COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS


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# COMMONWEALTH REGISTER
# VOLUME 30
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# *COMMONWEALTH REGISTER*

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***NUMBER 01***

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Commonwealth of the Northern Mariana Islands
Commonwealth Utilities Corporation
Anthony C. Guerrero, Executive Director
P.O. Box 501220, Saipan MP 96950-1220
3rd Floor, Joeten Dandan Building
telephone: (670) 235-7025 facsimile (670) 235-5131

# PUBLIC NOTICE

## NOTICE OF PROPOSED ADOPTION OF REGULATIONS: AMENDMENTS TO THE ELECTRIC SERVICE REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION

(Amendments to Part 24 of the CUC Electric Service Regulations: Rate Schedules)

**INTENDED ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, COMMONWEALTH UTILITIES CORPORATION (CUC), by and through the Executive Director, Anthony C. Guerrero, intends to adopt as permanent regulations, the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act (APA) (1 CMC § 9104(a)). The CUC, as previously set forth in Volume 29, No. 11of the Commonwealth Register, (November 19, 2007) intends to adopt the Emergency Regulations set forth therein and now attached as Proposed Regulations, as permanent regulations, pursuant to the procedures of 1 CMC § 9104(a)(1) and (2), with publication in the Commonwealth Register. As such, CUC hereby gives thirty (30) days notice of such intent to adopt the regulations as permanent pursuant to 1 CMC 9104(a).

**AUTHORITY:** CUC is empowered and required to review and establish utility rates and other fees for water, sewer, and electrical power (4 CMC § 8123(m) and (o), as amended by Executive Order 2006-4 and Public Laws15-35, 15-40 and 15-94); *see also* Section 2 of Public Law 15-94 ("[T]he electric fuel rates may fluctuate depending on the actual cost of fuel.") CUC is further empowered and required to adopt regulations to carry out CUC's purposes (4 CMC § 8157, as amended by Executive Order 2006-4 and Public Laws 15-35, 15-40 and 15-94). The adoption of these regulations as proposed amendments to the CUC Electric Service Regulations is further authorized by the CNMI Administrative Procedure Act (APA) (1 CMC § 9104(a)(1)-(2)).

**SUMMARY:** In July 2006, CUC promulgated Emergency Regulations amending Part 24 of its Electric Service Regulations: "Rate Schedules." These regulations were subsequently submitted as proposed regulations in August 2006 and adopted as final regulations, with amendments on September 27, 2006 as published in the October 2006 Commonwealth Register. These amendments allowed CUC to recover the actual costs of producing and delivering utility services to the people of the Commonwealth, including the continuation of critically needed repairs and maintenance of the CNMI's power generation facilities.

On October 4 2007, House Bill 15-246 became Public Law 15-94, immediately eliminating the electric non-fuel rate for a majority of residential customers and decreasing the electric rate schedule for residential customers to a rate far below the actual cost of producing the electricity consumed. CUC is currently unable to pay the costs of operating, maintaining, and delivering utility services as a result of the inability to implement full cost recovery as required by law and implemented in the 2006 amendments to Part 24 of CUC's Electric Service Regulations.

On November 2, 2007 Emergency Regulations were promulgated to adjust the utility rate structure to allow CUC to recover that portion of the costs incurred due to the cost of fuel, as is permissible under Public Law 15-94. The adjustment, however, did not allow full cost recovery for CUC's residential customers. This created a funding shortfall which led to the need for a Declaration of a State of Disaster Emergency, which remains in effect. (Executive Order 2007-11, Executive Order 2008-1).

The proposed amendments to the CUC Electric Service Regulations, Part 24 Rate Schedules set forth herein, implement an adjustment of the utility rate structure as allowed and required by 4 CMC § 8143(b), as amended by Executive Order 2006-4 and Public Laws 15-35, 15-40, and 15-94 and pursuant to 1 CMC § 9105(b)(2) of the CNMI APA. The amendment of CUC's rate structure is necessary to recover the actual costs of fuel associated with the delivery of utility services to all CUC customer classifications as mandated by 4 CMC § 8123 (m)-(o), as amended by Executive Order 2006-4 and Section 2 of Public Law 15-94.

Pursuant to Section 2 of Public Law 15-94, the proposed electric charges and rates set forth herein shall supersede and replace the residential rates previously dated September 27, 2006 as set forth in the Commonwealth Register. These proposed regulations, therefore, shall be amendments to the CUC Electric Service Regulations. They shall be included in the Electric Service Regulations as amendments to Part 24: "Rate Schedules" (Vol. 28, No. 9, Commonwealth Register (September 27, 2006), p. 26156 *et seq.*

These proposed regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations and notice shall be posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and the principal vernacular, pursuant to 1 CMC § 9104(a)(2).

Public hearings will be scheduled and held in each senatorial district in accordance with the procedural requirements of 1 CMC § 9104 and 4 CMC § 8142 as amended by Executive Order 2006-4 and Public Laws 15-35, 15-40 and 15-94 during this time and prior to the publication of a Notice of Final Adoption and Certification of Amendments to Part 24 of the CUC Electric Service Regulations.

**FOR FURTHER INFORMATION AND/OR SUBMISSION OF COMMENTS CONTACT:**

Anyone interested in commenting on the proposed regulations may submit written comments to CUC's Executive Director within thirty (30) days from the date this notice is published in the Commonwealth Register. Written comments may be addressed to:

Anthony C. Guerrero, Executive Director, Commonwealth Utilities Corporation, P.O. Box 501220, CK, 3rd Floor Joeten Dandan Building, Saipan MP 96950-1220, Telephone (670) 235-7025, Facsimile (670) 235-5131.

**CITATION of RELATED and/or AFFECTED STATUTES, REGULATIONS and ORDERS:**

Part 24.1 of the CUC Electric Service Regulations shall be repealed and replaced. The remaining amendments to the CUC Electric Service Regulations contained herein shall be included as a new Part 24.6.

Submitted by: _____ 1/29/08
ANTHONY C. GUERRERO Date
Executive Director
Commonwealth Utilities Corporation

Concurred by: _____ 1/30/08
The Hon. BENIGNO R. FITIAL Date
Governor
Commonwealth of the Northern
Mariana Islands

Pursuant to 1 CMC § 2153, as amended by Public Law 10-50, the attached regulations hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General.

_____ 1/30/08
MATTHEW T. GREGORY Date
Attorney General

Filed and
Recorded by:

_____ 1-31-08
Bernadita B. DelaCruz Date
Commonwealth Register

Commonwealth I Sankattan Siha Na Islan Mariana
Commonwealth Utilities Corporation
Anthony C. Guerrero, Executive Director
P.O. Box 501220, Saipan MP 96950-1220
3rd Floor, Joeten Dandan Building
Tilifon (670) 235-7025 facsimile (670) 235-5131

# NOTISIAN PUPBLIKU

## Notisia Pot I Mapropone na Inadoptasion Regulasion Siha: Amendasion Siha Pot Setbision Elektrisidad gi Commonwealth Utilities Corporation

(Amendasion siha para Patte 24 gi Setbision Elektrisidad: Masiñalan Apas)

**Ma'intensiona Na Aksion Para U Ma'adopta I Mapropone Na Regulasion Siha:**
I Commonwealth I Sankattan siha na islan Mariana, COMMONWEALTH UTILITIES CORPORATION (CUC), ginen I Executive Director, as Anthony C. Guerrero, a intensiona para u ma'adopta komo petmanente na regulasion siha, ni man checheton gi man mapropone na regulasion siha, sigun I areklamenton I Akton Administrative Procedure (APA) (1CMC 9104 (a). I CUC ni esta mapega gi halom Baluma 29, Numiru 11 gi Rehistran Commonwealth (Nobiembre 19, 2007) maintensiona para u ma'adopta I Regulasion Ensigidas siha ni esta man mapega halom, pago man checheton komo man mapropone na Regulasion siha ya u fan petmanente, sigun I areklamento siha gi 1CMC 9401 (a)(1) yan (2), ni mapublika gi Rehistran Commonwealth. Pot enao na I CUC a na guaha trenta (30) diha siha, na notisia pot I intension para u ma'adopta I regulasion siha komo petmanente sigun I 1CMC 9104(a).

**ATURIDAT:** I CUC ma'aturisa yan ginagagao para u ina yan establesi apas utility yan otro apas siha para hanom, sewer yan elektrisidad (4 CMC 8123 (m) yan (o), ni inamenda ni Otden Eksekatibu 2006-04 yan Lai Pupbliko 15-35, 15-40 yan 15-94; atan lokkue Seksiona 2 gi Lai Pupbliko 15-94 ("I apas electrical fuel siña kumahulo dipende gi dipotse gaston I fuel") I CUC ma'umenta aturidad-ña yan ginagao para u adopta regulasion siha para u chogue siha I propositon CUC sigun 1 (4CMC 8157, ni inamenda ni Otden Eksekatibu 2006-04 yan Lai Pupbliko 15-35, 15-40 yan 15-94). I adoptasion esti siha na regulasion ni mapropone na amendasion siha para I regulasion Setbision Elektrisidad CUC ma'umenta aturidad-ña ginen I Akton Areklamenton Administrative, CNMI (APA) (1CMC 9104 (a)(1) yan (2).

**SUMARIA:** Gi Julio 2006, I CUC a diklara Insegidas na Regulasion siha ni inamenda Patte 24 gi Regulasion Setbision Elektrisidat: "Listan Apas Siha". Esti siha na regulasion manafan halom komo mapropone na regulasion siha gi Agusto 2006 ya ma'adopta komo echu na regulasion siha yan amendasion siha gi Septembre 27, 2006, ya mapuplika gi Oktubre 2006, gi Rehistran Commonwealth. Este na amendasion siha a sedi I CUC para u chule tatte I dipotsi gaston I setbision utility para I taotao Commonwealth, kontodo I kritikat na nesisidat I para ma'arekla yan mafamaolek I fasilidat I CNMI power generation.

Gi Oktubre 4, 2007, I House Bill 15-246 humuyong Lai Pupbliku 15-94, insegidas mana suha I apas electric non-fuel para I mayoria na residential customers yan mumenos I apas elektridad para I residential customers para I apas ni gaige gi papa I gaston I setbision utility, pues I risutta tisiña maimplementa I kabales na kinibri para I gasto siha sigun I lai yan maimplimenta gi 2006 na amendasion siha para patte gi Regulasion Setbision Elektrisidad, CUC.

Gi Nobiembre 2, 2007, I Ensigidas na Regulasion siha man madiklara para u afakcha I apas utility ni para u sedi I CUC para u chule tatte patte gi kuentan I gaston fuel, ni sinedi sigun I Lai Pupbliku 15-94. Bueno, I adjustment tisiña a kubri todo I gaston residential customer siha. Ginen esti humuyong funding shortfall, ya despues ginagagao na nisisario na u madiklara State of Disaster emergency, ifektibu esta pago (Otden Eksekatibu 2007-11, Otden Eksekatibu 2008-1).

I man mapropone na amendasion siha para I Regulasion Setbision Elektrisidad CUC siha, patte 24 masiñalan Apas mapega guine, maimplimenta I adjustment apas komo sinedi yan ginagao nui 4 CMC 8143 (b) ni inamenda sigun otden Eksekatibu 2006-4 yan Lai Pupbliku 15-35, 15-40 yan 15-94 yan sigun I 1 CMC 9105 (b)(2) gi CNMI APA. I amendasion I apas para CUC, nisisario para u kubri tatte dipotsi na gaston fuel dumaña yan I setbision utility siha para todo klasifikasion I CUC customer siha komo minanda ni 4 CMC 8123 (m)-(o) ni inamenda nui Otden Eksekatibu 2006-4 yan patte 2 gi Lai Pupbliku 15-94.

Sigun I Seksiona 2 gi Lai Pupliku 15-94, I mapropone na apas elektridad yan apas siha ni mapega halom a sueta yan tulaika I apas residential gi alacha ni mafecha gi Setembre 27, 2006, ni mapega gi halom Rehistran Commonwealth. Esti man mapropone na regulasion siha, enfin amendasion para I Regulasion Setbision Elekrisidad CUC. U fan ma'enklusu gi Regulasion Setbision elektrisidad komo amendasion para Patte 24: "Siñalan Apas" (Baluma 28, Numiru 9, Rehistran Commonwealth (Setembre 27, 2006) p.26156 et seq.

Esti siha I man mapropone na regulasion u fan mapublika gi halom I Rehistran Commonwealth gi Seksionan I man mapropone yan nuebo na inadoptan regulasion siha yan I notisia u fan mapega gi kombiniente na lugat siha, gi Civic Center yan gi lugat na ofisinan gobietnamento siha gi kada senatorial district, gi fino English yan I prinsipat na lengguahen Chamorro/Refaluwasch, sigun I 1 CMC 9104 (a)(2).

I inekungok Pupbliku siempre masinala gi kada senatorial district, sigun I areklamenton 1 CMC 9104 yan 4 CMC 8142, ni inamenda ni Otden Eksekatibu 2006-04 yan Lai Pupliku 15-35, 15-40 yan 15-94, gi duranten pago na tiempo yan antes de puplikasion I Notisian I uttimu na Adoptasion yan setifikasion I Amendasion siha para I Patte 24 gi Regulasion Setbision Elektrisidad CUC siha.

**Para mas infotmasion yan/osino munahalom mensahe agang:**

Maseha hayi interesao munahalom mensahe pot maproponen I regulasion siha, siña a

na halom tinige na mensahe para I CUC Executive Director gi halom trenta (30) diha siha gi haane nai mafecha I notisia gi Rehistran Commonwealth. I Tinige na mensahe u mana hanaogue para:Si Anthony C. Guerrero, Executive Director Commonwealth Utility Corporation,P.O. Box 501220, CK 3rd Floor Joeten Dandan Building, Saipan MP 96950-1220,Telephone (670) 235-7025 fax (670) 235-6925.

**I man achule yan/pat man inafekta na Lai, Regulasion yan Otden Siha:**

Patte 24.1 gi Regulasion Setbision Elektrisidad CUC debi di u madiroga yan matulaika. I tetenan na amendasion I Regulasion Setbision Elektridad CUC debi di u ma'enklusu komo nuebo Patte 24.6

Ninahalom as: _____ 1/30/08
ANTHONY C. GUERRERO — Fecha
Executive Director
Commonwealth Utilities Corporation

Kinonfotma as: _____ 1/30/08
Honorable Benigno R. Fitial — Fecha
Gobietno, CNMI

Sigun I Lai 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, I checheton na regulasion esta man ma'ina yan ma'aprueba pot para u fotman yan ligat sufisiente ginen I Abugado Hinerat I CNMI.

_____ _____
MATTHEW T. GREGORY — Fecha
Abugado Hinerat

Pinelo yan
Marikot as:

_____ 1-31-08
Bernadita B. DelaCruz — Fecha
Rehistradoran I Commonwealth

Commonwealth Téél falúw kka Efáng Mariana
Mwiischil Commonwealth Utilities
Anthony C. Guerrero, Samwool (Direktood)
P.O. Box 501220 Seipél MP 96950-1220
3rd floor Joeten Dandan Bldg.
Tilifoon (670) 235-7025 fax (670) 235-5131

Arongol Toulap

# ARONGOL POMWOL FILLÓÓL ALLÉGH KKAAL: LLIWEL KKAAL NGÁLI ALLÉGHÚL ELECTRIC SERVICE MELLÓL MWIISCHIL COMMONWEALTH UTILITIES

(Lliwel kkaal ngáli Peigh 24 mellól Alléghúl Electric service: Tálil Óbwós)

**MWÓGHUTUL MÁNGEMÁNG REEL FILLÓÓL POMWOL ALLÉGH KKAAL**: Téél falúw kka Efáng Marianas mellól Commonwealth, Mwiischil Commonwealth Utilities, (CUC), mereel me sángi Samwool ye Anthony C. Guerrero e mángi ebwe fillóóy allégh kkaal, nge ebwele lo ffósch (permanent), Pomwol Allégh kka e appasch, sángi mwóghutul Alléghúl Administrative (APA) (1 CMC 9104 (a)). CUC igha aa takkal ammwelló llól Volume 29, numero 11 mellól Commonwealth Register, November 19, 2007 (Aremwoy 19, 2007) e mángi ebwe fillóóy Alléghúl Ghitipwotch kka aa ammweló mellól igha a appachelong bwe pomwol allegh kka, igha ebwele lo ffóscheló, allégh kkaal, sángi mwóghutul 1CMC 9104 (a) (1) me (2) me igha e arongowow mellól Commonwealth Register. Iwe CUC aa isisiwow eliigh (30) ráálil reel arongol mángemáng yeel reel fillóól allégh kkaal, igha ebwele lo fóscheló, sángi 1 CMC 9104 (a).

**BWÁNGIL**: CUC nge raa ngálleey bwángil me akkúlé bwe ebwe amweri me ayoora tálil óbwóssul utility me akkááw méél reel schaal, sewer me dengkki (electrical power) (4 CMC 8123 (m) me (o) igha aa lliweló mereel akkúléwal Sów Lemelem 2006-4 me Alléghúl Toulap kka 15-35, 15040 me 15-94); bwal amweri Tálil 2 mereel Alléghúl Toulap ye 15-94 ("Óbwóssul electric fuel emmwel ebwe téétá sángi schéscheel meel fuel.") CUC aa far lapeló bwángil me akkúlé bwe ebwe féérúwow bwungul CUC, (4 CMC

Sángi Tálil 2 mereel Alléghúl Toulap ye 15-94, pomwol méél me óbwóssul electric kka aa allégheló ebwe ghuluwuló me siweliiló óbwóssul residential kkewe e akkatéélong Commonwealth Register wóól Setembre (Maan) 27. 2006. Pomwol allégh kkaal ebwele akkatéélong bwe lliwel kkaal ngáli Alléghúl CUC Electric Service. Allégh kkaal ebwe toolong llól Alléghúl Electric Service. Allégh kkaal ebwe lliwel ikkaal ghil ngáli Tálil 24: "Tálil ÓbwÓs" (Vol. 28, No. 9, Commonwealth Register, Setembre (Maan) 27, 2006 p. 26156 et seq.

Pomwol allegh kkaal ebwe akkatééwow llól Commonwealth Register llól tálil pomwol me ikka e ghelláál filló me arongorong ebwe appasch llól bwuley kka e fisch, civic center me bwulasiyo kka llól Senatorial District, llól tapelal English me mwáliyeer aramasal faleey Refalúwasch me Remeraalis, sángi allégh ye 1 CMC 9104 (a) (2).

Arongorongol Toulap rebwe ammwóllátá me ayoora llól alongal Senatorial District, sángi akkúléwal 1 CMC 9104 me 4 CMC 8142, igha aa lliwel mereel akkúléwal Samwool 2006-4 me mmwal yaal ebwe akkatééwow Arongorongol Aighúghúl fillóól me Alúghúlúghúl Lliwel kkaal ngáli Tálil 24 mereel Alléghul CUC Electric Serices kkaal.

**REEL AMMATAF FAINGI ME/NGARE ISISILONGOL AGHIYEGH KKAAL :**

Inaamwo iyo ye tipeli ebwe mwaliili reel pomwol allégh kkaal, ebwe ischi nge aa afanga ngáli Samwoolul CUC llól eliigh (30) rál sángi ráálil yaal akkatéélong Commonwealth Register. Mángemáng ebwe iisch nge aa akkafang ngáli address yeel:

Anthony C. Guerrero, Samwool, Mwiischil Commonwealth Utilities P.O. Box 501220 CK, 3rd floor Joeten Dandan Bldg. Saipan MP 96950-1220 Tilifoon (760) 235-7105, fax ((670) 235-6925.

**AKKATÉÉL AKKÁÁW ALLÉGH ME AKKÚLÉ KKA E FIL ME FISCH FENGÁL:**

Tálil 24.1 reel Alléghúl CUC Electric Service kkaal ebwe akkayúúló me siweliiló. Lliwel kka e lootiw reel Alléghúl CUC Electric Service kkaal ebwe akkaschulong bwe mil ffé, nge ebwe Tálil 24.6.

8157, igha aa lliwel sángi Akkalúwal Sów Lemelem ye 2006-4 me Alléghúl Toulap kka 15-35, 15-40 me 15-94). Fillóól allégh kkaal, igha re pomwoli lliwel kkaal ngáli Alléghúl CUC Electric Service aa lapeló bwángil sángi Alléghúl Administrative Procedure (APA) (1 CMC 9104 (a) (1)-(2)).

**AWEEWE:** Llól Ulliyo (Wuun) 2006, CUC aa akkatééwow Alléghúl Ghitipwotch kkaal, nge aa siweliiló Tálil 24 mereel Alléghúl Electric Service kkaal " Tálil Óbwós." Allégh kkaal nge aa isisilong bwe pomwol allégh kkaal llól Ogusto (Elúwel) 2006 me aa allégh fischiló, fengál me lliwel kka wóól Setembre (Maan) 27, 2006, igha aa akkatééwow llól Okktubre (Sarobwel) 2006 mellól Commonwealth Register. Lliwel kkaal aa mweiti ngáli CUC bwe ebwe bwughi sefááli schéschéél méél utility service kkaal ngáliir aramasal Commonwealth. Fengál me alillisil milikka eghi pirisisu (welepakk) reel ammwelil CNMI power generation facilities.

.Wóól Oktubre (Sarobwel) 4, 2007, House Bill 15-246 aa toowow bwe Alléghúl Toulap ye 15-94, nge aa ghutchul asúwuló óbwóssul electric service non-fuel me aghitighitaaló tálil óbwós ngáliir residential customers, nge aa ghitighiit sángi schéschéél llapal electric service kka re yááli. CUC ese mmwello ebwe óbwóssuuw méél igha ebwe amalawa me ammwula utility services igha ese bwángeló ebwe bwughi sefááli alongal méél, sángi akkúléwal allégh me lliwel kka llól 2006, ngáli Tálil 24 mereel Alléghúl CUC Electric Services.

Wóól Nobembre (Aremwoy) 2, 2007, Alléghúl Ghitipwotch kkaal aa akkatééwow bwelle ebwe atama óbwóssul utility structure bwe ebwe mweiti ngáli CUC igha ebwe bwughi sefááli eghús mereel ghéghéél méél fuel, iye aa mmwel faal Allégh ye 15-94. Adjustment yeel mwo, nge ese toori bwe ebwe bwughi sefaááli alongal mereer CUC residential customers. Iwe milleel aa toowow ese ghów fondo (salaapi) aa nisita (fil) ebwe akkatééwow bwe aa State of Disaster Emergency, sángi (Akkúléwal Sów Lemelem 2007-11, Akkúlewal Samwool 2008-1).

Bwulul pomwol lliwel kkaal reel Alléghúl CUC Electric Service, Tálil 24 Tálil óbwós aa alléghewow akkatéél adjustment reel méél utility igha aa mweiti ngáli mereel 4 CMC 8143 (b) igha aa lliwelló mereel Akkúléwal Samwool 2006-4 me sángi 1 CMC 9105 (b) (2) mereel CNMI APA. Lliwel reel óbwós nge e welepakk bwelle ebwe bwughi sefááli schéschéél méél fuel, ebwal schuulong utility services ngáliir alongal tappal CUC customers, igha aa allégheló sángi 4 CMC 8123 (m)-(o) igha aa lliwelló sángi Akkúléwal Samwool 2006-4 me Tálil 2 mereel Alléghúl Toulap ye 15-94.

Isáliyallong: _____ 1/30/08
Anthony C. Guerrero Rál
Samwool
Mwiischil Commonwealth Utilities
Corporation

Alúghúlúgh
Sangi: _____ 1/30/08
Awoolingil Benigno R. Fitial Ral
Commonwealth Téél falúwasch
Marianas

Sángi allégh ye 1 CMC 2153, igha aa lliwel mereel Alléghúl Toulap ye 10-50, allégh kka e appasch nge raa takkal amweri fischi me bwungulú mereel Sów Bwungul Allégh Lapalap mellól CNMI.

_____ _____
Matthew T. Gregory Rál
Sów Bwungul Allégh Lapalap

Ammwel sángi:

_____ 1-31-08
Bernadita B. DelaCruz Rál
Commonwealth Register

# PROPOSED AMENDMENTS TO REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION

PROPOSED AMENDMENTS TO PART 24 of the ELECTRIC SERVICES REGULATIONS OF THE COMMONWEALTH UTILITIES CORPORATION

**Part 24, *Rate Schedules*, is hereby amended as follows:**

**Part 24. Rate Schedules**

**A. Part 24.1 shall be repealed and a new Part 24.1 shall be added as follows:**

24.1 CUC shall establish rates and charges for electric service in a fair and rational manner for all consumers of electricity so that CUC will be financially independent of all appropriations by the Commonwealth Legislature as required by 4 CMC § 8140, as amended by Executive Order 2006-4. Electric rates and charges established by CUC shall be sufficient to recover all costs associated with the administration, operation, maintenance, transmission, generation, and delivery of electric service as required 4 CMC § 8141(c), as amended by Executive Order 2006-4, provided however, that the electric rates for residential customers shall be in accordance with Public Law 15-94, notwithstanding the actual costs of providing services to residential customers. The term "costs" shall include adequate financial reserves for any debt associated with electric service and for the replacement of obsolete, worn-out, or damaged equipment as required 4 CMC § 8141, as amended by Executive Order 2006-4. These electric rates and charges shall take effect immediately upon compliance with the Administrative Procedures Act, 1 CMC § 9101 et. seq., provided that the electric fuel rate provided for herein shall take effect in the first billing cycle of November 2007.

**B. Part 24.5.7 shall be amended as follows:**

24.5.7 A non-profit organization is defined as such if it provides CUC with written determination
of tax exempt status from the Commonwealth Division of Revenue and Taxation that it qualifies as a charitable organization under Sections 501 and 503(c) of the Northern Marianas Territorial Income Tax or proof that it is not required to file for such a determination. ~~A non-profit organization has the option to be billed as either residential or commercial for each service location as allowed under Part 24.6.2 of these Regulations. However, non-profit organizations that operate a for profit business, that business shall be classified as commercial~~.

**C. Part 24.6 shall be repealed in its entirety and a new Part 24.6 shall be added as follows:**

24.6 Customer Classifications: These regulations develop and implement rate and charge schedules segregated into the following customer classifications:

- Residential.
- Commercial.
- Government.
- Non-Conforming Load.

24.6.1 The Non-Conforming Load is defined as any customer with a maximum demand of at least 3,000 kilowatts in the preceding twelve calendar months and daily operations where the ratio of the maximum demand to the minimum demand exceeded 3, three times in any 30 day period during the preceding 12 calendar months.

24.6.2 Non-profit organizations, as defined by CUC Electric Service Regulations, paragraph 24.5.7, shall ~~have the option to consult with CUC and elect to~~ be billed at ~~either~~ the ~~residential or~~ commercial rates. ~~rates, whichever is more beneficial to the organization~~ ~~Changes between customer classification rate schedules shall be made in accordance with CUC Electric Service Regulations, Part 24. Rate Schedules~~.

24.6.3 Rates and Charges: CUC costs shall be recovered through the following rates and charges: Monthly Customer Charges; Electric Non-Fuel Rates; and Electric Fuel Rates. ~~The monthly customer charge was determined by the electric rate study conducted by Economists.com (see EXHIBIT 1, "SCHEDULE OF ELECTRIC CHARGES AND RATES", Page 1 of 2)~~.

24.6.3.1 Monthly Customer Charges.

24.6.3.1.1 CUC shall institute a monthly customer charge schedule for each customer classification as a minimum monthly flat-rate charge, with no credit for partial usage. (see EXHIBIT 1, Page 1 of 2).

24.6.3.1.2 The monthly customer charge shall recover a portion of the costs directly associated with serving customers, irrespective of the amount of electric usage. Such costs are for meter reading, billing, accounting, and collecting and for maintaining and providing capital costs related to meters, equipment, and associated services.

24.6.3.2 Electric Non-Fuel Rates.

24.6.3.2.1 CUC shall institute an electric non-fuel rate schedule for each customer classification, under which consumers shall be billed

based on the number of kilowatt-hours (kWh) of electricity consumed during the billing period. (see EXHIBIT 1, Page 1 of 2). ~~The electric non-fuel rates were determined by the electric rate study conducted by Economists.com (see EXHIBIT 1, "SCHEDULE OF ELECTRIC CHARGES AND RATES", Page 1 of 2). So as not to create a financial hardship or adversely affect the amount billed, a billing period shall contain not less than 28 days nor more than 32 days.~~ Pursuant to Public Law 15-94, a billing period shall not exceed thirty-two (32) days. ~~If the billing period is outside these parameters, CUC shall compute a prorated bill based on a 30-day billing period. This provision shall supersede those in subsection 15.4 of these Electric Service Regulations pertaining to billing period.~~

24.6.3.2.2 The electric non-fuel rates shall pass through monthly, to all consumers of CUC electricity, approximately one-twelfth (1/12) of all CUC annual operating costs associated with electric service, except residential customers who shall not pay an electric non-fuel rate for the first 1,000 kwh; excluding the cost of production fuel and lubricating oils and those costs that are recovered through the monthly customer charge.

24.6.3.2.3 Residential customers shall pay $0.000 for each kwh hour consumed for the first 1,000 kwh in a billing period. Residential customers shall pay a flat electric non-fuel rate of $0.044 for each kwh consumed in excess of 1,000kwh in a billing period. ~~For residential customers, an inverted block rate schedule, with four (4) rate levels, shall be established. Each successive rate level shall have a higher rate per kWh than the previous level, as distinguished by ascending levels of consumption. Total usage will be applied first to the lowest level of the block rate (001 to 500 kWh). For any usage that is above 500 kWh and up to 1,000 kWh shall be billed at the second rate level. Any usage that is above 1,000 kWh and up to 2,000 kWh shall be billed at the third rate level. Any and all usage above 2,000 kWh shall be billed at the fourth level. The inverted block method provides an effective means of promoting conservation when CUC lacks sufficient generating capacity to provide constant reliable electric service to all of its customers. Further, the first (lowest) rate level within the schedule provides a lifeline rate for consumers that use 500 kWh or less of electricity during a billing period.~~ Refer to EXHIBIT 1, Page 2 of 2, for an examples of how CUC would compute the monthly non-fuel charges for residential customers.

24.6.3.2.4 For commercial, government, and non-conforming load customers, separate rate schedules shall be established having only one (1) electric non-fuel rate ~~level~~ for each customer classification. Customers within these three (3) classifications shall be charged at the respective rates per kWh. Refer to EXHIBIT 1, Page ~~1~~2 of 2, for an examples of how CUC would compute the monthly non-fuel charges for commercial customers.

24.6.3.2.5 The charges based on electric non-fuel rate(s) and the monthly customer charge shall be combined and appear as a separate item, "electric non-fuel charges," on the monthly customer billing statement.

24.6.3.2.6 The electric non-fuel rates and monthly customer charges, except for residential customers, shall remain in effect for approximately one (1) year from the date of this regulation, unless unanticipated circumstances warrant the need to adjust the rates and charges sooner. Prior to the expiration of the one (1) year period, and each year thereafter, CUC shall commission a review to determine if the non-fuel rates and monthly customer charges should increase or decrease or remain the same.

24.6.3.2.7 The CUC Chief Financial Officer or designated representative shall provide public notice of any adjustments to the electric non-fuel rates and the monthly customer charges, maintain on file the methodology used to determine the rates and charges, take comments, and arrange for public hearings, as needed, which may be attended by the customers and other members of the public.

24.6.3.3 Electric Fuel Rate: CUC shall institute an electric fuel rate schedule, under which all consumers shall be billed based on the number of kilowatt-hours (kWh) of electricity consumed during the billing period. The charge per kWh will be the same for all customer classifications, except residential customers who will start out at a rate of $0.176 per kwh from the effective date of Public Law 15-94 until the publication of the November 2007 electric fuel rate and thereafter~~, regardless of the level of consumption~~. See Exhibit 1, Page 1 of 2.

24.6.3.3.1 The electric fuel rate shall pass through to all consumers of CUC electricity, the monthly fuel costs for generating electricity. Fuel costs subject to cost recovery shall include only production fuel and lubricating oils. Accordingly, the

electric fuel rate may increase or decrease or remain the same from month-to-month.

24.6.3.3.2 The electric fuel rate shall take effect on the date that this regulation becomes effective and shall remain in effect through ~~August 31, 2006~~ October 31, 2007. The interim electric fuel rate shall be $0.~~2152~~.228 per kWh as ~~determined~~ published on October 1, 2007 by the CUC Chief Financial Officer or designated representative. ~~the recent electric rate study~~. The interim electric fuel rate of $0.176 for residential customers shall be in effect from October 4, 2007 through October 31, 2007 pursuant Public Law 15-94. The CUC Chief Financial Officer or designated representative shall calculate an electric fuel rate for ~~September 2006~~ November 2007 that is applicable to all CUC customers regardless of classification and for each month thereafter, compute the subsequent months' electric fuel rate.

