CHAPTER 33.1-24-03
STANDARDS FOR GENERATORS

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33.1-24-03-01. Scope and applicability.

This chapter establishes standards for generators of hazardous waste.

1. A person who generates a hazardous waste is subject to all applicable requirements listed below:

   a. Requirements of a very small quantity generator:

(1) Section 33.1-24-03-02 hazardous waste determination;

(2) Section 33.1-24-03-13 recordkeeping; and

(3) Subsection 2 of section 33.1-24-03-03 generator category determination.

b. Requirements of a small quantity generator:

(1) Section 33.1-24-03-02 hazardous waste determination;

(2) Section 33.1-24-03-13 recordkeeping;

(3) Subsection 2 of section 33.1-24-03-03 generator category determination;

(4) Section 33.1-24-03-03 identification number and registration certificate;

(5) Sections 33.1-24-03-04 through 33.1-24-03-07 manifest requirements;

(6) Section 33.1-24-03-08 packaging;

(7) Section 33.1-24-03-09 labeling;

(8) Section 33.1-24-03-10 marking;

(9) Section 33.1-24-03-11 placarding;

(10) Section 33.1-24-03-27 satellite accumulation area regulations for small and large quantity generators;

(11) Section 33.1-24-03-28 conditions for exemption for a small quantity generator that accumulates hazardous waste; and

(12) The transboundary requirements found in sections 33.1-24-03-50 through 33.1-24-03-55.

c. Requirements of a large quantity generator:

(1) Section 33.1-24-03-02 hazardous waste determination;

(2) Sections 33.1-24-03-13 through 33.1-24-03-16 for recordkeeping and reporting;

(3) Subsection 2 of section 33.1-24-03-03 generator category determination;

(4) Section 33.1-24-03-03 identification number and registration certificate;

(5) Sections 33.1-24-03-04 through 33.1-24-03-07 manifest requirements;

(6) Section 33.1-24-03-08 packaging;

(7) Section 33.1-24-03-09 labeling;

(8) Section 33.1-24-03-10 marking;

(9) Section 33.1-24-03-11 placarding;

(10) Section 33.1-24-03-27 satellite accumulation area regulations for small and large quantity generators;

(11) Section 33.1-24-03-28 conditions for exemption for a large quantity generator that accumulates hazardous waste; and

(12) The transboundary requirements found in sections 33.1-24-03-50 through 33.1-24-03-55.

2. A generator that accumulates hazardous wastes onsite is a person that stores hazardous waste; such generator is subject to the applicable requirements of chapters 33.1-24-05, 33.1-24-06, and 33.1-24-07 and section 33.1-24-03-03, unless it has met the following exemption conditions:

   a. The generator is a very small quantity generator that meets the conditions for exemption in section 33.1-24-03-26;

   b. The generator is a small quantity generator that meets the conditions for exemption in sections 33.1-24-03-27 and 33.1-24-03-28; or

   c. The generator is a large quantity generator that meets the conditions for exemption in sections 33.1-24-03-27 and 33.1-24-03-29.

3. A generator may not transport, offer for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility as defined in section 33.1-24-01-04, or not otherwise authorized to receive the generator's hazardous waste.

4. A generator shall use subsection 2 of section 33.1-24-03-03 to determine which provisions of this chapter are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

5. Any person who exports or imports hazardous waste into the United States through this state must comply with sections 33.1-24-03-50 through 33.1-24-03-55.

6. Any person who exports or imports wastes that are considered hazardous under United States national procedures to or from the countries listed in subdivision a of subsection 1 of section 33.1-24-03-25 for recovery must comply with sections 33.1-24-03-50 through 33.1-24-03-59. A waste is considered hazardous under United States national procedures if the waste meets the federal definition of hazardous waste in 40 CFR 261.3 and is subject to manifesting requirements at sections 33.1-24-03-04 through 33.1-24-03-07, the universal waste management standards of sections 33.1-24-05-700 through 33.1-24-05-799 or the export requirements in the spent lead-acid battery management standards of sections 33.1-24-05-235 through 33.1-24-05-249.

7. A farmer who generates waste pesticides which are hazardous waste and who complies with all the requirements of section 33.1-24-03-40 is not required to comply with other standards in chapters 33.1-24-03, 33.1-24-05, and 33.1-24-06 with respect to such pesticides.

8. A person who generates a hazardous waste as defined in chapter 33.1-24-02 is subject to the compliance requirements and penalties prescribed in North Dakota Century Code chapter 23.1-04 if the person does not comply with the requirements of this chapter.

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

10. Persons responding to an explosives or munitions emergency in accordance with subparagraph d of paragraph 1 of subdivision g of subsection 6 of section 33.1-24-05-01 or paragraph 4 of subdivision g of subsection 6 of section 33.1-24-05-01 or 40 CFR 265.1(c)(11)(i)(D) or (iv) as incorporated by reference at subsection 5 of section 33.1-24-06-16, and item 4 of subparagraph a and subparagraph c of paragraph 9 of subdivision b of subsection 2 of section 33.1-24-06-01, are not required to comply with the standards of chapter 33.1-24-03.

11. The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of sections 33.1-24-03-60 through 33.1-24-03-77 are not subject to (for purposes of this subsection, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in section 33.1-24-03-61):

    a. The requirements of section 33.1-24-03-02 or section 33.1-24-03-27, for large quantity generators and small quantity generators, except as provided in sections 33.1-24-03-60 through 33.1-24-03-77; and

    b. The conditions of section 33.1-24-03-26, for very small quantity generators, except as provided in sections 33.1-24-03-60 through 33.1-24-03-77.

    Note 1: A generator who treats, stores, or disposes of hazardous waste onsite must comply with the applicable standards and permit requirements set forth in chapters 33.1-24-05 and 33.1-24-06.

12. All reverse distributors, as defined in section 33.1-24-05-310, are subject to sections 33.1-24-05-310 through 33.1-24-05-320 for the management of hazardous waste pharmaceuticals in lieu of this part.

13. Each health care facility, as defined in section 33.1-24-05-310, must determine whether it is subject to sections 33.1-24-05-310 through 33.1-24-05-320 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month, including both hazardous waste pharmaceuticals and nonpharmaceutical hazardous waste.

    a. A health care facility that generates more than one hundred kilograms [220.46 pounds] of nonacute hazardous waste per calendar month, or more than one kilogram [2.20 pounds] of acute hazardous waste per calendar month, or more than one hundred kilogram [220.46 pounds] per calendar month 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 wastes listed in section 33.1-24-02-16 or subsection 5 of section 33.1-24-02-18, is subject to sections 33.1-24-05-310 through 33.1-24-05-320 for the management of hazardous waste pharmaceuticals in lieu of this part.

    b. A health care facility that is a very small quantity generator when counting all of its hazardous waste per calendar month, including both its hazardous waste pharmaceuticals and nonpharmaceutical hazardous wastes, remains subject to section 33.1-24-03-26 and is not subject to sections 33.1-24-05-310 through 33.1-24-05-320, except for sections 33.1-24-05-315 and 33.1-24-05-317 and the optional provisions of 33.1-24-05-314.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-02. Hazardous waste determination.

A person who generates a solid waste as defined in section 33.1-24-02-02 must determine if that waste is a hazardous waste using the following method:

1. The person should first determine if the waste is excluded from regulation under section 33.1-24-02-04.

2. The person must then determine if the waste is listed as a hazardous waste in chapter 33.1-24-02.

3. For purposes of compliance with sections 33.1-24-05-250 through 33.1-24-05-299, or if the waste is not listed in sections 33.1-24-02-15 through 33.1-24-02-18, the generator must then determine whether the waste exhibits a hazardous characteristic identified in sections 33.1-24-02-10 through 33.1-24-02-14 by either:

   a. Testing the waste according to the methods set forth in chapter 33.1-24-02 or an equivalent method as approved by the department. Persons testing their waste shall obtain a representative sample of the waste for testing, as defined in section 33.1-24-01-04.

   b. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

   All waste analysis pursuant to subdivision a must be conducted by a laboratory approved by the department's certification procedures.

4. If the waste is determined to be hazardous, the generator must refer to chapter 33.1-24-02 and sections 33.1-24-05-01 through 33.1-24-05-559, sections 33.1-24-05-700 through 33.1-24-05-1149, and subsection 5 of section 33.1-24-06-16 for possible exclusions or restrictions pertaining to management of the generator's specific waste.

5. The hazardous waste determination for each solid waste must be made at the point of waste generation. Determinations must be made before any dilution, mixing, or other alteration of the waste occurs. The determination also must take place before the waste experiences changes, or has the potential to experience changes, in properties that would affect the Resource Conservation and Recovery Act classification as a result of exposure to the environment.

6. If the waste is determined to be hazardous, small quantity generators and large quantity generators shall identify all applicable environmental protection agency hazardous waste numbers (environmental protection agency hazardous waste codes) in sections 33.1-24-02-10 through 33.1-24-02-19. Prior to shipping the waste offsite, the generator also shall mark its containers with all applicable hazardous waste numbers (environmental protection agency hazardous waste codes) according to section 33.1-24-03-10.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-03. Identification number, registration certificate, and generator category determination.

1. A generator may not treat, store, dispose of, transport, or offer transportation of hazardous waste without having received an identification number and a registration certificate from the department.

2. A generator shall determine its generator category. A generator's category is based on the amount of hazardous waste generated each month. This category may change from month to month and is determined using the following procedures:

   a. A generator who generates either acute hazardous waste or nonacute hazardous waste in a calendar month shall determine its generator category for that month by:

      (1) Counting the total amount of acute hazardous or nonacute hazardous waste generated in the calendar month;

      (2) Subtracting from the total any amounts of waste exempt from counting as described by section 33.1-24-02-04; and

(3) Determining the resulting generator category using table 1.

b. A generator who generates both acute hazardous waste and nonacute hazardous waste in the same calendar month shall determine its generator category for that month by:

(1) Separately counting the total amount of acute hazardous waste and the total amount of nonacute hazardous waste generated in the calendar month;

(2) Subtracting from the totals any amounts of waste exempt from counting as described by section 33.1-24-02-04;

(3) Separately determining resulting generator categories for the quantities of acute hazardous waste and nonacute hazardous waste using table 1; and

(4) Applying the more stringent generator category to the accumulation and management of both acute hazardous waste and nonacute hazardous waste generated for that month.

Table 1. Generator Categories Based on Quantity of Waste Generated.

Quantity of Acute Hazardous Waste Generated in a Calendar Month	Quantity of Nonacute Hazardous Waste Generated in a Calendar Month	Quantity of Residues From a Cleanup of Acute Hazardous Waste Generated in a Calendar Month	Generator Category
Greater than 1 kg (2.2 lbs)	Any amount	Any amount	Large quantity generator
Any amount	Greater than or equal to 1,000 kg (2,200 lbs)	Any amount	Large quantity generator
Any amount	Any amount	Greater than 100 kg (220 lbs)	Large quantity generator
Less than or equal to 1 kg (2.2 lbs)	Between 100 kg (220 lbs) and 1,000 kg (2,200 lbs)	Less than or equal to 100 kg (220 lbs)	Small quantity generator
Less than or equal to 1 kg (2.2 lbs)	Less than or equal to 100 kg (220 lbs)	Less than or equal to 100 kg (220 lbs)	Very small quantity generator

c. To make the monthly determinations required by this section, the generator shall include all hazardous waste that it generates, except hazardous waste that:

(1) Is excluded from regulation under subsections 3 through 6 of section 33.1-24-02-04, subdivision c of subsection 1 of section 33.1-24-02-06, subdivision a of subsection 1 of section 33.1-24-02-07, and subsection 7 of section 33.1-24-02-04;

(2) Is managed immediately upon generation only in onsite elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in section 33.1-24-01-04;

(3) Is a material recycled, without prior storage or accumulation, only in an onsite process, under the requirements of subdivision b of subsection 3 of section 33.1-24-02-06;

(4) Is managed as part of an episodic event in compliance with section 33.1-24-03-34;

(5) Is used oil managed under the requirements listed in 33.1-24-05-600 through 33.1-24-05-699;

(6) Is spent lead-acid batteries managed under the requirements of 33.1-24-05-235;

(7) Is universal waste managed under the requirements of 33.1-24-05-700 through 33.1-24-05-799; or

(8) Is a hazardous waste pharmaceutical, as defined in section 33.1-24-05-310, that is subject to or managed in accordance with sections 33.1-24-05-310 through 33.1-24-05-320 or is a hazardous waste pharmaceutical that is also a drug enforcement administration controlled substance and is conditionally exempt under section 33.1-24-05-316.

d. To determine the quantity of hazardous waste generated in a calendar month, a generator need not include:

(1) Hazardous waste if it is removed from onsite accumulation, so long as the hazardous waste was previously counted once;

(2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted; and

(3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused onsite, so long as such spent materials have been previously counted.

e. Very small quantity generators may mix a portion or all of its hazardous waste with solid waste and remain subject to section 33.1-24-03-26 even though the resultant mixture exceeds the quantity limits identified in the definition of a very small quantity generator at section 33.1-24-01-04; unless the mixture exhibits one or more of the characteristics of hazardous waste identified in sections 33.1-24-02-10 through 33.1-24-02-14. If the mixed wastes exhibit a characteristic of hazardous waste, the mixture must be included in all hazardous waste counts for that month.

f. Hazardous wastes generated by a small quantity generator or large quantity generator may be mixed with solid wastes. These mixtures are subject to the following:

(1) The mixture rule in paragraph 4 of subdivision b of subsection 1 of section 33.1-24-02-03, subdivisions b and c of subsection 2 of 33.1-24-02-03, and paragraph 1 of subdivision a of subsection 7 of section 33.1-24-02-03;

(2) The prohibition of dilution rule in subsection 1 of section 33.1-24-05-252;

(3) The land disposal restriction requirements of section 33.1-24-05-280 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic;

(4) The hazardous waste determination requirements of section 33.1-24-03-02; and

(5) If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly generated hazardous waste. The mixture must be included in all hazardous waste counts for that month.

g. Based on the generator category as determined under this section, the generator shall meet the applicable requirements listed in sections 33.1-24-03-26, 33.1-24-03-28, and 33.1-24-03-29.

3. A generator who has not received an identification number and a registration certificate may obtain them by applying to the department using environmental protection agency form 8700-12. Upon receiving the request, the department shall assign an identification number and issue a registration certificate to the generator.

4. A generator may not offer the generator's hazardous waste to transporters that have not received an identification number and a transporter permit, or to treatment, storage, or disposal facilities that have not received an identification number and applied for a hazardous waste permit.

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

6. The department may assess and collect reasonable fees for the issuance of registration certificates.

7. A small quantity generator shall renotify the department starting in 2029 and every four years following using environmental protection agency form 8700-12. This renotification must be submitted by September first of each year in which renotifications are required.

8. A large quantity generator shall renotify the department by March first of each even-numbered year using environmental protection agency form 8700-12. A large quantity generator may submit this renotification as part of its biennial report required under section 33.1-24-03-14.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021; October 1, 2026.
General Authority: NDCC 23.1-04-03, 23.1-04-09
Law Implemented: NDCC 23.1-04-03, 23.1-04-05, 23.1-04-09

33.1-24-03-04. General requirements of the manifest.

1. A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a manifest on environmental protection agency form 8700-22, and if necessary, environmental protection agency form 8700-22A, according to instructions included in appendix I to this chapter.

   a. The revised manifest form and procedures in sections 33.1-24-01-04, 33.1-24-02-07, 33.1-24-03-04, 33.1-24-03-05, subsection 6 of section 33.1-24-03-07, sections 33.1-24-03-10, 33.1-24-03-21, 33.1-24-03-26 through 33.1-24-03-29 , and appendix I to this chapter, shall not apply until September 5, 2006, or article 33.1-24 is amended and effective, but not prior to September 5, 2006. The manifest form and procedures in sections 33.1-24-01-04, 33.1-24-02-07, 33.1-24-03-04, 33.1-24-03-05, 33.1-24-03-10, 33.1-24-03-21, 33.1-24-03-26 through 33.1-24-03-29, and appendix I to this chapter contained in article 33.1-24, amended December 1, 2003, shall be applicable until September 5, 2006, or when amended, but not prior to September 5, 2006.

   b. Electronic manifest. In lieu of using the manifest form specified in subsection 1, a person required to prepare a manifest under subsection 1 may prepare and use an electronic manifest, provided that the person:

      (1) Complies with the requirements in subsection 8 of section 33.1-24-03-07 for use of electronic manifests; and

(2) Complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to the environmental protection agency.

2. A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.

3. A generator may also designate on the manifest one alternate facility which is permitted to handle the generator's 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 must either designate another facility or instruct the transporter to return the waste.

5. The requirements of sections 33.1-24-03-04 through 33.1-24-03-07 do not apply to hazardous waste produced by generators of greater than one hundred kilograms but less than one thousand kilograms in a calendar month where:

   a. The waste is reclaimed under a contractual agreement pursuant to which:

      (1) The type of waste and frequency of shipments are specified in the agreement; and

      (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; and

   b. The generator maintains a copy of the reclamation agreement in the generator's files for a period of at least three years after termination or expiration of the agreement.

