.** (1) **GENERAL EXPORT REQUIREMENTS.** Except as provided in pars. (e) and (f), exporters that have received an AOC from EPA before December 31, 2016, are subject to that approval and the requirements listed in the AOC that existed at the time of that approval until such time the approval period expires. All other exports of hazardous waste are prohibited unless:

(a) The exporter complies with the contract requirements specified in sub. (6).

(b) The exporter complies with the notification requirements specified in sub. (2).

(c) The exporter receives an AOC from EPA documenting consent from the countries of import and transit, and original country of export if exporting previously imported hazardous waste.

(d) The exporter ensures compliance with the movement documentation requirements specified in sub. (4).

(e) The exporter ensures compliance with the manifest instructions for export shipments specified in sub. (3).

(f) The exporter or a U.S. authorized agent does the following as applicable:

1. For shipments initiated prior to the AES filing compliance date of December 31, 2017, does one of the following:

a. Submits Electronic Export Information or EEI for each shipment to the Automated Export System or AES or its successor system, under the International Trade Data System or ITDS platform, in accordance with 15 CFR 30.4 (b), and includes the other information required under 15 CFR 30.6 and all of the following items in the EEI: EPA license code; commodity classification code for each hazardous waste per 15 CFR 30.6 (a) (12); EPA consent number for each hazardous waste; country of ultimate destination code per 15 CFR 30.6 (a) (5); date of export per 15 CFR 30.6 (a) (2); RCRA hazardous waste manifest tracking number, if required; quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6 (a) (15); or EPA net quantity for each hazardous waste reported in units of kilograms

if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

b. Complies with a paper-based process by doing the following: attaching a paper copy of the EPA Acknowledgment of Consent international movement document to the manifest, or shipping papers if a manifest is not required, which shall accompany the hazardous waste shipment. For bulk shipment exports by rail or water, the primary exporter shall provide the transporter with the paper documentation of consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by bulk water shipment the primary exporter shall attach the paper documentation of consent to the shipping paper. Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with s. NR 663.20 (7) (d) 2.

2. For shipments initiated on or after the AES filing compliance date of December 31, 2017, submits EEI for each shipment to the AES or its successor system, under the ITDS platform, in accordance with 15 CFR 30.4 (b), and includes the other information required under 15 CFR 30.6 and all of the following items in the EEI: EPA license code; commodity classification code for each hazardous waste per 15 CFR 30.6 (a) (12); EPA consent number for each hazardous waste; country of ultimate destination code per 15 CFR 30.6 (a) (5); date of export per 15 CFR 30.6 (a) (2); RCRA hazardous waste manifest tracking number, if required; quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6 (a) (15); or EPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

(2) **NOTIFICATIONS.** (a) *General notifications.* At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to EPA of the proposed transboundary movement. Notifications shall be submitted electronically using EPA's waste import export tracking system, or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and shall include all of the following information:

1. Exporter name and EPA identification number, address, telephone, fax number, and email address.

2. Foreign receiving facility name, address, telephone, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.

3. If not the owner or operator of the foreign receiving facility, then the foreign importer name, address, telephone number, fax number, and email address.

4. Intended transporter and/or their agent; address, telephone number, fax number, and email address.

5. "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. port of exit.

6. The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit.

7. The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of entry for the country of import.

8. Statement of whether the notification covers a single shipment or multiple shipments.

9. Start and end dates requested for transboundary movements.

10. Means of transport planned to be used.

11. A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under ch. NR 673, or the state equivalent, spent lead-acid batteries being exported for recovery of lead under subch. G of ch. NR 666, or the state equivalent, or industrial ethyl alcohol being exported for reclamation under s. NR 661.0006 (1) (c) 1.; estimated total quantity of each waste in either metric tons or cubic meters; the applicable RCRA waste codes for each hazardous waste; the applicable OECD waste code from the lists incorporated by reference in 40 CFR 260.11; and the United Nations and U.S. Department of Transportation ID number for each waste.

12. Specification of the recovery or disposal operations as defined in s. NR 662.081.

13. Certification/Declaration signed by the exporter that states: I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

(b) *Exports to pre-consented recovery facilities in OECD member countries.* If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to 3 years of shipments. Notifications proposing export to a pre-consented facility in an OECD member country shall include all information listed in sub. (2) (a) 1. to 13. and additionally state that the facility is pre-consented. An exporter shall submit the notification to EPA using the allowable methods listed in sub. (2) (a) at least 10 days before the first shipment is expected to leave the United States.

(c) *Notifications listing interim recycling operations or interim disposal operations.* If the foreign receiving facility listed in par. (a) 2. will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC16, or interim disposal operations D13 to D14, or DC17, the notification submitted under par. (a) shall also include the final foreign recovery or disposal facility name, address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC14 to RC15, D1 through D12, and DC15 to DC16 will be employed at the final foreign recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

(d) *Renotifications.* When the exporter wishes to change any of the information specified on the original notification, including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters, the exporter shall submit a renotification of the changes to EPA using the allowable methods specified in par. (a). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an EPA AOC letter documenting the countries' consents to the changes.

(e) *Disposal operations are not covered under an international agreement.* For cases where the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, EPA will coordinate with the department of state to provide the complete notification to the country

of import and any countries of transit. In all other cases, EPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when EPA receives a notification that EPA determines satisfies the requirements under par. (a) 1. to 13.

(f) *Consent to the proposed transboundary movements.* When the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, EPA will forward an EPA AOC letter to the exporter documenting the countries' consents. When any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, EPA will notify the exporter.

(g) *Recycling or disposal operations in a third country.* Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements specified in s. NR 662.083, including providing notification to EPA in accordance with par. (a). In addition to listing all required information under par. (a) 1. to 13., the exporter shall provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from EPA documenting the consent of the competent authorities in the new country of import, the original country of export, and any transit countries prior to re-export.

(h) *Additional information.* Upon request by EPA, the exporter shall furnish to EPA any additional information the country of import requests in order to respond to a notification.

**(3) RCRA MANIFEST INSTRUCTIONS FOR EXPORT SHIPMENTS.** The exporter shall comply with the manifest requirements specified in ss. NR 662.020 to 662.023 except that:

(a) In lieu of the name, site address and EPA ID number of the designated permitted facility, the exporter shall enter the name and site address of the foreign receiving facility.

(b) In the International Shipments block, the exporter shall check the export box and enter the U.S. port of exit, city and state, from the United States.

(c) The exporter shall list the consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use a continuation sheet of EPA Form 8700-22A.

(d) The exporter may obtain the manifest from any source that is registered with the EPA as a supplier of manifests.

**(4) MOVEMENT DOCUMENT REQUIREMENTS FOR EXPORT SHIPMENTS.** (a) All exporters shall ensure that a movement document meeting the conditions under par. (b) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until it reaches the foreign receiving facility, including cases in which the hazardous waste is stored or sorted by the foreign importer prior to shipment to the foreign receiving facility, except as provided in subds. 1. and 2.

1. For shipments of hazardous waste within the United States solely by bulk water shipments, the exporter shall forward the movement document to the last bulk water shipment transporter to handle the hazardous waste in the United States if exported by water.

2. For rail shipments of hazardous waste within the United States that start from the company originating the export shipment, the exporter shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.

(b) The movement document shall include all of the following:

1. The corresponding consent numbers and hazardous waste numbers for the listed hazardous waste from the relevant EPA AOC.

2. The shipment number and the total number of shipments from the EPA AOC.

3. The exporter name and EPA identification number, address, telephone number, fax number, and email address.

4. The foreign receiving facility name, address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.

5. If not the owner or operator of the foreign receiving facility, then the foreign importer name, address, telephone number, fax number, and email address.

