

## G.O.C. STAFF RULE ABSTRACT

AGENCY/BOARD/COMMISSION: Tennessee Department of Children's Services

DIVISION: Child Protective Services

SUBJECT: Emergency Rule: Classification and Review of Reports of Child Abuse/Neglect and Due Process Requirements for Release of Child Abuse/Neglect Records

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 4-5-208, 4-5-226(b)(2), 4-5-313, 37-1-409, 37-1-612, 37-1-616, 37-5-101, 37-5-105, 37-5-106, 37-5-112(a), and 49-5-413(e)

EFFECTIVE DATES: July 19, 2013 through January 15, 2014

FISCAL IMPACT: None

STAFF RULE ABSTRACT: This emergency rule is required by Public Chapter 381, enacted by the General Assembly and signed by the Governor on May 14, 2013, which creates Tennessee Code Annotated § 49-5-413(e). This new subsection (e) authorizes the emergency rule and states that DCS "shall promulgate [the rule] within 60 days of [the legislation] becoming law."

This emergency rule repeals and replaces Chapter 0250-07-09 in its entirety; however, the creation of Rule 0250-7-9-03 is the only substantive change, with the other changes reflecting a subsequent renumbering of the previous rules in this chapter.

Rule 0250-7-9.03 applies to the release of child abuse and neglect investigation information to covered educational entities relative to any person who is employed or offered employment with a covered educational entity. The rule identifies requirements and procedures for due process and notification by the department of children's services.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule amendment is not expected to have any impact on local governments.

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 Fax: 615-741-5133  
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 Rule ID(s): 5509  
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 End Effective Date: 1/15/14

# Emergency Rule Filing Form

*Emergency rules are effective from date of filing for a period of up to 180 days.*

<b>Agency/Board/Commission:</b>	Tennessee Department of Children's Services
<b>Division:</b>	Child Protective Services
<b>Contact Person:</b>	Douglas Earl Dimond
<b>Address:</b>	7 <sup>th</sup> Floor Cordell Hull, 436 Sixth Avenue North, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-9184
<b>Email:</b>	Douglas.E.Dimond@TN.Gov

**Rule Type:**

Emergency Rule

**Revision Type (check all that apply):**

Amendment

New

Repeal

**Statement of Necessity:**

Pursuant to T.C.A § 37-5-105, 37-1-409, and 37-1-612, the Commissioner of the Department of Children's Services (DCS) or the Commissioner's designee has the power to make and adopt rules, regulations and policies for the government, management and supervision of DCS and to set out procedures for disclosure of information from child abuse investigations consistent with state law.

This emergency rule is required by Tenn. Code Ann. § 49-5-413(e), enacted by the Legislature and signed by the Governor on May 14, 2013. The statute authorizes this emergency rule and requires that DCS "shall promulgate" within 60 days of the statute becoming law. Moreover, due to the immediate danger to the public safety and welfare and the length of time necessary to complete the rulemaking process, these rules are necessary for DCS to immediately establish procedures for the release of child abuse and neglect information to local educational agencies (LEAs) to ensure a hiring process that is safe for children.

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/RuleTitle per row)**

Chapter Number	Chapter Title
0250-07-09	Classification and Review of Reports of Child Abuse/Neglect and Due Process Procedures for Release of Child Abuse/Neglect Records

<b>Rule Number</b>	<b>Rule Title</b>
0250-07-09-.01	Definitions
0250-07-09-.02	Scope of Rules
0250-07-09-.03	Releases to Covered Educational Entities
0250-07-09-.04	Prohibited Releases
0250-07-09-.05	When Rights Under This Chapter Attach
0250-07-09-.06	Standards and Criteria for Review of Classification of Reports of Child Abuse/ Neglect as "Indicated"
0250-07-09-.07	Right to Notice and Opportunity for Formal Review
0250-07-09-.08	Alleged Perpetrators with Current Access to Children; Emergency Notification
0250-07-09-.09	Right to Notice and Opportunity for Administrative Hearing
0250-07-09-.10	Stay of Administrative Proceedings
0250-07-09-.11	Conduct of the Administrative Hearing
0250-07-09-.12	Evidence; Standard of Proof at the Administrative Hearing

**RULES  
OF THE  
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES  
CHILD PROTECTIVE SERVICES**

**CHAPTER 0250-7-9  
CLASSIFICATION AND REVIEW OF REPORTS OF CHILD ABUSE/NEGLECT  
AND  
DUE PROCESS PROCEDURES FOR RELEASE OF CHILD ABUSE/NEGLECT RECORDS**

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0250-7-9-.04	When Rights Under this Chapter Attach	0250-7-9-.09	Stay of Administrative Proceedings
0250-7-9-.05	Standard and Criteria for Review of Classification of Reports of Child Abuse/Neglect as "Indicated"	0250-7-9-.10	Conduct of Administrative Hearing
0250-7-9-.06	Right to Notice and Opportunity for Formal File Review	0250-7-9-.11	Evidence; Standard of Proof at the Administrative Hearing

**0250-7-9-.01 DEFINITIONS.**

- (1) "Abuse" exists when a person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inactions of a parent, relative, guardian or caretaker. Tenn. Code Ann. §37-1-102(b)(1)
- (2) "Adult" means any person eighteen (18) years of age or older. Tenn. Code Ann. §37-1-102(b)(3)
- (3) "Child" means (A) A person under the age of eighteen (18) years of age.
- (4) "Child sexual abuse" means:
  - (a) The commission of any act involving unlawful sexual abuse, molestation, fondling or carnal knowledge of a child that constitutes a criminal offense under Tennessee law; or
  - (b) One (1) or more of the following acts:
    1. Any penetration, however slight, of the vagina or anal opening of one (1) person by the penis of another person, whether or not there is the emission of semen;
    2. Any contact between the genitals or anal opening of one (1) person and the mouth or tongue of another person;

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(Rule 0250-7-9-.01, continued)

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3. Any intrusion by one (1) person into the genitals or anal opening of another person, including the use of any object for this purpose, except that it shall not include acts intended for a valid medical purpose;
4. The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator, except that it shall not include:
  - (l) Acts that may reasonably be construed to be normal caretaker responsibilities, interactions with, or affection for a child; or

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- (ii) Acts intended for a valid medical purpose;
5. The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose;
6. The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to:
  - (i) Solicit for or engage in prostitution; or
  - (ii) Engage in an act prohibited by Tenn. Code Ann. §39-17-1003;
- (c) For the purposes of the reporting, investigation, and treatment provisions of Tenn. Code Ann. §37-1-603– 37-1-615 "child sexual abuse" also means the commission of any act specified in subdivision Tenn. Code Ann. § 37-1-602(a)(3) against a child thirteen (13) years of age through seventeen (17) years of age if such act is committed against the child by a parent, guardian, relative, person residing in the child's home, other person responsible for the care and custody of the child. Tenn. Code Ann. §37-1-602(a)(3)
- (5) "Department" means the Tennessee Department of Children's Services.
- (6) "Neglect" means a child: (A) Who is without a parent, guardian or legal custodian; (B) Whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity,

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(Rule 0250-7-9-.01, continued)

immorality or depravity is unfit to properly care for such child; (C) Who is under unlawful or improper care, supervision, custody or restraint by any person, corporation, agency, association, institution, society or other organization or who is unlawfully kept out of school; (D) Whose parent, guardian or custodian neglects or refuses to provide necessary medical, surgical, institutional or hospital care for such child; (E) Who, because of lack of proper supervision, is found in any place the existence of which is in violation of law; (F) Who is in such conditions of want or suffering or is under such improper guardianship or control as to injure or endanger the morals or health of such child or others; (G) Who is suffering from abuse or neglect; (H) Who has been in the care and control of an agency or person who is not related to such child by blood or marriage for a continuous period of eighteen (18) months or longer in the absence of a court order, and such person or agency has not initiated judicial proceedings seeking either legal custody or adoption of the child; or (I) Who is or has been allowed, encouraged or permitted to engage in prostitution or obscene or pornographic photographing, filming, posing, or similar activity and whose parent, guardian or other custodian neglects or refuses to protect such child from further such activity. Tenn. Code Ann. §37-1-102(b)(12)

- (7) "Commissioner's designee" means the person designated by the Commissioner of the Tennessee Department of Children's Services to act pursuant to this rule.
- (8) "Child care agency" means a place or facility, regardless of whether it is currently licensed, that is operated as a "family child care home", a "group child care home", a "child care center", or a "drop-in center", or that provides child care for five (5) or more children who are not related to the primary caregiver for three (3) or more hours per day. Tenn. Code Ann. §71-3-501.
- (9) "Indicated" means the classification assigned to an individual found to be a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect as the result of investigation of a report of abuse. Tenn. Code Ann. §37-1-406(i)
- (10) "Regional General Counsel" means the supervising attorney for one of the regional DCS offices.

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~~(Rule 0250-7-9-.01, continued)~~

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- (11) "Severe child abuse" means (A) The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death and the knowing use of force on a child that is likely to cause great bodily harm or death; (B) Specific

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brutality, abuse or neglect towards a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct; (C) The commission of any act towards the child prohibited by Tenn. Code Ann. §§ 39-13-502 – 39-13-504, 39-13-522, 39-15-302, and 39-17-1005 or the knowing failure to protect the child from the omission of any such act towards the child; or (D) Knowingly allowing a child to be present within a structure where the act of creating methamphetamine, as that substance is identified in Tenn. Code Ann. § 39-17-408(d)(2), is occurring. Tenn. Code Ann §37-1-102(b)(21)

- (12) "Record" includes files, reports, records, communications and working papers related to investigations or providing services, video tapes, photographs, or electronic mails.
- (13) "Formal File Review" means the review established pursuant to 42 U.S.C. § 5106a(b)(2)(A)(xv)(II) that is available to an individual whom the Department identifies or proposes to identify as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect. The Department shall use a formal file review as the initial form of due process when the information regarding the report and identity of a perpetrator must be released to any organization or individual and shall also afford the right to a hearing as provided in Rule 0250-7-9-.07-08.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.10 filed and effective March 25, 1999. Repeal and new rules filed September 11, 2006; effective November 25, 2006.

#### 0250-7-9-.02 SCOPE OF RULES.

- (1) These Rules shall apply to all indicated cases of child abuse/neglect.
- (2) These Rules establish procedures to review indicated cases and to release the identity and other related information of a perpetrator in "indicated" reports of abuse, severe child abuse, child sexual abuse, or neglect to organizations or persons.
- (3) A release pursuant to these Rules shall be for purposes of protecting children from further abuse, severe child abuse, child sexual abuse, or neglect and for purposes directly connected with the administration of Tenn. Code Ann. §§37-1-401 et seq.; 37-1-601 et seq.; 49-1-1101 et seq. and 71-3-501 et seq.
- (4) This rule shall apply to any release of information to the Department of Health in compliance with Tenn. Code Ann. §68-11-1004(b)(2). Prior to such release, the individual shall have the

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~~right to an administrative hearing pursuant to these rules.~~

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(Rule 0250-7-9-.02, continued)

~~right to an administrative hearing pursuant to these rules.~~

- (5) These Rules shall not apply when the Department intends to release or has released any information about an individual who is an alleged perpetrator of abuse, severe child abuse, child sexual abuse, or neglect to any of the following:
- (a) any state(s) or federal law enforcement agency(ies) investigating a report of known or suspected child abuse or neglect or any crimes involving children;

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- (b) any state(s) District Attorney, Attorney General, or United States Attorney(s) or their authorized assistants, of the judicial districts or agencies involved in investigating or prosecuting crimes against children;
- (c) any state(s) or federal grand jury by subpoena or presentation of evidence by the District Attorney or United States Attorney to such grand jury;
- (d) treatment professionals treating the child, his or her family, or the perpetrator;
- (e) in-house requests by employees of the Department for purposes consistent with enforcement of the child abuse and neglect or child welfare licensing laws of the State of Tennessee including disclosure to other individuals for purposes directly connected with the administration of Title 37, Chapter 1, Parts 4 and 6 or Title 71, Chapter 3, Part 5, of the Tennessee Code Annotated, other than disclosure to the employers, or licensing authority other than the Department;
- (f) any state(s) or federal social service or other agencies investigating cases of child abuse or neglect or providing treatment or care for alleged or known victims of child abuse or neglect;
- (g) any court official, probation counselor, parole officer, designated employee of any Department of Correction or other similarly situated individual charged with the responsibility of preparing information to be presented in any administrative or judicial proceeding concerning any individual charged with or convicted of any offense involving child abuse, child sexual abuse, or neglect;

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(Rule 0250-7-9-.02, continued)

- (h) to the court, administrative board or hearing, the officials or employees thereof in the performance of their duties, the parties, or their legal representatives in any judicial or administrative proceeding or before any board or hearing officer for the purpose of protecting a child or children from physical or severe child abuse, neglect, or child sexual abuse, except in such situation when such court, administrative hearing, board, or hearing officer, other than the Department of Children's Services, is adjudicating a case affecting the perpetrator's ability to remain or become employed or licensed, in which situation such information shall be released only by order of the court or hearing officer;
- (i) any release of information to the Departments of Education or Human Services pursuant to Tenn. Code Ann. §§ 37-5-512(a)(2) and (3) regarding an individual who is the subject of an ongoing or a completed investigation of abuse, severe child abuse, child sexual abuse, or neglect by the Department may be released to the Departments of Education and Human Services.
  - 1. Any further release of information by the Departments of Education or Human Services of a finding by the Department that an individual has been classified in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect shall occur according to the procedures established by these Rules.; or
- (j) Any release to a foster care agency contractor of the Department for purposes of determining whether a child in the Department's custody should be placed with an individual.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.10 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

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0250-7-9-.03 RELEASES TO COVERED EDUCATIONAL ENTITIES

- (1) This rule shall apply only to child abuse and neglect investigation information mandated by Tenn. Code Ann. § 49-5-413(e) to be released to the department of education, any local board of education, and any LEA (collectively "covered educational entities") relative to any individual who is currently employed by or conditionally offered employment with a covered

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(Rule 0250-7-9-.03, continued)

- educational entity (such individual to be referred to as a "covered individual"), in which case this rule's procedures apply notwithstanding any language to the contrary contained elsewhere within these rules.
- (2) The Department shall offer the due process procedures set out in 0250-7-9-.05(1), including the opportunity for a hearing pursuant to 0250-7-9-.09, to any covered individual who has ever been found by the Department to have committed abuse or neglect and who has not previously waived or exhausted his or her due process rights to a hearing. When the covered individual's due process rights have been waived or fully concluded, the Department shall disclose its final finding to any relevant covered educational entity.
- (3) In the case of any covered individual whose investigation has not been concluded or any covered individual whose due process rights have not yet been offered or are otherwise pending, the Department shall conduct an emergency file review pursuant to 0250-7-9-.07. If the emergency file review results in a finding that the covered individual poses an immediate threat to the health, safety, or welfare of children, the Department shall disclose that threat to the relevant covered educational entity.
- (4) If the Department's proceedings under these rules have been stayed pursuant to Rule 0250-7-9-.10 due to pending criminal charges against a covered individual, the Department shall notify the covered educational entity of the pending criminal charge.
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**0250-7-9-.03 .04. PROHIBITED RELEASES.**

- (1) Any report of abuse, severe child abuse, child sexual abuse, or neglect is confidential pursuant to Tenn. Code Ann. §§37-1-409(a)(1) and 37-1-609(a).
- (2) Any unauthorized release of a report of abuse, severe child abuse, child sexual abuse, or neglect constitutes a class B misdemeanor.
- (3) Until the affected individual has exhausted all reviews permitted by these Rules, the Department shall not release any information from its records to any organization or person for purposes of preemployment screening or licensing, to identify any individual as a perpetrator abuse, severe child abuse, child sexual abuse, or neglect.

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(Rule 0250-7-9-.04, continued)

- (4) Until the affected individual has exhausted all reviews permitted by these Rules, the Department shall not release any information from its records to identify any individual as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect to any organization or person that requests this information for purposes of routine or random screening of current employees, volunteers, or associates.
- (5) If the Department does not begin procedures to release the identity and other related information of a perpetrator in an "indicated" report of abuse, severe child abuse, child sexual abuse, or neglect within two years of the initial classification, the Department shall not release any information as to that report. This provision shall not, however, require expunction of this information from the Department's internal records.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.10 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

**0250-7-9-.04 .05 WHEN RIGHTS UNDER THIS CHAPTER ATTACH.**

- (1) An individual whom the Department has classified in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect shall have the right to a formal file review and to a hearing under these Rules if:
  - (a) The Department intends to or shall release the individual's name under the emergency procedures of Rule 0250-7-9-.14.12 to any organization or person; or
  - (b) The Department intends to or shall release the individual's name in non-emergency situations to any organization or person.
- (2) An individual whom the Department has classified in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect and whose identity shall be placed in the Department's registry of perpetrators of abuse or neglect shall only have the right to a formal file review under these Rules.
  - (a) This paragraph applies when the Department will not identify or does not intend to identify to any organization or person in Rules that it has classified an individual in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect.
  - (b) If after an individual exhausts the formal file review afforded by paragraph 2 of this Rule, and if within the two-year period from the date of the initial classification of the report the Department intends to identify to any organization or person that it has classified the individual in an "indicated" report as a perpetrator of abuse, severe child

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(Rule 0250-7-9-.05, continued)

abuse, child sexual abuse, or neglect, the Department shall not release this information unless the individual is afforded the right to a

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~~(Rule 0250-7-9-.04, continued)~~

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hearing under Rule 0250-7-9.0708. The Department shall insure that the individual is notified in accordance with these Rules.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.02 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

**0250-7-9-.06.06 STANDARDS AND CRITERIA FOR REVIEW OF CLASSIFICATION OF REPORTS OF CHILD ABUSE/ NEGLECT AS "INDICATED".**

- (1) A report made against an alleged perpetrator shall be classified as "indicated" if the preponderance of the evidence, in light of the entire record, proves that the individual committed abuse, severe child abuse, child sexual abuse, or neglect. Proof of one or more of the following factors, linking the abusive act(s) to the alleged perpetrator, may constitute a preponderance of the evidence:
  - (a) Medical and/or psychological information from a licensed physician, medical center, or other treatment professional, that substantiates that physical abuse, sexual abuse, or severe physical abuse occurred;
  - (b) An admission by the perpetrator;
  - (c) The statement of a credible witness or witnesses to the abusive or neglectful act;
  - (d) The child victim's statement that the abuse occurred;
  - (e) Physiological indicators or signs of abuse or neglect, including, but not limited to, cuts, bruises, burns, broken bones or medically diagnosed physical conditions;
  - (f) Physical evidence that could impact the classification decision:

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(Rule 0250-7-9-.06, continued)

- (g) The existence of behavioral patterns that may be indicative of child abuse/neglect and corroborates other evidence of abuse, severe child abuse, child sexual abuse, or neglect should be examined;
- (h) The existence of circumstantial evidence linking the alleged perpetrator to the abusive or neglectful act(s) (e.g., child was in care of the alleged perpetrator at the time the abuse occurred and no other reasonable explanation of the cause of the abuse exists in the record).

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.02 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

**0250-7-9-.06.07. RIGHT TO NOTICE AND OPPORTUNITY FOR FORMAL FILE REVIEW.**

- (1) Within 10 business days after the Department has classified an individual in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect, the Department shall notify the individual, in writing at the individual's last known address, of the classification and shall inform the individual that he or she may request a formal file review by the Commissioner's designee to determine whether the report has been properly classified as "Indicated."

CLASSIFICATION AND REVIEW OF REPORTS OF CHILD CHAPTER 0250-7-9  
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(Rule 0250-7-9-.06, continued)

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- (2) If the indicated perpetrator in the classified report is a minor, the Department shall notify the minor, the child's parent or guardian, Child Protective Services, Regional General Counsel, and any Guardian Ad Litem or other attorney for the child. The parent, guardian, Guardian Ad Litem, or the child's attorney may request a formal file review on the minor's behalf.
- (3) The Department shall determine whether the emergency procedures of Rule 0250-7-9-.4412 apply to the individual whom the Department has classified as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect in an "Indicated" report,
- (4) The notice to obtain a formal file review shall contain, at a minimum, the following:

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(Rule 0250-7-9-.07, continued)

- (a) That the individual has been classified as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect in an "indicated" report investigated by the Department;
  - (b) That the individual may request a formal file review by the Commissioner's designee within 10 business days of the date of the notice (the date of the notice must reflect the actual mailing date);
  - (c) That failure to submit a request for a formal file review within 10 business days, absent a showing of good cause, shall result in the classified report becoming final and the individual shall waive any right to a formal file review;
  - (d) That the request for a formal file review shall be submitted to State of Tennessee Department of Children's Services, Child Protective Services Division, Formal File Review, Cordell Hull Building, 436 Sixth Ave. North, Nashville, Tennessee, 37243; and
  - (e) That if the individual provides care, supervision, instruction or treatment to a child or children to any organization or individual, the formal file review decision may have an impact on the individual's employment, and that, in this case, the individual also shall have the right to an administrative hearing under Rule 0250-7-9-.0708.
- (5) The Department shall date-stamp all requests for formal file reviews on the date received.
- (6) The Department shall respond to a timely filed request for a formal file review within 10 business days of receipt by sending written notice of the individual's obligations pursuant to a formal file review process. This additional notice shall include, at a minimum, the following:
- (a) That pursuant to the Department's Rules the individual may submit additional written or documentary information on his or her behalf to the address identified in paragraph 3(d) of this Rule;
  - (b) That the individual must submit the additional information within 30 business days of the date of the notice;
  - (c) That if the information is not timely submitted, the formal file review shall proceed with the information provided in the file and that the individual's right to submit additional information shall be waived; and
  - (d) That the formal file review shall be completed within 90 business days of the date of the notice.
- (7) Unless the emergency procedures in Rule 0250-7-9-.0708 apply, during the 10-business-day period in which an individual may request a formal file review, the Department shall not

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(Rule 0250-7-9-.07, continued)

disclose that the individual has been classified as the perpetrator of abuse, severe child abuse, child sexual abuse, or

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~~(Rule 0250-7-9-.06, continued)~~

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neglect in an "indicated" report. In addition, the Department shall not disclose any details about the case. The Department may only confirm that a child abuse, severe child abuse, child sexual abuse, or neglect investigation has commenced.

- (8) In conducting the formal file review, the Commissioner's designee shall determine whether the evidentiary standards set forth in Rule 0250-7-9-.0506 have been satisfied.
- (9) If the Commissioner's designee determines that the standards in Rule 0250-7-9-.0506 are not met, the report shall be reversed and it shall be classified as "not indicated." The Department shall not release information from its records identifying the individual as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect. Nothing in these rules shall be construed to require the expunction of internal case records maintained by the Department.
- (a) Within 10 business days of the date of the formal file review, the Department shall send to the individual who was classified in a report of abuse, severe child abuse, child sexual abuse, or neglect at his or her last known address written notice containing, at a minimum, the following:
1. the formal file review has classified the report as "not indicated"; and
  2. the Department will not release information from its records identifying the individual as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect.
- (10) If the Commissioner's designee determines that the proof in the report supports a different conclusion than that reached by the Department, the report shall be modified and it shall be classified accordingly. The Commissioner shall notify the individual in accordance with paragraphs 8 or 10 of this Rule.
- (11) If the Commissioner's designee determines that the standards in Rule 0250-7-9-.0506 are met, the report shall be upheld and it shall be classified as "indicated."