6. The requirements of sections 33.1-24-03-04 through 33.1-24-03-07 and subsection 2 of section 33.1-24-03-10 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. Notwithstanding subsection 1 of section 33.1-24-04-01, the generator or transporter must comply with the requirements for transporters set forth in sections 33.1-24-04-07 and 33.1-24-04-08 in the event of a discharge of hazardous waste on a public or private right of way.

7. In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be traced through a hazardous waste manifest, the designated facility that receives the waste, regardless of the state in which the facility is located, shall :

   a. Complete the facility portion of the applicable manifest;

   b. Sign and date the facility certification;

   c. Submit to the e-Manifest system a final copy of the manifest for data processing purposes; and

   d. Pay the appropriate per manifest fee to environmental protection agency for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264.

8. Applicability of electronic manifest system and user fee requirements to facilities receiving state-only regulated waste shipments.

a. For the purposes of this subsection, "state-only regulated waste" means;

(1) A non-Resource Conservation and Recovery Act waste that a state regulates more broadly under its state regulatory program; or

(2) A Resource Conservation and Recovery Act hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

b. In any case in which a state requires a Resource Conservation and Recovery Act manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:

(1) Comply with the provisions of sections 33.1-24-05-38 (use of the manifest), and 33.1-24-05-39 (manifest discrepancies) of this chapter; and

(2) Pay the appropriate per manifest fee to environmental protection agency for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-05. Manifest tracking numbers, manifest printing, and obtaining manifests.

1. A registrant:

a. May not print, or have printed, the manifest for use of distribution unless it has received approval from the environmental protection agency director of the office of resource conservation and recovery to do so under subsections 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 the registrant's manifests.

2. A registrant must submit an initial application to the environmental protection agency director of the office of resource conservation and recovery that contains the following information:

a. Name and mailing address of registrant.

b. Name, telephone number, and electronic mail address of contact person.

c. Brief description of registrant's government or business activity.

d. Environmental protection agency 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:

(1) A description of the printing operation. The description should include an explanation of whether the registrant intends to print the registrant's manifests in-house (for example, using the registrant's own printing establishments) or through a separate (for example, unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on the registrant's behalf, the

application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (for example, prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company.

(2) A description of how the registrant will ensure that the registrant's organization and unaffiliated companies, if any, comply with the requirements of this section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be preprinted on each manifest. The application must 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 must 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 must also indicate how the printer will preprint a unique number on each form (for example, crash or press numbering). The application also must 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 the registrant's own business operations or to distribute the manifests to a separate company or to the general public (for example, 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 (for example, corporate brochures, product samples, customer references, documentation of international organization for standardization 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 must use this suffix to preprint 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 the registrant's application will comply with the procedures of its approved application and the requirements of this section and that the registrant will notify the environmental protection agency 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. The environmental protection agency will review the application submitted under subsection 2 and either approve the application or request additional information or modification before approving the application.

4. The environmental protection agency upon approval of the application under subsection 3:

a. Will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in subdivision c of this subsection. The registrant's samples must meet all of the specifications in subsection 6 and be printed by the company that will print the manifest as identified in the application approved under subsection 3.

b. The registrant must submit a description of the manifest samples as follows:

(1) Paper type (for example, 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 must indicate the extent of the screening; and

(4) Method of binding the copies.

c. The registrant need not submit samples of the continuation sheet if the registrant will print the registrant's 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. The environmental protection agency will evaluate the forms and either approve the registrant to print the forms as proposed or request additional information or modification to the forms before approval. The environmental protection agency will notify the registrant of the environmental protection agency's decision by mail. The registrant cannot use or distribute the registrant's forms until the environmental protection agency approves the forms. An approved registrant must print the manifest and continuation sheet according to the registrant's application approved under subsection 3 and the manifest specifications in subsection 6. The registrant also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of the registrant's approved forms.

6. Paper manifests and continuation sheets must be printed according to the following specifications:

a. The manifest and continuation sheet must be printed with the exact format and appearance as environmental protection agency forms 8700-22 and 8700-22a, respectively. However, information required to complete the manifest may be preprinted on the manifest form.

b. A unique manifest tracking number assigned in accordance with a numbering system approved by the environmental protection agency must be preprinted in item 4 of the manifest. The tracking number must consist of a unique three letter suffix following nine digits.

c. The manifest and continuation sheet must be printed on eight and one-half by eleven inch white paper, excluding common stubs (for example, top or side bound stubs). The paper must be durable enough to withstand normal use.

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

e. The manifest and continuation sheet must be printed as five copy forms. Copy-to-copy registration must be exact within one thirty-second of an inch. Handwritten and typed impressions on the form must be legible on all five copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

f. Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

(1) Page 1 (top copy): "designated facility to environmental protection agency's e-Manifest system".

(2) Page 2: "designated facility to generator".

(3) Page 3: "designated facility's copy".

(4) Page 4: "transporters' copy".

(5) Page 5 (bottom copy): "generator's initial copy".

g. The instructions for the manifest form (environmental protection agency form 8700-22) and the manifest continuation sheet (environmental protection agency form 8700-22A) must be printed in accordance with the content that is currently approved under Office of Management and Budget Control Number 2050-0039 and published to the e-Manifest program's website. The instructions must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this subsection. The instructions must not be visible through the front of the copies when photocopied or faxed.

(1) Manifest form 8700-22.

(a) The "instructions for generators" on copy 5;

(b) The "instructions for international shipment block" and "instructions for transporters" on copy 4; and

(c) The "instructions for treatment, storage, and disposal facilities" on copy 3.

(2) Manifest form 8700-22a.

(a) The "instructions for generators" on copy 5;

(b) The "instructions for transporters" on copy 4; and

(c) The "instructions for treatment, storage, and disposal facilities" on copy 3.

h. The designated facility copy of each manifest and continuation sheet must include in the bottom margin the following warning in prominent font:

"If you received this manifest, you have responsibilities under the e-Manifest Act. See instructions on reverse side."

7. A generator:

a. May use manifests printed by any source so long as the source of the printed form has received approval from the environmental protection agency to print the manifest under subsections 3 and 5. A registered source may be a:

(1) State agency;

(2) Commercial printer;

(3) Hazardous waste generator, transporter or treatment, storage, or disposal facility; or

(4) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.

b. Must 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 must 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. Registrant requests.

   a. If an approved registrant would like to update any of the information provided in its application approved under subsection 3 (for example, to update a company phone number or name of contact person), the registrant must revise the application and submit it to the environmental protection agency 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. The agency either will approve or deny the revision. If the agency denies the revision, the agency will explain the reasons for the denial, and the agency will contact the registrant and request further modification before approval.

   b. If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the environmental protection agency director of the office of resource conservation and recovery, along with the reason for requesting a new tracking number suffix. The agency will either approve the suffix or deny the suffix and provide an explanation why the proposed suffix 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 the registrant's manifest or continuation sheet subsequent to approval under subsection 5, then the registrant must submit three samples of the revised form for the environmental protection agency's review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. The environmental protection agency will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to the manifests before approval. The environmental protection agency will notify the registrant of the agency's decision by mail. The registrant cannot use or distribute the registrant's revised forms until the environmental protection agency approves the forms.

9. If, subsequent to the registrant's approval under subsection 5, a registrant typesets the registrant's manifest or continuation sheet instead of using the electronic file of the forms provided by the environmental protection agency, the registrant must submit three samples of the manifest or continuation sheet to the registry for approval. The environmental protection agency will evaluate the manifest or continuation sheet and either approve the registrant to print the manifest or continuation sheet as proposed or request additional information or modification to the manifest or continuation sheet before approval. The environmental protection agency will notify the registrant of the agency's decision by mail. The registrant cannot use or distribute its typeset forms until the environmental protection agency approves the forms.

10. The environmental protection agency may exempt a registrant from the requirement to submit form samples under subsection 4 or subdivision c of subsection 8 if the agency is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (for example, 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 the environmental protection agency by indicating why an exemption is warranted.

11. An approved registrant must notify the environmental protection agency by phone or electronic mail 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 subsection 5, the environmental protection agency becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, the environmental protection agency will contact the registrant and require modifications to the form.

13. The environmental protection agency:

    a. May suspend and, if necessary, revoke printing privileges if the agency finds that the registrant:

        (1) Has used or distributed forms that deviate from the registrant's approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or

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

    b. Will send a warning letter to the registrant that specifies the date by which the registrant must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, the environmental protection agency will send a second letter notifying the registrant that the environmental protection agency has suspended or revoked the registrant's printing privileges. An approved registrant must provide information on the registrant's printing activities to the environmental protection agency if requested.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-06. Number of copies of the manifest.

The manifest must consist of at least the number of copies which 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: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-07. Use of the manifest.

1. The generator must:

    a. Sign the manifest certification by hand;

    b. Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

    c. Retain one copy, in accordance with subsection 1 of section 33.1-24-03-13.

2. The generator must 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 must send three 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 must send at least three copies of the manifest dated and signed in accordance with this section to:

   a. The next nonrail transporter, if any;

   b. The designated facility if transported solely by rail; or

   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 which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must 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.

6. Waste minimization certification. A generator who initiates a shipment of hazardous waste must certify to one of the following statements in item 15 of the uniform hazardous waste manifest:

   a. "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"; or

   b. "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."

7. For rejected shipments of hazardous waste or container residues contained in nonempty containers that are returned to the generator by the designated facility (following the procedures of subsection 6 of section 33.1-24-05-39), the generator must:

   a. Sign either:

      (1) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

      (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 thirty days of delivery of the rejected shipment or container residues contained in nonempty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and

   d. Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.

8. Use of the electronic manifest. Electronic manifests are equivalent to paper manifests.

   a. Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with subdivision b of subsection 1 of section 33.1-24-03-04, and used in accordance with this subsection in lieu of environmental

protection agency 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 rules to obtain, complete, sign, provide, use, or retain a manifest.

(1) Any requirement in these rules 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 of 40 CFR 262.25.

(2) Any requirement in these rules 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.

(3) Any requirement in these rules 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 such copies are readily available for viewing and production if requested by any environmental protection agency or authorized department representative.

(4) No generator may be held liable for the inability to produce an electronic manifest for inspection under this subsection 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.

b. A generator may participate in the electronic manifest system either by accessing the electronic manifest system from the generator's 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 offsite transportation.

c. Restriction on use of electronic manifests. A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any 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 electronic manifest system, except that 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.

d. 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 must also provide the initial transporter with one printed copy of the electronic manifest.

e. 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 (environmental protection agency forms 8700-22 and 8700-22A) in accordance with the manifest instructions in appendix I to this chapter, and use these paper forms from this point forward in accordance with the requirements of subsections 1 through 5 and 7.

f. 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 which 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 or offeror certification on the printed copy of the manifest provided under subdivision d.

g. Post-receipt manifest data corrections. After facilities have 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 (e.g., waste handler) named on the manifest. Generators may participate electronically in the post-receipt data corrections process by following the process described in subsection 12 of section 33.1-24-05-38, which applies to corrections made to either paper or electronic manifest records.

9. Electronic manifest signatures. Electronic signature methods for the e-manifest system shall:

a. Be a legally valid and enforceable signature under applicable environmental protection agency and other federal requirements pertaining to electronic signatures; and

b. Be a method that is designed and implemented in a manner that the environmental protection agency considers to be as cost-effective and practical as possible for users of the manifest.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-08. Packaging.

Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator must package the waste in accordance with the applicable department of transportation regulations on packaging under 49 CFR parts 173, 178, and 179.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-09. Labeling.

Before transporting or offering hazardous waste for transportation offsite, a generator must label each package in accordance with the applicable department of transportation regulations on hazardous materials under 49 CFR part 172.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-10. Marking.

1. Before transporting or offering hazardous waste for transportation offsite, a generator must 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 offsite, a generator must mark each container of one hundred nineteen gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR part 172.304:

HAZARDOUS WASTE - Federal Law prohibits improper disposal. If found, contact the nearest police or public safety authority or the United States Environmental Protection Agency.

Generator's Name and Address _____.

Generator's Identification Number _____.

Manifest Tracking Number _____.

Environmental protection agency hazardous waste number _____.

3. A generator may use a nationally recognized electronic system, such as bar coding, to identify the environmental protection agency hazardous waste number required in subsection 2 or subsection 4.

4. Lab packs that will be incinerated in compliance with subsection 3 of section 33.1-24-05-282 are not required to be marked with environmental protection agency hazardous waste number; except D004, D005, D006, D007, D008, D010, and D011 where applicable.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-11. Placarding.

Before transporting hazardous waste or offering hazardous waste for transportation offsite, a generator must 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: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-12. Accumulation time.

Repealed effective July 1, 2020.

33.1-24-03-13. Recordkeeping.

1. A generator must keep a copy of each manifest signed in accordance with subsection 1 of section 33.1-24-03-07 for three years or until the generator receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

2. A generator must keep a copy of each biennial report and exception report for a period of at least three years from the due date of the report.

3. A generator must keep records of any test results, waste analyses, or other determinations made in accordance with section 33.1-24-03-02 for at least three years from the date the waste was last sent to onsite or offsite treatment, storage, or disposal.

4. The periods for 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: Effective January 1, 2019.

General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-14. Biennial reporting.

1. A generator who is a large quantity generator for at least one month of an odd-numbered year and ships any hazardous waste offsite to a treatment, storage, or disposal facility within the United States shall prepare and submit a single copy of a biennial report to the department by March first of each even-numbered year for the previous year. The biennial report must be submitted on department-approved forms, must cover generator activities during the previous calendar year, and must include the following information:

   a. The identification number, name, and address of the generator;

   b. The calendar year covered by the report;

   c. The identification number, name, and address for each offsite treatment, storage, or disposal facility in the United States to which waste was shipped during the reporting year;

   d. The name and identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;

   e. A description, hazardous waste number from chapter 33.1-24-02, department of transportation hazard class, and quantity of each hazardous waste shipped offsite for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by identification number of each such offsite facility to which waste was shipped;

   f. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

   g. A description of the process generating the waste, the physical state, and the type of hazardous waste; and

   h. The certification signed by the generator or authorized representative.

2. Any generator who treats, stores, or disposes of hazardous waste onsite shall submit a biennial report covering those wastes in accordance with the provisions of chapters 33.1-24-05 and 33.1-24-06.

3. Reporting for exports of hazardous waste is not required on the biennial report form. A separate annual report requirement is set forth in section 33.1-24-03-23.

History: Effective January 1, 2019; amended effective October 1, 2026.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05

33.1-24-03-15. Exception reporting.

1. A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in section 33.1-24-02-16 or subsection 5 of section 33.1-24-02-18 in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter shall contact the transporter or the owner or operator, or both, of the designated facility to determine the status of the hazardous waste.

2. A generator of one thousand kilograms or greater of hazardous waste in a calendar month, or greater than one kilogram of acute hazardous waste listed in section 33.1-24-02-16 or subsection 5 of section 33.1-24-02-18 in a calendar month, must 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 forty-five days of the date the waste was accepted by the initial transporter. The exception report must be submitted to the department within sixty days of the date the waste was accepted by the initial transporter and must include:

   a. A legible copy of the manifest for which the generator does not have confirmation of delivery; and

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

3. A generator of greater than one hundred kilograms but less than one thousand kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within sixty 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.

4. For rejected shipments of hazardous waste or container residues contained in nonempty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of paragraphs a through f of subsection 5 of section 33.1-24-05-39), the generator must comply with the requirements of subsections 1 through 3, as applicable, 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 subsections 1 through 3 for a shipment forwarding such waste to an alternate facility by a designated facility:

   a. The copy of the manifest received by the generator must 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; and

   b. The thirty-five, forty-five, or sixty-day time frames 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: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-16. Additional reporting.

The department, as it deems necessary, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in this article.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-17. Exports of hazardous waste.

Repealed effective July 1, 2020.

33.1-24-03-18. Definitions.

Repealed effective July 1, 2020.

33.1-24-03-19. General requirements.

Repealed effective July 1, 2020.

33.1-24-03-20. Notification of intent to export.

Repealed effective July 1, 2020.

33.1-24-03-21. Special manifest requirements.

Repealed effective July 1, 2020.

33.1-24-03-22. Exception reports for exporters.

Repealed effective July 1, 2020.

33.1-24-03-23. Annual reports for exporters.

Repealed effective July 1, 2020.

33.1-24-03-24. Recordkeeping.

Repealed effective July 1, 2020.

33.1-24-03-25. International agreements.

Repealed effective July 1, 2020.

33.1-24-03-26. Conditions for exemption for a very small quantity generator.