6. A description of each hazardous waste; quantity of each hazardous waste in the shipment; applicable RCRA hazardous waste codes for each hazardous waste; applicable OECD waste code for each hazardous waste from the lists incorporated by reference in 40 CFR 260.11; and the United Nations and U.S. Department of Transportation ID number for each hazardous waste.

7. The date movement commenced.

8. If not the exporter, then the name, address, telephone number, fax number, and email of the company originating the shipment.

9. The company name, EPA ID number, address, telephone number, fax, and email address of all transporters.

10. Identification, such as license, registered name or registration number, of the means of transport, including types of packaging.

11. Any special precautions to be taken by transporter.

12. A certification or declaration signed and dated by the exporter that the information in the movement document is complete and correct.

13. Appropriate signatures for each custody transfer.

14. Each U.S. person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility shall sign the movement document.

15. As part of the contract requirements under sub. (6), the exporter shall require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within 3 working days of shipment delivery to the exporter, to the competent authorities of the countries of import and transit, and for shipments occurring on or after the electronic import-export reporting compliance date, the exporter shall additionally require that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in sub. (2) (a).

**(5) DUTY TO RETURN OR RE-EXPORT HAZARDOUS WASTES.** When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter shall ensure that the hazardous waste is returned to the United States or re-exported to a third country. If the waste shall be returned, the exporter shall provide for the return of the hazardous waste shipment within 90 days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned countries agree. In all cases, the exporter shall submit an exception report to EPA in accordance with sub. (8).

**(6) EXPORT CONTRACT REQUIREMENTS.** (a) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements, such as when movement occurs between parties controlled by the same corporate or legal entity. Contracts or equivalent arrangements shall be executed by the exporter, foreign importer, if different from the foreign receiving facility, and the owner or operator of the foreign receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appro-

appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

(b) Contracts or equivalent arrangements shall specify the name and EPA ID number, where available, of all of the following:

1. The company from where each export shipment of hazardous waste is initiated.

2. Each person who will have physical custody of the hazardous wastes.

3. Each person who will have legal control of the hazardous wastes.

4. The foreign receiving facility.

(c) Contracts or equivalent arrangements shall specify which party to the contract will assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts shall specify all of the following:

1. That the transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, EPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements.

2. That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of hazardous wastes and, as the case may be, shall provide the notification for re-export to the competent authority in the country of import and include the equivalent of the information required in sub. (2) (a), the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from EPA and the competent authorities in the new country of import and any transit countries prior to re-export.

(d) Contracts shall specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within 3 working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in sub. (2) (a) on or after that date.

(e) Contracts shall specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign receiving facility send a copy to EPA at the same time using the allowable methods listed in sub. (2) (a) on or after that date.

(f) Contracts shall specify that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC17, recovery and disposal operations defined in s. NR 662.081, as appropriate, shall do all of the following:

1. Provide the notification required in par. (c) 2. prior to any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country.

2. Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16, or one of disposal operations D1 through D12, DC15 or DC16 to the competent authority of the

country of import. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts shall additionally specify that the foreign facility send copies to EPA at the same time using the allowable method listed in sub. (2) (a) on or after that date.

(g) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in accordance with applicable national or international law requirements.

**Note:** Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with such requirements. In some cases, persons or facilities located in those OECD member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(h) Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with all applicable requirements of this subchapter.

(i) Upon request by EPA, U.S. exporters, importers, or recovery facilities shall submit to EPA copies of contracts, chain of contracts, or equivalent arrangements, such as when movement occurs between parties controlled by the same corporate or legal entity.

**(7) ANNUAL REPORTS.** The exporter shall file an annual report with EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. Prior to one year after the AES filing compliance date, the exporter shall mail or hand-deliver annual reports to EPA using one of the addresses specified in s. NR 662.082 (5), or submit to EPA using the allowable methods specified in sub. (2) (a) if the exporter has electronically filed EPA information in AES, or its successor system, under sub. (1) (f) 1. a. for all shipments made the previous calendar year. Subsequently, the exporter shall submit annual reports to EPA using the allowable methods specified in sub. (2) (a). The annual report shall include all of the following:

(a) The EPA identification number, name, and mailing and site address of the exporter filing the report.

(b) The calendar year covered by the report.

(c) The name and site address of each foreign receiving facility.

(d) By foreign receiving facility, for each hazardous waste exported:

1. A description of the hazardous waste.
2. The applicable EPA hazardous waste codes for each waste.
3. The applicable waste code from the appropriate OECD waste list incorporated by reference in 40 CFR 260.11.
4. The applicable DOT ID number.
5. The name and EPA ID number, where applicable, for each transporter used over the calendar year covered by the report.
6. The consent number under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report.

(e) In even-numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms but less than 1,000 kilograms in a calendar month, and except for hazardous waste for which information was already provided according to s. NR 662.041:

1. A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated.
2. A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous

years to the extent such information is available for years prior to 1984.

(f) A certification signed by the exporter that states: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

**(8) EXCEPTION REPORTS.** (a) The exporter shall file an exception report with EPA in lieu of the requirements specified in s. NR 662.042, if applicable, if any of the following occurs:

1. The exporter has not received a copy of the RCRA hazardous waste manifest, if applicable, signed by the transporter identifying the point of departure of the hazardous waste from the United States, within 45 days from the date it was accepted by the initial transporter, in which case the exporter shall file the exception report within the next 30 days.

2. The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with sub. (4) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter shall file the exception report within the next 30 days.

3. The foreign receiving facility notifies the exporter, or the country of import notifies EPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter shall file the exception report within 30 days of notification, or one day prior to the date the return shipment commences, whichever is sooner.

(b) Prior to the electronic import-export reporting compliance date, exception reports shall be mailed or hand delivered to EPA using the addresses listed in s. NR 662.082 (5). Subsequently, exception reports shall be submitted to EPA using the allowable methods listed in sub. (2) (a).

**(9) RECORDKEEPING.** (a) The exporter shall keep the following records and provide them to EPA or the department upon request:

1. A copy of each notification of intent to export and each EPA AOC for a period of at least 3 years from the date the hazardous waste was accepted by the initial transporter.

2. A copy of each annual report for a period of at least 3 years from the due date of the report.

3. A copy of any exception reports and a copy of each confirmation of receipt, or movement document, sent by the foreign receiving facility to the exporter for at least 3 years from the date the hazardous waste was accepted by the initial transporter.

4. A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least 3 years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment.

5. A copy of each contract or equivalent arrangement established under s. NR 662.085 for at least 3 years from the expiration date of the contract or equivalent arrangement.

(b) An exporter may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on EPA's waste import export tracking system, or its successor system, provided that copies are readily available for viewing and production if requested by EPA or any authorized state inspector. No exporter may be held liable for the inability to produce such documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's waste import export tracking system, or its successor system for which the exporter bears no responsibility.



(c) The periods of 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 EPA administrator.

**History:** CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (intro.), (2) (c) to (e), (g), (6) (f) 1. made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.084 Imports of hazardous waste. (1) GENERAL IMPORT REQUIREMENTS.** (a) With the exception of par. (e), an importer of a shipment covered under a consent from EPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until such time the approval period expires. Otherwise, any other person who imports hazardous waste from a foreign country into the United States shall comply with the requirements of this chapter and the special requirements of this subchapter.

(b) In cases where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer shall submit a notification to EPA in accordance with sub. (2).

(c) The importer shall comply with the contract requirements specified in sub. (6).

(d) The importer shall ensure compliance with the movement documents requirements specified in sub. (4).

(e) The importer shall ensure compliance with the manifest instructions for import shipments specified in sub. (3).

