MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF POLLUTION CONTROL

HAZARDOUS WASTE MANAGEMENT REGULATIONS

HW-1

PROPOSED May 12, 2009

MISSISSIPPI
HAZARDOUS WASTE MANAGEMENT REGULATIONS

Part 260 - Hazardous Waste Management System: General

The definition of terms found in this regulation shall have the meaning as defined in the EPA Hazardous Waste Regulations 40 CFR 260; 45 FR 12724, February 26, 1980, Effective August 26, 1980; 45 FR 33073, May 19, 1980, Effective November 19, 1980; 45 FR 72028, October 30, 1980; 45 FR 76075, November 17, 1980; 45 FR 76630, November 19, 1980; 45 FR 86968, December 31, 1980; 45 FR 2348, January 9, 1981; 46 FR 27476, May 20, 1981; 46 FR 35247, July 7, 1981; 47 FR 32349, July 26, 1982; 48 FR 2511, January 19, 1983; 48 FR 14153, April 1, 1983; 49 FR 47391, December 4, 1984; 49 FR 10500, March 20, 1984, Effective September 20, 1984; 50 FR 661, January 4, 1985; 50 FR 14219, April 11, 1985; 50 FR 18374, April 30, 1985; 50 FR 28742, July 15, 1985; 51 FR 10174, March 24, 1986, Effective September 22, 1986; 51 FR 16443, May 2, 1986, Effective October 29, 1986; 51 FR 25470, July 14, 1986, Effective January 12, 1987; 51 FR 28682, August 8, 1986, Effective November 8, 1986; 51 FR 40636, November 17, 1986, Effective November 8, 1986; 52 FR 8073, March 16, 1987; 52 FR 41295, October 27,1987; 52 FR 46963, December 10, 1987, Effective January 11, 1988; 53 FR 27301, July 19, 1988, 53 FR 34086, September 2, 1988; 54 FR 26198, June 22, 1989; 54 FR 27116, June 27, 1989; 54 FR 40266 September 29, 1989, Effective October 30, 1989; 55 FR 2322, January 23, 1990, Effective July 23, 1990; 55 FR 8948, March 9, 1990; 55 FR 25454, June 21, 1990, Effective December 21, 1990; ; 55 FR 50482, December 6,1990, Effective January 1,1994; 55 FR 7134, February 21, 1991, Effective August 21, 1991; 56 FR 32688, July 17, 1991, Effective August 21, 1991; 56 FR 66368, December 23 1991, Effective June 23, 1992; 57 FR 3486, January 29, 1992, Effective July 29, 1992; 57 FR 37262, August 18, 1992, Effective November 16, 1992; 57 FR 38558, August 25, 1992, Effective August 11, 1992; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 57 FR 41611, September 10, 1992, Effective March 8, 1993; 57 FR 54452, November 18, 1992, Effective May 18, 1993; 58 FR 8682, February 16, 1993, Effective April 19, 1993; 58 FR 38816, July 20, 1993, Effective August 19, 1993; 58 FR 46040, August 31, 1993; 59 FR 468, January 4, 1994; 59 FR 28484, June 2, 1994; 59 FR 47982, September 19, 1994, Effective December 19, 1994 except Section 266.100 and Appendix VIII are Effective September 19, 1994; 59 FR 62926, December 6, 1994, Effective June 5, 1995; 60 FR 3095, January 13, 1995; 60 FR 17004, April 4, 1995; 60 FR 25540, May 11, 1995; 60 FR 35452, July 7, 1995; 61 FR 16309, April 12,1996, Effective July 11, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 62 FR 32462, June 13, 1997, 63 FR 65874, November 30, 1998, 64 FR 36466, July 6, 1999, 64 FR 52828, September 30, 1999, 67 FR 2962, January 22, 2002; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; 70 FR 45508, August 5, 2005; 70 FR 53420, September 8, 2005, Effective October 11, 2005; 70 FR 59402, October 12, 2005, Effective December 12, 2005; 71 FR 16862, April 4, 2006, Effective May 4, 2006; 71 FR 40254, July 14, 2006; 71 FR 42928, July 28, 2006, Effective January 29, 2007; ~~and~~ 73 FR 57, January 2, 2008, Effective February 1, 2008~~,~~; and 73 FR 64668, October 30, 2008, Effective December 29, 2008, except those like terms defined differently in the Mississippi Code, Section 17-17-3. Wherever the term Administrator or Regional Administrator is used in the EPA regulation, the term shall have the meaning of Executive Director of the Mississippi Department of Environmental Quality, except at

40 CFR 268.5, 268.6, 268.42(b), 268.44, 262.53, 263.53(b), 262.54(g)(1), 262.54(i), 262.55, 262.56(a), 262.57(b), and 263.20(g)(4).
For the purpose of these regulations, the following definitions also apply:

(1) Perpetual Care Period - that period of time following the post-closure period.

(2) Commercial Hazardous Waste Landfill - any hazardous waste landfill disposing of more than one type of hazardous waste from more than one site.

(3) Commercial Hazardous Waste Management Facility - any facility engaged in the storage, treatment, recovery, or disposal of hazardous waste for a fee and which accepts hazardous waste from more than one (1) generator.

Part 261 - Identification and Listing of Hazardous Waste

Hazardous waste is identified and listed in this regulation as is found in Part 261 of the EPA Hazardous Waste Regulations 40 CFR 261; 45 FR 33119, May 19, 1980, Effective November 19, 1980; 45 FR 47833, July 16, 1980; 45 FR 72028, 72037, 72039, 72041, October 30, 1980; 45 FR 74890, November 12, 1980; 45 FR 76620, 76623, November 19, 1980; 45 FR 78529, 78531, 78541, November 25, 1980; 45 FR 80287, December 4, 1980; 46 FR 4617, January 16, 1981; 46 FR 27476, May 20, 1981; 45 FR 29708, June 3, 1981; 46 FR 34587, July 2, 1981; 46 FR 35247, July 7, 1981; 46 FR 44972, September 8, 1981; 46 FR 47429, September 25, 1981; 46 FR 56588, November 17, 1981; 47 FR 36097, August 18, 1982; 48 FR 2532, January 20, 1983; 48 FR 14153, April 1, 1983; 48 FR 15256, April 8, 1983; 48 FR 30115, June 30, 1983; 49 FR 5313, February 10, 1984; 49 FR 19923, May 10, 1984; 49 FR 23287, June 5, 1984; 49 FR 44980, November 13, 1984; 50 FR 661, January 4, 1985; 50 FR 1999, January 14, 1985; 50 FR 14219, April 11, 1985; 50 FR 20238, May 15, 1985; 50 FR 28742, July 15, 1985; 50 FR 33541, August 20, 1985; 50 FR 42942, October 23, 1985; 50 FR 49202, November 29, 1985, Effective March 31, 1986; 50 FR 53319, December 31, 1985, Effective January 30, 1986; 51 FR 2702, January 21, 1986; 51 FR 5330, February 13, 1986, Effective August 13, 1986; 51 FR 6541, February 25, 1986, Effective August 25, 1986; 51 FR 10174, March 24, 1986, Effective September 22, 1986; 51 FR 19322, May 28, 1986; 51 FR 25471, July 14, 1986; 51 FR 28297, August 6, 1986; 51 FR 28682, August 8, 1986, Effective November 8, 1986; 51 FR 33612, September 22, 1986; 51 FR 37728, October 24, 1986; 51 FR 40636, November 7, 1986, Effective November 8, 1986; 52 FR 11821, April 13, 1987; 52 FR 21306, June 5, 1987; 52 FR 26012, July 10, 1987; 52 FR 28698, August 3, 1987, Effective September 2, 1987; 53 FR 13382, April 22, 1988; 53 FR 27163, July 19, 1988; 53 FR 27301, July 19, 1988; 53 FR 35420, September 13, 1988; 53 FR 43878, October 31, 1988; 54 FR 36592, September 1, 1989, Effective March 1, 1990; 54 FR 40266, September 29, 1989, Effective October 30, 1989; 55 FR 2322, January 23, 1990, Effective July 23, 1990; 55 FR 5340, February 14, 1990; 55 FR 8948, March 9, 1990; 55 FR 11798, March 29, 1990, Effective September 25, 1990; 55 FR 18496, May 2, 1990, Effective November 2, 1990; 55 FR 18726, May 4, 1990; 55 FR 22520, June 1, 1990; 55 FR 23634, June 11, 1990; 55 FR 25454, June 21, 1990, Effective December 21, 1990; 55 FR 26986, June 29, 1990, Effective September 25, 1990; 55 FR 31387, August 2, 1990; 55 FR 32733, August 10, 1990; 55 FR 39409, September 27, 1990; 55 FR 40834, October 5, 1990; 55 FR 46354, November 2, 1990, Effective