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(Rule 0250-7-9-.07, continued)

- (a) Within 10 business days of the date of the formal file review, the Department shall send to the individual who was classified in a report of abuse, severe child abuse, child sexual abuse, or neglect at his or her last known address written notice containing, at a minimum, the following:
1. That the individual has been identified as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect in an "indicated" report investigated by the Department; and
  2. That, after conducting a formal file review, the "indicated" report was upheld.
- (b) The notice in this paragraph shall also contain, at a minimum, the following:
1. That, if the individual meets the standards for an administrative hearing pursuant to 0250-7-9-.0809, the individual may request a hearing within 10 business days of the date of the notice before an administrative law judge by filling out an attached request for administrative hearing;
  2. That, if the individual requests a hearing, he or she shall complete the attached form and mail or fax it to the Department's Administrative Procedures Division;
  3. That, if the individual fails to timely request a hearing absent good cause, he or she shall waive the right to an administrative hearing; and

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~~(Rule 0250-7-9-.06, continued)~~

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4. That, if the individual fails to timely request a hearing absent good cause, the Department will release its finding of abuse, severe child abuse, child sexual abuse, or neglect to any individual or organization.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.02 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

**0250-7-9-.07.08 ALLEGED PERPETRATORS WITH CURRENT ACCESS TO CHILDREN;  
EMERGENCY NOTIFICATION.**

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(Rule 0250-7-9-.08, continued)

- (1) The provisions of this Rule apply to individuals classified as perpetrators of abuse, severe child abuse, child sexual abuse, or neglect in an "indicated" report who pose an immediate threat to the health, safety, or welfare of a child or children to whom the alleged perpetrator has access.
- (2) As soon as reasonably possible after the Department has investigated and identified an individual in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect, who poses an immediate threat to the health, safety or welfare of a child or children to whom the alleged perpetrator has access, the Department shall conduct an emergency file review in accordance with this rule.
- (3) The Commissioner's designee shall determine: (1) Whether the indication should be upheld; and (2) Whether there is an immediate threat to the health, safety, or welfare of a child or children to whom the alleged perpetrator has access.
  - (a) If both factors are met, the Department shall then follow the procedures set forth in paragraphs (4), (5) and (6) of this Rule.
  - (b) If no such immediate threat exists, the Department shall not reveal the alleged perpetrator's identity.
- (4) As soon as reasonably possible after the Commissioner's designee has determined that an immediate threat to the health, safety, or welfare of a child or children to whom the alleged perpetrator has access exists, the Department shall notify in writing both the alleged perpetrator and the organization or person with whom the individual is associated identified of such immediate threat.
  - (a) The notice shall contain the information set forth in Rule 0250-7-9-.0607(10)(b); and
  - (b) A statement that the organization or person with which the individual is associated shall receive notice of the Department's determination.
    1. The notice shall also contain the following:
      - (i) that the organization or person shall ensure that the individual is not a threat to the safety of any child in their care; and
      - (ii) that the individual has been notified of his or her rights to a hearing on the allegations, and that the organization or person shall be notified of the final decision regarding the allegations.

~~(5)~~ (5) If the individual fails timely to request a hearing absent good cause, the individual shall waive his or her right to a hearing. The Department's "indicated" report regarding the individual shall

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ABUSE/NEGLECT AND DUE PROCESS PROCEDURES FOR  
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(Rule 0250-7-9-.08, continued)

then be

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~~(Rule 0250-7-9-.07, continued)~~

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available for dissemination to any organization or individual and the individual's identity shall be placed in the registry.

- (6) If the individual timely requests a hearing, the Department shall follow the procedures set forth in Rule 0250-7-9-.~~0809~~(4).

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.02 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

**0250-7-9-.~~08~~.09 RIGHT TO NOTICE AND OPPORTUNITY FOR ADMINISTRATIVE HEARING.**

- (1) An individual whom the Department has classified in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect and whose classification has been upheld pursuant to a formal file review may request an administrative hearing before a hearing officer of the Administrative Procedures Division of the Department if the Department is going to release information or if the indication will affect their employment or any professional license.
- (2) -An individual shall request an administrative hearing within 10 business days from the date of the notice of the outcome of the formal file review. A request for a hearing submitted before a case file review has been completed shall be invalid.
- (3) Unless the emergency procedures in Rule 0250-7-9-.~~0708~~ apply, during the 10-business day period in which an individual may request a hearing, the Department shall not disclose that the individual has been classified as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect in an "indicated" report. In addition, the Department shall not disclose any details about the case. The Department may only confirm that a child abuse, severe child abuse, child sexual abuse, or neglect investigation has commenced.

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(Rule 0250-7-9-.09, continued)

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- (a) If the individual timely requests a hearing, the Department may only release a statement stating that a hearing concerning the individual pursuant to the child abuse laws of this State is currently pending.
- (4) If the individual timely requests a hearing, the Department shall schedule a hearing and give the individual adequate notice of the hearing, as provided by Rules 1360-4-1.
- (a) The hearing will be held, and an initial order entered therein, within 90 business days of the date of the notice required in Rule 0250-7-9-.~~0607~~(10), unless:
  - 1. the time limit is extended or waived by agreement of the parties, or for good cause shown; or
  - 2. the proceedings are stayed pursuant to Rule 0250-7-9-.~~0910~~.
- (5) If the individual fails timely to request a hearing, the individual shall waive his or her right to a hearing. The Department's "Indicated" report regarding the individual shall be then be available for dissemination to any organization or person with whom the individual is associated and the individual's identity shall be placed in the registry.
- (6) An individual who fails timely to request a hearing may be granted a hearing provided that he or she shows good cause for his or her failure to make a timely request.

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~~(Rule 0250-7-9-.08, continued)~~

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- (a) Good cause is limited to a failure to receive the notice referred to in Rule 0250-7-9.~~0607~~(10), severe illness, or some other circumstance that substantially prevented the individual from timely requesting a hearing.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.05 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

0250-7-9-.~~09~~.10 STAY OF ADMINISTRATIVE PROCEEDINGS.

- (1) The Department shall stay all administrative proceedings under these Rules:

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(Rule 0250-7-9-.10, continued)

- (a) If an individual whom the Department has classified in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect has been arrested or indicted on criminal charges that are derived from the same allegations that caused the Department to investigate; or
  - (b) if an individual whom the Department has classified in an "indicated" report as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect is the subject of other administrative or civil proceedings that are derived from the same allegations that caused the Department to investigate.
- (2) If the arrest, indictment, or initiation of other judicial or other administrative proceedings occurs any time prior to the entry of a final order by the Department, all proceedings under these Rules shall be immediately stayed pending final resolution (including appeals) of the judicial or administrative proceedings. Provided, however, that the Department shall notify an individual in accordance with Rules 0250-7-9-.~~0607~~, 0250-7-9-.~~0708~~, or 0250-7-9-.~~0809~~, as appropriate. The individual shall comply with the provisions of these Rules, as appropriate, in order to preserve his or her future rights to a hearing or to judicial review. During the stay, unless the emergency procedures in Rule 0250-7-9-.~~0708~~ apply, the Department shall not disclose that the individual has been classified as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect in an "indicated" report until the proceedings referred to in paragraph 1 of this Rule become final. The Department may only release the fact that judicial or administrative proceedings involving allegations of abuse, severe child abuse, child sexual abuse, or neglect by the individual are pending before a specified court or administrative proceeding.
- (3) If a criminal prosecution results in a conviction or guilty plea for any offense listed in Tenn. Code Ann. §37-1-602(a)(3), or for any act which would constitute physical abuse, sexual abuse, or severe physical abuse as defined in Tenn. Code Ann. §37-1-102(21), or if the individual is found guilty or pleads guilty to any lesser offense derived from the offenses or acts alleged under Tenn. Code Ann. §37-1-602(a)(3) or Tenn. Code Ann. §37-1-102(21), or if any court or administrative proceeding results in a judicial or administrative adjudication that the individual has committed, or has knowingly allowed to be committed, any act which would constitute physical abuse, sexual abuse, or severe physical abuse, as defined in Tenn. Code Ann. §37-1-102(21) or any act which constitutes child sexual abuse as defined in Tenn. Code Ann. §37-1-602(a)(3), then such conviction and/or adjudication will be conclusive evidence that the individual is the perpetrator classified in the "indicated" report and the individual will have no right to a hearing provided for in 0250-7-9-.~~0809~~ in regard to that particular report. In this event, the Department may release information about the perpetrator as permitted under these Rules.
- (a) If the criminal, civil or administrative proceeding does not result in a conviction or in a

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(Rule 0250-7-9-.10, continued)

finding as specified in paragraph 3 of this Rule, including pretrial diversion, this fact shall be admissible

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~~(Rule 0250-7-9-.00, continued)~~

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in the Department's administrative hearing, but shall not be conclusive on the issue of whether the report is properly classified as "indicated."

- (4) If administrative proceedings were stayed pursuant to this Rule, they shall resume at the point at which they were stayed if the alleged perpetrator so requests in writing to Tennessee Department of Children's Services, Case File Review, 8th Floor, Cordell Hull Building, Child Protect Services, 436 6th Ave. N., Nashville, Tennessee 37243, within 30 days of entry of a final order by a court or other administrative body favorably disposing of the issue of child abuse involving the alleged perpetrator or of any disposition other than guilty by a court in a criminal proceeding. If the alleged perpetrator fails timely to make such a written request, he or she shall waive his or her rights to a hearing in regard to that report. The indicated report and information regarding the perpetrator will be released as permitted under these Rules.
- (5) Unless the individual has waived his or her rights to a formal file review or to an administrative hearing by failing timely to request same, if administrative proceedings have been stayed, the Department shall notify in writing the individual as follows:
  - (a) That administrative proceedings have been stayed pending the final outcome of judicial or other administrative proceedings concerning allegations of child abuse involving the individual;
  - (b) that the administrative proceedings under these rules will be reinstated at the point they were stayed only if the individual requests such in writing to the local office of the Department which issued the original notice within 30 days of the entry of a final order by the court or administrative tribunal or verdict by a criminal court (unless the order or verdict is a conviction or guilty plea as specified in paragraph (3) above);
  - (c) if the individual fails timely to make such a written request, he or she shall waive his or her rights to an administrative hearing in regard to the report.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).

**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule

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(Rule 0250-7-9-.10, continued)

*assigned a new control number, removed and renumbered from 1240-7-9-.06 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.*

**0250-7-9-.10, 11 CONDUCT OF THE ADMINISTRATIVE HEARING.**

- (1) The hearing provided for in 0250-7-9-.0809 will be conducted in accordance with the provisions of the Uniform Administrative Procedures Act and of Rule 0250-5-6.
- (2) In hearings pursuant to 0250-7-9-.0809, the sole issue for the hearing officer is to determine whether the preponderance of the evidence, in light of the entire record, proves that the individual committed abuse, severe child abuse, child sexual abuse, or neglect. In making this determination, the hearing officer shall consider whatever relevant and admissible proof the individual offers that the report is not properly classified as indicated and shall further consider any competent and admissible proof concerning the dynamics of child abuse relevant to whether the classification is proper.
- (3) Unless the emergency procedures in Rule 0250-7-9-.0708 apply, the Department shall not disclose that the individual has been classified as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect in an "indicated" report until the individual has exhausted all of his or her appeal rights under these Rules, including judicial review of a final order by the Department. The Department may only release the fact that a hearing concerning the individual pursuant to the child abuse laws of the State is pending.

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~~(Rule 0250-7-9-.10, continued)~~

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- (4) If the Department, or a court of competent jurisdiction in the event of judicial review, concludes that the standards in Rule 0250-7-9-.0606 are not met, the report shall be classified as "not indicated." The Department shall not release information from its records identifying the individual as a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect.
  - (a) If the Department had previously disclosed that an individual was under investigation under the child abuse laws of this State, the Department shall forthwith notify that organization or person that the report was "not indicated." Nothing in this rule shall be construed to require the expunction of any information from internal case records maintained by the Department.

- (5) If the Individual is dissatisfied with the decision of the Department, a Petition for

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(Rule 0250-7-9-.11, continued)

Reconsideration of the Final Order may be filed within fifteen (15) days from the date of the Order. Further, the individual may petition for review in the Chancery Court of his/her county of residence or in Davidson County within sixty (60) days of the date of this order.

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**Authority:** T.C.A. §§4-5-226(b)(2); 37-1-409; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a).  
**Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.07 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

**0250-7-9-.14.12 EVIDENCE; STANDARD OF PROOF AT THE ADMINISTRATIVE HEARING.**

- (1) Admissibility of evidence in hearings pursuant to 0250-7-9-.0809 is governed by the provisions of Tenn. Code Ann. §4-5-313. Provided, however, that "evidence admissible in a court" shall, for purposes of hearings pursuant to this chapter, refer also to evidence admissible in any juvenile court of this state. Provided further that the evidentiary provisions of Title 24, Chapter 7, Part I of the Tennessee Code Annotated and Tenn. Code Ann. §§37-1-401 et seq. and 37-1-601 et seq., including the use of videotape testimony, shall be applicable to such hearings.
- (2) An individual will be indicated as the perpetrator of abuse, severe child abuse, child sexual abuse, or neglect only after the case is proven by a preponderance of the evidence.
- (3) Following final resolution of the case, whether by administrative hearing, court order, or waiver by the alleged perpetrator, the Department shall promptly notify of its decision the organization or person with whom the individual is associated of its decision.
  - (a) If the classification of the report as "indicated" is upheld, the organization or person shall continue to assure that the individual is not a threat to the safety of any child in their care, and the notice shall so state.
  - (b) If the classification of the report as "indicated" is reversed, the organization or person will be promptly notified of the reversal of the indication and will not be required to assure that the individual is not a threat to the safety of any child in their care, and the notice shall so state.

**Authority:** T.C.A. §§4-5-226(b)(2); 4-5-313; 37-1-409; 37-1-612; 37-1-616; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a). **Administrative History:** Original rule filed September 13, 1988; effective October 28, 1988. Rule assigned a new control number, removed and renumbered from 1240-7-9-.08 filed and effective March 25, 1999. Repeal and new rule filed September 11, 2006; effective November 25, 2006.

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\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 7/17/2013

Signature: *Douglas Earl Dimond*

Name of Officer: Douglas Earl Dimond

Title of Officer: General Counsel



Subscribed and sworn to before me on: 7/17/13

Notary Public Signature: *Dawnita Woodall*

My commission expires on: 12/6/16

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

*Robert E. Cooper, Jr.*

Robert E. Cooper, Jr.  
Attorney General and Reporter

7-17-13

Date

**Department of State Use Only**

Filed with the Department of State on: 7/19/13

Effective for: 180 days

Effective through: 1/15/14

\* Emergency rule(s) may be effective for up to 180 days from the date of filing.

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*Tre Hargett by Mary Beth Thomas*  
 Tre Hargett  
 Secretary of State  
 DOA

## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: State Board of Education

SUBJECT: Special Education Programs and Services

STATUTORY AUTHORITY: Tennessee Code Annotated §§ 49-10-101, 49-10-701, 20 U.S.C. § 1414(a)(1)(C), and 34 C.F.R. § 300.301(c).

EFFECTIVE DATES: January 29, 2014 through June 30, 2014

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This rule amendment deletes the state's timeframe on initial evaluations for the determination of eligibility for special education services. This deletion will result in the adoption by reference of the federal timeframe. The federal timeframe provides that initial evaluations must be made within sixty (60) calendar days of receiving parental consent for the evaluation instead of forty (40) school days, which the state rule currently provides.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This will have no impact on local governments.

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 08-22-13  
Rule ID(s): 5519  
File Date: 8/29/13  
Effective Date: 1/29/14

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	State Board of Education
<b>Division:</b>	
<b>Contact Person:</b>	Dannelle F. Walker
<b>Address:</b>	9 <sup>th</sup> Floor, 710 James Robertson Parkway, Andrew Johnson Tower, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-5707
<b>Email:</b>	Dannelle.Walker@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0520-01-09	Special Education Programs and Services
Rule Number	Rule Title
0520-01-09-.10	Initial Evaluations

Special Education Programs and Services  
Chapter 0520-01-09

~~0520-01-09-.10 INITIAL EVALUATIONS.~~

~~An initial evaluation must be conducted and an initial educational placement must be made within forty (40) school days of the local education agency's receipt of informed parental consent for an initial evaluation. A reasonable extension may be approved by the state department of education if, based on the unique needs of the child being evaluated, extra time is required. The granting of any extension will be based on the documented individual needs of the child.~~

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Ayers	X				
Edwards	X				
Justice				X	
Pearre	X				
Roberts	X				
Rogers	X				
Rolston	X				
Sloyan	X				
Wright	X				
Student Member				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the TN State Board of Education on April 19, 2013 and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: August 7, 2013

Signature: \_\_\_\_\_

Name of Officer: Dannelle F. Walker

Title of Officer: General Counsel



MY COMMISSION EXPIRES:  
January 9, 2016

Subscribed and sworn to before me on: 8/7/13

Notary Public Signature: Phyllis E. Childress

My commission expires on: \_\_\_\_\_

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.

Attorney General and Reporter

8-20-13

Date

Department of State Use Only

Filed with the Department of State on: 8/29/13

Effective on: 1/29/14

Joe Hargett  
Tre Hargett  
Secretary of State

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2013 AUG 29 AM 10: 59  
SECRETARY OF STATE

## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Economic and Community Development

DIVISION: Film, Entertainment, and Music Commission

SUBJECT: Commission Production Incentive

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 4-3-702(c), 4-3-4901 et seq, and 4-3-4903(i)

EFFECTIVE DATES: January 29, 2014 through June 30, 2014

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: The proposed rule provides procedures consistent with the Visual Content Act of 2006 for the administration of the Production Incentive Program administered by the Tennessee Film, Entertainment, and Music Commission. The proposed rule requires that: (1) All production incentive grants be approved by the grants and loans committee of the department of economic and community development; (2) Qualified expenditures made before execution of a grant contract will not count towards the recipient's grant incentive award; (3) Qualified expenditures must be determined and reported by a CPA; (4) The department may audit any qualified expenditure report; (5) The script and resulting production for any production that an incentive grant is given for must not be obscene; and (6) production credits must be given for appropriate state officials and agencies.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

The proposed rule is not deemed to affect small businesses.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule is not projected to impact local governments.

**Department of State  
Division of Publications**

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Phone: 615-741-2650  
Fax: 615-741-5133  
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**For Department of State Use Only**

Sequence Number: 08-11-13  
Rule ID(s): 5510  
File Date: 8/12/13  
Effective Date: 1/29/14

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	Tennessee Department of Economic and Community Development
<b>Division:</b>	Film, Entertainment, and Music Commission
<b>Contact Person:</b>	Sharon Kolb, ECD General Counsel
<b>Address:</b>	312 Rosa L. Parks Ave., 27 <sup>th</sup> Floor, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-532-8988
<b>Email:</b>	<a href="mailto:Sharon.Kolb@tn.gov">Sharon.Kolb@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0500-07-01	Tennessee Film, Entertainment, and Music Commission Production Incentive
Rule Number	Rule Title
0500-07-01-.01	Definitions
0500-07-01-.02	Procedures and Administration

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Proposed Rules  
of  
Department of Economic and Community Development  
Film, Entertainment, and Music Commission

Chapter 0500-07-01  
Tennessee Film, Entertainment, and Music  
Commission Production Incentive

Table of Contents

0500-07-01-.01 Definitions  
0500-07-01-.02 Procedures and Administration

0500-07-01-.01 Definitions

- (1) "ECD" means the Tennessee Department of Economic and Community Development.
- (2) "TFEMC" means the Tennessee Film, Entertainment, and Music Commission.
- (3) The "TFEMC Production Incentive" means the TFEMC-administered grant program by which moneys in the Tennessee Film/Television Incentive Fund are appropriated and expended to provide production incentive grants pursuant to T.C.A. § 4-3-4903.

Authority: T.C.A. §§ 4-3-702(c), 4-3-4901 et seq., and 4-3-4903(i).

0500-07-01-.02 Procedures and Administration

- (1) The award of a TFEMC Production Incentive grant must be approved by the ECD Grants and Loans Committee.
- (2) Qualified Tennessee expenditures made prior to the execution of a grant contract between the grant recipient and ECD will not count towards the grant recipient's incentive award per T.C.A. § 4-3-4903(c)(2).
- (3) Qualified Tennessee expenditures must be determined and reported by an independent Certified Public Accountant ("CPA") retained by the grant recipient and in accordance with incentive guidelines promulgated by TFEMC. The CPA must be licensed and have completed a successful American Institute of Certified Public Accountants ("AICPA") Peer Review by an AICPA-approved qualified peer reviewer in the most recent reporting cycle.
- (4) At the sole discretion of ECD, qualified Tennessee expenditures reported by the grant recipient may be audited by a CPA employed by or retained on behalf of the State of Tennessee. The results of the audit may be used to adjust the amount of qualified Tennessee expenditures eligible for reimbursement.
- (5) The script and resulting production must not be obscene in nature as defined by T.C.A. § 39-17-901(10).
- (6) The resulting production must provide production credits to the Governor; the State of Tennessee; the Tennessee Film, Entertainment, and Music Commission; and the Department of Economic and Community Development; as well as a "Filmed in Tennessee" logo acknowledging that the production was filmed in the State of Tennessee.

Authority: T.C.A. §§ 4-3-702(c), 4-3-4901 et seq., and 4-3-4903(i).

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Not applicable.					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of Economic and Community Development on 07/17/2013 (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 07-17-2013

Signature: [Handwritten Signature]

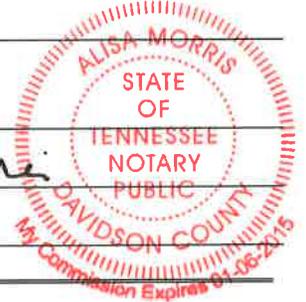
Name of Officer: William F. Hagerty

Title of Officer: Commissioner

Subscribed and sworn to before me on: July 17, 2013

Notary Public Signature: Alisa Morris

My commission expires on: 01-06-2015



All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]

Robert E. Cooper, Jr.  
Attorney General and Reporter

8-5-13

Date

**Department of State Use Only**

Filed with the Department of State on: 8/12/13

Effective on: 1/29/14

[Handwritten Signature]

Tre Hargett  
Secretary of State

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## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Department of Environment and Conservation

DIVISION: Solid Waste Management

SUBJECT: Hazardous Waste Management

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 4-5-201 et seq. and 68-212-101 et seq.

EFFECTIVE DATES: November 5, 2013 through June 30, 2014

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: This rule incorporates federal changes needed to maintain authorization for the hazardous waste management program, including: (1) removing saccharine and salts (U202) from the list of hazardous waste and deleting saccharine from the list of hazardous constituents in the Appendix; (2) the EPA changes to the LDR Treatment standards by adding some treatment options to several hazardous waste streams and deleting several constituents from the universal treatment standards list; and (3) inclusion of inadvertent omissions to make the rules consistent with federal regulations.

This rule includes editing changes to improve consistency and corrects typographical errors.

This rule amends Rule 0400-12-01-.02(1)(d)6(i) by adding the phrase "unless a shorter period is approved by the commissioner" to make it clear that the commission has the authority to shorten the 45-day advance notice before beginning the treatability study if the commissioner deems it to be in the best interest of the state to do so.

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

**Comment:** A commenter suggested that the department reword the amendment to subpart (1)(d)6(i) of Rule 0400-12-01-.02 to make it clear that the intent of the amendment was to give the Commissioner or his designee the flexibility to shorten the notification period and not to waive the notification requirement.

**Response:** The department agrees and modified the proposed language by deleting the word "waived" and replaced it with "a shorter period is approved" so that, as modified the subpart shall read: "No less than 45 days before conducting treatability studies, unless a shorter period is approved by the Commissioner, the facility notifies the Commissioner, in writing that it intends to conduct treatability studies under this paragraph."

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Those portions of this rulemaking that incorporate the federal changes that are needed to maintain program authorization and substantially codify existing federal law are not including in this analysis.

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule.

With this rulemaking the Department proposes to amend Rule 0400-12-01-.02(1)(d)6(i) by adding the phrase: "unless a shorter period is approved by the Commissioner" to make it clear that the Commissioner could, at his discretion, shorten the 45 advance notice before beginning the treatability study if he deemed it in the best interest of the state to do so. This change would only impact testing laboratories associated with generators of hazardous waste or hazardous waste treatment, storage or disposal facilities. There are very few laboratories conducting these types of treatability studies.

- (2) The projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record.

There would be no additional reporting, recordkeeping or other administrative costs caused by this rulemaking.

- (3) A statement of the probable effect on impacted small businesses and consumers.

If there were an effect it would be positive since the amendment allows flexibility when it is determined to be appropriate.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

No alternative exists.

- (5) A comparison of the proposed rule with any federal or state counterparts.

There is no direct comparison.

- (6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Exempting small businesses would deny those businesses the flexibility the amendment is designed to give.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Department does not anticipate an impact on local governments.