Provided that the very small quantity generator meets all the conditions for exemption listed in this section, hazardous waste generated by the very small quantity generator is not subject to the requirements of chapters 33.1-24-03 through 33.1-24-07, except section 33.1-24-03-01, section 33.1-24-03-02, subsection 2 of section 33.1-24-03-03, and section 33.1-24-03-26, and the notification requirements of section 33.1-24-03-03 and the very small quantity generator may accumulate hazardous waste onsite without complying with such requirements. The conditions for exemption are as follows:

1. In a calendar month the very small quantity generator generates less than or equal to the amounts specified in the definition of "very small quantity generator" in section 33.1-24-01-04;

2. The very small quantity generator complies with the hazardous waste determination requirements of section 33.1-24-03-02;

3. If the very small quantity generator accumulates at any time greater than one kilogram [2.2 pounds] of acute hazardous waste or one hundred kilograms [220 pounds] 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 section 33.1-24-02-16 and subsection 5

of section 33.1-24-02-18, all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

a. Such waste is held onsite for no more than ninety days beginning on the date when the accumulated wastes exceed the amounts provided above; and

b. The conditions for exemption in section 33.1-24-03-29.

4. If the very small quantity generator accumulates at any time one thousand kilograms [2,200 pounds] or greater of nonacute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

a. Such waste is held onsite for no more than one hundred eighty days, or two hundred seventy days, if applicable, beginning on the date when the accumulated waste exceeds the amounts provided above;

b. The quantity of waste accumulated onsite never exceeds six thousand kilograms [13,200 pounds]; and

c. The conditions for exemption in section 33.1-24-03-28.

5. A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in subsections 3 and 4 shall either treat or dispose of its hazardous waste in an onsite facility or ensure delivery to an offsite treatment, storage, or disposal facility, either of which, if located in the United States, is:

a. Permitted under chapter 33.1-24-06, or in interim status under section 33.1-24-06-16;

b. Authorized to manage hazardous waste by a state with a hazardous waste management program approved under title 40, Code of Federal Regulations, section 271, as amended January 3, 2018;

c. Permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to section 33.1-20-06.1;

d. Permitted, licensed, or registered by a state to manage nonmunicipal nonhazardous waste and, if managed in a nonmunicipal nonhazardous waste disposal unit, is subject to the requirements under title 40, Code of Federal Regulations, sections 257.5, as amended November 28, 2016, through 257.30, as amended October 13, 2005;

e. A facility which:

(1) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(2) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

f. For universal waste managed under sections 33.1-24-05-700 through 33.1-24-05-799, a universal waste handler or destination facility subject to the requirements of those sections;

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

(1) The very small quantity generator and the large quantity generator are under the control of the same person as defined in section 33.1-24-01-04. "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 section 33.1-24-01-04 shall not be deemed to "control" such generators.

(2) The very small quantity generator marks its container of hazardous waste with:

(a) The words "hazardous waste"; and

(b) An indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics of ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements at title 49, Code of Federal Regulations, part 172 subpart E or subpart F, as amended December 27, 2022; a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at title 29, Code of Federal Regulations, 1910.1200, as amended February 13, 2026; or a chemical hazard label consistent with the National Fire Protection Association Code 704, 2027 edition;

h. For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of subsection 10 of section 33.1-24-02-04.

i. A reverse distributor, as defined in section 33.1-24-05-310, if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a health care facility, as defined in section 33.1-24-05-310.

j. A health care facility, as defined in section 33.1-24-05-310, which meets the conditions in subsection 12 of section 33.1-24-05-312 and subsection 2 of section 33.1-24-05-313 as applicable, to accept noncreditable hazardous waste pharmaceuticals from an offsite health care facility that is a very small quantity generator.

6. The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

7. A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with subsection 2 of section 33.1-24-03-34.

History: Effective July 1, 2020; amended effective July 1, 2021; October 1, 2026.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05

33.1-24-03-27. Satellite accumulation area regulations for small and large quantity generators.

A generator may accumulate as much as fifty-five gallons of nonacute hazardous waste and either one quart of liquid (or one kilogram [2.2 pounds] of solid) acute hazardous waste or both listed in section 33.1-24-02-16 or subsection 5 of section 33.1-24-02-18 in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of sections 33.1-24-05-01 through 33.1-24-05-249, sections 33.1-24-05-300 through 33.1-24-05-599, chapter 33.1-24-06, and chapter 33.1-24-07, 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 in subsection 2 of section 33.1-24-03-28 or subsection one of section 33.1-24-03-29, except as required in subsections 7 and 8. The conditions for exemption for satellite accumulation are:

1. 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 from this container 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 in compliance with subsection 2 of section 33.1-24-03-28 or subsection one of section 33.1- 24-03-29;

2. The generator must 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. Special standards for incompatible wastes.

   a. Incompatible wastes, or incompatible wastes and materials, examples provided in Appendix III of chapter 33.1-24-05, must not be placed in the same container, unless subsection 2 of section 33.1- 24-05-08 is complied with;

   b. Hazardous waste may not be placed in an unwashed container that previously held an incompatible waste or material (see appendix III of chapter 33.1-24-05 for examples) unless subsection 2 of section 33.1-24-05-08 is complied with;

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

4. A container holding hazardous waste must be closed at all times during accumulation, except:

   a. When adding, removing, or consolidating waste; or

   b. When temporary venting of a container is necessary for the proper operation of equipment or to prevent dangerous situations, such as buildup of extreme pressure.

5. A generator must mark or label its container with the following:

   a. The words "Hazardous Waste"; and

   b. An indication of the hazards of the contents (examples include the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

6. A generator who accumulates either acute hazardous waste listed in section 33.1-24-02-16 or subsection 5 of section 33.1-24-02-18 or nonacute hazardous waste in excess of the amounts listed in this section at or near any point of generation must do the following:

   a. Comply within three consecutive calendar days with the applicable central accumulation area regulations in subsection 2 of section 33.1-24-03-28 or subsection 1 of section 33.1-24-03-29; or

   b. Remove the excess from the satellite accumulation area within three consecutive calendar days to either:

      (1) A central accumulation area operated in accordance with the applicable regulations in subsection 2 of section 33.1-24-03-28 or subsection 1 of section 33.1-24-03-29;

      (2) An onsite interim status or permitted treatment, storage, or disposal facility; or

      (3) An offsite designated facility; and

c. During the three-consecutive-calendar-day period the generator must continue to comply with subsections 1 through 5. The generator shall mark or label the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7. All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention regulations of subsection 8 of section 33.1-24-03-28 and emergency procedures at subsection 9 of section 33.1-24-03-28.

8. All satellite accumulation areas operated by a large quantity generator shall meet the preparedness, prevention, and emergency procedures in sections 33.1-24-05-15 through 33.1-24-05-36.

History: Effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-28. Conditions for exemption for a small quantity generator that accumulates hazardous waste.

A small quantity generator may accumulate hazardous waste onsite without a permit or interim status, and without complying with the requirements of sections 33.1-24-05-01 through 33.1-24-05-249, sections 33.1-24-05-300 through 33.1-24-05-599, chapter 33.1-24-06, and chapter 33.1-24-07, provided that all the conditions for exemption listed in this section 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 section 33.1-24-01-04.

2. **Accumulation.** The generator accumulates hazardous waste onsite for no more than one hundred eighty days, unless in compliance with the conditions for exemption for longer accumulation in subsections 11 and 12. The following accumulation conditions also apply:

   a. **Accumulation limit.** The quantity of hazardous waste accumulated onsite never exceeds six thousand kilograms [13,200 pounds];

   b. **Accumulation of hazardous waste in containers.** Hazardous waste accumulated in containers must meet these requirements:

      (1) If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator must immediately transfer the hazardous waste from this container 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) 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) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

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

      (5) 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. See subparagraph 1 for remedial action required if deterioration or leaks are detected.

(6) Incompatible wastes, or incompatible wastes and materials, (see appendix III of chapter 33.1-24-05 for examples) must not be placed in the same container, unless subsection 2 of section 33.1-24-05-08 is complied with.

(7) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix III of chapter 33.1-24-05 for examples), unless subsection 2 of section 33.1-24-05-08 is complied with.

(8) 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 must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

3. **Accumulation of hazardous waste in tanks.** Hazardous waste accumulated in tanks must meet the following requirements:

a. A small quantity generator of hazardous waste must comply with the following general operating conditions:

(1) Treatment or accumulation of hazardous waste in tanks must comply with subsection 2 of section 33.1-24-05-08.

(2) Hazardous wastes or treatment reagents must 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.

(3) Uncovered tanks must be operated to ensure at least sixty centimeters [2 feet] of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters [2 feet] of the tank.

(4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or bypass system to a standby tank).

b. Except as noted in subdivision c, a small quantity generator that accumulates hazardous waste in tanks must inspect, where present:

(1) Discharge control equipment (e.g., waste feed cutoff systems, bypass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

(2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

(3) The level of waste in the tank at least once each operating day to ensure compliance with paragraph 3 of subdivision a of subsection 3 of section 33.1-24-03-28;

(4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(5) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

c. 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, must inspect at least weekly, where applicable, the areas identified in subdivision b. Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the generator.

d. A small quantity generator accumulating hazardous waste in tanks, upon closure of the facility, shall 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 subsections 3 or 4 of section-24-02-03, that any solid waste removed from its tank is not a hazardous waste, then it must manage such waste in accordance with all applicable provisions of chapters 33.1-24-03 and 33.1-24-04, and sections 33.1-24-05-250 through 33.1-24-05-399.

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

(1) Ignitable or reactive waste must not be placed in a tank, unless:

(a) 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 sections 33.1-24-02-11 and 33.1-24-02-13, and subsection 2 of section 33.1-24-05-08 is complied with;

(b) 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

(c) The tank is used solely for emergencies.

(2) 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 through 2-6 of the national fire protection association's "Flammable and Combustible Liquids Code" (1977 or 1981) which are incorporated by reference in section 33.1-24-01-05.

(3) A small quantity generator shall comply with the following special conditions for incompatible wastes:

(a) Incompatible wastes, or incompatible wastes and materials, (see Appendix III of chapter 33.1-24-05 for examples) may not be placed in the same tank, unless subsection 2 of section 33.1-24-05-08 is complied with.

(b) Hazardous waste must not be placed in an unwashed tank that previously held an incompatible waste or material, unless subsection 2 of section 33.1-24-05-08 is complied with.

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

   a. The applicable drip pad requirements of sections 33.1-24-05-501 through 33.1-24-05-524;

   b. The small quantity generator must remove all wastes from the drip pad at least once every ninety days. Any hazardous wastes that are removed from the drip pad at least once every ninety days are then subject to the one hundred eighty-day accumulation limit in subsection 2 and section 33.1-24-03-27 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

   c. The small quantity generator shall maintain onsite at the facility the following records readily available for inspection:

      (1) 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 ninety days; and

      (2) 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.

5. **Accumulation of hazardous waste in containment buildings.** If the waste is placed in containment buildings, the small quantity generator shall comply with sections 33.1-24-05-475 through 33.1-24-05-500. 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 onsite and also in a conspicuous place provide an indication of the hazards of the contents (examples include the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).The generator also shall maintain:

   a. The professional engineer certification that the building complies with the design standards specified in section 33.1-24-05-476. This certification must be in the generator's files prior to operation of the unit; and

   b. The following records by use of inventory logs, monitoring equipment, or any other effective means:

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

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

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

6. **Labeling and marking of containers and tanks.**

a. Containers. A small quantity generator shall mark or label its containers with the following:

(1) The words "hazardous waste";

(2) An indication of the hazards of the contents (examples include the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704); and

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

b. Tanks. A small quantity generator accumulating hazardous waste in tanks shall do the following:

(1) Mark or label its tanks with the words "hazardous waste";

(2) Mark or label its tanks with an indication of the hazards of the contents (examples include the applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

(3) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within one hundred eighty 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 one hundred eighty days of first entering; and

(4) Keep inventory logs or records with the above information onsite and readily available for inspection.

7. **Land disposal restrictions.** A small quantity generator shall comply with all the applicable requirements in sections 33.1-24-05-250 through 33.1-24-05-299.

8. **Preparedness and prevention.**

a. **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 nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

b. **Required equipment.** All areas where hazardous waste is either generated or accumulated must be equipped with the following items (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

(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; fire control equipment, (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals); spill control equipment; and decontamination equipment; and

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

c. **Testing and maintenance of equipment.** All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in times of emergency.

d. **Access to communications or alarm system.**

(1) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (e.g., direct or 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 subdivision of subsection 8 of 33.1-24-03-28.

(2) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (e.g., direct or 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 subdivision b of subsection 8 of section 33.1-24-03-28.

e. **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.

f. **Arrangements with local authorities.**

(1) 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) 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.

(b) As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations 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.

(c) 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.

(2) A small 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 must 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 twenty-four-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.

9. **Emergency procedures**. The small quantity generator complies with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

a. At all times there must be at least one employee either on the premises or on call (i.e., 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 subdivision d. This employee is the emergency coordinator.

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

(1) The name and emergency telephone number of the emergency coordinator;

(2) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(3) The telephone number of the fire department, unless the facility has a direct alarm.

c. 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;

d. The emergency coordinator or his designee shall respond to any emergencies that arise. The applicable responses are as follows:

(1) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(2) 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 can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator;

(3) 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 their 24-hour toll free number 800-424-8802). The report must include the following information:

(a) The name, address, and United States environmental protection agency identification number of the small quantity generator;

(b) Date, time, and type of incident (e.g., spill or fire);

(c) Quantity and type of hazardous waste involved in the incident;

(d) Extent of injuries, if any; and

(e) Estimated quantity and disposition of recovered materials, if any.

10. **Transporting over two hundred miles.** A small quantity generator who shall transport its waste, or offer its waste for transportation, over a distance of 200 miles or more for offsite treatment, storage, or disposal may accumulate hazardous waste onsite for two hundred seventy days or less without a permit or without having interim status provided that the generator complies with the conditions of subsection 2.

11. **Accumulation time limit extension.** A small quantity generator who accumulates hazardous waste for more than one hundred eighty days (or for more than two hundred seventy days if it must transport its waste, or offer its waste for transportation, over a distance of two hundred miles or more) is subject to the requirements of chapters 33.1-24-05 and 33.1-24-06 unless it has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period. Such extension may be granted if hazardous wastes must remain onsite for longer than one hundred eighty days (or two hundred seventy days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the department on a case-by-case basis.

12. **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 of section 33.1-24-05-39 may accumulate the returned waste onsite in accordance with subsections 1 through 11. Upon receipt of the returned shipment, the generator must:

a. Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

b. Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

13. A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with section 33.1-24-03-34 of this part in lieu of section 33.1-24-03-29.

History: Effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-29. Conditions for exemption for a large quantity generator that accumulates hazardous waste.

A large quantity generator may accumulate hazardous waste onsite without a permit or interim status, and without complying with the requirements of sections 33.1-24-05-01 through 33.1-24-05-249, sections 33.1-24-05-300 through 33.1-24-05-599, chapter 33.1-24-06, and chapter 33.1-24-07, provided that all of the following conditions for exemption are met:

1. **Accumulation**. A large quantity generator shall accumulate hazardous waste onsite for no more than ninety days, unless in compliance with the accumulation time limit extension in subsection 2 or F006 accumulation conditions for exemption in subsection 3. 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 sections 33.1-24-05-400 through 33.1-24-05-474;

        (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 immediately shall transfer the hazardous waste from this container 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 always must be closed during accumulation, except if 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 paragraph 2 of subdivision a of subsection 1 for remedial action required if deterioration or leaks are detected.

        (6) **Special conditions for accumulation of ignitable and reactive wastes.**

            (a) Containers holding ignitable or reactive waste must be located at least fifteen meters [50 feet] 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 must 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 must be separated and protected from sources of ignition or reaction, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks

(static, electrical, or mechanical), spontaneous ignition, and radiant heat. If ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. "No Smoking" signs must be placed conspicuously wherever there is a hazard from ignitable or reactive waste.

(7) **Special conditions for accumulation of incompatible wastes.**

(a) Incompatible wastes, or incompatible wastes and materials, including those listed in appendix III of chapter 33.1-24-05, may be placed in the same container only if the requirements detailed in subsection 2 of section 33.1-24-05-08 are complied with.

(b) Hazardous waste may be placed in an unwashed container that previously held an incompatible waste or material, see appendix III of chapter 33.1-24-05, only if the requirements of subsection 2 of section 33.1-24-05-08 are met.

(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 must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

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 sections 33.1-24-05-103 through subsection 3 of section 33.1-24-05-110, section 33.1-24-05-113, and the applicable requirements of sections 33.1-24-05-400 through 33.1-24-05-474.

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

(1) The applicable drip pad requirements of sections 33.1-24-05-501 through 33.1-24-05-524;

(2) The large quantity generator shall remove all wastes from the drip pad at least once every ninety days. Any hazardous wastes that are removed from the drip pad are then subject to the ninety-day accumulation limit in subsection 1 of this section and section 33.1-24-03-27, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area; and

(3) The large quantity generator shall maintain onsite at the facility the following records readily available for inspection:

(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 ninety days; and

(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 sections 33.1-24-05-475 through 33.1-24-05-500. 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 onsite, and also in a conspicuous place provide an indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics of ignitable, corrosive,

reactive, or toxic; hazard communication consistent with the department of transportation requirements at title 49, Code of Federal Regulations, part 172 subpart E or subpart F, as amended December 27, 2022; a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at title 29, Code of Federal Regulations, 1910.1200, as amended February 13, 2026; or a chemical hazard label consistent with the National Fire Protection Association Code 704, 2027 edition. The generator also shall maintain:

(1) The professional engineer certification that the building complies with the design standards specified in section 33.1-24-05-476. This certification must be in the generator's files prior to operation of the unit; and

(2) The following records by use of inventory logs, monitoring equipment, or any other effective means:

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

(b) Documentation that the unit is emptied at least once every ninety days.