May 2, 1991; 55 FR 50482, December 6, 1990, Effective January 1, 1994; 55 FR 51707, December 17, 1990; 56 FR 3864, January 31, 1991; 56 FR 5910, February 13, 1991; 56 FR 7134, February 21, 1991, Effective August 21, 1991; 56 FR 7567, February 25, 1991; 56 FR 13411, April 2, 1991, Effective March 25, 1991; 56 FR 19951, May 1, 1991; 56 FR 21955, May 13, 1991; 56 FR 27318, June 13, 1991, Effective July 15, 1991; 56 FR 30195, July 1, 1991, Effective January 1, 1994; 56 FR 32688, July 17, 1991, Effective August 21, 1991; 56 FR 41176, August 19, 1991, Effective August 8, 1991; 56 FR 42504, August 27, 1991, Effective August 21, 1991; 57 FR 12, January 2, 1992, Effective January 13, 1992; 57 FR 7632, March 3 1992, Effective February 18, 1992; 57 FR 21532, May 20, 1992, Effective June 19, 1992; 57 FR 23062, June 1, 1992; 57 FR 27880, June 22, 1992; 57 FR 29220, July 1, 1992; 57 FR 30657, July 10, 1992; 57 FR 37262, August 18, 1992, Effective November 16, 1992; 57 FR 37305, August 18, 1992, Effective February 18, 1993; 57 FR 38558, August 25, 1992, Effective August 11, 1992; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 57 FR 41611, September 10, 1992, Effective March 8, 1993; 57 FR 47385, October 15, 1992, Effective April 15, 1993; 57 FR 49278, October 30, 1992; 57 FR 55117, November 24, 1992; 57 FR 61502, December 24, 1992, Effective January 1, 1994; 58 FR 6854, February 2, 1993; 58 FR 26424, May 3, 1993, Effective March 8, 1993; 58 FR 46040, August 31, 1993; 59 FR 468, January 4, 1994; 59 FR 8365, February 18, 1994; 59 FR 31551, June 20, 1994; 59 FR 38545, July 28, 1994; 59 FR 47982, September 19, 1994, Effective December 19, 1994 except Section 266.100 and Appendix VIII are Effective September 19, 1994; 60 FR 7848, February 9, 1995, Effective August 9, 1995; 60 FR 19165, April 17, 1995; 60 FR 25540, May 11, 1995; 60 FR 25620, May 12, 1995, Effective August 9, 1995; 60 FR 33913, June 29, 1995; 61 FR 13106, March 26, 1996, Effective May 28, 1996; 61 FR 16309, April 12, 1996, Effective July 11, 1996; 61 FR 34278 , July 1, 1996, Effective January 1, 1998; 61 FR 59950, November 25, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 62 FR 25998, May 12, 1997; 62 FR 32977, June 17, 1997; 63 FR 24596, May 4, 1998; 63 FR 24963, May 6, 1998; 63 FR 28556, May 26, 1998, Effective August 24, 1998; 63 FR 33782, June 19, 1998; 63 FR 42110, August 6, 1998; 63 FR 64372, November 19, 1998; 63 FR 65874, November 30, 1998, Effective June 1, 1999; 64 FR 6806, February 11, 1999; Effective February 5, 1999; 64 FR 6806, February 11, 1999; 64 FR 25408, May 11, 1999; 64 FR 31986, June 15, 1999; 64 FR 36466, July 6, 1999; 64 FR 52828, September 30, 1999; 64 FR 56469, October 20, 1999; 64 FR 63209, November 19, 1999; 65 FR 14472, March 17, 2000; 65 FR 32214, May 22, 2000; 65 FR 36365, June 8, 2000; 65 FR 42292, July 10, 2000; 65 FR 67067, November 8, 2000; 66 FR 27218, May 16, 2001; 66 FR 27266, May 16, 2001, Effective August 14, 2001; 66 FR 50332, October 3, 2001; 66 FR 58258, November 20, 2001; 66 FR 60153, December 3, 2001; 67 FR 11251, March 13, 2002; 67 FR 16263, April 4, 2002; 67 FR 48393, July 24, 2002; 68 FR 44659, July 30, 2003; 70 FR 9138, February 24, 2005; 70 FR 10776, March 4, 2005, Effective August 23, 2005; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; 70 FR 35032, June 16, 2005, Effective August 23, 2005; 70 FR 44150, August 1, 2005, 70 FR 45508, August 5, 2005, 70 FR 53420, September 8, 2005, Effective October 11, 2005; 70 FR 57769, October 4, 2005, Effective November 3, 2005; 71 FR 16862, April 4, 2006, Effective May 4, 2006; 71 FR 40254, July 14, 2006; 71 FR 42928, July 28, 2006, Effective January 29, 2007; 73 FR 57, January 2, 2008, Effective February 1, 2008; 73 FR 31756, June 4, 2008, Effective July 7, 2008; 73 FR 64668, October 30, 2008, Effective December 29, 2008; 73FR 72912, December 1, 2008, Effective December 31, 2008; 73 FR 77954, December 19, 2008, Effective January 20, 2009 and all subsequent amendments to this part.

Part 262 - Standards Applicable to Generators of Hazardous Waste

Generators of hazardous waste in Mississippi shall meet the requirements of Part 262 as published in the EPA Hazardous Waste Regulations 40 CFR 262; 45 FR 12732, February 26, 1980, Effective August 26, 1980; 45 FR 33142, May 19, 1980, Effective November 19, 1980; 45 FR 76624, 76626, November 19, 1980; 45 FR 78529, November 25, 1980; 45 FR 86970, 86973, December 31, 1980; 46 FR 8395, January 26, 1981; 47 FR 1251, January 11, 1982; 47 FR 7841, February 23, 1982; 47 FR 44938, October 12, 1982; 48 FR 3981, January 28, 1983; 48 FR 13027, March 29, 1983; 48 FR 14293, April 1, 1983; 49 FR 10500, March 20, 1984, Effective September 20, 1984; 49 FR 49571, December 20, 1984; 50 FR 28742, July 15, 1985; 51 FR 10175, March 24, 1986, Effective September 22, 1986; 51 FR 25472, July 14, 1986, Effective January 12, 1987; 51 FR 28682, August 8, 1986, Effective November 8, 1986; 51 FR 35192, October 1, 1986, Effective September 22, 1986; 51 FR 40637, November 7, 1986, Effective November 8, 1986; 52 FR 25787, July 8, 1987; 52 FR 35898, September 23, 1987; 53 FR 27164, July 19, 1988; 53 FR 37583, September 27, 1988; 53 FR 45089, November 8, 1988; 54 FR 7036, February 16, 1989; 55 FR 2322, January 23, 1990, Effective July 23, 1990; 55 FR 22520, June 1, 1990; 55 FR 50482, December 6, 1990, Effective January 1, 1994; 56 FR 30195, July 1, 1991; 56 FR 43704, September 4, 1991; 57 FR 37262, August 18, 1992, Effective June 20, 1992; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 59 FR 62926, December 6, 1994, Effective June 5, 1995; 60 FR 25540, May 11, 1995; 60 FR 35452, July 7, 1995; 61 FR 4911, February 9, 1996, Effective June 6, 1996; 61 FR 16309, April 12, 1996, Effective July 11, 1996; 61 FR 59950, November 25, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 64 FR 3382, January 21, 1999; 64 FR 25408, May 11, 1999; 64 FR 52828, September 30, 1999; 64 FR 56469, October 20, 1999; 65 FR 12378, March 8, 2000; 69 FR 21737, April 22, 2004; 69 FR 62217, October 25, 2004; 70 FR 10776, March 4, 2005, Effective September 6, 2005, 70 FR 35034, June 16, 2005, Effective September 6, 2005~~, and~~; 71 FR 40254, July 14, 2006~~.~~; and 73FR 72912, December 1, 2008, Effective December 31, 2008.

Part 262.S1 - Annual Reporting

Each generator of greater than two hundred twenty (220) pounds of hazardous waste in any calendar month during the previous calendar year shall report annually by March 1 of each calendar year to the Department, on forms provided by the Department, the type and amount of hazardous waste generated during the preceding calendar year.