24.6.3.3.3 On the first day of each month, CUC shall announce the electric fuel rate that will be in effect for that month. If the first day of the month falls on a Saturday, Sunday, or holiday, the new fuel rate will be announced on the first business day thereafter. Regardless of when announced, the rate shall be in effect from the first day through the last day of each month.

24.6.3.3.4 Because CUC monthly billing periods generally overlap portions of two (2) months, e.g. September 12 through October 13, the fuel rate shall be applied on a pro rata basis according to the number of days each month's usage (September and October) is to the total number of days in the billing period. In the example above, the billing period consists of 31 days, of which 18 days (rounded to 58 percent or .58) are in September and 13 days (rounded to 42 percent or .42) are in October. For illustration purposes, assume that electric consumption for the 31-day period is 2,345 kWh and electric fuel rates were $0.222 per kWh for September and $0.~~216~~228 for October. Thus, the electric fuel charges for the billing period would be $~~514.68~~526.50, which is computed as follows:

For September, multiply 2,345 kWh times .58 times $0.222, which equals $~~301.94~~301.92. For October, multiply 2,345 kWh times .42 times $0.~~216~~228, which equals $~~212.76~~224.58. Next, add the two amounts ($~~301.94~~301.92 plus $~~212.74~~224.58) for the total charges, which equals to $~~514.68~~526.50. (See EXHIBIT 2.)

Computations:

2345 x .58 x .222 = ~~$301.94~~301.92
2345 x .42 x ~~.216~~228 = ~~$212.74~~224.58
~~301.94~~301.92 + ~~212.74~~224.58 = ~~$514.68~~526.50

24.6.3.3.5 The charges based on the electric fuel rate shall appear as a separate item, "electric fuel charges" on the monthly customer billing statement.

~~24.6.3.3.6 The methodology in this regulation provides for the computation of the initial and all subsequent target months' electric fuel rates (see EXHIBIT 3).~~

~~24.6.3.3.7 The initial, and the first subsequent, target month's electric fuel rate shall be computed as follows (see Formula No. 1 (EXHIBIT 3, Page 1 of 2), and Example of Computation of Initial and First Subsequent Target Month's Fuel Rate (EXHIBIT 3, Page 2 of 2)):~~

~~• Projected fuel costs for the target month.~~

~~• Divided by projected sales, in kWh, for the target month.~~

~~For purposes of Part 24, the initial target month shall be September 2006 and the first subsequent target month shall be October 2006.~~

24.6.3.3.8 Because CUC billing periods generally overlap portions of two (2)
months, e.g. September 12 through October 13, ~~the second, and~~ each successive, subsequent ~~target~~ month~~'~~s electric fuel rate shall be computed as follows (~~see Formula No. 2 (~~EXHIBIT 3~~, page 1 of 2~~)~~ Aand Example of Computation for ~~Second, and Each Successive,~~ Subsequent ~~Target~~ Month~~'~~s Fuel Rate (EXHIBIT 3~~, page 2 of 2~~):

- Projected fuel costs for the target month.
- Plus or minus any adjustment for the third preceding month's under- or over-recovery of fuel costs.
- Divided by projected sales, in kWh, for the target month.

~~For purposes of Part 24, the second subsequent target month shall be November 2006; each successive subsequent target month shall be the consecutive months that follow~~.

24.6.3.3.9 Computation of the under- or over-recovery of fuel costs shall be as follows:

- Third preceding month's actual fuel costs.
- Minus total of third preceding month's actual sales, in kWh, multiplied by the third month's fuel rate per kWh.

- Plus the under-recovery or minus the over-recovery of fuel costs.

See ~~Formula No. 2 (~~EXHIBIT 3~~, Page 1 of 2)~~ and Example of Computation for Second, and Each Successive, Subsequent ~~Target~~ Month~~'~~s Fuel Rate (EXHIBIT 3~~, Page 2 of 2~~).

~~For purposes of Part 24, the third preceding month shall be the third month prior to the target month. For example, if the target month is November 2006, the third preceding month is August 2006~~.

24.6.3.3.10 Any difference between the actual fuel costs and the electric fuel rate revenues shall be accumulated in a deferred account and shall be subject to annual reconciliation. No interest shall be charged or paid on any under- or over-recovery balance in the deferred account.

24.6.3.3.11 The CUC Chief Financial Officer or designated representative shall be responsible for calculating the initial and subsequent months' electric fuel rates; maintain on file the methodology used to determine the fuel rates; prescribe the accounts, forms, and details of the calculations; and provide public notice of the monthly electric fuel rates.

24.6.3.3.12 The CUC Executive Director or designated representative shall approve the initial and all subsequent months' electric fuel rates before they are published and implemented.

EXHIBIT 1 (Page 1 of 2)

## COMMONWEALTH UTILITIES CORPORATION
## SCHEDULE OF ELECTRIC CHARGES AND RATES

| CUSTOMER CLASSIFICATIONS | MONTHLY CUSTOMER CHARGES (FIXED) | RATES PER KILOWATT-HOUR (kWh) ELECTRIC NON-FUEL RATES (FIXED) | FUEL RATES (FLUCTUATES) | TOTAL RATES PER kWh |
|---|---|---|---|---|
| RESIDENTIAL | $ 3.50 | | | |
| 1) First 1,000 kWh (1 To 1,000) | | $ 0.000 | $ 0.176 | $ 0.176 |
| 2) All kWh Over 1,000 | | 0.044 | 0.176 | 0.220 |
| COMMERCIAL (All kWh Billed) | 7.67 | 0.086 | 0.228 | 0.314 |
| GOVERNMENT (All kWh Billed) | 7.67 | 0.091 | 0.228 | 0.319 |
| NON-CONFORMING LOAD (All kWh Billed) | $ 56.00 | $ 0.222 | $ 0.228 | $ 0.450 |

EXHIBIT 1 (Page 2 of 2)

**COMPUTATIONS OF MONTHLY BILLINGS FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS;**
**(FOR ILLUSTRATION PURPOSES ONLY)**

Assume RESIDENTIAL CUSTOMER consumed 2,345 kWh during a billing period.

Electric Non-Fuel (Monthly Customer Charge and Electric Non-Fuel):

| | | | |
|---|---|---|---|
| Monthly Customer Charge | | | $ 3.50 |
| Non-Fuel Rate Charges: | Rate per kWh | Usage | |
| 1) First 1,000 kWh (1 To 1,000) | $ 0.000 | 1,000 | 0.00 |
| 2) All kWh Over 1,000 | 0.044 | 1,345 | 59.18 |
| Electric Non-Fuel Charges (as shown on billing) | | | $ 62.68 |
| Electric Fuel Charges (prorated, EXHIBIT 2) (as shown on billing) | $0.222 / $0.228 (see EXHIBIT 2) | 2,345 | 526.50 |
| TOTAL ELECTRIC CHARGES (NON-FUEL CHARGES & FUEL CHARGES) | | | $ 589.18 |

Assume COMMERCIAL CUSTOMER consumed 2,345 kWh during a billing period.

Electric Non-Fuel (Monthly Customer Charge and Electric Non-Fuel):

| | | | |
|---|---|---|---|
| Monthly Customer Charge | | | $ 7.67 |
| Non-Fuel Rate Charges: | Rate per kWh | Usage | |
| All kWh used during a billing period | $ 0.086 | 2,345 | 201.67 |
| Electric Non-Fuel Charges (as shown on billing) | | | $ 209.34 |
| Electric Fuel Charges (prorated, EXHIBIT 2) (as shown on billing) | $0.222 / $0.228 (see EXHIBIT 2) | 2,345 | 526.50 |
| TOTAL ELECTRIC CHARGES (NON-FUEL CHARGES & FUEL CHARGES) | | | $ 735.84 |

EXHIBIT 2

## COMPUTATION OF MONTHLY ELECTRIC FUEL CHARGES
## PRORATING CHARGES BETWEEN MONTHS
## REFERENCE REGULATIONS, PART 24.6.3.3.4

**EXAMPLE FOR A THEORETICAL BILLING PERIOD AND ELECTRIC FUEL RATES FOR THE PERIOD OF SEPTEMBER 12 TO OCTOBER 13.**

| | READING DATES | BILLING PERIOD NO. DAYS PER MONTH | MONTHLY PERCENT (Rounded) | METER READING |
|---|---|---|---|---|
| PREVIOUS READING | 12-Sep | 18 days (September) | 58 | 71606 |
| CURRENT READING | 13-Oct | 13 days (October) | 42 | 73951 |
| TOTAL | | 31 | 100 | |

**TOTAL MONTHLY USAGE (Current minus Previous Reading)** **2,345 kWh**

**TOTAL MONTHLY USAGE (Current minus Previous Reading)** **2,345 kWh**

| MONTH | MONTHLY ELECTRIC FUEL RATE (per kWh) | MONTHLY PERCENT (Rounded) | PRO RATA USAGE (kWh) | MONTHLY ELECTRIC FUEL CHARGES |
|---|---|---|---|---|
| SEPTEMBER | $0.222 | 58 | 1,360 | $ 301.92 |
| OCTOBER | $0.228 | 42 | 985 | 224.58 |
| TOTAL | | 100 | 2,345 | $ 526.50 |

**ELECTRIC FUEL CHARGES (as shown on billing)** **$ 526.50**

EXHIBIT 3

## FORMULAE FOR THE COMPUTATION OF MONTHLY ELECTRIC FUEL RATE REFERENCE REGULATIONS, PART 24.6.3.3.6 THROUGH 24.6.3.3.7

**Formula:**
Subsequent months Electric Fuel Rate shall be computed as follows:

$$\text{Electric Fuel Rate} = \frac{C +/- D}{E}$$

C = Projected fuel costs for the target month.

D = Under- or over-recovery of fuel costs for the third preceding month.

E = Projected sales, in kWh, for target month.

## COMPUTATION OF MONTHLY ELECTRIC FUEL RATE FOR SUBSEQUENT MONTHS REFERENCE REGULATIONS, PART 24.6.3.3.6 THROUGH 24.6.3.3.7

**EXAMPLE of how subsequent months Electric Fuel Rate would be computed for any subsequent month after October 2007:**

**Assume: Subsequent month (November 2007) projected fuel costs of $7,200,000 and electric sales of 32,500,000 million kWh.**

**Assume: The third preceding month's (August 2007) actual fuel costs of $7,040,000, actual electric sales of 32,500,000 kWh, and fuel recovery charge $0.222 per kWh.**

**Electric Fuel Rate =** $\frac{\$7,200,000 - \$175,000^{*}}{32,500,000 \text{ kWh}}$ **or** **$0.216 per kWh** (rounded to nearest 1/10 cent)

*** For August 2007, actual fuel costs of $7,040,000 minus (actual sales of 32,500,000 kWh multiplied by Electric Fuel Rate of $0.222 per kWh). This results in an over-recovery of fuel costs in the amount of $175,000, which then must be subtracted from the projected fuel costs for the target month (November 2007). Conversely, had an under-recovery of fuel costs occurred, this amount would be added to the projected fuel costs for the target month.**

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Division of Environmental Quality
P.O. Box 501304 C.K., Saipan, MP 96950-1304
Tels.: (670) 664-8500 /01
Fax: (670) 664-8540

PUBLIC NOTICE

# PROPOSED NEW HAZARDOUS WASTE REGULATIONS AND REPEAL OF PRIOR HAZARDOUS WASTE MANAGEMENT REGULATIONS

The Director of the Division of Environmental Quality, Office of the Governor, Commonwealth of the Northern Mariana Islands ("CNMI") hereby gives notice to the general public and all interested parties of its proposal to promulgate new Hazardous Waste Regulations pursuant to the Environmental Protection Act, 2 CMC §§ 3101, *et seq.* and the Solid Waste Management Act, 2 CMC §§ 3511, *et seq.* If adopted, these regulations will supersede the CNMI Hazardous Waste Management Regulations, proposed in the Commonwealth Register Vol. 6 at 2814 (June 15, 1984), and adopted in the Commonwealth Register Vol. 6 at 2985 (July 16, 1984). *See* NMIAC Chapter 65-50.

The proposed regulations set forth procedures regarding the importation of hazardous substances and the generation, storage and transportation of hazardous wastes. The program requires those involved in the generation, storage and transportation to pay annual fees to DEQ and provides limits on the manner, amount and length of time hazardous wastes can be stored and limitations for transporters. The regulations are intended to complement the federal Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, *et seq.* Many of the requirements reinforce federal requirements already in place.

DEQ has held numerous meetings with stakeholders regarding the proposed regulations. DEQ is now soliciting comments from all parties regarding these proposed regulations in accordance with the Administrative Procedures Act, § 9104(a). Copies of these proposed regulations may be obtained at DEQ's offices located on the first floor of the Gualo Rai Building, Middle Road, Saipan, MP. A copy can also be accessed and downloaded from the DEQ website at www.deq.gov.mp. Please submit your comments, in writing, to the Director, Division of Environmental Quality, Box 501304 C.K., Saipan, MP 96950-1304, within thirty (30) days of the date this notice is published in the Commonwealth Register.

Frank M. Rabauliman
Director, CNMI Division of Environmental Quality

JAN 17 2008
Date

Pursuant to 1 CMC §§ 2153 and 9104, the proposed regulations, copies of which are attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.

Matthew T. Gregory
CNMI Attorney General

1/22/08
Date

Filed by: Bernadita B. Dela Cruz

1-23-08
Date

Received by: Esther S. Fleming
Special Assistant for Administration

1-22-08
Date

# NOTISIAN PUPBLIKU

## MAN MAPROPONE NUEBU SIHA NA REGULASION I MAN PILIGRO SIHA NA MATIRIÅT (HAZARDOUS WASTE) YA MADIROGA I MAN HAGAS SIHA NA REGULASION I MANEHÅNTEN I PILIGRO SIHA NA MATIRIÅT

I Direktot I Dibision I Environmental Quality, gi Ofisinan I Gubietno, gi Commonwealth I Sankattan Siha Na Islan Mariana ("CNMI") este na momento man nånå'i' notisia I pupbliku heneråt yan todu I man enteresåo na petsona pot I propositu ni para u ma'establesi nuebu na Regulasion I Man Piligro Siha Na Matiriåt sigun I Åkton I Proteksion I Environment, lai 2 CMC Seksiona 3101, *et seq.* yan I Åkton I Manehånten I Solid Waste, lai 2 CMC Seksiona 3511, *et seq.* Yanggen ma'adopta, este siha na regulasion siempre a kuentåyi I Regulasion I Manehånten I Man Piligro Siha Na Matiriåt I CNMI, mapropone gi I Rehistran I Commonwealth Baluma 6 gi påhina 2814 (gi Junio 15, 1984) ya ma'adopta gi Rehistran I Commonwealth Baluma 6 gi påhina 2985 ( gi Julio 16, 1984). *Attan* I NMIAC Kapitulu 65-50.

I man mapropone na regulasion siha a na guaguaha areklamento siha ni tineteka I para munahalom piligro na matiriåt siha yan I heneråsion, pinelo' yan traspottasion I man piligro siha na matiriåt. I prograåma a rekomenda eyu siha ni mañåsaonao gi I henerasion, pinelo' yan transpottasion para u ma'apåsi I kada sakkan na peña guatu I DEQ ya u probeniyi I minidiyin I manera, tutåt yan tiempon I man piligro siha na matiriåt anai siña u fan mapolu yan I minidiyen I para u transpotta I kosas. Ma'intensiona I regulasion siha para u komplimento I Federal Resource Conservation and Recovery Act, lai 42 U.S.C. Seksiona 6901, *et seq.* Meggai gi I nisisidåt siha para u talon enfuetsa I nisisidåt I federåt ni esta man gaige.

I DEQ ginen a na guaha loskuåntus na dinanña ni stakeholders yan palu siha na petsona ni man enteresåo pot I man mapropone na regulasion siha. Pågu I DEQ a gågagåo opinion siha pot asunton este siha na regulasion ni man mapropone ya u kininfotma ni I Åkton Areklamenton Atministrasion, Seksiona 9104(a). Kopian este man mapropone na regulasion siha ni man machule' gi Ofisinan I DEQ ni gaige gi I fine'nina na bibienda gi I Gualo Rai Building, gi Middle Road, giya Saipan, MP. Siña lokkue un chule' ya un imprinta gi I DEQ website gi www.deq.gov.mp. Pot fabot na hålom I opinion siha , gi tinige', guatu gi Dibision I Environmental Quality, gi Box 501304 C.K., Saipan MP 96950-1304, gi hålom trenta (30) diha siha gi anai mafecha este na notisia para pupblikasion gi I Rehistran I Commonwealth.

Frank M. Rabauliman
Direktot, Dibision I CNMI Environmental Quality

JAN 17 2008
Fecha

Sigun I lai 1 CMC Seksiona 2153 yan 9104, I man mapropone na regulasion siha, ni man che'che'ton I kopia siha guine na momento, esta man ma'ina yan ma'aprueba pot para u fotma yan ligåt sufisiente ni I Ofisinan I Abugådu Heneråt.

Matthew T. Gregory
Abugådu Heneråt I CNMI

Fecha

Pinelo' as:

Bernadita B. Dela Cruz

1-23-08
Fecha

Maresibe' as:

Esther S. Fleming
Espesiåt Na Ayudånte Para I Atministrasion

1-22-08
Fecha

## ARONGORONGOL TOULAP

## POMWOL ALLÉGH FFÉ REEL MIL ALLÉÉW KKAAL ME SÁNGI MMWAL AMMWELIL PEY KKA E ALLÉÉW (HAZARDOUS WASTE)

Samwoolul Ammwelil Limifischil Weleór, Bwulasiyool Sów Lemelem, Commonwealth Téél falúw kka falúwasch Mariana Islands ("CNMI") ekke arongaar toulap me schóókka eyoor máfiyeer reel pomwol ye ebwe akkaté Allégh ffé reel mil alléew bwelle reel Alléghúl Enviromental Protection Act, 2 CMC Tálil kka 3101, et seq. me Alléghúl Solid Waste Management Act, 2 CMC Tálil 3511, et seq. Ngáre re fillóóy, allégh kkaal ebwe siweli Alléghúl CNMI Hazardous Waste Management, iye raa ayoorallong llól Commonwealth Register Vol. 6 reel peigh 2814 (Alimaté 15, 1984), me fillóól llól Commonwealth Register Vol. 6 reel 2985 (Wuun 16, 1984). Amweri NMIAC Chapter 65-50.

Bwulul allégh kka ighila bwelle reel atotoolongol mil alléew me ffééról, leliyel me bweibwoghol mil alléew. Progróóma yeel ebwe mweiti ngali schóóy fféér, aisis me óbwósul eew ráágh igha ebwe bweibwogh ló DEQ me fischeli, llapal me ótol mil alléew ebwe ammwela me fischeli schóóy afáárágh. Allégh kkaal ebwe tabweey Ammwelil federal Resource Conservation me Recovery Act, 42 U.S. C. Tálil 6901, et seq. Alongal tittingor kkaal nge re mwoghut agheli yaayal federóód ikka ighila

Aa fitoowal yaal DEQ ayoora mwiisch fengal me stakeholders kkaal bwelle powmol allegh kkaal. Ighila nge DEQ ekke tittingor aghiyegh sángi pomwol allégh kkaal bwelle reel Administrative Procedure Act, Tálil 9104(a). Emmwel óubwe bweibwogh tilighial pomwol allégh kkaal mereel Bwulasiyool DEQ iye elo mmwal pwó me Amairaw Building, Middle Road, Seipél, MP. Ebwal mmwel óubwe bwughil tilighial me download mereel DEQ website reel www.deq.gov.mp. Afanga ischil máfiyámi ngáli Samwool, Bwulasiyool Division of Enviromental Quality, Box 501304 C.K., Seipel, MP 96950-1304, llól eliigh (30) ráálil yaal arong yeel akkatéélong llól Commonwealth Register.

Frank M. Rabauliman
Samwool, Bwulasiyool Ammwelil Limifischil Weleór

JAN 17 2008
Rál

Sángi allégh ye 1 CMC Tálil 9104, pomwol allégh kkaal, tilighial kka e appasch nge raa takkal amweri fischi me aléghléghéló mereel Bwulasiyool Sów Bwungul Allégh Lapalap.

Matthew T. Gregory
Sów Bwungul Allégh Lapalap

Rál

Ammwel sángi: Bernadita B. Dela Cruz

1.22.08
Rál

Mwir sángi: Esther S. Fleming
Sów Alillisil Sów Lemelem

1-22-08
Rál

# HAZARDOUS WASTE REGULATIONS

Table of Contents

PART 1 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1.1 AUTHORITY AND SCOPE: The Division of Environmental Quality is responsible for protecting, preserving and enhancing the environmental quality of water, air and land of the Commonwealth. These Hazardous Waste Regulations are intended to address potential sources of pollution that may result from the hazardous waste. To ensure the proper management of hazardous waste from cradle to grave, handlers of hazardous waste are required to meet acceptable standards and practices applicable to their specific waste type and quantity. These regulations are promulgated by the Division of Environmental Quality pursuant to the Commonwealth Environmental Protection Act , 1982, 2 CMC §§ 3101 to 3134, Public Law 3-23 and Public Law 11-103, hereinafter the "Act". These regulations and technical provisions shall have the force and effect of law and shall be binding on all persons and other legal entities subject to the jurisdiction of the Commonwealth of the Northern Mariana Islands.

1.2 APPLICABILITY

1.2.1 These regulations shall apply to all persons that handle (generate, transport, treat, store, or dispose) any quantity of hazardous waste, except as exempted by these regulations.

1.2.2 These regulations shall apply to all persons that import a hazardous substance or material containing a hazardous substance to the CNMI.

1.2.3 These regulations do not apply to an explosives or munitions emergency or explosives or munitions emergency response such as the emergency collection, transportation, treatment or detonation of military munitions by the Department of Public Services.

1.3 PROHIBITIONS

1.3.1 No disposal of any quantity of hazardous waste by placing the hazardous waste on the ground surface is allowed.

1.3.2 No disposal or discharge of any quantity of hazardous waste by placing the hazardous waste in to the water or ocean is allowed.

1.3.3 No disposal of hazardous waste by incineration or burning is allowed unless the operation is authorized in writing by EPA Region 9.

1.3.4 No disposal of hazardous waste by placing the hazardous waste in a drain, sink or other system such as a septic system, including the publicly owned treatment works.

1.3.5 No hazardous waste shall be treated in the CNMI unless the operation is authorized in writing by EPA Region 9.

1.4 DEFINITIONS

1.4.1 When used in these regulations, the following terms have the meanings given below:

(A) A material is "*accumulated speculatively*" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Part 4.4 are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

(B) *Battery* means an intact device consisting of one or more electrically connected electrochemical cells which are designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed. Note, broken batteries or batteries without caps presumed to be hazardous waste.

(C) A "*by-product*" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

(D) *Container* means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(E) *CRT collector* means a person who receives used, intact CRTs for recycling, repair, resale, or donation.

(F) *CRT glass manufacturer* means an operation or part of an operation that uses a furnace to manufacture CRT glass.

(G) *CRT processing* means conducting all of the following activities:

(i) Receiving broken or intact CRTs; and

(ii) Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

(iii) Sorting or otherwise managing glass removed from CRT monitors.

(H) *Designated facility* means:

(i) A hazardous waste treatment, storage, or disposal facility which:

(a) Has received a permit (or interim status) in accordance with the Federal requirements of 40 CFR parts 270 and 124;

(b) That has been designated on the manifest by the generator pursuant to Part 7.11.

(ii) Designated facility also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with7.11.1(A)(iv).

(iii) If a waste is destined to a facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving State to accept such waste.

(I) *Destination facility* means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Part 9.2.4. A facility, at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

(J) *Director* means the Director of the Division of Environmental Quality or his designee.

(K) *Discharge or hazardous waste discharge* means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

(L) *Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(M) *Disposal facility* means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

(N) *Destination facility* means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Part 9.2.4(A) and (C). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

(O) *EPA Acknowledgement of Consent* means the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of

the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

(P) *EPA hazardous waste number* means the number assigned by EPA to each hazardous waste listed in Part 6 and to each characteristic identified in Part 5.

(Q) *EPA identification number* means the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

(R) *Excluded scrap metal* is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

(S) *Explosives or munitions emergency* means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

(T) *Explosives or munitions emergency response* means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

(U) *Explosives or munitions emergency response specialist* means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other Federal, State, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

(V) *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).

(W) *FIFRA* means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136y).

(X) *Generator* means any person, by site, whose act or process produces hazardous waste identified or listed in Part 5 or listed in Part 6 or whose act first causes a hazardous waste to become subject to regulation.

(Y) *Hazardous waste constituent* means a constituent that caused the solid waste be on the hazardous waste lists in Part 6, or a constituent listed in table 1 of Part 5.5.2.

(Z) *Home scrap metal* is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

(AA) *Incinerator* means any enclosed device that:

(i) Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

(ii) Meets the definition of infrared incinerator or plasma arc incinerator.

(BB) *Incompatible waste* means a hazardous waste which is unsuitable for:

(i) Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

(ii) Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

(CC) *Individual generation site* means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

(DD) *Lamp, also referred to as "universal waste lamp"*, is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

(EE) *Management or hazardous waste management* means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

(FF) *Manifest* means: The shipping document EPA Form 8700–22 (including, if necessary, EPA Form 8700–22A), originated and signed by the generator or offeror in accordance with the instructions in the appendix to 40 CFR part 262 and the applicable requirements of Part 7.11.

(GG) *Manifest tracking number* means: The alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in Item 4 of the Manifest by a registered source.

(HH) *Mercury-containing equipment* means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

(II) *Military* means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

(JJ) *Military munitions* means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions also include all ammunition products and components produced or used by Japan during and prior to World War II. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

(KK) *Military range* means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

(LL) *On-site* means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, is also considered on-site property.

(MM) *Open burning* means the combustion of any material without the following characteristics:

(i) Control of combustion air to maintain adequate temperature for efficient combustion,

(ii) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and

(iii) Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

(NN) *Operator* means the person responsible for the overall operation of a facility.

(OO) *Owner* means the person who owns a facility or part of a facility.

(PP) *Person* means an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

(QQ) *Pesticide* means mean a pesticide as defined under FIFRA.

(RR) *Processed scrap metal* is scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and, fines, drosses and related materials which have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled.

(SS) *Prompt scrap metal* is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

(TT) *Publicly owned treatment works or POTW* means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality" (as defined by section 502(4) of the CWA). This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

(UU) A material is "*reclaimed*" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

(VV) A material is "*recycled*" if it is used, reused, or reclaimed

(WW) *Remediation waste* means all solid and hazardous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.

(XX) *Remediation waste management site* means a facility where an owner and/or operator is or will be treating, storing or disposing of hazardous

remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 40 CFR 264.101, but is subject to corrective action requirements if the site is located in such a facility.

(YY) *Scrap metal* is bits and pieces of metal parts (e.g.,) bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

(ZZ) *Sludge* means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

(AAA) *Small Quantity Generator* means a generator who generates less than 1000 kg of hazardous waste in a calendar month.

(BBB) *Sorbent* means a material that is used to soak up free liquids by either adsorption or absorption, or both. *Sorb* means to either adsorb or absorb, or both.

(CCC) A "*spent material*" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing;

(DDD) *Storage* means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

(EEE) *Tank* means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

(FFF) *Thermostat* means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of Part 9.2.4(C).

(GGG) *Totally enclosed treatment facility* means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

(HHH) *Transfer facility* means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

(III) *Transport vehicle* means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

(JJJ) *Transportation* means the movement of hazardous waste by air, rail, highway, or water.

(KKK) *Transporter* means a person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

(LLL) *Unexploded ordnance (UXO)* means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

(MMM)*Universal waste* means any of the following hazardous wastes that are managed under the universal waste requirements of Part 9:

(i) Batteries as described in Part 9.1.2;

(ii) Pesticides as described in Part 9.1.3;

(iii) Mercury-containing equipment as described in Part 9.1.4; and

(iv) Lamps as described in Part 9.1.5.

(NNN) *Universal Waste Handler*:

(i) Means:

(a) A generator (as defined in this section) of universal waste; or

(b) The owner and/or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

(ii) Does not mean:

(a) A person who treats (except under the provisions of Part 9.2.4(A) or (C)), disposes of, or recycles universal waste; or

(b) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

(OOO) *Universal Waste Transfer Facility* means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

(PPP) *Universal Waste Transporter* means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(QQQ) A material is "*used or reused*" if it is either:

(i) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(ii) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

(RRR) *Used oil* means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

(SSS) *Vessel* includes every description of watercraft, used or capable of being used as a means of transportation on the water.

(TTT) *Wastewater treatment unit* means a device which:

(i) Is part of a wastewater treatment facility that is subject to regulation under either section 402 or 307(b) of the Clean Water Act; and

(ii) Receives and treats or stores an influent wastewater that is a hazardous waste as defined in Part 4, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in Part 4, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in Part 4; and

(iii) Meets the definition of tank in Part 1.4.

## 1.5 FEES FOR HAZARDOUS WASTE AND UNIVERSAL WASTE MANAGEMENT

### 1.5.1 Annual Fee For hazardous waste handlers (Generators and Transporters)

(A) By March 31 of each calendar year, a hazardous waste generator in existence on January 1 of that calendar year shall submit to the DEQ a fee of:

(i) $100.00 per facility for Conditionally Exempt Small Quantity Generators. The fee shall be accompanied with the annual inventory required by Part 7.5.

(ii) $500.00 per facility for Small Quantity Generators. The fee shall be accompanied with the annual inventory required by Part 7.5.

(iii) $1000.00 per facility for Large Quantity Generators. The fee shall be accompanied with the annual inventory required by Part 7.5.

(B) By March 31 of each calendar year, a hazardous waste transporter in existence on January 1 of that calendar year shall submit to the DEQ a of $200.00. DEQ shall issue the transporter a certificate indicating that the fee has been received.

(C) First year fees shall be prorated by month.

(D) All annual fees shall be accounted for separately by the DEQ. These funds shall only be used for the purpose of conducting hazardous substance and

petroleum program outreach and compliance assistance, emergency response activities, site stabilization activities and site investigation and remediation.

1.5.2 Annual Fee for Universal Waste Handlers

(A) By March 31 of each calendar year, a universal waste handler in existence on January 1 of that calendar year shall submit to the DEQ a of $100.00 per facility. The fee shall be accompanied with the annual inventory required by Part 9.2.6.

(B) By March 31 of each calendar year, a universal waste transporter in existence on January 1 of that calendar year shall submit to the DEQ a of $200.00. DEQ shall issue the transporter a certificate indicating that the fee has been received.

(C) First year fees shall be prorated by month.

(D) All annual fees shall be accounted for separately by the DEQ. These funds shall only be used for the purpose of conducting hazardous substance and petroleum program outreach and compliance assistance, emergency response activities, site stabilization activities and site investigation and remediation activities.

Part 2 RESERVED

PART 3 STANDARDS APPLICABLE TO IMPORTERS OF HAZARDOUS MATERIALS

3.1 PURPOSE AND SCOPE

3.1.1 Any person desiring to imports hazardous materials (the importer) as identified in 49 C.F.R Part 172.101 as defined in these regulations to the Commonwealth of the Northern Mariana Islands (CNMI), from the United States or any foreign country, shall comply with the requirements of this part.

3.1.2 When importing such a hazardous material listed in 49 C.F.R Part 172.101 for industrial or commercial purposes, excluding household grade products, a person must meet all the requirements of this part.

3.1.3 When importing such a hazardous material listed in 49 C.F.R Part 172.101 for industrial or commercial purposes, a person must maintain a copy of the Material Safety Data Sheet (MSDS) for each material at their facility. The MSDS must be in English. The MSDS must be made available to DEQ for review and inspection.

3.1.4 The import and use of pesticides is subject to the requirements of the CNMI pesticide regulations and not required to comply with the requirements of this Part.

3.1.5 Any person importing a hazardous waste as defined by these regulations shall also comply with the requirements in Part 11.

3.1.6 Any person importing universal waste as defined by these regulations shall also comply with the requirements in Part 9.

3.2 RESERVED

3.3 RESERVED

3.4 RESERVED

3.5 NOTICE OF INTENT

3.5.1 Persons desiring to import a hazardous material (the importer) as identified in the table to 49 C.F.R Part 172.101 shall submit a complete notice of intent to the Director of the DEQ on a form provided at least ten (10) working days prior to arranging for transportation of the restricted hazardous material to the CNMI. Incomplete forms will be returned to the importer as not approved.

3.5.2 The initial notice of intent form for each hazardous material must be accompanied with the Material Safety Data Sheet and a copy of the product label. All documents must be in English. Subsequent imports of the same product within twelve months or the initial notice do not require this additional information.