**(2) NOTIFICATIONS.** In cases where the competent authority of the country of export does not regulate the waste as hazardous waste and, thus, does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, but EPA does regulate the waste as hazardous waste:

(a) The importer is required to provide notification in English to EPA of the proposed transboundary movement of hazardous waste at least 60 days before the first shipment is expected to depart the country of export. Notifications submitted prior to the electronic import-export reporting compliance date shall be mailed or hand delivered to EPA at the addresses specified in s. NR 662.082 (5). Notifications submitted on or after the electronic import-export reporting compliance date shall be submitted electronically using EPA's waste import export tracking system, or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and shall include all of the following information:

1. Foreign exporter name, address, telephone number, fax number, and email address.
2. Receiving facility name, EPA ID number, address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.
3. If not the owner or operator of the receiving facility, then the importer name, EPA ID number, address, telephone number, fax number, and email address.
4. Intended transporters and/or their agents, with address, telephone number, fax number, and email address.
5. "U.S." as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry.
6. The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and the ports of entry and exit for each country of transit.
7. The ISO standard 3166 country name 2-digit code, OECD/Basel competent authority code, and port of exit for the country of export.
8. Statement of whether the notification covers a single shipment or multiple shipments.

9. Start and end dates requested for transboundary movements.

10. Means of transport planned to be used.

11. Descriptions of each hazardous waste, including whether each hazardous waste is regulated universal waste under ch. NR 673, spent lead-acid batteries being exported for recovery of lead under subch. G of ch. NR 666, or industrial ethyl alcohol being exported for reclamation under s. NR 661.0006 (1) (c) 1.; estimated total quantity of each hazardous waste; the applicable RCRA hazardous waste codes for each hazardous waste; the applicable OECD waste code from the lists incorporated by reference in 40 CFR 260.11; and the United Nations and U.S. department of transportation ID number for each hazardous waste.

12. Specification of the recovery or disposal operations as defined in s. NR 662.081.

13. Certification/Declaration signed by the importer that states: I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.

Name:

Signature:

Date:

**Note:** The United States does not currently require financial assurance for these waste shipments.

(b) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in par. (a) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to par. (a) shall also include the final recovery or disposal facility name, address, telephone number, fax number, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

(c) When the foreign exporter wishes to change any of the conditions specified on the original notification, including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters, the importer shall submit a renotification of the changes to EPA using the allowable methods specified in par. (a). Any shipment using the requested changes cannot take place until EPA and the countries of transit consent to the changes and the importer receives an EPA AOC letter documenting the consents to the changes.

(d) A notification is complete when EPA determines the notification satisfies the requirements under par. (a) 1. to 13.

(e) Where EPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, EPA will forward an EPA AOC letter to the importer documenting the countries' consents and EPA's consent. When any of the countries of transit or EPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, EPA will notify the importer.

(f) Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements specified in s. NR 662.083 (2) (g).

**(3) RCRA MANIFEST INSTRUCTIONS FOR IMPORT SHIPMENTS.** (a) When importing hazardous waste, the importer shall meet all of the requirements under s. NR 662.020 for the manifest except that:

1. In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number shall be used.

2. In place of the generator's signature on the certification statement, the importer or the importer's agent shall sign and date the certification and obtain the signature of the initial transporter.

(b) The importer may obtain the manifest form from any source that is registered with the EPA as a supplier of manifests.

(c) In the International Shipments block, the importer shall check the import box and enter the point of entry, city and state, into the United States.

(d) The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to EPA in accordance with ss. NR 664.0071 (1) (c) and 665.0071 (1) (c).

(e) In lieu of the requirements under s. NR 662.020 (4), where a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, email or mail to do all of the following:

1. Return the hazardous waste to the foreign exporter or designate another facility within the United States.

2. Revise the manifest in accordance with the importer's instructions.

**(4) MOVEMENT DOCUMENT REQUIREMENTS FOR IMPORT SHIPMENTS.** (a) The importer shall ensure that a movement document meeting the conditions under par. (b) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer prior to shipment to the receiving facility, except as follows:

1. For shipments of hazardous waste within the United States by water, bulk shipments only, the importer shall forward the movement document to the last water, bulk shipment, transporter to handle the hazardous waste in the United States if imported by water.

2. For rail shipments of hazardous waste within the United States that start from the company originating the export shipment, the importer shall forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

(b) The movement document shall include all of the following:

1. The corresponding AOC number and waste number for the listed waste.

2. The shipment number and the total number of shipments under the AOC number.

3. Foreign exporter name, address, telephone number, fax number, and email address.

4. Receiving facility name, EPA ID number, address, telephone number, fax number, email address, technologies employed, and the applicable recovery or disposal operations as defined in s. NR 662.081.

5. If not the owner or operator of the receiving facility, then the importer name, EPA ID number, address, telephone number, fax number, and email address.

6. Descriptions of each hazardous waste, quantity of each hazardous waste in the shipment, applicable RCRA hazardous waste codes for each hazardous waste, the applicable OECD waste code for each hazardous waste from the lists incorporated by reference in 40 CFR 260.11, and the United Nations and U.S. Department of Transportation ID number for each hazardous waste.

7. Date movement commenced.

8. If not the foreign exporter, then the name, address, telephone number, fax number, and email of the foreign company originating the shipment.

9. Company name, EPA ID number, address, telephone number, fax number, and email address of all transporters.

10. Identification, including license, registered name or registration number, of means of transport, including types of packaging.

11. Any special precautions to be taken by transporter.

12. Certification/declaration signed and dated by the foreign exporter that the information in the movement document is complete and correct.

13. Appropriate signatures for each custody transfer.

14. Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility shall sign the movement document.

15. The receiving facility shall send a copy of the signed movement document to confirm receipt within 3 working days of shipment delivery to the foreign exporter, to the competent authorities of the countries of export and transit, and for shipments received on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's waste import export tracking system, or its successor system.

**(5) DUTY TO RETURN OR EXPORT HAZARDOUS WASTES.** When a transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or the consent, the provisions under sub. (6) (d) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste shall be returned to the country of export or exported to a third country. The provisions under sub. (2) (f) apply to any hazardous waste shipment to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

**(6) IMPORT CONTRACT REQUIREMENTS.** (a) Imports of hazardous waste shall occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements, such as when the movement occurs between parties controlled by the same corporate or legal entity. Such contracts or equivalent arrangements shall be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and shall specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

(b) Contracts or equivalent arrangements shall specify the name and EPA ID number, where available, of all of the following:

1. The foreign company from where each import shipment of hazardous waste is initiated.

2. Each person who will have physical custody of the hazardous wastes.

3. Each person who will have legal control of the hazardous wastes.

4. The receiving facility.

(c) Contracts or equivalent arrangements shall specify the use of a movement document in accordance with sub. (4).

(d) Contracts or equivalent arrangements shall specify which party to the contract will assume responsibility for alternate management of the hazardous wastes if their disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In such cases, contracts shall specify all of the following:

1. The transporter or receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the foreign exporter and importer, and the competent authority where the shipment is located of the need to arrange alternate management or return.

2. The person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in

compliance with applicable laws and regulations including, if necessary, arranging the return of the hazardous wastes and, as the case may be, shall provide the notification for re-export required in s. NR 662.083 (b) (7).

(e) Contracts shall specify that the importer or the receiving facility that performed interim recycling operations R12, R13, or RC16, or interim disposal operations D13 through D15 or DC15 to DC17, as appropriate, will provide the notification required in s. NR 662.083 (2) (g) prior to the re-export of hazardous wastes. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

(f) Contracts or equivalent arrangements shall include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

**Note:** Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with such requirements. In some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

(g) Contracts or equivalent arrangements shall contain provisions requiring each contracting party to comply with all applicable requirements of this subchapter.