Part 263 - Standards Applicable to Transporters of Hazardous Waste

Transporters of hazardous waste in and through Mississippi shall meet all the requirements of Part 263 of the EPA Hazardous Waste Regulations 40 CFR 263; 45 FR 12743, February 26, 1980, Effective August 26, 1980; 45 FR 33151, May 19, 1980, Effective November 19, 1980; 45 FR 85022, December 24, 1980; 45 FR 86968, 86973, December 31, 1980; 48 FR 14153, April 1, 1983; 51 FR 10176, March 24, 1986, Effective September 22, 1986; 61 FR 16309, April 12, 1996, Effective July 11, 1996; 51 FR 28685, August 8, 1986, Effective November 8, 1986; 51 FR 40637, November 7, 1986, Effective November 8, 1986; 62 FR 6650, February 12, 1997, Effective August

12, 1997; 70 FR 10776, March 4, 2005, Effective September 6, 2005, and all other applicable requirements of the Mississippi Public Service Commission and the U. S. Department of Transportation.

Part 263.S1 - Annual Reporting

Each transporter of hazardous waste shall report annually by March 1 of each calendar year to the Department, on forms provided by the Department, the transporter's location, mailing address, and contact person.

Part 264 - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Owners and operators of hazardous waste treatment, storage, and disposal facilities in Mississippi shall design, construct, operate, close, and maintain such facilities in accordance with the requirements found in Part 264 of the EPA Hazardous Waste Regulations 40 CFR 264; 45 FR 33221, May 19, 1980, Effective November 19, 1980; 45 FR 76075, November 17, 1980; 45 FR 76630, November 19, 1980; 45 FR 86968, 86970, 86973, December 31, 1980; 46 FR 2847, January 12, 1981; 46 FR 7670, January 23, 1981; 46 FR 8395, January 26, 1981; 46 FR 18025, March 23, 1981; 46 FR 27476, May 20, 1981; 46 FR 35247, July 7, 1981; 46 FR 55112, November 6, 1981; 46 FR 57285, November 23, 1981; ; 47 FR 7841, February 23, 1982; 47 FR 8306, February 25, 1982; 47 FR 10006, March 9, 1982; 47 FR 15032, April 7, 1982; 47 FR 16544, April 16, 1982; 47 FR 17989, April 27, 1982; 47 FR 19995, May 10, 1982; 47 FR 27531, June 24, 1982; 47 FR 32349, July 26, 1982; 47 FR 44938, October 12, 1982; 48 FR 2511, January 19, 1983; 48 FR 3981, January 28, 1983; 48 FR 14293, April 1, 1983; 48 FR 30115, June 30, 1983; 50 FR 661, January 4, 1985; 50 FR 1999, January 14, 1985; 50 FR 18374, April 30, 1985; 50 FR 28742, July 15, 1985; 50 FR 49203, November 29, 1985, Effective March 31, 1986; 51 FR 16443, May 2, 1986, Effective October 29, 1986; 51 FR 25354, July 11, 1986, Effective September 9, 1986; 51 FR 25472, July 14, 1986, Effective January 12, 1987; 51 FR 28556, August 8, 1986; 51 FR 29430, August 15, 1986; 51 FR 40637, November 7, 1986, Effective November 8, 1986; 52 FR 21016, June 4, 1987; 52 FR 25787, July 8, 1987; 52 FR 25946, July 9, 1987, Effective September 28, 1987; 52 FR 44320, November 18, 1987, Effective December 18, 1987; 52 FR 45798, December 1, 1987; 52 FR 46963, December 10, 1987, Effective January 11, 1988; 53 FR 7740, March 10, 1988; 53 FR 27164, July 19, 1988; 53 FR 31211, August 17, 1988; 53 FR 34086, September 2, 1988; 53 FR 37934, September 28, 1988; 53 FR 39728, October 11, 1988; 54 FR 26198, June 22, 1989; 54 FR 26647, June 23, 1989; 54 FR 33393, August 14, 1989; 55 FR 11798, March 29, 1990, Effective September 25, 1990, 55 FR 19262, May 9, 1990; 55 FR 22520, June 1, 1990; 55 FR 25454, June 21, 1990, Effective December 21, 1990; 55 FR 25978, June 26, 1990; 55 FR 26986, June 29, 1990, Effective September 25, 1990; 55 FR 31387, August 2, 1990; 55 FR 32733, August 10, 1990; 55 FR 39409, September 27, 1990, Effective September 25, 1990; 53 FR 37934, September 28, 1988; 53 FR 37934, September 28, 1988; 55 FR 50482, December 6, 1990, Effective January 1, 1994; 56 FR 7134, February 21, 1991, Effective August 21, 1991; 56 FR 19290, April 26, 1991, Effective December 21, 1990; 56 FR 30195, July 1, 1991; 56 FR 32688, July 17, 1991, Effective August 21, 1991; 56 FR 30200, July 1,

1991; 57 FR 3486, January 29, 1992, Effective July 29 1992; 57 FR 8088, March 6, 1992; 57 FR 37262, August 18, 1992, Effective February 18, 1993; 57 FR 38558, August 25, 1992, Effective August 11, 1992; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 57 FR 42835, September 16, 1992; 57 FR 54452, November 18, 1992, Effective May 18, 1993; 57 FR 61502, December 24, 1992, Effective January 1, 1994; 58 FR 8682, February 16, 1993, Effective April 19, 1993; 58 FR 26424, May 3, 1993, Effective March 8, 1993; 58 FR 29884, May 24, 1993, Effective May 10, 1993; 58 FR 46040, August 31, 1993; 59 FR 13891, March 24, 1994; 59 FR 29959, June 10, 1994, Effective August 9, 1994; 59 FR 47982, September 19, 1994, Effective December 19, 1994 except Section 266.100 and Appendix VIII are Effective September 19, 1994; 59 FR 62926, December 6, 1994, Effective June 5, 1995; 60 FR 25540, May 11, 1995; 60 FR 26828, May 19, 1995, Effective December 6, 1995; 60 FR 35452, July 7, 1995; 60 FR 35705, July 11, 1995, Effective September 11, 1995; 60 FR 50428, September 29, 1995, Effective December 6, 1995; 61 FR 4911, February 9, 1996, Effective June 6, 1996; 61 FR 16309, April 12, 1996, Effective July 11,1996; 61 FR 59950, November 25, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 62 FR 32462, June 13, 1997; 62 FR 64656, December 8, 1997; 63 FR 56710, October 22, 1998; 63 FR 65874, November 30, 1998, Effective June 1, 1999; 64 FR 3382, January 21, 1999; 64 FR 36466, July 6, 1999; 64 FR 52828, September 30, 1999; 66 FR 35087, July 3, 2001, Effective October 16, 2001; 67 FR 2962, January 22, 2002; 67 FR 6792, February 13, 2002; 69 FR 22602, April 26, 2004, Effective June 25, 2004; 70 CFR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; 70 FR 35034, June 16, 2005, Effective September 6, 2005; 70 FR 44150, August 1, 2005; 70 FR 45508, August 5, 2005; 70 FR 59402, October 12, 2005, Effective December 12, 2005, 71 FR 16862, April 4, 2006, Effective May 4, 2006; 71 FR 40254, July 14, 2006; 73 FR 18970, April 8, 2008; and all conditions of any additional siting requirements stated in this part.

Part 264.S1 - Annual Reporting

The owner or operator of any facility for the treatment, storage, recycling, or disposal of hazardous waste shall report by March 1 of each calendar year to the Department, on forms provided by the Department, the types and amounts of hazardous waste treated, stored, recycled, and/or disposed during the preceding calendar year.

Part 264.S2 - Location Standards for the Establishment or Expansion of Hazardous Waste Management Facilities

1. Applicability.

   These regulations shall apply to (1) hazardous waste permit applications pending before the Mississippi Department of Environmental Quality on the effective date of these regulations and (2) hazardous waste permit applications submitted to the Mississippi Department of Environmental Quality after the effective date of these regulations.

2. Definitions.

For purposes of this section (264.S2), all words and phrases not defined herein shall have the meanings ascribed to them in Section 17-17-3 of the Mississippi Code unless the context clearly indicates otherwise. Terms not defined either herein or in Section 17-17-3 of the Mississippi Code shall have their ordinary meanings unless such terms have a specialized meaning within the hazardous waste field. Terms having such a specialized meaning are to be given that specialized meaning unless otherwise defined herein or in Section 17-17-3 of the Mississippi Code.

"Active portion of the facility" means that portion of the facility where treatment, storage, or disposal operations are being or have been conducted and which is not a closed portion.

"Airport" means a public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

"Aquifer" means a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of groundwater to wells or springs.

"Areas susceptible to mass movement" means those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the unit, because of slope stability or other natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluction, block sliding, and rock fall.