(c) Inventory logs or records with the above information must be maintained onsite 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 the following:

(a) The words "hazardous waste";

(b) An indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics of ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements at title 49, Code of Federal Regulations, part 172 subpart E or subpart F, as amended December 27, 2022; a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at title 29, Code of Federal Regulations, 1910.1200, as amended February 13, 2026; or a chemical hazard label consistent with the National Fire Protection Association Code 704, 2027 edition; and

(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 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. Examples include the applicable hazardous waste characteristics of ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements at title 49, Code of Federal Regulations, part 172 subpart E or subpart F, as amended December 27, 2022; a hazard statement or pictogram consistent with the occupational safety

and health administration hazard communication standard at title 29, Code of Federal Regulations, 1910.1200, as amended February 13, 2022; or a chemical hazard label consistent with the National Fire Protection Association Code 704, 2027 edition;

(c) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within ninety 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 ninety days of first entering; and

(d) Keep inventory logs or records with the above information onsite and readily available for inspection.

f. **Emergency procedures.** The large quantity generator shall comply with the standards in sections 33.1-24-05-15 through 33.1-24-05-36.

g. **Personnel training.**

(1) Facility personnel successfully shall complete a program of classroom instruction, online training such as computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator shall ensure that this program includes all the elements described subparagraph b.

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

(b) At a minimum, the training program must 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 where applicable:

[1] Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

[2] Key parameters for automatic waste feed cut-off systems;

[3] Communications or alarm systems;

[4] Response to fires or explosions;

[5] Response to ground-water contamination incidents; and

[6] Shutdown of operations.

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

(3) Facility personnel successfully shall complete the program required in subdivision g of subsection 1 of section 33.1-24-03-29 within six 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 of subdivision g of subsection 1 of section 33.1-24-03-29.

(4) Facility personnel shall take part in an annual review of the initial training required in subdivision g of subsection 1.

(5) The large quantity generator shall maintain 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 subparagraph 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 must 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 must be given to each person filling a position listed under subparagraph a;

(d) Records that document the required training or job experience has been given to, and completed by, facility personnel.

(6) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three 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 the following conditions:

(1) **Notification for closure of a waste accumulation unit.** A large quantity generator shall perform one of the following if closing a waste accumulation unit:

(a) Place a notice in the operating record within thirty days after closure identifying the location of the unit within the facility; or

(b) Meet the closure performance standards of paragraph 3 for container, tank, and containment building waste accumulation units or paragraph 4 for drip pads and notify environmental protection agency following the procedures in paragraph 2 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 large quantity generator shall:

(a) Notify the department using form 8700-12 no later than thirty days prior to closing the facility.

(b) Notify the department using form 8700-12 within ninety days after closing the facility that it has complied with the closure performance standards of paragraph 3 or 4. If the facility cannot meet the closure performance standards of paragraph 3 or 4, notify the department using form 8700-12 that it shall

close as a landfill under the standards of section 33.1-24-05-180 in the case of a container, tank, or containment building unit, or for a facility with drip pads, notify using form 8700-12 that it shall close under the standards of subsection 3 of section 33.1-24-05-506.

(c) A large quantity generator may request additional time to close, but it shall notify the department using form 8700-12 within seventy-five days after the date provided in subparagraph 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:

(a) Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the postclosure 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 (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless subsection 4 of section 33.1-24-02-03 applies.

(c) Manages any hazardous waste generated in the process of closing either the generator's facility or unit accumulating hazardous waste in accordance with all applicable standards of chapters 33.1-24-03 and 33.1-24-04, and sections 33.1-24-05-250 through 33.1-24-05-399, including removing any hazardous waste contained in these units within ninety days of generating it and managing these wastes in a Resource Conservation and Recovery Act 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 subparagraph b of paragraph 3 of subdivision h of subsection 1 of section 33.1-24-03-29, considers the waste accumulation unit to be a landfill and the generator shall close the waste accumulation unit and perform postclosure care in accordance with the closure and postclosure care requirements that apply to landfills (section 33.1-24-05-180). In addition, for the purposes of closure, postclosure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator shall meet all of the requirements for landfills specified in sections 33.1-24-05-59 through 33.1-24-05-88.

(4) **Closure performance standards for drip pad waste accumulation units.** At closure, the generator shall comply with the closure requirements of paragraph 2 of subdivision h of subsection 1 of section 33.1-24-03-29 and subparagraphs a and c of paragraph 3 of subdivision h of subsection 1 of section 33.1-24-03-29, and sections 33.1-24-05-505 and 33.1-24-05-506.

(5) The closure requirements of paragraph 3 of subdivision h do not apply to satellite accumulation areas.

i. **Land disposal restrictions.** The large quantity generator shall comply with all applicable requirements in sections 33.1-24-05-250 through 33.1-24-05-399.

2. **Accumulation time limit extension.** A large quantity generator that accumulates hazardous waste for more than ninety days is subject to the permit requirements of chapters 33.1-24-06 and 33.1-24-07 and the notification requirements of section 33.1-24-03-03, unless it has been granted an extension to the ninety-day period. Such extension may be granted by the department if hazardous wastes must remain onsite for longer than ninety days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days may be granted at the discretion of the department on a case-by-case basis.

3. **Accumulation of F006.** A large quantity generator that also generates wastewater treatment sludges from electroplating operations that meet the listing description for the environmental protection agency hazardous waste number F006, may accumulate F006 waste onsite for more than ninety days, but not more than one hundred eighty days without being subject to chapters 33.1-24-06 and 33.1-24-07, and the notification requirements of section 33.1-24-03-03, 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 twenty thousand kilograms [44,092 pounds] of F006 waste is accumulated onsite at any one time; and

   d. The F006 waste is managed in accordance with the following:

      (1) If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption in subdivision a of subsection 1 of section 33.1-24-03-29;

      (2) If the F006 is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption of subdivision b of subsection 1 of section 33.1-24-03-29;

      (3) If the F006 is placed in containment buildings, the large quantity generator shall comply with sections 33.1-24-05-475 through 33.1-24-05-477 and has placed its professional engineer certification that the building complies with the design standards specified in section 33.1-24-05-476 in the facility's files prior to operation of the unit. The large quantity generator shall maintain the following records:

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

         (b) Documentation that the unit is emptied at least once every one hundred eighty days.

      (4) The large quantity generator is exempt from all the requirements in sections 33.1-24-05-57 through 33.1-24-05-88, except for those referenced in subdivision h of subsection 1 of section 33.1-24-05-29.

(5) The date upon which each period of accumulation begins is clearly marked and must be clearly visible for inspection on each container;

(6) While being accumulated onsite, each container and tank is labeled or marked clearly with:

(a) The words "hazardous waste"; and

(b) An indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics of ignitable, corrosive, reactive, or toxic; hazard communication consistent with the department of transportation requirements at title 49, Code of Federal Regulations, part 172 subpart E or subpart F, as amended December 27, 2022; a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at title 29, Code of Federal Regulations, 1910.1200, as amended February 13, 2026; or a chemical hazard label consistent with the National Fire Protection Association Code 704, 2027 edition.

(7) The large quantity generator complies with the requirements in subdivisions e and f.

e. **F006 transported over two hundred miles.** A large quantity generator that also generates wastewater treatment sludges from electroplating operations that meet the listing description for the environmental protection agency hazardous waste number F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for offsite metals recovery, may accumulate F006 waste onsite for more than ninety days, but not more than two hundred seventy days without being subject to chapters 33.1-24-06 and 33.1-24-07, and the notification requirements of section 33.1-24-03-03, if the large quantity generator complies with all of the conditions for exemption in subdivisions a through d of subsection 3 of section 33.1-24-03-29.

f. **F006 accumulation time extension.** A large quantity generator accumulating F006 in accordance with subdivisions a through d of subsection 3 of section 33.1-24-03-29 that accumulates F006 waste onsite for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than twenty thousand kilograms of F006 waste onsite is an operator of a storage facility and is subject to the requirements of chapters 33.1-24-06 and 33.1-24-07, and the notification requirements of section 33.1-24-03-03, unless the generator has been granted an extension to the one hundred-day (or two hundred seventy-day if applicable) period or an exception to the twenty thousand kilogram accumulation limit. Such extensions and exceptions may be granted by environmental protection agency if F006 waste must remain onsite for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than twenty thousand kilograms of F006 waste must remain onsite due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accumulation limit may be granted at the discretion of the regional administrator on a case-by-case basis.

4. **Consolidation of hazardous waste received from very small quantity generators.** Large quantity generators may accumulate onsite hazardous waste received from very small quantity generators under control of the same person, as defined in section 33.1-24-01-04, without a storage permit or interim status and without complying with the requirements of chapters 33.1-24-06 and 33.1-24-07, and the notification requirements of section 33.1-24-03-03, provided that they comply with the following conditions. "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 may not be deemed to "control" such generators. The large quantity generator:

a. Notifies the department at least thirty days prior to receiving the first shipment from a very small quantity generator using environmental protection agency form 8700-12;

b. Identifies 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; and

c. Submits an updated site identification form (environmental protection agency form 8700-12) within thirty days after a change in the name or site address for the very small quantity generator.

d. Maintains records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records must 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.

e. Complies with the independent requirements identified in subdivision c of subsection 1 of section 33.1-24-03-01 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 in subdivision e of subsection 1 of section 33.1-24-03-29, the large quantity generator shall label the container or unit with the date accumulation started (i.e., 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 onsite.

5. **Rejected load.** A large 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 of section 33.1-24-05-39 may accumulate the returned waste onsite in accordance with subsections 1 through 4. Upon receipt of the returned shipment, the generator shall:

a. Sign item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

b. Sign item 20 of the manifest, if the transporter returned the shipment using a new manifest.

History: Effective July 1, 2020; amended effective July 1, 2021; October 1, 2026.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05

33.1-24-03-30. Imports of hazardous waste.

Repealed effective July 1, 2020.

33.1-24-03-31. [Reserved].

33.1-24-03-32. [Reserved].

33.1-24-03-33. [Reserved].

33.1-24-03-34. Alternative standards for episodic generation.

1. **Definitions.**

   a. "Episodic event" means an activity or activities, planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous waste that exceeds the calendar month quantity limits for the generator's usual category.

   b. "Planned episodic event" means an episodic event the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

   c. "Unplanned episodic event" means an episodic event the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or "acts of nature," such as tornado, hurricane, or flood.

2. **Conditions for a 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 the following conditions:

   a. The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under subsection 4 of section 33.1-24-03-34.

   b. The very small quantity generator shall notify the department no later than thirty calendar days prior to initiating a planned episodic event using a department-approved form. In the event of an unplanned episodic event, the generator shall notify the department within seventy-two hours of the unplanned event via phone, electronic mail, or fax and subsequently submit notification on an approved form. The generator shall include the start date and end date of the episodic event, the reason for the 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 twenty-four-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with section 33.1-24-03-28.

   c. The very small quantity generator shall have, or obtain, an identification number as defined in section 33.1-24-03-03.

   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) **Containers.** A very small quantity generator accumulating episodic hazardous waste in containers shall mark or label its containers with the following:

         (a) The words "episodic hazardous waste";

         (b) An indication of the hazards of the contents (examples include the applicable hazardous waste characteristics), hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding), a hazard statement or pictogram consistent with the occupational safety and health administration hazard

communication standard at 29 CFR 1910.1200, or a chemical hazard label consistent with the National Fire Protection Association Code 704; and

(c) The date upon which the episodic event began, clearly visible for inspection on each container.

(2) **Tanks.** A very small quantity generator accumulating episodic hazardous waste in tanks shall do the following:

(a) Mark or label the tank with the words "episodic hazardous waste";

(b) An indication of the hazards of the contents (examples include the applicable hazardous waste characteristics), hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding), a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200, or a chemical hazard label consistent with the National Fire Protection Association Code 704;

(c) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and

(d) Keep inventory logs or records with the above information onsite and readily available for inspection.

(3) Hazardous waste must be managed in a manner that minimizes the possibility of a fire, explosion, or the release of hazardous waste or hazardous waste constituents to the air, soil, or water;

(4) Containers must be in good condition and compatible with the hazardous waste being accumulated therein. Containers must be kept closed except to add or remove waste; and

(5) Tanks must be in good condition and compatible with the hazardous waste accumulated therein. Tanks must have procedures in place to prevent overflow. Tanks must 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) is in good working order; and to ensure the tank is operated according to its design.

e. The very small quantity generator shall comply with the hazardous waste manifest provisions of sections 33.1-24-03-04 through 33.1-24-03-07 when it sends its episodic event hazardous waste offsite to a designated facility.

f. The very small quantity generator has up to sixty calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility.

g. Very small quantity generators shall maintain the following records for three 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 Resource Conservation and Recovery Act-designated facility that received the hazardous waste;

(5) Name of the hazardous waste transporter; and

(6) Documentation of approval from the department for any additional episodic events in a calendar year.

3. **Conditions for small quantity generators.** A small quantity generator may maintain its existing generator category during an episodic event provided the generator complies with the following conditions:

a. The small quantity generator is limited to one episodic event per calendar year unless a petition is granted under subsection 4 of section 33.1-24-03-34.

b. The small quantity generator shall notify the department no later than thirty calendar days prior to initiating a planned episodic event using a department-approved form. In the event of an unplanned episodic event, the generator shall notify the department within seventy-two hours of the unplanned event via phone, electronic mail, or fax and subsequently submit notification on an approved form. The generator shall include the start date and end date of the episodic event, the reason for the 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 twenty-four-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with subdivision a of subsection 9 of section 33.1-24-03-28.

c. The small quantity generator shall have, or obtain, an identification number as defined in section 33.1-24-03-03.

d. A small quantity generator is prohibited from accumulating hazardous wastes generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:

(1) **Containers.** A small quantity generator accumulating episodic hazardous waste in containers shall mark or label its containers with the following:

(a) The words "episodic hazardous waste";

(b) An indication of the hazards of the contents (examples include the applicable hazardous waste characteristics), hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding), a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200, or a chemical hazard label consistent with the National Fire Protection Association Code 704; and

(c) The date upon which the episodic event began, clearly visible for inspection on each container.

(2) **Tanks.** A small quantity generator accumulating episodic hazardous waste in tanks shall meet the requirements of subsection 3 of section 33.1-24-03-28 and do the following:

(a) Mark or label the tank with the words "episodic hazardous waste";

(b) An indication of the hazards of the contents (examples include the applicable hazardous waste characteristics), hazard communication consistent with the department of transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding), a hazard statement or pictogram consistent with the occupational safety and health administration hazard communication standard at 29 CFR 1910.1200, or a chemical hazard label consistent with the National Fire Protection Association Code 704;

(c) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and

(d) Keep inventory logs or records with the above information onsite and readily available for inspection.

e. The small quantity generator shall treat hazardous waste generated from an episodic event onsite or manifest and ship such hazardous waste offsite to a designated facility within sixty calendar days from the start of an episodic event.

f. The small quantity generator shall maintain the following records for three 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 Resource Conservation and Recovery Act-designated facility that received the hazardous waste;

(5) Name of the hazardous waste transporter; and

(6) Documentation of approval from the department for any additional episodic events in a calendar year.

4. **Petition to manage one additional episodic event per calendar year.** A generator may petition for a second episodic event in a calendar year without impacting its generator category under the following conditions:

a. If a very small quantity or small quantity generator has already held a planned episodic event in a calendar year, the generator may petition for an additional unplanned episodic event in that calendar year within seventy-two hours of the unplanned event.

b. If a very small quantity or small quantity generator has already held an unplanned episodic event in a calendar year, the generator may petition for an additional planned episodic event in that calendar year.

c. The petition must include the following:

(1) The reason why an additional episodic event is needed and the nature of the episodic event;

(2) The estimated amount of hazardous waste to be managed from the event;

(3) How the hazardous waste will be managed;

(4) The estimated length of time needed to complete management of hazardous waste generated from the episodic event - not to exceed sixty days; and

(5) 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.

d. The petition must be made to the department in writing, either on paper or electronically.

e. The generator shall retain written approval in its records for three years from the date the episodic event ended.

History: Effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-35. [Reserved].

33.1-24-03-36. [Reserved].

33.1-24-03-37. [Reserved].

33.1-24-03-38. [Reserved].

33.1-24-03-39. [Reserved].

33.1-24-03-40. Farmers.

A farmer disposing of waste pesticides from the farmer's own use which are hazardous wastes is not required to comply with the standards in this chapter or chapters 33.1-24-05 and 33.1-24-06 for those wastes provided the farmer triple rinses each emptied pesticide container in accordance with subdivision a, b, or c of subsection 5 of section 33.1-24-02-07 and disposes of the pesticide residues on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-41. [Reserved].