3.5.3 Reserved

3.5.4 Complete forms will be reviewed by the DEQ to determine the accuracy of the information. DEQ's review will include a determination the information submitted is consistent. Accurate forms will be signed and returned to the importer within ten (10) business days of receipt of a complete form. Inaccurate forms will be returned to the importer as not approved.

3.5.5 Upon receipt of a signed notice of intent form, the import can arrange for transportation to the CNMI. Copies of completed notices of intent forms will be provide to the Commonwealth Ports Authority.

3.5.6 A signed notice of intent form is valid for one shipment of the respective restricted hazardous materiel.

3.5.7 A signed notice of intent form is valid for ninety (90) days (e.g. an importer must arrange for transportation of the restricted hazardous materiel within ninety (90) days of receipt of the signed form).

3.6 NOTICE OF ARRIVAL. Upon arrival of the hazardous material into the CNMI, the importer shall notify the Director on a form provided for. The Notice of Arrival shall not be substituted for the Notice of Intent to import.

3.7 INSPECTION. Upon arrival of the shipment, DEQ, or other agencies as agreed by the Director, shall inspect the hazardous material and shall compare the results of the inspection and the entry papers for the shipment with the information provided by the importer on the notice of intent. If no discrepancies are noted, the shipment shall be released. However, if any discrepancies are noted, the shipment, including all non-hazardous items that are part of the shipment, may be detained until the Director resolves such discrepancies.

3.8 SHIPMENTS ARRIVEING WITHOUT NOTICE OR NOT CONFORMING WITH THE NOTICE

3.8.1 When a shipment of a restricted hazardous material arrives in the CNMI without either the Notice of Intent or Notice of Arrival, the shipment, including all non-hazardous items that are part of the shipment, shall be detained or denied access into the CNMI and the Director of the DEQ shall be notified. The Director shall determine the disposition of the shipment.

3.8.2 When a shipment of a restricted hazardous material arrives in the CNMI and the quantity or type of material arriving does not match the notice, the shipment, including all non-hazardous items that are part of the shipment, shall be detained or denied access and the Director of the DEQ shall be notified. The Director shall determine the disposition of the shipment.

3.9 DETAINED, DENIED, AND IMPOUNDED SHIPMENTS. All expenses arising from detainment, denial, and impoundment of a hazardous material shipment that would have been averted by the timely and complete submission of the Notice of Intent and/or Notice of Arrival shall be payable by the importer.

The importee shall have ninety (90) days from arrival in which to return or dispose of the hazardous material in a manner approved of by the Director. If the importer fails to return or dispose of the hazardous material within the ninety (90) day period, the Director may sell, dispose or destroy the denied shipment in a manner consistent with law and all expenses for storage, cartage, labor, shipping and disposal costs shall be payable by the importer and in default of such payment shall constitute a lien against any further items of any nature imported by the importer.

PART 4 DEFINITIONS OF SOLID WASTE AND HAZARDOUS WASTE

4.1 PURPOSE AND SCOPE.

4.1.1 This part identifies those solid wastes which are subject to regulation as hazardous wastes under these parts and which are subject to the notification requirements of section 3010 of RCRA.

4.1.2 The definition of solid waste contained in this part applies only to wastes that also are hazardous for purposes of implementing these regulations. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles, or rubber) that are not otherwise hazardous wastes and that are recycled.

4.2 DEFINITION OF SOLID WASTE.

4.2.1 (A) A solid waste is any discarded material that is not excluded by these regulations.

(B) A discarded material is any material which is:

(i) abandoned by being: disposed of; or burned or incinerated; or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated;

(ii) Recycled, as explained in Part 4.2.2 of this section; or

(C) Considered inherently waste-like, as explained in Part 4.2.3(B) of this section; or

(D) A military munition identified as a solid waste in Part 1.4 or Part 10.

4.2.2 Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in paragraphs (A) through (D) of this section.

(A) Used in a manner constituting disposal. Materials noted with a "*" in Column 1 of Table 1 are solid wastes when they are:

(i) Applied to or placed on the land in a manner that constitutes disposal; or

(ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste). However, commercial chemical products listed in Appendix IV are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(B) Burning for energy recovery. Materials noted with a "*" in column 2 of Table 1 are solid wastes when they are:

(i) Burned to recover energy;

(ii) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste). However, commercial chemical products listed in Appendix IV are not solid wastes if they are themselves fuels.

(C) Reclaimed. Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed. Materials noted with a "—"in column 3 of Table 1 are not solid wastes when reclaimed.

(D) Accumulated speculatively. Materials noted with a "*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

Table 1

| | 1 | 2 | 3 | 4 |
|---|---|---|---|---|
| Spent Materials..... | (*) | (*) | (*) | (*) |
| Sludges (listed in 40 CFR Part 261.31 or 261.32..... | (*) | (*) | (*) | (*) |
| Sludges exhibiting a characteristic of hazardous waste.. | (*) | (*) | _ | (*) |
| By-products (listed in 40 CFR 261.31 or 261.32)..... | (*) | (*) | (*) | (*) |
| By-products exhibiting a characteristic of hazardous waste..... | (*) | (*) | _ | (*) |
| Commercial chemical products listed in 40 CFR 261.33.... | (*) | (*) | _ | _ |
| Scrap metal other than excluded scrap metal (see 261.1(c)(9))..... | (*) | (*) | (*) | (*) |

1 Use constituting disposal (Part 4.2.2(A)) and (40 CFR part 261.2(c)(1)
2 Energy recovery fuel (Part 4.2.2(B)) and (40 CFR part 261.2(c)(2)
3 Reclaimation (Part 4.2.2(C)) and (40 CFR part 261.2(c)(3)
4 Speculative accumulation (Part 4.2.2(D)) and (40 CFR part 261.2(c)(4)
Note: The terms ``spent materials,'' ``sludges,'' ``by-products,'' and ``scrap metal'' and ``processed scrap metal'' are defined in Part 1.

4.2.3 Materials that are not solid waste when recycled.

(A) Materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land.

(B) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in paragraphs (A) (i) through (iii) of this section):

(i) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(ii) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(iii) Materials accumulated speculatively.

4.3 DEFINITION OF HAZARDOUS WASTE.

4.3.1 A solid waste, as defined in Part 4.2, is a hazardous waste if:

(A) It is not excluded from regulation as a hazardous waste under Part 4.4; and

(B) It meets any of the following criteria:

(i) It exhibits any of the characteristics of hazardous waste identified in Part 5 of these regulations. Further, for the purposes of applying the Toxicity Characteristic to mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in table 1 to Part 5 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

(ii) It is listed in Part 6 of these regulations

(iii) It is a mixture of solid waste and one or more hazardous wastes listed in Part 6.

4.4 EXCLUSIONS

4.4.1 Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:

(A) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). Hotel and resort waste are solid waste. A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if such facility:

(i) Receives and burns only household waste (from single and multiple dwellings, and other residential sources) and solid waste from commercial or industrial sources that does not contain hazardous waste; and

(ii) Such facility does not accept hazardous wastes and the owner and/or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(B) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

(i) The growing and harvesting of agricultural crops.

(ii) The raising of animals, including animal manures.

(C) Mining overburden returned to the mine site.

(D) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except for facilities that burn or process hazardous waste.

4.4.2 Hazardous wastes which are exempted from certain regulations. A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit, is not subject to regulation under these regulations or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials.

4.4.3 Samples.

(A) Except as provided in paragraph (B) of this section, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of these regulations or to the notification requirements of section 3010 of RCRA, when:

(i) The sample is being transported to a laboratory for the purpose of testing; or

(ii) The sample is being transported back to the sample collector after testing; or

(iii) The sample is being stored by the sample collector before transport to a laboratory for testing; or

(iv) The sample is being stored in a laboratory before testing; or

(v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or

(vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(B) In order to qualify for the exemption in paragraphs (A)(i) and (ii) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(i) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

(ii) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

(a) Assure that the following information accompanies the sample:

(1) The sample collector's name, mailing address, and telephone number;

(2) The laboratory's name, mailing address, and telephone number;

(3) The quantity of the sample;

(4) The date of shipment; and

(5) A description of the sample.

(b) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(C) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in paragraph (A) of this section.

4.4.4 Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under 404 of the Federal Water Pollution Control Act (33 U.S.C.1344) or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413) is not a hazardous waste. For this paragraph, the following definitions apply:

(A) The term dredged material has the same meaning as defined in 40 CFR 232.2;

(B) The term permit means:

(i) A permit issued by the U.S. Army Corps of Engineers (Corps) or an approved State under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) A permit issued by the Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of Corps civil works projects, the administrative equivalent of the permits referred to in paragraphs (B)(i) and (ii) above, as provided for in Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

4.5 REQUIREMENTS FOR CERTAIN RECYCLABLE MATERIALS

4.5.1 The following recyclable materials are not subject to these regulations, and are not subject to the notification requirements of section 3010 of RCRA:

(A) Scrap metal that is not excluded under Part 4;

(B) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to these regulations, but is regulated under the CNMI Used Oil Regulation. Used oil that is recycled includes any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil which is re-refined, reclaimed, burned for energy recovery, or reprocessed.

(C) Used oil filters that have been gravity hot drained.

(D) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(E) Shredded circuit boards being recycled provided that they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(F) Other recyclable materials as approved in writing by the Director.

4.5.2 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

(A) Used, broken CRTs are not solid wastes if they meet the following conditions:

(i) Prior to processing: These materials are not solid wastes if they are destined for recycling and if they meet the following requirements:

(1) Storage. The broken CRTs must be either:

(a) Stored in a building with a roof, floor, and walls, or

(b) Placed in a container ( i.e. , a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(2) Labeling. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass " or "Leaded glass from televisions or computers." It must also be labeled: "Do not mix with other glass materials."

(ii) Transportation. The used, broken CRTs must be transported in a container meeting the requirements of paragraphs (i)(1)(a) and (b) of this section.

(iii) Processing.

(1) All processing activities of CRTs must be performed within a building with a roof, floor, and walls; and

(2) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

## 4.6 RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS.

4.6.1 (A) Any hazardous waste remaining in either: (i) an empty container; or (ii) an inner liner removed from an empty container, as defined in paragraph (B) of this section, is not subject to these regulations or to the notification requirements of section 3010 of RCRA.

(B)(i) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Part 6 of this chapter is empty if:

(1) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and

(2) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

(3)(a) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size; or

(b) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.

(ii) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.

(iii) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Part 6 of these regulations is empty if:

(1) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

(2) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

(3) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

4.7 PCB WASTES REGULATED UNDER THE TOXIC SUBSTANCE CONTROL ACT.

The disposal of PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated under 40 CFR part 761 and that are hazardous only because they fail the test for the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) are exempt from these regulations and the notification requirements of section 3010 of RCRA.

PART 5 CHARTACTERISTICS OF HAZARDOUS WASTE

5.1 GENERAL.

5.1.1 A solid waste, as defined in Part 4, which is not excluded from regulation as a hazardous waste under Part 4, is a hazardous waste if it exhibits any of the characteristics identified in this part.

5.1.2 A hazardous waste which is identified by a characteristic in this part is assigned every EPA Hazardous Waste Number that is applicable as set forth in this part. This number must be used in complying with the notification requirements of section 3010 of RCRA and all applicable recordkeeping and reporting requirements under these regulations.

5.1.3 For purposes of this part, the Director will consider a sample obtained using any of the applicable sampling methods specified in appendix I to 40 CFR part 261 to be a representative sample within the meaning of Part 4.

5.2 CHARACTERISTIC OF IGNITABILITY.

5.2.1 A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(A) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60 °C (140 °F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D 93–79 or D 93–80 (incorporated by reference, see §260.11), or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D 3278–78 (incorporated by reference, see 40 CFR §260.11 and Part 2).

(B) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

(C) It is an ignitable compressed gas.

(i) The term "compressed gas" shall designate any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 °F or, regardless of the pressure at 70 °F, having an absolute pressure exceeding 104 p.s.i. at 130 °F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 °F as determined by ASTM Test D–323.

(ii) A compressed gas shall be characterized as ignitable if any one of the following occurs:

(1) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives and approved by the director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2).

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

(D) It is an oxidizer. An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4).

(i) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

(1) The material meets the definition of a Class A explosive or a Class B explosive, as defined in Part 5.4, in which case it must be classed as an explosive,

(2) The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21,

(3) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or

(4) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation.

5.2.2 A solid waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

5.3 CHARACTERISTIC OF CORROSIVITY.

5.3.1 A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

(A) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846 (incorporated by reference, see 40 CFR §260.11 and Part 2).

(B) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 °C (130 °F) as determined by Method 1110A in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846 (incorporated by reference, see 40 CFR §260.11 and Part 2).

5.3.2 A solid waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.

5.4 CHARACTERISTIC OF REACTIVITY.

5.4.1 A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(A) It is normally unstable and readily undergoes violent change without detonating.

(B) It reacts violently with water.

(C) It forms potentially explosive mixtures with water.

(D) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(E) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(F) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

(G) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

(H) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

5.4.2 A solid waste that exhibits the characteristic of reactivity has the EPA Hazardous Waste Number of D003.

5.5 TOXICITY CHARACTERISTIC.

5.5.1 A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846 (incorporated by reference, see 40 CFR §260.11 and Part 2), the extract from a representative sample of the waste contains any of the contaminants listed in table 1 at the concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this section.

5.5.2 A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table 1 which corresponds to the toxic contaminant causing it to be hazardous.

Table 1_Maximum Concentration of Contaminants for the Toxicity Characteristic

| EPA HW No. | Regulatory Contaminant | CAS No. | Level (mg/L) |
|---|---|---|---|
| D004 | Arsenic..... | 7440-38-2 | 5.0 |
| D005 | Barium..... | 7440-39-3 | 100.0 |
| D018 | Benzene..... | 71-43-2 | 0.5 |
| D006 | Cadmium..... | 7440-43-9 | 1.0 |
| D019 | Carbon tetrachloride.... | 56-23-5 | 0.5 |
| D020 | Chlordane..... | 57-74-9 | 0.03 |
| D021 | Chlorobenzene..... | 108-90-7 | 100.0 |
| D022 | Chloroform..... | 67-66-3 | 6.0 |
| D007 | Chromium..... | 7440-47-3 | 5.0 |
| D023 | o-Cresol..... | 95-48-7 | 200.0 |

| | | | |
|---|---|---|---|
| D024 | m-Cresol..... | 108-39-4 | 200.0 |
| D025 | p-Cresol..... | 106-44-5 | 200.0 |
| D026 | Cresol..... ..... | | 200.0 |
| D016 | 2,4-D..... | 94-75-7 | 10.0 |
| D027 | 1,4-Dichlorobenzene.... | 106-46-7 | 7.5 |
| D028 | 1,2-Dichloroethane..... | 107-06-2 | 0.5 |
| D029 | 1,1-Dichloroethylene... | 75-35-4 | 0.7 |
| D030 | 2,4-Dinitrotoluene..... | 121-14-2 | 0.13 |
| D012 | Endrin..... | 72-20-8 | 0.02 |
| D031 | Heptachlor (and its epoxide). | 76-44-8 | 0.008 |
| D032 | Hexachlorobenzene..... | 118-74-1 | 0.13 |
| D033 | Hexachlorobutadiene.. | 87-68-3 | 0.5 |
| D034 | Hexachloroethane..... | 67-72-1 | 3.0 |
| D008 | Lead..... | 7439-92-1 | 5.0 |
| D013 | Lindane..... | 58-89-9 | 0.4 |
| D009 | Mercury..... | 7439-97-6 | 0.2 |
| D014 | Methoxychlor..... | 72-43-5 | 10.0 |
| D035 | Methyl ethyl ketone... | 78-93-3 | 200.0 |
| D036 | Nitrobenzene..... | 98-95-3 | 2.0 |
| D037 | Pentrachlorophenol... | 87-86-5 | 100.0 |
| D038 | Pyridine..... | 110-86-1 | 5.0 |
| D010 | Selenium..... | 7782-49-2 | 1.0 |
| D011 | Silver..... | 7440-22-4 | 5.0 |
| D039 | Tetrachloroethylene. | 127-18-4 | 0.7 |
| D015 | Toxaphene..... | 8001-35-2 | 0.5 |
| D040 | Trichloroethylene.... | 79-01-6 | 0.5 |
| D041 | 2,4,5-Trichlorophen | 95-95-4 | 400.0 |
| D042 | 2,4,6-Trichlorophenol... | 88-06-2 | 2.0 |
| D017 | 2,4,5-TP (Silvex)..... | 93-72-1 | 1.0 |
| D043 | Vinyl chloride..... | 75-01-4 | 0.2 |

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Note: CAS No. is the Chemical abstracts service number.

Note: If the Quantitation limit is greater than the calculated regulatory level, the quantitation limit becomes the regulatory level.

Note: If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l.

PART 6 LISTS OF HAZARDOUS WASTES

6.1 GENERAL.

6.1.1 A solid waste is a hazardous waste if it is listed in this part.

6.1.2 The basis for listing the classes or types of wastes listed in this part is identified by employing one or more of the following Hazard Codes:

| | |
|---|---|
| Ignitable Waste | (I) |
| Corrosive Waste | (C) |
| Reactive Waste | (R) |
| Toxicity Characteristic Waste | (E) |
| Acute Hazardous Waste | (H) |
| Toxic Waste | (T) |

Appendix VII to 40 CFR Part 261 identifies the constituent which caused the Administrator to list the waste as a Toxicity Characteristic Waste (E) or Toxic Waste (T) in Part 6.2 and 6.3.

6.1.3 Each hazardous waste listed in this part is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 of the RCRA and certain recordkeeping and reporting requirements under these regulations.

6.2 HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES.

6.2.1 The solid wastes in Appendix I to these regulations are listed hazardous wastes from non-specific sources.

6.3 HAZARDOUS WASTES FROM SPECIFIC SOURCES.

6.3.1 The solid wastes in Appendix II to these regulations are listed hazardous wastes from specific sources.

6.4 DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF.

6.4.1 The materials or items in Appendix III and IV are hazardous wastes if and when they are discarded or intended to be discarded as described in Part 4.2.1, when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

(A) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in Appendix III or IV.

(B) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in Appendix III or IV.

(C) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in Appendix III or IV, unless the container is empty as defined in 4.6 of these regulations. [Comment: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.]

(D) 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 commercial chemical product or manufacturing chemical intermediate having the generic name listed in Appendix III or IV, or 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 off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in Appendix III or.

[Comment: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . ." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in Appendix III or IV. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in Appendix III or IV, such waste will be listed in either Part 6.2 or 6.3 or will be identified as a hazardous waste by the characteristics set forth in Part 5 of these regulations.]

(E) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (A) through (D) of this section, and are listed in Appendix III to these regulations are identified as acute hazardous wastes (H). [Comment: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.] These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Appendix III.

6.4.2 The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (A) through (D) of Part 6.4.1, and are listed in Appendix IV to these regulations are identified as toxic wastes (T), unless otherwise designated. [Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only

listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.] These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Appendix IV.

PART 7 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

7.1 PURPOSE, SCOPE AND APPLICABILITY.

7.1.1 These regulations establish standards for generators of hazardous waste.

7.1.2 Any person who imports hazardous waste into the CNMI must comply with the standards applicable to generators established in this part.

7.1.3 Reserved

7.1.4 Persons responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii) are not required to comply with the standards of this part. Note 1: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 40 CFR parts 264, 265, 266, 268, and 270.

7.2 HAZARDOUS WASTE DETERMINATION.

7.2.1 A person who generates a solid waste, as defined in Part 4 of these regulations, must determine if that waste is a hazardous waste using the following method:

(A) He should first determine if the waste is excluded from regulation under Part 4.4 of these regulations.

(B) He must then determine if the waste is listed as a hazardous waste in Part 6 of these regulations.

(C) He must then determine whether the waste is identified in Part 5 of these regulations by either:

(1) Testing the waste according to the methods set forth in Part 5, or according to an equivalent method approved in writing by the Director; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

7.3 EPA IDENTIFICATION NUMBERS.

7.3.1 A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from EPA.

7.3.2 A generator who has not received an EPA identification number may obtain one by applying to EPA using EPA form 8700–12 (Available on DEQ and EPA's websites). Upon receiving the request, EPA will assign an EPA identification number to the generator.

7.3.3 A generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

7.4 CLASSIFICATIONS OF GENERATORS AND ACCUMULATION TIME LIMITS

7.4.1 A generator of hazardous waste is considered a conditionally exempt small quantity generator (CESQG) if in any calendar month; the generator generates hazardous waste in quantities not exceeding 100 kilograms in that calendar month, or generates acutely toxic hazardous waste in quantities less than 1 kilogram in that calendar month (or 100 kilograms of residue or contaminated soil containing an acutely toxic hazardous waste).

(A) A CESQG may accumulate hazardous waste on-site for 1 year. An extension may be granted at the discretion of the Director on a case-by-case basis.

7.4.2 A generator of hazardous waste is considered a small quantity generator (SQG) if in any calendar month; the generator generates hazardous waste in quantities between 100 kilograms and 1000 kilograms in that calendar month.

(A) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

7.4.3 A generator of hazardous waste is considered a large quantity generator (LQG) if in any calendar month, the generator generates hazardous waste in quantities greater than 1000 kilograms in that calendar month, or generates acutely toxic hazardous waste in of 1 kilogram or larger in that month.

(A) A LQG who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 120 days. An extension of up to 30 days may be granted at the discretion of the Director on a case-by-case basis.

7.4.4 When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates, except hazardous waste that:

(A) Is exempt from these regulations under Parts 4.5, 4.6 or 4.7 (see also 40 CFR 261.4(c) through (f), 261.6(a)(3), 261.7(a)(1), or 261.8); or

(B) Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Part 1; or

(C) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Part 4.5.5(B); or

(D) Is used oil managed under the requirements of Part 4.5.3; or

(E) Is spent lead-acid batteries managed under the requirements of Part 9; or

(F) Is universal waste managed under Part 9.

7.4.5 In determining the quantity of hazardous waste generated, a generator need not include:

(A) Hazardous waste when it is removed from on-site storage; or

(B) Hazardous waste produced by on-site treatment (including reclamation) of his hazardous waste, so long as the hazardous waste that is treated was counted once; or

(C) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

7.4.6 If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under these regulations, and the notification requirements of section 3010 of RCRA:

(A) A total of one kilogram of acute hazardous wastes listed in Appendix I, II, III or IV.

(B) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Appendix I, II, III or IV. [Comment: "Full regulation" means those regulations applicable to generators of greater than 1,000 kg of non-acutely hazardous waste in a calendar month.]

7.5 ANNUAL HAZARDOUS MATERIAL AND HAZARDOUS WASTE INVENTORY

7.5.1 No later than March 31 of each year, a generator of hazardous waste must submit to the DEQ an inventory of the quantity (kilograms or pounds) and type (i.e. product name(s) including the active ingredients which make it hazardous for hazardous materials, and hazardous waste number(s) for hazardous waste) of all hazardous materials and hazardous waste in storage at the facility as of March of that same year. The inventory must also describe all hazardous waste transportation, treatment, and disposal activities during the previous year. The inventory must be submitted in writing to the Director of the DEQ. The owner and/or operator of the generating facility must sign the inventory stating that the inventory is true and accurate.

7.6 ANNUAL TRANSPORTATION OF HAZARDOUS WASTE

7.6.1 Unless authorized for hazardous waste treatment, storage or disposal activities in writing by EPA, all hazardous waste accumulated at the facility as reported in the inventory (see Part 7.5 above) must be transported from the facility to a designated treatment, storage or disposal facility authorized by EPA to accept that specific hazardous waste no later than June 30 of that same calendar year. Note, SQGs and LGQs are required to transport their waste more frequently.

7.6.2 By September 30 of each calendar year, the generator shall submit to DEQ documentation (e.g. copy of the Uniform Hazardous Waste Manifest, copy of the

Bill of Lading) demonstrating that the hazardous waste in inventory March of that year was appropriately treated or disposed.

7.7 STANDARDS APPLICABLE TO ALL CLASSIFICATIONS OF GENERATORS

7.7.1 Storage conditions and accumulation time limit.

(A) A generator may accumulate hazardous waste on-site provided that:

(i) The waste is placed:

(1) In containers and the generator complies with the requirements of Part (C) of this section

(2) In another manner approved in writing by the Director of the DEQ.

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

(iii) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

(B)(i) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in Appendix I, II, III, or IV 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 complying the accumulation time limits provided he:

(1) Complies with paragraph (C) of this section; and

(2) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

(ii) A generator who accumulates either hazardous waste or acutely hazardous waste listed in Appendix I, II, III, or IV in excess of the amounts listed in paragraph (B)(i) of this section at or near any point of generation must, with respect to that amount of excess waste, must place that waste in the hazardous waste storage area within three days of reaching the excess accumulation. During the three day period the generator must continue to comply with paragraphs (B)(i)(1) through (2) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

(C) Use and Management of Containers (e.g. drums)

(i) Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste.

(ii) Condition of containers.

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner and/or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

(iii) Compatibility of waste with container.

The owner and/or operator must use a container made of or lined with materials which 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.

(iv) Management of containers.

(1) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

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

[ Comment: Re-use of containers in transportation is governed by U.S. Department of Transportation regulations, including those set forth in 49 CFR 173.28.]

(v) Inspections.

At least weekly, the owner and/or operator must inspect areas where containers are stored. The owner and/or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

(vi) Special requirements for ignitable or reactive waste.

(1) Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

(2) The owner and/or operator must 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 but not limited to: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner and/or operator must confine smoking and open flame to specially designated locations.

(3) "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(vii) Special requirements for incompatible wastes.

(1) Incompatible wastes, or incompatible wastes and materials, (see appendix V for examples) must not be placed in the same container, unless the following is complied with.

(a) Where specifically required by other sections of this part, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(1) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(4) Damage the structural integrity of the device or facility containing the waste; or

(5) Through other like means threaten human health or the environment.

(b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material, unless paragraph (a) above is complied with.

(c) A storage container holding a hazardous waste that is incompatible with any waste or other materials 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.

[ Comment: The purpose of this is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which

could result from the mixing of incompatible wastes or materials if containers break or leak.]

(viii) Air emission standards.

The owner and/or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of 40 CFR 265 subparts AA, BB, and CC.

(ix) Storage area requirements

(a) Hazardous waste must be stored in an area with secondary containment sufficient to contain the volume of the two largest containers.

(b) Incompatible hazardous waste must be stored in separate storage areas.

(c) Hazardous waste storage areas must be indoors or in an area protected from the weather.

7.7.2 Pre-Transport Requirements

(A) Packaging.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, 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.

(B) Labeling.

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

(C) Marking.

(i) Before transporting or offering hazardous waste for transportation off-site, 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;

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

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

Generator's Name and Address _____.
Generator's EPA Identification Number _____.
Manifest Tracking Number _____.

(D) Placarding.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, 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.

7.7.3 Transport requirements

(A) Large quantity generators and small quantity generators must comply with the Manifest requirements of Part 7.11.

(B) Conditionally exempt small quantity generators must comply with the requirements of Part 7.11 (A)(vii) and (viii). CESQGs must obtain a receipt such as a bill of lading for all off-site shipments of hazardous waste. The receipt must contain all the information specified in 7.11 (A)(viii).

7.7.4 Recordkeeping and Reporting

(A) A generator must keep a copy of each manifest signed in accordance with §262.23(a) for three years or until he 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.

(B) 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.

(C) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with §262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(D) A generator must keep copies of all receipts or bills of lading (e.g. 7.11 (A)(vii) and (viii)) for at least three years.

(E) The periods or retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

7.7.5 Additional reporting.

The Director, as he deems necessary, may require generators to furnish additional reports concerning the quantities and disposition of wastes that he has cause to believe may be hazardous waste. The Director will request this information in writing. All responses from the generator must also be provided in writing within the timeframe specified by the Director.

7.8 SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS.

7.8.1 A generator is a conditionally exempt small quantity generator in a calendar month if he generates no more than 100 kilograms of hazardous waste in that month.

7.8.2 In addition to the requirements of this part applicable to all generators and in order for hazardous waste and acutely toxic hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in part 7.4.1 of this part to be excluded from full regulation, the generator must comply with the following requirements:

(A) The generator may accumulate hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in part 7.4.1, all of those accumulated wastes are subject to full regulation. The time

period for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit;

(B) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:

(1) Permitted by EPA under 40 CFR Part 270;

(2) In interim status under 40 CFR parts 270 and 265;

(3) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 40 CFR 271;

(4) Approved in writing by the Director to be treated, stored or disposed at a permitted, licensed, or registered solid waste facility, and, if managed in a municipal solid waste landfill is subject to 40 CFR Part 258;

(5) Reserved; or

(6) A facility which:

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

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

(7) For universal waste managed under part 9, a universal waste handler or destination facility subject to the requirements of part 9.

(C) Hazardous waste subject to the reduced requirements of this section may not be mixed with non-hazardous waste.

(D) If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation.

(E) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject full regulation and also subject to the CNMI Used Oil regulations. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

7.9 STANDARDS APPLICABLE TO CESQG'S and SQG'S

7.9.1 A CESQG and/or a SQG may accumulate hazardous waste on-site provided that:

(A) The quantity of waste accumulated on-site never exceeds 6000 kilograms;

(B) The generator complies with the following requirements:

(i) 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 paragraph 7.9.1(B)(iv) of this section. This employee is the emergency coordinator.

(ii) The generator must post the following information next to the telephone:

(1) The name and 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.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must 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, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

(3) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must 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 U.S. EPA Identification Number of the 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.

## 7.10 STANDARD APPLICABLE TO LARGE QUANTITY GENERATORS

7.10.1 An LQG may accumulate hazardous waste on-site provided that:

(A) Personnel training.

(i) (1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner and/or operator must ensure that this program includes all the elements described in the document required under paragraph (iv)(3) of this section.

(2) 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.

(3) 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:

(a) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(b) Key parameters for automatic waste feed cut-off systems;

(c) Communications or alarm systems;

(d) Response to fires or explosions;

(e) Response to ground-water contamination incidents; and

(f) Shutdown of operations.

(4) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all the requirements of this section.

(ii) Facility personnel must successfully complete the program required in paragraph (i) of this section within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of paragraph (i) of this section.

(iii) Facility personnel must take part in an annual review of the initial training required in paragraph (i) of this section.

(iv) The owner and/or operator must maintain the following documents and records at the facility:

(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) A written job description for each position listed under paragraph (iv)(1) of this Section. 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;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (iv)(1) of this section;

(4) Records that document that the training or job experience required under paragraphs (i), (ii), and (iii) of this section has been given to, and completed by, facility personnel.

(v) 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.

(B) Preparedness and Prevention

(i) Applicability.

The regulations in this subpart apply to facilities where hazardous waste is generated.

(ii) Maintenance and operation of facility.

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

(iii) Required equipment.

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(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.

(iv) Testing and maintenance of equipment.

All facility 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 time of emergency.

(v) 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 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 section (iii).

(2) If there is ever just one employee on the premises while the facility is operating, he must have immediate 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 section (iii).

(vi) Required aisle space.

The owner and/or operator must 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.

(vii) Arrangements with local authorities.

(1) The owner and/or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, 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;

(b) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(c) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(2) Where State or local authorities decline to enter into such arrangements, the owner and/or operator must document the refusal in the operating record.

(C) Contingency Plan and Emergency Procedures

(i) Applicability.

The regulations in this subpart apply to facilities where hazardous waste is generated.

(ii) Purpose and implementation of contingency plan.

(1) Each owner and/or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(2) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

(iii) Content of contingency plan.

(1) The contingency plan must describe the actions facility personnel must take to comply with paragraphs (ii) and (vii) of this section in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(2) If the owner and/or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112, or 40 CFR Part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part. The owner and/or operator may develop one contingency plan which meets all regulatory requirements. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

(3) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to paragraph (C)(vii) above.

(4) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see paragraph (vi)), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

(5) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(6) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(iv) Copies of contingency plan.

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

(1) Maintained at the facility; and

(2) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

(v) Amendment of contingency plan.

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

(1) Applicable regulations are revised;

(2) The plan fails in an emergency;

(3) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(4) The list of emergency coordinators changes; or

(5) The list of emergency equipment changes.

(vi) Emergency coordinator.

At all times, there must be at least one employee either on the facility 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. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

[ Comment: The emergency coordinator's responsibilities are more fully spelled out in paragraph (vii). Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.]

(vii) Emergency procedures.

(1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(a) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(b) Notify appropriate State or local agencies with designated response roles if their help is needed.

(2) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(3) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(4) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:

(a) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be

available to help appropriate officials decide whether local areas should be evacuated; and

(b) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under part 1510 of this title), or the National Response Center (using their 24-hour toll free number 800/424–8802). The report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

(5) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(7) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

[ Comment: Unless the owner and/or operator can demonstrate, in accordance with §261.3(c) or (d) of this chapter, that the recovered material is not a hazardous waste, the owner and/or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of parts 262, 263, and 265 of this chapter.]