"Closed portion" means that portion of a facility which has closed in accordance with the facility closure plan and all applicable closure requirements.

"Department" means the Mississippi Department of Environmental Quality.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

"Endangered or threatened species" means any species listed as such pursuant to the Federal Endangered Species Act of 1973, as amended, or as defined by Section 49-5-105, Mississippi Code of 1972.

"Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

"Fault" means a fracture or a zone of rock fractures in material along which strata on one side have been displaced with respect to those on the other side.

"Holocene" means the most recent geologic epoch of the Quaternary Period, from the end of the Pleistocene Epoch to the present.

"Horizontal ground acceleration" means the maximum change in velocity over time relative to horizontal movement of the earth's surface as measured at a particular point during an earthquake.

"Incinerator" means any enclosed device that:

(1) Uses controlled flame combustion and neither meets the criteria of classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace as these terms are defined in 40 CFR 260.10; or

(2) Meets the definition of infrared incinerator or plasma arc incinerator established in 40 CFR 260.10.

"Karst Terranes" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terranes include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.
"Lake or reservoir" means a body of water, not owned by the applicant, having greater than ten (10) acres of surface area at such time as the spillway overflows and the primary purpose of which is not for wastewater storage or treatment.

"Land-Based Unit" means a unit subject to Mississippi Hazardous Waste Management Regulations Part 264, Subpart F, including landfills, surface impoundments, waste piles, land treatment units, and certain hazardous waste management units subject to Part 264, Subpart F. Land based unit also means a tank that closes under Mississippi Hazardous Waste Management Regulation 264.197(b), leaving contaminated soils in place.

"Mass movement" means any downslope unit movement of earth materials, including, but not necessarily restricted to, landslides, avalanches, debris slides and flows, creep, solifluction, blocksliding, rock falls, and slump.

"Nonattainment area" means an area which is shown by monitored data or which is calculated by air quality modeling to exceed any national ambient air quality standard.

"Non-Land Based Unit" means any hazardous waste management unit not subject to Subpart F of Part 264.

"100-year-flood" means a flood that has a 1-percent or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

"100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source.

"Ordinary waste" means "garbage" as that term is defined in Section 17-17-3 of the Mississippi Code.

"Outcrop" means that part of a geologic formation or structure that appears at the surface of the earth; also, bedrock that is covered only by surficial deposits such as alluvium.
"Permit Board" means the Mississippi Environmental Quality Permit Board.

"Poor foundation conditions" means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a land-based or non-land-based unit.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material will equal or exceed 0.10g (expressed as a fraction of the earth's gravitational pull (g)) in 250 years.

"7Q10 flow" means the average streamflow rate over seven (7) consecutive days that may be expected to be reached as an annual minimum no more frequently than one (1) year in ten (10).
"Stream or river" means a flowing body of water with a 7Q10 flow greater than zero.

"Structural integrity" means the ability of a unit to withstand physical forces exerted upon designed components, ancillary devices, and containment structures of the unit.
"Surficial deposit" means unconsolidated and residual, alluvial, or glacial deposits, lying on bedrock or occurring on or near the earth's surface.

"Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the structural integrity of a commercial hazardous waste management facility constructed at the location. Unstable areas can include, but are not limited to, areas exhibiting poor foundation conditions, areas susceptible to mass movement, and Karst terranes.

"Water well or special purpose hole" means a well or hole including but not necessarily limited to, a potable well, agricultural well, monitoring well, observation well, saline or brackish water withdrawal well, contaminant recovery well, heat pump water supply hole, vertical closed-loop system hole, industrial supply well, or a rig supply well.

"Zone of deformation" means the area adjacent to and surrounding a fault which is subject to structural deformation as a result of movement along the fault. Geologic features that may occur in a zone of deformation may include, but are not limited to, splay or satellite faults, gouge zones, en echelon fault clusters, and deformed strata.

3. Hydrological and Geological Factors.

3.1 Floodplains.

No commercial hazardous waste management facility shall be established or expanded in a 100-year floodplain unless the permit applicant can demonstrate to the satisfaction of the Permit Board that the proposed facility will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of hazardous waste so as to pose a hazard to human health or the environment.

3.2 Seismic Considerations.

a. No commercial hazardous waste management facility shall be established or expanded such that it would be located closer than 200 feet to any fault along which displacement has occurred during the Holocene epoch unless a site-specific demonstration is made showing that any movement along the Holocene fault and in the adjacent zone of deformation will not disrupt the contents of any unit or damage the structural integrity of any unit, or in any way threaten human health or the environment. The owner or operator may be required to perform site and regional studies to demonstrate that the zone of deformation associated with the fault is smaller than 200 feet.

b. No commercial hazardous waste management land-based unit shall be established or expanded such that it would be located in a seismic impact zone.

c. No commercial hazardous waste management facility shall be established or expanded such that it would be located in areas susceptible to damage caused by any ground shaking, liquefaction, or seismic wave motion based on approved seismic risk maps or methods, unless it can be demonstrated that appropriate engineering measures will be applied to ensure unit structural integrity and to mitigate the threats posed to human health and the environment by any ground shaking, liquefaction, or seismic wave motion.

3.3 Unstable Areas.

No commercial hazardous waste management facility shall be established or expanded such that it would be located in an unstable area unless the applicant can demonstrate to the Permit Board that the facility will be designed so that the structural integrity of the facility will be maintained. The applicant for a permit to establish or expand a commercial hazardous waste management facility must consider the following factors, at a minimum, in determining whether an area is unstable:

a. On-site or local soil conditions that may result in significant differential settling;

b. On-site or local geologic or geomorphologic features; and

c. On-site or local human-made features or events (both surface and subsurface).

3.4 Geologic Barrier Thickness and Permeability.

No land-based commercial hazardous waste management unit shall be established or expanded such that it would be located in an area where a geologic barrier material of soils or rock formations with low permeability is not present between the unit and the upper most aquifer. This barrier shall be at least 150 feet thick. The upper 50 feet of the geologic barrier material shall have a saturated hydraulic conductivity averaging no greater than $1x10^{-7}$ cm/sec, including consideration of any significant discontinuities or lithologic changes. Hydraulic conductivity values averaging no greater than 1×10^{-6} cm/sec. will be acceptable in the material comprising the remainder of the geologic barrier below the 50 foot section exhibiting the 1×10^{-7} cm/sec hydraulic conductivity values.

3.5 Presence of Hydrocarbon Test Wells and Water Wells.

a. No commercial hazardous waste management facility shall be established or expanded such that an active, inactive, or abandoned hydrocarbon well would be present within or beneath the active portion of the facility.

b. No commercial hazardous waste management facility shall be established or expanded such that an active, inactive, or abandoned water well or other special purpose hole would be present within or beneath the active portion of the facility, unless it can be demonstrated to the satisfaction of the Permit Board that such well or hole has been abandoned according to all applicable State abandonment procedures and regulations. Exceptions to this criterion include any wells or other special purpose holes the Permit Board determines to be necessary for the detection or removal of contaminants within the active portion of the facility.

3.6 Sole Source Aquifers and Aquifer Outcrop Areas.

a. No land-based commercial hazardous waste management facility shall be established or expanded such that it would be located in the outcrop area of a sole source aquifer designated by the U.S. Environmental Protection Agency on the date the permit application is submitted to the Department.

b. No land-based commercial hazardous waste management facility shall be established or expanded such that it would be located in the outcrop area of a freshwater aquifer which has use as a present or potential source of water for a community water system as defined in 40 CFR 141.2 of the National Primary Drinking Water Regulations.

3.7 Surface and Subsurface Mineral Interests.

No commercial hazardous waste management facility shall be established or expanded on any property for which the permit applicant does not own the mineral rights within the boundary of the proposed facility.

4. Protection of Natural Resources.

4.1 Wetlands.

No commercial hazardous waste management facility shall be established or expanded in wetlands unless the permit applicant obtains formal written approval regarding the operation from the U.S. Army Corps of Engineers. Additionally, no such facility shall be established or expanded in coastal wetlands unless the applicant obtains formal written concurrence, as required by Mississippi law, from the Bureau of Marine Resources of the Mississippi Department of Wildlife, Fisheries, and Parks.

4.2 Endangered or Threatened Species.

No commercial hazardous waste management facility shall be established or expanded unless in compliance with all statutes, rules, and regulations concerning protection of endangered or threatened species within the jurisdiction of the U. S. Fish and Wildlife Service and the Mississippi Department of Wildlife, Fisheries, and Parks.

4.3 Significant Historical and Archaeological Areas.

No commercial hazardous waste management facility shall be established or expanded in such a manner as to impact significantly and adversely cultural resources listed in or eligible for listing in the National Register of Historic Places, unless impact to those cultural resources may be appropriately mitigated.

