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Fpes18 AAC 50.990(46) is amended to read:

(46) "hazardous waste" means a waste within the scope of **18 AAC 62.201 - 18 AAC 62.299** [18 AAC 62.020];
(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am 10/1/2004, Register 171; am 12/3/2005, Register 176; am 12/30/2007, Register 184; am 7/25/2008, Register 187; am 4/1/2010, Register 193; am 12/9/2010, Register 196; am 9/17/2011, Register 199; am 9/14/2012, Register 203; am 10/6/2013, Register 208; am 11/9/2014, Register 212; am 2/28/2015, Register 213; am 4/17/2015, Register 214; am 3/2/2016, Register 217; am 1/12/2018, Register 225; am 9/15/2018, Register 227; am 1/8/2020, Register 233; am 11/7/2020, Register 236; add'l am 11/7/2020, Register 236; am ____/____/_____, Register _____)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993

18 AAC 60.400(a)(2) is amended to read:

(2) regulated hazardous waste or waste identified as hazardous waste under

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18 AAC 62.201 - 18 AAC 62.299 [18 AAC 62.020];

(Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; am 8/8/2003, Register 167; am 9/5/2010, Register 195; am ____/____/_____, Register _____)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.110
AS 46.03.010 AS 46.03.100

Chapter 62. Hazardous Waste.

The heading of Article 1 of 18 AAC 62 is changed to read:

Article 1. General Standards [IDENTIFICATION OF HAZARDOUS WASTE].

18 AAC 62.020 is repealed:

18 AAC 62.020. Identification of hazardous waste. Repealed. (Eff. 7/11/87, Register 103; am 8/7/92, Register 123; am 8/8/2003, Register 167; repealed ____/____/_____, Register _____)

18 AAC 62 is amended by adding new sections to Article 1 to read:

18 AAC 62.030. Purpose and applicability. (a) The purpose of this chapter is to promote proper management of hazardous waste by generators, handlers, transporters, and hazardous waste management facilities in a manner that meets the purposes set out in AS 46.03 and in accordance with 42 U.S.C. 6921 - 42 U.S.C. 6939g (Resource Conservation and Recovery Act (RCRA), Subchapter III), and meets the requirements adopted by reference in this chapter.

(b) This chapter applies to the generation, handling, storage, transport, treatment, or disposal of hazardous waste. (Eff. ____/____/_____, Register _____)

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Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.040. General modifications to adoption by reference. (a) Except where noted, when the text of the federal regulations adopted by reference refer to the "Resource Conservation and Recovery Act", "RCRA", "Subtitle C of RCRA", "the Act", or other general references that refer to the federal hazardous waste statutes and regulations, these references shall be construed to refer to this chapter and AS 46.03.250 - 46.03.317 (radiation and hazardous waste protection).

(b) Except where noted, when the text of the federal regulations adopted by reference refer to "RCRA permits" or "RCRA Part B permits", these references shall be construed to refer to permits issued by the United States Environmental Protection Agency (EPA), the department, or another authorized state.

(c) Except where noted, when used in any provision adopted by reference from 40 C.F.R. Part 124, Parts 260 - 268, Part 270, Part 273, or Part 279, "EPA" means the department.

(d) Except where noted, when the text of the federal regulations adopted by reference refers to "administrator", "regional administrator", or "director", these references mean the commissioner of the department. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.050. General provisions. The provisions of 40 C.F.R. Part 260, Subpart A (general), revised as of July 1, 2022, are adopted by reference. The substitution of department

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terms for the EPA and federal officials referenced in 18 AAC 62.040(c) does not apply to
40 C.F.R. 260.4 and 260.5. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

The heading of Article 2 of 18 AAC 62 is changed to read:

**Article 2. Identification and Listing of Hazardous Waste [STANDARDS APPLICABLE
TO A GENERATOR].**

18 AAC 62 is amended by adding new sections to Article 2 to read:

18 AAC 62.201. General provisions. The provisions of 40 C.F.R. Part 261, Subpart A
(general), revised as of July 1, 2022, are adopted by reference. EPA administers all movement of
hazardous waste transported across international boundaries. The substitution of state terms for
the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply 40 CFR
261.4(a)(25) (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.900

18 AAC 62.205. Requirements for electronics as universal waste. In addition to the
wastes listed under 40 C.F.R. Part 261.9, electronic waste is exempt from 18 AAC 62.300 -
18 AAC 62.970 if managed under 18 AAC 62.1100 - 18 AAC 62.1160. (Eff.
____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 60.210 is repealed:

Commented [LA1]: Clarification for not using the
substitution of state terms.

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18 AAC 62.210. Requirements for a generator of hazardous waste. Repealed. (Eff. 7/11/87, Register 103; am 8/7/92, Register 123; am 8/8/2003, Register 167; repealed ____/____/_____, Register _____)

18 AAC 62 is amended by adding new sections to Article 2 to read:

18 AAC 62.211. Criteria for identifying the characteristics of hazardous waste and for listing hazardous waste. The provisions of 40 C.F.R. Part 261, Subpart B (criteria for identifying the characteristics of hazardous waste and for listing hazardous waste), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.221. Characteristics of hazardous waste. The provisions of 40 C.F.R. Part 261, Subpart C (characteristics of hazardous waste), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.231. Lists of hazardous waste. The provisions of 40 C.F.R. Part 261, Subpart D (lists of hazardous waste), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.240. Exclusions and exemptions. The provisions of 40 C.F.R. Part 261,

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Subpart E (exclusions/exemptions), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.250. Financial requirements for management of excluded hazardous secondary materials. ~~(a)~~ The provisions of 40 C.F.R. Part 261, Subpart H (financial requirements for management of excluded hazardous secondary materials), revised as of July 1, 2022, are adopted by reference.

~~(b) A signed duplicate original of each instrument as set out in 40 C.F.R. 261.151, adopted by reference in (a) of this section, for liability requirements and financial assurance must be submitted to both the department and the EPA regional administrator.~~ (Eff.

____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.260. Use and management of containers. The provisions of 40 C.F.R. Part 261, Subpart I (use and management of containers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.270. Tank systems. The provisions of 40 C.F.R. Part 261, Subpart J (tank systems), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Commented [LA2]: Will be submitted to EPA by ADEC - only applies to certain documentation, and this will simplify the requirements for the owner/operator.