(h) Upon request by EPA, importers or disposal or recovery facilities shall submit to EPA copies of contracts, chain of contracts, or equivalent arrangements, such as when the movement occurs between parties controlled by the same corporate or legal entity.

**(7) CONFIRMATION OF RECOVERY OR DISPOSAL.** The receiving facility shall do all of the following:

(a) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than 30 days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's waste import export tracking system or its successor system.

(b) If the receiving facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC14 to RC15, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export, and for confirmations received on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's waste import export tracking system, or its successor system. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

**(8) RECORDKEEPING.** (a) The importer shall keep all of the following records and provide them to EPA or the department upon request:

1. A copy of each notification that the importer sends to EPA under sub. (2) (a) and each EPA AOC it receives in response for a period of at least 3 years from the date the hazardous waste was accepted by the initial foreign transporter.

2. A copy of each contract or equivalent arrangement established under sub. (6) for at least 3 years from the expiration date of the contract or equivalent arrangement.

(b) The receiving facility shall keep all of the following records:

1. A copy of each confirmation of receipt, or movement document, that the receiving facility sends to the foreign exporter for at least 3 years from the date it received the hazardous waste.

2. A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least 3 years from the date that it completed processing the waste shipment.

3. For the receiving facility that performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least 3 years from the date that the final recovery or disposal facility completed processing the waste shipment. The recovery and disposal operations in this paragraph are defined in s. NR 662.081.

4. A copy of each contract or equivalent arrangement established under sub. (6) for at least 3 years from the expiration date of the contract or equivalent arrangement.

(c) Importers and receiving facilities may satisfy these record-keeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on EPA's waste import export tracking system, or its successor system, provided that copies are readily available for viewing and production if requested by EPA or any authorized state inspector. No importer or receiving facility may be held liable for the inability to produce such documents for inspection under this section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's waste import export tracking system, or its successor system for which the importer or receiving facility bears no responsibility.

(d) The periods of 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 EPA administrator.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (2) (a) 9., (b), (c), (3) (d), (6) (c) made under s. 35.17, Stats., Register August 2020 No. 776.

### **Subchapter K — Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities**

**NR 662.200 Definitions:** The following definitions apply to this subchapter:

**(1)** "College or university" means a private or public, post-secondary, degree-granting, academic institution that is accredited by an accrediting agency listed annually by the U.S. department of education.

**(2)** "Eligible academic entity" means a college or university, or a non-profit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.

**(3)** "Formal written affiliation agreement" for a non-profit research institute means a written document that establishes a relationship between institutions for the purposes of research or education and is signed by authorized representatives, as defined in s. NR 660.10 (6), from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. A formal written affiliation agreement for a teaching hospital means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.

**(4)** "Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching

or research, or diagnostic purposes at a teaching hospital, and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories, or diagnostic laboratories at teaching hospitals, are also considered laboratories.

(5) "Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis, at the end of a semester or academic year, or as a result of a renovation, relocation, or change in laboratory supervisor or occupant.

**Note:** A regularly scheduled removal of unwanted material as required under s. NR 662.208 does not qualify as a laboratory clean-out.

(6) "Laboratory worker" means a person who handles chemicals or unwanted material in a laboratory and may include faculty, staff, post-doctoral fellows, interns, researchers, technicians, supervisors or managers, and principal investigators. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be considered a laboratory worker. Undergraduate and graduate students in a supervised classroom setting are not laboratory workers.

(7) "Non-profit research institute" means an organization that conducts research as its primary function and files as a non-profit organization under the tax code of 26 USC 501 (c) (3).

(8) "Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in s. NR 661.0033 (5) for reactivity.

(9) "Teaching hospital" means a hospital that trains students to become physicians, nurses or other health or laboratory personnel.

(10) "Trained professional" means a person who has completed the applicable RCRA training requirements under s. NR 662.017 for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with s. NR 662.016 for small quantity generators and very small quantity generators. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

(11) "Unwanted material" means any chemical, mixtures of chemicals, products of experiments or other material from a laboratory that is no longer needed, wanted or usable in the laboratory and that is destined for hazardous waste determination by a trained professional. Unwanted materials include reactive acutely hazardous unwanted materials and materials that may eventually be determined not to be solid waste under s. NR 661.0002, or a hazardous waste under s. NR 661.0003. If an eligible academic entity elects to use another equally effective term in lieu of "unwanted material," as allowed under s. NR 662.206 (1) (a) 1., the equally effective term has the same meaning and is subject to the same requirements as "unwanted material" under this subchapter.

(12) "Working container" means a container that is 2 gallons or less, that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.201 Applicability of this subchapter.**

(1) LARGE QUANTITY GENERATORS AND SMALL QUANTITY GENERATORS. This subchapter provides alternative requirements to the requirements specified in ss. NR 662.011 and 662.015 for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to

be subject to this subchapter, provided that they complete the notification requirements under s. NR 662.203.

(2) VERY SMALL QUANTITY GENERATORS. This subchapter provides alternative requirements to the conditional exemption specified in s. NR 662.014 for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this subchapter, provided that they complete the notification requirements under s. NR 662.203.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.202 This subchapter is optional.**

(1) LARGE QUANTITY GENERATORS AND SMALL QUANTITY GENERATORS. An eligible academic entity has the option of complying with this subchapter with respect to its laboratories, as an alternative to complying with the requirements under ss. NR 662.011 and 662.015.

(2) VERY SMALL QUANTITY GENERATORS. An eligible academic entity has the option of complying with this subchapter with respect to laboratories, as an alternative to complying with the conditional exemption under s. NR 662.014.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.203 How an eligible academic entity indicates it will be subject to the requirements of this subchapter.**

(1) An eligible academic entity shall notify the department in writing, using the RCRA Subtitle C site identification form EPA form 8700-12, that it is electing to be subject to the requirements of this subchapter for all the laboratories owned by the eligible academic entity under the same EPA identification number. An eligible academic entity that is a very small quantity generator and does not have an EPA identification number shall notify the department that it is electing to be subject to the requirements of this subchapter for all the laboratories owned by the eligible academic entity that are on-site, as defined in s. NR 660.10 (85). An eligible academic entity shall submit a separate site identification form for each EPA identification number, or site, for very small quantity generators, that is electing to be subject to the requirements of this subchapter, and shall submit the site identification form before it begins operating under this subchapter.

(2) When submitting the site identification form, the eligible academic entity shall, at a minimum, complete all of the following fields on the form:

- (a) Reason for submittal.
- (b) Site EPA identification number, except for very small quantity generators.
- (c) Site name.
- (d) Site location information.
- (e) Site land type.
- (f) North American Industry Classification System or NAICS code for the site.
- (g) Site mailing address.
- (h) Site contact person.
- (i) Operator and legal owner of the site.
- (j) Type of regulated waste activity.
- (k) Certification.

(3) An eligible academic entity shall keep a copy of the notification on file at the eligible academic entity for as long as its laboratories are subject to this subchapter.

(4) A teaching hospital that is not owned by a college or university shall keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this subchapter.