(8) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(a) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(b) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(9) The owner and/or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(a) Name, address, and telephone number of the owner and/or operator;

(b) Name, address, and telephone number of the facility;

(c) Date, time, and type of incident (e.g., fire, explosion);

(d) Name and quantity of material(s) involved;

(e) The extent of injuries, if any;

(f) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(g) Estimated quantity and disposition of recovered material that resulted from the incident.

(D) Biennial report.

(i) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700–13A, must cover generator activities during the previous year, and must include the following information:

(a) The EPA identification number, name, and address of the generator;

(b) The calendar year covered by the report;

(c) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;

(d) The name and EPA 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, EPA hazardous waste number (from 40 CFR part 261, subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site 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 changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

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

(ii) Any generator who treats, stores, or disposes of hazardous waste on-site must submit a biennial report covering those wastes in accordance with the provisions of 40 CFR parts 270, 264, 265, and 266. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth at 40 CFR 262.56.

## 7.11 THE MANIFEST

7.11.1 LQG'S, SQG'S and CESQG'S must comply with the following with respect to off-site shipments of hazardous waste:

(A) General requirements.

(i) A small quantity generator and/or large quantity generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, must prepare a Manifest (OMB Control number 2050–0039) on EPA Form 8700–22, and, if necessary, EPA Form 8700–22A, according to the instructions included in the appendix to 40 CFR Part 262. A conditionally exempt small quantity generator

does not need to comply with the manifest requirements for on island transportation to a transfer facility or a permitted hazardous waste treatment, storage or disposal facility.

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

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

(iv) 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.

(v) The requirements of this subpart do not apply to hazardous waste produced by SQG in a calendar month where:

(1) The waste is reclaimed under a contractual agreement pursuant to which:

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

(b) 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

(2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement. A copy of the invoice and/or Bill of Lading must be maintained by the generator.

(vi) The requirements of part 7.11 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 40 CFR 263.10(a), the generator or transporter must comply with the requirements for transporters set forth in 40 CFR 263.30 and 263.31 in the event of a discharge of hazardous waste on a public or private right-of-way.

(vii) The requirements of part 7.11 do not apply to hazardous waste produced by CESQG in a calendar month where the hazardous waste is provided to a person authorized by EPA to transport hazardous waste and the CESQG complies with the requirements of paragraph (viii) below and the transporter complies with the requirements of Part 8.2.1(H).

(viii) A CESQG may offer their hazardous waste to transporter for shipment to a designated facility provided that:

(1) The CESQG obtains a written receipt from the transporter accepting the hazardous waste for transportation. The receipt must contain the following information:

(a) The facility name, location contact name, phone number of the CESQG.

(b) The facility name, location contact name, phone number of the transporter.

(c) The EPA Identification number for the CESQG.

(d) The EPA Identification number for the transporter.

(e) The type(s) and quantity(ies) of each container of hazardous waste.

(f) The date the hazardous waste was removed from the CESQG's facility.

(2) The CESQG must maintain copies of all written receipts for at least three years at a location in the CNMI. The CESQG must make these written receipts available within one working day or less to the DEQ upon request either verbal or written.

(B) Manifest tracking numbers, manifest printing, and obtaining manifests.

A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under 40 CFR part 262.21 paragraphs (c) and (e).

(C) Number of copies.

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

(D) Use of the manifest.

(i) The generator must:

(1) Sign the manifest certification by hand; and

(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(3) Retain one copy, in accordance with Part 7.7.4.

(ii) The generator must give the transporter the remaining copies of the manifest.

(iii) 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 and/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.

(iv) 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:

(1) The next non-rail transporter, if any; or

(2) The designated facility if transported solely by rail; or

(3) The last rail transporter to handle the waste in the United States if exported by rail.

(v) 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.

Note: See Part 8.2.1(E) for special provisions for water (bulk shipment) transporters.

(E) 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:

(i) "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

(ii) "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."

7.11.2 Exception reporting.

(A)(i) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner and/or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner and/or operator of the designated facility to determine the status of the hazardous waste.

(ii) A generator of greater than 1000 kilograms of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner and/or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(1) A legible copy of the manifest for which the generator does not have confirmation of delivery;

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

(B) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner and/or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

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

PART 8 STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

8.1 GENERAL

8.1.1 Scope.

(A) These regulations establish standards which apply to persons transporting hazardous waste within the CNMI and the United States if the transportation requires a manifest under Part 7.

(B) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(C) A transporter of hazardous waste must also comply with Part 7, Standards Applicable to Generators of Hazardous Waste, if he:

(i) Transports hazardous waste into the CNMI from abroad; or

(ii) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

(iii) Stores the waste at the transfer facility or any other facility for longer than ten (10) days from the time the waste was first removed from the generator's facility.

(D) The regulations in this part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv) or 265.1(c)(11)(i)(D) or (iv), and 270.1(c)(3)(i)(D) or (iii).

(E) Part 10 of these regulations identifies how the requirements of this part apply to military munitions classified as solid waste.

8.1.2 EPA identification number.

(A) A transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator.

(B) A transporter who has not received an EPA identification number may obtain one by applying to the EPA using EPA Form 8700–12. Upon receiving the request, EPA will assign an EPA identification number to the transporter.

8.1.3 Transfer facility requirements.

(A) A transporter may store manifested shipments of hazardous waste in containers at a transfer facility for a period of ten days

(B) A transporter who stores any hazardous waste for longer than 24 hours shall store the hazardous waste on an impervious surface, provide for secondary containment with capacity for the largest container plus 10 percent, and provide for protection from natural elements such as rain and sun.

(C) If necessary due to circumstances beyond the control of the transporter, a transporter may apply in writing to the Director for additional time to store the hazardous waste at the transfer facility. The request must state the nature of the circumstances, the time period requested, and the steps the transporter has taken to secure the hazardous waste while in storage and the steps taken to remove the waste from the facility.

8.2 COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

8.2.1 The manifest system.

(A) Manifest requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of Part 7.11.

(B) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

(C) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

(D) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

(i) Obtain the date of delivery and the handwritten signature of that transporter or of the owner and/or operator of the designated facility on the manifest; and

(ii) Retain one copy of the manifest in accordance with Part 8.2.3; and

(iii) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(E) The requirements of paragraphs (C), (D) and (F) of this section do not apply to water (bulk shipment) transporters if:

(i) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(ii) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures); and

(iii) The delivering transporter obtains the date of delivery and handwritten signature of the owner and/or operator of the designated facility on either the manifest or the shipping paper; and

(iv) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(v) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Part 8.2.3.

(F) Transporters who transport hazardous waste out of the United States must:

(i) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;

(ii) Retain one copy in accordance with Part 8.2.3(C);

(iii) Return a signed copy of the manifest to the generator; and

(iv) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

(G) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this section or those of Part 8.2.3 provided that:

(i) The waste is being transported pursuant to a reclamation agreement as provided for in Part 7.11;

(ii) The transporter records, on a log or shipping paper, the following information for each shipment:

(1) The name, address, and U.S. EPA Identification Number of the generator of the waste;

(2) The quantity of waste accepted;

(3) All DOT-required shipping information;

(4) The date the waste is accepted; and

(iii) The transporter carries this record when transporting waste to the reclamation facility; and

(iv) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(H) A transporter transporting hazardous waste from a generator who generates less than 100 kilograms of hazardous waste in a calendar month (i.e. CESQG) need not comply with the requirements of this section or those of Part 8.2.3 provided that:

(i) The transporter provides the CESQG with a written receipt when accepting the hazardous waste for transportation. The receipt must contain the following information:

(1) The facility name, location contact name, phone number of the CESQG.

(2) The facility name, location contact name, phone number of the transporter.

(3) The EPA Identification number for the CESQG.

(4) The EPA Identification number for the transporter.

(5) The type(s) and quantity(ies) of each container of hazardous waste.

(6) The date the hazardous waste was removed from the CESQG's facility.

(ii) The transporter must maintain copies of all written receipts for at least three years at a location in the CNMI. The transporter must make these written receipts available within one working day or less to the DEQ upon request either verbal or written.

8.2.2 Compliance with the manifest.

(A) The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:

(i) The designated facility listed on the manifest; or

(ii) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(iii) The next designated transporter; or

(iv) The place outside the United States designated by the generator.

(B)(i) If the hazardous waste cannot be delivered in accordance with paragraph (A) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

(ii) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

(1) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany

the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Part 8.2.3, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 40 CFR 264.72(e)(1) through (6) or (f)(1) through (6) or 40 CFR 265.72(e)(1) through (6) or (f)(1) through (6).

(2) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Part 8.2.3, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 40 CFR 264.72(e)(1) through (6) or 40 CFR 265.72(e)(1) through (6).

8.2.3 Recordkeeping.

(A) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner and/or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(B) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in Part 8.2.1(E)(ii) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(C) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

(D) The periods of retention referred to in this Part are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

8.3 HAZARDOUS WASTE DISCHARGES

8.3.1 Immediate action.

(A) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(B) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(C) An air, rail, highway, or water transporter who has discharged hazardous waste must:

(i) Give notice, if required by 49 CFR 171.15, to the National Response Center (800–424–8802 or 202–426–2675); and

(ii) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

(D) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

8.3.2 Discharge clean up.

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

PART 9 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

9.1 GENERAL

9.1.1 Applicability

(A) This part establishes requirements for managing the following:
(i) Batteries as described in Part 9.1.2;
(ii) Pesticides as described in Part 9.1.3;
(iii) Mercury-containing equipment as described in Part 9.1.4; and
(iv) Lamps as described in Part 9.1.5.
(B) This part provides an alternative set of management standards in lieu of regulation under Parts 1 through 8 of these regulations.

9.1.2 Applicability—batteries.

(A) Batteries covered under Part 9.
(i) The requirements of this part apply to persons managing batteries, as described in Part 9.1.7, except those listed in paragraph (B) of this section.
(B) Batteries not covered under Part 9. The requirements of this part do not apply to persons managing the following batteries:
(i) Batteries, as described in Part 9.1.7, that are not yet wastes under part Part 4 of this chapter, including those that do not meet the criteria for waste generation in paragraph (C) of this section.
(ii) Batteries, as described in Part 9.1.7, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Part 5.
(C) Generation of waste batteries.
(i) A used battery becomes a waste on the date it is discarded (e.g., broken, no longer able to hold a charge, when sent for reclamation, etc.). It is the burden of the handler to demonstrate that a used battery not in service is not a waste.
(ii) An unused battery becomes a waste on the date the handler decides to discard it.

9.1.3 Applicability—pesticides.

(A) Pesticides covered under Part 9. The requirements of this part apply to persons managing pesticides, as described in Part 9.1.7, meeting the following conditions, except those listed in paragraph (B) of this section:
(i) Recalled pesticides that are:
(1) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or
(2) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.
(ii) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(B) Pesticides not covered under Part 9. The requirements of this part do not apply to persons managing the following pesticides:

(i) Pesticides not meeting the conditions set forth in paragraph (A) of this section. These pesticides must be managed in compliance with the hazardous waste regulations in Parts 1 through 8;

(ii) Pesticides that are not wastes under part Parts 4, 5, and 6 of these regulaitons, including those that do not meet the criteria for waste generation in paragraph (C) of this section or those that are not wastes as described in paragraph (D) of this section; and

(iii) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in Part 6 or if it exhibits one or more of the characteristics identified in Part 5.

(C) When a pesticide becomes a waste.

(i) A recalled pesticide described in paragraph (A)(i) of this section becomes a waste on the first date on which both of the following conditions apply:

(1) The generator of the recalled pesticide agrees to participate in the recall; and

(2) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

(3) An unused pesticide product described in paragraph (A)(ii) of this section becomes a waste on the date the generator decides to discard it.

(D) Pesticides that are not wastes. The following pesticides are not wastes:

(i) Recalled pesticides described in paragraph (A)(i) of this section, provided that the person conducting the recall:

(1) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under Part 4; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this part 9. This pesticide remains subject to the requirements of FIFRA; or

(2) Has made a decision to use a management option that, under Part 4, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this part 9. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

(ii) Unused pesticide products described in paragraph (A)(ii) of this section, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

9.1.4 Applicability—Mercury-containing equipment.

(A) Mercury-containing equipment covered under Part 9. The requirements of this part apply to persons managing mercury-containing equipment, as described in 9.1.7, except those listed in paragraph (B) of this section.

(B) Mercury-containing equipment not covered under Part 9. The requirements of this part do not apply to persons managing the following mercury-containing equipment:

(i) Mercury-containing equipment that is not yet a waste under Part 4 of these regulations. Paragraph (C) of this section describes when mercury-containing equipment becomes a waste;

(ii) Mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in Part 5 or is listed in Part 6; and

(iii) Equipment and devices from which the mercury-containing components have been removed.

(C) Generation of waste mercury-containing equipment.

(i) Used mercury-containing equipment becomes a waste on the date it is discarded.

(ii) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

9.1.5 Applicability—lamps.

(A) Lamps covered under Part 9. The requirements of this part apply to persons managing lamps as described in Part 9.1.7, except those listed in paragraph (B) of this section.

(B) Lamps not covered under Part 9. The requirements of this part do not apply to persons managing the following lamps:

(i) Lamps that are not yet wastes under Part 4 of these regulations as provided in paragraph (C) of this section.

(ii) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Part 5 of this chapter.

(C) Generation of waste lamps.

(i) A used lamp becomes a waste on the date it is discarded.

(ii) An unused lamp becomes a waste on the date the handler decides to discard it.

9.1.6 Applicability—household and conditionally exempt small quantity generator waste.

(A) Persons managing the wastes listed below may, at their option, manage them under the requirements of this part:

(i) Household wastes that are exempt under Part 4.4.1 of this chapter and are also of the same type as the universal wastes defined at Part 9.1.7; and/or

(ii) Conditionally exempt small quantity generator wastes that are exempt under Part 7.8 of these regulations and are also of the same type as the universal wastes defined at Part 9.1.7.

(B) Persons who commingle the wastes described in paragraphs (A)(i) and (A)(ii) of this section together with universal waste regulated under this part must manage the commingled waste under the requirements of this part.

9.1.7 Reserved.

## 9.2 STANDARDS FOR HANDLERS OF UNIVERSAL WASTE

9.2.1 Applicability.

This part applies to handlers of universal waste (as defined in Part 9.1.7).

9.2.2 Prohibitions.

A handler of universal waste is:

(A) Prohibited from disposing of universal waste; and

(B) Prohibited from diluting or treating universal waste, except by responding to releases as provided in 40 CFR 273.37; or by managing specific wastes as provided in Part 9.2.4.

9.2.3 Notification.

(A)(i) Except as provided in paragraphs (A) (ii) and (iii) of this section, a handler of universal waste must obtain an EPA Identification Number, prior to accumulating, storing or offering for transportation any quantity of universal wastes.

(ii) A handler of universal waste who has already notified EPA of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(iii) A handler of universal waste who manages recalled universal waste pesticides as described in Part 9.1.3(A)(i) and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides under this section.

(B) This notification must include:

(i) The universal waste handler's name and mailing address;

(ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(iii) The address or physical location of the universal waste management activities;

(iv) A list of all the types of universal waste managed by the handler (e.g. , batteries, pesticides, mercury-containing equipment, and lamps); and

(v) A statement indicating that the estimated maximum quantity the handler is accumulating of universal waste at one time.

9.2.4 Waste management.

(A) Universal waste batteries. A handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(1) Sorting batteries by type;
(2) Mixing battery types in one container;
(3) Discharging batteries so as to remove the electric charge;
(4) Regenerating used batteries;
(5) Disassembling batteries or battery packs into individual batteries or cells (see paragraph (iii) below);
(6) Removing batteries from consumer products; or
(7) Removing electrolyte from batteries.

(iii) A handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in Part 5.

(1) If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of parts of these regulations (e.g. Parts 1 through 8 and Part 11 through 16). The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to Part 7.

(ii) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(B) Universal waste pesticides. A handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

(i) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

(ii) A container that does not meet the requirements of paragraph (B)(i) of this section, provided that the unacceptable container is overpacked in a container that does meet the requirements of paragraph (B)(i) of this section; or

(iii) A tank that meets the requirements of 40 CFR part 265 subpart J, except for 40 CFR 265.197(c), 265.200, and 265.201; or

(iv) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(C) Mercury-containing equipment . A handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

(ii) A handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

(1) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;

(2) Removes the ampules only over or in a containment device ( e.g. , tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(3) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules from that containment device to a container that meets the requirements of Part 7.11;

(4) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of Part 7.7.3;

(5) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(6) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(7) Stores removed ampules in closed, non-leaking containers that are in good condition;

(8) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;

(iii) A handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(1) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

(2) Follows all requirements for removing ampules and managing removed ampules under paragraph (C)(ii) of this section; and

(iv) (1) A handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Part 5:

(a) Mercury or clean-up residues resulting from spills or leaks and/or

(b) Other solid waste generated as a result of the removal of mercury-containing ampules or housings ( e.g. , the remaining mercury-containing device).

(2) If the mercury, residues, and/or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with Part 7.

(3) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(D) Lamps. A handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and

must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

9.2.5 Labeling/marking.

A handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(A) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(B) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Part 9.1.3(A)(i) are contained must be labeled or marked clearly with:

(i) The label that was on or accompanied the product as sold or distributed; and

(ii) The words "Universal Waste—Pesticide(s)" or "Waste—Pesticide(s);"

(C) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in Part 9.1.3(A)(ii) are contained must be labeled or marked clearly with:

(i) (1) The label that was on the product when purchased, if still legible;

(2) If using the labels described in paragraph (C)(i)(1) of this section is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;

(3) If using the labels described in paragraphs (C)(i)(1) and (i)(2) of this section is not feasible, another label prescribed or designated by the pesticide collection program; and

(ii) The words "Universal Waste—Pesticide(s)" or "Waste—Pesticide(s)."

(D) (i) Mercury-containing equipment ( i.e. , each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste—Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste—Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".

9.2.6 Accumulation time limits.

(A) A handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (B) of this section are met.

(B) A handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(C) A handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

(iii) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;

(iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(D) No later than March 31 of each year, a handler of universal waste must submit to the DEQ an inventory of the quantity (kilograms or pounds) and type of universal waste in storage at the facility as of March of that same year. The inventory must also describe all universal waste transportation, treatment, and disposal activities during the previous year. The inventory must be submitted in writing to the Director of the DEQ. The owner and/or operator of the universal waste handling facility must sign the inventory stating that the inventory is true and accurate.

(E)(1) Unless authorized for universal waste treatment, storage or disposal activities in writing by EPA, all universal waste accumulated at the facility as reported in the inventory (see paragraph (D) above) must be transported from the facility.

(2) By June 30 of each calendar year, the universal waste handler shall submit to DEQ documentation (e.g. copy of the Uniform Hazardous Waste Manifest, bill of lading) demonstrating that the universal waste in inventory March of that year was appropriately treated or disposed.

9.2.7 Employee training.

A handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

9.2.8 Response to releases.

(A) A handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(B) A handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and is subject to Part 7.

9.2.9 Reserved

9.2.10 Tracking universal waste shipments.

(A) Receipt of shipments. A handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats);

(iii) The date of receipt of the shipment of universal waste.

(B) Shipments off-site. A handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(ii) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats);

(iii) The date the shipment of universal waste left the facility.

(C) Record retention.

(i) A handler of universal waste must retain the records described in paragraph (A) of this section for at least three years from the date of receipt of a shipment of universal waste.

(ii) A handler of universal waste must retain the records described in paragraph (B) of this section for at least three years from the date a shipment of universal waste left the facility.

## 9.3 STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

9.3.1 Applicability.

This subpart applies to universal waste transporters.

9.3.2 Prohibitions.

A universal waste transporter is:

(A) Prohibited from disposing of universal waste; and

(B) Prohibited from diluting or treating universal waste, except by responding to releases as provided in Part 9.3.5

9.3.3 Waste management.

(A) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in Part 7. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(B) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under Part 7, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste".

9.3.4 Storage time limits.

(A) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

(B) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of Part 9.2 of this part while storing the universal waste.

9.3.5 Response to releases.

(A) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

(B) A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of these regulations. If the waste is determined to be a hazardous waste, the transporter is subject to Part 7.

9.3.6 Off-site shipments.

(A) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(B) If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.

9.4 STANDARDS FOR DESTINATION FACILITIES

9.4.1 Applicability.

(A) The owner and/or operator of a destination facility is subject to all applicable requirements of 40 CFR Parts 264, 265, 266, 268, 270, and 124, and the notification requirement under section 3010 of RCRA.

(B) The owner and/or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with Part 9.2.3.

9.4.2 Off-site shipments.

(A) The owner and/or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(B) The owner and/or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner and/or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner and/or operator of the destination facility must:

(i) Send the shipment back to the original shipper, or

(ii) If agreed to by both the shipper and the owner and/or operator of the destination facility, send the shipment to another destination facility.

(C) If the owner and/or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner and/or operator of the destination facility must immediately notify the appropriate regional EPA office of the illegal shipment, and provide the name, address, and phone number of the shipper. The EPA regional office will provide instructions for managing the hazardous waste.

(D) If the owner and/or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner and/or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

9.4.3 Tracking universal waste shipments.

(A) The owner and/or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats);

(iii) The date of receipt of the shipment of universal waste.

(B) The owner and/or operator of a destination facility must retain the records described in paragraph (A) of this section for at least three years from the date of receipt of a shipment of universal waste.

9.5 IMPORT REQUIREMENTS

9.5.1 Imports. Persons managing universal waste that is imported from a foreign country into the CNMI are subject to the applicable requirements of this part, Part 3 and Part 11, immediately after the waste enters the United States, as indicated in paragraphs (A) through (C) of this section:

(A) A universal waste transporter is subject to the universal waste transporter requirements of subpart D of this part.

(B) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Part 9.2, as applicable.

(C) An owner and/or operator of a destination facility is subject to the destination facility requirements of Part 9.4 of this part.

9.6 PETITIONS TO INCLUDE OTHER WASTES UNDER PART 9

9.6.1 General.

(A) Any person seeking to add a hazardous waste or a category of hazardous waste to this part may petition for a regulatory amendment under this subpart to the Director of the DEQ.

(B) To be successful, the petitioner must demonstrate to the satisfaction of the Director that regulation under the universal waste regulations of Part 9 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program. The petition must include the information required by 40 CFR 260.20(b). The petition should also address as many of the factors listed in Part 9.6.2 as are appropriate for the waste or waste category addressed in the petition.

(C) The Director will evaluate petitions using the factors listed in Part 9.6.2. The Director will grant or deny a petition using the factors listed in Part 9.6.2. The decision will be based on the weight of evidence showing that regulation under Part 9 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.

9.6.2 Factors for petitions to include other wastes under Part 9.

(A) The waste or category of waste, as generated by a wide variety of generators, is listed in subpart Part 6, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Part 5. (When a characteristic waste is added to the universal waste regulations of this Part 9 by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in Part 1.4 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste

stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this Part 9;

(B) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(C) The waste or category of waste is generated by a large number of generators (e.g., more than 10) and is frequently generated in relatively small quantities by each generator;

(D) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(E) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste management requirements appropriate to be added to 40 CFR 273.13, 273.33, and 273.52; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(F) Regulation of the waste or category of waste under Part 9 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA.

(G) Regulation of the waste or category of waste under Part 9 will improve implementation of and compliance with the hazardous waste regulatory program; and/or

(H) Such other factors as may be appropriate.

PART 10 MILITARY MUNITIONS

10.1 APPLICABILITY

10.1.1 The regulations in this part identify when military munitions become a solid waste, and, if these wastes are also hazardous under this part or Part 4, the management standards that apply to these wastes.

10.1.2 Unless otherwise specified in this part, all applicable requirements in these regulations apply to waste military munitions.

10.2 RESERVED

10.3 DEFINITION OF SOLID WASTE.

10.3.1 A military munition is not a solid waste when:

(A) Used for its intended purpose, including:

(i) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions); or

(ii) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

(iii) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

(B) An unused munition, or component thereof, is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal as defined in Part 4.2.2(A), or burning for energy recovery as defined in Part 4.2.2(B).

(C) Found by a person and report to the CNMI Explosive Response Team or reported by calling 911 and provided all requested information. Such used or unused military munition is not a solid waste, and thus not hazardous wastes, until placed into secure storage by the CNMI Explosive Response Team.

10.3.2 An unused military munition is a solid waste when any of the following occurs:

(A) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in part 10.3.1 of this section), incinerated, or treated prior to disposal; or

(B) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, or incinerated, or treated prior to disposal, or

(C) The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

(D) The munition has been declared a solid waste by an authorized military official or a trained member of the CNMI Department of Public Safety's Explosive Response Team or their authorized representative(s).

10.3.3 A used or fired military munition is a solid waste:

(A) When transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

(B) If recovered, collected, and then disposed of by burial, or landfilling either on or off a range.

10.3.4 For purposes of RCRA section 1004(27), a used or fired military munition is a solid waste, and, therefore, is potentially subject to Federal RCRA corrective action authorities under sections 3004(u) and (v), and 3008(h), imminent and substantial endangerment authorities under section 7003, or DEQ enforcement authorities under Part 14 of these regulations or any other DEQ applicable authority, if the munition lands off-range and is not promptly rendered safe and/or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

10.4 STANDARDS APPLICABLE TO THE TRANSPORTATION OF SOLID WASTE MILITARY MUNITIONS.

10.4.1 Criteria for hazardous waste regulation of waste non-chemical military munitions in transportation.

(A) Waste military munitions that are being transported and that exhibit a hazardous waste characteristic or are listed as hazardous waste under Part 5 or Part 6, are listed or identified as a hazardous waste (and thus are subject to these regulations), unless all the following conditions are met:

(i) The waste military munitions are not chemical agents or chemical munitions;

(ii) The waste military munitions must be transported in accordance with the Department of Defense shipping controls applicable to the transport of military munitions;

(iii) The waste military munitions must be transported from a military owned or operated installation to a military owned or operated treatment, storage, or disposal facility; and

(iv) The transporter of the waste must provide oral notice to the Director within 24 hours from the time the transporter becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of part 10.4.1 (A) of this section that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within 5 days from the time the transporter becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of part 10.4.1 (A) of this section.

(B) If any waste military munitions shipped under part 10.4.1 (A) of this section are not received by the receiving facility within 45 days of the day the waste was

shipped, the owner and/or operator of the receiving facility must report this non-receipt to the Director within 5 days.

(C) The exemption in part 10.4.1 (A) of this section from regulation as hazardous waste shall apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment or disposal.

(D) The conditional exemption in part 10.4.1 (A) of this section applies only so long as all of the conditions in part 10.4.1 (A) of this section are met.

10.4.2 Reinstatement of exemption. If any waste military munition loses its exemption under part 10.4.1 (A) of this section, an application may be filed with the Director for reinstatement of the exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of part 10.4.1 (A) of this section. If the Director finds that reinstatement of the exemption is appropriate based on factors such as the transporter's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the Director may reinstate the exemption under part 10.4.1 (A) of this section. If the Director does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Director may terminate a conditional exemption reinstated by default in the preceding sentence if the Director finds that reinstatement is inappropriate based on factors such as the transporter's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the exemption under part 10.4.1 (A) of this section, the Director may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment.

10.4.3 Amendments to DOD shipping controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in part 10.4.1 (A)(ii) of this section are Government Bill of Lading (GBL) (GSA Standard Form 1109), requisition tracking form DD Form 1348, the Signature and Talley Record (DD Form 1907), Special Instructions for Motor Vehicle Drivers (DD Form 836), and the Motor Vehicle Inspection Report (DD Form 626) in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the Department of Defense shipping controls shall become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the shipping controls referenced in part 10.4.1 (A)(ii) of this section have been amended.

10.5 STANDARDS APPLICABLE TO EMERGENCY RESPONSES

Explosives and munitions emergencies involving military munitions or explosives are subject to 40 CFR 262.10(i), 263.10(e), 264.1(g)(8), 265.1(c)(11), and 270.1(c)(3), or alternatively to 40 CFR 270.61.

10.6 STANDARDS APPLICABLE TO THE STORAGE OF SOLID WASTE MILITARY MUNITIONS.

10.6.1 Criteria for hazardous waste regulation of waste non-chemical military munitions in storage.

(A) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under Part 5 or Part 6, are listed or identified as a hazardous waste (and thus are subject to these regulations), unless all the following conditions are met:

(i) The waste military munitions are not chemical agents or chemical munitions.

(ii) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB).

(iii) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions.

(iv) Within 90 days of August 12, 1997 or within 90 days of when a storage unit is first used to store waste military munitions, whichever is later, the owner and/or operator must notify the Director of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in part 10.6.1 (A) is claimed.

(v) The owner and/or operator must provide oral notice to the Director within 24 hours from the time the owner and/or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of part 10.6.1(A) that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within 5 days from the time the owner and/or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of part 10.6.1 (A) of this section.

(vi) The owner and/or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of part 10.6.1(A) of this section, and must maintain records of the findings of these inventories and inspections for at least three years.

(vii) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

(B) The conditional exemption in part 10.6.1 (A) of this section from regulation as hazardous waste shall apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

(C) The conditional exemption in part 10.6.1 (A) of this section applies only so long as all of the conditions in part 10.6.1 (A) of this section are met.

10.6.2 Notice of termination of waste storage. The owner and/or operator must notify the Director when a storage unit identified in part 10.6.1 (A)(iv) of this section will no longer be used to store waste military munitions.

10.6.3 Reinstatement of conditional exemption. If any waste military munition loses its conditional exemption under part 10.6.1 (A) of this section, an application may be filed with the Director for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of part 10.6.1 (A) of this section. If the Director finds that reinstatement of the conditional exemption is appropriate based on factors such as the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the Director may reinstate the conditional exemption under part 10.6.1 (A) of this section. If the Director does not take action on the reinstatement application within 60 days after receipt

of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Director may terminate a conditional exemption reinstated by default in the preceding sentence if he/she finds that reinstatement is inappropriate based on factors such as the owner's or operator's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the conditional exemption under part 10.6.1 (A) of this section, the Director may specify additional conditions as are necessary to ensure and document proper storage to protect human health and the environment.

10.6.4 Waste chemical munitions.

(A) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under Part 5 or Part 6, are listed or identified as a hazardous waste and shall be subject to the applicable regulatory requirements of these regulations.

(B) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under Part 5 or Part 6, are not subject to the storage prohibition in RCRA section 3004(j), codified at 40 CFR 268.50.

10.6.5 Amendments to DDESB storage standards. The DDESB storage standards applicable to waste military munitions, referenced in part 10.6.1 (A)(iii) of this section, are DOD 6055.9–STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the DDESB storage standards shall become effective for purposes of part 10.6.1 (A) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in part 10.6.1 (A) of this section have been amended.

10.7 STANDARDS APPLICABLE TO THE TREATMENT AND DISPOSAL OF SOLID WASTE MILITARY MUNITIONS. .

The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 40 CFR Parts 260 through 270.

PART 11 IMPORTS OF HAZARDOUS WASTE

11.1 APPLICABILITY - Any person who imports hazardous waste from a foreign country into the CNMI must comply with the requirements of this part and Part 3.

11.2 GENERAL REQUIREMENTS

11.2.1 When importing hazardous waste, a person must meet all the requirements of Part 7.7.1 for the manifest except that:

(A) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.

(B) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.

11.2.2 A person who imports hazardous waste may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g. states, waste handlers, and/or commercial forms printers).

11.2.3 In the International Shipments block, the importer must check the import box and enter the point of entry (city and State) into the United States.

11.2.4 The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with 40 CFR§264.71(a)(3) and §265.71(a)(3).

11.2.5 The importer must comply with the requirements for importer of hazardous materials in Part 3.

11.2.6 The importer must comply with the requirements for importers of universal waste in Part 9 if importing universal waste as defined by these regulations.

11.3 MANAGEMENT PLAN

The importer must provide DEQ with a written management plan on how and where the hazardous waste will be managed in the CNMI, including a detailed description of any treatment, storage or disposal of said hazardous waste. The plan must include copies of all Federal and CNMI permits and permit applications associated with the hazardous waste and any location where the waste will be managed. The plan must be submitted to DEQ at least thirty (30) days prior to the hazardous waste arriving in the CNMI. The plan must be approved in writing by the DEQ Director prior to the hazardous waste being released. Failure to comply with this requirement shall result in the detainment of the shipment, including all non-hazardous items that are part of the shipment, and shall be subject to the provisions of Part 3.9.