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Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.280. Emergency preparedness and response for management of excluded hazardous secondary materials. The provisions of 40 C.F.R. Part 261, Subpart M (emergency preparedness and response for management of excluded hazardous secondary materials), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.285. Air emissions standards for process vents. The provisions of 40 C.F.R. Part 261, Subpart AA (air emissions standards for process vents), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.290. Air emissions standards for equipment leaks. The provisions of 40 C.F.R. Part 261, Subpart BB (air emissions standards for equipment leaks), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.295. Air emissions standards for tanks and containers. The provisions of 40 C.F.R. Part 261, Subpart CC (air emissions standards for tanks and containers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

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18 AAC 62.299. Federal appendices. The following appendices of 40 C.F.R Part 261, revised as of July 1, 2022, are adopted by reference:

- (1) Appendix I (representative sampling methods);
- (2) Appendix VII (basis for listing hazardous waste); and
- (3) Appendix VIII (hazardous constituents). (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

The heading of Article 3 of 18 AAC 62 is changed to read:

**Article 3. Standards Applicable to Generators of Hazardous Waste [STANDARDS
APPLICABLE TO A TRANSPORTER].**

18 AAC 62 is amended by adding a new section to Article 3 read:

18 AAC 62.301. General provisions. The provisions of 40 C.F.R. Part 262, Subpart A (general), revised as of July 1, 2022, are adopted by reference, except that small or large quantity generator must complete and submit EPA Form 8700-12 (site identification form) or the equivalent to the department ~~and EPA~~ not later than March 1 of each year to cover activities during the previous calendar year. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.310 is repealed.

18 AAC 60.310. Requirements for a transporter of hazardous waste. Repealed. (Eff. 7/11/87, Register 103; am 8/7/92, Register 123; am 8/8/2003, Register 167; repealed

Commented [LA3]: Error

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____/____/____, Register _____)

18 AAC 62 is amended by adding new sections to Article 3 to read:

18 AAC 62.311. Manifest requirements applicable to small and large quantity generators. The provisions of 40 C.F.R. Part 262, Subpart B (manifest requirements applicable to small and large quantity generators), revised as of July 1, 2022, are adopted by reference. All manifest requirements are administered by EPA. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to this section. (Eff.

____/____/____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.305

Commented [LA4]: Added for clarity - is there a better word than administered?

18 AAC 62.321. Pre-transport requirements applicable to small and large quantity generators. The provisions of 40 C.F.R. Part 262, Subpart C (pre-transport requirements applicable to small and large quantity generators), revised as of July 1, 2022, are adopted by reference. The substitution of state terms for the EPA as referenced in 18 AAC 60.040(e) does

not apply to 40 C.F.R. 262.32. (Eff. ____/____/____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

Commented [LA5]: Not needed - references to DOT standards broad enough to include state and federal.

18 AAC 62.330. Recordkeeping and reporting applicable to small and large quantity generators. (a) The provisions of 40 C.F.R. Part 262, Subpart D (recordkeeping and reporting applicable to small and large quantity generators), revised as of July 1, 2022, are adopted by reference. All manifest requirements are administered by EPA. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to 40 C.F.R.

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262.42 (exception reporting).

Commented [LA6]: Is this correct?? Or should exception reports come to the state?

(b) Notwithstanding 40 C.F.R. 262.41, any generator who is a large quantity generator for at least one month of a reporting year who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must complete and submit EPA Form 8700–13 A/B to the department and EPA not later than March 1 of the following year to cover generator activities during the previous year.

(c) Notwithstanding 40 C.F.R. 262.41, any generator ~~who is a large quantity generator for at least one month of a reporting year who receives hazardous waste from very small quantity generators (VSQGs) under 40 C.F.R. 262.17(f), treats, stores, or disposes of hazardous waste on site~~ must complete and submit EPA Form 8700–13 A/B to the department ~~and EPA~~ not later than March 1 of the following year ~~covering those wastes in accordance with the provisions of 40 C.F.R. Parts 264, 265, 266, 267, and 270. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators under 40 C.F.R. 262.17(f).~~

Commented [LA7]: Revised to clarify Reporting for LQG accepting waste from VSQGs.

(d) For the first five calendar years after the department is authorized for the program in this chapter, every year is a reporting year. After the ~~first five calendar~~ fifth annual reporting years following program authorization, a reporting year is an odd-numbered year. (Eff.

Commented [LA8]: Clearer as we have defined reporting year

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Authority: AS 46.03.020 AS 46.03.299 AS 46.03.311

18 AAC 62.340. Farmers. The provisions of 40 C.F.R. Part 262, Subpart G (farmers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

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18 AAC 62.350. Transboundary movements of hazardous waste for recovery or disposal. The provisions of 40 C.F.R. Part 262, Subpart H (transboundary movements of hazardous waste for recovery or disposal), revised as of July 1, 2022, are adopted by reference.

EPA administers all movement of hazardous waste transported across international boundaries.

Commented [LA9]: Clarification for not using the substitution of state terms.

The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to this section. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.360. Alternative requirements for hazardous waste determination and accumulation of unwanted material for laboratories owned by eligible academic entities.

The provisions of 40 C.F.R. Part 262, Subpart K (alternative requirements for hazardous waste determination and accumulation of unwanted material for laboratories owned by eligible academic entities), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.370. Alternative standards for episodic generation. The provisions of 40 C.F.R. Part 262, Subpart L (alternative standards for episodic generation), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.380. Preparedness, prevention, and emergency procedures for large

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quantity generators. The provisions of 40 C.F.R. Part 262, Subpart M (preparedness, prevention, and emergency procedures for large quantity generators), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

The heading of Article 4 of 18 AAC 62 is changed to read:

Article 4. Standards Applicable to Transporters of Hazardous Waste [TREATMENT, STORAGE, AND DISPOSAL].