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Division of Publications**

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Fax: 615-741-5133  
Email: [register.information@tn.gov](mailto:register.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 08-09-13  
Rule ID(s): 5515  
File Date: 8/7/13  
Effective Date: 11/5/13

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Environment and Conservation
<b>Division:</b>	Solid Waste Management
<b>Contact Person:</b>	David Moran
<b>Address:</b>	5 <sup>th</sup> Floor, L & C Annex 401 Church Street Nashville, Tennessee
<b>Zip:</b>	37243-1535
<b>Phone:</b>	(615) 532-0875
<b>Email:</b>	<a href="mailto:David.Moran@tn.gov">David.Moran@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0400-12-01	Hazardous Waste Management
Rule Number	Rule Title
0400-12-01-.02	Identification and Listing of Hazardous Waste
0400-12-01-.03	Notification Requirements and Standards Applicable to Generators of Hazardous Wastes
0400-12-01-.04	Requirements Applicable to Transfer Facilities and Permit Requirements and Standards Applicable to Transporters of Hazardous Waste
0400-12-01-.05	Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment, Storage, and Disposal Facilities
0400-12-01-.06	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
0400-12-01-.09	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
0400-12-01-.10	Land Disposal Restrictions
0400-12-01-.12	Standards for Universal Waste Management

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

## Amendments

### Chapter 0400-12-01 Hazardous Waste Management

Paragraph (1) of Rule 0400-12-01-.02 Identification and Listing of Hazardous Waste is amended by deleting it in its entirety and replacing it with a new paragraph so that, as amended, the paragraph shall read as follows:

(1) General [40 CFR 261 Subpart A]

(a) Purpose and Scope [40 CFR 261.1]

1. This rule identifies those solid wastes which are subject to regulation as hazardous wastes under Rules 0400-12-01-.03 through .07 and .10. In this rule:
  - (i) Paragraph (1) defines the terms "solid waste" and "hazardous waste", identifies those wastes which are excluded from regulation under Rules 0400-12-01-.03 through .07, .09 and .10 and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste which is recycled.
  - (ii) Paragraph (2) sets forth the criteria used by the Board to identify characteristics of hazardous waste and to list particular hazardous wastes.
  - (iii) Paragraph (3) identifies characteristics of hazardous waste.
  - (iv) Paragraph (4) lists particular hazardous wastes.
2.
  - (i) The definition of solid waste contained in this rule applies only to wastes that also are hazardous for purposes of the regulations implementing T.C.A. Title 68, Chapter 212. 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.
  - (ii) This rule identifies only some of the materials which are solid wastes and hazardous wastes under T.C.A. Sections 68-212-105, 68-212-107, 68-212-111, 68-212-114 and 68-212-115. A material which is not defined as a solid waste in this rule, or is not a hazardous waste identified or listed in this rule, is still a solid waste and a hazardous waste for purposes of these statutory sections if:
    - (I) In the case of T.C.A. Section 68-212-107, the Commissioner has reason to believe that the material may be a solid waste within the meaning of T.C.A. Section 68-212-104(19) and a hazardous waste within the meaning of T.C.A. Section 68-212-104(8); or
    - (II) In the case of T.C.A. Sections 68-212-105, 68-212-111, 68-212-114 and 68-212-115, the statutory definition of a waste and a hazardous waste are established.
3. For the purposes of subparagraphs (b) and (f) of this paragraph:
  - (i) 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;
  - (ii) "Sludge" has the same meaning used in Rule 0400-12-01-.01(2)(a);

- (iii) 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.
- (iv) 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.
- (v) 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).
- (vi) "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.
- (vii) A material is "recycled" if it is used, reused, or reclaimed.
- (viii) 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 subpart (d)3(i) of this paragraph are not 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.
- (ix) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.
- (x) "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 (Rule 0400-12-01-

.02(1)(d)1(xvi)).

- (xi) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.
- (xii) "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.

(b) Definition of Solid Waste [40 CFR 261.2]

1. (i) A "solid waste" is any discarded material that is not excluded by part (d)1 of this paragraph or that is not excluded by variance granted under Rule 0400-12-01-.01(4)(a) and (b).  
(ii) A "discarded material" is any material which is:
  - (I) "Abandoned", as explained in part 2 of this paragraph; or
  - (II) "Recycled", as explained in part 3 of this paragraph; or
  - (III) Considered "inherently waste-like", as explained in part 4 of this subparagraph; or
  - (IV) A military munition identified as a solid waste in Rule 0400-12-01-.09(13)(c).
2. Materials are solid waste if they are "abandoned" by being:
  - (i) Disposed of; or
  - (ii) Burned or incinerated; or
  - (iii) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.
3. Materials are solid wastes if they are "recycled" -- or accumulated, stored, or treated before recycling -- as specified in subparts (i) through (iv) of this part:
  - (i) "Used in a manner constituting disposal".
    - (I) 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).
    - (II) However, commercial chemical products listed in subparagraph (4)(d) of this rule are not solid wastes if they are applied to the land and that is their ordinary manner of use.
  - (ii) "Burning for energy recovery"
    - (I) 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).

(II) However, commercial chemical products listed in subparagraph (4)(d) of this rule are not solid wastes if they are themselves fuels.

(iii) "Reclaimed"

Materials noted with a "\*" in column 3 of Table 1 are solid wastes when reclaimed (except as provided under subpart (d)1(xix) of this paragraph). Materials noted with a "-" in column 3 of Table 1 are not solid wastes when reclaimed.

(iv) "Accumulated speculatively"

Materials noted with a "\*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

Table 1

	Use constituting disposal (Rule 0400-12-01-.02(1)(b)3(i))	Energy recovery/fuel (Rule 0400-12-01-.02(1)(b)3(ii))	Reclamation (Rule 0400-12-01-.02(1)(b)3(iii)) (except as provided in Rule 0400-12-01-.02(1)(d)1(xix) for mineral processing secondary materials	Speculative accumulation (Rule 0400-12-01-.02(1)(b)3(iv))
	(1)	(2)	(3)	(4)
Spent Materials	(*)	(*)	(*)	(*)
Sludges [listed in Rule 0400-12-01-.02(4)(b) or (c)]	(*)	(*)	(*)	(*)
Sludges exhibiting a characteristic of hazardous waste	(*)	(*)	-	(*)
By-products [listed in Rule 0400-12-01-.02(4)(b) or (c)]	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic of hazardous waste	(*)	(*)	-	(*)
Commercial chemical products listed in Rule 0400-12-01-.02(4)(d)	(*)	(*)	-	-
Scrap metal that is not excluded under Rule 0400-12-01-.02(1)(d)1(xv)	(*)	(*)	(*)	(*)

(Note: The terms "spent materials", "sludges", "by-products", "scrap metal" and "processed scrap metal" are defined in subparagraph (1)(a) of this rule.)

4. "Inherently waste-like materials"

The following materials are solid wastes when they are recycled in any manner:

- (i) Hazardous Waste Codes F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
- (ii) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in paragraph (3) or (4) of this rule, except for brominated material that meets the following criteria:
  - (I) The material must contain a bromine concentration of at least 45%; and
  - (II) The material must contain less than a total of 1% of toxic organic compounds listed in paragraph (5) Appendix VIII of this rule; and
  - (III) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- (iii) The Board will use the following criteria to add wastes to that list:
  - (I) I. The materials are ordinarily disposed of, burned, or incinerated; or
  - II. The materials contain toxic constituents listed in paragraph (5) Appendix VIII of this rule and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
  - (II) The material may pose a substantial hazard to human health and the environment when recycled.

5. "Materials that are not solid waste when recycled"

- (i) 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. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at subpart (d)1(xix) of this paragraph apply rather than this item.
- (ii) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in items (i)(I) through (III) of this part):
  - (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; or
- (IV) Materials listed in subparts 4(i) and 4(ii) of this subparagraph.

6. "Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation".

Respondents in actions to enforce regulations implementing the Act and Chapter 0400-12-01 who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(c) Definition of Hazardous Waste [40 CFR 261.3]

1. A solid waste, as defined in subparagraph (b) of this paragraph, is a hazardous waste if:
  - (i) It is not excluded from regulation as a hazardous waste under part (d)2 of this paragraph; and
  - (ii) It meets any of the following criteria:
    - (I) It exhibits any of the characteristics of hazardous waste identified in paragraph (3) of this rule. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under subpart (d)2(xv) of this paragraph and any other solid waste exhibiting a characteristic of hazardous waste under paragraph (3) of this rule is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Toxicity Characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Table 1 to subparagraph (3)(e) of this rule 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 paragraph (4) of this rule and has not been excluded from the lists in paragraph (4) of this rule under Rule 0400-12-01-.01(3)(a) and (c).
    - (III) (RESERVED) [261.3(a)(2)(iii)]
    - (IV) It is a mixture of solid waste and one or more hazardous wastes listed in paragraph (4) of this rule and has not been excluded from subpart 1(ii) of this subparagraph under Rule 0400-12-01-.01(3)(a) and (c), parts 7 or 8 of this subparagraph; however, the following mixtures of solid wastes and hazardous wastes listed in paragraph (4) of this rule are not hazardous wastes (except by application of items (I) or (II) of this subpart) if the generator can demonstrate that the mixture consists of

wastewater the discharge of which is subject to regulation under T.C.A. §§69-3-101 et seq. (including wastewater at facilities which have eliminated the discharge of wastewater) and:

- I. One or more of the following spent solvents listed in subparagraph (4)(b) of this rule--benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene or the scrubber waters derived-from the combustion of these spent solvents - -provided that (1) the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million or (2) the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act, as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Division Director, as defined in Rule 0400-12-01-.01(2)(a). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or
  
- II. One or more of the following spent solvents listed in subparagraph (4)(b) of this rule --methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived-from the combustion of these spent solvents- - provided that (1) the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million or (2) the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to

an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Division Director, as defined in Rule 0400-12-01-.01(2)(a). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

- III. One of the following wastes listed in subparagraph (4)(c) of this rule, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation - heat exchanger bundle cleaning sludge from the petroleum refining industry (Hazardous Waste Code K050), crude oil storage tanks sediment from petroleum refining operations (Hazardous Waste Code K169), clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations (Hazardous Waste Code K170), spent hydrotreating catalyst (Hazardous Waste Code K171), and spent hydrorefining catalyst (Hazardous Waste Code K172); or
- IV. A discarded hazardous waste, commercial chemical product, or chemical intermediate listed in subparagraphs (4)(b) through (4)(d) of this rule, arising from de minimis losses of these materials. For purposes of this subitem, de minimis losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e. g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in subparagraphs (4)(b) through (4)(c) of this rule or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in paragraph (4) of this rule must either have eliminated the discharge of wastewaters or have included in its Clean Water Act permit application or submission to its pretreatment control authority the constituents for which each waste was listed in Appendix VII of paragraph (5) of this rule; and the constituents in the table "Treatment Standards for Hazardous Wastes" in Rule 0400-12-01-.10(3)(a) for which each waste has a treatment standard (i.e., Land

Disposal Restriction constituents). A facility is eligible to claim the exemption once the permit writer or control authority has been notified of possible de minimis releases via the Clean Water Act permit application or the pretreatment control authority submission. A copy of the Clean Water permit application or the submission to the pretreatment control authority must be placed in the facility's on-site files; or

- V. Wastewater resulting from laboratory operations containing toxic (T) wastes listed in paragraph (4) of this rule, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or
- VI. One or more of the following wastes listed in subparagraph (4)(c) of this rule -- wastewaters from the production of carbamates and carbamoyl oximes (Hazardous Waste Code No. K157)- - provided that (1) the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilution into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight or (2) the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Division Director, as defined in Rule 0400-12-01-.01(2)(a). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or
- VII. Wastewaters derived from the treatment of one or more of the following wastes listed in subparagraph (4)(c) of this rule --

organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Hazardous Waste Code No. K156)—provided that (1) the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter or (2) the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR parts 60, 61, or 63, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the Division Director, as defined in Rule 0400-12-01-.01(2)(a). A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once they receive confirmation that the sampling and analysis plan has been received by the Director. The Director may reject the sampling and analysis plan if he/she finds that, the sampling and analysis plan fails to include the above information; or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Director rejects the sampling and analysis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

(V) Rebuttable presumption for used oil

Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in paragraph (4) of this rule. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of paragraph (5) of this rule).

- I. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.
- II. The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

2. A solid waste which is not excluded from regulation under part (d)2 of this paragraph becomes a hazardous waste when any of the following events occur:

- (i) In the case of a waste listed in paragraph (4) of this rule, when the waste first meets the listing description set forth in paragraph (4) of this rule.
  - (ii) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in paragraph (4) of this rule is first added to the solid waste.
  - (iii) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in paragraph (3) of this rule.
3. Unless and until it meets the criteria of part 4 below:
- (i) A hazardous waste will remain a hazardous waste
  - (ii) (I) Except as otherwise provided in item (II) of this subpart, part 7 or part 8 of this subparagraph, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off) is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
  - (II) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:
    - I. Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).
    - II. Waste from burning any of the materials exempted from regulation by items (f)1(iii)(III) and (IV) of this paragraph.
    - III. A. Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in items (vi), (vii) and (xiii) of the definition for "Industrial furnace" in Rule 0400-12-01-.01(2)(a) that are disposed in nonhazardous solid waste (Subtitle D) units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of hazardous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent	Maximum for any single composite sample-TCLP (mg/l)
Generic exclusion levels for K061 and K062 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

Generic exclusion levels for F006 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

- B. A one-time notification and certification must be placed in the facility's files and sent to the Division Director for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to nonhazardous solid waste (Subtitle D) units. The notification and certification that is placed in the generators or treaters

files must be updated if the process or operation generating the waste changes and/or if the nonhazardous solid waste (Subtitle D) unit receiving the waste changes. However, the generator or treater need only notify the Division Director or an authorized state on an annual basis if such changes occur. Such notification and certification should be sent to the Division Director by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the nonhazardous solid waste (Subtitle D) unit receiving the waste shipments; the Hazardous Waste Code(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

- IV. Biological treatment sludge from the treatment of one of the following wastes listed in subparagraph (4)(c) - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Hazardous Waste Code K156), and wastewaters from the production of carbamates and carbamoyl oximes (Hazardous Waste Code K157).
  - V. Catalyst inert support media separated from one of the following wastes listed in subparagraph (4)(c) of this rule -- Spent hydrotreating catalyst (Hazardous Waste Code K171) and Spent hydrorefining catalyst (Hazardous Waste Code K172).
4. Any solid waste described in part 3 of this subparagraph is not a hazardous waste if it meets the following criteria:
- (i) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in paragraph (3) of this rule. (However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of Rule 0400-12-01-.10, even if they no longer exhibit a characteristic at the point of land disposal.)
  - (ii) In the case of a waste which is a listed waste under paragraph (4) of this rule, contains a waste listed under paragraph (4) of this rule or is derived from a waste listed in paragraph (4) of this rule, it also has been excluded from part 3 of this subparagraph under Rule 0400-12-01-.01(3)(a) and (c).
5. (RESERVED) [40 CFR 261.3(e)]
6. Notwithstanding parts 1 through 4 of this subparagraph and provided the debris as defined in Rule 0400-12-01-.10 does not exhibit a characteristic identified at paragraph (3) of this rule the following materials are not subject to regulation under Rules 0400-12-01-.01 through .07, .09 and .10:
- (i) Hazardous debris as defined in Rule 0400-12-01-.10 that has been treated using one of the required extraction or destruction technologies specified in Table 1 of

Rule 0400-12-01-.10(3)(f); persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

- (ii) Debris as defined in Rule 0400-12-01-.10 of this chapter that the Commissioner, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.
- 7.
- (i) A hazardous waste that is listed in paragraph (4) of this rule solely because it exhibits one or more characteristics of ignitability as defined under subparagraph (3)(b) of this rule, corrosivity as defined under subparagraph (3)(c) of this rule, or reactivity as defined under subparagraph (3)(d) of this rule is not a hazardous waste, if the waste no longer exhibits any characteristic of hazardous waste identified in paragraph (3) of this rule.
  - (ii) The exclusion described in subpart ~~(7)~~(i) of this ~~subparagraph~~ part also pertains to:
    - (I) Any mixture of a solid waste and a hazardous waste listed in paragraph (4) of this rule solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under item 1(ii)(IV) of this subparagraph; and
    - (II) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in paragraph (4) of this rule solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under item 3(ii)(I) of this subparagraph.
  - (iii) Wastes excluded under this part are subject to Rule 0400-12-01-.10 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.
  - (iv) Any mixture of a solid waste excluded from regulation under Rule 0400-12-01-.02(1)(d)2(xv) and a hazardous waste listed in paragraph (4) of this rule solely because it exhibits one or more of the characteristics of ignitability, corrosivity, or reactivity as regulated under Rule 0400-12-01-.02(1)(c)1(ii)(IV) is not a hazardous waste, if the mixture no longer exhibits any characteristic of hazardous waste identified in paragraph (3) of this rule for which the hazardous waste listed in paragraph (4) of this rule was listed.
- 8.
- (i) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of paragraph (14) of Rule 0400-12-01-.09 ("eligible radioactive mixed waste").
  - (ii) The exemption described in subpart 8(i) of this subparagraph also pertains to:
    - (I) Any mixture of a solid waste and an eligible radioactive waste; and
    - (II) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.
  - (iii) Waste exempted under this part must meet the eligibility criteria and specified conditions in part (14)(b)6 of Rule 0400-12-01-.09 and part (14)(b)11 of Rule 0400-12-01-.09 (for storage and treatment) and in part (14)(m)1 of Rule 0400-12-01-.09 and part (14)(n)1 of Rule 0400-12-01-.09 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

(d) Exclusions [40 CFR 261.4] & [40 CFR 262.70]

1. Materials which are not solid wastes

The following materials are not solid wastes for the purpose of this rule:

- (i) (I) Domestic sewage; and
- (II) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(Comment: This exclusion does not exclude waste/wastewaters while they are being generated, collected, stored, or treated before entering the sewer system. This exclusion applies when the material enters the sewer system where it will mix with sanitary wastes at any point before reaching the POTW whereupon this material is regulated under water pollution statutes and regulations. This material is subject to all applicable reporting, monitoring, and permitting requirements of the T. C. A. §§ 68-221-101, 69-3-101, et seq. and the associated regulations. Management of this material must be in compliance with all applicable authorization (permits, etc.) associated with disposal into a POTW for subsequent treatment.)

- (ii) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended.

(Comment: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.)

- (iii) Irrigation return flows.
- (iv) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.
- (v) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- (vi) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in subpart (a)3(viii) of this paragraph.
- (vii) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in subpart (a)3(viii) of this paragraph.
- (viii) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:
  - (I) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
  - (II) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
  - (III) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

- (IV) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- (ix)
  - (I) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose;
  - (II) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood; and
  - (III) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in item (I) and (II) of this subpart, so long as they meet all of the following conditions:
    - I. The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;
    - II. Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;
    - III. Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
    - IV. Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in Rule 0400-12-01-.05(23), regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and
    - V. Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Commissioner for reinstatement. The Commissioner may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.
- (x) Hazardous Waste Codes K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic (TC) specified in subparagraph (3)(e) of this rule when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

- (xi) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- (xii)
  - (I) Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911 - including, but not limited to distillation, catalytic cracking, fractionation, gasification (as defined in Rule 0400-12-01-.01(2)(a)), or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this item provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in item (II) of this subpart, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this subpart. Residuals generated from processing or recycling materials excluded under this item (I) of this subpart, where such materials as generated would have otherwise met a listing under paragraph (4) of this rule, are designated as F037 listed wastes when disposed of or intended for disposal.
  - (II) Recovered oil that is recycled in the same manner and with the same conditions as described in item (I) of this subpart. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in paragraph (4) of this rule; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in Rule 0400-12-01-.11(1)(a).
- (xiii) Petroleum tank bottom waters (the water phase which accumulates in operating petroleum tanks) removed from petroleum tanks at retail, government or private outlets, bulk petroleum plants and terminals, or petroleum pipeline breakout tankage that contain recoverable petroleum product provided:
  - (I) The petroleum product is being or shall be legitimately recycled;
  - (II) The owner or operator of the petroleum facility maintains adequate records which document:
    - I. The dates and amounts of material removed from the petroleum tanks;
    - II. The dates the materials were either recycled on-site or shipped off-site to a legitimate recycler; and
    - III. If shipped off-site for recycling, the names of recyclers and transporters used;
  - (III) If accumulated on-site before being recycled, the material is accumulated in suitable tanks or containers; and:

- I. Each tank or container is appropriately labeled or marked as to its contents;
  - II. The material is not accumulated on-site at retail government or private outlets for more than 30 days from the date that a total of 55 gallons has accumulated after removal from the petroleum tank before being recycled on-site or shipped off-site to a legitimate recycling facility; or
  - III. The material is not accumulated on-site at all other petroleum facilities for more than 90 days from the date it was removed from the petroleum tank before being recycled on-site or shipped off-site to a legitimate recycling facility; and
  - IV. Each tank or container is managed in such a manner as to minimize threats to public health and the environment, (e.g., keeping containers closed during storage, etc.).
- (IV) These materials are not, at any time, accumulated or stored in earthen vessels (including, but not limited to inground or aboveground ponds, lagoons, or surface impoundments).
- (xiv) Petroleum tank bottom waters (the water phase which accumulates in operating petroleum tanks) removed from petroleum tanks at retail, government or private outlets, bulk petroleum plants or terminals, or petroleum pipeline breakout tankage that contain recoverable petroleum product and which are received at recycling facilities for product reclamation provided that:
- (I) The petroleum product is being or shall be legitimately recycled; and
  - (II) The owner or operator of the recycling facility maintains adequate records which document:
    - I. The generators and transporters names and addresses, and the dates and amounts of material received by the facility from off-site for recycling;
    - II. The recovered quantities of product; and
    - III. If the recovered product is shipped off-site, the names of the transporter(s) used and the dates and quantities of recovered product shipped off-site after recovery.
  - (III) These materials are not, at any time, accumulated or stored in earthen vessels (including, but not limited to inground or aboveground ponds, lagoons, or surface impoundments).
- (xv) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
- (xvi) 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.

- (xvii) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
- (xviii) Comparable fuels or comparable syngas fuels (i.e., comparable/syngas fuels) that meet the requirements of subparagraph (4)(i) of this rule.
- (xix) Spent materials (as defined in subparagraph (a) of this paragraph) (other than hazardous wastes listed in paragraph (4) of this rule) generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or by beneficiation, provided that:
  - (I) The spent material is legitimately recycled to recover minerals, acids, cyanide, water or other values.
  - (II) The spent material is not accumulated speculatively.
  - (III) Except as provided in item (IV) of this subpart, the spent material is stored in tanks, containers, or buildings meeting the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in Rule 0400-12-01-.01(2)(a)), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If tanks or containers contain any particulate which may be subject to wind dispersal, the owner/operator must operate these units in a manner which controls fugitive dust. Tanks, containers, and buildings must be designed, constructed and operated to prevent significant releases to the environment of these materials.
  - (IV) The Commissioner may make a site-specific determination, after public review and comment, that only solid mineral processing spent materials may be placed on pads, rather than in tanks, containers, or buildings. Solid mineral processing spent materials do not contain any free liquid. The decision-maker must affirm that pads are designed, constructed and operated to prevent significant releases of the spent material into the environment. Pads must provide the same degree of containment afforded by the non-RCRA tanks, containers and buildings eligible for exclusion.
    - I. The decision-maker must also consider if storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, air exposure pathways are: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway, and the possibility and extent of harm to human and environmental receptors via each exposure pathway.
    - II. Pads must meet the following minimum standards: be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material, capable of

withstanding physical stresses associated with placement and removal, have run-on/runoff controls, be operated in a manner which controls fugitive dust, and have integrity assurance through inspections and maintenance programs.