33.1-24-03-42. [Reserved].

33.1-24-03-43. [Reserved].

33.1-24-03-44. [Reserved].

33.1-24-03-45. [Reserved].

33.1-24-03-46. [Reserved].

33.1-24-03-47. [Reserved].

33.1-24-03-48. [Reserved].

33.1-24-03-49. [Reserved].

33.1-24-03-50. Transboundary movements of hazardous waste for recovery or disposal.

1. The requirements of sections 33.1-24-03-50 through 33.1-24-03-59 apply to transboundary movements of hazardous wastes.

2. Any person (exporter, importer, disposal facility operator, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under chapter 33.1-24-03 and any exporter duties, if applicable, under sections 33.1-24-03-50 through 33.1-24-03-59.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-51. Definitions.

In addition to the definitions set forth in section 33.1-24-01-04, the following definitions apply to sections 33.1-24-03-50 through 33.1-24-03-59:

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 designated 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 include the following categories:

   a. D1 - Release or deposit into or onto land, other than by any of operations D2 through 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 which 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 through D12, which results in final compounds or mixtures which are discarded by means of any of operations D1 through D12.

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

n. D14 - Repackaging, prior to any of operations D1 through D13.

o. D15 - (or DC17 for transboundary movements with Canada only) Interim storage, prior to any of operations D1 through 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. "Environmental protection agency acknowledgment of consent" means the letter the environmental protection agency sends to the exporter documenting the specific terms of the country of import's consent and the country or countries of transit's consents. The acknowledgment of consent meets the definition of an export license in United States 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 hazardous waste manifest, means the person domiciled in the United States that is required to originate the movement document in accordance with subsection 4 of section 33.1-24-03-53 or the manifest for a shipment of hazardous waste in accordance with sections 33.1-24-03-04 through 33.1-24-03-07 which specifies a foreign receiving facility at 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 that 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 that, 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 the hazardous waste.

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. "Organization for economic cooperation and development area" means all land or marine areas under the national jurisdiction of any organization for economic cooperation and development member country. When the regulations refer to shipments to or from an organization for economic cooperation and development member country, this means organization for economic cooperation and development area.

16. "Organization for Economic Cooperation and Development member country" means the countries that are members of the Organization for Economic Cooperation and Development and participate in the Amended 2001 Organization for Economic Cooperation and Development Decision. (environmental protection agency provides a list of Organization for Economic Cooperation and Development member countries at https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-waste).

17. "Receiving facility" means a United States facility that, under the Resource Conservation and Recovery Act 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.

18. "Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses, which include:

    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 which 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 rerefining 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 R10or RC14 (for transboundary shipments with Canada only).

l. R12 - Exchange of wastes for submission to any of the operations numbered R1 through R11or RC14 (for transboundary shipments with Canada only).

m. R13 - Accumulation of material intended for any operation numbered R1 through R12or RC14 (for transboundary shipments with Canada only).

n. RC14 - Recovery or regeneration of a substance or use or reuse 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).

19. "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: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-52. General conditions.

1. 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 organization for economic cooperation and development green and amber lists are incorporated by reference in subsection 7 of section 33.1-24-01-05.

   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 sections 33.1-24-03-50 through 33.1-24-03-55.

      (2) Green wastes that are hazardous wastes are subject to the requirements of sections 33.1-24-03-50 through 33.1-24-03-59.

   b. Amber list wastes.

      (1) Amber wastes that are hazardous wastes are subject to the requirements of sections 33.1-24-03-50 through 33.1-24-03-59, even if they 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.

         (a) For exports, the exporter must comply with section 33.1-24-03-53.

         (b) For imports, the recovery or disposal facility and the importer must comply with section 33.1-24-03-55.

      (2) Amber wastes that are not hazardous wastes, but are considered hazardous by the other country are subject to the amber control procedures in that country that

considers the waste hazardous, and are not subject to the requirements of sections 33.1-24-03-50 through 33.1-24-03-55. 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.

[Note: Some Amber list wastes are not listed or otherwise identified as hazardous under the Resource Conservation and Recovery Act, and therefore are not subject to the requirements of sections 33.1-24-03-50 through 33.1-24-03-59. Regardless of the status of the waste under the Resource Conservation and Recovery Act, however, other federal environmental statutes (for example, the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to sections 33.1-24-03-50 through 33.1-24-03-59.]

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 sections 33.1-24-03-50 through 33.1-24-03-55.

[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 sections 33.1-24-03-50 through 33.1-24-03-55.

[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 organization for economic cooperation and development waste list are eligible for transboundary movements, as follows:

(1) If such wastes are hazardous wastes, such wastes are subject to the requirements of sections 33.1-24-03-50 through 33.1-24-03-55.

(2) If such wastes are not hazardous wastes, such wastes are not subject to the requirements of sections 33.1-24-03-50 through 33.1-24-03-55.

2. **General conditions applicable to transboundary movements of hazardous waste:**

a. The hazardous waste must 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 must be in compliance with applicable international transport agreements; and

[Note: These international agreements include the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).]

c. Any transit of hazardous waste through one or more countries must 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 must be returned to the country of export. The United States transporter shall inform the environmental protection agency at the specified mailing address in subsection 5, and the department, of the need to return the shipment. The environmental protection agency will then inform the competent authority of the country of export, citing the reasons for returning the waste. The United States transporter shall complete the return within ninety days from the time the environmental protection agency informs the country of export of the need to return the waste, unless informed in writing by the environmental protection agency 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 sections 33.1-24-03-50 through 33.1-24-03-55 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 twenty-five kilograms in quantity, is appropriately packaged and labeled and complies with the conditions of subsection 4 or 5 of section 33.1-24-02-04.

5. **Environmental protection agency address for submittals by postal mail or hand delivery.** Submittals required in sections 33.1-24-03-50 through 33.1-24-03-55 to be made by postal mail or hand delivery should be sent to the following addresses:

   a. For postal mail delivery,

      Office of Enforcement and Compliance Assurance,
      Office of Federal Activities,
      International Compliance Assurance Division (2254A),
      Environmental Protection Agency,
      1200 Pennsylvania Avenue NW.,
      Washington, DC 20460.

   b. For hand-delivery,

      Office of Enforcement and Compliance Assurance,
      Office of Federal Activities,
      International Compliance Assurance Division,
      Environmental Protection Agency,
      William Jefferson Clinton South Building, Room 6144,
      12th Street and Pennsylvania Avenue NW.,
      Washington, DC 20004.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-53. Exports of hazardous waste.

1. General export requirements. Except as provided in subdivisions e and f, exporters that have received an acknowledgment of consent from the environmental protection agency before December 31, 2016, are subject to that approval and the requirements listed in the

acknowledgment of consent 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 in subsection 6;

b. The exporter complies with the notification requirements in subsection 2;

c. The exporter receives an acknowledgment of consent from the environmental protection agency 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 documents requirements in subsection 4;

e. The exporter ensures compliance with the manifest instructions for export shipments in subsection 3; and

f. The exporter or a United States authorized agent:

(1) For shipments initiated prior to the automated export system filing compliance date, does one of the following:

(a) Submits electronic export information for each shipment to the automated export system or its successor system, under the international trade data system platform, in accordance with 15 CFR 30.4(b), and includes the following items in the electronic export information, along with the other information required under 15 CFR 30.6:

[1] Environmental protection agency license code;

[2] Commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12);

[3] Environmental protection agency consent number for each hazardous waste;

[4] Country of ultimate destination code per 15 CFR 30.6(a)(5);

[5] Date of export per 15 CFR 30.6(a)(2);

[6] Resource Conservation and Recovery Act hazardous waste manifest tracking number, if required;

[7] 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

[8] Environmental protection agency 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:

[1] Attaching paper documentation of consent (such as, a copy of the environmental protection agency acknowledgment of consent, international movement document) to the manifest, or shipping papers if a

manifest is not required, which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with the paper documentation of consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the paper documentation of consent to the shipping paper.

[2] Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, electronic mail or fax to deliver that copy to the United States customs official at the point the hazardous waste leaves the United States in accordance with paragraph 2 of subdivision d of subsection 7 of section 33.1-24-04-04.

(2) For shipments initiated on or after the automated export system filing compliance date, submits electronic export information for each shipment to the automated export system or its successor system, under the international trade data system platform, in accordance with 15 CFR 30.4(b), and includes the following items in the electronic export information, along with the other information required under 15 CFR 30.6:

(a) Environmental protection agency license code;

(b) Commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12);

(c) Environmental protection agency consent number for each hazardous waste;

(d) Country of ultimate destination code per 15 CFR 30.6(a)(5);

(e) Date of export per 15 CFR 30.6(a)(2);

(f) Resource Conservation and Recovery Act hazardous waste manifest tracking number, if required;

(g) 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

(h) Environmental protection agency 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 sixty days before the first shipment of hazardous waste is expected to leave the United States, the exporter shall provide notification in English to the environmental protection agency and the department of the proposed transboundary movement. Notifications must be submitted electronically using the environmental protection agency's waste import export tracking system, or its successor system and by mail to the department. 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 must include all of the following information:

(1) Exporter name and identification number, address, telephone, fax numbers, and electronic mail address;

(2) Foreign receiving facility name, address, telephone, fax numbers, electronic mail address, technologies employed, and the applicable recovery or disposal operations as defined in section 33.1-24-03-51;

(3) Foreign importer name, if not the owner or operator of the foreign receiving facility, address, telephone, fax numbers, and electronic mail address;

(4) Intended transporters and their agents, or agents; address, telephone, fax, and electronic mail address;

(5) "United States" as the country of export name, "USA01" as the relevant competent authority code, and the intended United States port or ports of exit;

(6) The ISO standard 3166 country name two-digit code, Organization for Economic Cooperation and Development/Basel competent authority code, and the ports of entry and exit for each country of transit;

(7) The ISO standard 3166 country name two-digit code, Organization for Economic Cooperation and Development/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) Descriptions of each hazardous waste, including whether each hazardous waste is regulated universal waste under sections 33.1-24-05-700 through 33.1-24-05-799, spent lead-acid batteries being exported for recovery of lead under sections 33.1-24-05-235 through 33.1-24-05-249, or industrial ethyl alcohol being exported for reclamation under paragraph 1 of subdivision c of subsection 1 of section 33.1-24-02-06, estimated total quantity of each waste in either metric tons or cubic meters, the applicable Resource Conservation and Recovery Act waste codes for each hazardous waste, the applicable Organization for Economic Cooperation and Development waste code from the lists incorporated by reference in section 33.1-24-01-05, and the United Nations/United States department of transportation identification number for each waste;

(12) Specification of the recovery or disposal operations as defined in section 33.1-24-03-51.

(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 preconsented recovery facilities in Organization for Economic Cooperation and Development member countries. If the recovery facility is located in an Organization for Economic Cooperation and Development member country and has been pre-consented by the competent authority of the Organization for Economic Cooperation and Development member country to recover the waste sent by exporters located in other Organization for Economic Cooperation and Development member countries, the notification may cover up to three years of shipments. Notifications proposing export to a pre-consented facility in an Organization for Economic Cooperation and Development member country must include all information listed in paragraphs 1 through 13 of subdivision a and additionally state that the facility is pre-consented. Exporters shall submit the notification to environmental protection agency using the allowable methods listed in subdivision a at least ten 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 paragraph 2 of subdivision a 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 according to subdivision a also must include the final foreign recovery or disposal facility name, address, telephone, fax numbers, electronic mail 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 subdivision are defined in section 33.1-24-03-51.

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 the environmental protection agency and the department using the allowable methods in subdivision 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 environmental protection agency acknowledgment of consent letter documenting the countries' consents to the changes.

e. 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, the environmental protection agency will coordinate with the department of State to provide the complete notification to country of import and any countries of transit. In all other cases, the environmental protection agency will provide the notification directly to the country of import and any countries of transit. A notification is complete when the environmental protection agency receives a notification that the environmental protection agency determines satisfies the requirements of paragraphs 1 through 13 of subdivision a.

f. When the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, the environmental protection agency will forward an environmental protection agency acknowledgment of consent 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, the environmental protection agency will notify the exporter.

g. 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 in this section, including providing notification to the environmental protection agency and the department in accordance with subdivision a. In addition to listing all required information in paragraphs 1 through 13 of subdivision a, the exporter shall provide the original consent number issued for the initial import of the wastes in the notification, and receive an acknowledgment of consent from the environmental protection agency documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to re-export.

h. Upon request by the environmental protection agency, the exporter shall furnish to the environmental protection agency any additional information that the country of import requests in order to respond to a notification.

3. Resource Conservation and Recovery Act manifest instructions for export shipments. The exporter shall comply with the manifest requirements of sections 33.1-24-03-04 through 33.1-24-03-07 except that:

a. In lieu of the name, site address, and identification 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 United States port of exit (city and state) from the United States.

c. The exporter shall list the consent number from the acknowledgment of consent 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 (environmental protection agency form 8700-22A).

d. The exporter may obtain the manifest from any source that is registered with the United States environmental protection agency as a supplier of manifests (for example, states, waste handlers, or commercial forms printers).

4. Movement document requirements for export shipments.

a. All exporters shall ensure that a movement document meeting the conditions of subdivision 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 and sorted, or sorted, by the foreign importer prior to shipment to the foreign receiving facility, except as provided in paragraphs 1 and 2.

(1) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter shall forward the movement document to the last water (bulk 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 which start from the company originating the export shipment, the exporter shall forward the movement document to the next nonrail 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 must include the following:

(1) The corresponding consent numbers and hazardous waste numbers for the listed hazardous waste from the relevant environmental protection agency acknowledgment of consents;

(2) The shipment number and the total number of shipments from the environmental protection agency acknowledgment of consent;

(3) Exporter name and identification number, address, telephone, fax numbers, and electronic mail address;

(4) Foreign receiving facility name, address, telephone, fax numbers, electronic mail address, technologies employed, and the applicable recovery or disposal operations as defined in section 33.1-24-03-51;

(5) Foreign importer name, if not the owner or operator of the foreign receiving facility, address, telephone, fax numbers, and electronic mail address;

(6) Descriptions of each hazardous waste, quantity of each hazardous waste in the shipment, applicable Resource Conservation and Recovery Act hazardous waste codes for each hazardous waste, applicable Organization for Economic Cooperation and Development waste code for each hazardous waste from the lists incorporated by reference in section 33.1-24-01-05, and the United Nations/United States department of transportation identification number for each hazardous waste;

(7) Date movement commenced;

(8) Name (if not the exporter), address, telephone, fax numbers, and electronic mail of company originating the shipment;

(9) Company name, environmental protection agency identification number, address, telephone, fax, and electronic mail address of all transporters;

(10) Identification (license, registered name, or registration number) of means of transport, including types of packaging;

(11) Any special precautions to be taken by transporters;

(12) Certification or declaration, or both, signed and dated by the exporter that the information in the movement document is complete and correct;

(13) Appropriate signatures for each custody transfer (for example, transporter, importer, and owner or operator of the foreign receiving facility);

(14) Each United States person that has physical custody of the hazardous waste from the time the movement commences until it arrives at the foreign receiving facility must sign the movement document (for example, transporter, foreign importer, and owner or operator of the foreign receiving facility); and

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

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 must be returned, the exporter shall provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs the environmental protection agency and the department 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 the environmental protection agency and the department in accordance with subsection 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 (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must 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 appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

   b. Contracts or equivalent arrangements must specify the name and environmental protection agency identification number, where available, of:

      (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; and

      (4) The foreign receiving facility.

   c. Contracts or equivalent arrangements must 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 must specify that:

      (1) The transporter or foreign receiving facility having actual possession or physical control over the hazardous wastes will immediately inform the exporter, the environmental protection agency, the department, 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; and

      (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 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 subdivision a of subsection 2, the original consent number issued for the initial export of the hazardous wastes in the notification, and obtain consent from the environmental protection agency and the competent authorities in the new country of import and any transit countries prior to re-export.

   d. Contracts must specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, to the competent authorities of the countries of import and transit, and the department. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts must additionally specify that the foreign

receiving facility send a copy to the environmental protection agency at the same time using the allowable methods listed in subdivision a of subsection 2 on or after that date.

e. Contracts must 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 thirty 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, to the competent authority of the country of import, and the department. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts must additionally specify that the foreign receiving facility send a copy to the environmental protection agency at the same time using the allowable methods listed in subdivision a of subsection 2 on or after that date.

f. Contracts must 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, as appropriate, will:

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

(2) Promptly send copies of the confirmation of recovery or disposal which 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, and the department. For contracts that will be in effect on or after the electronic import-export reporting compliance date, the contracts must additionally specify that the foreign facility send copies to the environmental protection agency at the same time using the allowable method listed in subdivision a of subsection 2 on or after that date.

g. Contracts or equivalent arrangements must 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 Organization for Economic Cooperation and Development 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 Organization for Economic Cooperation and Development 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 must contain provisions requiring each contracting party to comply with all applicable requirements of sections 33.1-24-03-50 through 33.1-24-03-55.

i. Upon request by the environmental protection agency, United States exporters, importers, or recovery facilities shall submit to the environmental protection agency copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

7. Annual reports. The exporter shall file an annual report with the environmental protection agency and the department no later than March first 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 automated export system filing compliance date, the exporter shall mail or hand-deliver annual reports to the environmental protection agency using one of the addresses specified in subsection 5 of section 33.1-24-03-52, or submit to the environmental protection agency using the allowable methods specified in subdivision a of subsection 2 if the exporter has electronically filed the environmental protection agency information in the automated export system, or its successor system, as required by subparagraph a of paragraph 1 of subdivision f of subsection 1 for all shipments made the previous calendar year. Subsequently, the exporter shall submit annual reports to the environmental protection agency using the allowable methods specified in subdivision a of subsection 2. The annual report must include the following:

   a. The 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 hazardous waste codes (from sections 33.1-24-02-10 through 33.1-24-02-19) for each waste;

      (3) The applicable waste code from the appropriate Organization for Economic Cooperation and Development waste list incorporated by reference in section 33.1-24-01-05;

      (4) The applicable department of transportation identification number;

      (5) The name and United States environmental protection agency identification number (where applicable) for each transporter used over the calendar year covered by the report; and

      (6) The consent numbers 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 one hundred kilograms but less than one thousand kilograms in a calendar month, and except for hazardous waste for which information was already provided pursuant to section 33.1-24-03-14:

      (1) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and

      (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; and

   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 in lieu of the requirements of section 33.1-24-03-15, if applicable, with the environmental protection agency and the department if any of the following occurs:

      (1) The exporter has not received a copy of the hazardous waste manifest, if applicable, signed by the transporter identifying the point of departure of the hazardous waste from the United States, within forty-five days from the date it was accepted by the initial transporter, in which case the exporter shall file the exception report within the next thirty days;

      (2) The exporter has not received a written confirmation of receipt from the foreign receiving facility in accordance with subsection 4 within ninety 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 thirty days; or

      (3) The foreign receiving facility notifies the exporter, or the country of import notifies the environmental protection agency, of the need to return the shipment to the United States or arrange alternate management, in which case the exporter shall file the exception report within thirty 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 must be mailed or hand delivered to the environmental protection agency using the addresses listed in subsection 5 of section 33.1-24-03-52. Subsequently, exception reports must be submitted to the environmental protection agency using the allowable methods listed in subdivision a of subsection 2.