18 AAC 62 is amended by adding a new section to Article 4 to read:

18 AAC 62.401. General provisions. The provisions of 40 C.F.R. Part 263, Subpart A (general), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.308

18 AAC 62.410 is repealed:

18 AAC 62.410. Standards applicable to an owner or operator of a hazardous waste treatment, storage, or disposal facility. Repealed. (Eff. 7/11/87, Register 103; am 8/7/92, Register 123; am 8/8/2003, Register 167; repealed ____/____/_____, Register _____)

18 AAC 62 is amended by adding new sections to Article 4 to read:

18 AAC 62.411. Compliance with the manifest system and record keeping. The provisions of 40 C.F.R. Part 263, Subpart B (compliance with the manifest system and record keeping), revised as of July 1, 2022, are adopted by reference. All manifest requirements are

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administered by EPA. The substitution of state terms for the EPA as referenced in 18 AAC

62.040(c) does not apply to 40 C.F.R. 263.20. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.302 AS 46.03.308
AS 46.03.299

Commented [LA10]: Clarification for not using the substitution of state terms.

18 AAC 62.421. Hazardous waste discharges. The provisions of 40 C.F.R. Part 263, Subpart C (hazardous waste discharges), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.308

18 AAC 62.430. Annual report requirement. A transporter shall submit EPA Form 8700-12 (site identification form) to the department, in electronic format, not later than March 1 of each year. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.302 AS 46.03.308
AS 46.03.299

The heading of Article 5 of 18 AAC 62 is changed to read:

Article 5. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities [STANDARDS APPLICABLE TO SPECIFIC HAZARDOUS WASTES AND FACILITIES].

18 AAC 62 is amended by adding new sections to Article 5 to read:

18 AAC 62.502. General provisions. The provisions of 40 C.F.R. Part 264, Subpart A

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(general), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.505. General facility standards. The provisions of 40 C.F.R. Part 264, Subpart B (general facility standards), revised as of July 1, 2022, are adopted by reference. For hazardous waste received from a foreign source, the substitution of state terms for the EPA as referenced in 18 AAC 62.040(c) does not apply to 40 C.F.R. 264.12(a). (Eff. ____/____/_____, Register _____)

Commented [LA11]: Added to address 264.12(a) for foreign sources.

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.511 is repealed:

18 AAC 62.511. Standards for use, reuse, and recycling. Repealed. (Eff. 8/7/92, Register 123; am 8/8/2003, Register 167; repealed ____/____/_____, Register _____)

18 AAC 62 is amended by adding new sections to read:

18 AAC 62.512. Preparedness and prevention. The provisions of 40 C.F.R. Part 264, Subpart C (preparedness and prevention), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.515. Contingency plan and emergency procedures. The provisions of 40 C.F.R. Part 264, Subpart D (contingency plan and emergency procedures), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.520. Manifest system, recordkeeping, and reporting. (a) The provisions of 40 C.F.R. Part 264, Subpart E (manifest system, recordkeeping, and reporting), revised as of July 1, 2022, are adopted by reference. [All imports and exports of hazardous waste and manifest requirements are administered by EPA.](#) The substitution of state terms for the EPA as referenced in 18 AAC 62.040(c) does not apply to 40 C.F.R. 264.71, 264.72, and 264.76.

(b) Notwithstanding 40 C.F.R. 264.75, the owner or operator must complete and submit EPA Form 8700-13 A/B to the department and EPA not later than March 1 of each year and must cover activities during the previous year. (Eff. ____/____/_____, Register _____)

Commented [LA12]: Note - No sunset for TSDFs

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.525. Releases from solid waste management units. (a) The provisions of 40 C.F.R. Part 264, Subpart F (releases from solid waste management units), revised as of July 1, 2022, are adopted by reference.

(b) The statistical method selected for groundwater analysis must be conducted separately for each constituent in each well and the statistical analyses under each method must be developed in consideration of EPA's *Statistical Analysis of Groundwater Monitoring Data at*

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RCRA Facilities - Unified Guidance (EPA 530-F-09-007, March 2009), adopted by reference, unless an alternative approach is approved by the department, using the performance standards in 40 C.F.R. 264.97(i), adopted by reference in (a) of this section. (Eff. ____/____/____, Register ____)

Authority:	AS 44.46.020	AS 46.03.296	AS 46.03.302
	AS 46.03.020	AS 46.03.299	AS 46.03.710

18 AAC 62.527. Procedure for corrective action. When a release from a solid waste management unit is identified, the owner or operator must comply with the requirements under 18 AAC 62.525. The owner or operator must also comply with the requirements of 18 AAC 75.300 - 18 AAC 75.396 (discharge reporting, cleanup, and disposal of oil and other hazardous substances). (Eff. ____/____/____, Register ____)

Authority:	AS 44.46.020	AS 46.03.296	AS 46.03.302
	AS 46.03.020	AS 46.03.299	AS 46.03.710

18 AAC 62.530. Closure and post-closure. The provisions of 40 C.F.R. Part 264, Subpart G (closure and post-closure), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority:	AS 44.46.020	AS 46.03.296	AS 46.03.302
	AS 46.03.020	AS 46.03.299	AS 46.03.710

18 AAC 62.532. Closure standards for corrective action. (a) In addition to the closure standards set out in 18 AAC 62.530, where applicable, closure under this chapter and under

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18 AAC 75 or 18 AAC 78 must be completed in the corrective action process.

(b) Where soil or groundwater cleanup standards differ between this chapter and 18 AAC 75, the applicable standard is the most stringent of those standards unless otherwise approved by the department. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.535. Financial requirements. ~~(a)~~ The provisions of 40 C.F.R. Part 264, Subpart H (financial requirements), revised as of July 1, 2022, are adopted by reference.

~~(b) A signed duplicate original of each instrument as set out in 40 C.F.R. 264.151, adopted by reference in (a) of this section, for liability requirements and financial assurance must be submitted to both the department and the EPA regional administrator.~~ (Eff. ____/____/____, Register ____)

Commented [LA13]: Will be submitted to EPA by ADEC - only applies to certain documentation, and this will simplify the requirements for the owner/operator.