(5) A non-profit research institute that is not owned by a college or university shall keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit

research institute for as long as its laboratories are subject to this subchapter.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.204 How an eligible academic entity indicates it will withdraw from the requirements of this subchapter.** (1) An eligible academic entity shall notify the department in writing, using the RCRA Subtitle C site identification form EPA form 8700-12, that it is electing to no longer be subject to the requirements of this subchapter for all the laboratories owned by the eligible academic entity under the same EPA identification number and that it will comply with the requirements under ss. NR 662.011 and 662.015 for small quantity generators and large quantity generators. An eligible academic entity that is a very small quantity generator and does not have an EPA identification number shall notify the department that it is withdrawing from the requirements of this subchapter for all the laboratories owned by the eligible academic entity that are on-site and that it will comply with the conditional exemption specified in s. NR 662.014. An eligible academic entity shall submit a separate site identification form for each EPA identification number, or site, for very small quantity generators, that is withdrawing from the requirements of this subchapter and shall submit the site identification form before it begins operating under the standards specified in ss. NR 662.011 and 662.015 for small quantity generators and large quantity generators or s. NR 662.014 for very small quantity generators.

(2) When submitting the site identification form, the eligible academic entity shall, at a minimum, complete all of the following fields on the form:

- (a) Reason for submittal.
- (b) Site EPA identification number, except for conditionally exempt small quantity generators.
- (c) Site name.
- (d) Site location information.
- (e) Site land type.
- (f) North American Industry Classification System or NAICS code for the site.
- (g) Site mailing address.
- (h) Site contact person.
- (i) Operator and legal owner of the site.
- (j) Type of regulated waste activity.
- (k) Certification.

(3) An eligible academic entity shall keep a copy of the withdrawal notice on file at the eligible academic entity for 3 years from the date of the notification.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.205 Summary of the requirements of this subchapter.** An eligible academic entity that chooses to be subject to this subchapter is not required to have an interim or operating license issued under ch. NR 670 for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this subchapter and the eligible academic entity has a laboratory management plan or LMP in accordance with s. NR 662.214 that describes how the laboratories owned by the eligible academic entity will comply with the requirements of this subchapter.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.206 Labeling and management standards for containers of unwanted material in the laboratory.** An eligible academic entity shall manage containers of unwanted material while in the laboratory in accordance with all of the following requirements:

(1) **LABELING.** An eligible academic entity shall label unwanted material as follows:

(a) All of the following information shall be affixed or attached to the container:

1. The words “unwanted material” or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in part I of the laboratory management plan.

2. Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include:

- a. The name of the chemical.
- b. The type or class of chemical, such as organic solvents or halogenated organic solvents.

(b) The following information may be affixed or attached to the container, but shall at a minimum be associated with the container:

1. The date that the unwanted material first began accumulating in the container.

2. Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid or hazardous waste and to assign the proper hazardous waste code, under s. NR 662.011. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid or hazardous waste include:

- a. The name and description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction.
- b. Whether the unwanted material has been used or is unused.
- c. A description of the manner in which the chemical was produced or processed, if applicable.

(2) **MANAGEMENT OF CONTAINERS IN THE LABORATORY.** An eligible academic entity shall properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management shall include all of the following:

(a) Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired.

(b) Containers are compatible with their contents to avoid reactions between the contents and the container; and are made of, or lined with, material that is compatible with the unwanted material so that the container’s integrity is not impaired.

(c) Containers shall be kept closed at all times, except for any of the following:

1. When adding, removing or bulking unwanted material.
2. A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container shall either be closed or the contents emptied into a separate container that is then closed.
3. When venting of a container is necessary under any of the following conditions:

a. For the proper operation of laboratory equipment, such as with in-line collection of unwanted materials from high performance liquid chromatographs.

b. To prevent dangerous situations, such as build-up of extreme pressure.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.207 Training.** An eligible academic entity shall provide training to all individuals working in a laboratory at the eligible academic entity and maintain documentation, as follows:

(1) Training for laboratory workers and students shall be commensurate with their duties so they understand the requirements in this subchapter and can implement them.

(2) The required training under this subsection may include any of the following:

- (a) Instruction by the professor or laboratory manager before or during an experiment.
- (b) Formal classroom training.
- (c) Electronic or written training.
- (d) On-the-job training.
- (e) Written or oral exams.

(3) An eligible academic entity that is a large quantity generator shall maintain documentation for the durations specified in s. NR 665.16 (5) demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training include:

- (a) Sign-in or attendance sheet for training session.
- (b) Syllabus for training session.
- (c) Certificate of training completion.
- (d) Test results.

(4) A trained professional shall do all of the following:

(a) Accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory.

(b) Make the hazardous waste determination, according to s. NR 662.011 (1) to (4), for unwanted material.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (4) (b) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.208 Removing containers of unwanted material from the laboratory.** (1) Containers of unwanted material shall be removed on a regular schedule. An eligible academic entity shall comply with any of the following:

(a) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12 months.

(b) Remove containers of unwanted material from each laboratory within 12 months of each container's accumulation start date.

(2) The eligible academic entity shall specify in part I of its laboratory management plan whether it will comply with sub. (1) (a) or (b) for the regular removal of unwanted material from its laboratories.

(3) The eligible academic entity shall specify in part II of its laboratory management plan how it will comply with sub. (1) (a) or (b) and develop a schedule for regular removals of unwanted material from its laboratories.

(4) An eligible academic entity shall remove containers of unwanted material when volumes are exceeded, using any of the following procedures that are applicable:

(a) If a laboratory accumulates a total volume of unwanted material, including reactive acutely hazardous unwanted material, in excess of 55 gallons before the regularly scheduled removal, the eligible academic entity shall ensure that all containers of unwanted material in the laboratory, including reactive acutely hazardous unwanted material, are:

1. Marked on the label that is associated with the container or on the label that is affixed or attached to the container with the date that 55 gallons is exceeded.

2. Removed from the laboratory within 10 calendar days of the date that 55 gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.

(b) If a laboratory accumulates more than 1 quart of liquid reactive acutely hazardous unwanted material or more than 1 kg of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity shall ensure that all containers of reactive acutely hazardous unwanted material are:

1. Marked on the label that is associated with the container or on the label that is affixed or attached to the container with the date that 1 quart or 1 kg is exceeded.

2. Removed from the laboratory within 10 calendar days of the date that 1 quart or 1 kg was exceeded, or at the next regularly scheduled removal, whichever comes first.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.209 Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory.** (1) LARGE QUANTITY GENERATORS AND SMALL QUANTITY GENERATORS. An eligible academic entity shall ensure that a trained professional makes a hazardous waste determination, according to s. NR 662.011, for unwanted material in any of the following areas:

(a) In the laboratory before the unwanted material is removed from the laboratory, in accordance with s. NR 662.210.

(b) Within 4 calendar days of arriving at an on-site central accumulation area, in accordance with s. NR 662.211.

(c) Within 4 calendar days of arriving at an on-site interim status or permitted treatment, storage, or disposal facility, in accordance with s. NR 662.212.

(2) VERY SMALL QUANTITY GENERATORS. An eligible academic entity shall ensure that a trained professional makes a hazardous waste determination, according to s. NR 662.011 (1) to (4), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with s. NR 662.210.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.210 Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory.** If an eligible academic entity makes the hazardous waste determination, according to s. NR 662.011 for unwanted material in the laboratory, it shall comply with all of the following:

(1) A trained professional shall make the hazardous waste determination, according to s. NR 662.011 (1) to (4), before the unwanted material is removed from the laboratory.

(2) If an unwanted material is a hazardous waste, the eligible academic entity shall do all of the following:

(a) Write the words "hazardous waste" on the container label that is affixed or attached to the container before the hazardous waste may be removed from the laboratory.

(b) Write the appropriate hazardous waste code on the label that is associated with the container or on the label that is affixed or attached to the container before the hazardous waste is transported off-site.

(c) Count the hazardous waste toward the eligible academic entity's generator category, according to s. NR 662.013, in the calendar month that the hazardous waste determination was made.

(3) A trained professional shall accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.