9. Recordkeeping.

   a. The exporter shall keep the following records and provide them to the environmental protection agency or the department upon request:

      (1) A copy of each notification of intent to export and each environmental protection agency acknowledgment of consent for a period of at least three 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 three years from the due date of the report;

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

      (4) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three 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 per section 33.1-24-03-55 for at least three years from the expiration date of the contract or equivalent arrangement.

b. Exporters may satisfy these recordkeeping requirements by retaining electronically submitted documents in the exporter's account on the environmental protection agency's waste import export tracking system, or its successor system, provided that copies are readily available for viewing and production if requested by any environmental protection agency or department 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 the environmental protection agency'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 department or the administrator.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-54. Movement document.

1. All United States parties subject to the contract provisions of section 33.1-24-03-55 must ensure that a movement document meeting the conditions of subsection 2 of this section accompanies each transboundary movement of wastes subject to the amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or sorted, or both, by the importer prior to shipment to the final recovery facility, except as provided in subdivisions a and b of subsection 1.

   a. For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must forward the movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures of subsection 3 of section 33.1-24-03-07).

   b. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the movement document with the manifest (in accordance with the routing procedures for the manifest in subsection 4 of section 33.1-24-03-07) to the next nonrail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

2. The movement document must include all information required under section 33.1-24-03-53 (for notification), as well as the following information:

   a. Date movement commenced;

   b. Name (if not exporter), address, telephone, fax numbers, and electronic mail of primary exporter;

   c. Company name and identification number of all transporters;

   d. Identification (license, registered name or registration number) of means of transport, including types of packaging envisaged;

e. Any special precautions to be taken by transporters;

f. Certification signed by the exporter that no objection to the shipment has been lodged, as follows:

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, that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement, and that:

(1) All necessary consents have been received; or

(2) The shipment is directed to a recovery facility within the organization for economic cooperation and development area and no objection has been received from any of the countries concerned within the thirty-day tacit consent period; or

(3) The shipment is directed to a recovery facility preapproved for that type of waste within the organization for economic cooperation and development area; such an authorization has not been revoked, and no objection has been received from any of the countries concerned.

(Delete sentences that are not applicable)

Name:_____

Signature:_____

Date:_____

g. Appropriate signatures for each custody transfer (for example, transporter, importer, and owner or operator of the recovery facility).

3. Exporters also must comply with the special manifest requirements of subsections 1, 2, 3, 5, and 9 of section 33.1-24-03-21, and importers must comply with the import requirements of section 33.1-24-03-30.

4. Each United States person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the movement document (for example, transporter, importer, and owner or operator of the recovery facility).

5. Within three working days of the receipt of imports subject to sections 33.1-24-03-50 through 33.1-24-03-59, the owner or operator of the United States recovery facility must send signed copies of the movement document to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, D.C. 20460, to the state and to the competent authorities of the countries of export and transit. If the concerned United States recovery facility is a R12 or R13, or both, recovery facility as defined under section 33.1-24-03-51, the facility shall retain the original of the movement document for three years.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-55. Imports of hazardous waste.

1. **General import requirements.**

   a. With the exception of subdivision e, importers of shipments covered under a consent from environmental protection agency to the country of export issued before December 31, 2016, are 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 that imports hazardous waste from a foreign country into the United States shall comply with the requirements of sections 33.1-24-03-50 through 33.1-24-03-59.

   b. In cases in which 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 environmental protection agency in accordance with subsection 2.

   c. The importer shall comply with the contract requirements in subsection 6.

   d. The importer shall ensure compliance with the movement documents requirements in subsection 4; and

   e. The importer shall ensure compliance with the manifest instructions for import shipments in subsection 3.

2. **Notifications.** In cases in which 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 environmental protection agency and the competent authorities for the countries of transit, but environmental protection agency does regulate the waste as hazardous waste.

   a. The importer shall provide notification in English to environmental protection agency of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. Notifications submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to environmental protection agency at the addresses specified in subsection 5 of section 33.1-24-03-52. Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using environmental protection agency'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 must include all of the following information:

      (1) Foreign exporter name, address, telephone, fax numbers, and electronic mail address;

      (2) Receiving facility name, environmental protection agency identification number, address, telephone, fax numbers, electronic mail address, technologies employed, and the applicable recovery or disposal operations as defined in section 33.1-24-03-51;

      (3) Importer name (if not the owner or operator of the receiving facility), environmental protection agency identification number, address, telephone, fax numbers, and electronic mail address;

      (4) Intended transporter or their agent, or both; address, telephone, fax, and electronic mail address;

      (5) "United States" as the country of import, "USA01" as the relevant competent authority code, and the intended United States port of entry;

(6) The ISO standard 3166 country name two-digit code, Organization for Economic Cooperation and Development/Basel competent authority code, and the ports of entry and exit for each country of transit;

(7) The ISO standard 3166 country name two-digit code, Organization for Economic Cooperation and Development/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 sections 33.1-24-05-700 through 33.1-24-05-799, spent lead-acid batteries being exported for recovery of lead under sections 33.1-24-05-235 through 33.1-24-05-249, or industrial ethyl alcohol being exported for reclamation under paragraph 1 of subdivision c of subsection 1 of section 33.1-24-02-06, estimated total quantity of each hazardous waste, the applicable Resource Conservation and Recovery Act hazardous waste code for each hazardous waste, the applicable Organization for Economic Cooperation and Development waste code from the lists incorporated by reference in section 33.1-24-01-05, and the United Nations/United States department of transportation identification number for each hazardous waste;

(12) Specification of the recovery or disposal operation as defined in section 33.1-24-03-51; and

(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 paragraph 2 of subdivision a of subsection 2 of section 33.1-24-03-55 will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, the notification submitted according to subdivision a of subsection 2 of section 33.1-24-03-55 must also include the final recovery or disposal facility name, address, telephone, fax numbers, electronic mail 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 33.1-24-03-51.

c. **Renotifications.** When the foreign exporter wishes to change any conditions specified in 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 environmental protection agency using the allowable methods in subdivision a of subsection 2 of section 33.1-24-03-55. Any shipment using the requested changes cannot take place until environmental protection agency and the countries of transit consent to the changes and the importer receives an environmental protection agency acknowledgment of consent letter documenting the consents to the changes.

d. A notification is complete when environmental protection agency determines the notification satisfies the requirements of paragraphs 1 through 13 of subdivision b.

e. When environmental protection agency and the countries of transit consent to the proposed transboundary movement of the hazardous waste, the environmental protection agency will forward an environmental protection agency acknowledgment of consent letter to the importer documenting the countries' consents and environmental protection agency's consent. When any of the countries of transit or environmental protection agency objects to the proposed transboundary movement of the hazardous waste or withdraws a prior consent, environmental protection agency will notify the importer.

f. Export of hazardous wastes originally imported into the United States. 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 in section 33.1-24-03-53.

3. **Resource Conservation and Recovery Act manifest instructions for import shipments.**

a. When importing hazardous waste, the importer shall meet all the requirements of section 33.1-24-03-04 for the manifest except that:

(1) In place of the generator's name, address, and environmental protection agency identification number, the name and address of the foreign generator and the importer's name, address, and environmental protection agency identification number must be used.

(2) In place of the generator's signature on the certification statement, the importer or his 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 environmental protection agency as a supplier of manifests (e.g., states, waste handlers, or commercial forms printers).

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 United States environmental protection agency in accordance with section 33.1-24-05-38.

e. In lieu of the requirements of 33.1-24-03-04, when a shipment cannot be delivered for any reason to the receiving facility, the importer shall instruct the transporter in writing via fax, electronic mail, or mail to:

(1) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

(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 of paragraph 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, or both, by the importer prior to shipment to the receiving facility, except as provided in subparagraphs 1 and 2 of this section.

(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 which 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 must include the following paragraphs of this section:

(1) The corresponding acknowledgment of consent number and waste number for the listed waste;

(2) The shipment number and the total number of shipments under the acknowledgment of consent number;

(3) Foreign exporter name, address, telephone, fax numbers, and electronic mail address;

(4) Receiving facility name, environmental protection agency identification number, address, telephone, fax numbers, electronic mail address, technologies employed, and the applicable recovery or disposal operations as defined in section 33.1-24-03-51;

(5) Importer name (if not the owner or operator of the receiving facility), environmental protection agency identification number, address, telephone, fax numbers, and electronic mail address;

(6) Description of each hazardous waste, quantity of each hazardous waste in the shipment, applicable Resource Conservation and Recovery Act hazardous waste code for each hazardous waste, the applicable Organization for Economic Cooperation and Development waste code for each hazardous waste from the lists incorporated by reference in section 33.1-24-01-05, and the United Nations/United States department of transportation identification number for each hazardous waste;

(7) Date movement commenced;

(8) Name (if not the foreign exporter), address, telephone, fax numbers, and electronic mail of the foreign company originating the shipment;

(9) Company name, environmental protection agency identification number, address, telephone, fax, and electronic mail address of all transporters;

(10) Identification (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 (e.g., transporter, importer, and owner or operator of the receiving facility);

(14) Each person that has physical custody of the waste from the time the movement commences until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and

(15) The receiving facility shall send a copy of the signed movement document to confirm receipt within three 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 environmental protection agency electronically using environmental protection agency'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 of subdivision d of subsection 6 of section 33.1-24-03-55 apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subdivision f of subsection 2 of section 33.1-24-03-55 apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment only may occur after environmental protection agency 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 must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the foreign exporter, importer, and the owner or operator of the receiving facility, and must 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 must specify the name and environmental protection agency identification number, where available of paragraphs 1 through 4:

(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; and

(4) The receiving facility.

c. Contracts or equivalent arrangements must specify the use of a movement document in accordance with subsection 4 of section 33.1-24-03-55.

d. Contracts or equivalent arrangements must 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 must specify that:

(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; and

(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 subdivision g of subsection 2 of section 33.1-24-03-53.

e. Contracts must 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 through DC17, as appropriate, will provide the notification required in 33.1-24-03-53 prior to the re-export of hazardous wastes. The recovery and disposal operations in this paragraph are defined in 33.1-24-03-51.

f. Contracts or equivalent arrangements must 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 Organization for Economic Cooperation and Development 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 reference or certifications to financial guarantees.]

g. Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this section.

h. Upon request by environmental protection agency, importers or disposal or recovery facilities shall submit to environmental protection agency copies of contracts, chain of contracts, or equivalent arrangements when the movement occurs between parties controlled by the same corporate or legal entity.

7. **Confirmation of recovery or disposal.** The receiving facility must do the following:

a. Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty 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 environmental protection agency electronically using environmental protection agency'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 the environmental protection agency electronically using environmental protection agency's waste import export tracking system, or its successor system. The recovery and disposal operations in this paragraph are defined in 33.1-24-03-51.

8. **Recordkeeping.**

a. The importer shall keep the following records and provide them to environmental protection agency or authorized state personnel upon request:

(1) A copy of each notification that the importer sends to environmental protection agency under subdivision a of subsection 2 of section 33.1-24-03-55 and each environmental protection agency AOC it receives in response for a period of at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and

(2) A copy of each contract or equivalent arrangement established per subsection 6 of section 33.1-24-03-55 for at least three years from the expiration date of the contract or equivalent arrangement.

b. The receiving facility shall keep the following records:

(1) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three 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 three 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 (recovery and disposal operations defined in 33.1-24-03-51), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to it for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and

(4) A copy of each contract or equivalent arrangement established per subsection 6 of section 33.1-24-03-55 for at least three years from the expiration date of the contract or equivalent arrangement.

c. Importers and receiving facilities may satisfy these recordkeeping requirements by retaining electronically submitted documents in the importer's or receiving facility's account on environmental protection agency's waste import export tracking system, or its successor system, provided that copies are readily available for viewing and production if

requested by any environmental protection agency or 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 environmental protection agency'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 administrator.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-56. Provisions relating to recognized traders.

Repealed effective July 1, 2020.

33.1-24-03-57. Reporting and recordkeeping.

Repealed effective July 1, 2020.

33.1-24-03-58. [Reserved].

33.1-24-03-59. Organization for economic cooperation and development waste lists.

Repealed effective July 1, 2020.

33.1-24-03-60. Alternative requirements for hazardous waste determination and accumulation of unwanted material for laboratories owned by eligible academic entities.

Sections 33.1-24-03-60 through 33.1-24-03-77 apply to laboratories owned by eligible academic entities that generate hazardous waste and choose to comply with these alternative requirements.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-61. Definitions.

In addition to the definitions set forth in section 33.1-24-01-04, the following definitions apply to sections 33.1-24-03-60 through 33.1-24-03-77:

1. "Central accumulation area" means any onsite hazardous waste accumulation area with hazardous waste accumulating in units subject to 33.1-24-03-27 (for small quantity generators) or 33.1-24-03-28 (for large quantity generators). A central accumulation area at an eligible academic entity that chooses to operate under sections 33.1-24-03-60 through 33.1-24-03-77 is also subject to section 33.1-24-03-72 when accumulating unwanted material or hazardous waste, both.

2. "College or university" means a private or public, postsecondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the United States department of education.

3. "Eligible academic entity" means a college or university, or a nonprofit 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.

4. "Formal written affiliation agreement" for a nonprofit research institute means a written document that establishes a relationship between institutions for the purposes of research or education, or both, and is signed by authorized representatives, as defined by section 33.1-24-01-04, 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.

5. "Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a nonproduction 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.

6. "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 (for example, at the end of a semester or academic year), or as a result of a renovation, relocation, or change in laboratory supervisor, or occupant, or both. A regularly scheduled removal of unwanted material as required by section 33.1-24-03-69 does not qualify as a laboratory clean-out.

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

8. "Nonprofit research institute" means an organization that conducts research as its primary function and files as a nonprofit organization under the tax code of 26 United States Code 501(c)(3).

9. "Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in subsection 5 of section 33.1-24-02-18 for reactivity.

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

11. "Trained professional" means a person who has completed the applicable training requirements in section 33.1-24-03-29 for large quantity generators; or is knowledgeable about normal and emergency operations in accordance with section 33.1-24-03-28 for small 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.

12. "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 pursuant to section 33.1-24-02-02, or a hazardous waste pursuant to section 33.1-24-02-03. If an eligible academic entity elects to use another equally effective term in lieu of "unwanted material", as allowed by paragraph 1 of subdivision a of subsection 1 of section 33.1-24-03-67, the equally effective term has the same meaning and is subject to the same requirements as "unwanted material" under sections 33.1-24-03-60 through 33.1-24-03-77.

13. "Working container" means a small container (for example, two 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: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-62. Applicability of sections 33.1-24-03-60 through 33.1-24-03-77.