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.830
AS 46.03.296 AS 46.03.302 AS 46.03.833

18 AAC 62.540. Use and management of containers. The provisions of 40 C.F.R. Part 264, Subpart I (use and management of containers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.542. Tank systems. The provisions of 40 C.F.R. Part 264, Subpart J (tank

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systems), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.545. Surface impoundments. The provisions of 40 C.F.R. Part 264, Subpart K (surface impoundments), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.547. Waste piles. The provisions of 40 C.F.R. Part 264, Subpart L (waste piles), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.550. Land treatment. The provisions of 40 C.F.R. Part 264, Subpart M (land treatment), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.555. Landfills. The provisions of 40 C.F.R. Part 264, Subpart N (landfills), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.560. Incinerators. The provisions of 40 C.F.R. Part 264, Subpart O (incinerators), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.565. Special provisions for cleanup. The provisions of 40 C.F.R. Part 264, Subpart S (special provisions for cleanup), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.570. Drip pads. The provisions of 40 C.F.R. Part 264, Subpart W (drip pads), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.575. Miscellaneous units. The provisions of 40 C.F.R. Part 264, Subpart X (miscellaneous units), revised as of July 1, 2022, are adopted by reference. (Eff.

____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.580. Air emission standards for process vents. The provisions of 40 C.F.R. Part 264, Subpart AA (air emission standards for process vents), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.581. Air emission standards for equipment leaks. The provisions of 40 C.F.R. Part 264, Subpart BB (air emission standards for equipment leaks), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.582. Air emission standards for tanks, surface impoundments, and containers. The provisions of 40 C.F.R. Part 264, Subpart CC (air emission standards for tanks, surface impoundments, and containers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

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AS 46.03.296

18 AAC 62.585. Containment buildings. The provisions of 40 C.F.R. Part 264, Subpart DD (containment buildings), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.590. Hazardous waste munitions and explosives storage. The provisions of 40 C.F.R. Part 264, Subpart EE (hazardous waste munitions and explosives storage), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.595. Fees for the electronic hazardous waste manifest program. The provisions of 40 C.F.R. Part 264, Subpart FF (fees for the electronic hazardous waste manifest program), revised as of July 1, 2022, are adopted by reference. All manifest requirements are administered by EPA. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to this section. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.599. Federal appendices. The following appendices to 40 C.F.R. Part 264,

Commented [LA14]: Clarification for not using the substitution of state terms.

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revised as of July 1, 2022, are adopted by reference:

- (1) Appendix I (recordkeeping instructions);
- (2) Appendix IV (Cochran's approximation to the Behrens-Fisher Students' t-test);
- (3) Appendix V (examples of potentially incompatible waste);
- (4) Appendix VI (political jurisdictions in which compliance with § 264.18(a)

must be demonstrated); and

- (5) Appendix IX (ground-water monitoring list). (Eff. ____/____/____,

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Authority: AS 46.03.020 AS 46.03.299 AS 46.03.311

AS 46.03.296 AS 46.03.302

The heading of Article 6 of 18 AAC 62 is changed to read:

Article 6. Interim Status Standards for Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal Facilities [LAND DISPOSAL
RESTRICTIONS].

18 AAC 62 is amended by adding new sections to Article 6 to read:

18 AAC 62.601. General provisions. The provisions of 40 C.F.R. Part 265, Subpart A (general), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

AS 46.03.296

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18 AAC 62.605. General facility standards. The provisions of 40 C.F.R. Part 265, Subpart B (general facility standards), revised as of July 1, 2022, are adopted by reference. For hazardous waste received from a foreign source, the substitution of state terms for the EPA as referenced in 18 AAC 62.040(c) does not apply to 40 C.F.R. 265.12(a). (Eff. ____/____/____, Register ____)

Commented [LA15]: Added to address 265.12(a) for foreign sources.

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.610 is repealed:

18 AAC 62.610. Land disposal restrictions. Repealed. (Eff. 8/7/92, Register 123; repealed 8/8/2003, Register 167; repealed ____/____/____, Register ____)

18 AAC 62 is amended by adding new sections to read:

18 AAC 62.611. Preparedness and prevention. The provisions of 40 C.F.R. Part 265, Subpart C (preparedness and prevention), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.615. Contingency plan and emergency procedures. The provisions of 40 C.F.R. Part 265, Subpart D (contingency plan and emergency procedures), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.620. Manifest system, recordkeeping, and reporting. (a) The provisions of 40 C.F.R. 265, Subpart E (manifest system, recordkeeping, and reporting), revised as of July 1, 2022, are adopted by reference. [All imports and exports of hazardous waste and manifest requirements are administered by EPA](#). The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to 40 C.F.R. 265.71, 265.72, and 265.76.

(b) Notwithstanding 40 C.F.R. 265.75, the owner or operator must complete and submit EPA Form 8700–13 A/B to the department and EPA not later than March 1 of each year and must cover activities during the previous year. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.625. Groundwater monitoring. The provisions of 40 C.F.R. Part 265, Subpart F (ground-water monitoring), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.630. Closure and post-closure. The provisions of 40 C.F.R. Part 265, Subpart G (closure and post-closure), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

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AS 46.03.296

18 AAC 62.632. Closure standards for corrective action. (a) In addition to the closure standards in 18 AAC 62.630, where applicable, closure under this chapter and under 18 AAC 75 or 18 AAC 78 must be completed in the corrective action process.

(b) Where soil or groundwater cleanup standards differ between this chapter and 18 AAC 75, the applicable standard is the most stringent of those standards unless otherwise approved by the department. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.311
AS 46.03.296 AS 46.03.302

18 AAC 62.635. Financial requirements. ~~(a)~~ The provisions of 40 C.F.R. Part 265, Subpart H (financial requirements), revised as of July 1, 2022, are adopted by reference.

~~(b) A signed duplicate original of each instrument as set out in 40 C.F.R. 265.143, 265.145, and 265.147, adopted by reference in (a) of this section, for liability requirements and financial assurance must be submitted to both the department and the EPA regional administrator. (Eff. ____/____/____, Register ____)~~

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Authority: AS 46.03.020 AS 46.03.299 AS 46.03.830
AS 46.03.296 AS 46.03.302 AS 46.03.833

18 AAC 62.640. Use and management of containers. The provisions of 40 C.F.R. Part 265, Subpart I (use and management of containers), revised as of July 1, 2022, are adopted by

Commented [LA16]: Will be submitted to EPA by ADEC
- only applies to certain documentation, and this will
simplify the requirements for the owner/operator.