(4) When hazardous waste is removed from the laboratory, do any of the following that are applicable:

(a) Large quantity generators and small quantity generators shall ensure the hazardous waste is taken directly from the laboratory to an on-site central accumulation area, or on-site interim status or permitted treatment, storage, or disposal facility, or transported off-site.

(b) A very small quantity generator shall ensure the hazardous waste is taken directly from the laboratory to any of the types of facilities listed in s. NR 662.014.

(5) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations when it is removed from the laboratory.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1), (4) (a) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.211 Making the hazardous waste determination at an on-site central accumulation area.** If an eligible academic entity makes the hazardous waste determination according to s. NR 662.011 for unwanted material at an on-site central accumulation area, it shall comply with all of the following:

(1) A trained professional shall accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.

(2) All unwanted material removed from the laboratory shall be taken directly from the laboratory to the on-site central accumulation area.

(3) The unwanted material becomes subject to the generator accumulation regulations under s. NR 662.016 for small quantity generators or s. NR 662.017 for large quantity generators as soon as it arrives in the central accumulation area, except for the "hazardous waste" labeling conditions under ss. NR 662.016 (2) (f) and 662.017 (1) (e).

(4) A trained professional shall determine, according to s. NR 662.011 (1) to (4), if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials' arrival at the on-site central accumulation area.

(5) If the unwanted material is a hazardous waste, the eligible academic entity shall do all of the following:

(a) Write the words "hazardous waste" on the container label that is affixed or attached to the container within 4 calendar days of arriving at the on-site central accumulation area and before the hazardous waste may be removed from the on-site central accumulation area.

(b) Write the appropriate hazardous waste code on the container label that is associated with the container or on the label that is affixed or attached to the container before the hazardous waste may be treated or disposed of on-site or transported off-site.

(c) Count the hazardous waste toward the eligible academic entity's generator category, according to s. NR 662.013 in the calendar month that the hazardous waste determination was made.

(d) Manage the hazardous waste according to all applicable hazardous waste regulations.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (4) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.212 Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.** If an eligible academic entity makes the hazardous waste determination, according to s. NR 662.011, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it shall comply with all of the following:

(1) A trained professional shall accompany all unwanted material that is transferred from the laboratory to an on-site licensed or interim licensed treatment, storage, or disposal facility.

(2) All unwanted material removed from the laboratory shall be taken directly from the laboratory to the on-site licensed or interim licensed treatment, storage, or disposal facility.

(3) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste operating license or interim license as soon as it arrives in the on-site treatment, storage, or disposal facility.

(4) A trained professional shall determine, according to s. NR 662.011 (1) to (4), if the unwanted material is a hazardous waste within 4 calendar days of the unwanted materials' arrival at the

on-site licensed or interim licensed treatment, storage, or disposal facility.

(5) If the unwanted material is a hazardous waste, the eligible academic entity shall do all of the following:

(a) Write the words "hazardous waste" on the container label that is affixed or attached to the container within 4 calendar days of the hazardous waste arriving at the on-site licensed or interim licensed treatment, storage, or disposal facility and before the hazardous waste may be removed from the on-site licensed or interim licensed treatment, storage, or disposal facility.

(b) Write the appropriate hazardous waste code on the container label that is associated with the container or on the label that is affixed or attached to the container before the hazardous waste may be treated or disposed of on-site or transported off-site.

(c) Count the hazardous waste toward the eligible academic entity's generator category, according to s. NR 662.13 (3) and (4) in the calendar month that the hazardous waste determination was made.

(d) Manage the hazardous waste according to all applicable hazardous waste regulations.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (4), (5) (c) made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.213 Laboratory clean-outs.** (1) One time per 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this subchapter, except that:

(a) If the volume of unwanted material in the laboratory exceeds 55 gallons, or 1 quart of liquid reactive acutely hazardous unwanted material, or 1 kg of solid reactive acutely hazardous unwanted material, the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons, or 1 quart of liquid reactive acutely hazardous unwanted material, or 1 kg of solid reactive acutely hazardous unwanted material, as required under s. NR 662.208. Instead, the eligible academic entity shall remove all unwanted materials from the laboratory within 30 calendar days from the start of the laboratory clean-out.

(b) For the purposes of on-site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product that is listed in subch. D of ch. NR 661 or a hazardous waste exhibiting one or more characteristics listed in subch. C of ch. NR 661 that is generated solely during the laboratory clean-out toward its hazardous waste generator category, according to s. NR 662.013. An unwanted material that is generated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences shall be counted toward the hazardous waste generator category, according to s. NR 662.013, if it is determined to be hazardous waste.

(c) For the purposes of off-site management, an eligible academic entity shall count all its hazardous waste, regardless of whether the hazardous waste was counted toward generator category under par. (b), and if it generates more than 1 kg/month of acute hazardous waste or more than 100 kg/month of non-acute hazardous waste, the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site.

(d) An eligible academic entity shall document the activities of the laboratory clean-out. The documentation shall, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity shall maintain the records for a period of 3 years from the date the clean-out ends.

(2) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to

all the applicable requirements of this subchapter, including all of the following:

(a) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons, or 1 quart of reactive acutely hazardous unwanted material, as required under s. NR 662.208.

(b) The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward its hazardous waste generator category, according to s. NR 662.013.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.214 Laboratory management plan.** An eligible academic entity shall develop and retain a written laboratory management plan or revise an existing written plan. The laboratory management plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this subchapter. An eligible academic entity may write one laboratory management plan for all the laboratories owned by the eligible academic entity that have opted into this subchapter, even if the laboratories are located at sites with different EPA identification numbers. All of the following shall apply to the laboratory management plan:

(1) The eligible academic entity shall implement and comply with the specific provisions of part I of its laboratory management plan. In part I of its laboratory management plan, an eligible academic entity shall do all of the following:

(a) Describe procedures for container labeling in accordance with s. NR 662.206 (1), including:

1. Identifying whether the eligible academic entity will use the term “unwanted material” on the containers in the laboratory. If not, identify an equally effective term that will be used in lieu of “unwanted material” and consistently by the eligible academic entity. The equally effective term, if used, has the same meaning and is subject to the same requirements as “unwanted material.”

2. Identifying the manner in which information that is “associated with the container” will be imparted.

(b) Identify whether the eligible academic entity will comply with s. NR 662.208 (1) (a) or (b) for regularly scheduled removals of unwanted material from the laboratory.

(2) The specific actions taken by an eligible academic entity to implement each element in part II of its laboratory management plan may vary from the procedures described in the eligible academic entity’s laboratory management plan without constituting a violation of this subchapter. An eligible academic entity may include additional elements and best management practices in part II of its laboratory management plan if it chooses. In part II of its laboratory management plan, an eligible academic entity shall do all of the following:

(a) Describe its intended best practices for container labeling and management, including how the eligible academic entity will manage containers used for in-line collection of unwanted materials, such as with high performance liquid chromatographs and other laboratory equipment. See the required standards specified in s. NR 662.206.

(b) Describe its intended best practices for providing training for laboratory workers and students commensurate with their duties.

**Note:** See the required standards specified in s. NR 662.207 (1).

(c) Describe its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals. See the required standards specified in s. NR 662.207 (4) (a).

(d) Describe its intended best practices for removing unwanted material from the laboratory, including all of the following:

1. For regularly scheduled removals, develop a regular schedule for identifying and removing unwanted materials from its laboratories.

**Note:** See the required standards specified in s. NR 662.208 (1) (a) and (b).

2. For removals when maximum volumes are exceeded, include all of the following information:

a. Describe its intended best practices for removing unwanted materials from the laboratory within 10 calendar days when unwanted materials have exceeded their maximum volumes.