- III. Before making a determination under this subpart, the Commissioner must provide public notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by the owner or operator placing notice, as provided for in Rule 0400-12-01-.07(7)(e) and as prepared and required by the Commissioner, of this action in local newspapers, or broadcasting notice over local radio stations. The owner or operator shall provide proof of the completion of all notice requirements to the Commissioner within ten (10) days following conclusion of the public notice procedures.
- (V) The owner or operator provides notice to the Commissioner, providing the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.
- (VI) For purposes of subpart 2(xv) of this subparagraph, mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.
- (xx) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided:
  - (I) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in subparagraph (3)(b) of this rule) and/or toxicity for benzene (subparagraph (3)(e) of this rule, waste code D018); and
  - (II) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically co-located with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, byproducts, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.
- (xxi) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in part (1)(a)3 of this rule.
- (xxii) Hazardous secondary materials used to make zinc fertilizers, provided that the conditions specified below are satisfied:

- (I) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in subpart (1)(a)3(viii) of this rule.
- (II) Generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:
  - I. Submit a one-time notice to the Commissioner which contains the name, address and installation identification number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this subpart.
  - II. Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and must have a floor, walls and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose must be structurally sound and, if outdoors, must have roofs or covers that prevent contact with wind and rain. Containers used for this purpose must be kept closed except when it is necessary to add or remove material, and must be in sound condition. Containers that are stored outdoors must be managed within storage areas that:
    - A. Have containment structures or systems sufficiently impervious to contain leaks, spills and accumulated precipitation; and
    - B. Provide for effective drainage and removal of leaks, spills and accumulated precipitation; and
    - C. Prevent run-on into the containment system.
  - III. With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of this subpart.
  - IV. Maintain at the generator's or intermediate handler's facility for no less than three years records of all shipments of excluded hazardous secondary materials. For each shipment these records must at a minimum contain the following information:
    - A. Name of the transporter and date of the shipment;
    - B. Name and address of the facility that received the excluded material, and documentation confirming receipt of the shipment; and
    - C. Type and quantity of excluded secondary material in each shipment.
- (III) Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:

- I. Store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in subitem (II) of this subpart.
  - II. Submit a one-time notification to the Commissioner that, at a minimum, specifies the name, address and installation identification number of the manufacturing facility, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this subpart.
  - III. Maintain for a minimum of three (3) years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, name of the transporter and the date the materials were received, the quantity received, and a brief description of the industrial process that generated the material.
  - IV. Submit to the Commissioner an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial process(es) from which they were generated.
- (IV) Nothing in this subpart preempts, overrides or otherwise negates the provision in Rule 0400-12-01-.03(1)(b) which requires any person who generates a solid waste to determine if that waste is a hazardous waste.
  - (V) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in subitem (II) of this subpart, and that afterward will be used only to store hazardous secondary materials excluded under ~~subitem (II)~~ of this subpart, are not subject to the closure requirements of Rules 0400-12-01-.05 and .06.

(xiii) Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under subpart (xxii) of this part, provided that:

- (I) The fertilizers meet the following contaminate limits:
  - I. For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

- II. For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).
- (II) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve

months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.

- (III) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of item (II) of this subpart. Such records must at a minimum include:
  - I. The dates and times product samples were taken, and the dates the samples were analyzed;
  - II. The names and qualifications of the person(s) taking the samples;
  - III. A description of the methods and equipment used to take the samples;
  - IV. The name and address of the laboratory facility at which analyses of the samples were performed;
  - V. A description of the analytical methods used, including any cleanup and sample preparation methods; and
  - VI. All laboratory analytical results used to determine compliance with the contaminant limits specified in this subpart.

(xxiv) Used cathode ray tubes (CRTs)

- (I) Used, intact CRTs as defined in Rule 0400-12-01-.01(2)(a) are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in subpart (1)(a)3(viii) of this rule by CRT collectors or glass processors.
- (II) Used, intact CRTs as defined in Rule 0400-12-01-.01(2)(a) are not solid wastes when exported for recycling provided that they meet the requirements of subparagraph (6)(c) of this rule.
- (III) Used, broken CRTs as defined in Rule 0400-12-01-.01(2)(a) are not solid wastes provided that they meet the requirements of subparagraph (6)(b) of this rule.
- (IV) Glass removed from CRTs is not a solid waste provided that it meets the requirements of part (6)(b)3 of this rule.

2. Wastes Which Are Not Hazardous Wastes

The following wastes are not hazardous wastes:

- (i) 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, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A

resource recovery facility managing municipal waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under Chapter 0400-12-01, if such facility:

- (I) Receives and burns only
    - I. Household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and
    - II. Waste from commercial or industrial sources that does not contain hazardous waste; and
  - (II) Such facility does not accept hazardous wastes and the owner 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.
- (ii) The following wastes generated within a farm and incidental to the operation of that farm:
- (I) Wastes from the growing and harvesting of agricultural crops or from the raising of animals (including animal manures), which are returned to the soil as fertilizers; and
  - (II) Waste pesticides, provided the farmer triple-rinses each emptied pesticide container (using a capable solvent) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.
- (iii) Mining overburden returned to the mine site.
- (iv) Waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- (v) (I) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in paragraph (4) of this rule due to the presence of chromium, which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if a waste generator demonstrates to the satisfaction of the Director, by submitting an exclusion request and supporting documentation, that:
- I. The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
  - II. The waste generated from an industrial process is trivalent chromium exclusively (or nearly exclusively) and the process does not contain more than minimal amounts of hexavalent chromium<sup>1</sup>; and
  - III. The waste is managed by the waste generator in non-oxidizing environments.

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<sup>1</sup> Hexavalent chromium concentrations below 5 mg/l currently are considered minimal.  
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- (II) The generator shall also submit to the Department a Chromium Exclusion Review Fee identified in Rule 0400-12-01-.08(11) prior to the Director's review of the submitted documentation.
- (III) Such exclusion shall be effective only after approval in writing by the Director. Persons who obtain an exclusion shall:
  - I. Annually recertify the accuracy of the information on a form provided by the Director that there has been no change in the waste stream or the process generating the waste since the original exclusion was granted; and
  - II. It shall be the responsibility of the generator (applicant) to submit all recertifications as required by item (I) by March 1 of each succeeding year following the granting of the exclusion.
  - III. If a change in the waste stream or the process generating the waste has occurred since the original exclusion was granted, the generator (applicant) shall submit a new exclusion request and review fee to the Director.
- (vi) Specific wastes which meet the standard in subpart (v) of this part (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are:
  - (I) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - (II) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; shearling.
  - (III) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.
  - (IV) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - (V) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - (VI) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
  - (VII) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

- (VIII) Wastewater treatment sludges from the production of TiO<sub>2</sub> pigment using chromium-bearing ores by the chloride process.
- (vii) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of subparagraph (3)(e) of this rule (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280 (as those Federal regulations exist on the effective date of these rules).
- (viii) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in subparagraph (3)(e) of this rule that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if operations are performed pursuant to a written state agreement issued under the Tennessee Water Quality Control Act (T.C.A. §69-3-101 et seq.) that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed.
- (ix) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- (x) Non-terne plated used oil filters that are not mixed with wastes listed in paragraph (4) of this rule if these oil filters have been gravity hot-drained using one of the following methods:
  - (I) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
  - (II) Hot-draining and crushing;
  - (III) Dismantling and hot-draining; or
  - (IV) Any other equivalent hot-draining method which will remove used oil.
- (xi) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- (xii) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:
  - (I) The solid wastes disposed would meet one or more of the listing descriptions for hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, K178, and K181 if these wastes had been generated after ~~November 28, 2000~~ the effective date of the listing;
  - (II) The solid wastes described in item (I) of this subpart were disposed prior to ~~November 28, 2000~~ the effective date of the listing;
  - (III) The leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;

- (IV) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act; and
- (V) As of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e. g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this item (V) after the emergency ends.
- (xiii) 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 as provided by Rule 0400-12-01-.09(8)(m) for facilities that burn or process hazardous waste.
- (xiv) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.
- (xv) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by Rule 0400-12-01-.09(8)(m) for facilities that burn or process hazardous waste.
  - (I) For purposes of this subpart, beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching.
  - (II) For the purpose of this subpart, solid waste from the processing of ores and minerals includes only the following wastes as generated:
    - I. Slag from primary copper processing;
    - II. Slag from primary lead processing;
    - III. Red and brown muds from bauxite refining;
    - IV. Phosphogypsum from phosphoric acid production;
    - V. Slag from elemental phosphorus production;
    - VI. Gasifier ash from coal gasification;

- VII. Process wastewater from coal gasification;
  - VIII. Calcium sulfate wastewater treatment plant sludge from primary copper processing;
  - IX. Slag tailings from primary copper processing;
  - X. Fluorogypsum from hydrofluoric acid production;
  - XI. Process wastewater from hydrofluoric acid production;
  - XII. Air pollution control dust/sludge from iron blast furnaces;
  - XIII. Iron blast furnace slag;
  - XIV. Treated residue from roasting/leaching of chrome ore;
  - XV. Process wastewater from primary magnesium processing by the anhydrous process;
  - XVI. Process wastewater from phosphoric acid production;
  - XVII. Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
  - XVIII. Basic oxygen furnace and open hearth furnace slag from carbon steel production;
  - XIX. Chloride process waste solids from titanium tetrachloride production;
  - XX. Slag from primary zinc processing.
- (III) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this part if the owner or operator:
- I. Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and,
  - II. Legitimately reclaims the secondary mineral processing materials.
- (xvi) Cement kiln dust waste, except as provided by Rule 0400-12-01-.09(8)(m) for facilities that burn or process hazardous waste.

3. Hazardous Wastes Which Are Exempted From Certain Regulations

- (i) 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 rules except as specified in subpart (ii) of this part 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.

- (ii) A hazardous waste as described in subpart (i) of this part shall be subject to the generator notification requirement of Rule 0400-12-01-.03(2), and shall be subject to such requirement irrespective of how the waste is managed after it exits the units in which it was generated (e.g., even if it exits directly into a domestic sewer system), except as provided otherwise in Rule 0400-12-01-.03(2)(a)2. Such a waste shall also be subject to the annual reporting requirements of Rule 0400-12-01-.03(5)(b) for the years in which it is removed from the units in which it was generated.

4. Samples

- (i) Except as provided in subpart (ii) of this part, 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 rules 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 the conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- (ii) In order to qualify for the exemption in items (i)(I) and (II) of this part 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:
    - I. Assure that the following information accompanies the sample:
      - A. The sample collector's name, mailing address, and telephone number;
      - B. The laboratory's name, mailing address, and telephone number;
      - C. The quantity of the sample;
      - D. The date of shipment; and
      - E. A description of the sample.

- II. Package the sample so that it does not leak, spill, or vaporize from its packaging.
- (iii) 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 subpart (i) of this part.

5. Treatability Study Samples

- (i) Except as provided in subpart (ii) of this part, persons who generate or collect samples for the purpose of conducting treatability studies as defined in Rule 0400-12-01-.01(2)(a), are not subject to any requirement of Rule 0400-12-01-.02, .03 and .04, nor are such samples included in the quantity determinations of paragraph (e) of this rule and Rule 0400-12-01-.03(4)(e)6 when:
  - (I) The sample is being collected and prepared for transportation by the generator or sample collector; or
  - (II) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
  - (III) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- (ii) The exemption in subpart (i) of this part is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:
  - (I) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream; and
  - (II) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste; and
  - (III) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of subitem I or II of this part are met.
    - I. The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
    - II. If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:
      - A. The name, mailing address, and telephone number of the originator of the sample;
      - B. The name, address, and telephone number of the facility that will perform the treatability study;
      - C. The quantity of the sample;

- D. The date of shipment; and
  - E. A description of the sample, including its Hazardous Waste Code.
- (IV) The sample is shipped to a laboratory or testing facility which is exempt under part 6 of this subparagraph or has an appropriate permit or interim status.
- (V) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:
- I. Copies of the shipping documents;
  - II. A copy of the contract with the facility conducting the treatability study;
  - III. Documentation showing:
    - A. The amount of waste shipped under this exemption;
    - B. The name, address, and Installation Identification Number of the laboratory or testing facility that received the waste;
    - C. The date the shipment was made; and
    - D. Whether or not unused samples and residues were returned to the generator.
- (VI) The generator reports the information required under subitem ~~(ii)~~(V)III of this subpart in its annual report.
- (iii) The Commissioner may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Commissioner may grant requests on a case-by-case basis for quantity limits in excess of those specified in items (ii)(I) and (II) of this ~~subpart~~ part and subpart 6(iv) of this subparagraph, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste and 1 kg of acute hazardous waste:
- (I) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.
  - (II) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when: There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further

evaluation of an ongoing treatability study to determine final specifications for treatment.

- (III) The additional quantities and timeframes allowed in items (I) and (II) of this subpart are subject to all the provisions in subpart (i) and items (III) through (VI) of subpart (ii) of this part. The generator or sample collector must apply to the Commissioner and provide in writing the following information:
- I. The reason why the generator or sample collector requires additional time or quantity of sample for treatability study evaluation and the additional time or quantity needed;
  - II. Documentation accounting for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;
  - III. A description of the technical modifications or change in specifications which will be evaluated and the expected results;
  - IV. If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
  - V. Such other information that the Commissioner considers necessary.

#### 6. Samples Undergoing Treatability Studies at Laboratories and Testing Facilities

Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to the requirements under this Chapter) are not subject to any requirement of this Chapter provided that the conditions of subparts (i) through (xi) of this part are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to subparts (i) through (xi) of this part. Where a group of MTUs are located at the same site, the limitations specified in subparts (i) through (xi) of this part apply to the entire group of MTUs collectively as if the group were one MTU.

- (i) No less than 45 days before conducting treatability studies, unless a shorter period is approved by the Commissioner, the facility notifies the Commissioner, in writing that it intends to conduct treatability studies under this paragraph.
- (ii) The laboratory or testing facility conducting the treatability study has an Installation Identification Number.
- (iii) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- (iv) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total

of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

- (v) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) have elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.
- (vi) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- (vii) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
  - (I) The name, address, and Installation Identification Number of the generator or sample collector of each waste sample;
  - (II) The date the shipment was received;
  - (III) The quantity of waste accepted;
  - (IV) The quantity of "as received" waste in storage each day;
  - (V) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
  - (VI) The date the treatability study was concluded;
  - (VII) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the Installation Identification Number.
- (viii) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- (ix) The facility prepares and submits a report to the Commissioner by March 15 of each year that includes the following information for the previous calendar year:
  - (I) The name, address, and Installation Identification Number of the facility conducting the treatability studies;
  - (II) The types (by process) of treatability studies conducted;
  - (III) The names and addresses of persons for whom studies have been conducted (including their Installation Identification Numbers);
  - (IV) The total quantity of waste in storage each day;

- (V) The quantity and types of waste subjected to treatability studies;
  - (VI) When each treatability study was conducted;
  - (VII) The final disposition of residues and unused sample from each treatability study.
- (x) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under subparagraph (1)(c) of this rule and, if so, are subject to Chapter 0400-12-01, unless the residues and unused samples are returned to the sample originator under exemption under part 5 of this subparagraph.
  - (xi) The facility notifies the Commissioner by letter when the facility is no longer planning to conduct any treatability studies at the site.
7. 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 part 7, the following definitions apply:
- (i) The term "dredged material" has the same meaning as defined in 40 CFR 232.2;
  - (ii) 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 items 7(ii)(I) and (II) of this ~~subparagraph~~ part, as provided for in Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).
- (e) Special Requirements For Hazardous Waste Generated By Conditionally Exempt Small Quantity Generators [40 CFR 261.5]
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.
  2. Except for those wastes identified in parts 5, 6, 7, and 10 of this subparagraph, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under Rules 0400-12-01-.03 through .10, provided the generator complies with the requirements of parts 6, 7 and 10 of this subparagraph.
  3. When making the quantity determinations of this rule and Rule 0400-12-01-.03, the generator must include all hazardous waste that it generates, except hazardous waste that:
    - (i) Is exempt from regulation under parts (d)3 through 6 subparts (f)1(iii), subpart (g)1(i), or subparagraph (h) of this paragraph; or
    - (ii) Is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Rule 0400-12-01-.01(2)(a); or

- (iii) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under subpart (f)3(ii) of this paragraph; or
  - (iv) Is used oil managed under the requirements of subpart (f)1(iv) of this paragraph and Rule 0400-12-01-.11; or
  - (v) Is spent lead-acid batteries managed under the requirements of Rule 0400-12-01-.09(7); or
  - (vi) Is universal waste managed under Rule 0400-12-01-.02(1)(j) and Rule 0400-12-01-.12; or
  - (vii) Is a hazardous waste that is an unused commercial chemical product (listed in Paragraph (4) of this rule or exhibiting one or more characteristics in paragraph (3) of this rule) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to paragraph (12) of Rule 0400-12-01-.03. For purposes of this provision, the term eligible academic entity shall have the meaning as defined in paragraph (12) of Rule 0400-12-01-.03.
  - (viii) Is managed immediately upon generation in a collection system (sewer system) where the wastewaters will mix with sanitary wastes at any point before reaching a publicly owned treatment works (POTW).
4. In determining the quantity of hazardous waste generated, a generator need not include:
- (i) Hazardous waste when it is removed from on-site storage; or
  - (ii) 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
  - (iii) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.
5. 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 Chapter 0400-12-01:
- (i) A total of one kilogram of acute hazardous wastes listed in subparagraph (4)(b) or part (4)(d)5 of this rule.
  - (ii) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in subparagraph (4)(b) or part (4)(d)5 of this rule.
- (Comment: "Full regulation" means those regulations applicable to generators of 1000 kg or greater of hazardous waste in a calendar month.)
6. In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subparts 5(i) or (ii) of this subparagraph to be excluded from full regulation under this subparagraph, the generator must comply with the following requirements:
- (i) The generator must perform the hazardous waste determination of Rule 0400-12-01-.03(1)(b) and keep records thereof as required by Rule 0400-12-01-.03(5)(a)3;
  - (ii) The generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in subparts 5(i) or 5(ii) of this subparagraph, all of those accumulated

wastes are subject to regulation under Chapter 0400-12-01. The time period of Rule 0400-12-01-.03(4)(e)2, for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.

- (iii) A conditionally exempt small quantity generator may either treat or dispose of his acute 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:
    - (I) Permitted under Rule 0400-12-01-.07;
    - (II) In interim status under Rule 0400-12-01-.05 and 0400-12-01-.07;
    - (III) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR Part 271;
    - (IV) Permitted, licensed, or registered by a State to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 CFR Part 258;
    - (V) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR Parts 257.5 through 257.30; or
    - (VI) A facility which:
      - I. Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
      - II. Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
    - (VII) For universal waste managed under Rule 0400-12-01-.12, a universal waste handler or destination facility subject to the requirements of Rule 0400-12-01-.12.
7. In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of 100 kilograms or less of hazardous waste during a calendar month to be excluded from full regulation under this subparagraph, the generator must comply with the following requirements:
- (i) The conditionally exempt small quantity generator must perform the hazardous waste determination of Rule 0400-12-01-.03(1)(b) and keep records thereof as required by Rule 0400-12-01-.03(5)(a)3.
  - (ii) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time more than a total of 1000 kilograms of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of Rule 0400-12-01-.03 applicable to generators of greater than 100 kg and less than 1000 kg of hazardous waste in a calendar month as well as the requirements of Rule 0400-12-01-.04 through 0400-12-01-.10. The time period of Rule 0400-12-01-.03(4)(e)6 for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes exceed 1000 kilograms;
  - (iii) 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:
    - (I) Permitted under Rule 0400-12-01-.07;

- (II) In interim status under Rules 0400-12-01-.05 and 0400-12-01-.07;
  - (III) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR Part 271;
  - (IV) Permitted, licensed, or registered by a State to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 CFR Part 258;
  - (V) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR Parts 257.5 through 257.30; or
  - (VI) A facility which:
    - I. Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
    - II. Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
  - (VII) For universal waste managed under Rule 0400-12-01-.12, a universal waste handler or destination facility subject to the requirements of Rule 0400-12-01-.12.
- (iv) Management of Containers with Liquids
- (I) A container holding hazardous waste volatile liquids must always be closed during storage, except when it is necessary to add or remove waste.
  - (II) A container holding hazardous waste liquids must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
  - (III) The facility may take reasonable measures that deviate from this standard if required for safety due to the intrinsic nature of the container's contents.

8. Hazardous waste subject to the reduced requirements of this subparagraph may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this subparagraph, unless the mixture meets any of the characteristics of hazardous waste identified in paragraph (3) of this rule.

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

10. If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to Rule 0400-12-01-.11. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated.

(NOTE: Any used oil that is not recycled is a solid waste subject to a hazardous waste determination per Rule 0400-12-01-.03(1)(b).)

(f) Requirements for recyclable material [40 CFR 261.6]

1. (i) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of parts 2 and 3 of this subparagraph, except for the materials listed in subparts (ii) and (iii) of this part. Hazardous wastes that are recycled will be known as "recyclable materials."
- (ii) The following recyclable materials are not subject to the requirements of this subparagraph but are regulated under paragraphs (3), (6), (7), (8), (13) and (14) of Rule 0400-12-01-.09 and all applicable provisions in Rules 0400-12-01-.07 and .10:
  - (I) Recyclable materials used in a manner constituting disposal (Rule 0400-12-01-.09(3));
  - (II) Hazardous wastes burned (as defined in Rule 0400-12-01-.09(8)(a)1) in boilers and industrial furnaces that are not regulated under paragraph (15) of Rule 0400-12-01-.05 or Rule 0400-12-01-.06;
  - (III) Recyclable materials from which precious metals are reclaimed (Rule 0400-12-01-.09(6));
  - (IV) Spent lead-acid batteries that are being reclaimed (Rule 0400-12-01-.09(7)).
- (iii) The following recyclable materials are not subject to regulation under Chapter 0400-12-01:
  - (I) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in Rule 0400-12-01-.03(6)(i):
    - I. A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary exporter in Rule 0400-12-01-.03(6)(d), (g)1(i) through (iv) and (vi), (g)2, and (h), export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in Rule 0400-12-01-.03(6), and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
    - II. Transporters transporting a shipment for export may not accept a shipment if he knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.
  - (II) Scrap metal that is not excluded under subpart (d)1(xv) of this paragraph;
  - (III) Fuels produced from the refining of oil-bearing hazardous waste along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under Rule 0400-12-01-.02(1)(d)1(xii));
  - (IV) I. Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous

wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under Rule 0400-12-01-.11(2)(b) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

- II. Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under Rule 0400-12-01-.11(2)(b); and
  - III. Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under Rule 0400-12-01-.11(2)(b).
- (iv) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of Rule 0400-12-01-.01 through .06, .09, and .10, but is regulated under Rule 0400-12-01-.11. 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.
  - (v) (Reserved) [40 CFR 261.6(a)(5)]
2. Generators and transporters of recyclable materials are subject to the applicable requirements of Rule 0400-12-01-.03 and .04, except as provided in part 1 of this subparagraph.
  3.
    - (i) Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of paragraphs (1) through (12), (27), (28) and (29) of Rule 0400-12-01-.05 and paragraphs (1) through (12), (30), (31) and (32) of Rule 0400-12-01-.06, and under Rules 0400-12-01-.07, .09, and .10, and the notification requirements under Rule 0400-12-01-.07(2)(b) and (d), except as provided in part 1 of this subparagraph. (The recycling process itself is exempt from regulation except as provided in Rule 0400-12-01-.02(1)(f)4.)
    - (ii) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in part 1 of this subparagraph:
      - (I) Such owners or operators must notify the Division Director of their activities using forms provided by the Department and completed per accompanying instructions;
      - (II) Such owners or operators must comply with Rule 0400-12-01-.05(5)(b) and (c) (dealing with the use of the manifest and manifest discrepancies);
      - (III) Rule 0400-12-01-.02(1)(f)4.
  4. Owners or operators of facilities subject to the permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements

of paragraphs (27) and (28) of Rule 0400-12-01-.05 and paragraphs (30) and (31) of Rule 0400-12-01-.06.

5. Generators of recyclable materials must notify the Department describing the recyclable materials they generate, how such materials are generated, and how they are managed. Such notifications must be filed with the Department within 90 days of the effective date of this part (for existing generators) or within 90 days of the date a generator first becomes subject to this subparagraph (for new generators). Such notification must be submitted on forms provided by the Department. The form must be completed according to the accompanying instructions.