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reference. (Eff. ____/____/____; Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.645. Tank systems. The provisions of 40 C.F.R. Part 265, Subpart J (tank systems), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.650. Surface impoundments. The provisions of 40 C.F.R. Part 265, Subpart K (surface impoundments), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.655. Waste piles. The provisions of 40 C.F.R. Part 265, Subpart L (waste piles), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.660. Land treatment. The provisions of 40 C.F.R. Part 265, Subpart M

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(land treatment), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____,
Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.665. Landfills. The provisions of 40 C.F.R. Part 265, Subpart N (landfills),
revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.670. Incinerators. The provisions of 40 C.F.R. Part 265, Subpart O
(incinerators), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____,
Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.675. Thermal treatment. The provisions of 40 C.F.R. Part 265, Subpart P
(Thermal Treatment), revised as of July 1, 2022, are adopted by reference. (Eff.
____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.680. Chemical, physical, and biological treatment. The provisions of

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40 C.F.R. Part 265, Subpart Q (chemical, physical, and biological treatment), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.685. Underground injection. The provisions of 40 C.F.R. Part 265, Subpart R (underground injection), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.690. Drip pads. The provisions of 40 C.F.R. Part 265, Subpart W (Drip Pads), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.691. Air emission standards for process vents. The provisions of 40 C.F.R. Part 265, Subpart AA (air emission standards for process vents), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.692. Air emission standards for equipment leaks. The provisions of 40 C.F.R. Part 265, Subpart BB (air emission standards for equipment leaks), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.693. Air emission standards for tanks, surface impoundments, and containers. The provisions of 40 Part C.F.R. 265, Subpart CC (air emission standards for tanks, surface impoundments, and containers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.694. Containment buildings. The provisions of 40 C.F.R. Part 265, Subpart DD (containment buildings), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.695. Hazardous waste munitions and explosives storage. The provisions of 40 C.F.R. Part 265, Subpart EE (hazardous waste munitions and explosives storage), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

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AS 46.03.296

18 AAC 62.696. Fees for the electronic hazardous waste manifest program. The provisions of 40 C.F.R. Part 265, Subpart FF (fees for the electronic hazardous waste manifest program), revised as of July 1, 2022, are adopted by reference. All manifest requirements are administered by EPA. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to this section. (Eff. __/__/__; Register ____)

Commented [LA17]: Clarification for not using the substitution of state terms.

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.699. Federal appendices. The following appendices to 40 C.F.R. Part 265, revised as of July 1, 2022, are adopted by reference:

- (1) Appendix I (recordkeeping instructions);
- (2) Appendix III (EPA interim primary drinking water standards);
- (3) Appendix IV (tests for significance);
- (4) Appendix V (examples of potentially incompatible waste); and
- (5) Appendix VI (compounds with Henry's Law Constant less than 0.1 Y/X).

(Eff. __/__/__, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

AS 46.03.296

The heading of Article 7 of 18 AAC 62 is changed to read:

Article 7. Standards for the Management of Specific Hazardous

Wastes and Specific Types of Hazardous Waste Management Facilities [HAZARDOUS

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WASTE FACILITY PERMIT].

18 AAC 62 is amended by adding a new section to Article 7 to read:

18 AAC 62.701. Recyclable materials used in a manner constituting disposal. The provisions of 40 C.F.R. Part 266, Subpart C (recyclable materials used in a manner constituting disposal), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.705 is repealed:

18 AAC 62.705. Hazardous waste permits. Repealed. (Eff. 8/8/2003, Register 167; repealed ____/____/_____, Register ____)

18 AAC 62 is amended by adding new sections to Article 7 to read:

18 AAC 62.711. Recyclable materials utilized for precious metal recovery. The provisions of 40 C.F.R. Part 266, Subpart F (recyclable materials utilized for precious metal recovery), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.720. Spent lead-acid batteries being reclaimed. The provisions of 40 C.F.R. Part 266, Subpart G (spent lead-acid batteries being reclaimed), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

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Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.730. Hazardous waste burned in boilers and industrial furnaces. The provisions of 40 C.F.R. Part 266, Subpart H (hazardous waste burned in boilers and industrial furnaces), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.740. Military munitions. The provisions of 40 C.F.R. Part 266, Subpart M (military munitions), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.750. Conditional exemption for low-level mixed waste storage, treatment, transportation, and disposal. The provisions of 40 C.F.R. Part 266, Subpart N (conditional exemption for low-level mixed waste storage, treatment, transportation and disposal), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.760. Hazardous waste pharmaceuticals. The provisions of 40 C.F.R. Part 266, Subpart P (hazardous waste pharmaceuticals), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

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Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.799. Federal appendices. The following appendices to 40 C.F.R. Part 266, revised as of July 1, 2022, are adopted by reference:

- (1) Appendix I (Tier I and Tier II feed rate and emissions screening limits for metals);
- (2) Appendix II (Tier I feed rate screening limits for total chlorine);
- (3) Appendix III (Tier II emission rate screening limits for free chlorine and hydrogen chloride);
- (4) Appendix IV (reference air concentrations);
- (5) Appendix V (risk specific doses (10^{-5}));
- (6) Appendix VI (stack plume rise);
- (7) Appendix VII (health-based limits for exclusion of waste-derived residues);
- (8) Appendix VIII (organic compounds for which residues must be analyzed);
- (9) Appendix IX (methods manual for compliance with the BIF regulations);
- (10) Appendix XI (lead-bearing materials that may be processed in exempt lead smelters);
- (11) Appendix XII (nickel or chromium-bearing materials that may be processed in exempt nickel–chromium recovery furnaces); and
- (12) Appendix XIII (mercury bearing wastes that may be processed in exempt mercury recovery units). (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

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18 AAC 62 is changed by adding a new article to read:

**Article 8. Standards for Owners or Operators of Hazardous
Waste Facilities Operating Under a Standardized Permit.**

18 AAC 62 is amended by adding new sections to Article 8 to read:

18 AAC 62.800. General provisions. The provisions of 40 C.F.R. Part 267, Subpart A (general), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.810. General facility standards. The provisions of 40 C.F.R. Part 267, Subpart B (general facility standards), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.820. Preparedness and prevention. The provisions of 40 C.F.R. Part 267, Subpart C (preparedness and prevention), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.830. Contingency plan and emergency procedures. The provisions of

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40 C.F.R. Part 267, Subpart D (contingency plan and emergency procedures), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.840. Recordkeeping, reporting, and notifying. (a) The provisions of 40 C.F.R. Part 267, Subpart E (recordkeeping, reporting, and notifying), revised as of July 1, 2022, are adopted by reference. All imports and exports of hazardous waste and manifest requirements are administered by EPA. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to 40 C.F.R. 267.71 and 267.72.