**Note:** See the required standards specified in s. NR 662.208 (4).

b. Describe its intended best practices for communicating that unwanted materials have exceeded their maximum volumes.

(c) Describe its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process.

**Note:** See the required standards specified in ss. NR 662.011 (1) to (4) and 662.209 to 662.212.

(f) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in s. NR 662.213, including all of the following:

1. Procedures for conducting laboratory clean-outs.

**Note:** See the required standards specified in s. NR 662.213 (1) (a) to (c).

2. Procedures for documenting laboratory clean-outs.

**Note:** See the required standards specified in s. NR 662.213 (1) (d).

(g) Describe its intended best practices for emergency prevention, including all of the following:

1. Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory.

2. A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade.

3. Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade.

4. Procedures for the timely characterization of unknown chemicals.

(3) An eligible academic entity shall make its laboratory management plan available to laboratory workers, students, or any others at the eligible academic entity who request it.

(4) An eligible academic entity shall review and revise its laboratory management plan, as needed.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.215 Unwanted material that is not solid or hazardous waste.** (1) If an unwanted material at an eligible academic entity does not meet the definition of solid waste specified in s. NR 661.0002, it is no longer subject to this subchapter or to the RCRA hazardous waste regulations.

(2) If an unwanted material at an eligible academic entity does not meet the definition of hazardous waste specified in s. NR 661.0003, it is no longer subject to this subchapter or to the RCRA hazardous waste regulations, but shall be managed in compliance with any other applicable regulations or conditions.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.216 Non-laboratory hazardous waste generated at an eligible academic entity.** An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this subchapter and remains subject to all of the following:

(1) Generator requirements of ss. NR 662.011 and 662.015 for large quantity generators and small quantity generators if the hazardous waste is managed in a satellite accumulation area, and all other applicable generator requirements of ch. NR 662, with respect to that hazardous waste.



(2) The conditional exemption under s. NR 662.014 for very small quantity generators, with respect to that hazardous waste.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

### Subchapter L — Alternative Standards for Episodic Generation

**NR 662.230 Applicability.** This subchapter is applicable to very small quantity generators and small quantity generators as defined in s. NR 660.10.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.231 Definitions.** In addition to the definitions set forth under s. NR 660.10, the following definitions apply to this subchapter:

(1) “Episodic event” means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator’s usual category.

(2) “Planned episodic event” means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

(3) “Unplanned episodic event” means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or acts of nature.

History: CR 19-082; cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.232 Conditions for a generator managing hazardous waste from an episodic event.** (1) VERY SMALL QUANTITY GENERATOR. A very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with all of the following:

(a) The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under s. NR 662.233.

(b) The very small quantity generator shall notify the department no later than 30 calendar days prior to initiating a planned episodic event using EPA Form 8700-12. In the event of an unplanned episodic event, the generator shall notify the department within 72 hours of the unplanned event via phone, email, or fax and subsequently submit EPA Form 8700-12. The generator’s notification shall include the start date and end date of the episodic event, the reason for the episodic event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with s. NR 662.016 (2) (i) 1.

(c) The very small quantity generator shall have an EPA identification number or obtain an EPA identification number using EPA Form 8700-12.

(d) A very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:

1. A very small quantity generator accumulating in containers shall mark or label its containers with all of the following:

a. The words “Episodic Hazardous Waste.”

b. An indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on

labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).”

c. The date the episodic event began, clearly visible for inspection on each container.

2. A very small quantity generator accumulating episodic hazardous waste in tanks shall do all of the following:

a. Mark or label the tanks with the words “Episodic Hazardous Waste.”

b. Mark or label the tanks with an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

c. Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins.

d. Keep inventory logs or records with the information specified in subd. c. on-site and available for inspection for at least 3 years from the end date of the episodic event.

3. Hazardous waste shall be managed in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water, including all of the following conditions:

a. Containers shall be in good condition and compatible with the hazardous waste being accumulated therein. Containers shall be kept closed except to add or remove waste.

b. Tanks shall be in good condition and compatible with the hazardous waste accumulated therein. Tanks shall have procedures in place to prevent overflow. Tanks shall be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

**Note:** Examples of preventing a tank overflow include high level alarms, an automatic waste feed cutoff system, or a bypass system to a standby tank when hazardous waste is continuously fed into the tank.

(e) The very small quantity generator shall comply with the hazardous waste manifest provisions of subch. B when it sends its episodic event hazardous waste off-site to a designated facility, as defined in s. NR 660.10 (21).

(f) The very small quantity generator shall manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in s. NR 660.10 (21), within 60 days of the start of the event.

(g) A very small quantity generator shall maintain all of the following records for 3 years from the end date of the episodic event:

1. Beginning and end dates of the episodic event.

2. A description of the episodic event.

3. A description of the types and quantities of hazardous wastes generated during the event.

4. A description of how the hazardous waste was managed as well as the name of the RCRA-designated facility that received the hazardous waste.

5. The name of the hazardous waste transporter.

6. An approval letter from the department if the generator petitioned to conduct one additional episodic event per calendar year.

(2) **SMALL QUANTITY GENERATORS.** A small quantity generator may maintain its existing generator category during an episodic event provided that the generator complies with all of the following conditions:

(a) The small quantity generator is limited to one episodic event per calendar year unless a petition is granted under s. NR 662.233.

(b) The small quantity generator shall notify the department no later than 30 calendar days prior to initiating a planned episodic event using EPA Form 8700-12. In the event of an unplanned episodic event, the small quantity generator shall notify the department within 72 hours of the unplanned event via phone, email, or fax, and subsequently submit EPA Form 8700-12. The generator's notification shall include the start date and end date of the episodic event and the reason for the episodic event, types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

(c) The small quantity generator shall have an EPA identification number or obtain an EPA identification number using EPA Form 8700-12.

(d) A small quantity generator is prohibited from accumulating hazardous wastes generated from an episodic event waste on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, all of the following conditions apply:

1. A small quantity generator accumulating episodic hazardous waste in containers shall meet the standards specified in s. NR 662.016 (2) (b) and shall mark or label its containers with all of the following:

a. The words "Episodic Hazardous Waste."

b. An indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics, such as ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association 704 label, incorporated into s. SPS 314.001 (1) (a).

c. The date upon which the episodic event began, clearly visible for inspection on each container.

2. A small quantity generator accumulating episodic hazardous waste in tanks shall meet the standards specified in s. NR 662.016 (2) (c) and shall do all of the following:

a. Mark or label the tanks with the words "Episodic Hazardous Waste."

b. Mark or label the tanks with an indication of the hazards of the contents. Acceptable indications of hazardous contents include the following: applicable hazardous waste characteristic or characteristics such as, ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements on labeling or placarding, incorporated into s. Trans 326.01 (3); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard, incorporated into s. SPS 332.50; or a chemical hazard label consistent with the National Fire Protection Association, incorporated into s. SPS 314.001 (1) (a).

c. Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends.

d. Keep inventory logs or records with the information in subd. 2. c. on-site and available for inspection.

(e) The small quantity generator shall treat hazardous waste generated from an episodic event on-site or manifest and ship such hazardous waste off-site to a designated facility, as defined in s. NR 660.10 (21), within 60 calendar days from the start of the episodic event.

(f) The small quantity generator shall maintain all of the following records for 3 years from the end date of the episodic event:

1. Beginning and end dates of the episodic event.

2. A description of the episodic event.

3. A description of the types and quantities of hazardous wastes generated during the event.

4. A description of how the hazardous waste was managed as well as the name of the designated facility, as defined in s. NR 660.10 (21), that received the hazardous waste.