4.4 Parks and Recreational Areas.

a. No commercial hazardous waste management facility shall be established or expanded such that it would be, on the date the application is submitted to the Department, located within 0.5 miles of any of the following areas, without the specific written consent of the agency responsible for managing such area:

(1) A national, state, or city designated park; or

(2) An outdoor recreational area, such as a golf course or swimming pool, owned by a city, county, or other public agency.

b. A greater setback distance may be established by the Permit Board on a site specific basis.

4.5 Forests, Wilderness Areas, Wildlife Management Areas, and Natural Areas

a. No commercial hazardous waste management facility shall be established or expanded such that it would be, on the date the permit application is submitted to the Department, located within any of the following areas, without the specific written consent of the person responsible for managing such area:

(1) National forest land, national wilderness areas, and national wildlife refuge areas, as designated by the appropriate federal agency; or
(2) State wildlife management areas, state game management areas, and state natural areas, as designated by the Mississippi Department of Wildlife, Fisheries and Parks.

b. A setback distance may be established by the Permit Board on a site specific basis.

4.6 Surface Waters.

a. No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be located within 0.5 mile of the banks of any section of a river, stream, lake, or coastal waters classified by the Commission on Environmental Quality as recreational or shellfish harvesting on the date the permit application is submitted to the Department.

b. No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be located closer than five hundred (500) feet from the banks of a stream, river, lake, reservoir, or coastal waters.

4.7 Air Quality.

An applicant for a permit to establish or expand a commercial hazardous waste management facility shall comply with the State of Mississippi Guidelines for Review of Siting Criteria in Applications for Air and Water Pollution Control Permits (Permit Board Rule 1-82), as amended.

4.8 Protection of Agriculture, Aquaculture, Forestry, Fish, and Wildlife.

No commercial hazardous waste incinerator or landfill shall be located such that operations of the facility would have a significant adverse impact on agriculture, aquaculture, forests, fish, or wildlife. The applicant must provide to the Department a documented report, predicting any impacts of the proposed facility on agriculture, aquaculture, forests, fish, and wildlife within a five-mile radius of the site.

5. Local Land Use and Proximity to Public Water Supplies, Airports, and Certain Structures and Institutions.

5.1 Local Land Use and Local Zoning.

No commercial hazardous waste management facility shall be established or expanded if, on the date the permit application is submitted to the Department, the site would be in conflict with lawful regulations or ordinances of state agencies, local governments.

5.2 Proximity to Residences.

a. No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be located less than 1000 feet from any residence in existence on the date the permit application is submitted to the Department.

b. No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be located within one mile of a residential area in existence on the date the permit application is submitted to the Department, unless the proposed facility would be located in an established industrial park, in which case the active portion of the facility shall not be located less than 1000 feet from any residential area in existence on the date the permit application is submitted to the Department.

c. For purposes of this section,

(1) "residential area" means a group or cluster of 10 or more single family dwelling units on contiguous property and having an average density of two or more units per acre, and

(2) "single family dwelling unit" means either (a) a conventional single family detached dwelling or mobile home, or (b) a unit within a multi-family residential complex (townhouses, condominiums, or apartments).

5.3 Proximity to Public Water Supply Sources.

a. No commercial hazardous waste management land-based unit shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, within one mile of any well supplying water to a community water system as defined in 40 CFR 141.2 of the National Primary Drinking Water Regulations.

b. No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be, on the date the

permit application is submitted to the Department, within one mile from a surface water intake for a public water supply. If the runoff from the facility would enter the water body upgradient of the intake structure, this distance shall be increased to at least twenty (20) miles.

5.4 Proximity to Airports.

No commercial hazardous waste management facility shall be established or expanded such that it would adversely affect operations or safety at any airport in existence on the date the permit application is submitted to the Department.

5.5 Proximity to Buildings Housing Multiple Relatively Immobile Occupants.
No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located within one (1) mile of any existing hospital, nursing home, school, or other multi-occupant institution, the purpose and function of which is to provide services to immobile populations.

5.6 Proximity to Churches.

No commercial hazardous waste management facility shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located within one thousand (1,000) feet of any existing church.

5.7 Proximity to Municipalities.

No commercial hazardous waste incinerator or land-based unit shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located within one-half (1/2) mile of the incorporated limits of any existing municipality.

5.8 Proximity to Existing or Abandoned Ordinary Waste Disposal Sites.

No commercial hazardous waste landfill shall be established or expanded such that the active portion of the facility would be, on the date the permit application is submitted to the Department, located on the same site or within one thousand (1,000) feet of an existing or abandoned ordinary waste disposal site, unless the hazardous waste to be disposed of in said commercial hazardous waste landfill is specifically approved as exempted from this prohibition by the Department.

6. Transportation Factors.

The applicant for a permit to establish or expand a commercial hazardous waste management facility must demonstrate to the Permit Board that the anticipated additional traffic along the primary route to the facility would not significantly increase the safety risk within a ten (10) mile radius of the active portion of the facility. The demonstration shall address at least the following factors: (1) the primary route(s) that the applicant expects will be used for the transportation of hazardous waste to the facility within a ten (10) mile radius of the active portion of the facility; (2) an estimate of the number and types of vehicles routinely traveling on the primary route(s) within said ten (10) mile radius; (3) an estimate of the number and types of vehicles expected by the applicant to transport hazardous waste to the facility via the primary route(s) within said ten (10) mile radius; (4) an estimate of the loaded weight of each type of vehicle expected to transport hazardous waste to the facility via the primary route(s) within the ten (10) mile radius; and (5) proximity to waste generators. The Permit Board may require such reasonable restrictions and limitations as it deems appropriate regarding the primary transportation route(s) to the facility if it should determine that the primary route(s) of transportation to the facility by hazardous waste hauling vehicles would significantly increase the safety risks within the ten (10) mile radius.

7. Aesthetic Factors.

7.1 Visibility and Appearance of the Facility.

a. No commercial hazardous waste management facility shall be established or expanded such that, on the date the permit application is submitted to the Department, the active portion of the facility would be less than 1000 feet from the edge of the right-of-way of any interstate or primary highway, as designated by the State Highway Commission, except the following:

(1) those locations which will be screened by natural objects, planting, fences, or other appropriate means so as not to be visible from the main-traveled highway system, or otherwise removed from sight;

(2) those locations which are within areas zoned for industrial use under authority of law;

(3) those locations which have been determined by the State Highway Commission as acceptable, pursuant to Mississippi Code Annotated Section 49-25-7; or

(4) those locations which will not be visible from the main-

traveled highway system.

b. The Permit Board may, at its discretion, apply the requirements of Section 7.1.a in relation to any public road other than an interstate or primary highway.

7.2 Noise.

No commercial hazardous waste management facility shall be established or expanded unless the applicant for a permit for the facility can demonstrate to the Permit Board that the facility shall be located, configured, designed, constructed, and operated such that the noise level at the facility boundary caused by normal waste management operations of the facility but not by vehicular movement into or out of the facility will not exceed an eight-hour time weighted average (TWA) of 65 decibels between the hours of 7 a.m. and 7 p.m. or an eight-hour TWA of 55 decibels between the hours of 7 p.m. and 7 a.m.

8. Buffer Zones.

The Permit Board may establish buffer zone requirements in addition to or more stringent than the minimums prescribed in this section for new or expanding commercial hazardous waste management facilities, and all buffer zone requirements around all other new or expanding hazardous waste management facilities, all as may be required for protection of the public health or environment or because of the proximity of such things as individual residences, roadways, waterways, commercial establishments, existing or abandoned solid or hazardous waste facilities or other natural or man-made structures, on a case-by-case basis using good engineering judgement.

9. Notice to Landowners.

Within sixty (60) days after the date on which an application for a permit to establish or expand a commercial hazardous waste landfill is filed with the Department, the applicant shall give notice of the filing to all landowners within one-half (1/2) mile of the property line of the proposed facility.

Part 264.S4 - Financial Capability, Commercial Hazardous Waste Management Facilities

(a) For the purposes of this section (264.S4), the following definitions shall apply:

"Incinerator" means any enclosed device that:

(1) Uses controlled flame combustion and neither meets the criteria of classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace as these terms are defined in 40 CFR 260.10; or

(2) Meets the definition of infrared incinerator or plasma arc incinerator established in 40 CFR 260.10. "Land disposal facility" means a facility with any unit subject to the requirements of 40 CFR Part 264 Subpart F.