Commented [LA18]: Clarification for not using the substitution of state terms.

(b) Notwithstanding 40 C.F.R. 267.75(a), the owner or operator must complete and submit EPA Form 8700-13 A/B to the department and EPA not later than March 1 of each year and must cover activities during the previous year. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.850. Releases from solid waste management units. The provisions of 40 C.F.R. Part 267, Subpart F (releases from solid waste management units), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.860. Closure. The provisions of 40 C.F.R. Part 267, Subpart G (closure),

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revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.870. Financial requirements. ~~(a)~~ The provisions of 40 C.F.R. Part 267, Subpart H (financial requirements), revised as of July 1, 2022, are adopted by reference.

~~(b) A signed duplicate original of each instrument as set out in 40 C.F.R. 267.143, 267.147, and 267.151, adopted by reference in (a) of this section, for liability requirements and financial assurance must be submitted to both the department and the EPA regional administrator. (Eff. ____/____/____, Register ____)~~

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.830
AS 46.03.296 AS 46.03.302

Commented [LA19]: Will be submitted to EPA by ADEC - only applies to certain documentation, and this will simplify the requirements for the owner/operator.

18 AAC 62.880. Use and management of containers. The provisions of 40 C.F.R. Part 267, Subpart I (use and management of containers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.890. Tank systems. The provisions of 40 C.F.R. Part 267, Subpart J (tank systems), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

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AS 46.03.296

18 AAC 62.895. Containment buildings. The provisions of 40 C.F.R. Part 267, Subpart DD (containment buildings), revised as of July 1, 2022, are adopted by reference. (Eff.

____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

AS 46.03.296

The heading of Article 9 of 18 AAC 62 is changed to read:

Article 9. Land Disposal Restrictions [GENERAL PROVISIONS].

18 AAC 62 is amended by adding a new section to Article 9 to read:

18 AAC 62.901. General provisions. The provisions of 40 C.F.R. Part 268, Subpart A (general), revised as of July 1, 2022, are adopted by reference. EPA maintains authority for modifications under of the land disposal restrictions. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to 40 C.F.R. 268.5 and 268.6. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.910 is repealed:

18 AAC 62.910. Required testing. Repealed. (Eff. 7/11/87, Register 103; am 8/7/92, Register 123; am 8/8/2003, Register 167; repealed ____/____/____, Register ____)

Commented [LA20]: Clarification for not using the substitution of state terms.

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18 AAC 62 is amended by adding new sections to Article 9 to read:

18 AAC 62.911. Schedule for land disposal prohibition and establishment of treatment standards. The provisions of 40 C.F.R. Part 268, Subpart B (schedule for land disposal prohibition and establishment of treatment standards), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.921. Prohibitions on land disposal. The provisions of 40 C.F.R. Part 268, Subpart C (prohibitions on land disposal), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.930. Treatment standards. The provisions of 40 C.F.R. Part 268, Subpart D (treatment standards), revised as of July 1, 2022, are adopted by reference. EPA maintains authority for modifications under of the land disposal restrictions. The substitution of state terms for the EPA or federal officials referenced in 18 AAC 62.040(c) and (d) does not apply to 40 C.F.R. 268.42(b) and 268.44. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62.940. Prohibitions on storage. The provisions of 40 C.F.R. Part 268, Subpart E (prohibitions on storage), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

Commented [LA21]: Clarification for not using the substitution of state terms.

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18 AAC 62.980 is repealed:

18 AAC 62.980. Definitions for, and revisions to, regulations adopted by reference.

Repealed. (Eff. 7/11/87, Register 103; am 8/7/92, Register 123; am 8/8/2003, Register 167; repealed ____/____/_____, Register _____)

18 AAC 62.990 is repealed:

18 AAC 62.990. Additional definitions. Repealed. (Eff. 7/11/87, Register 103; am 8/8/2003, Register 167; repealed ____/____/_____, Register _____)

18 AAC 62 is amended by adding a new section to Article 9 to read:

18 AAC 62.999. Federal appendices. The following appendices to 40 C.F.R. Part 268, revised as of July 1, 2022, are adopted by reference:

- (1) Appendix III (list of halogenated organic compounds regulated under § 268.32);
- (2) Appendix IV (wastes excluded from lab packs under the alternative treatment standards of § 268.42(c));
- (3) Appendix VI (recommended technologies to achieve deactivation of characteristics in section 268.42);
- (4) Appendix VII (LDR effective dates of surface disposed prohibited hazardous wastes);
- (5) Appendix VIII (LDR effective dates of injected prohibited hazardous wastes);
- (6) Appendix IX (extraction procedure (EP) toxicity test method and structural

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integrity test (Method 1310b)); and

(7) Appendix XI (metal bearing wastes prohibited from dilution in a combustion unit according to 40 C.F.R. 268.3(c)). (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.296 AS 46.03.299

18 AAC 62 is changed by adding a new article to read:

Article 10. Hazardous Waste Permits.

18 AAC 62 is amended by adding new sections to Article 10 to read:

18 AAC 62.1000. General provisions. The provisions of 40 C.F.R. Part 270, Subpart A (general), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1010. Siting of hazardous waste management facilities. For new facilities, not less than 365 days before the construction of a facility requiring a permit under this chapter, the owner or operator must initiate the requirements of 18 AAC 63, as amended through April 8, 2012. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.313
AS 46.03.296 AS 46.03.302

18 AAC 62.1020. Procedures for decision-making. (a) The provisions of 40 C.F.R. Part

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124, Subparts A, B, and G, except for 40 C.F.R. 124.19 and 124.20, revised as of July 1, 2022, are adopted by reference.