PART 12 RESERVED

PART 13 RESERVED

PART 14 INSPECTION AND ENFORCEMENT AUTHORITY AND PROCEDURES

14.1. Inspections: The Director of DEQ may enter and inspect a facility for the purpose of conducting inspections adequate to determine compliance with these regulations and the terms of a facilities hazardous waste management permit, in accordance with the Commonwealth Environmental Protection Act, 1982, 2 CMC §§ 3101 to 3134, as amended, hereinafter the "Act". The inspections may be conducted with or without advance notice, for good purpose at the discretion of Director of DEQ. DEQ shall conduct inspections at reasonable times, except in the event of an emergency. Failure to grant full access to the facility is a violation of these regulations and grounds for immediate termination of the permit.

14.1.1 The authority to inspect shall include the ability:

(A) To obtain any and all information, including any records and reports, from an owner and/or operator of the facility necessary to determine whether the owner and/or operator is in compliance with the regulations.

(B) To inspect any equipment and monitor for violations of the regulations.

(C) To observe any operations including the use or disposal of solid and hazardous waste.

(D) To collect samples, and conduct monitoring or testing to ensure that the owner and/or operator is in compliance with the CNMI and federal regulations, where sampling is required pursuant to a permit issued by DEQ, is done within the consent of the owner and/or operator, or otherwise permitted by law.

14.1.2 Each inspection shall be commence and completed with reasonable promptness. If DEQ analyzes any samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, and/or agent in charge.

14.1.3 Any records or reports of information obtained as a part of any inspection conducted under this Part shall be available to the public, unless the owner and/or operator can demonstrate to the satisfaction of the Director that such information should be considered confidential business information or a trade secret as defined by law.

14.2 The Director of DEQ is authorized to require remedies, assess penalties, or compel other mitigating measures as may be necessary to address significant adverse effects of violations or to protect the public health and welfare, in accordance with the Act, 2 CMC § 3131, as amended.

14.2.1 Enforcement and Remedies: The Director shall enforce the Act, these regulations, and an permit or order issued hereunder, pursuant to and in accordance with the authority in the Act, 2 CMC § 3131, as amended.

14.2.2 Civil Penalties: The Director may assess civil penalties to the maximum extent allowed by the Act, 2 CMC § 3131, as amended.

14.2.3 Criminal Penalties: Any person, who knowingly and willfully commits any act in violation of the Act, these regulations, or any permit issued there under, may be subject to criminal penalties as set forth in the Act, 2 CMC § 3131, as amended.

14.2.4 The Director may suspend, modify, or revoke any permit, license, registration or certification issued by DEQ for violation of the Act, the regulations or any permit or license issued pursuant to these regulations.

14.2.5 The Director may request that the Attorney General institute a civil action in the Commonwealth Superior Court for a temporary restraining order, injunction, penalties or any other remedy authorized by law to enforce any provision of the Act, regulations, administrative order, or permit granted pursuant to these regulations.

14.3 Reserved

PART 15 SEVERABILITY

Should any provision of these regulations or its application to any person or circumstance be declared unconstitutional or invalid by a court of competent jurisdiction, the remaining portion of the regulations and/or application of the affected provision to other persons or circumstance shall not be affected thereby.

PART 16 EFFECTIVE DATE

These regulations will take effect (ten) 10 calendar days after notice of adoption is published in the Commonwealth Register.

APPENDIX I – HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 40 CFR §§260.20 and 260.22 and listed in appendix IX to 40 CFR Part 261.

| Industry and EPA hazardous waste No. | Hazardous waste | Hazard code |
|---|---|---|
| Generic: | | |
| F001 | The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures | (T) |
| F002 | The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures | (T) |
| F003 | The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures | (I)* |
| F004 | The following spent non-halogenated solvents: Cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures | (T) |
| F005 | The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures | (I,T) |
| F006 | Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of | (T) |

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| | aluminum | |
| F007 | Spent cyanide plating bath solutions from electroplating operations | (R, T) |
| F008 | Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process | (R, T) |
| F009 | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process | (R, T) |
| F010 | Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process | (R, T) |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations | (R, T) |
| F012 | Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process | (T) |
| F019 | Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process | (T) |
| F020 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.) | (H) |
| F021 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives | (H) |
| F022 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions | (H) |
| F023 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.) | (H) |
| F024 | Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in §261.31 or §261.32.) | (T) |
| F025 | Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical | (T) |

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| | catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution | |
| F026 | Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions | (H) |
| F027 | Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene sythesized from prepurified 2,4,5-trichlorophenol as the sole component.) | (H) |
| F028 | Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 | (T) |
| F032 | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with §261.35 of this chapter or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol | (T) |
| F034 | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol | (T) |
| F035 | Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol | (T) |
| F037 | Petroleum refinery primary oil/water/solids separation sludge—Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oil cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as | (T) |

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| | defined in §261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under §261.4(a)(12)(i), if those residuals are to be disposed of. | |
| F038 | Petroleum refinery secondary (emulsified) oil/water/solids separation sludge—Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing | (T) |
| F039 | Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart D of this part. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.) | (T) |

*(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.

(b) Listing Specific Definitions: (1) For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.(2) (i) For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and (A) the units employ a minimum of 6 hp per million gallons of treatment volume; and either (B) the hydraulic retention time of the unit is no longer than 5 days; or (C) the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the Toxicity Characteristic.

(ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other onsite records, documents and data sufficient to prove that: (A) the unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually generated in the aggressive biological treatment unit.

(3) (i) For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

(ii) For the purposes of the F038 listing, (A) sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and (B) floats are considered to be generated at the moment they are formed in the top of the unit.

APPENDIX II – HAZARDOUS WASTES FROM SPECIFIC SOURCES

a)The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 40 CFR §§260.20 and 260.22 and listed in appendix IX to 40 CFR Part 261.

| Industry and EPA hazardous waste No. | Hazardous waste | Hazard code |
|---|---|---|
| Wood preservation: K001 | Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol | (T) |
| Inorganic pigments: | | |
| K002 | Wastewater treatment sludge from the production of chrome yellow and orange pigments | (T) |
| K003 | Wastewater treatment sludge from the production of molybdate orange pigments | (T) |
| K004 | Wastewater treatment sludge from the production of zinc yellow pigments | (T) |
| K005 | Wastewater treatment sludge from the production of chrome green pigments | (T) |
| K006 | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated) | (T) |
| K007 | Wastewater treatment sludge from the production of iron blue pigments | (T) |
| K008 | Oven residue from the production of chrome oxide green pigments | (T) |
| Organic chemicals: | | |
| K009 | Distillation bottoms from the production of acetaldehyde from ethylene | (T) |
| K010 | Distillation side cuts from the production of acetaldehyde from ethylene | (T) |
| K011 | Bottom stream from the wastewater stripper in the production of acrylonitrile | (R, T) |
| K013 | Bottom stream from the acetonitrile column in the production of acrylonitrile | (R, T) |
| K014 | Bottoms from the acetonitrile purification column in the production of acrylonitrile | (T) |
| K015 | Still bottoms from the distillation of benzyl chloride | (T) |
| K016 | Heavy ends or distillation residues from the production of carbon tetrachloride | (T) |
| K017 | Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin | (T) |
| K018 | Heavy ends from the fractionation column in ethyl chloride production | (T) |
| K019 | Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production | (T) |
| K020 | Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production | (T) |
| K021 | Aqueous spent antimony catalyst waste from fluoromethanes production | (T) |

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| K022 | Distillation bottom tars from the production of phenol/acetone from cumene | (T) |
| K023 | Distillation light ends from the production of phthalic anhydride from naphthalene | (T) |
| K024 | Distillation bottoms from the production of phthalic anhydride from naphthalene | (T) |
| K025 | Distillation bottoms from the production of nitrobenzene by the nitration of benzene | (T) |
| K026 | Stripping still tails from the production of methy ethyl pyridines | (T) |
| K027 | Centrifuge and distillation residues from toluene diisocyanate production | (R, T) |
| K028 | Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane | (T) |
| K029 | Waste from the product steam stripper in the production of 1,1,1-trichloroethane | (T) |
| K030 | Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene | (T) |
| K083 | Distillation bottoms from aniline production | (T) |
| K085 | Distillation or fractionation column bottoms from the production of chlorobenzenes | (T) |
| K093 | Distillation light ends from the production of phthalic anhydride from ortho-xylene | (T) |
| K094 | Distillation bottoms from the production of phthalic anhydride from ortho-xylene | (T) |
| K095 | Distillation bottoms from the production of 1,1,1-trichloroethane | (T) |
| K096 | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane | (T) |
| K103 | Process residues from aniline extraction from the production of aniline | (T) |
| K104 | Combined wastewater streams generated from nitrobenzene/aniline production | (T) |
| K105 | Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes | (T) |
| K107 | Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines | (C,T) |
| K108 | Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides | (I,T) |
| K109 | Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides | (T) |
| K110 | Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides | (T) |
| K111 | Product washwaters from the production of dinitrotoluene via nitration of toluene | (C,T) |

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| K112 | Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene | (T) |
| K113 | Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene | (T) |
| K114 | Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene | (T) |
| K115 | Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene | (T) |
| K116 | Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine | (T) |
| K117 | Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene | (T) |
| K118 | Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene | (T) |
| K136 | Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene | (T) |
| K149 | Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups, (This waste does not include still bottoms from the distillation of benzyl chloride.) | (T) |
| K150 | Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups | (T) |
| K151 | Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups | (T) |
| K156 | Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) | (T) |
| K157 | Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) | (T) |
| K158 | Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) | (T) |
| K159 | Organics from the treatment of thiocarbamate wastes | (T) |
| K161 | Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate | (R,T) |

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| | acids and their salts. (This listing does not include K125 or K126.) | |
| K174 | Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (i) they are disposed of in a subtitle C or non-hazardous landfill licensed or permitted by the state or federal government; (ii) they are not otherwise placed on the land prior to final disposal; and (iii) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Respondents in any action brought to enforce the requirements of subtitle C must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met | (T) |
| K175 | Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process | (T) |
| K181 | Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of this section that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are: (i) disposed in a Subtitle D landfill unit subject to the design criteria in §258.40, (ii) disposed in a Subtitle C landfill unit subject to either §264.301 or §265.301, (iii) disposed in other Subtitle D landfill units that meet the design criteria in §258.40, §264.301, or §265.301, or (iv) treated in a combustion unit that is permitted under Subtitle C, or an onsite combustion unit that is permitted under the Clean Air Act. For the purposes of this listing, dyes and/or pigments production is defined in paragraph (b)(1) of this section. Paragraph (d) of this section describes the process for demonstrating that a facility's nonwastewaters are not K181. This listing does not apply to wastes that are otherwise identified as hazardous under §§261.21–261.24 and 261.31–261.33 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met | (T) |
| Inorganic chemicals: | | |
| K071 | Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used | (T) |
| K073 | Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production | (T) |
| K106 | Wastewater treatment sludge from the mercury cell process in chlorine production | (T) |

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| K176 | Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide) | (E) |
| K177 | Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide) | (T) |
| K178 | Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process | (T) |
| Pesticides: | | |
| K031 | By-product salts generated in the production of MSMA and cacodylic acid | (T) |
| K032 | Wastewater treatment sludge from the production of chlordane | (T) |
| K033 | Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane | (T) |
| K034 | Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane | (T) |
| K035 | Wastewater treatment sludges generated in the production of creosote | (T) |
| K036 | Still bottoms from toluene reclamation distillation in the production of disulfoton | (T) |
| K037 | Wastewater treatment sludges from the production of disulfoton | (T) |
| K038 | Wastewater from the washing and stripping of phorate production | (T) |
| K039 | Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate | (T) |
| K040 | Wastewater treatment sludge from the production of phorate | (T) |
| K041 | Wastewater treatment sludge from the production of toxaphene | (T) |
| K042 | Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T | (T) |
| K043 | 2,6-Dichlorophenol waste from the production of 2,4-D | (T) |
| K097 | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane | (T) |
| K098 | Untreated process wastewater from the production of toxaphene | (T) |
| K099 | Untreated wastewater from the production of 2,4-D | (T) |
| K123 | Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salt | (T) |
| K124 | Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts | (C, T) |
| K125 | Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts | (T) |
| K126 | Baghouse dust and floor sweepings in milling and packaging operations from the | (T) |

| | | |
|---|---|---|
| | production or formulation of ethylenebisdithiocarbamic acid and its salts | |
| K131 | Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide | (C, T) |
| K132 | Spent absorbent and wastewater separator solids from the production of methyl bromide | (T) |
| Explosives: | | |
| K044 | Wastewater treatment sludges from the manufacturing and processing of explosives | (R) |
| K045 | Spent carbon from the treatment of wastewater containing explosives | (R) |
| K046 | Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds | (T) |
| K047 | Pink/red water from TNT operations | (R) |
| Petroleum refining: | | |
| K048 | Dissolved air flotation (DAF) float from the petroleum refining industry | (T) |
| K049 | Slop oil emulsion solids from the petroleum refining industry | (T) |
| K050 | Heat exchanger bundle cleaning sludge from the petroleum refining industry | (T) |
| K051 | API separator sludge from the petroleum refining industry | (T) |
| K052 | Tank bottoms (leaded) from the petroleum refining industry | (T) |
| K169 | Crude oil storage tank sediment from petroleum refining operations | (T) |
| K170 | Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations | (T) |
| K171 | Spent Hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media) | (I,T) |
| K172 | Spent Hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media) | (I,T) |
| Iron and steel: | | |
| K061 | Emission control dust/sludge from the primary production of steel in electric furnaces | (T) |
| K062 | Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) | (C,T) |
| Primary copper: | | |
| Primary lead: | | |
| Primary zinc: | | |
| Primary aluminum: | | |

| | | |
|---|---|---|
| K088 | Spent potliners from primary aluminum reduction | (T) |
| Ferroalloys: | | |
| Secondary lead: | | |
| K069 | Emission control dust/sludge from secondary lead smelting. (Note: This listing is stayed administratively for sludge generated from secondary acid scrubber systems. The stay will remain in effect until further administrative action is taken. If EPA takes further action effecting this stay, EPA will publish a notice of the action in the**Federal Register**) | (T) |
| K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting | (T) |
| Veterinary pharmaceuticals: | | |
| K084 | Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds | (T) |
| K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds | (T) |
| K102 | Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds | (T) |
| Ink formulation: | | |
| K086 | Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead | (T) |
| Coking: | | |
| K060 | Ammonia still lime sludge from coking operations | (T) |
| K087 | Decanter tank tar sludge from coking operations | (T) |
| K141 | Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations) | (T) |
| K142 | Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal | (T) |
| K143 | Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal | (T) |
| K144 | Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal | (T) |
| K145 | Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal | (T) |

| | | |
|---|---|---|
| K147 | Tar storage tank residues from coal tar refining | (T) |
| K148 | Residues from coal tar distillation, including but not limited to, still bottoms | (T) |

(b) *Listing Specific Definitions:* (1) For the purposes of the K181 listing, dyes and/or pigments production is defined to include manufacture of the following product classes: dyes, pigments, or FDA certified colors that are classified as azo, triarylmethane, perylene or anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes and/or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes and/or pigments, are not included in the K181 listing.

(c) *K181 Listing Levels.* Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 listing, unless the conditions in the K181 listing are met.

| Constituent | Chemical abstracts No. | Mass levels (kg/yr) |
|---|---|---|
| Aniline | 62–53–3 | 9,300 |
| o-Anisidine | 90–04–0 | 110 |
| 4-Chloroaniline | 106–47–8 | 4,800 |
| p-Cresidine | 120–71–8 | 660 |
| 2,4-Dimethylaniline | 95–68–1 | 100 |
| 1,2-Phenylenediamine | 95–54–5 | 710 |
| 1,3-Phenylenediamine | 108–45–2 | 1,200 |

(d) *Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181.* The procedures described in paragraphs (d)(1)–(d)(3) and (d)(5) of this section establish when nonwastewaters from the production of dyes/pigments would not be hazardous (these procedures apply to wastes that are not disposed in landfill units or treated in combustion units as specified in paragraph (a) of this section). If the nonwastewaters are disposed in landfill units or treated in combustion units as described in paragraph (a) of this section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator must maintain documentation as described in paragraph (d)(4) of this section.

(1) *Determination based on no K181 constituents.* Generators that have knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed) that their wastes contain none of the K181 constituents ( see paragraph (c) of this section) can use their knowledge to determine that their waste is not K181. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

(2) *Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of paragraph (c) of this section. To make this determination, the generator must:

(i) Each year document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 metric tons.

(ii) Track the actual quantity of nonwastewaters generated from January 1 through December 31 of each year. If, at any time within the year, the actual waste quantity exceeds 1,000 metric tons, the generator must comply with the requirements of paragraph (d)(3) of this section for the remainder of the year.

(iii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(iv) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The quantity of dyes and/or pigment nonwastewaters generated.

(B) The relevant process information used.

(C) The calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

(3) *Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is greater than 1,000 metric tons, the generator must perform all of the steps described in paragraphs ((d)(3)(i)–(d)(3)(xi) of this section) in order to make a determination that its waste is not K181.

(i) Determine which K181 constituents (see paragraph (c) of this section) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed).

(ii) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge, the generator must comply with the procedures for using knowledge described in paragraph (d)(2) of this section and keep the records described in paragraph (d)(2)(iv) of this section. For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described below in this section.

(iii) Develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:

(A) A discussion of the number of samples needed to characterize the wastes fully;

(B) The planned sample collection method to obtain representative waste samples;

(C) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes.

(D) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods.

(iv) Collect and analyze samples in accordance with the waste sampling and analysis plan.

(A) The sampling and analysis must be unbiased, precise, and representative of the wastes.

(B) The analytical measurements must be sufficiently sensitive, accurate and precise to support any claim that the constituent mass loadings are below the listing levels of paragraph (c) of this section.

(v) Record the analytical results.

(vi) Record the waste quantity represented by the sampling and analysis results.

(vii) Calculate constituent-specific mass loadings (product of concentrations and waste quantity).

(viii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(ix) Determine whether the mass of any of the K181 constituents listed in paragraph (c) of this section generated between January 1 and December 31 of any year is below the K181 listing levels.

(x) Keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The sampling and analysis plan.

(B) The sampling and analysis results (including QA/QC data)

(C) The quantity of dyes and/or pigment nonwastewaters generated.

(D) The calculations performed to determine annual mass loadings.

(xi) Nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous.

(A) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are nonhazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.

(B) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.

(C) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination. If testing is reinstated, a description of the process change must be retained.

(4) *Recordkeeping for the landfill disposal and combustion exemptions.* For the purposes of meeting the landfill disposal and combustion condition set out in the K181 listing description, the generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design standards set out in the listing description, or was treated in combustion units as specified in the listing description.

(5) *Waste holding and handling.* During the interim period, from the point of generation to completion of the hazardous waste determination, the generator is responsible for storing the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the subtitle C requirements during the interim period, the generator could be subject to an enforcement action for improper management.

# APPENDIX III – ACUTELY HAZARDOUS DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in §261.2(a)(2)(i), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

(a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section.

(b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

(c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in §261.7(b) of this chapter.

[ *Comment:* Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.]

(d) 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 commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, or 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 off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

[ *Comment:* The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . ." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraph (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraph (e) or (f), such waste will be listed in either §261.31 or §261.32 or will be identified as a hazardous waste by the characteristics set forth in subpart C of this part.]

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in §261.5(e).

[ *Comment:* For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.]

These wastes and their corresponding EPA Hazardous Waste Numbers are:

| Hazardous waste No. | Chemical abstracts No. | Substance |
|---|---|---|
| P023 | 107–20–0 | Acetaldehyde, chloro- |
| P002 | 591–08–2 | Acetamide, N-(aminothioxomethyl)- |
| P057 | 640–19–7 | Acetamide, 2-fluoro- |
| P058 | 62–74–8 | Acetic acid, fluoro-, sodium salt |
| P002 | 591–08–2 | 1-Acetyl-2-thiourea |
| P003 | 107–02–8 | Acrolein |
| P070 | 116–06–3 | Aldicarb |
| P203 | 1646–88–4 | Aldicarb sulfone. |
| P004 | 309–00–2 | Aldrin |
| P005 | 107–18–6 | Allyl alcohol |

| | | |
|---|---|---|
| P006 | 20859–73–8 | Aluminum phosphide (R,T) |
| P007 | 2763–96–4 | 5-(Aminomethyl)-3-isoxazolol |
| P008 | 504–24–5 | 4-Aminopyridine |
| P009 | 131–74–8 | Ammonium picrate (R) |
| P119 | 7803–55–6 | Ammonium vanadate |
| P099 | 506–61–6 | Argentate(1-), bis(cyano-C)-, potassium |
| P010 | 7778–39–4 | Arsenic acid $H_3AsO_4$ |
| P012 | 1327–53–3 | Arsenic oxide $As_2O_3$ |
| P011 | 1303–28–2 | Arsenic oxide $As_2O_5$ |
| P011 | 1303–28–2 | Arsenic pentoxide |
| P012 | 1327–53–3 | Arsenic trioxide |
| P038 | 692–42–2 | Arsine, diethyl- |
| P036 | 696–28–6 | Arsonous dichloride, phenyl- |
| P054 | 151–56–4 | Aziridine |
| P067 | 75–55–8 | Aziridine, 2-methyl- |
| P013 | 542–62–1 | Barium cyanide |
| P024 | 106–47–8 | Benzenamine, 4-chloro- |
| P077 | 100–01–6 | Benzenamine, 4-nitro- |
| P028 | 100–44–7 | Benzene, (chloromethyl)- |
| P042 | 51–43–4 | 1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)- |
| P046 | 122–09–8 | Benzeneethanamine, alpha,alpha-dimethyl- |
| P014 | 108–98–5 | Benzenethiol |
| P127 | 1563–66–2 | 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate. |
| P188 | 57–64–7 | Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1). |
| P001 | [1]81–81–2 | 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3% |
| P028 | 100–44–7 | Benzyl chloride |
| P015 | 7440–41–7 | Beryllium powder |
| P017 | 598–31–2 | Bromoacetone |
| P018 | 357–57–3 | Brucine |
| P045 | 39196–18–4 | 2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime |
| P021 | 592–01–8 | Calcium cyanide |

| | | |
|---|---|---|
| P021 | 592–01–8 | Calcium cyanide $Ca(CN)_2$ |
| P189 | 55285–14–8 | Carbamic acid, [(dibutylamino)- thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester. |
| P191 | 644–64–4 | Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]- 5-methyl-1H- pyrazol-3-yl ester. |
| P192 | 119–38–0 | Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H- pyrazol-5-yl ester. |
| P190 | 1129–41–5 | Carbamic acid, methyl-, 3-methylphenyl ester. |
| P127 | 1563–66–2 | Carbofuran. |
| P022 | 75–15–0 | Carbon disulfide |
| P095 | 75–44–5 | Carbonic dichloride |
| P189 | 55285–14–8 | Carbosulfan. |
| P023 | 107–20–0 | Chloroacetaldehyde |
| P024 | 106–47–8 | p-Chloroaniline |
| P026 | 5344–82–1 | 1-(o-Chlorophenyl)thiourea |
| P027 | 542–76–7 | 3-Chloropropionitrile |
| P029 | 544–92–3 | Copper cyanide |
| P029 | 544–92–3 | Copper cyanide Cu(CN) |
| P202 | 64–00–6 | m-Cumenyl methylcarbamate. |
| P030 | | Cyanides (soluble cyanide salts), not otherwise specified |
| P031 | 460–19–5 | Cyanogen |
| P033 | 506–77–4 | Cyanogen chloride |
| P033 | 506–77–4 | Cyanogen chloride (CN)Cl |
| P034 | 131–89–5 | 2-Cyclohexyl-4,6-dinitrophenol |
| P016 | 542–88–1 | Dichloromethyl ether |
| P036 | 696–28–6 | Dichlorophenylarsine |
| P037 | 60–57–1 | Dieldrin |
| P038 | 692–42–2 | Diethylarsine |
| P041 | 311–45–5 | Diethyl-p-nitrophenyl phosphate |
| P040 | 297–97–2 | O,O-Diethyl O-pyrazinyl phosphorothioate |
| P043 | 55–91–4 | Diisopropylfluorophosphate (DFP) |
| P004 | 309–00–2 | 1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa- chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)- |
| P060 | 465–73–6 | 1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa- chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)- |

| | | |
|---|---|---|
| P037 | 60–57–1 | 2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)- |
| P051 | [1]72–20–8 | 2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-, & metabolites |
| P044 | 60–51–5 | Dimethoate |
| P046 | 122–09–8 | alpha,alpha-Dimethylphenethylamine |
| P191 | 644–64–4 | Dimetilan. |
| P047 | [1]534–52–1 | 4,6-Dinitro-o-cresol, & salts |
| P048 | 51–28–5 | 2,4-Dinitrophenol |
| P020 | 88–85–7 | Dinoseb |
| P085 | 152–16–9 | Diphosphoramide, octamethyl- |
| P111 | 107–49–3 | Diphosphoric acid, tetraethyl ester |
| P039 | 298–04–4 | Disulfoton |
| P049 | 541–53–7 | Dithiobiuret |
| P185 | 26419–73–8 | 1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime. |
| P050 | 115–29–7 | Endosulfan |
| P088 | 145–73–3 | Endothall |
| P051 | 72–20–8 | Endrin |
| P051 | 72–20–8 | Endrin, & metabolites |
| P042 | 51–43–4 | Epinephrine |
| P031 | 460–19–5 | Ethanedinitrile |
| P194 | 23135–22–0 | Ethanimidothioic acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester. |
| P066 | 16752–77–5 | Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-, methyl ester |
| P101 | 107–12–0 | Ethyl cyanide |
| P054 | 151–56–4 | Ethyleneimine |
| P097 | 52–85–7 | Famphur |
| P056 | 7782–41–4 | Fluorine |
| P057 | 640–19–7 | Fluoroacetamide |
| P058 | 62–74–8 | Fluoroacetic acid, sodium salt |
| P198 | 23422–53–9 | Formetanate hydrochloride. |

| | | |
|---|---|---|
| P197 | 17702–57–7 | Formparanate. |
| P065 | 628–86–4 | Fulminic acid, mercury(2+) salt (R,T) |
| P059 | 76–44–8 | Heptachlor |
| P062 | 757–58–4 | Hexaethyl tetraphosphate |
| P116 | 79–19–6 | Hydrazinecarbothioamide |
| P068 | 60–34–4 | Hydrazine, methyl- |
| P063 | 74–90–8 | Hydrocyanic acid |
| P063 | 74–90–8 | Hydrogen cyanide |
| P096 | 7803–51–2 | Hydrogen phosphide |
| P060 | 465–73–6 | Isodrin |
| P192 | 119–38–0 | Isolan. |
| P202 | 64–00–6 | 3-Isopropylphenyl N-methylcarbamate. |
| P007 | 2763–96–4 | 3(2H)-Isoxazolone, 5-(aminomethyl)- |
| P196 | 15339–36–3 | Manganese, bis(dimethylcarbamodithioato-S,S′)-, |
| P196 | 15339–36–3 | Manganese dimethyldithiocarbamate. |
| P092 | 62–38–4 | Mercury, (acetato-O)phenyl- |
| P065 | 628–86–4 | Mercury fulminate (R,T) |
| P082 | 62–75–9 | Methanamine, N-methyl-N-nitroso- |
| P064 | 624–83–9 | Methane, isocyanato- |
| P016 | 542–88–1 | Methane, oxybis[chloro- |
| P112 | 509–14–8 | Methane, tetranitro- (R) |
| P118 | 75–70–7 | Methanethiol, trichloro- |
| P198 | 23422–53–9 | Methanimidamide, N,N-dimethyl-N′-[3-[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride. |
| P197 | 17702–57–7 | Methanimidamide, N,N-dimethyl-N′-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]- |
| P050 | 115–29–7 | 6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide |
| P059 | 76–44–8 | 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro- |
| P199 | 2032–65–7 | Methiocarb. |
| P066 | 16752–77–5 | Methomyl |
| P068 | 60–34–4 | Methyl hydrazine |
| P064 | 624–83–9 | Methyl isocyanate |

| | | |
|---|---|---|
| P069 | 75–86–5 | 2-Methyllactonitrile |
| P071 | 298–00–0 | Methyl parathion |
| P190 | 1129–41–5 | Metolcarb. |
| P128 | 315–8–4 | Mexacarbate. |
| P072 | 86–88–4 | alpha-Naphthylthiourea |
| P073 | 13463–39–3 | Nickel carbonyl |
| P073 | 13463–39–3 | Nickel carbonyl $Ni(CO)_4$, (T-4)- |
| P074 | 557–19–7 | Nickel cyanide |
| P074 | 557–19–7 | Nickel cyanide $Ni(CN)_2$ |
| P075 | [1]54–11–5 | Nicotine, & salts |
| P076 | 10102–43–9 | Nitric oxide |
| P077 | 100–01–6 | p-Nitroaniline |
| P078 | 10102–44–0 | Nitrogen dioxide |
| P076 | 10102–43–9 | Nitrogen oxide NO |
| P078 | 10102–44–0 | Nitrogen oxide $NO_2$ |
| P081 | 55–63–0 | Nitroglycerine (R) |
| P082 | 62–75–9 | N-Nitrosodimethylamine |
| P084 | 4549–40–0 | N-Nitrosomethylvinylamine |
| P085 | 152–16–9 | Octamethylpyrophosphoramide |
| P087 | 20816–12–0 | Osmium oxide $OsO_4$, (T-4)- |
| P087 | 20816–12–0 | Osmium tetroxide |
| P088 | 145–73–3 | 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid |
| P194 | 23135–22–0 | Oxamyl. |
| P089 | 56–38–2 | Parathion |
| P034 | 131–89–5 | Phenol, 2-cyclohexyl-4,6-dinitro- |
| P048 | 51–28–5 | Phenol, 2,4-dinitro- |
| P047 | [1]534–52–1 | Phenol, 2-methyl-4,6-dinitro-, & salts |
| P020 | 88–85–7 | Phenol, 2-(1-methylpropyl)-4,6-dinitro- |
| P009 | 131–74–8 | Phenol, 2,4,6-trinitro-, ammonium salt (R) |
| P128 | 315–18–4 | Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester). |
| P199 | 2032–65–7 | Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate |
| P202 | 64–00–6 | Phenol, 3-(1-methylethyl)-, methyl carbamate. |
| P201 | 2631–37–0 | Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate. |

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| P092 | 62–38–4 | Phenylmercury acetate |
| P093 | 103–85–5 | Phenylthiourea |
| P094 | 298–02–2 | Phorate |
| P095 | 75–44–5 | Phosgene |
| P096 | 7803–51–2 | Phosphine |
| P041 | 311–45–5 | Phosphoric acid, diethyl 4-nitrophenyl ester |
| P039 | 298–04–4 | Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester |
| P094 | 298–02–2 | Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester |
| P044 | 60–51–5 | Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester |
| P043 | 55–91–4 | Phosphorofluoridic acid, bis(1-methylethyl) ester |
| P089 | 56–38–2 | Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester |
| P040 | 297–97–2 | Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester |
| P097 | 52–85–7 | Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester |
| P071 | 298–00–0 | Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester |
| P204 | 57–47–6 | Physostigmine. |
| P188 | 57–64–7 | Physostigmine salicylate. |
| P110 | 78–00–2 | Plumbane, tetraethyl- |
| P098 | 151–50–8 | Potassium cyanide |
| P098 | 151–50–8 | Potassium cyanide K(CN) |
| P099 | 506–61–6 | Potassium silver cyanide |
| P201 | 2631–37–0 | Promecarb |
| P070 | 116–06–3 | Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime |
| P203 | 1646–88–4 | Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime. |
| P101 | 107–12–0 | Propanenitrile |
| P027 | 542–76–7 | Propanenitrile, 3-chloro- |
| P069 | 75–86–5 | Propanenitrile, 2-hydroxy-2-methyl- |
| P081 | 55–63–0 | 1,2,3-Propanetriol, trinitrate (R) |
| P017 | 598–31–2 | 2-Propanone, 1-bromo- |
| P102 | 107–19–7 | Propargyl alcohol |
| P003 | 107–02–8 | 2-Propenal |