(g) Residues of hazardous waste in empty containers [40 CFR 261.7]

1. (i) Any hazardous waste remaining in either (1) an empty container or (2) an inner liner removed from an empty container, as defined in part 2 of this subparagraph, is not subject to regulation under these rules.
- (ii) Any hazardous waste in either (1) a container that is not empty or (2) an inner liner removed from a container that is not empty, as defined in part 2 of this subparagraph, is subject to regulation under these rules.
2. (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 subparagraph (4)(b) or part (4)(d)5 of this rule is empty if:
  - (I) 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
  - (II) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or
  - (III) I. 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  
II. 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 subparagraph (4)(b) or part (4)(d)5 of this subparagraph is empty if:
  - (I) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
  - (II) 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
  - (III) 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.

(h) PCB wastes regulated under Toxic Substance Control Act [40 CFR 261.8]

The disposal of PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated under 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 regulation under Rule 0400-12-01-.02 through .08 and .10.

(i) Management of Excluded Wastes

Nothing in these rules shall exclude persons whose waste is nonhazardous or otherwise excluded from these rules from the requirements of the "Tennessee Solid Waste Disposal Act" (T.C.A. §68-211-101 et seq.) and applicable regulations or from other applicable State, local or Federal laws.

(j) Requirements for Universal Waste [40 CFR 261.9]

The wastes listed in Rule 0400-12-01-.12(1)(a) are exempt from regulation under Rules 0400-12-01-.03 through .07, .09 and .10 except as specified in Rule 0400-12-01-.12 and, therefore, are not fully regulated as hazardous waste.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subitem I of item (II) of subpart (iii) of part 1 of subparagraph (b) of paragraph (3) of Rule 0400-12-01-.02 Identification and Listing of Hazardous Waste is amended by deleting the item in its entirety and replacing it with a new subitem so that, as amended, the subitem shall read as follows:

- I. 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).

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Part 6 of subparagraph (d) of paragraph (4) of Rule 0400-12-01-.02 Identification and Listing of Hazardous Waste is amended by deleting the part in its entirety and replacing it with a new part so that, as amended, the part shall read as follows:

6. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in parts 1 through 4 of this subparagraph, are identified as toxic wastes (T), unless otherwise designated and are subject to the small quantity generator exclusion defined in parts (1)(e) 1 and 7 of this rule.

(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.)

These wastes and their corresponding Hazardous Waste Codes 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	194-75-7	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)
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	<del>81-07-2</del>	<del>1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, &amp; salts</del>
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)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[rs]pentaphene
U248	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & 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-
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 (l)
U159	78-93-3	2-Butanone (l,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- (l,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 (l)
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-
U114	1111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
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.
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 <sub>2</sub> CrO <sub>4</sub> , 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)
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	194-75-7	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)
U395	5952-26-1	Diethylene glycol, dicarbamate.
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
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 (l)
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 (l)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (l)
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U404	121-44-8	Ethanamine, N,N-diethyl-
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-
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-(l)
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 (l)
U113	140-88-5	Ethyl acrylate (l)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (l)
U114	1111-54-6	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 (l,T)
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 (l)
U125	98-01-1	2-Furancarboxaldehyde (l)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro-(l)
U125	98-01-1	Furfural (l)
U124	110-00-9	Furfuran (l)

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
U135	7783-06-4	Hydrogen sulfide H <sub>2</sub> S
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-
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,4,5,5a,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 (l)
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
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 (l,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (l,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 (l,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
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
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.
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb.
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	581-07-2	Saccharin, & salts
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 <sub>2</sub> (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 <sub>2</sub> N)C(S)] <sub>2</sub> S <sub>2</sub> , tetramethyl-
U409	23564-05-8	Thiophanate-methyl.
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
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
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	181-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (l)
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 <sub>3</sub> P <sub>2</sub> , when present at concentrations of 10% or less

FOOTNOTE: <sup>1</sup>CAS Number given for parent compound only.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Appendix VIII Basis for Listing Hazardous Waste of paragraph (5) of Rule 0400-12-01-.02 Identification and Listing of Hazardous Waste is amended by deleting it in its entirety and replacing it with a new appendix so that, as amended, Appendix VIII shall read as follows:

#### Appendix VIII -- Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts No.	Hazardous Waste Code
A2213	Ethanimidothioic acid, 2- (dimethylamino) -N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluorene-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2- (methylsulfonyl) -, O-[(methylamino) carbonyl] oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha, 8abeta)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propane, 3-chloro	107-05-1	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	

5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	P119
Aniline	Benzenamine	62-53-3	U012
o-Anisidine (2-methoxyaniline)	Benzenamine, 2-Methoxy-	90-04-0	
Antimony	Benzenamine	7440-36-0	
Antimony compounds, N.O.S. <sup>1</sup>			
Aramite	Sulfurous acid, 2-chloroethyl 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester	140-57-8	
Arsenic	Same	7440-38-2	
Arsenic compounds, N.O.S. <sup>1</sup>			
Arsenic acid	Arsenic acid H <sub>3</sub> AsO <sub>4</sub>	7778-39-4	P010
Arsenic pentoxide	Arsenic oxide As <sub>2</sub> O <sub>5</sub>	1303-28-2	P011
Arsenic trioxide	Arsenic oxide As <sub>2</sub> O <sub>3</sub>	1327-53-3	P012
Auramine	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl	492-80-8	U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6	U015
Barban	Carbamic acid, (3-chlorophenyl) -, 4-chloro-2-butynyl ester	101-27-9	U280
Barium	Same	7440-39-3	
Barium compounds, N.O.S. <sup>1</sup>			
Barium cyanide	Same	542-62-1	P013
Bendiocarb	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,	22961-82-6	U364
Benomyl	Carbamic acid, [1-[[butylamino] carbonyl]-1H-benzimidazol-2-yl] -, methyl ester	17804-35-2	U271
Benz[c]acridine	Same	225-51-4	U016
Benz[a]anthracene	Same	56-55-3	U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U019
Benzeneearsonic acid	Arsonic acid, phenyl-	98-05-5	
Benzidine	[1,1'-Biphenyl]-4,4'-diamine	92-87-5	U021
Benzo[b]fluoranthene	Benz[e]acephenanthrylene	205-99-2	
Benzo[j]fluoranthene	Same	205-82-3	
Benzo(k)fluoranthene	Same	207-08-9	
Benzo[a]pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197

Benzotrichloride	Benzene, (trichloromethyl)-	98-07-7	U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7	P028
Beryllium powder	Same	7440-41-7	P015
Beryllium compounds, N.O.S. <sup>1</sup>			
Bis(pentamethylene)-thiuram tetrasulfide	Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-	120-54-7	
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018
Butylate	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester	2008-41-5	
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsinic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S. <sup>1</sup>			
Calcium chromate	Chromic acid H <sub>2</sub> CrO <sub>4</sub> , calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN) <sub>2</sub>	592-01-8	P021
Carbaryl	1-Naphthalenol, methylcarbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563-38-8	U367
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Carbosulfan	Carbamic acid, [(dibutylamino) thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane (alpha and gamma isomers)			U036
Chlorinated benzenes, N.O.S. <sup>1</sup>			
Chlorinated ethane, N.O.S. <sup>1</sup>			
Chlorinated fluorocarbons, N.O.S. <sup>1</sup>			
Chlorinated naphthalene, N.O.S. <sup>1</sup>			
Chlorinated phenol, N.O.S. <sup>1</sup>			

Chlornaphazin	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S. <sup>1</sup>			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S. <sup>1</sup>			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2,5-dimethoxyphenyl)azo]-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbomodithioato-S,S')-,	137-29-1	
Creosote	Same		U051
p-Cresidine	2-Methoxy-5-methylbenzenamine	120-71-8	
Cresol (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes) N.O.S. <sup>1</sup>			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl	14901-08-7	
Cycolate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034

Cyclophosphamide	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2,4-D, salts, esters			U240
Daunomycin	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)-	20830-81-3	U059
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	
DDD	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethenylidene)bis[4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	
Dibenz[a,j]acridine	Same	224-42-0	
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzo[c,g]carbazole	Same	194-59-2	
Dibenzo[a,e]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	
Dibenzo[a,h]pyrene	Dibenzo[b,def]chrysene	189-64-0	
Dibenzo[a,i]pyrene	Benzo[rst]pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S. <sup>1</sup>	Benzene, dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S. <sup>1</sup>	Dichloroethylene	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis[2-chloro-	108-60-1	U027
Dichloromethoxy ethane	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis[chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082

Dichlorophenylarsine	Arsonous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S. <sup>1</sup>	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S. <sup>1</sup>	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S. <sup>1</sup>	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	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,2alpha,3beta,6beta,6alpha,7beta,7alpha)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U087
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstilbesterol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Diisopropylfluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	60-51-5	P044
3,3'-Dimethoxybenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	U093
2, 4-Dimethylaniline (2, 4-xylydine)	Benzenamine, 2, 4-dimethyl-	95-68-1	
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethylbenzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
alpha,alpha-Dimethylphenethylamine	Benzenethanamine, alpha,alpha-dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101

Dimethyl phthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103
Dimetilan	Carbamic acid, dimethyl-, 1- [(dimethylamino) carbonyl]-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191
Dinitrobenzene, N.O.S. <sup>1</sup>	Benzene, dinitro-	25154-54-5	
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octylphthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U017
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	122-66-7	U109
Di-n-propylnitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	P039
Dithiobiuret	Thioimidodicarbonic diamide [(H <sub>2</sub> N)C(S)] <sub>2</sub> NH	541-53-7	P049
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a- hexahydro-, 3-oxide	115-29-7	P050
Endothall	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	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)-	72-20-8	P051
Endrin metabolites			P051
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	U041
Epinephrine	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-	51-43-4	P042
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdithiocarbamic acid	Carbamodithioic acid, 1,2-ethanediyldis-	111-54-6	U114
Ethylenebisdithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	U077
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359

Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	
Famphur	Phosphorothioic acid, O-[4- [(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester	52-85-7	P097
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-	14484-64-1	
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino) carbonyl]oxy]phenyl]-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-6	U123
Formparanate	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino) carbonyl]oxy]phenyl]-.	17702-57-7	P197
Glycidylaldehyde	Oxiranecarboxyaldehyde	765-34-4	U126
Halomethanes, N.O.S. <sup>1</sup>			
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro- 3a,4,7,7a-tetrahydro-	76-44-8	P059
Heptachlor epoxide	2,5-Methano-2H-indeno[1,2-b]oxirene, 2,3,4,5,6,7,7- heptachloro-1a,1b,5,5a,6,6a-hexa- hydro-, (1aalpha,1bbeta,2alpha,5alpha, 5abeta,6beta,6aalpha)-	1024-57-3	
Heptachlor epoxide (alpha, beta, and gamma isomers)			
Heptachlorodibenzofurans.			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130
Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-	67-72-1	U131
Hexachlorophene	Phenol, 2,2'-methylenebis[3,4,6-trichloro-	70-30-4	U132
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-	1888-71-7	U243

Hexaethyl tetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H <sub>2</sub> S	7783-06-4	U135
Indeno[1,2,3-cd]pyrene	Same	193-39-5	U137
3-Iodo-2-propynyl n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,-8abeta) -	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-	143-50-0	U142
Lasiocarpine	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]]-	303-34-4	U143
Lead	Same	7439-92-1	
Lead compounds, N.O.S. <sup>1</sup>			
Lead acetate	Acetic acid, lead(2+) salt	301-04-2	U144
Lead phosphate	Phosphoric acid, lead(2+) salt (2:3)	7446-27-7	U145
Lead subacetate	Lead, bis(acetato-O)tetrahydroxytri-	1335-32-6	U146
Lindane	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-	58-89-9	U129
Maleic anhydride	2,5-Furandione	108-31-6	U147
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	123-33-1	U148
Malononitrile	Propanedinitrile	109-77-3	U149
Manganese dimethyldithiocarbamate	Manganese, bis(dimethylcarbamodithioato-S,S')-,	15339-36-3	P196
Melphalan	L-Phenylalanine, 4-[bis(2-chloroethyl)aminol]-	148-82-3	U150
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S. <sup>1</sup>			
Mercury fulminate	Fulminic acid, mercury(2+) salt	628-86-4	P065
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5	U155

Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	2032-65-7	P199
Methomyl	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methyl chlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylcholanthrene	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	U157
4,4'-Methylenebis (2-chloroaniline)	Benzenamine, 4,4'-methylenebis[2-chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068
Methylene chloride	Methane, dichloro-	75-09-2	U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylacetonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128
Mitomycin C	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,8balph)]-	50-07-7	U010
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	2212-67-1	
Mustard gas	Ethane, 1,1'-thiobis[2-chloro-	505-60-2	
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
alpha-Naphthylamine	1-Naphthalenamine	134-32-7	U167
beta-Naphthylamine	2-Naphthalenamine	91-59-8	U168
alpha-Naphthylthiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	

Nickel compounds, N.O.S. <sup>1</sup>			
Nickel carbonyl	Nickel carbonyl Ni(CO) <sub>4</sub> , (T-4)-	13463-39-3	P073
Nickel cyanide	Nickel cyanide Ni(CN) <sub>2</sub>	557-19-7	P074
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	54-11-5	P075
Nicotine salts			P075
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro-	100-01-6	P077
Nitrobenzene	Benzene, nitro-	98-95-3	U169
Nitrogen dioxide	Nitrogen oxide NO <sub>2</sub>	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro-	100-02-7	U170
2-Nitropropane	Propane, 2-nitro-	79-46-9	U171
Nitrosamines, N.O.S. <sup>1</sup>		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso-	59-89-2	
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octachlorodibenzo-p-dioxin (OCDD)	1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzo-p-dioxin	3268-87-9	
Octachlorodibenzofuran (OCDF)	1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenofuran	39001-02-0	

Octamethylpyrophosphoramidate	Diphosphoramidate, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO <sub>4</sub> , (T-4)-	20816-12-0	P087
Oxamyl	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins			
Pentachlorodibenzofurans			
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	See F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
1, 2-Phenylenediamine	1, 2-Benzenediamine	95-54-5	
1, 3-Phenylenediamine	1, 3-Benzenediamine	108-45-2	
Phenylmercury acetate	Mercury, (acetato-O)phenyl-	62-38-4	P092
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093
Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester	298-02-2	P094
Phthalic acid esters, N.O.S. <sup>1</sup>			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrolo[2,3-b]indol-5-01, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	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)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S. <sup>1</sup>			
Potassium cyanide	Potassium cyanide K(CN)	151-50-8	P098

Potassium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl, potassium salt	128-03-0	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-methyldithiocarbamate	Carbamodithioic acid, methyl-monopotassium salt	137-41-7	
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	7778736	None
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium	506-61-6	P099
Promecarb	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387
Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-smethyl ester, (3beta,16beta,17alpha,18beta,20alpha)-	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
<del>Saccharin</del>	<del>1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide</del>	<del>81-07-2</del>	<del>U202</del>
<del>Saccharin salts</del>			<del>U202</del>
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	U203
Selenium	Same	7782-49-2	
Selenium compounds, N.O.S. <sup>1</sup>			
Selenium dioxide	Selenious acid	7783-00-8	U204
Selenium sulfide	Selenium sulfide SeS <sub>2</sub>	7488-56-4	U205
Selenium, tetrakis(dimethyl-dithiocarbamate)	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid	144-34-3	
Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S. <sup>1</sup>			
Silver cyanide	Silver cyanide Ag(CN)	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide Na(CN)	143-33-9	P106

Sodium dibutyldithiocarbamate	Carbamodithioic acid, dibutyl, sodium salt	136-30-1	
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2- [[[(methylnitrosoamino)carbonyl]amino]-	18883-66-4	U206
Strychnine	Strychnidin-10-one	57-24-9	P108
Strychnine salts			P108
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7	
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzofurans			
Tetrachloroethane, N.O.S. <sup>1</sup>	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209
Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
***2,3,4,6-tetrachlorophenol, potassium salt	same	53535276	None
2,3,4,6-tetrachlorophenol, sodium salt	same	25567559	None
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethyl pyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds, N.O.S. <sup>1</sup>			
Thallic oxide	Thallium oxide Tl <sub>2</sub> O <sub>3</sub>	1314-32-5	P113
Thallium(I) acetate	Acetic acid, thallium(1+) salt	563-68-8	U214
Thallium(I) carbonate	Carbonic acid, dithallium(1+) salt	6533-73-9	U215
Thallium(I) chloride	Thallium chloride TlCl	7791-12-0	U216
Thallium(I) nitrate	Nitric acid, thallium(1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium(1+) salt	12039-52-0	P114

Thallium(I) sulfate	Sulfuric acid, dithallium(1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanimidothioic acid, N,N'-[thiobis [(methylimino) carbonyloxy]] bis-, dimethyl ester.	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime	39196-18-4	P045
Thiomethanol	Methanethiol	74-93-1	U153
Thiophanate-methyl	Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)] bis-, dimethyl ester	23564-05-8	U409
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	U219
Thiram	Thioperoxydicarbonic diamide [(H <sub>2</sub> N)C(S)] <sub>2</sub> S <sub>2</sub> , tetramethyl-	137-26-8	U244
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino) carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoro methane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S. <sup>1</sup>		25735-29-9	
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404

O,O,O-Triethyl phosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)]- bis[5-amino-4-hydroxy-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V <sub>2</sub> O <sub>5</sub>	1314-62-1	P120
Vernolate	Carbamothioic acid, dipropyl-,S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro-	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3%			U248
Warfarin salts, when present at concentrations greater than 0.3%			P001
Zinc cyanide	Zinc cyanide Zn(CN) <sub>2</sub>	557-21-1	P121
Zinc phosphide	Zinc phosphide Zn <sub>3</sub> P <sub>2</sub> , when present at concentrations greater than 10%	1314-84-7	P122
Zinc phosphide	Zinc phosphide Zn <sub>3</sub> P <sub>2</sub> , when present at concentrations of 10% or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-, (T-4)-	137-30-4	P205

FOOTNOTE: <sup>1</sup>The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this appendix.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (a) of paragraph (1) of Rule 0400-12-01-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Wastes is amended by deleting it in its entirety and replacing it with a new subparagraph so that, as amended, the subparagraph shall read as follows:

- (a) Purpose, Scope, and Applicability [40 CFR 262.10 and 262.70]
1. These regulations establish standards for generators of hazardous waste in Tennessee.
  2. Rule 0400-12-01-.02(1)(e)3 and 4 must be used to determine the applicability of provisions of this rule that are dependent on calculations of the quantity of hazardous waste generated per month.

3. A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following portions of this rule with respect to that waste: subparagraph (b) of this paragraph for determining whether or not he has a hazardous waste, paragraph (2) for notifying and subparagraph (c) of this paragraph for obtaining an installation identification number, subparagraph (4)(e) for accumulation of hazardous waste, parts (5)(a)3 and 4 for recordkeeping, subparagraph (5)(b) for annual reporting, and subparagraph (5)(e) for additional reporting; and if applicable, Rule 0400-12-01-.02(1)(d)2(ii)(II) for farmers.

(Note: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in Rules 0400-12-01-.05, .06, .07, .09 and .10.)

4. Any person who exports or imports wastes that are considered hazardous under U.S. national procedures to or from the countries listed in subparagraph (7)(i) of this rule for recovery must comply with 40 CFR Part 262, Subpart H. A waste is considered hazardous under U.S. national procedures if the waste meets the Federal definition of hazardous waste in 40 CFR 261.3 and is subject to either the Federal RCRA manifesting requirements at 40 CFR Part 262, Subpart B, the universal waste management standards of 40 CFR Part 273 or Rule 0400-12-01-.12, or the export requirements in the spent lead-acid battery management standards of 40 CFR Part 266, Subpart G, or part (7)(a)1 of Rule 0400-12-01-.09.

5. Any person who imports hazardous waste into the state from a foreign country must comply with the standards applicable to generators established in this rule.

6. A farmer who generates waste pesticides which are hazardous wastes and who complies with all of the requirements of Rule 0400-12-01-.02(1)(d)2(ii)(II) is not required to comply with other standards in this rule or Rules 0400-12-01-.05, .06, .07 or .10 with respect to such pesticides.

7. A person who generates a hazardous waste as defined by Rule 0400-12-01-.02 is subject to the compliance requirements and penalties prescribed in T.C.A. §§ 68-212-111 through 68-212-115 of the Act if he does not comply with the requirements of this rule.

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

(Note: The provisions of subparagraph (4)(e) are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of subparagraph (4)(e) only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)

9. A generator who is a conditionally - exempt small quantity generator as defined in Rule 0400-12-01-.02(1)(e) is subject to the requirements of paragraphs (2) through (6) of this rule only to the extent set forth in Rule 0400-12-01-.02(1)(e).

10. Persons responding to an explosives or munitions emergency in accordance with Rule 0400-12-01-.05(1)(b)2(vii)(I)IV or (IV) or Rule 0400-12-01-.06(1)(b)2(vii)(I)IV or (IV) and Rule 0400-12-01-.07(1)(b)5(i)(IV) or (iii) are not required to comply with the standards of this rule.

11. The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of paragraph (12) of this rule are not subject to (for purposes of this part, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in paragraph (12) of this rule):

- (i) The requirements of subparagraph (b) of this paragraph and part (4)(e)5 of this rule, for large quantity generators and small quantity generators, except as

provided in paragraph (12) of this rule; and

- (ii) The conditions of Rule 0400-12-01-.02(1)(e)2, for conditionally exempt small quantity generators, except as provided in paragraph (12) of this rule.

~~Note 1: The provisions of subparagraph (4)(e) of this rule are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of subparagraph (4)(e) of this rule only apply to owners or operators who are shipping hazardous waste which they generated at that facility.~~

~~Note 2: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in Rules 0400-12-01-.05, .06, .07, .09 and .10.)~~

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (b) of paragraph (3) of Rule 0400-12-01-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Wastes is amended by deleting it in its entirety and replacing it with a new subparagraph so that, as amended, the subparagraph shall read as follows:

(b) Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests [40 CFR 262.21]

- 1. The Manifest to be used must be issued by EPA or approved by the EPA Director of the Office of Solid Waste as set forth in 40 CFR 262.21.

(Note: 40 CFR 262.21 provides that:

- (a) (1) A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of this section.
- (2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.

- (b) A registrant must submit an initial application to the EPA Director of the Office of Solid Waste that contains the following information:

- (1) Name and mailing address of registrant;
- (2) Name, telephone number and email address of contact person;
- (3) Brief description of registrant's government or business activity;
- (4) EPA identification number of the registrant, if applicable;
- (5) Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including:
  - (i) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime

and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company.

- (ii) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of this section. The application must discuss how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.
  - (iii) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase).
- (6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest.
  - (7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest.
  - (8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this Section and that it will notify the EPA Director of the Office of Solid Waste of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- (c) EPA will review the application submitted under paragraph (b) of this section and either approve it or request additional information or modification before approving it.
  - (d) (1) Upon EPA approval of the application under paragraph (c) of this section, EPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in paragraph (d)(3) of this section. The registrant's samples must meet all of the specifications in paragraph (f) of this section and be printed by the company that will print the manifest as identified in the application approved under paragraph (c) of this section.