1. Large quantity generators and small quantity generators. Sections 33.1-24-03-60 through 33.1-24-03-77 provide alternative requirements to the requirements in section 33.1-24-03-02 and section 33.1-24-03-27 for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to sections 33.1-24-03-60 through 33.1-24-03-77, provided that the eligible academic entity completes the notification requirements of section 33.1-24-03-64.

2. Very small quantity generators. Sections 33.1-24-03-60 through 33.1-24-03-77 provide alternative requirements to the conditions for exemption for a very small quantity generator in section 33.1-24-03-26 for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to sections 33.1-24-03-60 through 33.1-24-03-77, provided that the eligible academic entity completes the notification requirements of section 33.1-24-03-64.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-63. Complying with sections 33.1-24-03-60 through 33.1-24-03-77 is optional for eligible academic entities.

1. Large quantity generators and small quantity generators. Eligible academic entities have the option of complying with sections 33.1-24-03-60 through 33.1-24-03-77 with respect to the eligible academic entity's laboratories, as an alternative to complying with the requirements of section 33.1-24-03-02 and section 33.1-24-03-27.

2. Very small quantity generators. Eligible academic entities have the option of complying with sections 33.1-24-03-60 through 33.1-24-03-77 with respect to the eligible academic entity's laboratories, as an alternative to complying with the requirements of section 33.1-24-03-26.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-64. Notification by an eligible academic entity electing to comply with sections 33.1-24-03-60 through 33.1-24-03-77.

1. An eligible academic entity must notify the department, in writing, using the Resource Conservation and Recovery Act subtitle C site identification form (environmental protection agency form 8700-12), that the eligible academic entity is electing to be subject to the requirements of sections 33.1-24-03-60 through 33.1-24-03-77 for all the laboratories owned by the eligible academic entity under the same identification number. An eligible academic entity that is a very small quantity generator and does not have an identification number must notify that the eligible academic entity is electing to be subject to the requirements of sections 33.1-24-03-60 through 33.1-24-03-77 for all the laboratories owned by the eligible academic entity that are onsite, as defined by section 33.1-24-01-04. An eligible academic entity must submit a separate notification for each identification number (or site, for very small quantity generators) that is electing to be subject to the requirements of sections 33.1-24-03-60 through 33.1-24-03-77, and must submit the identification form before the eligible academic entity begins operating under sections 33.1-24-03-60 through 33.1-24-03-77.

2. When submitting the identification form, the eligible academic entity must, at a minimum, fill out the following fields on the form:

   a. Reason for submittal.

   b. 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 codes 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 must keep a copy of the notification on file at the eligible academic entity for as long as the eligible academic entity's laboratories are subject to sections 33.1-24-03-60 through 33.1-24-03-77.

4. A teaching hospital that is not owned by a college or university must keep a copy of the teaching hospital's formal written affiliation agreement with a college or university on file at the teaching hospital for as long as the teaching hospital's laboratories are subject to sections 33.1-24-03-60 through 33.1-24-03-77.

5. A nonprofit research institute that is not owned by a college or university must keep a copy of the nonprofit research institute's formal written affiliation agreement with a college or university on file at the nonprofit research institute for as long as the nonprofit research institute's laboratories are subject to sections 33.1-24-03-60 through 33.1-24-03-77.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1

Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-65. Notification by an eligible academic entity electing to withdraw from complying with sections 33.1-24-03-60 through 33.1-24-03-77.

1. An eligible academic entity must notify the department, in writing, using the Resource Conservation and Recovery Act subtitle C site identification form (environmental protection agency form 8700-12), that it is electing to no longer be subject to the requirements of sections 33.1-24-03-60 through 33.1-24-03-77 for all the laboratories owned by the eligible academic entity under the same identification number and that the eligible academic entity will comply with the requirements of section 33.1-24-03-02 and subsection 3 of section 33.1-24-03-12 for small quantity generators and large quantity generators. An eligible academic entity that is a very small quantity generator and does not have an identification number must notify that the eligible academic entity is withdrawing from the requirements of sections 33.1-24-03-60 through 33.1-24-03-77 for all the laboratories owned by the eligible academic entity that are onsite and that the eligible academic entity will comply with the conditions for exemption in section 33.1-24-03-26. An eligible academic entity must submit a separate notification (identification form) for each identification number (or site, for very small quantity generators) that is withdrawing from the requirements of sections 33.1-24-03-60 through 33.1-24-03-77 and must submit the identification form before the eligible academic entity begins operating under the requirements of section 33.1-24-03-02 and subsection 3 of section 33.1-24-03-12 for small quantity generators and large quantity generators, or section 33.1-24-03-26 for very small quantity generators.

2. When submitting the identification form, the eligible academic entity must, at a minimum, fill out the following fields on the form:

   a. Reason for submittal.

   b. 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 codes 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 must keep a copy of the withdrawal notice on file at the eligible academic entity for three years from the date of the notification.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-66. Requirements of sections 33.1-24-03-60 through 33.1-24-03-77.

An eligible academic entity that chooses to be subject to sections 33.1-24-03-60 through 33.1-24-03-77 is not required to have interim status or a hazardous waste permit for the accumulation of unwanted material and hazardous waste in an eligible academic entity's laboratories, provided the laboratories comply with the provisions of sections 33.1-24-03-60 through 33.1-24-03-77, and the eligible academic entity has a laboratory management plan in accordance with section 33.1-24-03-75 that describes how the laboratories owned by the eligible academic entity will comply with the requirements of sections 33.1-24-03-60 through 33.1-24-03-77.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-67. Labeling and management standards for containers of unwanted material in laboratories.

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this section.

1. Label unwanted material as follows:

    a. The following information must 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; and

        (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 chemicals; and

            (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 must at a minimum be associated with the container:

        (1) The date that the unwanted material first began accumulating in the container; and

        (2) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid and hazardous waste and to assign the proper hazardous waste codes, pursuant to section 33.1-24-03-02. 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 or description of the chemical contents, or both, 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; and

            (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 must 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 must include the following:

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

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; and

c. Containers must be kept closed at all times, except:

(1) When adding, removing, or bulking unwanted material; or

(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 must either be closed or the contents emptied into a separate container that is then closed; or

(3) When venting of a container is necessary.

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

(b) To prevent dangerous situations, such as buildup of extreme pressure.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-68. Training.

An eligible academic entity must provide training to all individuals working in a laboratory at the eligible academic entity, as follows:

1. Training for laboratory workers and students must be commensurate with their duties so they understand the requirements in sections 33.1-24-03-60 through 33.1-24-03-77 and can implement them.

2. An eligible academic entity can provide training for laboratory workers and students in a variety of ways, including:

a. Instruction by the professor or laboratory manager before or during an experiment;

b. Formal classroom training;

c. Electronic or written training, or both;

d. On-the-job training; or

e. Written or oral examinations.

3. An eligible academic entity that is a large quantity generator must maintain documentation for the durations specified in subsection 5 of section 33.1-24-05-07 demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training can include the following:

a. Sign-in or attendance sheets for training sessions, or both;

b. Syllabus for training sessions;

c. Certificate of training completion; or

d. Test results.

4. A trained professional must:

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

b. Make the hazardous waste determination, pursuant to section 33.1-24-03-02, for unwanted material.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-69. Removing containers of unwanted material from the laboratory.

1. Removing containers of unwanted material on a regular schedule. An eligible academic entity must either:

a. Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed six months; or

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

2. The eligible academic entity must specify in part I of its laboratory management plan whether the eligible academic entity will comply with subdivision a or b of subsection 1 for the regular removal of unwanted material from the eligible academic entity's laboratories.

3. The eligible academic entity must specify in part II of its laboratory management plan how the eligible academic entity will comply with subdivision a or b of subsection 1 and develop a schedule for regular removals of unwanted material from the eligible academic entity's laboratories.

4. Removing containers of unwanted material when volumes are exceeded.

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

(1) Are 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 fifty-five gallons is exceeded; and

(2) Are removed from the laboratory within ten calendar days of the date that fifty-five gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.

b. If a laboratory accumulates more than one quart of liquid reactive acutely hazardous unwanted material or more than one kilogram [2.2 pounds] of solid reactive acutely hazardous unwanted material, before the regularly scheduled removal, then the eligible

academic entity must ensure that all containers of reactive acutely hazardous unwanted material:

(1) Are 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 one quart or one kilogram is exceeded; and

(2) Are removed from the laboratory within ten calendar days of the date that one quart or one kilogram was exceeded, or at the next regularly scheduled removal, whichever comes first.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-70. 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 must ensure that a trained professional makes a hazardous waste determination, pursuant to section 33.1-24-03-02, 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 section 33.1-24-03-71.

   b. Within four calendar days of arriving at an onsite central accumulation area, in accordance with section 33.1-24-03-72.

   c. Within four calendar days of arriving at an onsite interim status or permitted treatment, storage, or disposal facility, in accordance with section 33.1-24-03-73.

2. Very small quantity generators. An eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to section 33.1-24-03-02, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with section 33.1-24-03-71.

History: Effective January 1, 2019; amended effective July 1, 2020.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-71. Hazardous waste determination in the laboratory before the unwanted material is removed.

If an eligible academic entity makes the hazardous waste determination, pursuant to section 33.1-24-03-02, for unwanted material in the laboratory, the eligible academic entity must comply with the following:

1. A trained professional must make the hazardous waste determination, pursuant to section 33.1-24-03-02, before the unwanted material is removed from the laboratory.

2. If an unwanted material is a hazardous waste, the eligible academic entity must:

   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 codes on the label that is associated with the container (or the label that is affixed or attached to the container) before the hazardous waste is transported offsite; and

c. Count the hazardous waste toward the eligible academic entity's generator status, pursuant to subsection 2 of section 33.1-24-03-03, in the calendar month that the hazardous waste determination was made.

3. A trained professional must accompany all hazardous waste that is transferred from the laboratory, or laboratories, to an onsite central accumulation area or onsite interim status or permitted treatment, storage, or disposal facility.

4. When hazardous waste is removed from the laboratory:

   a. Large quantity generators and small quantity generators must ensure it is taken directly from the laboratory, or laboratories, to an offsite central accumulation area, or onsite interim status or permitted treatment, storage, or disposal facility, or transported offsite.

   b. Very small quantity generators must ensure it is taken directly from the laboratory, or laboratories, to any of the types of facilities listed in section 33.1-24-03-26.

5. An unwanted material that is a hazardous waste is subject to all applicable provisions of article 33.1-24, North Dakota hazardous waste management rules, when it is removed from the laboratory.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-72. Hazardous waste determination at an onsite central accumulation area.

If an eligible academic entity makes the hazardous waste determination, pursuant to section 33.1-24-03-02, for unwanted material at an onsite central accumulation area, the eligible academic entity must comply with the following:

1. A trained professional must accompany all unwanted material that is transferred from the laboratory, or laboratories, to an onsite central accumulation area.

2. All unwanted material removed from the laboratory, or laboratories, must be taken directly from the laboratory, or laboratories, to the onsite central accumulation area.

3. The unwanted material becomes subject to the generator accumulation requirements of sections 33.1-24-03-27 through 33.1-24-03-28 as soon as the unwanted material arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of subsection 6 of section 33.1-24-03-28 and subdivision e of subsection 1 of section 33.1-24-03-29.

4. A trained professional must determine, pursuant to section 33.1-24-03-02, if the unwanted material is a hazardous waste within four calendar days of the unwanted material's arrival at the onsite central accumulation area.

5. If the unwanted material is a hazardous waste, the eligible academic entity must:

   a. Write the words "hazardous waste" on the container label that is affixed or attached to the container, within four calendar days of arriving at the onsite central accumulation area and before the hazardous waste may be removed from the onsite central accumulation area;

   b. Write the appropriate hazardous waste codes 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 onsite or transported offsite;

c. Count the hazardous waste toward the eligible academic entity's generator status, pursuant to subsection 2 of section 33.1-24-03-03 in the calendar month that the hazardous waste determination was made; and

d. Manage the hazardous waste according to all applicable provisions of article 33.1-24, North Dakota hazardous waste management rules.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-73. Hazardous waste determination at an onsite interim status or permitted treatment, storage, or disposal facility.

If an eligible academic entity makes the hazardous waste determination, pursuant to section 33.1-24-03-02, for unwanted material at an onsite interim status or permitted treatment, storage, or disposal facility, the eligible academic entity must comply with the following:

1. A trained professional must accompany all unwanted material that is transferred from the laboratory, or laboratories, to an onsite interim status or permitted treatment, storage, or disposal facility.

2. All unwanted material removed from the laboratory, or laboratories, must be taken directly from the laboratory, or laboratories, to the onsite interim status or permitted treatment, storage, or disposal facility.

3. The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives in the onsite treatment, storage, or disposal facility.

4. A trained professional must determine, pursuant to section 33.1-24-03-02, if the unwanted material is a hazardous waste within four calendar days of the unwanted material's arrival at the onsite interim status or permitted treatment, storage, or disposal facility.

5. If the unwanted material is a hazardous waste, the eligible academic entity must:

   a. Write the words "hazardous waste" on the container label that is affixed or attached to the container within four calendar days of arriving at the onsite interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from the onsite interim status or permitted treatment, storage, or disposal facility;

   b. Write the appropriate hazardous waste codes 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 onsite, or transported offsite;

   c. Count the hazardous waste toward the eligible academic entity's generator status, pursuant to subsection 2 of section 33.1-24-03-03 in the calendar month that the hazardous waste determination was made; and

   d. Manage the hazardous waste according to all applicable provisions of article 33.1-24, North Dakota hazardous waste management rules.

History: Effective January 1, 2019; amended effective July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-74. Laboratory clean-outs.

1. One time per twelve-month period for each laboratory, an eligible academic entity may choose to conduct a laboratory clean-out that is subject to all the applicable requirements of sections 33.1-24-03-60 through 33.1-24-03-77, except that:

   a. If the volume of unwanted material in the laboratory exceeds fifty-five gallons (or one quart of liquid reactive acutely hazardous unwanted material or one kilogram of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within ten calendar days of exceeding fifty-five gallons (or one quart of liquid reactive acutely hazardous unwanted material or one kilogram of solid reactive acutely hazardous unwanted material), as required by section 33.1-24-03-69. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within thirty calendar days from the start of the laboratory clean-out;

   b. For the purposes of onsite accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in sections 33.1-24-02-15 through 33.1-24-02-19, or exhibiting one or more characteristics in sections 33.1-24-02-10 through 33.1-24-02-14) generated solely during the laboratory clean-out toward its hazardous waste generator status, pursuant to subsection 2 of section 33.1-24-03-03. 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 must be counted toward hazardous waste generator status, pursuant to subsection 2 of section 33.1-24-03-03, if it is determined to be hazardous waste;

   c. For the purposes of offsite management, an eligible academic entity must count all its hazardous waste, regardless of whether the hazardous waste was counted toward generator status under subdivision b, and if the eligible academic entity generates more than one kilogram per month of acute hazardous waste, or one hundred kilograms per month of hazardous waste (for example, the very small quantity generator limits of section 33.1-24-03-26), the hazardous waste is subject to all applicable hazardous waste regulations when the hazardous waste is transported offsite; and

   d. An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, 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 must maintain the records for a period of three years from the date the clean-out ends; and

2. For all other laboratory clean-outs conducted during the same twelve-month period, an eligible academic entity is subject to all the applicable requirements of sections 33.1-24-03-60 through 33.1-24-03-77, including:

   a. The requirement to remove all unwanted materials from the laboratory within ten calendar days of exceeding fifty-five gallons (or one quart of reactive acutely hazardous unwanted material), as required by section 33.1-24-03-69; and

   b. The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to subsection 2 of section 33.1-24-03-03.

History: Effective January 1, 2019; amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-75. Laboratory management plan.

An eligible academic entity must 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 sections 33.1-24-03-60 through 33.1-24-03-77. An eligible academic entity may write one laboratory management plan for all the laboratories owned by the eligible academic entity that have chosen to be subject to sections 33.1-24-03-60 through 33.1-24-03-77, even if the laboratories are located at sites with different identification numbers. The laboratory management plan must contain two parts with a total of nine elements identified in subsections 1 and 2. In part I of the eligible academic entity's laboratory management plan, an eligible academic entity must describe the eligible academic entity's procedures for each of the elements listed in subsection 1. An eligible academic entity must implement and comply with the specific provisions that the eligible academic entity develops to address the elements in part I of the laboratory management plan. In part II of the eligible academic entity's laboratory management plan, an eligible academic entity must describe the eligible academic entity's best management practices for each of the elements listed in subsection 2. The specific actions taken by an eligible academic entity to implement each element in part II of the eligible academic entity's laboratory management plan may vary from the procedures described in the eligible academic entity's laboratory management plan, without constituting a violation of sections 33.1-24-03-60 through 33.1-24-03-77. An eligible academic entity may include additional elements and best management practices in part II of the eligible academic entity's laboratory management plan if the eligible academic entity chooses.