(b) Items pertaining to permits for underground injection control under 42 U.S.C. 300f - 300j-27 (Safe Drinking Water Act), dredged or fill material under 33 U.S.C. 1344 (Section 404 of the Clean Water Act), the National Pollution Discharge Elimination System under 33 U.S.C. 1342 (Section 402 of the Clean Water Act) or the prevention of significant deterioration program under the Clean Air Act in 40 C.F.R. Part 124 are not adopted by reference. (Eff.

_____/_____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1030. Permit application. The provisions of 40 C.F.R. Part 270, Subpart B (permit application), revised as of July 1, 2022, are adopted by reference. (Eff.

_____/_____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.830
AS 46.03.296 AS 46.03.302

18 AAC 62.1040. Permit conditions. The provisions of 40 C.F.R. Part 270, Subpart C (permit conditions), revised as of July 1, 2022, are adopted by reference. (Eff.

_____/_____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.1050. Changes to permit. The provisions of 40 C.F.R. Part 270, Subpart D (changes to permit), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1060. Expiration and continuation of permits. The provisions of 40 C.F.R. Part 270, Subpart E (expiration and continuation of permits), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1070. Special forms of permits. The provisions of 40 C.F.R. Part 270, Subpart F (special forms of permits), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1075. Interim status. The provisions of 40 C.F.R. Part 270, Subpart G (interim status), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.1080. Remedial action plans. The provisions of 40 Part C.F.R. 270, Subpart H (remedial action plans (RAPs)), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.830
AS 46.03.296 AS 46.03.302

18 AAC 62.1085. Integration with maximum achievable control technology (MACT) standards. The provisions of 40 C.F.R. Part 270, Subpart I (integration with maximum achievable control technology (MACT) standards), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1090. RCRA standardized permits for storage and treatment units. The provisions of 40 C.F.R. Part 270, Subpart J (RCRA standardized permits for storage and treatment units), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.830
AS 46.03.296 AS 46.03.302

18 AAC 62 is changed by adding a new article to read:

Article 11. Standards for Universal Waste Management.

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18 AAC 62 is amended by adding new sections to Article 11 to read:

18 AAC 62.1100. General provisions. The provisions of 40 C.F.R. Part 273, Subpart A (general), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1110. Electronic waste. (a) In addition to the wastes established in 18 AAC 62.1100, electronic waste may be managed as universal waste as set out under 18 AAC 62.1100 - 18 AAC 62.1160, or alternatively under the requirements set out in 18 AAC 62.010 - 18 AAC 62.970.

(b) Electronic waste that is not a characteristic hazardous waste as determined by a toxicity characteristic leaching procedure (TCLP) performed on that specific item or model by the generator or manufacturer, or other documentation provided by the manufacturer and approved by EPA or the department, may be managed as solid waste as set out under 18 AAC 60. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1120. Standards for small quantity handlers of universal waste. The provisions of 40 C.F.R. Part 273, Subpart B (standards for small quantity handlers of universal waste), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

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18 AAC 62.1130. Standards for large quantity handlers of universal waste. The provisions of 40 C.F.R. Part 273, Subpart C (standards for large quantity handlers of universal waste), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1135. Standards for electronic waste for universal waste handlers.~~(a)~~ In addition to the requirements in 18 AAC 62.1120 and 18 AAC 62.1130, a small or large quantity handler of universal waste must manage universal electronic waste to prevent releases of electronic waste or any component of electronic waste to the environment by

(1) containing electronic waste in a manner that is structurally sound, adequate to prevent any leakage, adequate to prevent significant breakage, and compatible with electronic waste; and

(2) labeling with the words "Universal Electronic Waste".

~~(b) A universal waste handler must notify the department of the quantity of universal electronic waste shipped to each individual recycling facility each calendar year, not later than March 1 of the following year.~~ (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1140. Standards for universal waste transporters. The provisions of Part 40 C.F.R. 273, Subpart D (standards for universal waste transporters), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Commented [LA22]: Added based on a comment about small cracks to plastic housings when wrapped on a pallet

Commented [LA23]: Based on comment and SW SWIFFER Grant

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Authority: AS 46.03.020 AS 46.03.299 AS 46.03.308

18 AAC 62.1150. Standards for destination facilities. The provisions of 40 C.F.R. Part 273, Subpart E (standards for destination facilities), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1160. Import requirements. The provisions of 40 C.F.R. Part 273, Subpart F (import requirements), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62 is changed by adding a new article to read:

Article 12. Standards for the Management of Used Oil.

18 AAC 62 is amended by adding new sections to Article 12 to read:

18 AAC 62.1210. Applicability. The provisions of 40 C.F.R. Part 279, Subpart B (applicability), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1220. Standards for used oil generators. The provisions of 40 C.F.R. Part 279, Subpart C (standards for used oil generators), revised as of July 1, 2022, are adopted by

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reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1230. Standards for used oil collection centers and aggregation points.

The provisions of 40 C.F.R. Part 279, Subpart D (standards for used oil collection centers and aggregation points), revised as of July 1, 2022, are adopted by reference. (Eff.

____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1240. Standards for used oil transporter and transfer facilities. The

provisions of 40 C.F.R. Part 279, Subpart E (standards for used oil transporter and transfer facilities), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____,

Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1250. Standards for used oil processors and re-refiners. The provisions of

40 C.F.R. Part 279, Subpart F (standards for used oil processors and re-refiners), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1260. Standards for used oil burners that burn off-specification used oil for energy recovery. The provisions of 40 C.F.R. Part 279, Subpart G (standards for used oil burners who burn off-specification used oil for energy recovery), revised as of July 1, 2022, are

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adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1270. Standards for used oil fuel marketers. The provisions of 40 C.F.R. Part 279, Subpart H (standards for used oil fuel marketers), revised as of July 1, 2022, are adopted by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62.1280. Standards for use as a dust suppressant and disposal of used oil. The provisions of 40 C.F.R. Part 279, Subpart I (standards for use as a dust suppressant and disposal of used oil), revised as of July 1, 2022, are adopted and by reference. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299

18 AAC 62 is changed by adding a new article to read:

Article 13. General Provisions.