(b) Annually, the owner and operator of a commercial hazardous waste management incinerator or land disposal facility must provide to the Mississippi Department of Environmental Quality documentation of a current actual or implied (hypothetical) rating no lower than BB (Standard and Poor's Corporation) or Ba (Moody's Investor Service) or equivalent on senior unsecured debt obligations from a Nationally Recognized Statistical Rating Organization as established by the Federal Securities and Exchange Commission. This rating must be for the owner and operator named in the permit application.

(c) Annually, the owner and operator of any kind of commercial hazardous waste management facility other than an incinerator or land disposal facility must provide to the Mississippi Department of Environmental Quality documentation of a current actual or implied (hypothetical) rating no lower than B (Standard and Poor's Corporation) or B (Moody's Investor Service) or equivalent on senior unsecured debt obligations from a Nationally Recognized Statistical Rating Organization as established by the Federal Securities and Exchange Commission. This rating must be for the owner and operator named in the permit application.

Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Owners and operators of hazardous waste treatment, storage, and disposal facilities in Mississippi that have fully complied with the requirements for interim status shall meet the requirements in Part 265 of the EPA Hazardous Waste Regulations 40 CFR 265; 45 FR 33232, May 19, 1980, Effective November 19, 1980; 45 FR 72040, October 30, 1980, 45 FR 76075, November 17, 1980, 45 FR 76630, November 19, 1980; 45 FR 78529, November 25, 1980; 45 FR 86968, 86970, 86973, December 31, 1980; 46 FR 2847, January 12, 1981; 46 FR 7678, January 23, 1981; 46 FR 8395, January 26, 1981; 46 FR 13494, February 20, 1981; 46 FR 18025, March 23, 1981; 46 FR 27467, May 20, 1981; 46 FR 33507, June 29, 1981; 46 FR 35247, July 7, 1981; 46 FR 56596, November 17, 1981; 47 FR 1255, January 11, 1982; 47 FR 2316, January 15, 1982; 47 FR 7841, February 23, 1982; 47 FR 8306, February 25, 1982; 47 FR 10006, March 9, 1982; 47 FR 12316, March 22, 1982; 47 FR 15032, April 7, 1982; 47 FR 16544, April 16, 1982; 47 FR 17989, April 27, 1982; 47 FR 19995, May 10, 1982; 47 FR 27531, June 24, 1982; 47 FR 32349, July 26, 1982; 47 FR 44938, October 12, 1982; 48 FR 2511, January 19, 1983; 48 FR 3981, January 28, 1983; 48 FR 14153, April 1, 1983; 48 FR 30115, June 30, 1983; 48 FR 52720, November 22, 1983; 49 FR 46095, November 21, 1984; 50 FR 661, January 4, 1985; 50 FR 1999, January 14, 1985; 50 FR 16048, April 23, 1985; 50 FR 18374, April 30, 1985; 50 FR 28742, July 15, 1985; 50 FR 49203, November 29, 1985, Effective March 31, 1986; 51 FR 16451, May 2, 1986, Effective October 29, 1986; 51 FR 19177, May 28, 1986; 51 FR 25355, July 11, 1986, Effective September 9, 1986; 51 FR 25478, July 14, 1986, Effective January 12, 1987; 51 FR 28556, August 8, 1986; 51 FR 29430, August 15, 1986;

51 FR 40637, November 7, 1986, Effective November 8, 1986; 52 FR 8704, March 19, 1987, Effective September 15, 1987; 52 FR 21016, June 4, 1987; 52 FR 25787, July 8, 1987; 52 FR 44321, November 18, 1987, Effective December 18, 1987; 52 FR 45798, December 1, 1987, Effective December 31, 1987; 53 FR 7740, March 10, 1988; 53 FR 27164, July 19, 1988; 53 FR 31211, August 17, 1988; 53 FR 34086, September 2, 1988; 53 FR 37934, September 28, 1988; 54 FR 26647, June 23, 1989; 54 FR 33393, August 14, 1989; 55 FR 11798, March 29, 1990, Effective September 25, 1990; 55 FR 22520, June 1, 1990; 55 FR 25454, June 21, 1990, Effective December 21, 1990; 55 FR 25978, June 26, 1990; 55 FR 26986, June 29, 1990, Effective September 25, 1990; 55 FR 31387, August 2, 1990; 55 FR 32733, August 10, 1990; 55 FR 39409, September 27, 1990, Effective September 25, 1990; 55 FR 50482, December 6, 1990, Effective January 1, 1994; 56 FR 7134, February 21, 1991, Effective August 21, 1991; 56 FR 19290, April 26, 1991, Effective December 21, 1990; 56 FR 30195, July 1, 1991; 56 FR 32688, July 17, 1991, Effective August 21, 1991; 56 FR 42504, August 27, 1991, Effective August 21, 1991; 56 FR 46912, September 23, 1991; 56 FR 66368, December 23, 1991, Effective June 23, 1992; 57 FR 3486, January 29, 1992, Effective July 29, 1992; 57 FR 8088, March 6, 1992; 57 FR 37262, August 18, 1992, Effective February 18, 1993; 57 FR 38558, August 25, 1992, Effective August 11, 1992; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 57 FR 42835, September 16, 1992; 57 FR 54452, November 18, 1992, Effective May 18, 1993; 57 FR 61502, December 24, 1992, Effective January 1, 1994; 58 FR 8682, February 16, 1993, Effective April 19, 1993; 58 FR 26424, May 3, 1993, Effective March 8, 1993; 58 FR 29884, May 24, 1993, Effective May 10, 1993; 58 FR 46040, August 31, 1993; 59 FR 13891, March 24, 1994; 59 FR 47982, September 19, 1994, Effective December 19, 1994 except Section 266.100 and Appendix VIII are Effective September 19, 1994; 59 FR 62926, December 6, 1994, Effective June 5, 1995; 60 FR 25540, May 11, 1995; 60 FR 26828, May 19, 1995, Effective December 6, 1995; 60 FR 35452, July 7, 1995; 60 FR 35705, July 11, 1995, Effective September 11, 1995; 60 FR 50428, September 29, 1995, Effective December 6, 1995; 61 FR 4911, February 9, 1996, Effective June 6, 1996; 61 FR 16309, April 12, 1996, Effective July 11, 1996; 61 FR 59950, November 25, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 62 FR 32462, June 13, 1997; 62 FR 64656, December 8, 1997; 63 FR 56710, October 22, 1998; 63 FR 65874, November 30, 1998, Effective June 1, 1999; 64 FR 3382, January 21, 1999; 64 FR 36466, July 6, 1999; 64 FR 52828, September 30, 1999; 67 FR 6792, February 13, 2002; 69 FR 22602, April 26, 2004, Effective June 25, 2004; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; 70 FR 35034, June 16, 2005, Effective September 6, 2005; 70 FR 45508, August 5, 2005, 70 FR 59402, October 12, 2005, Effective December 12, 2005; 71 FR 16862, April 4, 2006, Effective May 4, 2006; and 71 FR 40254, July 14, 2006.

Part 265.S1 - Annual Reporting

The owner or operator of any interim status facility for the treatment, storage, recycling, or disposal of hazardous waste shall report by March 1 of each calendar year to the Department, on forms provided by the Department, the types and amounts of hazardous waste treated, stored, recycled, and/or disposed during the preceding calendar year.

Part 266 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

Generators, transporters and treatment, storage and disposal facilities conducting activities identified in Part 266 of the EPA Hazardous Waste Regulations shall comply with the requirements of Part 266 of the EPA Hazardous Waste Regulations 40 CFR 266; 50 FR 661, January 4, 1985; 50 FR 14219, April 11, 1985; 50 FR 28742, July 15, 1985; 50 FR 33541, August 20, 1985; 50 FR 49204, November 29, 1985, Effective March 31, 1986; 52 FR 11821, April 13, 1987; 52 FR 21306, June 5, 1987; 53 FR 31211, August 17, 1988; 54 FR 26647, June 23, 1989; 55 FR 32733, August 10, 1990; 56 FR 7134, February 27, 1991, Effective August 21, 1991; 56 FR 32688, July 17, 1991, Effective August 21, 1991; 56 FR 42504, August 27, 1991, Effective August 21, 1991; 56 FR 43874, September 5, 1991, Effective August 21, 1991; 57 FR 27880, June 22, 1992; 57 FR 38558, August 25, 1992, Effective August 11, 1992; 57 FR 41611, September 10, 1992, Effective March 8, 1993; 57 FR 44999, September 30, 1992; 58 FR 38816, July 20, 1993, Effective August 19, 1993; 58 FR 59598, November 9, 1993, Effective October 15, 1993; 59 FR 38545, July 28, 1994; 59 FR 43499, August 24, 1994, Effective February 24, 1995; 59 FR 47982, September 19, 1994, Effective December 19, 1994 except Section 266.100 and Appendix VIII are Effective September 19, 1994; 60 FR 25540, May 11, 1995; 60 FR 33913, June 29, 1995; 61 FR 16309, April 12, 1996, Effective July 11, 1996; 61 FR 56631, November 4, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 62 FR 32462, June 13, 1997; 63 FR 28556, May 26, 1998, Effective August 24, 1998; 63 FR 42110, August 6, 1998; 63 FR 54356, October 9, 1998; 63 FR 71225, December 24, 1998; 64 FR 52828, September 30, 1999; 64 FR 63209, November 19, 1999; 66 FR 27218, May 16, 2001, Effective November 13, 2001; 67 FR 6792, February 13, 2002; 67 FR 6968, February 14, 2002; 67 FR 48393, July 24, 2002; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005, and 70 FR 59402, October 12, 2005, Effective December 12, 2005; 71 FR 16862, April 4, 2006, Effective May 4, 2006; 71 FR 40254, July 14, 2006; and 73 FR 18970, April 8, 2008.