1. The eligible academic entity must implement and comply with the specific provisions of part I of the eligible academic entity's laboratory management plan. In part I of the eligible academic entity's laboratory management plan, an eligible academic entity must:

    a. Describe procedures for container labeling in accordance with subsection 1 of section 33.1-24-03-67, as follows:

        (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 subdivisions a or b of subsection 1 of section 33.1-24-03-69 for regularly scheduled removals of unwanted material from the laboratory.

2. In part II of the laboratory management plan, an eligible academic entity must:

    a. Describe intended best practices for container labeling and management (see the required standards in section 33.1-24-03-67).

    b. Describe intended best practices for providing training for laboratory workers and students commensurate with their duties (subsection 1 of section 33.1-24-03-68).

    c. Describe intended best practices for providing training to ensure safe onsite transfers of unwanted material and hazardous waste by trained professionals (subdivision a of subsection 4 of section 33.1-24-03-68).

    d. Describe intended best practices for removing unwanted material from the laboratory, including:

(1) For regularly scheduled removals. Develop a regular schedule for identifying and removing unwanted materials from its laboratories (subdivisions a and b of subsection 1 of section 33.1-24-03-69).

(2) For removals when maximum volumes are exceeded:

(a) Describe intended best practices for removing unwanted materials from the laboratory within ten calendar days when unwanted materials have exceeded the unwanted materials maximum volumes (subsection 4 of section 33.1-24-03-69).

(b) Describe intended best practices for communicating that unwanted materials have exceeded the unwanted materials maximum volumes.

e. Describe intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (section 33.1-24-03-02, and sections 33.1-24-03-70 through 33.1-24-03-73).

f. Describe intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in section 33.1-24-03-74, including:

(1) Procedures for conducting laboratory clean-outs (subdivisions a through c of subsection 1 of section 33.1-24-03-74).

(2) Procedures for documenting laboratory clean-outs (subdivision d of subsection 1 of section 33.1-24-03-74).

g. Describe intended best practices for emergency prevention, including:

(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 the chemicals exceed their expiration date, or as they degrade, or both;

(3) Procedures to safely dispose of chemicals that become more dangerous when the chemicals exceed their expiration date, or as they degrade, or both; and

(4) Procedures for the timely characterization of unknown chemicals.

3. An eligible academic entity must make the eligible academic entity's laboratory management plan available to laboratory workers, students, or any others at the eligible academic entity who request the laboratory management plan.

4. An eligible academic entity must review and revise the eligible academic entity's laboratory management plan, as needed.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-76. Unwanted material that is not solid waste or hazardous waste.

1. If an unwanted material does not meet the definition of solid waste in section 33.1-24-02-02, the unwanted material is no longer subject to sections 33.1-24-03-60 through 33.1-24-03-77, or to article 33.1-24, North Dakota hazardous waste management rules.

2. If an unwanted material does not meet the definition of hazardous waste in section 33.1-24-02-03, the unwanted material is no longer subject to sections 33.1-24-03-60 through 33.1-24-03-77, or to article 33.1-24, North Dakota hazardous waste management rules, but must be managed in compliance with any other application rules, or conditions, or both.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-04-03; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-77. Nonlaboratory 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 sections 33.1-24-03-60 through 33.1-24-03-77; and

1. Remains subject to the generator requirements of section 33.1-24-03-02 and section 33.1-24-03-27 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 chapter 33.1-24-03, with respect to that hazardous waste; or

2. Remains subject to the conditions for exemption for very small quantity generators in section 33.1-24-03-26, with respect to that hazardous waste.

History: Effective January 1, 2019;amended effective July 1, 2020; July 1, 2021.
General Authority: NDCC 23.1-04-03
Law Implemented: NDCC 23.1-04-03, 23.1-04-05; S.L. 2017, ch. 199, § 19

33.1-24-03-78. [Reserved].

33.1-24-03-79. [Reserved].

33.1-24-03-80. [Reserved].

33.1-24-03-81. [Reserved].

33.1-24-03-82. [Reserved].

33.1-24-03-83. [Reserved].

33.1-24-03-84. [Reserved].

33.1-24-03-85. [Reserved].

APPENDIX I

UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS
(Environmental Protection Agency Forms 8700-22 and 8700-22A and Their Instructions)

United States Environmental Protection Agency Form 8700-22

Read all instructions before completing this form.

1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used - press down hard.

2. State and federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to use this form (8700-22) and, if necessary, the continuation sheet (form 8700-22A) for both interstate and intrastate transportation of hazardous waste.

3. State regulations also require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete the following information:

    a. State regulations under section 33.1-24-03-16 (additional reporting) requires the generator to provide the department with a signed copy of the manifest when first signed by the generator and transporter and as signed by and received from the designated facility or alternate facility.

* * * * * *

The following statement must be included with each uniform hazardous waste manifest, either on the form, in the instructions to the form, or accompanying the form:

Public reporting burden for this collection of information is estimated to average: thirty minutes for generators, ten minutes for transporters, and twenty-five minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing, and transmitting the form. Any correspondence regarding the Paperwork Reduction Act burden statement for the manifest must be sent to the director of the collection strategies division in environmental protection agency's office of information collection at the following address: United States Environmental Protection Agency (2822T), 1200 Pennsylvania Avenue NW, Washington, D.C. 20460. Do not send the completed form to this address.

I. Instructions for generators

Item 1. Generator's identification number

Enter the generator's environmental protection agency twelve digit identification number, or the state generator identification number if the generator site does not have an environmental protection agency identification number.

Item 2. Page 1 of __

Enter the total number of pages used to complete this manifest (for example, the first page (environmental protection agency form 8700-22) plus the number of continuation sheets (environmental protection agency form 8700-22A), if any).

Item 3. Emergency response phone number

Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;

2. Reach a phone that is monitored twenty-four hours a day at all times the waste is in transportation (including transportation-related storage); and

3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup or incident mitigation, or both, information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

NOTE: Emergency response phone number information should only be entered in item 3 when there is one phone number that applies to all the waste materials described in item 9b. If a situation (for example, consolidated shipments) arises where more than one emergency response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in item 9b.

Item 4. Manifest tracking number

This unique tracking number must be preprinted on the manifest by the forms printer.

Item 5. Generator's mailing address, phone number, and site address

Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or the generator's authorized agent may be reached to provide instructions in the event the designated, or alternate, or both, (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

Item 6. Transporter 1 company name and identification number

Enter the company name and environmental protection agency identification number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.

Item 7. Transporter 2 company name and identification number

If applicable, enter the company name and environmental protection agency identification number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a continuation sheet or sheets (environmental protection agency form 8700-22A).

Item 8. Designated facility name, site address, and identification number

Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the environmental protection agency twelve digit identification number of the facility.

Item 9. United States department of transportation description (including proper shipping name, hazard class or division, identification number, and packing group)

Item 9a. If the wastes identified in item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this item next to the corresponding hazardous material identified in item 9b.

Item 9b. Enter the United States department of transportation proper shipping name, hazard class or division, identification number (UN/NA) and packing group for each waste as identified

in 49 CFR 172. Include technical name or names and reportable quantity references, if applicable.

NOTE: If additional space is needed for waste descriptions, enter these additional descriptions in item 27 on the continuation sheet (environmental protection agency form 8700-22A). Also, if more than one emergency response phone number applies to the various wastes described in either item 9b or item 27, enter applicable emergency response phone numbers immediately following the shipping descriptions for those items.

Item 10. Containers (number and type)

Enter the number of containers for each waste and the appropriate abbreviation from table I (below) for the type of container.

Table I - Types of Containers

BA	=	Burlap, cloth, paper, or plastic bags
CF	=	Fiber or plastic boxes, cartons, cases
CM	=	Metal boxes, cartons, cases (including roll-offs)
CW	=	Wooden boxes, cartons, cases
CY	=	Cylinders
DF	=	Fiberboard or plastic drums, barrels, kegs
DM	=	Metal drums, barrels, kegs
DT	=	Dump truck
DW	=	Wooden drums, barrels, kegs
HG	=	Hopper or gondola cars
TC	=	Tank cars
TP	=	Portable tanks
TT	=	Cargo tanks (tank trucks)

Item 11. Total quantity

Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow the generator to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

Item 12. Units of measure (weight or volume)

Enter, in designated boxes, the appropriate abbreviation from table II (below) for the unit of measure.

Table II - Units of Measure

G	=	Gallons (liquids only)

K = Kilograms

L = Liters (liquids only)

M = Metric tons (1000 kilograms)

N = Cubic meters

P = Pounds

T = Tons (2000 pounds)

Y = Cubic yards

NOTE: Tons, metric tons, cubic meters, and cubic yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.

Item 13. Waste codes

Enter up to six federal and state waste codes to describe each waste stream identified in item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

Item 14. Special handling instructions and additional information

1. Generators may enter any special handling or shipment specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in item 12.

2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are reshipped under a second manifest; and the specification of polychlorinated biphenyl waste descriptions and polychlorinated biphenyl out of service dates required under 40 CFR 761.207. Generators; however, cannot be required to enter information in this space to meet state regulatory requirements.

Item 15. Generator's or offeror's certifications

1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of the Resource Conservation and Recovery Act are also certifying that they have complied with the waste minimization requirements. The generator's certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, or placarded, or both, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the primary exporter, I certify that the contents of this consignment conform to the terms of the attached environmental protection agency acknowledgment of consent". When a party other than the generator prepares the shipment

for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.

2. Generator or offeror personnel may preprint the words, "on behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator or offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

NOTE: All of the above information except the handwritten signature required in item 15 may be preprinted.

II. Instructions for international shipment block

Item 16. International shipments

For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the United States customs when exporting the waste across United States borders.

III. Instructions for transporters

Item 17. Transporters' acknowledgments of receipt

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters. If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

NOTE: Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the international shipments block. Transporters carrying exports may also have responsibilities to enter information in the international shipments block. See above instructions for item 16.

IV. Instructions for owners and operators of treatment, storage, and disposal facilities

Item 18. Discrepancy

Item 18a. Discrepancy indication space

1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the manifest and the waste actually received at the facility. Manifest discrepancies are: significant differences (as defined by subsection 2 of section 33.1-24-05-39) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept, or container residues, which are residues that exceed the quantity limits for "empty" containers set forth in subsections 3, 4, and 5 of section 33.1-24-02-07.

2. For rejected loads and residues (subsections 4, 5, and 6 of section 33.1-24-05-39 or the applicable requirements of subsection 5 of section 33.1-24-06-16), check the appropriate box

if the shipment is a rejected load (for example, rejected by the designated or alternate facility, or both, and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in item 14, the special handling block and additional information block of the additional manifests.

3. Owners or operators of facilities located in unauthorized states (for example, states in which the environmental protection agency administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within fifteen days of receiving the waste must submit to their regional administrator a letter with a copy of the manifest at issue describing the discrepancy and attempts to reconcile it (subsection 3 of section 33.1-24-05-39 and the applicable requirements of subsection 5 of section 33.1-24-06-16).

4. Owners or operators of facilities located in authorized states (for example, those states that have received authorization from the environmental protection agency to administer the hazardous waste management program) should contact their state agency for information on where to report discrepancies involving "significant differences" to state officials.

Item 18b. Alternate facility (or generator) for receipt of full load rejections

Enter the name, address, phone number, and environmental protection agency identification number of the alternate facility which the rejecting treatment, storage, or disposal facility has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting treatment, storage, or disposal facility may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate facility (or generator) signature

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial treatment, storage, or disposal facility.

Item 19. Hazardous waste report management method codes

Enter the most appropriate hazardous waste report management method code for each waste listed in item 9. The hazardous waste report management method code is to be entered by the first treatment, storage, or disposal facility that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the treatment, storage, or disposal facility.

Item 20. Designated facility owner or operator certification of receipt (except as noted in item 18a)

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the manifest by signing and entering the date of receipt or rejection where indicated. Since the facility certification acknowledges receipt of the waste except as noted in the discrepancy space in item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in item 18a. Fully rejected wastes may be forwarded or returned using item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the manifest by signing and entering the date they received or rejected the waste in item 18c. Partially rejected wastes and residues must be

reshipped under a new manifest, to be initiated and signed by the rejecting treatment, storage, or disposal facility as offeror of the shipment.

Manifest continuation sheet

Instructions - continuation sheet, environmental protection agency form 8700-22A

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used - press down hard.

This form must be used as a continuation sheet to form 8700-22 if:

1. More than two transporters are to be used to transport the waste; or

2. More space is required for the United States department of transportation descriptions and related information in item 9 of environmental protection agency form 8700-22. State and federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the uniform hazardous waste manifest (environmental protection agency form 8700-22) and, if necessary, this continuation sheet (environmental protection agency form 8700-22A) for both interstate and intrastate transportation.

Item 21. Generator's identification number

Enter the generator's environmental protection agency twelve digit identification number or, the state generator identification number if the generator site does not have an environmental protection agency identification number.

Item 22. Page __ -

Enter the page number of this continuation sheet.

Item 23. Manifest tracking number

Enter the manifest tracking number from item 4 of the manifest form to which this continuation sheet is attached.

Item 24. Generator's name -

Enter the generator's name as it appears in item 5 on the first page of the manifest.

Item 25. Transporter - company name

If additional transporters are used to transport the waste described on this manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "transporter" the order of the transporter. For example, transporter three company name. Also, enter the environmental protection agency twelve digit identification number of the transporter described in item 25.

Item 26. Transporter - company name

If additional transporters are used to transport the waste described on this manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "transporter" the order of the transporter. For example, transporter four company name. Each continuation sheet can record the names of two additional transporters. Also enter the environmental protection agency twelve digit identification number of the transporter named in item 26.

Item 27. United States department of transportation description including proper shipping name, hazardous class, and identification number (UN/NA)

For each row enter a sequential number under item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for item 9 of the manifest for the information to be entered.

Item 28. Containers (number and type)

Refer to the instructions for item 10 of the manifest for information to be entered.

Item 29. Total quantity

Refer to the instructions for item 11 of the manifest form.

Item 30. Units of measure (weight or volume)

Refer to the instructions for item 12 of the manifest form.

Item 31. Waste codes

Refer to the instructions for item 13 of the manifest form.

Item 32. Special handling instructions and additional information

Refer to the instructions for item 14 of the manifest form.

Transporters

Item 33. Transporter - acknowledgment of receipt of materials

Enter the same number of the transporter as identified in item 25. Enter also the name of the person accepting the waste on behalf of the transporter (company name) identified in item 25. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Item 34. Transporter - acknowledgment of receipt of materials

Enter the same number of the transporter as identified in item 26. Enter also the name of the person accepting the waste on behalf of the transporter (company name) identified in item 26. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Owner and operators of treatment, storage, or disposal facilities

Item 35. Discrepancy indication space

Refer to item 18. This space may be used to more fully describe information on discrepancies identified in item 18a of the manifest form.

Item 36. Hazardous waste report management method codes

For each field here, enter the sequential number that corresponds to the waste materials described under item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

Please print or type.

Form Approved, OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number

GENERATOR

5. Generator's Name and Mailing Address — Generator's Site Address (if different than mailing address)

Generator's Phone:

6. Transporter 1 Company Name — U.S. EPA ID Number

7. Transporter 2 Company Name — U.S. EPA ID Number

8. Designated Facility Name and Site Address — U.S. EPA ID Number

Facility's Phone:

9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No.	10. Containers Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
	1.					
	2.					
	3.					
	4.					

14. Special Handling Instructions and Additional Information

15. **GENERATOR'S/OFFEROR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent.
I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.

Generator's/Offeror's Printed/Typed Name — Signature — Month Day Year

INT'L

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit:

Transporter signature (for exports only): Date leaving U.S.:

TRANSPORTER

17. Transporter Acknowledgment of Receipt of Materials

Transporter 1 Printed/Typed Name — Signature — Month Day Year

Transporter 2 Printed/Typed Name — Signature — Month Day Year

DESIGNATED FACILITY

18. Discrepancy

18a. Discrepancy Indication Space ☐ Quantity ☐ Type ☐ Residue ☐ Partial Rejection ☐ Full Rejection

Manifest Reference Number:

18b. Alternate Facility (or Generator) — U.S. EPA ID Number

Facility's Phone:

18c. Signature of Alternate Facility (or Generator) — Month Day Year

19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)

1.	2.	3.	4.

20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a

Printed/Typed Name — Signature — Month Day Year

VOID

EPA Form 8700-22 (Rev. 12-17) Previous editions are obsolete.

DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM

Please print or type.

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)

21. Generator ID Number	22. Page	23. Manifest Tracking Number

24. Generator's Name

25. Transporter_____Company Name — U.S. EPA ID Number

26. Transporter_____Company Name — U.S. EPA ID Number

GENERATOR

27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers No.	28. Containers Type	29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes

32. Special Handling Instructions and Additional Information

TRANSPORTER

33. Transporter_____Acknowledgment of Receipt of Materials

Printed/Typed Name | Signature | Month | Day | Year

34. Transporter_____Acknowledgment of Receipt of Materials

Printed/Typed Name | Signature | Month | Day | Year

DESIGNATED FACILITY

35. Discrepancy

36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)

VOID

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DESIGNATED FACILITY TO EPA's e-MANIFEST SYSTEM