- (2) The registrant must submit a description of the manifest samples as follows:
    - (i) Paper type (i.e., manufacturer and grade of the manifest paper);
    - (ii) Paper weight of each copy;
    - (iii) Ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and
    - (iv) Method of binding the copies.
  - (3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.
- (e) EPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until EPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved under paragraph (c) of this section and the manifest specifications in paragraph (f) of this section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.
- (f) Paper manifests and continuation sheets must be printed according to the following specifications:
- (1) The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700–22 and 8700–22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.
  - (2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.
  - (3) The manifest and continuation sheet must be printed on 8 1/2 x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.
  - (4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be in red ink printed with a distinct ink color or with another method (e.g., white text against black background in text box, or, black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.
  - (5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

- (6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:
- (i) Page 1 (top copy): "Designated facility to destination State (if required)".
  - (ii) Page 2: "Designated facility to generator State (if required)".
  - (iii) Page 3: "Designated facility to generator".
  - (iv) Page 4: "Designated facility's copy".
  - (v) Page 5: "Transporter's copy".
  - (vi) Page 6 (bottom copy): "Generator's initial copy".
- (7) The instructions in the appendix to 40 CFR part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.
- (i) Manifest Form 8700–22.
    - (A) The "Instructions for Generators" on Copy 6;
    - (B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
    - (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
  - (ii) Manifest Form 8700–22A.
    - (A) The "Instructions for Generators" on Copy 6;
    - (B) The "Instructions for Transporters" on Copy 5; and
    - (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
- (g) (1) 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 paragraphs (c) and (e) of this section. A registered source may be a:
- (i) State agency;
  - (ii) Commercial printer;
  - (iii) Hazardous waste generator, transporter or TSDf; or
  - (iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.
- (2) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to

submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

- (h) (1) If an approved registrant would like to update any of the information provided in its application approved under paragraph (c) of this section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the EPA Director of the Office of Solid Waste, along with an indication or explanation of the update, as soon as practicable after the change occurs. The Agency either will approve or deny the revision. If the Agency denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.
- (2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the EPA Director of the Office of Solid Waste, along with the reason for requesting it. The Agency will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.
- (3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval under paragraph (e) of this section, then the registrant must submit three samples of the revised form for EPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. EPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until EPA approves them.
- (i) If, subsequent to its approval under paragraph (e) of this section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. EPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until EPA approves them.
- (j) EPA may exempt a registrant from the requirement to submit form samples under paragraph (d) or (h)(3) of this section if the Agency is persuaded that a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions and binding method of the form samples approved for some other registrant). A registrant may request an exemption from EPA by indicating why an exemption is warranted.
- (k) An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.
- (l) If, subsequent to approval of a registrant under paragraph (e) of this section, EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, EPA will

contact the registrant and require modifications to the form.

- (m) (1) EPA may suspend and, if necessary, revoke printing privileges if we find that the registrant:
  - (i) Has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or
  - (ii) Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate Manifest Tracking Numbers.
- (2) EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.)

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (c) of paragraph (5) of Rule 0400-12-01-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Wastes is amended by deleting in its entirety and replacing it with it a new subparagraph so that, as amended, the subparagraph shall read as follows:

(c) Exception Reporting [40 CFR 262.42]

- 1. (i) A generator of 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or Rule 0400-12-01-.02(4)(d)5 in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.
  - (ii) A generator of 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or Rule 0400-12-01-.02(4)(d)5 of this rule in a calendar month, must submit an Exception Report to the ~~EPA Regional Administrator for the Region in which the generator is located~~ Commissioner if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:
    - (I) A legible copy of the manifest for which the generator does not have confirmation of delivery.
    - (II) 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.
  - (iii) The Exception Report required by subpart (ii) of this part must be submitted to the Commissioner within 5 days after the 45-day period expires.
- 2. 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 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 Commissioner.

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

3. For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedure of Rule 0400-12-01-.05(5)(c)5(i) through (vi) or Rule 0400-12-01-.06(5)(c)5(i) through (vi), the generator must comply with the requirements of ~~Part~~ part 1 or 2 of this subparagraph, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of ~~Part~~ part 1 or 2 of this subparagraph for a shipment forwarding such waste to an alternate facility by a designated facility:
  - (i) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and
  - (ii) The 35/45/60-day time frames begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (c) of paragraph (12) of Rule 0400-12-01-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Wastes is amended by deleting in its entirety and replacing it with it a new subparagraph so that, as amended, the subparagraph shall read as follows:

- (c) This ~~subparagraph~~ paragraph is optional. [40 CFR 262.202]
  1. Large quantity generators and small quantity generators.

Eligible academic entities have the option of complying with this paragraph with respect to its laboratories, as an alternative to complying with the requirements of subparagraph (1)(b) of this rule and part (4)(e)5 of this rule.
  2. Conditionally exempt small quantity generators.

Eligible academic entities have the option of complying with this paragraph with respect to its laboratories, as an alternative to complying with the conditional exemption of part (1)(e)2 of Rule 0400-12-01-.02.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Paragraph (13) of Rule 0400-12-01-.03 Notification Requirements and Standards Applicable to Generators of Hazardous Wastes is amended by deleting it in its entirety and replacing it with a new paragraph so that, as amended, the paragraph shall read as follows:

- (13) Appendix
  - (a) Appendix I [Appendix to 40 CFR 262] -- Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)

U.S. EPA Form 8700-22

Read all instructions before completing this form.

1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used—press down hard.

2. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete this form (FORM 8700-22) and, if necessary, the continuation sheet (FORM 8700-22A) for both inter- and intrastate transportation of hazardous waste.

\* \* \* \* \*

#### Manifest 8700-22

The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:

Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Any correspondence regarding the PRA burden statement for the manifest must be sent to the Director of the Collection Strategies Division in EPA's Office of Information Collection at the following address: U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Do not send the completed form to this address.

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number
5. Generator's Name and Mailing Address					
<small>Generator's Site Address (if different than mailing address)</small>					
Generator's Phone:					
6. Transporter 1 Company Name				U.S. EPA ID Number	
7. Transporter 2 Company Name				U.S. EPA ID Number	
8. Designated Facility Name and Site Address				U.S. EPA ID Number	
Facility's Phone:					
GENERATOR	9a. Hbl	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity
			No.	Type	12. Unit Weight
	1.				
	2.				
	3.				
14. Special Handling Instructions and Additional Information					
15. GENERATOR/SHOFFER'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment, and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.					
Generator's/Operator's Printed/Typed Name: _____ Signature: _____ Month: ____ Day: ____ Year: ____					
TRANSPORTER INTL	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of departure: _____ Date leaving U.S.: _____				
	Transporter signature (for exports only): _____				
	17. Transporter Acknowledgment of Receipt of Materials				
Transporter 1 Printed/Typed Name: _____ Signature: _____ Month: ____ Day: ____ Year: ____					
Transporter 2 Printed/Typed Name: _____ Signature: _____ Month: ____ Day: ____ Year: ____					
DESIGNATED FACILITY	18. Discrepancy				
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection				
	<small>Manifest Reference Number:</small>				
	18b. Alternate Facility (or Generator) _____ U.S. EPA ID Number _____				
	Facility's Phone: _____				
18c. Signature of Alternate Facility (or Generator): _____ Month: ____ Day: ____ Year: ____					
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)					
1.		2.		3.	
				4.	
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18b					
Printed/Typed Name: _____ Signature: _____ Month: ____ Day: ____ Year: ____					

### I. Instructions for Generators

#### Item 1. Generator's U.S. EPA Identification Number

Enter the generator's U.S. EPA twelve digit identification number, or the State generator identification number if the generator site does not have an EPA identification number.

Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any).

### Item 3. Emergency Response Phone Number

Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;
2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

(Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.)

### Item 4. Manifest Tracking Number

This unique tracking number must be pre-printed on the manifest by the forms printer.

### Item 5. Generator's Mailing Address, Phone Number and Site Address

Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

### Item 6. Transporter 1 Company Name, and U.S. EPA ID Number

Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.

### Item 7. Transporter 2 Company Name and U.S. EPA ID Number

If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A).

### Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number

Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the U.S. EPA twelve digit identification number of the facility.

Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)

Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.

If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR 172. Include technical name(s) and reportable quantity references, if applicable.

(Note: If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.)

#### Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I.--Types of Containers

BA = Burlap, cloth, paper, or plastic bags.  
CF = Fiber or plastic boxes, cartons, cases.  
CM = Metal boxes, cartons, cases (including roll-offs).  
CW = Wooden boxes, cartons, cases.  
CY = Cylinders.  
DF = Fiberboard or plastic drums, barrels, kegs.  
DM = Metal drums, barrels, kegs.  
DT = Dump truck.  
DW = Wooden drums, barrels, kegs.  
HG = Hopper or gondola cars.  
TC = Tank cars.  
TP = Portable tanks.  
TT = Cargo tanks (tank trucks).

#### Item 11. Total Quantity

Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

#### Item 12. Units of Measure (Weight/Volume)

Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

Table II.--Units of Measure

G = Gallons (liquids only).  
K = Kilograms.  
L = Liters (liquids only).  
M = Metric Tons (1000 kilograms).  
N = Cubic Meters.  
P = Pounds.

T = Tons (2000 pounds).  
Y = Cubic Yards.

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(Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.)

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#### Item 13. Waste Codes

Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

#### Item 14. Special Handling Instructions and Additional Information.

1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.
2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the Manifest Tracking Number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out-of-service dates required under 40 CFR 761.207. Generators, however, cannot be required to enter information in this space to meet state regulatory requirements.

#### Item 15. Generator's/Offeror's Certifications

1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.
2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

(Note: All of the above information except the handwritten signature required in Item 15 may be pre-printed.)

### II. Instructions for International Shipment Block

#### Item 16. International Shipments

For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry

(city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. Customs when exporting the waste across U.S. borders.

### III. Instructions for Transporters

#### Item 17. Transporters' Acknowledgments of Receipt

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters. If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

(Note: Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.)

### IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities

#### Item 18. Discrepancy

##### Item 18a. Discrepancy Indication Space

1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: significant differences (as defined by §§264.72(b) and 265.72(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept, or container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 CFR 261.7(b).
2. For rejected loads and residues (40 CFR 264.72(d), (e), and (f), or 40 CFR 265.72(d), (e), or (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the Manifest Tracking Number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original Manifest Tracking Number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.
3. Owners or operators of facilities located in unauthorized States (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (40 CFR 264.72(c) and 265.72(c)).
4. Owners or operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their State agency for information on where to report discrepancies involving "significant differences" to state officials.

##### Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections

Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

### Item 18c. Alternate Facility (or Generator) Signature

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

### Item 19. Hazardous Waste Report Management Method Codes

Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

### Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

### Manifest Continuation Sheet Instructions – Continuation Sheet, U. S. EPA Form 8700-22A

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used--press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste; or
- More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the Uniform Hazardous Waste Manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both interstate and intrastate transportation.

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b> (Continuation Sheet)		21. Generator ID Number	22. Page	23. Manifest Tracking Number		
24. Generator's Name						
25. Transporter _____ Company Name				U.S. EPA ID Number		
26. Transporter _____ Company Name				U.S. EPA ID Number		
GENERATOR	27a HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers		29. Total Quantity	
			No.	Type	30. Unit M/L/Vol.	31. Waste Codes
32. Special Handling Instructions and Additional Information						
TRANSPORTER	33. Transporter Acknowledgment of Receipt of Materials					
	Printed/Typed Name	Signature			Month	Day
DESIGNATED FACILITY	34. Transporter Acknowledgment of Receipt of Materials					
	Printed/Typed Name	Signature			Month	Day
35. Discrepancy						
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						

Item 21. Generator's ID Number

Enter the generator's U.S. EPA twelve digit identification number or, the State generator identification number if the generator site does not have an EPA identification number.

Item 22. Page ----

Enter the page number of this Continuation Sheet.

Item 23. Manifest Tracking Number

Enter the Manifest Tracking Number from Item 4 of the Manifest form to which this continuation sheet is attached.

Item 24. Generator's Name--

Enter the generator's name as it appears in Item 5 on the first page of the Manifest.

Item 25. Transporter--Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve digit identification number of the transporter described in Item 25.

Item 26. Transporter--Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve digit identification number of the transporter named in Item 26.

Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)

For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.

Item 28. Containers (No. And Type)

Refer to the instructions for Item 10 of the manifest for information to be entered.

Item 29. Total Quantity

Refer to the instructions for Item 11 of the manifest form.

Item 30. Units of Measure (Weight/Volume)

Refer to the instructions for Item 12 of the manifest form.

Item 31. Waste Codes

Refer to the instructions for Item 13 of the manifest form.

Item 32. Special Handling Instructions and Additional Information

Refer to the instructions for Item 14 of the manifest form.

Transporters

Item 33. Transporter--Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter--Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Owner and Operators of Treatment, Storage, or Disposal Facilities

Item 35. Discrepancy Indication Space

Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

Item 36. Hazardous Waste Report Management Method Codes

For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

\* \* \* \* \*

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Part 2 of subparagraph (b) of paragraph (1) of Rule 0400-12-01-.04 Requirements Applicable to Transfer Facilities and Permit Requirements and Standards Applicable to Transporters of Hazardous Waste is amended by deleting it in its entirety and replacing it with a new part so that, as amended, the part shall read as follows:

2. A hazardous waste transfer facility shall not operate without having received an installation identification number from the Department ~~by December 31 following September 6, 2004.~~

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (g) of paragraph (5) of Rule 0400-12-01-.05 Interim Status Standards for Owners and Operators of Existing Hazardous Waste Treatment, Storage, and Disposal Facilities is amended by deleting the subparagraph in its entirety and replacing it with a new subparagraph so that, as amended, the subparagraph shall read as follows:

(g) Unmanifested Waste Report [40 CFR 265.76]

1. If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by part (3)(a)5 of Rule 0400-12-01-.04, and if the waste is not excluded from the manifest requirement, then the owner or operator must prepare and submit a letter to the Commissioner within fifteen days after receiving the waste. The unmanifested waste report must contain the following information:
  - (i) The Installation Identification Number, name, and address of the facility;
  - (ii) The date the facility received the waste;
  - (iii) The Installation Identification Number, name, and address of the generator and the transporter, if available;

- (iv) A description and the quantity of each unmanifested hazardous waste the facility received;
- (v) The method of treatment, storage, or disposal for each hazardous waste;
- (vi) The certification signed by the owner or operator of the facility or his authorized representative; and
- (viii) A brief explanation of why the waste was unmanifested, if known.

~~(Comment: Small quantities of hazardous waste are excluded from regulation under this rule and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Department suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Department suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)~~

2. (RESERVED) [40 CFR 265.76(b)]

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (g) of paragraph (5) of Rule 0400-12-01-.06 Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities is amended by deleting the subparagraph in its entirety and replacing it with a new subparagraph so that, as amended, the subparagraph shall read as follows:

(g) Unmanifested Waste Report [40 CFR 264.76]

- 1. If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by part (3)(a)5 of Rule 0400-12-01-.04, and if the waste is not excluded from the manifest requirement by subparagraph (1)(e) of Rule 0400-12-01-.02, then the owner or operator must prepare and submit a letter to the Commissioner within fifteen days after receiving the waste. The unmanifested waste report must be submitted on EPA form 8700-13B. Such report must be designated "Unmanifested Waste Report" and include the following information:
  - (i) The Installation Identification Number, name, and address of the facility;
  - (ii) The date the facility received the waste;
  - (iii) The Installation Identification Number, name, and address of the generator and the transporter, if available;
  - (iv) A description and the quantity of each unmanifested hazardous waste the facility received;
  - (v) The method of treatment, storage, or disposal for each hazardous waste;
  - (vi) The certification signed by the owner or operator of the facility or his authorized representative; and
  - (vii) A brief explanation of why the waste was unmanifested, if known.

~~(Comment: Small quantities of hazardous waste are excluded from regulation under this rule and do not require a manifest. Where a facility receives unmanifested hazardous wastes, the Department suggests that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, the Department suggests that the owner or operator file an unmanifested waste report for the hazardous waste movement.)~~

2. (RESERVED) [40 CFR 264.76(b)]

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Part 2 of subparagraph (a) of paragraph (3) of Rule 0400-12-01-.09 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities is amended by deleting it in its entirety and replaced with a new part so that, as amended, the part shall read as follows:

2. Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Rule 0400-12-01-.10(3) (or applicable prohibition levels in Rule 0400-12-01-.10(2)(c), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain, and the recycler complies with subpart (1)(q)2(vi) of Rule 0400-12-01-.10.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subparagraph (a) of paragraph (3) of Rule 0400-12-01-.10 Land Disposal Restrictions is amended by deleting it in its entirety and replaced with a new subparagraph so that, as amended, the subparagraph shall read as follows:

(a) Applicability of Treatment Standards [40 CFR 268.40]

1. A prohibited waste identified in the table "Treatment Standards for Hazardous Wastes" may be land disposed only if it meets the requirements found in the table. For each waste, the table identifies one of three types of treatment standard requirements:
  - (i) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in the table for that waste ("total waste standards"); or
  - (ii) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in the table ("waste extract standards"); or
  - (iii) The waste must be treated using the technologies specified in the table ("technology standard"), which are described in detail in Table 1-Technology Codes and Description of Technology-Based Standards in subparagraph (3)(c) of this rule.
2. For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, listed in 40 CFR 260.11; Rule 0400-12-01-.01(2)(b)1, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311, or Method 1310B, the Extraction Procedure Toxicity Test. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Commissioner Administrator under the procedures set forth in part (c)2 of this paragraph 40 CFR 268.42(b).
3. When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

4. Notwithstanding the prohibitions specified in part 1 of this subparagraph, treatment and disposal facilities may demonstrate (and certify pursuant to subpart (1)(g)2(v) of this rule) compliance with the treatment standards for organic constituents specified by a footnote in the table "Treatment Standards for Hazardous Wastes" in this subparagraph, provided the following conditions are satisfied:
  - (i) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of Rule 0400-12-01-.06(15), or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
  - (ii) The treatment or disposal facility has used the methods referenced in subpart (i) of this part to treat the organic constituents; and
  - (iii) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this subparagraph by an order of magnitude.
5. For characteristic wastes (D001--D043) that are subject to treatment standards in the following table "Treatment Standards for Hazardous Wastes" and are not managed in a wastewater treatment system that is regulated under the Clean Water Act (CWA), that is CWA-equivalent, or that is injected into a Class I nonhazardous deep injection well, all underlying hazardous constituents (as defined in part (1)(b)10 of this rule) must meet Universal Treatment Standards, found in subparagraph (i) of this paragraph, "Table Universal Treatment Standards," prior to land disposal as defined in part (1)(b)6 of this rule.
6. The treatment standards for F001--F005 nonwastewater constituents carbon disulfide, cyclohexanone, and/or methanol apply to wastes which contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, listed in 40 CFR 260.11; Rule 0400-12-01-.01(2)(b). If the waste contains any of these three constituents along with any of the other 25 constituents found in F001--F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, and/or methanol are not required.
7. Between August 26, 1996 and March 4, 1999 the treatment standards for the wastes specified in Rule 0400-12-01-.02(4)(c) as Hazardous Waste Codes K156--K161; and in Rule 0400-12-01-.02(4)(d) as Hazardous Waste Codes P127, P128, P185, P188--P192, P194, P196--P199, P201--P205, U271, U277--U280, U364--U367, U372, U373, U375--U379, U381--U387, U389--U396, U400--U404, U407, and U409--U411; and soil contaminated with these wastes; may be satisfied by either meeting the constituent concentrations presented in the table "Treatment Standards for Hazardous Wastes" in this subparagraph, or by treating the waste by the following technologies; combustion, as defined by the technology code CMBST at subparagraph (c) of this paragraph Table 1, for nonwastewaters; and biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at subparagraph (c) of this paragraph Table 1, for wastewaters.
8. Prohibited D004--D011 mixed radioactive wastes and mixed radioactive listed wastes containing metal constituents, that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage, do not have to be retreated to meet treatment standards in this subparagraph prior to land disposal.
9. [RESERVED] [40 CFR 268.40(i)]

10. Effective November 28, 2000, the treatment standards for the wastes specified in Rule 0400-12-01-.02(4)(d) as Hazardous Waste Codes P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in the table "Treatment Standards for Hazardous Wastes" in this subparagraph, or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at subparagraph (c) Table 1 of this paragraph, for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at subparagraph (c) Table 1 of this paragraph, for wastewaters.

**TREATMENT STANDARDS FOR HAZARDOUS WASTES**  
 (Note: Abbreviated rule citations refer to Chapter 0400-12-01.)  
 (Note. NA means Not Applicable.)

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	REGULATED HAZARDOUS CONSTITUENT		WASTE-WATERS	NON-WASTE-WATERS
		Common Name	CAS <sup>2</sup> Number	Concentration <sup>3</sup> in mg/l; Or Technology Code <sup>4</sup>	Concentration <sup>5</sup> in mg/kg unless noted as "mg/l TCLP"; or Technology Code <sup>4</sup>
D001 <sup>9</sup>	Ignitable Characteristic Wastes, except for the Rule 0400-12-01-.02(3)(b)1(i) High TOC Subcategory.	NA	NA	DEACT and meet .10(3)(i) standards <sup>8</sup> ; or RORGS; or CMBST	DEACT and meet Rule 0400-12-01-.10(3)(i) standards <sup>8</sup> ; or RORGS; or CMBST
	High TOC Ignitable Characteristic Liquids Subcategory based on Rule 0400-12-01-.02(3)(b)1(i) - Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	RORGS; CMBST; or POLYM
D002 <sup>9</sup>	Corrosive Characteristic Wastes.	NA	NA	DEACT and meet .10(3)(i) standards <sup>8</sup>	DEACT and meet Rule 0400-12-01-.10(3)(i) standards <sup>8</sup>
D002, D004, D005, D006, D007, D008, D009, D010, D011	Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	Corrosivity (pH)	NA	NA	HLVIT
		Arsenic	7440-38-2	NA	HLVIT
		Barium	7440-39-3	NA	HLVIT
		Cadmium	7440-43-9	NA	HLVIT
		Chromium (Total)	7440-47-3	NA	HLVIT
		Lead	7439-92-1	NA	HLVIT

		Mercury	7439-97-6	NA	HLVIT
		Selenium	7782-49-2	NA	HLVIT
		Silver	7440-22-4	NA	HLVIT
D003 <sup>9</sup>	Reactive Sulfides Subcategory based on Rule 0400-12-01-.02(3)(d)1(v).	NA	NA	DEACT	DEACT
	Explosives Subcategory based on Rule 0400-12-01-.02(3)(d)1(vi), (vii) and (viii).	NA	NA	DEACT and meet .10(3)(i) standards <sup>8</sup>	DEACT and meet Rule 0400-12-01- .10(3)(i) standards <sup>8</sup>
	Unexploded ordnance and other explosive devices which have been the subject of an emergency response.	NA	NA	DEACT	DEACT
	Other Reactives Subcategory based on Rule 0400-12-01-.02(3)(d)1(i).	NA	NA	DEACT and meet .10(3)(i) standards <sup>8</sup>	DEACT and meet Rule 0400-12-01- .10(3)(i) standards <sup>8</sup>
	Water Reactive Subcategory based on Rule 0400-12-01- .02(3)(d)1(ii), (iii) and (iv). (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	DEACT and meet Rule 0400-12-01- .10(3)(i) standards <sup>8</sup>
	Reactive Cyanides Subcategory based on Rule 0400-12-01-.02(3)(d)1(v).	Cyanides (Total) <sup>7</sup>	57-12-5	Reserved	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
D004 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Arsenic	7440-38-2	1.4 and meet .10(3)(i) standards <sup>8</sup>	5.0 mg/l TCLP and meet Rule 0400-12-01- .10(3)(i) standards <sup>8</sup>
D005 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Barium	7440-39-3	1.2 and meet .10(3)(i) standards <sup>8</sup>	21 mg/l TCLP and meet Rule 0400-12-01- .10(3)(i) standards <sup>8</sup>
D006 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Cadmium	7440-43-9	0.69 and meet .10(3)(i) standards <sup>8</sup>	0.11 mg/l TCLP and meet Rule 0400-12-01- .10(3)(i) standards <sup>8</sup>

	Cadmium Containing Batteries Subcategory. (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	RTHRM
D006 <sup>9</sup>	Radioactively contaminated cadmium containing batteries. (Note: This subcategory consists of nonwastewaters only)	Cadmium	7440-43-9	NA	Macroencapsulation in accordance with subparagraph .10(3)(f)
D007 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Chromium (Total)	7440-47-3	2.77 and meet .10(3)(i) standards <sup>8</sup>	0.60 mg/l TCLP and meet Rule 0400-12-01-.10(3)(i) standards <sup>8</sup>
D008 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Lead	7439-92-1	0.69 and meet .10(3)(i) standards <sup>8</sup>	0.75 mg/l TCLP and meet Rule 0400-12-01-.10(3)(i) standards <sup>8</sup>
	Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of Rule 0400-12-01-.10 or exempted under other regulations (see Rule 0400-12-01-.09(7)(a)). This subcategory consists of nonwastewaters only.)	Lead	7439-92-1	NA	RLEAD
	Radioactive Lead Solids Subcategory (Note: these lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)	Lead	7439-92-1	NA	MACRO