Part 267 – Standards for Owners and Operators of Hazardous Waste Facilities Operating under a Standardized Permit

Owners and operators of hazardous waste treatment, storage, and disposal facilities in Mississippi under a 40 CFR Subpart J standardized permit shall meet all the requirements of Part 267 of the EPA Hazardous Waste Regulations 40 CFR 267: 70 CFR 53420, September 8, 2005, Effective October 11, 2005; and 71 FR 40254, July 14, 2006.

Part 268 - Schedule for Land Disposal Restrictions

Generators, transporters, and owners and operators of hazardous waste treatment, storage, and disposal facilities in Mississippi shall meet all the requirements of Part 268 of the EPA Hazardous Waste Regulations 40 CFR 268; 51 FR 19300, May 28, 1986, Effective June 27, 1986; 51 FR 40638, November 7, 1986, Effective November 8, 1986, except for the provisions in Sections 268.30(b) and

268.31(a), which will become effective on November 8, 1988; 52 FR 21016, June 4, 1987; 52 FR 25788, July 8, 1987; 52 FR 41296, October 27, 1987; 53 FR 27164, July 19, 1988; 53 FR 31211, August 17, 1988; 54 FR 4021, January 27, 1989, Revoked; 54 FR 8266 February 27, 1989; 54 FR 18837, May 2, 1989; 54 FR 26647, June 23, 1989; 54 FR 36970, September 6, 1989; 55 FR 11798, March 29, 1990, Effective September 25, 1990; 55 FR 22520, June 1, 1990; 55 FR 23935, June 13, 1990; 55 FR 26986, June 29, 1990, Effective September 25, 1990; 55 FR 31387, August 2, 1990; 55 FR 39409, September 27, 1990, Effective September 25, 1990; 55 FR 3864, January 31, 1991; 56 FR 41176, August 19, 1991, Effective August 8, 1991; 57 FR 8088, March 6, 1992; 57 FR 20770, May 15, 1992, Effective May 8, 1992; 57 FR 28632, June 26, 1992, Effective June 5, 1992; 57 FR 37262, August 18, 1992, Effective November 16, 1992; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 57 FR 47772, October 20, 1992; 58 FR 8682, February 16, 1993, Effective April 19, 1993; 58 FR 14319, March 17, 1993, Effective March 17, 1993; 58 FR 29884, 58 FR 28506, May 14, 1993, Effective May 8, 1993; May 24, 1993, Effective May 10, 1993; 58 FR 460~~49~~0, August 31, 1993; 59 FR 31551, June 20, 1994; 59 FR 43499, August 24, 1994, Effective February 24, 1995; 59 FR 47980, September 19, 1994, Effective August 31, 1993; 59 FR 47982, September 19, 1994, Effective December 19, 1994 except Section 266.100 and Appendix VIII are Effective September 19, 1994; 60 FR 244, January 3, 1995, Effective December 19, 1994; 60 FR 25540, May 11, 1995; 61 FR 15596 April 8, 1996; 61 FR 19117, April 30, 1996; 61 FR 33682 June 28, 1996; 61 FR 36419, July 10, 1996; 61 FR 43927, August 26, 1996; 62 FR 1997, January 14, 1997, Effective January 8, 1997; 62 FR 7504, February 19, 1997; 62 FR 25990, May 12, 1997, 62 FR 32977, June 17, 1997; 62 FR 37699, July 14, 1997; 62 FR 45572, August 28, 1997, 63 FR 24596, May 4, 1998, 63 FR 28556, May 26, 1998, Effective August 24, 1998; 63 FR 31266, June 8, 1998; 63 FR 35147, June 29, 1998; 63 FR 42110, August 6, 1998; 63 FR 46332, August 31, 1998; 63 FR 47410, September 4, 1998; 63 FR 48124, September 9, 1998; 63 FR 51254, September 24, 1998; 63 FR 54356, October 9, 1998; 63 FR 65874, November 30, 1998, Effective June 1, 1999; 64 FR 25408, May 11, 1999; 64 FR 36466, July 6, 1999; 64 FR 56469, October 20, 1999; 65 FR 14472, March 17, 2000; 65 FR 36365, June 8, 2000; 65 FR 67067, November 8, 2000; 65 FR 81373, December 26, 2000; 66 FR 27266, May 16, 2001, Effective August 14, 2001; 66 FR 27266, May 16, 2001, Effective August 14, 2001; 66 FR 58258, November 20, 2001; 67 FR 16263, April 4, 2002; 67 FR 17119, April 9, 2002;67 FR 48393, July 24, 2002; 67 FR 62618, October 7, 2002, Effective November 21, 2002; 70 FR 9138, February 24, 2005, Effective August 23, 2005; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; 70 FR 35032, June 16, 2005, Effective August 23, 2005; 70 FR 45508, August 5, 2005; 71 FR 16862, April 4, 2006, Effective May 4, 2006; and 71 FR 40254, July 14, 2006.

Part 270 - Hazardous Waste Permitting Program

Owners and operators of hazardous waste treatment, storage and disposal facilities in Mississippi shall meet the requirements of Part 270 of the EPA Hazardous Waste Regulations 40 CFR 270; 48 FR 14153, April 1, 1983; 48 FR 30113, June 30, 1983; 48 FR 39619, September 1, 1983; 49 FR 17718, April 24, 1984; 50 FR 661, January 4, 1985; 50 FR 1999, January 14, 1985; 50 FR 18374, April 30, 1985; 50 FR 28702, July 15, 1985; 51 FR 10176, March 24, 1986, Effective September 22, 1986; 51 FR 16458, May 2, 1986; 51 FR 25486, July 14, 1986, Effective January 12, 1987; 51 FR 29431, August 15, 1986; 51 FR 40653, November 7, 1986, Effective November 8, 1986; 52 FR