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| P005 | 107–18–6 | 2-Propen-1-ol |
| P067 | 75–55–8 | 1,2-Propylenimine |
| P102 | 107–19–7 | 2-Propyn-1-ol |
| P008 | 504–24–5 | 4-Pyridinamine |
| P075 | [1]54–11–5 | Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts |
| P204 | 57–47–6 | Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-. |
| P114 | 12039–52–0 | Selenious acid, dithallium(1+) salt |
| P103 | 630–10–4 | Selenourea |
| P104 | 506–64–9 | Silver cyanide |
| P104 | 506–64–9 | Silver cyanide Ag(CN) |
| P105 | 26628–22–8 | Sodium azide |
| P106 | 143–33–9 | Sodium cyanide |
| P106 | 143–33–9 | Sodium cyanide Na(CN) |
| P108 | [1]57–24–9 | Strychnidin-10-one, & salts |
| P018 | 357–57–3 | Strychnidin-10-one, 2,3-dimethoxy- |
| P108 | [1]57–24–9 | Strychnine, & salts |
| P115 | 7446–18–6 | Sulfuric acid, dithallium(1+) salt |
| P109 | 3689–24–5 | Tetraethyldithiopyrophosphate |
| P110 | 78–00–2 | Tetraethyl lead |
| P111 | 107–49–3 | Tetraethyl pyrophosphate |
| P112 | 509–14–8 | Tetranitromethane (R) |
| P062 | 757–58–4 | Tetraphosphoric acid, hexaethyl ester |
| P113 | 1314–32–5 | Thallic oxide |
| P113 | 1314–32–5 | Thallium oxide $Tl_2O_3$ |
| P114 | 12039–52–0 | Thallium(I) selenite |
| P115 | 7446–18–6 | Thallium(I) sulfate |
| P109 | 3689–24–5 | Thiodiphosphoric acid, tetraethyl ester |
| P045 | 39196–18–4 | Thiofanox |
| P049 | 541–53–7 | Thioimidodicarbonic diamide $[(H_2N)C(S)]_2NH$ |
| P014 | 108–98–5 | Thiophenol |
| P116 | 79–19–6 | Thiosemicarbazide |
| P026 | 5344–82–1 | Thiourea, (2-chlorophenyl)- |

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| P072 | 86–88–4 | Thiourea, 1-naphthalenyl- |
| P093 | 103–85–5 | Thiourea, phenyl- |
| P185 | 26419–73–8 | Tirpate. |
| P123 | 8001–35–2 | Toxaphene |
| P118 | 75–70–7 | Trichloromethanethiol |
| P119 | 7803–55–6 | Vanadic acid, ammonium salt |
| P120 | 1314–62–1 | Vanadium oxide $V_2O_5$ |
| P120 | 1314–62–1 | Vanadium pentoxide |
| P084 | 4549–40–0 | Vinylamine, N-methyl-N-nitroso- |
| P001 | [1]81–81–2 | Warfarin, & salts, when present at concentrations greater than 0.3% |
| P205 | 137–30–4 | Zinc, bis(dimethylcarbamodithioato-S,S')-, |
| P121 | 557–21–1 | Zinc cyanide |
| P121 | 557–21–1 | Zinc cyanide $Zn(CN)_2$ |
| P122 | 1314–84–7 | Zinc phosphide $Zn_3P_2$, when present at concentrations greater than 10% (R,T) |
| P205 | 137–30–4 | Ziram. |
| P001 | [1]81–81–2 | 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3% |
| P001 | [1]81–81–2 | Warfarin, & salts, when present at concentrations greater than 0.3% |
| P002 | 591–08–2 | Acetamide, -(aminothioxomethyl)- |
| P002 | 591–08–2 | 1-Acetyl-2-thiourea |
| P003 | 107–02–8 | Acrolein |
| P003 | 107–02–8 | 2-Propenal |
| P004 | 309–00–2 | Aldrin |
| P004 | 309–00–2 | 1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)- |
| P005 | 107–18–6 | Allyl alcohol |
| P005 | 107–18–6 | 2-Propen-1-ol |
| P006 | 20859–73–8 | Aluminum phosphide (R,T) |
| P007 | 2763–96–4 | 5-(Aminomethyl)-3-isoxazolol |
| P007 | 2763–96–4 | 3(2H)-Isoxazolone, 5-(aminomethyl)- |
| P008 | 504–24–5 | 4-Aminopyridine |
| P008 | 504–24–5 | 4-Pyridinamine |
| P009 | 131–74–8 | Ammonium picrate (R) |

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| P009 | 131–74–8 | Phenol, 2,4,6-trinitro-, ammonium salt (R) |
| P010 | 7778–39–4 | Arsenic acid $H_3AsO_4$ |
| P011 | 1303–28–2 | Arsenic oxide $As_2O_5$ |
| P011 | 1303–28–2 | Arsenic pentoxide |
| P012 | 1327–53–3 | Arsenic oxide $As_2O_3$ |
| P012 | 1327–53–3 | Arsenic trioxide |
| P013 | 542–62–1 | Barium cyanide |
| P014 | 108–98–5 | Benzenethiol |
| P014 | 108–98–5 | Thiophenol |
| P015 | 7440–41–7 | Beryllium powder |
| P016 | 542–88–1 | Dichloromethyl ether |
| P016 | 542–88–1 | Methane, oxybis[chloro- |
| P017 | 598–31–2 | Bromoacetone |
| P017 | 598–31–2 | 2-Propanone, 1-bromo- |
| P018 | 357–57–3 | Brucine |
| P018 | 357–57–3 | Strychnidin-10-one, 2,3-dimethoxy- |
| P020 | 88–85–7 | Dinoseb |
| P020 | 88–85–7 | Phenol, 2-(1-methylpropyl)-4,6-dinitro- |
| P021 | 592–01–8 | Calcium cyanide |
| P021 | 592–01–8 | Calcium cyanide $Ca(CN)_2$ |
| P022 | 75–15–0 | Carbon disulfide |
| P023 | 107–20–0 | Acetaldehyde, chloro- |
| P023 | 107–20–0 | Chloroacetaldehyde |
| P024 | 106–47–8 | Benzenamine, 4-chloro- |
| P024 | 106–47–8 | p-Chloroaniline |
| P026 | 5344–82–1 | 1-(o-Chlorophenyl)thiourea |
| P026 | 5344–82–1 | Thiourea, (2-chlorophenyl)- |
| P027 | 542–76–7 | 3-Chloropropionitrile |
| P027 | 542–76–7 | Propanenitrile, 3-chloro- |
| P028 | 100–44–7 | Benzene, (chloromethyl)- |
| P028 | 100–44–7 | Benzyl chloride |
| P029 | 544–92–3 | Copper cyanide |
| P029 | 544–92–3 | Copper cyanide Cu(CN) |

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| P030 | | Cyanides (soluble cyanide salts), not otherwise specified |
| P031 | 460–19–5 | Cyanogen |
| P031 | 460–19–5 | Ethanedinitrile |
| P033 | 506–77–4 | Cyanogen chloride |
| P033 | 506–77–4 | Cyanogen chloride (CN)Cl |
| P034 | 131–89–5 | 2-Cyclohexyl-4,6-dinitrophenol |
| P034 | 131–89–5 | Phenol, 2-cyclohexyl-4,6-dinitro- |
| P036 | 696–28–6 | Arsonous dichloride, phenyl- |
| P036 | 696–28–6 | Dichlorophenylarsine |
| P037 | 60–57–1 | Dieldrin |
| P037 | 60–57–1 | 2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)- |
| P038 | 692–42–2 | Arsine, diethyl- |
| P038 | 692–42–2 | Diethylarsine |
| P039 | 298–04–4 | Disulfoton |
| P039 | 298–04–4 | Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester |
| P040 | 297–97–2 | O,O-Diethyl O-pyrazinyl phosphorothioate |
| P040 | 297–97–2 | Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester |
| P041 | 311–45–5 | Diethyl-p-nitrophenyl phosphate |
| P041 | 311–45–5 | Phosphoric acid, diethyl 4-nitrophenyl ester |
| P042 | 51–43–4 | 1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)- |
| P042 | 51–43–4 | Epinephrine |
| P043 | 55–91–4 | Diisopropylfluorophosphate (DFP) |
| P043 | 55–91–4 | Phosphorofluoridic acid, bis(1-methylethyl) ester |
| P044 | 60–51–5 | Dimethoate |
| P044 | 60–51–5 | Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl amino)-2-oxoethyl] ester |
| P045 | 39196–18–4 | 2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime |
| P045 | 39196–18–4 | Thiofanox |
| P046 | 122–09–8 | Benzeneethanamine, alpha,alpha-dimethyl- |
| P046 | 122–09–8 | alpha,alpha-Dimethylphenethylamine |
| P047 | [1]534–52–1 | 4,6-Dinitro-o-cresol, & salts |
| P047 | [1]534–52–1 | Phenol, 2-methyl-4,6-dinitro-, & salts |

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| P048 | 51–28–5 | 2,4-Dinitrophenol |
| P048 | 51–28–5 | Phenol, 2,4-dinitro- |
| P049 | 541–53–7 | Dithiobiuret |
| P049 | 541–53–7 | Thioimidodicarbonic diamide $[(H_2N)C(S)]_2NH$ |
| P050 | 115–29–7 | Endosulfan |
| P050 | 115–29–7 | 6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide |
| P051 | [1]72–20–8 | 2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-, & metabolites |
| P051 | 72–20–8 | Endrin |
| P051 | 72–20–8 | Endrin, & metabolites |
| P054 | 151–56–4 | Aziridine |
| P054 | 151–56–4 | Ethyleneimine |
| P056 | 7782–41–4 | Fluorine |
| P057 | 640–19–7 | Acetamide, 2-fluoro- |
| P057 | 640–19–7 | Fluoroacetamide |
| P058 | 62–74–8 | Acetic acid, fluoro-, sodium salt |
| P058 | 62–74–8 | Fluoroacetic acid, sodium salt |
| P059 | 76–44–8 | Heptachlor |
| P059 | 76–44–8 | 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro- |
| P060 | 465–73–6 | 1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)- |
| P060 | 465–73–6 | Isodrin |
| P062 | 757–58–4 | Hexaethyl tetraphosphate |
| P062 | 757–58–4 | Tetraphosphoric acid, hexaethyl ester |
| P063 | 74–90–8 | Hydrocyanic acid |
| P063 | 74–90–8 | Hydrogen cyanide |
| P064 | 624–83–9 | Methane, isocyanato- |
| P064 | 624–83–9 | Methyl isocyanate |
| P065 | 628–86–4 | Fulminic acid, mercury(2+) salt (R,T) |
| P065 | 628–86–4 | Mercury fulminate (R,T) |
| P066 | 16752–77–5 | Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-, methyl ester |
| P066 | 16752–77–5 | Methomyl |

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| P067 | 75–55–8 | Aziridine, 2-methyl- |
| P067 | 75–55–8 | 1,2-Propylenimine |
| P068 | 60–34–4 | Hydrazine, methyl- |
| P068 | 60–34–4 | Methyl hydrazine |
| P069 | 75–86–5 | 2-Methyllactonitrile |
| P069 | 75–86–5 | Propanenitrile, 2-hydroxy-2-methyl- |
| P070 | 116–06–3 | Aldicarb |
| P070 | 116–06–3 | Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime |
| P071 | 298–00–0 | Methyl parathion |
| P071 | 298–00–0 | Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester |
| P072 | 86–88–4 | alpha-Naphthylthiourea |
| P072 | 86–88–4 | Thiourea, 1-naphthalenyl- |
| P073 | 13463–39–3 | Nickel carbonyl |
| P073 | 13463–39–3 | Nickel carbonyl $Ni(CO)_4$, (T-4)- |
| P074 | 557–19–7 | Nickel cyanide |
| P074 | 557–19–7 | Nickel cyanide $Ni(CN)_2$ |
| P075 | [1]54–11–5 | Nicotine, & salts |
| P075 | [1]54–11–5 | Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts |
| P076 | 10102–43–9 | Nitric oxide |
| P076 | 10102–43–9 | Nitrogen oxide NO |
| P077 | 100–01–6 | Benzenamine, 4-nitro- |
| P077 | 100–01–6 | p-Nitroaniline |
| P078 | 10102–44–0 | Nitrogen dioxide |
| P078 | 10102–44–0 | Nitrogen oxide $NO_2$ |
| P081 | 55–63–0 | Nitroglycerine (R) |
| P081 | 55–63–0 | 1,2,3-Propanetriol, trinitrate (R) |
| P082 | 62–75–9 | Methanamine, -methyl-N-nitroso- |
| P082 | 62–75–9 | N-Nitrosodimethylamine |
| P084 | 4549–40–0 | N-Nitrosomethylvinylamine |
| P084 | 4549–40–0 | Vinylamine, -methyl-N-nitroso- |
| P085 | 152–16–9 | Diphosphoramide, octamethyl- |
| P085 | 152–16–9 | Octamethylpyrophosphoramide |
| P087 | 20816–12–0 | Osmium oxide $OsO_4$, (T-4)- |

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| P087 | 20816–12–0 | Osmium tetroxide |
| P088 | 145–73–3 | Endothall |
| P088 | 145–73–3 | 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid |
| P089 | 56–38–2 | Parathion |
| P089 | 56–38–2 | Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester |
| P092 | 62–38–4 | Mercury, (acetato-O)phenyl- |
| P092 | 62–38–4 | Phenylmercury acetate |
| P093 | 103–85–5 | Phenylthiourea |
| P093 | 103–85–5 | Thiourea, phenyl- |
| P094 | 298–02–2 | Phorate |
| P094 | 298–02–2 | Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester |
| P095 | 75–44–5 | Carbonic dichloride |
| P095 | 75–44–5 | Phosgene |
| P096 | 7803–51–2 | Hydrogen phosphide |
| P096 | 7803–51–2 | Phosphine |
| P097 | 52–85–7 | Famphur |
| P097 | 52–85–7 | Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester |
| P098 | 151–50–8 | Potassium cyanide |
| P098 | 151–50–8 | Potassium cyanide K(CN) |
| P099 | 506–61–6 | Argentate(1-), bis(cyano-C)-, potassium |
| P099 | 506–61–6 | Potassium silver cyanide |
| P101 | 107–12–0 | Ethyl cyanide |
| P101 | 107–12–0 | Propanenitrile |
| P102 | 107–19–7 | Propargyl alcohol |
| P102 | 107–19–7 | 2-Propyn-1-ol |
| P103 | 630–10–4 | Selenourea |
| P104 | 506–64–9 | Silver cyanide |
| P104 | 506–64–9 | Silver cyanide Ag(CN) |
| P105 | 26628–22–8 | Sodium azide |
| P106 | 143–33–9 | Sodium cyanide |
| P106 | 143–33–9 | Sodium cyanide Na(CN) |
| P108 | [1]157–24–9 | Strychnidin-10-one, & salts |
| P108 | [1]157–24–9 | Strychnine, & salts |

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| P109 | 3689–24–5 | Tetraethyldithiopyrophosphate |
| P109 | 3689–24–5 | Thiodiphosphoric acid, tetraethyl ester |
| P110 | 78–00–2 | Plumbane, tetraethyl- |
| P110 | 78–00–2 | Tetraethyl lead |
| P111 | 107–49–3 | Diphosphoric acid, tetraethyl ester |
| P111 | 107–49–3 | Tetraethyl pyrophosphate |
| P112 | 509–14–8 | Methane, tetranitro-(R) |
| P112 | 509–14–8 | Tetranitromethane (R) |
| P113 | 1314–32–5 | Thallic oxide |
| P113 | 1314–32–5 | Thallium oxide $Tl_2O_3$ |
| P114 | 12039–52–0 | Selenious acid, dithallium(1+) salt |
| P114 | 12039–52–0 | Tetraethyldithiopyrophosphate |
| P115 | 7446–18–6 | Thiodiphosphoric acid, tetraethyl ester |
| P115 | 7446–18–6 | Plumbane, tetraethyl- |
| P116 | 79–19–6 | Tetraethyl lead |
| P116 | 79–19–6 | Thiosemicarbazide |
| P118 | 75–70–7 | Methanethiol, trichloro- |
| P118 | 75–70–7 | Trichloromethanethiol |
| P119 | 7803–55–6 | Ammonium vanadate |
| P119 | 7803–55–6 | Vanadic acid, ammonium salt |
| P120 | 1314–62–1 | Vanadium oxide $V_2O_5$ |
| P120 | 1314–62–1 | Vanadium pentoxide |
| P121 | 557–21–1 | Zinc cyanide |
| P121 | 557–21–1 | Zinc cyanide $Zn(CN)_2$ |
| P122 | 1314–84–7 | Zinc phosphide $Zn_3P_2$, when present at concentrations greater than 10% (R,T) |
| P123 | 8001–35–2 | Toxaphene |
| P127 | 1563–66–2 | 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate. |
| P127 | 1563–66–2 | Carbofuran |
| P128 | 315–8–4 | Mexacarbate |
| P128 | 315–18–4 | Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester) |
| P185 | 26419–73–8 | 1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime. |
| P185 | 26419–73–8 | Tirpate |

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| P188 | 57–64–7 | Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1) |
| P188 | 57–64–7 | Physostigmine salicylate |
| P189 | 55285–14–8 | Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester |
| P189 | 55285–14–8 | Carbosulfan |
| P190 | 1129–41–5 | Carbamic acid, methyl-, 3-methylphenyl ester |
| P190 | 1129–41–5 | Metolcarb |
| P191 | 644–64–4 | Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester |
| P191 | 644–64–4 | Dimetilan |
| P192 | 119–38–0 | Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester |
| P192 | 119–38–0 | Isolan |
| P194 | 23135–22–0 | Ethanimidthioic acid, 2-(dimethylamino)-N-[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester |
| P194 | 23135–22–0 | Oxamyl |
| P196 | 15339–36–3 | Manganese, bis(dimethylcarbamodithioato-S,S')-, |
| P196 | 15339–36–3 | Manganese dimethyldithiocarbamate |
| P197 | 17702–57–7 | Formparanate |
| P197 | 17702–57–7 | Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[(methylamino)carbonyl]oxy]phenyl]- |
| P198 | 23422–53–9 | Formetanate hydrochloride |
| P198 | 23422–53–9 | Methanimidamide, N,N-dimethyl-N'-[3-[[(methylamino)-carbonyl]oxy]phenyl]-monohydrochloride |
| P199 | 2032–65–7 | Methiocarb |
| P199 | 2032–65–7 | Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate |
| P201 | 2631–37–0 | Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate |
| P201 | 2631–37–0 | Promecarb |
| P202 | 64–00–6 | m-Cumenyl methylcarbamate |
| P202 | 64–00–6 | 3-Isopropylphenyl N-methylcarbamate |
| P202 | 64–00–6 | Phenol, 3-(1-methylethyl)-, methyl carbamate |
| P203 | 1646–88–4 | Aldicarb sulfone |
| P203 | 1646–88–4 | Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime |
| P204 | 57–47–6 | Physostigmine |
| P204 | 57–47–6 | Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, |

| | | |
|---|---|---|
| | | methylcarbamate (ester), (3aS-cis)- |
| P205 | 137–30–4 | Zinc, bis(dimethylcarbamodithioato-S,S')-, |
| P205 | 137–30–4 | Ziram |

[1]CAS Number given for parent compound only.

# APPENDIX IV – TOXIC DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in §261.2(a)(2)(i), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

(a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section.

(b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

(c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in §261.7(b) of this chapter.

[ *Comment:* Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.]

(d) 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 commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, or 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 off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

[ *Comment:* The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . ." refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraph (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraph (e) or (f), such waste will be listed in either §261.31 or §261.32 or will be identified as a hazardous waste by the characteristics set forth in subpart C of this part.]

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in §261.5(e).

[ *Comment:* For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound only is listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.]

(f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T), unless otherwise designated and are subject to the small quantity generator exclusion defined in §261.5 (a) and (g).

[ *Comment:* For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Hazardous Waste Number.]

These wastes and their corresponding EPA Hazardous Waste Numbers are:

| Hazardous waste No. | Chemical abstracts No. | Substance |
|---|---|---|
| U394 | 30558–43–1 | A2213. |
| U001 | 75–07–0 | Acetaldehyde (I) |
| U034 | 75–87–6 | Acetaldehyde, trichloro- |
| U187 | 62–44–2 | Acetamide, N-(4-ethoxyphenyl)- |
| U005 | 53–96–3 | Acetamide, N-9H-fluoren-2-yl- |
| U240 | [1]94–75–7 | Acetic acid, (2,4-dichlorophenoxy)-, salts & esters |

| | | |
|---|---|---|
| U112 | 141–78–6 | Acetic acid ethyl ester (I) |
| U144 | 301–04–2 | Acetic acid, lead(2+) salt |
| U214 | 563–68–8 | Acetic acid, thallium(1+) salt |
| see F027 | 93–76–5 | Acetic acid, (2,4,5-trichlorophenoxy)- |
| U002 | 67–64–1 | Acetone (I) |
| U003 | 75–05–8 | Acetonitrile (I,T) |
| U004 | 98–86–2 | Acetophenone |
| U005 | 53–96–3 | 2-Acetylaminofluorene |
| U006 | 75–36–5 | Acetyl chloride (C,R,T) |
| U007 | 79–06–1 | Acrylamide |
| U008 | 79–10–7 | Acrylic acid (I) |
| U009 | 107–13–1 | Acrylonitrile |
| U011 | 61–82–5 | Amitrole |
| U012 | 62–53–3 | Aniline (I,T) |
| U136 | 75–60–5 | Arsinic acid, dimethyl- |
| U014 | 492–80–8 | Auramine |
| U015 | 115–02–6 | Azaserine |
| U010 | 50–07–7 | Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha, 8beta,8aalpha,8balpha)]- |
| U280 | 101–27–9 | Barban. |
| U278 | 22781–23–3 | Bendiocarb. |
| U364 | 22961–82–6 | Bendiocarb phenol. |
| U271 | 17804–35–2 | Benomyl. |
| U157 | 56–49–5 | Benz[j]aceanthrylene, 1,2-dihydro-3-methyl- |
| U016 | 225–51–4 | Benz[c]acridine |
| U017 | 98–87–3 | Benzal chloride |
| U192 | 23950–58–5 | Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)- |
| U018 | 56–55–3 | Benz[a]anthracene |
| U094 | 57–97–6 | Benz[a]anthracene, 7,12-dimethyl- |

| | | |
|---|---|---|
| U012 | 62–53–3 | Benzenamine (I,T) |
| U014 | 492–80–8 | Benzenamine, 4,4′-carbonimidoylbis[N,N-dimethyl- |
| U049 | 3165–93–3 | Benzenamine, 4-chloro-2-methyl-, hydrochloride |
| U093 | 60–11–7 | Benzenamine, N,N-dimethyl-4-(phenylazo)- |
| U328 | 95–53–4 | Benzenamine, 2-methyl- |
| U353 | 106–49–0 | Benzenamine, 4-methyl- |
| U158 | 101–14–4 | Benzenamine, 4,4′-methylenebis[2-chloro- |
| U222 | 636–21–5 | Benzenamine, 2-methyl-, hydrochloride |
| U181 | 99–55–8 | Benzenamine, 2-methyl-5-nitro- |
| U019 | 71–43–2 | Benzene (I,T) |
| U038 | 510–15–6 | Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester |
| U030 | 101–55–3 | Benzene, 1-bromo-4-phenoxy- |
| U035 | 305–03–3 | Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]- |
| U037 | 108–90–7 | Benzene, chloro- |
| U221 | 25376–45–8 | Benzenediamine, ar-methyl- |
| U028 | 117–81–7 | 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester |
| U069 | 84–74–2 | 1,2-Benzenedicarboxylic acid, dibutyl ester |
| U088 | 84–66–2 | 1,2-Benzenedicarboxylic acid, diethyl ester |
| U102 | 131–11–3 | 1,2-Benzenedicarboxylic acid, dimethyl ester |
| U107 | 117–84–0 | 1,2-Benzenedicarboxylic acid, dioctyl ester |
| U070 | 95–50–1 | Benzene, 1,2-dichloro- |
| U071 | 541–73–1 | Benzene, 1,3-dichloro- |
| U072 | 106–46–7 | Benzene, 1,4-dichloro- |
| U060 | 72–54–8 | Benzene, 1,1′-(2,2-dichloroethylidene)bis[4-chloro- |
| U017 | 98–87–3 | Benzene, (dichloromethyl)- |
| U223 | 26471–62–5 | Benzene, 1,3-diisocyanatomethyl- (R,T) |
| U239 | 1330–20–7 | Benzene, dimethyl- (I,T) |
| U201 | 108–46–3 | 1,3-Benzenediol |
| U127 | 118–74–1 | Benzene, hexachloro- |
| U056 | 110–82–7 | Benzene, hexahydro- (I) |
| U220 | 108–88–3 | Benzene, methyl- |

| | | |
|---|---|---|
| U105 | 121–14–2 | Benzene, 1-methyl-2,4-dinitro- |
| U106 | 606–20–2 | Benzene, 2-methyl-1,3-dinitro- |
| U055 | 98–82–8 | Benzene, (1-methylethyl)- (I) |
| U169 | 98–95–3 | Benzene, nitro- |
| U183 | 608–93–5 | Benzene, pentachloro- |
| U185 | 82–68–8 | Benzene, pentachloronitro- |
| U020 | 98–09–9 | Benzenesulfonic acid chloride (C,R) |
| U020 | 98–09–9 | Benzenesulfonyl chloride (C,R) |
| U207 | 95–94–3 | Benzene, 1,2,4,5-tetrachloro- |
| U061 | 50–29–3 | Benzene, 1,1′-(2,2,2-trichloroethylidene)bis[4-chloro- |
| U247 | 72–43–5 | Benzene, 1,1′-(2,2,2-trichloroethylidene)bis[4- methoxy- |
| U023 | 98–07–7 | Benzene, (trichloromethyl)- |
| U234 | 99–35–4 | Benzene, 1,3,5-trinitro- |
| U021 | 92–87–5 | Benzidine |
| U202 | [1]81–07–2 | 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts |
| U278 | 22781–23–3 | 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate. |
| U364 | 22961–82–6 | 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, |
| U203 | 94–59–7 | 1,3-Benzodioxole, 5-(2-propenyl)- |
| U141 | 120–58–1 | 1,3-Benzodioxole, 5-(1-propenyl)- |
| U367 | 1563–38–8 | 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl- |
| U090 | 94–58–6 | 1,3-Benzodioxole, 5-propyl- |
| U064 | 189–55–9 | Benzo[rst]pentaphene |
| U248 | [1]81–81–2 | 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less |
| U022 | 50–32–8 | Benzo[a]pyrene |
| U197 | 106–51–4 | p-Benzoquinone |
| U023 | 98–07–7 | Benzotrichloride (C,R,T) |
| U085 | 1464–53–5 | 2,2′-Bioxirane |
| U021 | 92–87–5 | [1,1′-Biphenyl]-4,4′-diamine |
| U073 | 91–94–1 | [1,1′-Biphenyl]-4,4′-diamine, 3,3′-dichloro- |
| U091 | 119–90–4 | [1,1′-Biphenyl]-4,4′-diamine, 3,3′-dimethoxy- |

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|---|---|---|
| U095 | 119–93–7 | [1,1′-Biphenyl]-4,4′-diamine, 3,3′-dimethyl- |
| U225 | 75–25–2 | Bromoform |
| U030 | 101–55–3 | 4-Bromophenyl phenyl ether |
| U128 | 87–68–3 | 1,3-Butadiene, 1,1,2,3,4,4-hexachloro- |
| U172 | 924–16–3 | 1-Butanamine, N-butyl-N-nitroso- |
| U031 | 71–36–3 | 1-Butanol (I) |
| U159 | 78–93–3 | 2-Butanone (I,T) |
| U160 | 1338–23–4 | 2-Butanone, peroxide (R,T) |
| U053 | 4170–30–3 | 2-Butenal |
| U074 | 764–41–0 | 2-Butene, 1,4-dichloro- (I,T) |
| U143 | 303–34–4 | 2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]- |
| U031 | 71–36–3 | n-Butyl alcohol (I) |
| U136 | 75–60–5 | Cacodylic acid |
| U032 | 13765–19–0 | Calcium chromate |
| U372 | 10605–21–7 | Carbamic acid, 1H-benzimidazol-2-yl, methyl ester. |
| U271 | 17804–35–2 | Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester. |
| U280 | 101–27–9 | Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester. |
| U238 | 51–79–6 | Carbamic acid, ethyl ester |
| U178 | 615–53–2 | Carbamic acid, methylnitroso-, ethyl ester |
| U373 | 122–42–9 | Carbamic acid, phenyl-, 1-methylethyl ester. |
| U409 | 23564–05–8 | Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester. |
| U097 | 79–44–7 | Carbamic chloride, dimethyl- |
| U389 | 2303–17–5 | Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester. |
| U387 | 52888–80–9 | Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester. |
| U114 | [1]111–54–6 | Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters |

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| U062 | 2303–16–4 | Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester |
| U279 | 63–25–2 | Carbaryl. |
| U372 | 10605–21–7 | Carbendazim. |
| U367 | 1563–38–8 | Carbofuran phenol. |
| U215 | 6533–73–9 | Carbonic acid, dithallium(1+) salt |
| U033 | 353–50–4 | Carbonic difluoride |
| U156 | 79–22–1 | Carbonochloridic acid, methyl ester (I,T) |
| U033 | 353–50–4 | Carbon oxyfluoride (R,T) |
| U211 | 56–23–5 | Carbon tetrachloride |
| U034 | 75–87–6 | Chloral |
| U035 | 305–03–3 | Chlorambucil |
| U036 | 57–74–9 | Chlordane, alpha & gamma isomers |
| U026 | 494–03–1 | Chlornaphazin |
| U037 | 108–90–7 | Chlorobenzene |
| U038 | 510–15–6 | Chlorobenzilate |
| U039 | 59–50–7 | p-Chloro-m-cresol |
| U042 | 110–75–8 | 2-Chloroethyl vinyl ether |
| U044 | 67–66–3 | Chloroform |
| U046 | 107–30–2 | Chloromethyl methyl ether |
| U047 | 91–58–7 | beta-Chloronaphthalene |
| U048 | 95–57–8 | o-Chlorophenol |
| U049 | 3165–93–3 | 4-Chloro-o-toluidine, hydrochloride |
| U032 | 13765–19–0 | Chromic acid $H_2CrO_4$, calcium salt |
| U050 | 218–01–9 | Chrysene |
| U051 | | Creosote |
| U052 | 1319–77–3 | Cresol (Cresylic acid) |
| U053 | 4170–30–3 | Crotonaldehyde |
| U055 | 98–82–8 | Cumene (I) |
| U246 | 506–68–3 | Cyanogen bromide (CN)Br |
| U197 | 106–51–4 | 2,5-Cyclohexadiene-1,4-dione |
| U056 | 110–82–7 | Cyclohexane (I) |

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| U129 | 58–89–9 | Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)- |
| U057 | 108–94–1 | Cyclohexanone (I) |
| U130 | 77–47–4 | 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro- |
| U058 | 50–18–0 | Cyclophosphamide |
| U240 | [1]94–75–7 | 2,4-D, salts & esters |
| U059 | 20830–81–3 | Daunomycin |
| U060 | 72–54–8 | DDD |
| U061 | 50–29–3 | DDT |
| U062 | 2303–16–4 | Diallate |
| U063 | 53–70–3 | Dibenz[a,h]anthracene |
| U064 | 189–55–9 | Dibenzo[a,i]pyrene |
| U066 | 96–12–8 | 1,2-Dibromo-3-chloropropane |
| U069 | 84–74–2 | Dibutyl phthalate |
| U070 | 95–50–1 | o-Dichlorobenzene |
| U071 | 541–73–1 | m-Dichlorobenzene |
| U072 | 106–46–7 | p-Dichlorobenzene |
| U073 | 91–94–1 | 3,3'-Dichlorobenzidine |
| U074 | 764–41–0 | 1,4-Dichloro-2-butene (I,T) |
| U075 | 75–71–8 | Dichlorodifluoromethane |
| U078 | 75–35–4 | 1,1-Dichloroethylene |
| U079 | 156–60–5 | 1,2-Dichloroethylene |
| U025 | 111–44–4 | Dichloroethyl ether |
| U027 | 108–60–1 | Dichloroisopropyl ether |
| U024 | 111–91–1 | Dichloromethoxy ethane |
| U081 | 120–83–2 | 2,4-Dichlorophenol |
| U082 | 87–65–0 | 2,6-Dichlorophenol |
| U084 | 542–75–6 | 1,3-Dichloropropene |
| U085 | 1464–53–5 | 1,2:3,4-Diepoxybutane (I,T) |
| U108 | 123–91–1 | 1,4-Diethyleneoxide |
| U028 | 117–81–7 | Diethylhexyl phthalate |
| U395 | 5952–26–1 | Diethylene glycol, dicarbamate. |