D009 <sup>9</sup>	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)	Mercury	7439-97-6	NA	IMERC; OR RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)	Mercury	7439-97-6	NA	RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are residues from RMERC only. (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.20 mg/l TCLP and meet Rule 0400-12-01-.10(3)(i) standards <sup>8</sup>
	All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet Rule 0400-12-01-.10(3)(i) standards <sup>8</sup>
	All D009 wastewaters.	Mercury	7439-97-6	0.15 and meet - .10(3)(i) standards <sup>8</sup>	NA

	Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	AMLGM
	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	IMERC
D009 <sup>9</sup>	Radioactively contaminated mercury containing batteries. (Note: This subcategory consists of nonwastewaters only)	Mercury	7439-97-6	NA	Macroencapsulation in accordance with subparagraph .10(3)(f)
D010 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Selenium	7782-49-2	0.82 and meet - .10(3)(i) standards <sup>8</sup>	5.7 mg/l TCLP and meet - .10(3)(i) standards <sup>8</sup>
D011 <sup>9</sup>	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Silver	7440-22-4	0.43 and meet - .10(3)(i) standards <sup>8</sup>	0.14 mg/l TCLP and meet - .10(3)(i) standards <sup>8</sup>
D011 <sup>9</sup>	Radioactively contaminated silver containing batteries. (Note: This subcategory consists of nonwastewaters only)	Silver	7440-22-4	NA	Macroencapsulation in accordance with subparagraph .10(3)(f)
D012 <sup>9</sup>	Wastes that are TC for Endrin based on the TCLP in SW846 Method 1311.	Endrin	72-20-8	BIODG; or CMBST	0.13 and meet - .10(3)(i) standards <sup>8</sup>
		Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet - .10(3)(i) standards <sup>8</sup>
D013 <sup>9</sup>	Wastes that are TC for Lindane based on the TCLP in SW846 Method 1311.	alpha-BHC	319-84-6	CARBN; or CMBST	0.066 and meet - .10(3)(i) standards <sup>8</sup>

		beta-BHC	319-85-7	CARBN; or CMBST	0.066 and meet -.10(3)(i) standards <sup>8</sup>
		delta-BHC	319-86-8	CARBN; or CMBST	0.066 and meet -.10(3)(i) standards <sup>8</sup>
		gamma-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet -.10(3)(i) standards <sup>8</sup>
D014 <sup>9</sup>	Wastes that are TC for Methoxychlor based on the TCLP in SW846 Method 1311.	Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet -.10(3)(i) standards <sup>8</sup>
D015 <sup>9</sup>	Wastes that are TC for Toxaphene based on the TCLP in SW846 Method 1311.	Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet -.10(3)(i) standards <sup>8</sup>
D016 <sup>9</sup>	Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW846 Method 1311.	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	CHOXD, BIODG, or CMBST	10 and meet -.10(3)(i) standards <sup>8</sup>
D017 <sup>9</sup>	Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW846 Method 1311.	2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet -.10(3)(i) standards <sup>8</sup>
D018 <sup>9</sup>	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311.	Benzene	71-43-2	0.14 and meet -.10(3)(i) standards <sup>8</sup>	10 and meet -.10(3)(i) standards <sup>8</sup>
D019 <sup>9</sup>	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311.	Carbon tetrachloride	56-23-5	0.057 and meet -.10(3)(i) standards <sup>8</sup>	6.0 and meet -.10(3)(i) standards <sup>8</sup>
D020 <sup>9</sup>	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311.	Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet -.10(3)(i) standards <sup>8</sup>	0.26 and meet -.10(3)(i) standards <sup>8</sup>
D021 <sup>9</sup>	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311.	Chlorobenzene	108-90-7	0.057 and meet -.10(3)(i) standards <sup>8</sup>	6.0 and meet -.10(3)(i) standards <sup>8</sup>
D022 <sup>9</sup>	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311.	Chloroform	67-66-3	0.046 and meet -.10(3)(i) standards <sup>8</sup>	6.0 and meet -.10(3)(i) standards <sup>8</sup>

D023 <sup>9</sup>	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311.	o-Cresol	95-48-7	0.11 and meet - .10(3)(i) standards <sup>8</sup>	5.6 and meet - .10(3)(i) standards <sup>8</sup>
D024 <sup>9</sup>	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311.	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet - .10(3)(i) standards <sup>8</sup>	5.6 and meet - .10(3)(i) standards <sup>8</sup>
D025 <sup>9</sup>	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311.	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet - .10(3)(i) standards <sup>8</sup>	5.6 and meet - .10(3)(i) standards <sup>8</sup>
D026 <sup>9</sup>	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311.	Cresol-mixed isomers (Cresylic acid)(sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet - .10(3)(i) standards <sup>8</sup>	11.2 and meet - .10(3)(i) standards <sup>8</sup>
D027 <sup>9</sup>	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311.	p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet - .10(3)(i) standards <sup>8</sup>	6.0 and meet - .10(3)(i) standards <sup>8</sup>
D028 <sup>9</sup>	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311.	1,2-Dichloroethane	107-06-2	0.21 and meet - .10(3)(i) standards <sup>8</sup>	6.0 and meet - .10(3)(i) standards <sup>8</sup>
D029 <sup>9</sup>	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311.	1,1-Dichloroethylene	75-35-4	0.025 and meet - .10(3)(i) standards <sup>8</sup>	6.0 and meet - .10(3)(i) standards <sup>8</sup>
D030 <sup>9</sup>	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311.	2,4-Dinitrotoluene	121-14-2	0.32 and meet - .10(3)(i) standards <sup>8</sup>	140 and meet - .10(3)(i) standards <sup>8</sup>
D031 <sup>9</sup>	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311.	Heptachlor	76-44-8	0.0012 and meet - .10(3)(i) standards <sup>8</sup>	0.066 and meet - .10(3)(i) standards <sup>8</sup>
		Heptachlor epoxide	1024-57-3	0.016 and meet - .10(3)(i) standards <sup>8</sup>	0.066 and meet - .10(3)(i) standards <sup>8</sup>
D032 <sup>9</sup>	Wastes that are TC for Hexachlorobenzene based on the TCLP in SW846 Method 1311.	Hexachloro-benzene	118-74-1	0.055 and meet - .10(3)(i) standards <sup>8</sup>	10 and meet - .10(3)(i) standards <sup>8</sup>

D033 <sup>9</sup>	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311.	Hexachloro-butadiene	87-68-3	0.055 and meet - .10(3)(i) standards <sup>8</sup>	5.6 and meet - .10(3)(i) standards <sup>8</sup>
D034 <sup>9</sup>	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311.	Hexachloroethane	67-72-1	0.055 and meet - .10(3)(i) standards <sup>8</sup>	30 and meet - .10(3)(i) standards <sup>8</sup>
D035 <sup>9</sup>	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311.	Methyl ethyl ketone	78-93-3	0.28 and meet - .10(3)(i) standards <sup>8</sup>	36 and meet - .10(3)(i) standards <sup>8</sup>
D036 <sup>9</sup>	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311.	Nitrobenzene	98-95-3	0.068 and meet - .10(3)(i) standards <sup>8</sup>	14 and meet - .10(3)(i) standards <sup>8</sup>
D037 <sup>9</sup>	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311.	Pentachlorophenol	87-86-5	0.089 and meet - .10(3)(i) standards <sup>8</sup>	7.4 and meet - .10(3)(i) standards <sup>8</sup>
D038 <sup>9</sup>	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311.	Pyridine	110-86-1	0.014 and meet - .10(3)(i) standards <sup>8</sup>	16 and meet - .10(3)(i) standards <sup>8</sup>
D039 <sup>9</sup>	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311.	Tetrachloro-ethylene	127-18-4	0.056 and meet - .10(3)(i) standards <sup>8</sup>	6.0 and meet - .10(3)(i) standards <sup>8</sup>
D040 <sup>9</sup>	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311.	Trichloroethylene	79-01-6	0.054 and meet - .10(3)(i) standards <sup>8</sup>	6.0 and meet - .10(3)(i) standards <sup>8</sup>
D041 <sup>9</sup>	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,5-Trichlorophenol	95-95-4	0.18 and meet - .10(3)(i) standards <sup>8</sup>	7.4 and meet - .10(3)(i) standards <sup>8</sup>
D042 <sup>9</sup>	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,6-Trichlorophenol	88-06-2	0.035 and meet - .10(3)(i) standards <sup>8</sup>	7.4 and meet - .10(3)(i) standards <sup>8</sup>
D043 <sup>9</sup>	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311.	Vinyl chloride	75-01-4	0.27 and meet - .10(3)(i) standards <sup>8</sup>	6.0 and meet - .10(3)(i) standards <sup>8</sup>

F001, F002, F003, F004, & F005	F001, F002, F003, F004 and/or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, and/or xylenes [except as specifically noted in other subcategories]. See further details of these listings in Rule 0400-12-01-.02(4)(b).	Acetone	67-64-1	0.28	160
		Benzene	71-43-2	0.14	10
		n-Butyl alcohol	71-36-3	5.6	2.6
		Carbon disulfide	75-15-0	3.8	NA
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloro-ethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0

		Trichloromono-fluoromethane	75-69-4	0.020	30
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
	F003 and/or F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001-5 solvents: carbon disulfide, cyclohexanone, and/or methanol. (formerly Rule 0400-12-01-.10(3)(b)3)	Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
		Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
		Methanol	67-56-1	5.6	0.75 mg/l TCLP
	F005 solvent waste containing 2-Nitropropane as the only listed F001-5 solvent.	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
	F005 solvent waste containing 2-Ethoxyethanol as the only listed F001-5 solvent.	2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST
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 aluminum.	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F007	Spent cyanide plating bath solutions from electroplating operations.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	NA
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP

		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
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.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

F020, F021, F022, F023, F026	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: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022); and 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: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023); (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).	HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001

		TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
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 Rule 0400-12-01-.02(4)(b) or (c)).	All F024 wastes	NA	CMBST <sup>11</sup>	CMBST <sup>11</sup>
		2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
		3-Chloropropylene	107-05-1	0.036	30
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,2-Dichloropropane	78-87-5	0.85	18
		cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18

		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Hexachloroethane	67-72-1	0.055	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
F025	Condensed light ends 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. F025 - Light Ends Subcategory	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		Methylene chloride	75-9-2	0.089	30
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Vinyl chloride	75-01-4	0.27	6.0

	Spent filters and filter aids, and spent desiccant 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. F025 - Spent Filters/Aids and Desiccants Subcategory	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Methylene chloride	75-9-2	0.089	30
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Vinyl chloride	75-01-4	0.27	6.0
		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 synthesized from prepurified 2,4,5-trichlorophenol as the sole component.).	HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA
HxCDFs (All Hexachloro-dibenzofurans)	NA			0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA			0.000063	0.001

		PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with Hazardous Wastes Codes F020, F021, F023, F026, and F027.	HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4

		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
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 Rule 0400-12-01-.02(4)(f) 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 penta-chlorophenol.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor-anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor-anthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)-anthracene	53-70-3	0.055	8.2
		2-4-Dimethyl phenol	105-67-9	0.036	14
		Fluorene	86-73-7	0.059	3.4
		Hexachloro-dibenzo-p-dioxins	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>

Hexachloro-dibenzofurans	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>		
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4		
Naphthalene	91-20-3	0.059	5.6		
Pentachloro-dibenzo- p-dioxins	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>		
Pentachloro- dibenzofurans	NA	0.000035, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>		
Pentachlorophenol	87-86-5	0.089	7.4		
Phenanthrene	85-01-8	0.059	5.6		
Phenol	108-95-2	0.039	6.2		
Pyrene	129-00-0	0.067	8.2		
Tetrachloro-dibenzo- p-dioxins	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>		
Tetrachloro- dibenzofurans	NA	0.000063, or CMBST <sup>11</sup>	0.001, or CMBST <sup>11</sup>		
2,3,4,6- Tetrachlorophenol	58-90-2	0.030	7.4		
2,4,6-Trichlorophenol	88-06-2	0.035	7.4		
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP		
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		
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.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor- anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor- anthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4

		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluorene	86-73-7	0.059	3.4
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
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.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

F037	<p>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 oily 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 defined in Rule 0400-12-01-.02(4)(b)2(ii) (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.</p>	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28

Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

F038	<p>Petroleum refinery secondary (emulsified) oil/water/solids separation 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 floatation (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 Rule 0400-12-01-.02(4)(b)2(ii) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.</p>	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6

		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under paragraph (3) of this Rule. (Leachate resulting from the disposal of one or more of the following Hazardous Wastes and no other Hazardous Wastes retains its Hazardous Waste Code(s): F020, F021, F022, F026, F027, and/or F028.).	Acenaphthylene	208-96-8	0.059	3.4
		Acenaphthene	83-32-9	0.059	3.4
		Acetone	67-64-1	0.28	160
		Acetonitrile	75-05-8	5.6	NA
		Acetophenone	96-86-2	0.010	9.7
		2-Acetylamino-fluorene	53-96-3	0.059	140

Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor- anthene)	205-99-2	0.11	6.8
Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor- anthene)	207-08-9	0.11	6.8
Benzo(g,h,i)-perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4

Bromodichloro-methane	75-27-4	0.35	15
Methyl bromide (Bromomethane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibro-methane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2

p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3- chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4- Dichloropheno- xyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087

p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)-anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28

2, 4-Dimethylaniline (2, 4-xylidine)	95-68-1	0.010	0.66
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitro- samine)	122-39-4	0.92	NA
Diphenylnitro-samine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13

Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
1, 2, 3, 4, 6, 7, 8- Heptachlorodibenzo- p-dioxin (1, 2, 3, 4, 6, 7, 8-HpCDD)	35822-46-9	0.000035	0.0025
1, 2, 3, 4, 6, 7, 8- Heptachlorodibenzofu ran (1, 2, 3, 4, 6, 7, 8- HpCDF)	67562-39-4	0.000035	0.0025
1, 2, 3, 4, 7, 8, 9- Heptachlorodibenzofu ran (1, 2, 3, 4, 7, 8, 9- HpCDF)	55673-89-7	0.000035	0.0025
Hexachloro-benzene	118-74-1	0.055	10

Hexachloro-butadiene	87-68-3	0.055	5.6
Hexachloro-cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloro--propylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepon	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylchol-anthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30

Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methanesulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitroso-methylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35

1, 2, 3, 4, 6, 7, 8, 9- Octachlorodibenzo-p- dioxin (OCDD)	3268-87-9	0.000063	0.0025
1, 2, 3, 4, 6, 7, 8, 9- Octachlorodibenzofur an(OCDF)	39001-02-0	0.000063	0.005
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachloro-benzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo- p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001
Pentachloro- nitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1, 3- Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22

Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,1,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4

2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP

		Silver	7440-22-4	0.43	0.14 mg/l TCLP
		Sulfide	8496-25-8	14	NA
		Thallium	7440-28-0	1.4	NA
		Vanadium	7440-62-2	4.3	NA
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005	Wastewater treatment sludge from the production of chrome green pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
	Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
K007	Wastewater treatment sludge from the production of iron blue pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
K008	Oven residue from the production of chrome oxide green pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	Chloroform	67-66-3	0.046	6.0
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	Chloroform	67-66-3	0.046	6.0
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38

		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K015	Still bottoms from the distillation of benzyl chloride.	Anthracene	120-12-7	0.059	3.4
		Benzal chloride	98-87-3	0.055	6.0
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor-anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor-anthene)	207-08-9	0.11	6.8
		Phenanthrene	85-01-8	0.059	5.6
		Toluene	108-88-3	0.080	10
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	Hexachlorobenz-ene	118-74-1	0.055	10

		Hexachloro-butadiene	87-68-3	0.055	5.6
		Hexachloro-cyclopentadiene	77-47-4	0.057	2.4
		Hexachloroethane	67-72-1	0.055	30
		Tetrachloroethy-lene	127-18-4	0.056	6.0
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		1,2-Dichloropropane	78-87-5	0.85	18
		1,2,3-Trichloropropane	96-18-4	0.85	30
K018	Heavy ends from the fractionation column in ethyl chloride production.	Chloroethane	75-00-3	0.27	6.0
		Chloromethane	74-87-3	0.19	NA
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		Hexachloroben-zene	118-74-1	0.055	10
		Hexachloro-butadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Pentachloroeth-ane	76-01-7	NA	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		p-Dichlorobenzene	106-46-7	0.090	NA

		1,2-Dichloroethane	107-06-2	0.21	6.0
		Fluorene	86-73-7	0.059	NA
		Hexachloroethane	67-72-1	0.055	30
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		1,2,4,5-Tetrachloroben-zene	95-94-3	0.055	NA
		Tetrachloroethy-lene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethy-lene	127-18-4	0.056	6.0
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	Toluene	108-88-3	0.080	10
		Acetophenone	96-86-2	0.010	9.7
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13

		Diphenylnitro-samine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
		Phenol	108-95-2	0.039	6.2
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
K026	Stripping still tails from the production of methyl ethyl pyridines.	NA	NA	CMBST	CMBST
K027	Centrifuge and distillation residues from toluene diisocyanate production.	NA	NA	CARBON; or CMBST	CMBST
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1- trichloroethane.	1,1-Dichloroethane	75-34-3	0.059	6.0

		trans-1,2-Dichloroethylene	156-60-5	0.054	30
		Hexachlorobuta-diene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Pentachloroeth-ane	76-01-7	NA	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethy-lene	127-18-4	0.056	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Cadmium	7440-43-9	0.69	NA
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	Chloroform	67-66-3	0.046	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		Vinyl chloride	75-01-4	0.27	6.0
K030	Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.	o-Dichlorobenzene	95-50-1	0.088	NA

		p-Dichlorobenzene	106-46-7	0.090	NA
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Hexachloropropylene	1888-71-7	NA	30
		Pentachlorobenzene	608-93-5	NA	10
		Pentachloroethane	76-01-7	NA	6.0
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
K031	By-product salts generated in the production of MSMA and cacodylic acid.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K032	Wastewater treatment sludge from the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K035	Wastewater treatment sludges generated in the production of creosote.	Acenaphthene	83-32-9	NA	3.4
		Anthracene	120-12-7	NA	3.4

		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Dibenz(a,h)- anthracene	53-70-3	NA	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Fluorene	86-73-7	NA	3.4
		Indeno(1,2,3- cd)pyrene	193-39-5	NA	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	Disulfoton	298-04-4	0.017	6.2
K037	Wastewater treatment sludges from the production of disulfoton.	Disulfoton	298-04-4	0.017	6.2
		Toluene	108-88-3	0.080	10
K038	Wastewater from the washing and stripping of phorate production.	Phorate	298-02-2	0.021	4.6

K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	NA	NA	CARBN; or CMBST	CMBST
K040	Wastewater treatment sludge from the production of phorate.	Phorate	298-02-2	0.021	4.6
K041	Wastewater treatment sludge from the production of toxaphene.	Toxaphene	8001-35-2	0.0095	2.6
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	2,4-Dichlorophenol	120-83-2	0.044	14
		2,6-Dichlorophenol	187-65-0	0.044	14
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		Pentachlorophenol	87-86-5	0.089	7.4
		Tetrachloroethylene	127-18-4	0.056	6.0
		HxCDDs (All Hexachlorodibenzodioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001

		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	NA	NA	DEACT	DEACT
K045	Spent carbon from the treatment of wastewater containing explosives.	NA	NA	DEACT	DEACT
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	Lead	7439-92-1	0.69	0.75 mg/l TCLP
K047	Pink/red water from TNT operations	NA	NA	DEACT	DEACT
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6

		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-33	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K049	Slop oil emulsion solids from the petroleum refining industry.	Anthracene	120-12-7	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Carbon disulfide	75-15-0	3.8	NA
		Chrysene	218-01-9	0.059	3.4
		2,4-Dimethylphenol	105-67-9	0.036	NA
		Ethylbenzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2

		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	Benzo(a)pyrene	50-32-8	0.061	3.4
		Phenol	108-95-2	0.039	6.2
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K051	API separator sludge from the petroleum refining industry.	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28

		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	105-67-9	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.08	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K052	Tank bottoms (leaded) from the petroleum refining industry.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6

		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		2,4-Dimethylphenol	105-67-9	0.036	NA
		Ethylbenzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Toluene	108-88-3	0.08	10
		Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K060	Ammonia still lime sludge from coking operations.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	Antimony	7440-36-0	NA	1.15 mg/l TCLP
		Arsenic	7440-38-2	NA	5.0 mg/l TCLP

		Barium	7440-39-3	NA	21 mg/l TCLP
		Beryllium	7440-41-7	NA	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	NA	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	NA	5.7 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
		Thallium	7440-28-0	NA	0.20 mg/l TCLP
		Zinc	7440-66-6	NA	4.3 mg/l TCLP
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	NA
K069	Emission control dust/sludge from secondary lead smelting. - Calcium Sulfate (Low Lead) Subcategory	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
	Emission control dust/sludge from secondary lead smelting. - Non-Calcium Sulfate (High Lead) Subcategory	NA	NA	NA	RLEAD

K071	K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
		Mercury	7439-97-6	NA	0.025 mg/l TCLP
		All K071 wastewaters.	Mercury	7439-97-6	0.15
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachloroethane	67-72-1	0.055	30
		Tetrachloroethy-lene	127-18-4	0.056	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K083	Distillation bottoms from aniline production.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		Cyclohexanone	108-94-1	0.36	NA
		Diphenylamine (difficult to distinguish from diphenylnitro-samine)	122-39-4	0.92	13
		Diphenylnitro-samine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
		Nitrobenzene	98-95-3	0.068	14

		Phenol	108-95-2	0.039	6.2
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	Benzene	71-43-2	0.14	10
		Chlorobenzene	108-90-7	0.057	6.0
		m-Dichlorobenzene	541-73-1	0.036	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Hexachloroben-zene	118-74-1	0.055	10
		Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
		Pentachloroben-zene	608-93-5	0.055	10
		1,2,4,5-Tetrachloroben-zene	95-94-3	0.055	14
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
K086	Solvent wastes 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.	Acetone	67-64-1	0.28	160
		Acetophenone	96-86-2	0.010	9.7
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28

n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K087	Decanter tank tar sludge from coking operations.	Acenaphthylene	208-96-8	0.059	3.4
		Benzene	71-43-2	0.14	10
		Chrysene	218-01-9	0.059	3.4
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K088	Spent potliners from primary aluminum reduction.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluor-anthene	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene	207-08-9	0.11	6.8
		Benzo(g,h,i)-perylene	191-24-2	0.0055	1.8

Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)-anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Penanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	26.1 mg/kg
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11.0 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Cyanide (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanide (Amenable) <sup>7</sup>	57-12-5	0.86	30
Fluoride	16984-48-8	35	NA

K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	0.055	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	m-Dichlorobenzene	541-73-1	0.036	6.0
		Pentachloroethane	76-01-7	0.055	6.0

		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethy-lene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
		Hexachloro-cyclopentadiene	77-47-4	0.057	2.4
K098	Untreated process wastewater from the production of toxaphene.	Toxaphene	8001-35-2	0.0095	2.6
K099	Untreated wastewater from the production of 2,4-D.	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
		HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001

		TCDFs (All Tetrachlorodibenzo-furans)	NA	0.000063	0.001
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	o-Nitroaniline	88-74-4	0.27	14
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Cadmium	7440-43-9	0.69	NA
		Lead	7439-92-1	0.69	NA
		Mercury	7439-97-6	0.15	NA
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	o-Nitrophenol	88-75-5	0.028	13
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Cadmium	7440-43-9	0.69	NA
		Lead	7439-92-1	0.69	NA
		Mercury	7439-97-6	0.15	NA
K103	Process residues from aniline extraction from the production of aniline.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		2,4-Dinitrophenol	51-28-5	0.12	160

		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
K104	Combined wastewater streams generated from nitrobenzene/ aniline production.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		2,4-Dinitrophenol	51-28-5	0.12	160
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	Benzene	71-43-2	0.14	10
		Chlorobenzene	108-90-7	0.057	6.0
		2-Chlorophenol	95-57-8	0.044	5.7
		o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Phenol	108-95-2	0.039	6.2
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
K106	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC

	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All K106 wastewaters.	Mercury	7439-97-6	0.15	NA
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene	2,4-Dinitrotoluene	121-14-2	0.32	140
		2,6-Dinitrotoluene	606-20-2	0.55	28
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBN; OR CMBST	CMBST
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBN; or CMBST	CMBST
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	Nickel	7440-02-0	3.98	11 mg/l TCLP
		NA	NA	CARBN; or CMBST	CMBST
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	NA	NA	CARBN; or CMBST	CMBST
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).	Benzene	71-43-2	0.14	10