18 AAC is amended by adding new sections to Article 13 to read:

18 AAC 62.1300. Appeal of a decision. A person authorized under 18 AAC 15.200 may request an informal review under 18 AAC 15.185 or an adjudicatory hearing under 18 AAC 15.195 - 18 AAC 15.340 to review a final decision made under this chapter. (Eff. ____/____/_____, Register _____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

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18 AAC 62.1310. Rulemaking petitions. The provisions of 40 C.F.R. Part 260, Subpart C (rulemaking petitions), revised as of July 1, 2022, are adopted by reference.

(Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 60.1320. Incorporated federal materials. The materials of 40 C.F.R. 260.11 (incorporation by reference), revised as of July 1, 2022, are adopted by reference. (Eff.

____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302
AS 46.03.296

18 AAC 62.1390. Definitions. (a) The definitions of 40 C.F.R. 260.10, revised as of July 1, 2022, are adopted by reference, and are applicable to 18 AAC 62.010 - 18 AAC 62.1160.

(b) The definitions of 40 C.F.R. 279.1, revised as of July 1, 2022, are adopted by reference, and are applicable to 18 AAC 62.1200 - 18 AAC 62.1280.

(c) In this chapter, unless the context indicates otherwise,

(1) "department" means the Department of Environmental Conservation;

(2) "electronic waste" means a device that contains one or more circuit boards or other complex circuitry, including computer components, laptops, central processing units, mice, keyboards, monitors, cellular telephones, audio or video devices, and copy machines; electronic waste includes components, subassemblies, or other parts derived from the

disassembly of electronic items. It does not include refrigerators, freezers, stoves, dishwashers, washers, or dryers.

Commented [LA24]: Revision based on comments received.

(3) "EPA" means the United States Environmental Protection Agency;

(4) "generator" has the meaning given in 40 C.F.R. 260.10, adopted by reference in (a) of this section;

(5) "large quantity generator" has the meaning given in 40 C.F.R. 260.10, adopted by reference in (a) of this section;

(6) "manage" has the meaning given "management" in 40 C.F.R. 260.10, adopted by reference in (a) of this section;

(7) "RCRA" means the Resource Conservation and Recovery Act (42 U.S.C. 6901 - 6987);

(8) "small quantity generator" has the meaning given in 40 C.F.R. 260.10, adopted by reference in (a) of this section;

(9) "transporter" has the meaning given in 40 C.F.R. 260.10, adopted by reference in (a) of this section;

(10) "universal waste" has the meaning given in 40 C.F.R. 260.10, adopted by reference in (a) of this section;

(11) "universal waste handler" has the meaning given in 40 C.F.R. 260.10, adopted by reference in (a) of this section. (Eff. ____/____/____, Register ____)

Authority: AS 46.03.020 AS 46.03.299 AS 46.03.302

AS 46.03.296

18 AAC 75.990(49) is amended to read:

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(49) "hazardous waste" means waste within the scope of **18 AAC 62.201 - 18 AAC 62.299** [18 AAC 62.020];
(Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 4/4/97, Register 142; am 4/11/97, Register 142; am 1/22/99, Register 149; am 8/27/2000, Register 155; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 1/30/2003, Register 165; am 8/8/2003, Register 167; am 5/26/2004, Register 170; am 12/30/2006, Register 180; am 10/9/2008, Register 188; am 4/8/2012, Register 202; am 9/4/2014, Register 211; am 6/17/2015, Register 214; am 4/16/2016, Register 218; am 11/6/2016, Register 220; am 3/23/2017, Register 221; am 7/1/2017, Register 222; am 9/29/2018, Register 227; am 11/7/2020, Register 236; am 11/18/2021, Register 240; am 2/5/2023, Register 245; am ____/____/_____, Register _____)

Authority:	AS 46.03.020	AS 46.03.755	AS 46.04.055
	AS 46.03.050	AS 46.03.822	AS 46.04.070
	AS 46.03.710	AS 46.04.020	AS 46.08.140
	AS 46.03.740	AS 46.04.030	AS 46.09.010
	AS 46.03.745	AS 46.04.035	AS 46.09.020

18 AAC 83.345 is amended to read:

18 AAC 83.345. Information requirements for a POTW receiving hazardous or corrective action wastes. (a) A POTW receiving hazardous or corrective action wastes or wastes generated at another type of cleanup or remediation site must provide the following information:

(1) if the POTW receives, or has been notified that it will receive by truck, rail, or dedicated pipe, any wastes that are regulated as hazardous wastes under **42 U.S.C. 6921 - 6939g**

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[42 U.S.C. 6921 - 6939e] (Resource Conservation and Recovery Act) and 40 C.F.R. Part 261, adopted by reference in **18 AAC 62.201 - 18 AAC 62.299** [18 AAC 62.020], the applicant must report the following:

(A) the method of delivery, including by truck, rail, or dedicated pipe, by which the waste is received;

(B) the applicable hazardous waste number designated in 40 C.F.R. Part 261 for the transported waste, and the amount received annually of each hazardous waste;

(2) if the POTW receives, or has been notified that it will receive, wastewater that originates from remedial activities, including those undertaken under 42 U.S.C. 9601 - 9675 and 42 U.S.C. 6924(u) or 42 U.S.C. 6928(h), the applicant must report the following:

(A) the identity and description of each site or facility at which the wastewater originates;

(B) the identity of any known hazardous constituents listed in Appendix VIII to 40 C.F.R. 261, adopted by reference in **18 AAC 62.299** [18 AAC 62.020], in the wastewater;

(C) the extent of any treatment the wastewater receives or will receive before entering the POTW.

(b) An applicant under this section is exempt from the requirements of (a)(2) of this section if the applicant receives no more than 15 kilograms per month of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 40 C.F.R. 261.33(e), adopted by reference in **18 AAC 62.201 - 18 AAC 62.299** [18 AAC 62.020]. (Eff. 7/29/2006, Register 179; am ____/____/_____, Register _____)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.100

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AS 46.03.010

AS 46.03.050

AS 46.03.110