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| U086 | 1615–80–1 | N,N′-Diethylhydrazine |
| U087 | 3288–58–2 | O,O-Diethyl S-methyl dithiophosphate |
| U088 | 84–66–2 | Diethyl phthalate |
| U089 | 56–53–1 | Diethylstilbesterol |
| U090 | 94–58–6 | Dihydrosafrole |
| U091 | 119–90–4 | 3,3′-Dimethoxybenzidine |
| U092 | 124–40–3 | Dimethylamine (I) |
| U093 | 60–11–7 | p-Dimethylaminoazobenzene |
| U094 | 57–97–6 | 7,12-Dimethylbenz[a]anthracene |
| U095 | 119–93–7 | 3,3′-Dimethylbenzidine |
| U096 | 80–15–9 | alpha,alpha-Dimethylbenzylhydroperoxide (R) |
| U097 | 79–44–7 | Dimethylcarbamoyl chloride |
| U098 | 57–14–7 | 1,1-Dimethylhydrazine |
| U099 | 540–73–8 | 1,2-Dimethylhydrazine |
| U101 | 105–67–9 | 2,4-Dimethylphenol |
| U102 | 131–11–3 | Dimethyl phthalate |
| U103 | 77–78–1 | Dimethyl sulfate |
| U105 | 121–14–2 | 2,4-Dinitrotoluene |
| U106 | 606–20–2 | 2,6-Dinitrotoluene |
| U107 | 117–84–0 | Di-n-octyl phthalate |
| U108 | 123–91–1 | 1,4-Dioxane |
| U109 | 122–66–7 | 1,2-Diphenylhydrazine |
| U110 | 142–84–7 | Dipropylamine (I) |
| U111 | 621–64–7 | Di-n-propylnitrosamine |
| U041 | 106–89–8 | Epichlorohydrin |
| U001 | 75–07–0 | Ethanal (I) |
| U404 | 121–44–8 | Ethanamine, N,N-diethyl- |
| U174 | 55–18–5 | Ethanamine, N-ethyl-N-nitroso- |
| U155 | 91–80–5 | 1,2-Ethanediamine, N,N-dimethyl-N′-2-pyridinyl-N′-(2-thienylmethyl)- |
| U067 | 106–93–4 | Ethane, 1,2-dibromo- |
| U076 | 75–34–3 | Ethane, 1,1-dichloro- |
| U077 | 107–06–2 | Ethane, 1,2-dichloro- |

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| U131 | 67–72–1 | Ethane, hexachloro- |
| U024 | 111–91–1 | Ethane, 1,1′-[methylenebis(oxy)]bis[2-chloro- |
| U117 | 60–29–7 | Ethane, 1,1′-oxybis-(I) |
| U025 | 111–44–4 | Ethane, 1,1′-oxybis[2-chloro- |
| U184 | 76–01–7 | Ethane, pentachloro- |
| U208 | 630–20–6 | Ethane, 1,1,1,2-tetrachloro- |
| U209 | 79–34–5 | Ethane, 1,1,2,2-tetrachloro- |
| U218 | 62–55–5 | Ethanethioamide |
| U226 | 71–55–6 | Ethane, 1,1,1-trichloro- |
| U227 | 79–00–5 | Ethane, 1,1,2-trichloro- |
| U410 | 59669–26–0 | Ethanimidothioic acid, N,N′-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester |
| U394 | 30558–43–1 | Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester. |
| U359 | 110–80–5 | Ethanol, 2-ethoxy- |
| U173 | 1116–54–7 | Ethanol, 2,2′-(nitrosoimino)bis- |
| U395 | 5952–26–1 | Ethanol, 2,2′-oxybis-, dicarbamate. |
| U004 | 98–86–2 | Ethanone, 1-phenyl- |
| U043 | 75–01–4 | Ethene, chloro- |
| U042 | 110–75–8 | Ethene, (2-chloroethoxy)- |
| U078 | 75–35–4 | Ethene, 1,1-dichloro- |
| U079 | 156–60–5 | Ethene, 1,2-dichloro-, (E)- |
| U210 | 127–18–4 | Ethene, tetrachloro- |
| U228 | 79–01–6 | Ethene, trichloro- |
| U112 | 141–78–6 | Ethyl acetate (I) |
| U113 | 140–88–5 | Ethyl acrylate (I) |
| U238 | 51–79–6 | Ethyl carbamate (urethane) |
| U117 | 60–29–7 | Ethyl ether (I) |
| U114 | [1]111–54–6 | Ethylenebisdithiocarbamic acid, salts & esters |
| U067 | 106–93–4 | Ethylene dibromide |
| U077 | 107–06–2 | Ethylene dichloride |
| U359 | 110–80–5 | Ethylene glycol monoethyl ether |
| U115 | 75–21–8 | Ethylene oxide (I,T) |

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| U116 | 96–45–7 | Ethylenethiourea |
| U076 | 75–34–3 | Ethylidene dichloride |
| U118 | 97–63–2 | Ethyl methacrylate |
| U119 | 62–50–0 | Ethyl methanesulfonate |
| U120 | 206–44–0 | Fluoranthene |
| U122 | 50–00–0 | Formaldehyde |
| U123 | 64–18–6 | Formic acid (C,T) |
| U124 | 110–00–9 | Furan (I) |
| U125 | 98–01–1 | 2-Furancarboxaldehyde (I) |
| U147 | 108–31–6 | 2,5-Furandione |
| U213 | 109–99–9 | Furan, tetrahydro-(I) |
| U125 | 98–01–1 | Furfural (I) |
| U124 | 110–00–9 | Furfuran (I) |
| U206 | 18883–66–4 | Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D- |
| U206 | 18883–66–4 | D-Glucose, 2-deoxy-2-[[(methylnitrosoamino)-carbonyl]amino]- |
| U126 | 765–34–4 | Glycidylaldehyde |
| U163 | 70–25–7 | Guanidine, N-methyl-N′-nitro-N-nitroso- |
| U127 | 118–74–1 | Hexachlorobenzene |
| U128 | 87–68–3 | Hexachlorobutadiene |
| U130 | 77–47–4 | Hexachlorocyclopentadiene |
| U131 | 67–72–1 | Hexachloroethane |
| U132 | 70–30–4 | Hexachlorophene |
| U243 | 1888–71–7 | Hexachloropropene |
| U133 | 302–01–2 | Hydrazine (R,T) |
| U086 | 1615–80–1 | Hydrazine, 1,2-diethyl- |
| U098 | 57–14–7 | Hydrazine, 1,1-dimethyl- |
| U099 | 540–73–8 | Hydrazine, 1,2-dimethyl- |
| U109 | 122–66–7 | Hydrazine, 1,2-diphenyl- |
| U134 | 7664–39–3 | Hydrofluoric acid (C,T) |
| U134 | 7664–39–3 | Hydrogen fluoride (C,T) |
| U135 | 7783–06–4 | Hydrogen sulfide |

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| U135 | 7783–06–4 | Hydrogen sulfide $H_2S$ |
| U096 | 80–15–9 | Hydroperoxide, 1-methyl-1-phenylethyl- (R) |
| U116 | 96–45–7 | 2-Imidazolidinethione |
| U137 | 193–39–5 | Indeno[1,2,3-cd]pyrene |
| U190 | 85–44–9 | 1,3-Isobenzofurandione |
| U140 | 78–83–1 | Isobutyl alcohol (I,T) |
| U141 | 120–58–1 | Isosafrole |
| U142 | 143–50–0 | Kepone |
| U143 | 303–34–4 | Lasiocarpine |
| U144 | 301–04–2 | Lead acetate |
| U146 | 1335–32–6 | Lead, bis(acetato-O)tetrahydroxytri- |
| U145 | 7446–27–7 | Lead phosphate |
| U146 | 1335–32–6 | Lead subacetate |
| U129 | 58–89–9 | Lindane |
| U163 | 70–25–7 | MNNG |
| U147 | 108–31–6 | Maleic anhydride |
| U148 | 123–33–1 | Maleic hydrazide |
| U149 | 109–77–3 | Malononitrile |
| U150 | 148–82–3 | Melphalan |
| U151 | 7439–97–6 | Mercury |
| U152 | 126–98–7 | Methacrylonitrile (I, T) |
| U092 | 124–40–3 | Methanamine, N-methyl- (I) |
| U029 | 74–83–9 | Methane, bromo- |
| U045 | 74–87–3 | Methane, chloro- (I, T) |
| U046 | 107–30–2 | Methane, chloromethoxy- |
| U068 | 74–95–3 | Methane, dibromo- |
| U080 | 75–09–2 | Methane, dichloro- |
| U075 | 75–71–8 | Methane, dichlorodifluoro- |
| U138 | 74–88–4 | Methane, iodo- |
| U119 | 62–50–0 | Methanesulfonic acid, ethyl ester |
| U211 | 56–23–5 | Methane, tetrachloro- |
| U153 | 74–93–1 | Methanethiol (I, T) |
| U225 | 75–25–2 | Methane, tribromo- |

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| U044 | 67–66–3 | Methane, trichloro- |
| U121 | 75–69–4 | Methane, trichlorofluoro- |
| U036 | 57–74–9 | 4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro- |
| U154 | 67–56–1 | Methanol (I) |
| U155 | 91–80–5 | Methapyrilene |
| U142 | 143–50–0 | 1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro- |
| U247 | 72–43–5 | Methoxychlor |
| U154 | 67–56–1 | Methyl alcohol (I) |
| U029 | 74–83–9 | Methyl bromide |
| U186 | 504–60–9 | 1-Methylbutadiene (I) |
| U045 | 74–87–3 | Methyl chloride (I,T) |
| U156 | 79–22–1 | Methyl chlorocarbonate (I,T) |
| U226 | 71–55–6 | Methyl chloroform |
| U157 | 56–49–5 | 3-Methylcholanthrene |
| U158 | 101–14–4 | 4,4′-Methylenebis(2-chloroaniline) |
| U068 | 74–95–3 | Methylene bromide |
| U080 | 75–09–2 | Methylene chloride |
| U159 | 78–93–3 | Methyl ethyl ketone (MEK) (I,T) |
| U160 | 1338–23–4 | Methyl ethyl ketone peroxide (R,T) |
| U138 | 74–88–4 | Methyl iodide |
| U161 | 108–10–1 | Methyl isobutyl ketone (I) |
| U162 | 80–62–6 | Methyl methacrylate (I,T) |
| U161 | 108–10–1 | 4-Methyl-2-pentanone (I) |
| U164 | 56–04–2 | Methylthiouracil |
| U010 | 50–07–7 | Mitomycin C |
| U059 | 20830–81–3 | 5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)- |
| U167 | 134–32–7 | 1-Naphthalenamine |
| U168 | 91–59–8 | 2-Naphthalenamine |
| U026 | 494–03–1 | Naphthalenamine, N,N′-bis(2-chloroethyl)- |
| U165 | 91–20–3 | Naphthalene |

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| U047 | 91–58–7 | Naphthalene, 2-chloro- |
| U166 | 130–15–4 | 1,4-Naphthalenedione |
| U236 | 72–57–1 | 2,7-Naphthalenedisulfonic acid, 3,3′-[(3,3′-dimethyl[1,1′-biphenyl]-4,4′-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt |
| U279 | 63–25–2 | 1-Naphthalenol, methylcarbamate. |
| U166 | 130–15–4 | 1,4-Naphthoquinone |
| U167 | 134–32–7 | alpha-Naphthylamine |
| U168 | 91–59–8 | beta-Naphthylamine |
| U217 | 10102–45–1 | Nitric acid, thallium(1+) salt |
| U169 | 98–95–3 | Nitrobenzene (I,T) |
| U170 | 100–02–7 | p-Nitrophenol |
| U171 | 79–46–9 | 2-Nitropropane (I,T) |
| U172 | 924–16–3 | N-Nitrosodi-n-butylamine |
| U173 | 1116–54–7 | N-Nitrosodiethanolamine |
| U174 | 55–18–5 | N-Nitrosodiethylamine |
| U176 | 759–73–9 | N-Nitroso-N-ethylurea |
| U177 | 684–93–5 | N-Nitroso-N-methylurea |
| U178 | 615–53–2 | N-Nitroso-N-methylurethane |
| U179 | 100–75–4 | N-Nitrosopiperidine |
| U180 | 930–55–2 | N-Nitrosopyrrolidine |
| U181 | 99–55–8 | 5-Nitro-o-toluidine |
| U193 | 1120–71–4 | 1,2-Oxathiolane, 2,2-dioxide |
| U058 | 50–18–0 | 2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide |
| U115 | 75–21–8 | Oxirane (I,T) |
| U126 | 765–34–4 | Oxiranecarboxyaldehyde |
| U041 | 106–89–8 | Oxirane, (chloromethyl)- |
| U182 | 123–63–7 | Paraldehyde |
| U183 | 608–93–5 | Pentachlorobenzene |
| U184 | 76–01–7 | Pentachloroethane |
| U185 | 82–68–8 | Pentachloronitrobenzene (PCNB) |
| See F027 | 87–86–5 | Pentachlorophenol |

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| U161 | 108–10–1 | Pentanol, 4-methyl- |
| U186 | 504–60–9 | 1,3-Pentadiene (I) |
| U187 | 62–44–2 | Phenacetin |
| U188 | 108–95–2 | Phenol |
| U048 | 95–57–8 | Phenol, 2-chloro- |
| U039 | 59–50–7 | Phenol, 4-chloro-3-methyl- |
| U081 | 120–83–2 | Phenol, 2,4-dichloro- |
| U082 | 87–65–0 | Phenol, 2,6-dichloro- |
| U089 | 56–53–1 | Phenol, 4,4′-(1,2-diethyl-1,2-ethenediyl)bis-, (E)- |
| U101 | 105–67–9 | Phenol, 2,4-dimethyl- |
| U052 | 1319–77–3 | Phenol, methyl- |
| U132 | 70–30–4 | Phenol, 2,2′-methylenebis[3,4,6-trichloro- |
| U411 | 114–26–1 | Phenol, 2-(1-methylethoxy)-, methylcarbamate. |
| U170 | 100–02–7 | Phenol, 4-nitro- |
| See F027 | 87–86–5 | Phenol, pentachloro- |
| See F027 | 58–90–2 | Phenol, 2,3,4,6-tetrachloro- |
| See F027 | 95–95–4 | Phenol, 2,4,5-trichloro- |
| See F027 | 88–06–2 | Phenol, 2,4,6-trichloro- |
| U150 | 148–82–3 | L-Phenylalanine, 4-[bis(2-chloroethyl)amino]- |
| U145 | 7446–27–7 | Phosphoric acid, lead(2+) salt (2:3) |
| U087 | 3288–58–2 | Phosphorodithioic acid, O,O-diethyl S-methyl ester |
| U189 | 1314–80–3 | Phosphorus sulfide (R) |
| U190 | 85–44–9 | Phthalic anhydride |
| U191 | 109–06–8 | 2-Picoline |
| U179 | 100–75–4 | Piperidine, 1-nitroso- |
| U192 | 23950–58–5 | Pronamide |
| U194 | 107–10–8 | 1-Propanamine (I,T) |
| U111 | 621–64–7 | 1-Propanamine, N-nitroso-N-propyl- |
| U110 | 142–84–7 | 1-Propanamine, N-propyl- (I) |
| U066 | 96–12–8 | Propane, 1,2-dibromo-3-chloro- |
| U083 | 78–87–5 | Propane, 1,2-dichloro- |
| U149 | 109–77–3 | Propanedinitrile |

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| U171 | 79–46–9 | Propane, 2-nitro- (I,T) |
| U027 | 108–60–1 | Propane, 2,2′-oxybis[2-chloro- |
| U193 | 1120–71–4 | 1,3-Propane sultone |
| See F027 | 93–72–1 | Propanoic acid, 2-(2,4,5-trichlorophenoxy)- |
| U235 | 126–72–7 | 1-Propanol, 2,3-dibromo-, phosphate (3:1) |
| U140 | 78–83–1 | 1-Propanol, 2-methyl- (I,T) |
| U002 | 67–64–1 | 2-Propanone (I) |
| U007 | 79–06–1 | 2-Propenamide |
| U084 | 542–75–6 | 1-Propene, 1,3-dichloro- |
| U243 | 1888–71–7 | 1-Propene, 1,1,2,3,3,3-hexachloro- |
| U009 | 107–13–1 | 2-Propenenitrile |
| U152 | 126–98–7 | 2-Propenenitrile, 2-methyl- (I,T) |
| U008 | 79–10–7 | 2-Propenoic acid (I) |
| U113 | 140–88–5 | 2-Propenoic acid, ethyl ester (I) |
| U118 | 97–63–2 | 2-Propenoic acid, 2-methyl-, ethyl ester |
| U162 | 80–62–6 | 2-Propenoic acid, 2-methyl-, methyl ester (I,T) |
| U373 | 122–42–9 | Propham. |
| U411 | 114–26–1 | Propoxur. |
| U387 | 52888–80–9 | Prosulfocarb. |
| U194 | 107–10–8 | n-Propylamine (I,T) |
| U083 | 78–87–5 | Propylene dichloride |
| U148 | 123–33–1 | 3,6-Pyridazinedione, 1,2-dihydro- |
| U196 | 110–86–1 | Pyridine |
| U191 | 109–06–8 | Pyridine, 2-methyl- |
| U237 | 66–75–1 | 2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]- |
| U164 | 56–04–2 | 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo- |
| U180 | 930–55–2 | Pyrrolidine, 1-nitroso- |
| U200 | 50–55–5 | Reserpine |
| U201 | 108–46–3 | Resorcinol |
| U202 | [1]81–07–2 | Saccharin, & salts |
| U203 | 94–59–7 | Safrole |

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| U204 | 7783–00–8 | Selenious acid |
| U204 | 7783–00–8 | Selenium dioxide |
| U205 | 7488–56–4 | Selenium sulfide |
| U205 | 7488–56–4 | Selenium sulfide $SeS_2$(R,T) |
| U015 | 115–02–6 | L-Serine, diazoacetate (ester) |
| See F027 | 93–72–1 | Silvex (2,4,5-TP) |
| U206 | 18883–66–4 | Streptozotocin |
| U103 | 77–78–1 | Sulfuric acid, dimethyl ester |
| U189 | 1314–80–3 | Sulfur phosphide (R) |
| See F027 | 93–76–5 | 2,4,5-T |
| U207 | 95–94–3 | 1,2,4,5-Tetrachlorobenzene |
| U208 | 630–20–6 | 1,1,1,2-Tetrachloroethane |
| U209 | 79–34–5 | 1,1,2,2-Tetrachloroethane |
| U210 | 127–18–4 | Tetrachloroethylene |
| See F027 | 58–90–2 | 2,3,4,6-Tetrachlorophenol |
| U213 | 109–99–9 | Tetrahydrofuran (I) |
| U214 | 563–68–8 | Thallium(I) acetate |
| U215 | 6533–73–9 | Thallium(I) carbonate |
| U216 | 7791–12–0 | Thallium(I) chloride |
| U216 | 7791–12–0 | thallium chloride TlCl |
| U217 | 10102–45–1 | Thallium(I) nitrate |
| U218 | 62–55–5 | Thioacetamide |
| U410 | 59669–26–0 | Thiodicarb. |
| U153 | 74–93–1 | Thiomethanol (I,T) |
| U244 | 137–26–8 | Thioperoxydicarbonic diamide $[(H_2N)C(S)]_2S_2$, tetramethyl- |
| U409 | 23564–05–8 | Thiophanate-methyl. |
| U219 | 62–56–6 | Thiourea |
| U244 | 137–26–8 | Thiram |
| U220 | 108–88–3 | Toluene |

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| U221 | 25376–45–8 | Toluenediamine |
| U223 | 26471–62–5 | Toluene diisocyanate (R,T) |
| U328 | 95–53–4 | o-Toluidine |
| U353 | 106–49–0 | p-Toluidine |
| U222 | 636–21–5 | o-Toluidine hydrochloride |
| U389 | 2303–17–5 | Triallate. |
| U011 | 61–82–5 | 1H-1,2,4-Triazol-3-amine |
| U226 | 71–55–6 | 1,1,1-Trichloroethane |
| U227 | 79–00–5 | 1,1,2-Trichloroethane |
| U228 | 79–01–6 | Trichloroethylene |
| U121 | 75–69–4 | Trichloromonofluoromethane |
| See F027 | 95–95–4 | 2,4,5-Trichlorophenol |
| See F027 | 88–06–2 | 2,4,6-Trichlorophenol |
| U404 | 121–44–8 | Triethylamine. |
| U234 | 99–35–4 | 1,3,5-Trinitrobenzene (R,T) |
| U182 | 123–63–7 | 1,3,5-Trioxane, 2,4,6-trimethyl- |
| U235 | 126–72–7 | Tris(2,3-dibromopropyl) phosphate |
| U236 | 72–57–1 | Trypan blue |
| U237 | 66–75–1 | Uracil mustard |
| U176 | 759–73–9 | Urea, N-ethyl-N-nitroso- |
| U177 | 684–93–5 | Urea, N-methyl-N-nitroso- |
| U043 | 75–01–4 | Vinyl chloride |
| U248 | [1]81–81–2 | Warfarin, & salts, when present at concentrations of 0.3% or less |
| U239 | 1330–20–7 | Xylene (I) |
| U200 | 50–55–5 | Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)- |
| U249 | 1314–84–7 | Zinc phosphide $Zn_3P_2$, when present at concentrations of 10% or less |
| U001 | 75–07–0 | Acetaldehyde (I) |
| U001 | 75–07–0 | Ethanal (I) |
| U002 | 67–64–1 | Acetone (I) |

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| U002 | 67–64–1 | 2-Propanone (I) |
| U003 | 75–05–8 | Acetonitrile (I,T) |
| U004 | 98–86–2 | Acetophenone |
| U004 | 98–86–2 | Ethanone, 1-phenyl- |
| U005 | 53–96–3 | Acetamide, -9H-fluoren-2-yl- |
| U005 | 53–96–3 | 2-Acetylaminofluorene |
| U006 | 75–36–5 | Acetyl chloride (C,R,T) |
| U007 | 79–06–1 | Acrylamide |
| U007 | 79–06–1 | 2-Propenamide |
| U008 | 79–10–7 | Acrylic acid (I) |
| U008 | 79–10–7 | 2-Propenoic acid (I) |
| U009 | 107–13–1 | Acrylonitrile |
| U009 | 107–13–1 | 2-Propenenitrile |
| U010 | 50–07–7 | Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha, 8beta,8aalpha,8balpha)]- |
| U010 | 50–07–7 | Mitomycin C |
| U011 | 61–82–5 | Amitrole |
| U011 | 61–82–5 | 1H-1,2,4-Triazol-3-amine |
| U012 | 62–53–3 | Aniline (I,T) |
| U012 | 62–53–3 | Benzenamine (I,T) |
| U014 | 492–80–8 | Auramine |
| U014 | 492–80–8 | Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl- |
| U015 | 115–02–6 | Azaserine |
| U015 | 115–02–6 | L-Serine, diazoacetate (ester) |
| U016 | 225–51–4 | Benz[c]acridine |
| U017 | 98–87–3 | Benzal chloride |
| U017 | 98–87–3 | Benzene, (dichloromethyl)- |
| U018 | 56–55–3 | Benz[a]anthracene |
| U019 | 71–43–2 | Benzene (I,T) |
| U020 | 98–09–9 | Benzenesulfonic acid chloride (C,R) |
| U020 | 98–09–9 | Benzenesulfonyl chloride (C,R) |
| U021 | 92–87–5 | Benzidine |

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| U021 | 92–87–5 | [1,1'-Biphenyl]-4,4'-diamine |
| U022 | 50–32–8 | Benzo[a]pyrene |
| U023 | 98–07–7 | Benzene, (trichloromethyl)- |
| U023 | 98–07–7 | Benzotrichloride (C,R,T) |
| U024 | 111–91–1 | Dichloromethoxy ethane |
| U024 | 111–91–1 | Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro- |
| U025 | 111–44–4 | Dichloroethyl ether |
| U025 | 111–44–4 | Ethane, 1,1'-oxybis[2-chloro- |
| U026 | 494–03–1 | Chlornaphazin |
| U026 | 494–03–1 | Naphthalenamine, N,N'-bis(2-chloroethyl)- |
| U027 | 108–60–1 | Dichloroisopropyl ether |
| U027 | 108–60–1 | Propane, 2,2'-oxybis[2-chloro- |
| U028 | 117–81–7 | 1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester |
| U028 | 117–81–7 | Diethylhexyl phthalate |
| U029 | 74–83–9 | Methane, bromo- |
| U029 | 74–83–9 | Methyl bromide |
| U030 | 101–55–3 | Benzene, 1-bromo-4-phenoxy- |
| U030 | 101–55–3 | 4-Bromophenyl phenyl ether |
| U031 | 71–36–3 | 1-Butanol (I) |
| U031 | 71–36–3 | n-Butyl alcohol (I) |
| U032 | 13765–19–0 | Calcium chromate |
| U032 | 13765–19–0 | Chromic acid $H_2CrO_4$, calcium salt |
| U033 | 353–50–4 | Carbonic difluoride |
| U033 | 353–50–4 | Carbon oxyfluoride (R,T) |
| U034 | 75–87–6 | Acetaldehyde, trichloro- |
| U034 | 75–87–6 | Chloral |
| U035 | 305–03–3 | Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]- |
| U035 | 305–03–3 | Chlorambucil |
| U036 | 57–74–9 | Chlordane, alpha & gamma isomers |
| U036 | 57–74–9 | 4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro- |
| U037 | 108–90–7 | Benzene, chloro- |

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| U037 | 108–90–7 | Chlorobenzene |
| U038 | 510–15–6 | Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester |
| U038 | 510–15–6 | Chlorobenzilate |
| U039 | 59–50–7 | p-Chloro-m-cresol |
| U039 | 59–50–7 | Phenol, 4-chloro-3-methyl- |
| U041 | 106–89–8 | Epichlorohydrin |
| U041 | 106–89–8 | Oxirane, (chloromethyl)- |
| U042 | 110–75–8 | 2-Chloroethyl vinyl ether |
| U042 | 110–75–8 | Ethene, (2-chloroethoxy)- |
| U043 | 75–01–4 | Ethene, chloro- |
| U043 | 75–01–4 | Vinyl chloride |
| U044 | 67–66–3 | Chloroform |
| U044 | 67–66–3 | Methane, trichloro- |
| U045 | 74–87–3 | Methane, chloro- (I,T) |
| U045 | 74–87–3 | Methyl chloride (I,T) |
| U046 | 107–30–2 | Chloromethyl methyl ether |
| U046 | 107–30–2 | Methane, chloromethoxy- |
| U047 | 91–58–7 | beta-Chloronaphthalene |
| U047 | 91–58–7 | Naphthalene, 2-chloro- |
| U048 | 95–57–8 | o-Chlorophenol |
| U048 | 95–57–8 | Phenol, 2-chloro- |
| U049 | 3165–93–3 | Benzenamine, 4-chloro-2-methyl-, hydrochloride |
| U049 | 3165–93–3 | 4-Chloro-o-toluidine, hydrochloride |
| U050 | 218–01–9 | Chrysene |
| U051 | | Creosote |
| U052 | 1319–77–3 | Cresol (Cresylic acid) |
| U052 | 1319–77–3 | Phenol, methyl- |
| U053 | 4170–30–3 | 2-Butenal |
| U053 | 4170–30–3 | Crotonaldehyde |
| U055 | 98–82–8 | Benzene, (1-methylethyl)-(I) |
| U055 | 98–82–8 | Cumene (I) |
| U056 | 110–82–7 | Benzene, hexahydro-(I) |

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| U056 | 110–82–7 | Cyclohexane (I) |
| U057 | 108–94–1 | Cyclohexanone (I) |
| U058 | 50–18–0 | Cyclophosphamide |
| U058 | 50–18–0 | 2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide |
| U059 | 20830–81–3 | Daunomycin |
| U059 | 20830–81–3 | 5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)- |
| U060 | 72–54–8 | Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro- |
| U060 | 72–54–8 | DDD |
| U061 | 50–29–3 | Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro- |
| U061 | 50–29–3 | DDT |
| U062 | 2303–16–4 | Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-di chloro-2-propenyl) ester |
| U062 | 2303–16–4 | Diallate |
| U063 | 53–70–3 | Dibenz[a,h]anthracene |
| U064 | 189–55–9 | Benzo[rst]pentaphene |
| U064 | 189–55–9 | Dibenzo[a,i]pyrene |
| U066 | 96–12–8 | 1,2-Dibromo-3-chloropropane |
| U066 | 96–12–8 | Propane, 1,2-dibromo-3-chloro- |
| U067 | 106–93–4 | Ethane, 1,2-dibromo- |
| U067 | 106–93–4 | Ethylene dibromide |
| U068 | 74–95–3 | Methane, dibromo- |
| U068 | 74–95–3 | Methylene bromide |
| U069 | 84–74–2 | 1,2-Benzenedicarboxylic acid, dibutyl ester |
| U069 | 84–74–2 | Dibutyl phthalate |
| U070 | 95–50–1 | Benzene, 1,2-dichloro- |
| U070 | 95–50–1 | o-Dichlorobenzene |
| U071 | 541–73–1 | Benzene, 1,3-dichloro- |
| U071 | 541–73–1 | m-Dichlorobenzene |
| U072 | 106–46–7 | Benzene, 1,4-dichloro- |
| U072 | 106–46–7 | p-Dichlorobenzene |

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| U073 | 91–94–1 | [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro- |
| U073 | 91–94–1 | 3,3'-Dichlorobenzidine |
| U074 | 764–41–0 | 2-Butene, 1,4-dichloro-(I,T) |
| U074 | 764–41–0 | 1,4-Dichloro-2-butene (I,T) |
| U075 | 75–71–8 | Dichlorodifluoromethane |
| U075 | 75–71–8 | Methane, dichlorodifluoro- |
| U076 | 75–34–3 | Ethane, 1,1-dichloro- |
| U076 | 75–34–3 | Ethylidene dichloride |
| U077 | 107–06–2 | Ethane, 1,2-dichloro- |
| U077 | 107–06–2 | Ethylene dichloride |
| U078 | 75–35–4 | 1,1-Dichloroethylene |
| U078 | 75–35–4 | Ethene, 1,1-dichloro- |
| U079 | 156–60–5 | 1,2-Dichloroethylene |
| U079 | 156–60–5 | Ethene, 1,2-dichloro-, (E)- |
| U080 | 75–09–2 | Methane, dichloro- |
| U080 | 75–09–2 | Methylene chloride |
| U081 | 120–83–2 | 2,4-Dichlorophenol |
| U081 | 120–83–2 | Phenol, 2,4-dichloro- |
| U082 | 87–65–0 | 2,6-Dichlorophenol |
| U082 | 87–65–0 | Phenol, 2,6-dichloro- |
| U083 | 78–87–5 | Propane, 1,2-dichloro- |
| U083 | 78–87–5 | Propylene dichloride |
| U084 | 542–75–6 | 1,3-Dichloropropene |
| U084 | 542–75–6 | 1-Propene, 1,3-dichloro- |
| U085 | 1464–53–5 | 2,2'-Bioxirane |
| U085 | 1464–53–5 | 1,2:3,4-Diepoxybutane (I,T) |
| U086 | 1615–80–1 | N,N'-Diethylhydrazine |
| U086 | 1615–80–1 | Hydrazine, 1,2-diethyl- |
| U087 | 3288–58–2 | O,O-Diethyl S-methyl dithiophosphate |
| U087 | 3288–58–2 | Phosphorodithioic acid, O,O-diethyl S-methyl ester |
| U088 | 84–66–2 | 1,2-Benzenedicarboxylic acid, diethyl ester |
| U088 | 84–66–2 | Diethyl phthalate |
| U089 | 56–53–1 | Diethylstilbesterol |

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| U089 | 56–53–1 | Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)- |
| U090 | 94–58–6 | 1,3-Benzodioxole, 5-propyl- |
| U090 | 94–58–6 | Dihydrosafrole |
| U091 | 119–90–4 | [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy- |
| U091 | 119–90–4 | 3,3'-Dimethoxybenzidine |
| U092 | 124–40–3 | Dimethylamine (I) |
| U092 | 124–40–3 | Methanamine, -methyl-(I) |
| U093 | 60–11–7 | Benzenamine, N,N-dimethyl-4-(phenylazo)- |
| U093 | 60–11–7 | p-Dimethylaminoazobenzene |
| U094 | 57–97–6 | Benz[a]anthracene, 7,12-dimethyl- |
| U094 | 57–97–6 | 7,12-Dimethylbenz[a]anthracene |
| U095 | 119–93–7 | [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl- |
| U095 | 119–93–7 | 3,3'-Dimethylbenzidine |
| U096 | 80–15–9 | alpha,alpha-Dimethylbenzylhydroperoxide (R) |
| U096 | 80–15–9 | Hydroperoxide, 1-methyl-1-phenylethyl-(R) |
| U097 | 79–44–7 | Carbamic chloride, dimethyl- |
| U097 | 79–44–7 | Dimethylcarbamoyl chloride |
| U098 | 57–14–7 | 1,1-Dimethylhydrazine |
| U098 | 57–14–7 | Hydrazine, 1,1-dimethyl- |
| U099 | 540–73–8 | 1,2-Dimethylhydrazine |
| U099 | 540–73–8 | Hydrazine, 1,2-dimethyl- |
| U101 | 105–67–9 | 2,4-Dimethylphenol |
| U101 | 105–67–9 | Phenol, 2,4-dimethyl- |
| U102 | 131–11–3 | 1,2-Benzenedicarboxylic acid, dimethyl ester |
| U102 | 131–11–3 | Dimethyl phthalate |
| U103 | 77–78–1 | Dimethyl sulfate |
| U103 | 77–78–1 | Sulfuric acid, dimethyl ester |
| U105 | 121–14–2 | Benzene, 1-methyl-2,4-dinitro- |
| U105 | 121–14–2 | 2,4-Dinitrotoluene |
| U106 | 606–20–2 | Benzene, 2-methyl-1,3-dinitro- |
| U106 | 606–20–2 | 2,6-Dinitrotoluene |
| U107 | 117–84–0 | 1,2-Benzenedicarboxylic acid, dioctyl ester |
| U107 | 117–84–0 | Di-n-octyl phthalate |