5. Name of the hazardous waste transporter.

6. An approval letter from the department if the generator petitioned to conduct one additional episodic event per calendar year.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20; correction in (1) (g) (intro.), (2) (d) 2. d. made under s. 35.17, Stats., Register August 2020 No. 776.

**NR 662.232 Petition to manage one additional episodic event per calendar year.** (1) A generator may petition the department for a second episodic event in a calendar year without impacting its generator category under the following conditions:

(a) If a very small quantity generator or small quantity generator has already held a planned episodic event in a calendar year, the generator may petition the department for an additional unplanned episodic event in that calendar year within 72 hours of the unplanned event.

(b) If a very small quantity generator or small quantity generator has already had an unplanned episodic event in a calendar year, the generator may petition the department for an additional planned episodic event in that calendar year.

(2) The petition shall include all of the following:

(a) The reason an additional episodic event is needed and the nature of the episodic event.

(b) The estimated amount of hazardous waste to be managed from the event.

(c) How the hazardous waste is to be managed.

(d) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event, not to exceed 60 days.

(e) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

(3) The petition shall be made to the department in writing, either on paper or electronically. The department shall have the discretion to grant or deny any such petition.

(4) The generator shall retain written approval in its records for 3 years from the date the episodic event ended.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**Subchapter M — Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators**

**NR 662.250 Applicability.** The regulations of this subchapter apply to those areas of a large quantity generator where hazardous waste is generated or accumulated on-site.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.251 Maintenance and operation of facility.** A large quantity generator shall maintain and operate its facility

to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.252 Required equipment.** All areas to which this subchapter applies shall be equipped with all of the items in subs. (1) to (4). A facility may demonstrate that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A large quantity generator may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. Required equipment includes all of the following:

(1) An internal communications or alarm system capable of providing immediate emergency instruction, voice or signal, to facility personnel.

(2) A device, such as a telephone, immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.

(3) Portable fire extinguishers, spill control equipment, decontamination equipment, and fire control equipment including special extinguishing equipment, such as those that use foam, inert gas, or dry chemicals.

(4) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.253 Testing and maintenance of equipment.** All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment shall be tested and maintained as necessary to assure its proper operation in time of emergency.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.254 Access to communications or alarm system.** (1) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate, direct, and unimpeded access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under s. NR 662.252.

(2) In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate, direct, and unimpeded access to a device, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under s. NR 662.252.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.255 Required aisle space.** The large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.256 Arrangements with local authorities.** (1) The large quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the

types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee if it is determined to be the appropriate organization with which to make arrangements. A large quantity generator shall attempt to make arrangements by taking all of the following actions:

(a) A large quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

(b) As part of this coordination, the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

(c) Where more than one police or fire department might respond to an emergency, the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

(2) The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

(3) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

**History:** CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.260 Purpose and implementation of contingency plan.** (1) A large quantity generator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(2) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

**NR 662.261 Content of contingency plan.** (1) The contingency plan shall describe the actions facility personnel shall take to comply with ss. NR 662.260 and 662.265 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(2) If the generator has already prepared a spill prevention, control, and countermeasures or SPCC plan in accordance with 40 CFR part 112, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this chapter. The generator may develop one contingency plan that meets all regulatory standards. The department recommends that the plan be based on the national response team's integrated contingency plan guidance or the "One Plan."

(3) The plan shall describe arrangements agreed to with the local police department, fire department, other emergency

response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the local emergency planning committee, according to s. NR 662.256.

(4) The plan shall list names and emergency telephone numbers of all persons qualified to act as emergency coordinator under s. NR 662.264, and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position, such as operations manager, shift coordinator, and shift operations supervisor, as well as an emergency telephone number that can be guaranteed to be answered at all times.

(5) The plan shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, spill control equipment, internal and external communications and internal and external alarm systems, and decontamination equipment, where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(6) The plan shall include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan shall describe the signal to be used to begin evacuation, evacuation routes, and alternate evacuation routes in cases where the primary evacuation routes could be blocked by releases of hazardous waste or fires.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.262 Copies of contingency plan.** A copy of the contingency plan and all revisions to the plan shall be maintained at the large quantity generator. The contingency plan is also subject to the following requirements:

(1) The large quantity generator shall submit a copy of the contingency plan and all revisions to all local emergency responders, such as police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services. This document may also be submitted to the local emergency planning committee, as appropriate.

(2) A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan shall at that time submit a quick reference guide of the contingency plan to the local emergency responders identified under sub. (1) or, as appropriate, the local emergency planning committee. The quick reference guide shall include all of the following elements:

(a) The types and names of hazardous wastes in layman's terms and the hazard associated with each hazardous waste present at any one time, such as toxic paint wastes, spent ignitable solvent, or corrosive acid.

(b) The estimated maximum amount of each hazardous waste that may be present at any one time.

(c) The identification of any hazardous wastes for which exposure would require unique or special treatment by medical or hospital staff.

(d) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes.

(e) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers.

(f) The locations of water supply, such as a fire hydrant and its flow rate.

(g) The identification of on-site notification systems, such as a fire alarm that rings off-site, or smoke alarms.

(h) The name of the emergency coordinator, defined under s. NR 662.264, and 7-day, 24-hour emergency telephone number or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

(3) A generator shall update its quick reference guides, if necessary, whenever the contingency plan is amended and shall submit these documents to the local emergency responders identified in sub. (1) or, as appropriate, the local emergency planning committee.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.263 Amendment of contingency plan.** The contingency plan shall be reviewed and, if necessary, immediately amended whenever the following occurs:

(1) Applicable regulations are revised.

(2) The plan fails in an emergency.

(3) The generator facility changes in its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency.

(4) The list of emergency coordinators changes.

(5) The list of emergency equipment changes.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.264 Emergency coordinator.** At all times, there shall be at least one employee either on the generator's premises or on call and available to respond to an emergency by reaching the facility within a short period of time with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures specified in s. NR 662.665. Although responsibilities may vary depending on factors such as type and variety of hazardous wastes handled by the facility, as well as type and complexity of the facility, this emergency coordinator shall be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.

**NR 662.265 Emergency procedures.** (1) Whenever there is an imminent or actual emergency situation, the emergency coordinator, or a designee when the emergency coordinator is on call, shall immediately do all of the following:

(a) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel.

(b) Notify appropriate state or local agencies with designated response roles if their help is needed.

(2) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

(3) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion, such as the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.

(4) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human

health or the environment outside the facility, the emergency coordinator shall report the findings as follows:

(a) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.

(b) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the national response center using their 24-hour toll free number 800-424-8802. The report shall include all of the following:

1. Name and telephone number of the reporter.
2. Name and address of the generator.
3. Time and type of incident, such as release or fire.
4. Name and quantity of material involved, to the extent known.
5. The extent of injuries, if any.
6. The possible hazards to human health or the environment outside the facility.

(5) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

(6) If the generator stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment.

(7) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with s. NR 661.0003 (3) or (4), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that shall be managed in accordance with all the applicable requirements and conditions for exemption under chs. NR 662, 663, and 665.

(8) The emergency coordinator shall ensure that all of the following are met in the affected area of the facility:

(a) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed.

(b) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(9) The generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the generator shall submit a written report on the incident to the department. The report shall include all of the following information:

- (a) Name, address, and telephone number of the generator.
- (b) Date, time, and type of incident, such as fire or explosion.
- (c) Name and quantity of material involved.
- (d) The extent of any injuries.
- (e) An assessment of actual or potential hazards to human health or the environment, where this is applicable.
- (f) Estimated quantity and disposition of recovered material that resulted from the incident.

History: CR 19-082: cr. Register August 2020 No. 776, eff. 9-1-20.