8073, March 16, 1987; 52 FR 23450, June 22, 1987; 52 FR 25791, July 8, 1987; 52 FR 25953, July 9, 1987, Effective September 28, 1987; 52 FR 33936, September 9, 1987; 52 FR 45798, December 1, 1987, Effective December 31, 1987, Revoke Parts 270.41(a)(3), 270.41(a)(3)(i), 270.41(a)(3)(ii), and 270.41(a)(3)(iii); 52 FR 46965, December 10, 1987, Effective January 11, 1988; 53 FR 7740, March 10, 1988; 53 FR 27164, July 19, 1988; 53 FR 34086, September 2, 1988; 53 FR 37934, September 28, 1988; 53 FR 41649, October 24, 1988; 54 FR 615, January 9, 1989; 54 FR 4286, January 30, 1989; 54 FR 9596, March 7, 1989; 53 FR 37934; 54 FR 26198, June 22, 1989; 54 FR 33393, August 14, 1989; 55 FR 22520, June 1, 1990; 55 FR 25454, June 21, 1990, Effective December 21, 1990; 55 FR 50482, December 6, 1990, Effective January 1, 1994; 55 FR 3864, January 31, 1991; 56 FR 7134, February 21, 1991, Effective August 21, 1991; 56 FR 19290, April 26, 1991, Effective December 21, 1990; 56 FR 30195, July 1, 1991; 56 FR 32688, July 17, 1991, Effective August 21, 1991; 57 FR 3486, January 29, 1992, Effective July 29, 1992; 57 FR 37262, August 18, 1992, Effective February 18, 1993; 57 FR 39275, August 28, 1992; 57 FR 41173, September 9, 1992; 58 FR 8682, February 16, 1993, Effective April 19, 1993; 58 FR 29884, May 24, 1993, Effective May 10, 1993; 58 FR 46040, August 31, 1993; 59 FR 62926, December 6, 1994, Effective June 5, 1995; 60 FR 25540, May 11, 1995; 60 FR 26828, May 19, 1995, Effective December 6, 1995; 60 FR 33913, June 29, 1995; 60 FR 35452, July 7, 1995; 60 FR 63431, December 11, 1995, Effective June 11, 1996; 61 FR 4911, February 9, 1996, Effective June 6, 1996; 61 FR 59950, November 25, 1996; 62 FR 6650, February 12, 1997, Effective August 12, 1997; 62 FR 64656, December 8, 1997; 63 FR 33782, June 19, 1998; 63 FR 56710, October 22, 1998; 63 FR 65874, November 30, 1998, Effective June 1, 1999; 64 FR 36466, July 6, 1999; 64 FR 52828, September 30, 1999; 65 FR 30886, May 15, 2000, Effective June 14, 2000; 65 FR 42292, July 10, 2000; 66 FR 24270, May 14, 2001; 67 FR 2962, January 22, 2002; 67 FR 6792, February 13, 2002; 67 FR 6968, February 14, 2002; 67 FR 77687, December 19, 2002; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; 70 FR 45508, August 5, 2005; 70 FR 53420,September 8, 2005, Effective October 11, 2005, and 70 FR 59402, October 12, 2005, Effective December 12, 2005; 71 FR 16862, April 4, 2006, Effective May 4, 2006; 71 FR 40254, July 14, 2006; and 73 FR 64668, Effective December 29, 2008; and all permit conditions specified by the State permitting authority in accordance with applicable laws and regulation.

270.S1 - Contents of Part B: Additional General Requirements

(A) Commercial Hazardous Waste Landfill Perpetual Care

(1) At the time an application for a permit for a commercial hazardous waste landfill is made, the owner/operator shall prepare and submit to the Department for approval a plan stating provisions for converting the site to its suitable perpetual use, its use restrictions, and a maintenance schedule that will, when carried out, maintain the integrity of the site through perpetuity. The plan shall include the operations and estimated annual cost necessary to maintain the site. This annual cost estimate shall be revised and submitted to the Department annually until final closure is completed.

(2) At the time an application for a commercial hazardous waste landfill permit is made the

owner/operator shall submit a copy of the property deed showing an easement authorizing the appropriate entity access to the property to monitor, inspect or conduct any activity necessary to maintain the integrity of the site and shall record this deed along with the easement in the proper county record. In addition to the easement, the property owner shall include in the property record the land use restriction shown in the perpetual care plan and a description of the facility and the characteristics of its content.

(B) Applicant's Financial Capabilities and Past Compliance Record for all Applicants except Commercial Hazardous Waste Management Facilities.

As part of or during review of the application for a permit to either construct or operate any treatment, storage, or disposal facility except a commercial hazardous waste management facility the applicant shall submit, for the applicant and any other individual or entity designated to own or operate the proposed facility, the following information:

(i) information to demonstrate the availability of adequate financial resources to comply with the terms and conditions of the permit;

(ii) information on compliance history sufficient to provide reasonable assurance that terms and conditions of the permit will be complied with.

Part 270.S2 - Financial Capability, Commercial Hazardous Waste Management Facilities

(a) For purposes of this section (270.S2), the following definitions shall apply:

"Incinerator" means any enclosed device that:

(1) Uses controlled flame combustion and neither meets the criteria of classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace as these terms are defined in 40 CFR 260.10; or
(2) Meets the definition of infrared incinerator or plasma arc incinerator established in 40 CFR 260.10.

"Land disposal facility" means a facility with any unit subject to the requirements of 40 CFR 264 Subpart F.

(b) An applicant for a permit to establish or expand a commercial hazardous waste management incinerator or land disposal facility must provide to the Mississippi Department of Environmental Quality documentation of an actual or implied (hypothetical) rating no lower than BB (Standard and Poor's Corporation) or Ba (Moody's Investor Service) or equivalent on senior unsecured debt obligations from a Nationally Recognized Statistical Rating Organization as established by the Federal

Securities and Exchange Commission. This rating must be for the applicant as named in the permit application.

(c) An applicant for a permit to establish or expand any kind of hazardous waste management facility other than an incinerator or land disposal facility must provide to the Mississippi Department of Environmental Quality documentation of an actual or implied (hypothetical) rating no lower than B (Standard and Poor's Corporation) or B (Moody's Investor Service) or equivalent on senior unsecured debt obligations from a Nationally Recognized Statistical Rating Organization as established by the Federal Securities and Exchange Commission. This rating must be for the applicant as named in the permit application.

Part 270.S3 - Disclosure Regulations, Commercial Hazardous Waste Management Facilities

Every applicant for issuance, reissuance, or transfer of a permit for a commercial hazardous waste management facility must comply with the Mississippi Commission on Environmental Quality Hazardous and Nonhazardous Solid Waste Applicant Disclosure Regulations, promulgated pursuant to Mississippi Code Annotated Section 17-17-501 (Supp. 1991), et. seq. [Miss. Laws, 1991, ch. 583], Mississippi Code Annotated Section 17-17-27 (Supp. 1991), and Mississippi Code Annotated Section 49-17-17 (Supp. 1991).

Part 270.S4 - Permit transfer

"Transfer" shall mean any sale, conveyance, or assignment of the rights held by the applicant in any permit issued pursuant to these Regulations. Any change of more than 50 percent of the equity ownership of the permit holder over a sustained period which results in a new majority owner shall constitute a transfer. A new majority owner for purposes of this provision shall be an individual, partnership, company, or group of affiliated companies.

Part 273 - Standards for Universal Waste Management

Generators of hazardous waste in Mississippi shall meet the requirements of Part 273 of the EPA Hazardous Waste Regulations 40 CFR Part 273; 60 FR 25540, May 11, 1995; 61 FR 16309, April 12, 1996, Effective July 11, 1996; 63 FR 71225, December 24, 1998; 64 FR 36466, July 6, 1999; 70 FR 45508, August 5, 2005; 71 FR 40254, July 14, 2006; and 72 FR 35666, June 29, 2007.

Part 279 - Recycled Used Oil Management Standards

Used oil generators, transporters, processors, re-refiners, burners, and marketers of recycled used oil shall meet the requirements of Part 279 of the EPA Hazardous Waste Regulations 40 CFR Part 279; 57 FR 41611, September 10, 1992, Effective March 8, 1993; 58 FR 26424, May 3, 1993, Effective

March 8, 1993; 58 FR 33342, June 17, 1993; 59 FR 10559, March 4, 1994, Effective January 1, 1995; 63 FR 24963, May 6, 1998; 68 FR 44659, July 30, 2003; 70 FR 10776, March 4, 2005, Effective September 6, 2005; 70 FR 34538, June 14, 2005, Effective July 14, 2005; and 71 FR 40254, July 14, 2006.

Part 124 - Procedures for Decision Making

The State permitting authority shall conform to the procedures found in Subparts A and B of Part 124 of the EPA Hazardous Waste Regulations 40 CFR 124; 45 FR 33484, May 19, 1980, Effective July 18, 1980; 45 FR 52729, August 4, 1980; 45 FR 68391, October 15, 1980; 46 FR 22584, April 20, 1981; 46 FR 36706, July 15, 1981; 47 FR 15304, April 8, 1982; 48 FR 14146, April 1, 1983; 48 FR 30115, June 30, 1983; 48 FR 39619, September 1, 1983; 49 FR 17718, April 24, 1984; 53 FR 28118, July 26, 1988; 53 FR 37396, September 26, 1988; 54 FR 246, January 4, 1989; 60 FR 63431, December 11, 1995, Effective June 11, 1996, 65 FR 30886, May 15, 2000, Effective June 14, 2000 and those administrative procedures as required under State law.

Part 126 - Penalties, Notification, Effective Date and Certification

Any person violating any provision of the Mississippi Solid Waste Disposal Law, as amended, any rule or regulation made pursuant hereto or violating any order or permit condition issued by the Department shall be punished in accordance with Section 17-17-29 of the Mississippi Code of 1972, as amended.

Under Part 261, identifying by its characteristics or listing any substances as hazardous waste subject to this regulation, any person generating or transporting such substances or owning or operating a facility for treatment, storage or disposal of such substance shall file with the Environmental Protection Agency Administrator, through the State permitting authority, and shall received from the Administrator of EPA an identification number.