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| U108 | 123–91–1 | 1,4-Diethyleneoxide |
| U108 | 123–91–1 | 1,4-Dioxane |
| U109 | 122–66–7 | 1,2-Diphenylhydrazine |
| U109 | 122–66–7 | Hydrazine, 1,2-diphenyl- |
| U110 | 142–84–7 | Dipropylamine (I) |
| U110 | 142–84–7 | 1-Propanamine, N-propyl-(I) |
| U111 | 621–64–7 | Di-n-propylnitrosamine |
| U111 | 621–64–7 | 1-Propanamine, N-nitroso-N-propyl- |
| U112 | 141–78–6 | Acetic acid ethyl ester (I) |
| U112 | 141–78–6 | Ethyl acetate (I) |
| U113 | 140–88–5 | Ethyl acrylate (I) |
| U113 | 140–88–5 | 2-Propenoic acid, ethyl ester (I) |
| U114 | [1]111–54–6 | Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters |
| U114 | [1]111–54–6 | Ethylenebisdithiocarbamic acid, salts & esters |
| U115 | 75–21–8 | Ethylene oxide (I,T) |
| U115 | 75–21–8 | Oxirane (I,T) |
| U116 | 96–45–7 | Ethylenethiourea |
| U116 | 96–45–7 | 2-Imidazolidinethione |
| U117 | 60–29–7 | Ethane, 1,1'-oxybis-(I) |
| U117 | 60–29–7 | Ethyl ether (I) |
| U118 | 97–63–2 | Ethyl methacrylate |
| U118 | 97–63–2 | 2-Propenoic acid, 2-methyl-, ethyl ester |
| U119 | 62–50–0 | Ethyl methanesulfonate |
| U119 | 62–50–0 | Methanesulfonic acid, ethyl ester |
| U120 | 206–44–0 | Fluoranthene |
| U121 | 75–69–4 | Methane, trichlorofluoro- |
| U121 | 75–69–4 | Trichloromonofluoromethane |
| U122 | 50–00–0 | Formaldehyde |
| U123 | 64–18–6 | Formic acid (C,T) |
| U124 | 110–00–9 | Furan (I) |
| U124 | 110–00–9 | Furfuran (I) |
| U125 | 98–01–1 | 2-Furancarboxaldehyde (I) |
| U125 | 98–01–1 | Furfural (I) |

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| U126 | 765–34–4 | Glycidylaldehyde |
| U126 | 765–34–4 | Oxiranecarboxyaldehyde |
| U127 | 118–74–1 | Benzene, hexachloro- |
| U127 | 118–74–1 | Hexachlorobenzene |
| U128 | 87–68–3 | 1,3-Butadiene, 1,1,2,3,4,4-hexachloro- |
| U128 | 87–68–3 | Hexachlorobutadiene |
| U129 | 58–89–9 | Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)- |
| U129 | 58–89–9 | Lindane |
| U130 | 77–47–4 | 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro- |
| U130 | 77–47–4 | Hexachlorocyclopentadiene |
| U131 | 67–72–1 | Ethane, hexachloro- |
| U131 | 67–72–1 | Hexachloroethane |
| U132 | 70–30–4 | Hexachlorophene |
| U132 | 70–30–4 | Phenol, 2,2'-methylenebis[3,4,6-trichloro- |
| U133 | 302–01–2 | Hydrazine (R,T) |
| U134 | 7664–39–3 | Hydrofluoric acid (C,T) |
| U134 | 7664–39–3 | Hydrogen fluoride (C,T) |
| U135 | 7783–06–4 | Hydrogen sulfide |
| U135 | 7783–06–4 | Hydrogen sulfide $H_2S$ |
| U136 | 75–60–5 | Arsinic acid, dimethyl- |
| U136 | 75–60–5 | Cacodylic acid |
| U137 | 193–39–5 | Indeno[1,2,3-cd]pyrene |
| U138 | 74–88–4 | Methane, iodo- |
| U138 | 74–88–4 | Methyl iodide |
| U140 | 78–83–1 | Isobutyl alcohol (I,T) |
| U140 | 78–83–1 | 1-Propanol, 2-methyl- (I,T) |
| U141 | 120–58–1 | 1,3-Benzodioxole, 5-(1-propenyl)- |
| U141 | 120–58–1 | Isosafrole |
| U142 | 143–50–0 | Kepone |
| U142 | 143–50–0 | 1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro- |
| U143 | 303–34–4 | 2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a- |

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| | | tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]- |
| U143 | 303–34–4 | Lasiocarpine |
| U144 | 301–04–2 | Acetic acid, lead(2+) salt |
| U144 | 301–04–2 | Lead acetate |
| U145 | 7446–27–7 | Lead phosphate |
| U145 | 7446–27–7 | Phosphoric acid, lead(2+) salt (2:3) |
| U146 | 1335–32–6 | Lead, bis(acetato-O)tetrahydroxytri- |
| U146 | 1335–32–6 | Lead subacetate |
| U147 | 108–31–6 | 2,5-Furandione |
| U147 | 108–31–6 | Maleic anhydride |
| U148 | 123–33–1 | Maleic hydrazide |
| U148 | 123–33–1 | 3,6-Pyridazinedione, 1,2-dihydro- |
| U149 | 109–77–3 | Malononitrile |
| U149 | 109–77–3 | Propanedinitrile |
| U150 | 148–82–3 | Melphalan |
| U150 | 148–82–3 | L-Phenylalanine, 4-[bis(2-chloroethyl)amino]- |
| U151 | 7439–97–6 | Mercury |
| U152 | 126–98–7 | Methacrylonitrile (I,T) |
| U152 | 126–98–7 | 2-Propenenitrile, 2-methyl- (I,T) |
| U153 | 74–93–1 | Methanethiol (I,T) |
| U153 | 74–93–1 | Thiomethanol (I,T) |
| U154 | 67–56–1 | Methanol (I) |
| U154 | 67–56–1 | Methyl alcohol (I) |
| U155 | 91–80–5 | 1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)- |
| U155 | 91–80–5 | Methapyrilene |
| U156 | 79–22–1 | Carbonochloridic acid, methyl ester (I,T) |
| U156 | 79–22–1 | Methyl chlorocarbonate (I,T) |
| U157 | 56–49–5 | Benz[j]aceanthrylene, 1,2-dihydro-3-methyl- |
| U157 | 56–49–5 | 3-Methylcholanthrene |
| U158 | 101–14–4 | Benzenamine, 4,4'-methylenebis[2-chloro- |
| U158 | 101–14–4 | 4,4'-Methylenebis(2-chloroaniline) |

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| U159 | 78–93–3 | 2-Butanone (I,T) |
| U159 | 78–93–3 | Methyl ethyl ketone (MEK) (I,T) |
| U160 | 1338–23–4 | 2-Butanone, peroxide (R,T) |
| U160 | 1338–23–4 | Methyl ethyl ketone peroxide (R,T) |
| U161 | 108–10–1 | Methyl isobutyl ketone (I) |
| U161 | 108–10–1 | 4-Methyl-2-pentanone (I) |
| U161 | 108–10–1 | Pentanol, 4-methyl- |
| U162 | 80–62–6 | Methyl methacrylate (I,T) |
| U162 | 80–62–6 | 2-Propenoic acid, 2-methyl-, methyl ester (I,T) |
| U163 | 70–25–7 | Guanidine, -methyl-N'-nitro-N-nitroso- |
| U163 | 70–25–7 | MNNG |
| U164 | 56–04–2 | Methylthiouracil |
| U164 | 56–04–2 | 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo- |
| U165 | 91–20–3 | Naphthalene |
| U166 | 130–15–4 | 1,4-Naphthalenedione |
| U166 | 130–15–4 | 1,4-Naphthoquinone |
| U167 | 134–32–7 | 1-Naphthalenamine |
| U167 | 134–32–7 | alpha-Naphthylamine |
| U168 | 91–59–8 | 2-Naphthalenamine |
| U168 | 91–59–8 | beta-Naphthylamine |
| U169 | 98–95–3 | Benzene, nitro- |
| U169 | 98–95–3 | Nitrobenzene (I,T) |
| U170 | 100–02–7 | p-Nitrophenol |
| U170 | 100–02–7 | Phenol, 4-nitro- |
| U171 | 79–46–9 | 2-Nitropropane (I,T) |
| U171 | 79–46–9 | Propane, 2-nitro- (I,T) |
| U172 | 924–16–3 | 1-Butanamine, N-butyl-N-nitroso- |
| U172 | 924–16–3 | N-Nitrosodi-n-butylamine |
| U173 | 1116–54–7 | Ethanol, 2,2'-(nitrosoimino)bis- |
| U173 | 1116–54–7 | N-Nitrosodiethanolamine |
| U174 | 55–18–5 | Ethanamine, -ethyl-N-nitroso- |
| U174 | 55–18–5 | N-Nitrosodiethylamine |
| U176 | 759–73–9 | N-Nitroso-N-ethylurea |

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| U176 | 759–73–9 | Urea, N-ethyl-N-nitroso- |
| U177 | 684–93–5 | N-Nitroso-N-methylurea |
| U177 | 684–93–5 | Urea, N-methyl-N-nitroso- |
| U178 | 615–53–2 | Carbamic acid, methylnitroso-, ethyl ester |
| U178 | 615–53–2 | N-Nitroso-N-methylurethane |
| U179 | 100–75–4 | N-Nitrosopiperidine |
| U179 | 100–75–4 | Piperidine, 1-nitroso- |
| U180 | 930–55–2 | N-Nitrosopyrrolidine |
| U180 | 930–55–2 | Pyrrolidine, 1-nitroso- |
| U181 | 99–55–8 | Benzenamine, 2-methyl-5-nitro- |
| U181 | 99–55–8 | 5-Nitro-o-toluidine |
| U182 | 123–63–7 | 1,3,5-Trioxane, 2,4,6-trimethyl- |
| U182 | 123–63–7 | Paraldehyde |
| U183 | 608–93–5 | Benzene, pentachloro- |
| U183 | 608–93–5 | Pentachlorobenzene |
| U184 | 76–01–7 | Ethane, pentachloro- |
| U184 | 76–01–7 | Pentachloroethane |
| U185 | 82–68–8 | Benzene, pentachloronitro- |
| U185 | 82–68–8 | Pentachloronitrobenzene (PCNB) |
| U186 | 504–60–9 | 1-Methylbutadiene (I) |
| U186 | 504–60–9 | 1,3-Pentadiene (I) |
| U187 | 62–44–2 | Acetamide, -(4-ethoxyphenyl)- |
| U187 | 62–44–2 | Phenacetin |
| U188 | 108–95–2 | Phenol |
| U189 | 1314–80–3 | Phosphorus sulfide (R) |
| U189 | 1314–80–3 | Sulfur phosphide (R) |
| U190 | 85–44–9 | 1,3-Isobenzofurandione |
| U190 | 85–44–9 | Phthalic anhydride |
| U191 | 109–06–8 | 2-Picoline |
| U191 | 109–06–8 | Pyridine, 2-methyl- |
| U192 | 23950–58–5 | Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)- |
| U192 | 23950–58– | Pronamide |

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| U193 | 1120–71–4 | 1,2-Oxathiolane, 2,2-dioxide |
| U193 | 1120–71–4 | 1,3-Propane sultone |
| U194 | 107–10–8 | 1-Propanamine (I,T) |
| U194 | 107–10–8 | n-Propylamine (I,T) |
| U196 | 110–86–1 | Pyridine |
| U197 | 106–51–4 | p-Benzoquinone |
| U197 | 106–51–4 | 2,5-Cyclohexadiene-1,4-dione |
| U200 | 50–55–5 | Reserpine |
| U200 | 50–55–5 | Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester,(3beta,16beta,17alpha,18beta,20alpha)- |
| U201 | 108–46–3 | 1,3-Benzenediol |
| U201 | 108–46–3 | Resorcinol |
| U202 | 181–07–2 | 1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts |
| U202 | 181–07–2 | Saccharin, & salts |
| U203 | 94–59–7 | 1,3-Benzodioxole, 5-(2-propenyl)- |
| U203 | 94–59–7 | Safrole |
| U204 | 7783–00–8 | Selenious acid |
| U204 | 7783–00–8 | Selenium dioxide |
| U205 | 7488–56–4 | Selenium sulfide |
| U205 | 7488–56–4 | Selenium sulfide $SeS_2$(R,T) |
| U206 | 18883–66–4 | Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D- |
| U206 | 18883–66–4 | D-Glucose, 2-deoxy-2-[[(methylnitrosoamino)-carbonyl]amino]- |
| U206 | 18883–66–4 | Streptozotocin |
| U207 | 95–94–3 | Benzene, 1,2,4,5-tetrachloro- |
| U207 | 95–94–3 | 1,2,4,5-Tetrachlorobenzene |
| U208 | 630–20–6 | Ethane, 1,1,1,2-tetrachloro- |
| U208 | 630–20–6 | 1,1,1,2-Tetrachloroethane |
| U209 | 79–34–5 | Ethane, 1,1,2,2-tetrachloro- |
| U209 | 79–34–5 | 1,1,2,2-Tetrachloroethane |

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| U210 | 127–18–4 | Ethene, tetrachloro- |
| U210 | 127–18–4 | Tetrachloroethylene |
| U211 | 56–23–5 | Carbon tetrachloride |
| U211 | 56–23–5 | Methane, tetrachloro- |
| U213 | 109–99–9 | Furan, tetrahydro-(I) |
| U213 | 109–99–9 | Tetrahydrofuran (I) |
| U214 | 563–68–8 | Acetic acid, thallium(1+) salt |
| U214 | 563–68–8 | Thallium(I) acetate |
| U215 | 6533–73–9 | Carbonic acid, dithallium(1+) salt |
| U215 | 6533–73–9 | Thallium(I) carbonate |
| U216 | 7791–12–0 | Thallium(I) chloride |
| U216 | 7791–12–0 | Thallium chloride TlCl |
| U217 | 10102–45–1 | Nitric acid, thallium(1+) salt |
| U217 | 10102–45–1 | Thallium(I) nitrate |
| U218 | 62–55–5 | Ethanethioamide |
| U218 | 62–55–5 | Thioacetamide |
| U219 | 62–56–6 | Thiourea |
| U220 | 108–88–3 | Benzene, methyl- |
| U220 | 108–88–3 | Toluene |
| U221 | 25376–45–8 | Benzenediamine, ar-methyl- |
| U221 | 25376–45–8 | Toluenediamine |
| U222 | 636–21–5 | Benzenamine, 2-methyl-, hydrochloride |
| U222 | 636–21–5 | o-Toluidine hydrochloride |
| U223 | 26471–62–5 | Benzene, 1,3-diisocyanatomethyl- (R,T) |
| U223 | 26471–62–5 | Toluene diisocyanate (R,T) |
| U225 | 75–25–2 | Bromoform |
| U225 | 75–25–2 | Methane, tribromo- |
| U226 | 71–55–6 | Ethane, 1,1,1-trichloro- |
| U226 | 71–55–6 | Methyl chloroform |

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| U226 | 71–55–6 | 1,1,1-Trichloroethane |
| U227 | 79–00–5 | Ethane, 1,1,2-trichloro- |
| U227 | 79–00–5 | 1,1,2-Trichloroethane |
| U228 | 79–01–6 | Ethene, trichloro- |
| U228 | 79–01–6 | Trichloroethylene |
| U234 | 99–35–4 | Benzene, 1,3,5-trinitro- |
| U234 | 99–35–4 | 1,3,5-Trinitrobenzene (R,T) |
| U235 | 126–72–7 | 1-Propanol, 2,3-dibromo-, phosphate (3:1) |
| U235 | 126–72–7 | Tris(2,3-dibromopropyl) phosphate |
| U236 | 72–57–1 | 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt |
| U236 | 72–57–1 | Trypan blue |
| U237 | 66–75–1 | 2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]- |
| U237 | 66–75–1 | Uracil mustard |
| U238 | 51–79–6 | Carbamic acid, ethyl ester |
| U238 | 51–79–6 | Ethyl carbamate (urethane) |
| U239 | 1330–20–7 | Benzene, dimethyl- (I,T) |
| U239 | 1330–20–7 | Xylene (I) |
| U240 | [1]94–75–7 | Acetic acid, (2,4-dichlorophenoxy)-, salts & esters |
| U240 | [1]94–75–7 | 2,4-D, salts & esters |
| U243 | 1888–71–7 | Hexachloropropene |
| U243 | 1888–71–7 | 1-Propene, 1,1,2,3,3,3-hexachloro- |
| U244 | 137–26–8 | Thioperoxydicarbonic diamide $[(H_2N)C(S)]_2S_2$, tetramethyl- |
| U244 | 137–26–8 | Thiram |
| U246 | 506–68–3 | Cyanogen bromide (CN)Br |
| U247 | 72–43–5 | Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4- methoxy- |
| U247 | 72–43–5 | Methoxychlor |
| U248 | [1]81–81–2 | 2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations of 0.3% or less |
| U248 | [1]81–81–2 | Warfarin, & salts, when present at concentrations of 0.3% or less |

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| U249 | 1314–84–7 | Zinc phosphide $Zn_3P_2$, when present at concentrations of 10% or less |
| U271 | 17804–35–2 | Benomyl |
| U271 | 17804–35–2 | Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester |
| U278 | 22781–23–3 | Bendiocarb |
| U278 | 22781–23–3 | 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate |
| U279 | 63–25–2 | Carbaryl |
| U279 | 63–25–2 | 1-Naphthalenol, methylcarbamate |
| U280 | 101–27–9 | Barban |
| U280 | 101–27–9 | Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester |
| U328 | 95–53–4 | Benzenamine, 2-methyl- |
| U328 | 95–53–4 | o-Toluidine |
| U353 | 106–49–0 | Benzenamine, 4-methyl- |
| U353 | 106–49–0 | p-Toluidine |
| U359 | 110–80–5 | Ethanol, 2-ethoxy- |
| U359 | 110–80–5 | Ethylene glycol monoethyl ether |
| U364 | 22961–82–6 | Bendiocarb phenol |
| U364 | 22961–82–6 | 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, |
| U367 | 1563–38–8 | 7-Benzofuranol, 2,3-dihydro-2,2-dimethyl- |
| U367 | 1563–38–8 | Carbofuran phenol |
| U372 | 10605–21–7 | Carbamic acid, 1H-benzimidazol-2-yl, methyl ester |
| U372 | 10605–21–7 | Carbendazim |
| U373 | 122–42–9 | Carbamic acid, phenyl-, 1-methylethyl ester |
| U373 | 122–42–9 | Propham |
| U387 | 52888–80–9 | Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester |
| U387 | 52888–80–9 | Prosulfocarb |

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|---|---|---|
| U389 | 2303–17–5 | Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester |
| U389 | 2303–17–5 | Triallate |
| U394 | 30558–43–1 | A2213 |
| U394 | 30558–43–1 | Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester |
| U395 | 5952–26–1 | Diethylene glycol, dicarbamate |
| U395 | 5952–26–1 | Ethanol, 2,2'-oxybis-, dicarbamate |
| U404 | 121–44–8 | Ethanamine, N,N-diethyl- |
| U404 | 121–44–8 | Triethylamine |
| U409 | 23564–05–8 | Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester |
| U409 | 23564–05–8 | Thiophanate-methyl |
| U410 | 59669–26–0 | Ethanimidothioic acid, N,N'-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester |
| U410 | 59669–26–0 | Thiodicarb |
| U411 | 114–26–1 | Phenol, 2-(1-methylethoxy)-, methylcarbamate |
| U411 | 114–26–1 | Propoxur |
| See F027 | 93–76–5 | Acetic acid, (2,4,5-trichlorophenoxy)- |
| See F027 | 87–86–5 | Pentachlorophenol |
| See F027 | 87–86–5 | Phenol, pentachloro- |
| See F027 | 58–90–2 | Phenol, 2,3,4,6-tetrachloro- |
| See F027 | 95–95–4 | Phenol, 2,4,5-trichloro- |
| See F027 | 88–06–2 | Phenol, 2,4,6-trichloro- |
| See F027 | 93–72–1 | Propanoic acid, 2-(2,4,5-trichlorophenoxy)- |
| See F027 | 93–72–1 | Silvex (2,4,5-TP) |
| See F027 | 93–76–5 | 2,4,5-T |
| See F027 | 58–90–2 | 2,3,4,6-Tetrachlorophenol |
| See F027 | 95–95–4 | 2,4,5-Trichlorophenol |
| See F027 | 88–06–2 | 2,4,6-Trichlorophenol |

[1]CAS Number given for parent compound only.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
2ND FLOOR JUAN A. SABLAN MEMORIAL BLDG., CAPITAL HILL
CALLER BOX 10007, SAIPAN, MP 96950
TELEPHONE: (670) 664-2341
TELECOPIER: (670) 664-2349

OFFICE OF THE ATTORNEY GENERAL
CIVIL DIVISION

# ATTORNEY GENERAL OPINION NO. 08-01

January 30, 2008

**To:** Special Assistant for Administration,
Special Assistant for Office of Management and Budget

**From:** Attorney General

**Subject:** Interpretation of Article II, Section 16(b)

It is the opinion of the Attorney General that the NMI Constitution requires that members of the House of Representatives shall receive funding equal to the level of funding for members of the Senate.

Article II, Section 16(b) is ambiguous on its face. It states:

> Each member of each house shall receive an amount within this ceiling not to exceed one hundred fifty-five thousand dollars annually for office and related expenses including all expenses for travel. Members may voluntarily pool all or part of these funds.

That wording can be interpreted to mean that all members of the House of Representatives shall received the same amount of funds as all other members of the House. It can also be interpreted to mean that all members of the House of Representatives and the Senate shall receive the same amount of funds as all other members.

I could not find any legislative history on the legislative initiative that resulted in the passage of the amendment that resulted in the word of Article II, Section 16(b). The

only indication of the meaning of that section is found in Public Law 11-01, an appropriations act. It states in its findings and purpose that:

> The Legislature finds that the voters of the Commonwealth approved Legislative Initiative 10-8 on November 1, 1997. In approving the legislative initiative, the voters intended that the Commonwealth Legislature have sufficient funds to fully and effectively perform its constitutional responsibilities. In particular, the voters expected that members of the House of Representatives would receive funding to support their offices and activities **equal to the level of funding** received by members of the Senate. At the same time, the voters had not intended that funding for members of the Senate be reduced below present levels. (Emphasis added.)

Since both the House of Representatives and the Senate voted affirmatively on Public Law 11-01 containing the above quoted findings and there is no legislative history to use to interpret Article II, Section 16(b), it must be presumed by the Executive Branch that those findings are the correct interpretation of the section. Article II, Section 16(b) must be disbursed accordingly. Therefore, each member of both the House of Representatives and the Senate must receive the same amount of funding.

Matthew T. Gregory
Attorney General, CNMI

## PUBLIC NOTICE

EMERGENCY REGULATIONS
IMPLEMENTING THE REPEAL OF P. L. 11-66 (3 CMC § 4710 et. seq.)

EMERGENCY ADOPTION AND IMMEDIATE EFFECT: The Commonwealth of the Northern Mariana Islands, OFFICE OF THE ATTORNEY GENERAL (AGO) finds that:

(1) under 1 CMC §9104(b), the public interest requires regulations to clarify and expedite the implementation of the repeal of P.L. 11-66 (3 CMC §4701 et seq.).

(2) the same rules and regulations may be adopted as permanent regulations pursuant to the attached Notice of Proposed Rules and Regulations and the Administrative Procedure Act, 1 CMC § 9104(a).

AUTHORITY:

The Office of Attorney General is authorized to promulgate regulations to implement the Non Resident Workers Relief Act, 3 CMC §4701 et seq., by 3 CMC §4702

The Administrative Procedure Act provides that an agency may adopt an emergency regulation upon fewer than 30 days' notice if it states its reasons in writing:

> (b) If an agency finds that the public interest so requires, or that an imminent peril to the public health, safety, or welfare requires adoption of a regulation upon fewer than 30 days' notice, and states in writing its reasons for that finding, it may, with the concurrence of the Governor, proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency regulation. The regulation may be effective for a period of not longer than 120 days, but the adoption of an identical regulation under subsections (a)(1) and (a)(2) of this section is not precluded.
>
> (c) No regulation adopted is valid unless adopted in substantial compliance with this section. . . .

1 CMC § 9104(b), (c).

THE TERMS AND SUBSTANCE: .

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| Short Statement of Goals and Objectives | The emergency regulations implement the repeal of P.L. 11-66 in place of prior regulations and in a manner consistent with P.L. 15-108. The regulations define terms and eligibility |

for relief for claims made prior to January 1, 2008, establish amounts for payment, and set out time limits and restrictions on requests for relief.

Brief Summary of Proposed Regulations

These regulations are promulgated to:

(1) Administer the fund created by P.L. 11-66 in a manner consistent with P.L. 15-108.
(2) Provide that workers must be repatriated to their home country in order to claim relief under the Act.
(3) Provide that workers must execute an assignment of rights in favor of the Commonwealth in the event unpaid wages or repatriation funds are collected on behalf of the worker.
(4) Provide that the amount of the payment shall be the actual damages for unpaid wages and other related damages awarded under the administrative order, and defining other related damages.
(5) Provide a limit on the total amount of payment of $3,000.
(6) Prohibit re-entry into the Commonwealth for one year after receiving an award.

ADOPTION OF EMERGENCY REGULATIONS FOR 120 DAYS: The AGO has followed the procedures of 1 CMC § 9104(b) to adopt these Proposed Regulations on an emergency basis for 120 days.

REASONS FOR EMERGENCY ADOPTION: P.L. 11-66 created a fund administered by the Attorney General to provide limited payment of uncollected amounts awarded under orders issued by Department of Labor hearing officers to foreign national workers who are being repatriated to their home country. P.L. 11-66 was repealed by P.L. 15-108 which came into effect on January 1, 2008. Under current difficult economic circumstances in the Commonwealth and the contraction or closing of many businesses, it is necessary to process the claims made prior to January 1, 2008 for compensation under P.L. 11-66 in an expedited fashion. Under these circumstances, and in order to administer the fund efficiently and fairly, clear rules are required as to qualification for payment from the fund for claims made prior to January 1, 2008.

REGULATIONS

I. Definitions

A. Administrative award. An administrative award is an order issued by a hearing officer, Administrative Hearing Office, Department of Labor, as to which the time for appeal has expired, providing that an employer is financially liable to a current or former employee as a result of a cause of

action arising out of an employment relationship governed by Commonwealth labor laws and regulations in effect prior to the enactment of and not repealed by P.L. 15-108. An administrative award does not include orders or decisions issued by other Commonwealth or Federal enforcement agencies, or arising out of a private action.

B. Air fare. Airfare is the cost of air transportation of the foreign national worker from the Commonwealth to country of origin.

C. Back wages. Back wages include amounts set out in an administrative award for actual hourly, bi-weekly, or monthly wages required to be paid under an approved employment contract or for actual wages required to be paid on a quantum meruit basis for work performed by a foreign national worker.

D. Other related damages. Other related damages include amounts set out in an administrative order for unpaid overtime, unpaid medical expenses required by Commonwealth law to be paid by an employer. It *does not include* fees paid by the worker that are required by law to be paid by the employer, and other unpaid benefits required by Commonwealth law or Memorandum of Understanding with a foreign country to be paid by an employer. It *also does not include* liquidated damages or any other penalty, benefit-related, administrative, or miscellaneous award of any kind.

II. Administration. The Office of Attorney General has primary responsibility and authority for the administration of P.L. 11-66. The Department of Labor has responsibility for providing information and documentation with respect to eligibility for payment.

III. Eligibility for payment.

A. Claims for payment. A written claim for payment under P.L. 11-66 shall have been filed with the Department of Labor prior to January 1, 2008, the effective date of P.L. 15-108. The claim shall attach a copy of the administrative award under which payment is claimed. The claim shall refer specifically to relief under P.L. 11-66.

B. Repatriation. A claim for payment must be preceded or accompanied by a request for repatriation. Only foreign national workers who are repatriating are eligible for payment.

C. Assignment of claims. A foreign national worker claiming payment under P.L. 11-66 shall execute an assignment of claims, on a form provided by the Attorney General. The assignment shall provide the Commonwealth rights to any amounts collected on behalf of the foreign national worker. The form

shall specify that any amounts collected by the Commonwealth in excess of the amounts spent for repatriation and payment of the administrative award shall be remitted to the foreign national worker at the address provided on the form.

IV. Method of payment. A payment under P.L. 11.66 shall be made in a form (cash or check) to be determined by the Office of the Attorney General and shall be delivered to the foreign national worker only at the airport immediately prior to departure from the Commonwealth.

V. Payment limits. The amount of the payment from the fund to the worker shall be the amount set out in the administrative award for back wages and other related damages, up to a total of $3,000 less any cost incurred by the Commonwealth for repatriation of the foreign national worker.

Examples:

A. A worker is awarded $4,000 (for unpaid wages) in an administrative action, and receives no payment by the due date specified in the Order. Repatriation costs are $900. *The worker is entitled to a repatriation ticket, and $2100. ($3000 – 900 = $2100).*

B. A worker is awarded $4000 (for unpaid wages) in an administrative action, and receives a partial payment of $1500. No subsequent payments are received. Repatriation costs are $900. *The worker is entitled to a repatriation ticket and $600. ($3000 – 900 =$2100. The amount is further reduced by the partial payment of $1500, leaving $600).*

C. A worker is awarded $7000 plus liquidated damages in an equal amount in a Federal FLSA action. The worker receives $3500 and no subsequent payments are made. *The worker is eligible for repatriation under 3 CMC § 4347 (the Deportation Fund). The worker is not eligible for benefits under P.L. 11-66 because they have received more than $3000 as an award.*

D. A worker is awarded $7000 plus liquidated damages in an equal amount in a Federal FLSA action. The worker receives $2000 and a repatriation ticket. No subsequent payments are made. *The worker is eligible for $1000 ($3000 – 2000 = $1000. There is no deduction for repatriation because the Commonwealth incurs no repatriation costs).*

VI. Time limits. A claim for payment under P.L. 11-66 must have been made prior to January 1, 2008, the effective date of P.L. 15-108 that repeals P.L. 11-66. Claims made beyond this time limit are barred.

VII. Extraordinary Circumstances. A claim to only repatriate the remains of a foreign national worker will be given special consideration, including but not limited to an expedited approval of the claim.

VIII. Other restrictions.

A. Re-entry to the Commonwealth. A foreign national worker who receives payment under P.L. 11-66 shall not re-enter the Commonwealth for any reason for one year from the date of departure.

B. Reimbursement for airfare. Employers and foreign national workers are not eligible for reimbursement under P.L. 11-66 for airfare for repatriation purposes.

C. Disputes. Exclusive jurisdiction to resolve disputes arising under the Act or these Regulations is vested in the Attorney General by virtue of the Attorney General's authority to administer the immigration laws.

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section/s on emergency and proposed regulations (*see* 1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district. (1 CMC § 9104(a)(1))

The AGO shall take appropriate measures to make these Regulations known to the persons who may be affected by them (1 CMC 9105(b)(2)).

IMMEDIATE EFFECT: These emergency regulations become effective immediately upon filing with the Commonwealth Register and delivery to the Governor. (1 CMC § 9105(b)(2)) This is because the Board has found that this effective date is required by the public interest or is necessary because of imminent peril to the public health, safety, or welfare. (*Id.*)

TO PROVIDE COMMENTS: Written comments may be submitted on these emergency regulations to Eleanor Nisperos, Assistant Attorney General and Counsel to the Department of Labor, Afetna Square Building, San Antonio, Caller 10007, Saipan, MP 96950, phone 236-0910, fax, 236-0991, e-mail enisperos@cnmi-gov.net .

Submitted by: _____ 1/30/08
MATTHEW GREGORY
Attorney General
Date

Concurred by: _____ 1/30/08
BENIGNO R. FITIAL
Governor
Date

Filed and
Recorded by: _____ 1-31-08
BERNADITA B. DE LA CRUZ
Commonwealth Register
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 30th day of January, 2008.

_____
MATTHEW T. GREGORY,
Attorney General