		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-2-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Indeno(1,2,3- cd)pyrene	193-39-5	0.0055	3.4
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14	10
		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor- anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor- anthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthra- cene	53-70-3	0.055	8.2

		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
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.	Benzene	71-43-2	0.14	10
		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor-anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor-anthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
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.	Benzene	71-43-2	0.14	10
		Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor-anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor-anthene)	207-08-9	0.11	6.8

		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Naphthalene	91-20-3	0.059	5.6
K147	Tar storage tank residues from coal tar refining.	Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor-anthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K148	Residues from coal tar distillation, including, but not limited to, still bottoms.	Benz(a)anthracene	56-55-3	0.059	3.4

		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluor-anthene (difficult to distinguish from benzo(k)fluor- anthene)	205-99-2	0.11	6.8
		Benzo(k)fluor-anthene (difficult to distinguish from benzo(b)fluor- anthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthra- cene	53-70-3	0.055	8.2
		Indeno(1,2,3- cd)pyrene	193-39-5	0.0055	3.4
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 distillations of benzyl chloride.)	Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Hexachloroben-zene	118-74-1	0.055	10
		Pentachloroben-zene	608-93-5	0.055	10
		1,2,4,5- Tetrachloroben-zene	95-94-3	0.055	14
		Toluene	108-88-3	0.080	10

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.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Pentachloroben-zene	608-93-5	0.055	10
		1,2,4,5-Tetrachloroben-zene	95-94-3	0.055	14
		1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
		Tetrachloroethyl-ene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
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.	Benzene	71-43-2	0.14	10
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0

		Hexachlorobenzene	118-74-1	0.055	10
		Pentachloroben-zene	608-93-5	0.055	10
		1,2,4,5-Tetrachloroben-zene	95-94-3	0.055	14
		Tetrachloroethyl-ene	127-18-4	0.056	6.0
		Toluene	108-88-3	0.080	10
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes <del>(This listing does not apply to wastes generated from the manufacturing of 3-iodo-2-propynyl n-buthylcarbamate.)</del>	Acetonitrile	75-05-8	5.6	1.8
		Acetophenone	98-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl <sup>10</sup>	17804-35-2	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Benzene	71-43-2	0.14	10
		Carbaryl <sup>10</sup>	63-25-2	0.006; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
		Carbenzadim <sup>10</sup>	10605-21-7	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Carbofuran <sup>10</sup>	1563-66-2	0.006; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
		Carbosulfan <sup>10</sup>	55285-14-8	0.028; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Chlorobenzene	108-90-7	0.057	6.0

		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl <sup>10</sup>	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10
		Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. ( <u>This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.</u> )	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		Methomyl <sup>10</sup>	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Pyridine	110-86-1	0.014	16

		Triethylamine	121-44-8	0.081; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.5; <u>or CMBST</u>
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. ( <del>This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.</del> )	<del>Benomyl</del>	<del>17804-35-2</del>	<del>0.056</del>	<del>1.4</del>
		Benzene	71-43-2	0.14	10
		Carbenzadim <sup>10</sup>	10605-21-7	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Carbofuran <sup>10</sup>	1563-66-2	0.006; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.14; <u>or CMBST</u>
		Carbosulfan <sup>10</sup>	55285-14-8	0.028; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2
K159	Organics from the treatment of thiocarbamate wastes. <sup>40</sup>	Benzene	71-43-2	0.14	10
		Butylate <sup>10</sup>	2008-41-5	0.042; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		EPTC (Eptam) <sup>10</sup>	759-94-4	0.042; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Molinate <sup>10</sup>	2212-67-1	0.042; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Pebulate <sup>10</sup>	1114-71-2	0.042; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
		Vernolate <sup>10</sup>	1929-77-7	0.042; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>

K161	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.	Antimony	7440-36-0	1.9	<sup>44</sup> 1.15 <u>mg/L TCLP</u>
		Arsenic	7440-38-2	1.4	<sup>44</sup> 5.0 <u>mg/L TCLP</u>
		Carbon disulfide	75-15-0	3.8	<sup>44</sup> 4.8 <u>mg/L TCLP</u>
		Dithiocarbamates (total) <sup>10</sup>	137-30-4	0.028; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	28; <u>or</u> CMBST
		Lead	7439-92-1	0.69	<sup>40</sup> 0.75 <u>mg/L TCLP</u>
		Nickel	7440-02-0	3.98	<sup>41</sup> 1.0 <u>mg/L TCLP</u>
		Selenium	7782-49-2	0.82	<sup>45</sup> 7.7 <u>mg/L TCLP</u>
K169	Crude oil tank sediment from petroleum refining operations.	Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(g,h,i)-perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Ethyl benzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	3.4

		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10
		Xylene(s) (Total)	1330-20-7	0.32	30
K170	Clarified slurry oil sediment from petroleum refining operations.	Benz(a)anthra-cene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(g,h,i)-perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)-anthracene	53-70-3	0.055	8.2
		Ethyl benzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	3.4

		Indeno(1,2,3,-cd)-pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10
		Xylene(s)(Total)	1330-20-7	0.32	30
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feed to other catalytic reactors (this listing does not include inert support media.).	Benz(a)anthra-cene	56-55-3	.059	34
		Benzene	71-43-2	0.14	10
		Chrysene	218-01-9	0.059	3.4
		Ethyl benzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6

		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10
		Xylene(s) (Total)	1330-20-7	0.32	30
		Arsenic	7740-38-2	1.4	5 mg/l TCLP
		Nickel	7440-02-0	3.98	11.0 mg/l TCLP
		Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
		Reactive sulfides	NA	DEACT	DEACT
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.)	Benzene	71-43-2	0.14	10
		Ethyl benzene	100-41-4	0.057	10
		Toluene (Methyl Benzene)	108-88-3	0.080	10

		Xylene(s) (Total)	1330-20-7	0.32	30
		Antimony	7740-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7740-38-2	1.4	5 mg/l TCLP
		Nickel	7440-02-0	3.98	11.0 mg/l TCLP
		Vanadium	7440-62-2	4.3	1.6 mg/l TCLP
		Reactive Sulfides	NA	DEACT	DEACT
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer.	1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzo-p-dioxin (1, 2, 3, 4, 6, 7, 8-HpCDD)	35822-46-9	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzofuran (1, 2, 3, 4, 6, 7, 8-HpCDF)	67562-39-4	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		1, 2, 3, 4, 7, 8, 9-Heptachlorodibenzofuran (1, 2, 3, 4, 7, 8, 9-HpCDF)	55673-89-7	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063 or CMBST <sup>11</sup>	0.005 or CMBST <sup>11</sup>

		1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST <sup>11</sup>	0.005 or CMBST <sup>11</sup>
		PeCDDs (All Pentachlorodibenzop-dioxins)	36088-22-9	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		TCDDs (All Tetrachlorodi-benzo-p-dioxins)	41903-57-5	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		Arsenic	7440-36-0	1.4	5.0 mg/L TCLP
K175	Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	Mercury <sup>12</sup>	7438-97-6	NA	0.025 mg/L TCLP
		pH <sup>12</sup>		NA	pH ≤6.0
	All K175 wastewaters	Mercury	7438-97-6	0.15	NA
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e. g., antimony metal or crude antimony oxide)	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP

		Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Mercury	7439-97-6	0.15	0.025 mg/L TCLP
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)	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
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	1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzop-dioxin (1, 2, 3, 4, 6, 7, 8-HpCDD)	35822-39-4	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzofuran (1, 2, 3, 4, 6, 7, 8-HpCDF)	67562-39-4	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		1, 2, 3, 4, 7, 8, 9-Heptachlorodibenzofuran (1, 2, 3, 4, 7, 8, 9-HpCDF)	55673-89-7	0.000035 or CMBST <sup>11</sup>	0.0025 or CMBST <sup>11</sup>
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>

		1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063 or CMBST <sup>11</sup>	0.005 or CMBST <sup>11</sup>
		1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzo-furan (OCDF)	39001-02-0	0.000063 or CMBST <sup>11</sup>	0.005 or CMBST <sup>11</sup>
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		PeCDFs ( All Pentachlorodibenzo-p-dioxins)	30402-15-4	0.000035 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		TCDFs (All Tetrachlorodibenzo-furans)	55722-27-5	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
		Thallium	7440-28-0	1.4	0.20 mg/L TCLP
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 part 3 of Rule 0400-12-01-.02(4)(c) that are equal to or greater than the corresponding part 3 levels, as determined on a calendar year basis.	Aniline	62-53-3	0.81	14
		o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
		4-Chloroaniline	106-47-8	0.46	16

		p-Cresidine	120-71-8	0.010	0.66
		2, 4-Dimethylaniline (2, 4-xylydine)	95-68-1	0.010	0.66
		1, 2-Phenylenediamine	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN
		1, 3-Phenylenediamine	108-45-2	0.010	0.66
P001	Warfarin, & salts, when present at concentrations greater than 0.3%	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P002	1-Acetyl-2-thiourea	1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P003	Acrolein	Acrolein	107-02-8	0.29	CMBST
P004	Aldrin	Aldrin	309-00-2	0.021	0.066
P005	Allyl alcohol	Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006	Aluminum phosphide	Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P007	5-Aminomethyl 3-isoxazolol	5-Aminomethyl 3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008	4-Aminopyridine	4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009	Ammonium picrate	Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P010	Arsenic acid	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011	Arsenic pentoxide	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012	Arsenic trioxide	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013	Barium cyanide	Barium	7440-39-3	NA	21 mg/l TCLP
		Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P014	Thiophenol (Benzene thiol)	Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015	Beryllium dust	Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
P016	Dichloromethyl ether (Bis(chloromethyl)ether)	Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017	Bromoacetone	Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018	Brucine	Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021	Calcium cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P022	Carbon disulfide	Carbon disulfide	75-15-0	3.8	CMBST
		Carbon disulfide; alternate <sup>6</sup> standard for nonwastewaters only	75-15-0	NA	4.8 mg/l TCLP

P023	Chloroacetaldehyde	Chloroacetalde-hyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P024	p-Chloroaniline	p-Chloroaniline	106-47-8	0.46	16
P026	1-(o-Chlorophenyl)thiourea	1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P027	3-Chloropropionitrile	3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028	Benzyl chloride	Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P029	Copper cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P030	Cyanides (soluble salts and complexes)	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P031	Cyanogen	Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033	Cyanogen chloride	Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P034	2-Cyclohexyl-4,6-dinitrophenol	2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P036	Dichlorophenylarsine	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P037	Dieldrin	Dieldrin	60-57-1	0.017	0.13
P038	Diethylarsine	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P039	Disulfoton	Disulfoton	298-04-4	0.017	6.2
P040	0,0-Diethyl O-pyrazinyl phosphorothioate	0,0-Diethyl O-pyrazinyl phosphorothioate	297-97-2	CARBN; or CMBST	CMBST

P041	Diethyl-p-nitrophenyl phosphate	Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042	Epinephrine	Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043	Diisopropylfluorophosphate (DFP)	Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044	Dimethoate	Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045	Thiofanox	Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046	alpha, alpha-Dimethylphenethylamine	alpha, alpha-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047	4,6-Dinitro-o-cresol	4,6-Dinitro-o-cresol	543-52-1	0.28	160
	4,6-Dinitro-o-cresol salts	NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048	2,4-Dinitrophenol	2,4-Dinitrophenol	51-28-5	0.12	160
P049	Dithiobiuret	Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050	Endosulfan	Endosulfan I	939-98-8	0.023	0.066
		Endosulfan II	33213-6-5	0.029	0.13
		Endosulfan sulfate	1031-07-8	0.029	0.13
P051	Endrin	Endrin	72-20-8	0.0028	0.13
		Endrin aldehyde	7421-93-4	0.025	0.13
P054	Aziridine	Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P056	Fluorine	Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P057	Fluoroacetamide	Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058	Fluoroacetic acid, sodium salt	Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P059	Heptachlor	Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
P060	Isodrin	Isodrin	465-73-6	0.021	0.066
P062	Hexaethyl tetraphosphate	Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P063	Hydrogen cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P064	Isocyanic acid, ethyl-ester	Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P065	Mercury fulminate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC
	Mercury fulminate nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	Mercury fulminate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/l TCLP

	Mercury fulminate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All mercury fulminate wastewaters.	Mercury	7439-97-6	0.15	NA
P066	Methomyl	Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P067	2-Methyl-aziridine	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P068	Methyl hydrazine	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P069	2-Methylactonitrile	2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070	Aldicarb	Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071	Methyl parathion	Methyl parathion	298-00-0	0.014	4.6
P072	1-Naphthyl-2-thiourea	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073	Nickel carbonyl	Nickel	7440-02-0	3.98	11 mg/l TCLP
P074	Nickel cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Nickel	7440-02-0	3.98	11 mg/l TCLP
P075	Nicotine and salts	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P076	Nitric oxide	Nitric oxide	10102-43-9	ADGAS	ADGAS
P077	p-Nitroaniline	p-Nitroaniline	100-01-6	0.028	28
P078	Nitrogen dioxide	Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
P081	Nitroglycerin	Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P082	N-Nitrosodimethylamine	N-Nitrosodimethyl- amine	62-75-9	0.40	2.3
P084	N-Nitrosomethylvinylamine	N-Nitrosomethylvinyl- amine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085	Octamethylpyrophospho- ramide	Octamethylpyro- phosphoramide	152-16-9	CARBN; or CMBST	CMBST
P087	Osmium tetroxide	Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088	Endothall	Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089	Parathion	Parathion	56-38-2	0.014	4.6
P092	Phenyl mercuric acetate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC; or RMERC
	Phenyl mercuric acetate nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	Phenyl mercuric acetate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/l TCLP

	Phenyl mercuric acetate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All phenyl mercuric acetate wastewaters.	Mercury	7439-97-6	0.15	NA
P093	Phenylthiourea	Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P094	Phorate	Phorate	298-02-2	0.021	4.6
P095	Phosgene	Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P096	Phosphine	Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P097	Famphur	Famphur	52-85-7	0.017	15
P098	Potassium cyanide.	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P099	Potassium silver cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
P101	Ethyl cyanide (Propanenitrile)	Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102	Propargyl alcohol	Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103	Selenourea	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P104	Silver cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

		Silver	7440-22-4	0.43	0.14 mg/l TCLP
P105	Sodium azide	Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106	Sodium cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P108	Strychnine and salts	Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109	Tetraethyldithiopyro- phosphate	Tetraethyldithio- pyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110	Tetraethyl lead	Lead	7439-92-1	0.69	0.75 mg/l TCLP
P111	Tetraethylpyrophosphate	Tetraethylpyrophosph ate	107-49-3	CARBN; or CMBST	CMBST
P112	Tetranitromethane	Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113	Thallic oxide	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114	Thallium selenite	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P115	Thallium (I) sulfate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116	Thiosemicarbazide	Thiosemicarba-zide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P118	Trichloromethanethiol	Trichloro-methanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P119	Ammonium vanadate	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL

P120	Vanadium pentoxide	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121	Zinc cyanide	Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P122	Zinc phosphide Zn <sub>3</sub> P <sub>2</sub> , when present at concentrations greater than 10%	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P123	Toxaphene	Toxaphene	8001-35-2	0.0095	2.6
P127	Carbofuran <sup>10</sup>	Carbofuran	1563-66-2	0.006; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	0.14; <u>or</u> CMBST
P128	Mexacarbate <sup>10</sup>	Mexacarbate	315-18-4	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	1.4; <u>or</u> CMBST
P185	Tirpate <sup>10</sup>	Tirpate	26419-73-8	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	0.28; <u>or</u> CMBST
P188	Physostigmine salicylate <sup>10</sup>	Physostigmine salicylate	57-64-7	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	1.4; <u>or</u> CMBST
P189	Carbosulfan <sup>10</sup>	Carbosulfan	55285-14-8	0.028; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	1.4; <u>or</u> CMBST
P190	Metolcarb <sup>10</sup>	Metolcarb	1129-41-5	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	1.4; <u>or</u> CMBST
P191	Dimetilan <sup>10</sup>	Dimetilan	644-64-4	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	1.4; <u>or</u> CMBST
P192	Isolan <sup>10</sup>	Isolan	119-38-0	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	1.4; <u>or</u> CMBST
P194	Oxamyl <sup>10</sup>	Oxamyl	23135-22-0	0.056; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	0.28; <u>or</u> CMBST
P196	Manganese dimethyldithiocarbamate <sup>10</sup>	Dithiocarbamates (total)	NA	0.028; <u>or</u> CMBST, CHOXD, BIODG <u>or</u> CARBN	28; <u>or</u> CMBST

P197	Formparanate <sup>10</sup>	Formparanate	17702-57-7	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
P198	Formetanate hydrochloride <sup>10</sup>	Formetanate hydrochloride	23422-53-9	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
P199	Methiocarb <sup>10</sup>	Methiocarb	2032-65-7	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
P201	Promecarb <sup>10</sup>	Promecarb	2631-37-0	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
P202	m-Cumenyl methylcarbamate <sup>10</sup>	m-Cumenyl methylcarbamate	64-00-6	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
P203	Aldicarb sulfone <sup>10</sup>	Aldicarb sulfone	1646-88-4	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	0.28; <u>or CMBST</u>
P204	Physostigmine <sup>10</sup>	Physostigmine	57-47-6	0.056; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	1.4; <u>or CMBST</u>
P205	Ziram <sup>10</sup>	Dithiocarbamates (total)	NA	0.028; <u>or</u> <u>CMBST,</u> <u>CHOXD, BIODG</u> <u>or CARBN</u>	28; <u>or CMBST</u>
U001	Acetaldehyde	Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002	Acetone	Acetone	67-64-1	0.28	160
U003	Acetonitrile	Acetonitrile	75-05-8	5.6	CMBST
		Acetonitrile; alternate <sup>6</sup> standard for nonwastewaters only	75-05-8	NA	38
U004	Acetophenone	Acetophenone	98-86-2	0.010	9.7
U005	2-Acetylaminofluorene	2-Acetylaminofluorene	53-96-3	0.059	140

U006	Acetyl chloride	Acetyl Chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007	Acrylamide	Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008	Acrylic acid	Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009	Acrylonitrile	Acrylonitrile	107-13-1	0.24	84
U010	Mitomycin C	Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011	Amitrole	Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012	Aniline	Aniline	62-53-3	0.81	14
U014	Auramine	Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015	Azaserine	Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016	Benz(c)acridine	Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U017	Benzal chloride	Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U018	Benz(a)anthracene	Benz(a)anthra-cene	56-55-3	0.059	3.4
U019	Benzene	Benzene	71-43-2	0.14	10

U020	Benzenesulfonyl chloride	Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U021	Benzidine	Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U022	Benzo(a)pyrene	Benzo(a)pyrene	50-32-8	0.061	3.4
U023	Benzotrichloride	Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U024	bis(2-Chloroethoxy)methane	bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
U025	bis(2-Chloroethyl)ether	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
U026	Chlornaphazine	Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027	bis(2-Chloroisopropyl)ether	bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
U028	bis(2-Ethylhexyl) phthalate	bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
U029	Methyl bromide (Bromomethane)	Methyl bromide (Bromomethane)	74-83-9	0.11	15
U030	4-Bromophenyl phenyl ether	4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031	n-Butyl alcohol	n-Butyl alcohol	71-36-3	5.6	2.6
U032	Calcium chromate	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
U033	Carbon oxyfluoride	Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034	Trichloroacetaldehyde (Chloral)	Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U035	Chlorambucil	Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036	Chlordane	Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037	Chlorobenzene	Chlorobenzene	108-90-7	0.057	6.0
U038	Chlorobenzilate	Chlorobenzilate	510-15-6	0.10	CMBST
U039	p-Chloro-m-cresol	p-Chloro-m-cresol	59-50-7	0.018	14
U041	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042	2-Chloroethyl vinyl ether	2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043	Vinyl chloride	Vinyl chloride	75-01-4	0.27	6.0
U044	Chloroform	Chloroform	67-66-3	0.046	6.0
U045	Chloromethane (Methyl chloride)	Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046	Chloromethyl methyl ether	Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047	2-Chloronaphthalene	2-Chloronaphthal-ene	91-58-7	0.055	5.6
U048	2-Chlorophenol	2-Chlorophenol	95-57-8	0.044	5.7
U049	4-Chloro-o-toluidine hydrochloride	4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U050	Chrysene	Chrysene	218-01-9	0.059	3.4
U051	Creosote	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophe-nol	87-86-5	0.089	7.4

		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
U052	Cresols (Cresylic acid)	o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
U053	Crotonaldehyde	Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055	Cumene	Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056	Cyclohexane	Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057	Cyclohexanone	Cyclohexanone	108-94-1	0.36	CMBST

		Cyclohexanone; alternate <sup>6</sup> standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP
U058	Cyclophosphamide	Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST
U059	Daunomycin	Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U060	DDD	o,p'-DDD	53-19-0	0.023	0.087
		p,p'-DDD	72-54-8	0.023	0.087
U061	DDT	o,p'-DDT	789-02-6	0.0039	0.087
		p,p'-DDT	50-29-3	0.0039	0.087
		o,p'-DDD	53-19-0	0.023	0.087
		p,p'-DDD	72-54-8	0.023	0.087
		o,p'-DDE	3424-82-6	0.031	0.087
		p,p'-DDE	72-55-9	0.031	0.087
U062	Diallate	Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U063	Dibenz(a,h)anthracene	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064	Dibenz(a,i)pyrene	Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066	1,2-Dibromo-3-chloropropane	1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
U067	Ethylene dibromide (1,2-Dibromoethane)	Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068	Dibromomethane	Dibromomethane	74-95-3	0.11	15

U069	Di-n-butyl phthalate	Di-n-butyl phthalate	84-74-2	0.057	28
U070	o-Dichlorobenzene	o-Dichlorobenzene	95-50-1	0.088	6.0
U071	m-Dichlorobenzene	m-Dichlorobenzene	541-73-1	0.036	6.0
U072	p-Dichlorobenzene	p-Dichlorobenzene	106-46-7	0.090	6.0
U073	3,3'-Dichlorobenzidine	3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U074	1,4-Dichloro-2-butene	cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U075	Dichlorodifluoromethane	Dichlorodifluoromethane	75-71-8	0.23	7.2
U076	1,1-Dichloroethane	1,1-Dichloroethane	75-34-3	0.059	6.0
U077	1,2-Dichloroethane	1,2-Dichloroethane	107-06-2	0.21	6.0
U078	1,1-Dichloroethylene	1,1-Dichloroethylene	75-35-4	0.025	6.0
U079	1,2-Dichloroethylene	trans-1,2-Dichloroethylene	156-60-5	0.054	30
U080	Methylene chloride	Methylene chloride	75-09-2	0.089	30
U081	2,4-Dichlorophenol	2,4-Dichlorophenol	120-83-2	0.044	14
U082	2,6-Dichlorophenol	2,6-Dichlorophenol	87-65-0	0.044	14
U083	1,2-Dichloropropane	1,2-Dichloropropane	78-87-5	0.85	18
U084	1,3-Dichloropropylene	cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18

U085	1,2:3,4-Diepoxybutane	1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086	N,N'-Diethylhydrazine	N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087	O,O-Diethyl S-methyldithiophosphate	O,O-Diethyl S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
U088	Diethyl phthalate	Diethyl phthalate	84-66-2	0.20	28
U089	Diethyl stilbestrol	Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090	Dihydrosafrole	Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091	3,3'-Dimethoxybenzidine	3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092	Dimethylamine	Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093	p-Dimethylaminoazobenzene	p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094	7,12-Dimethylbenz(a)anthracene	7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095	3,3'-Dimethylbenzidine	3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096	alpha, alpha-Dimethyl benzyl hydroperoxide	alpha, alpha-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097	Dimethylcarbamoyl chloride	Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U098	1,1-Dimethylhydrazine	1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099	1,2-Dimethylhydrazine	1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101	2,4-Dimethylphenol	2,4-Dimethylphenol	105-67-9	0.036	14
U102	Dimethyl phthalate	Dimethyl phthalate	131-11-3	0.047	28
U103	Dimethyl sulfate	Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105	2,4-Dinitrotoluene	2,4-Dinitrotoluene	121-14-2	0.32	140
U106	2,6-Dinitrotoluene	2,6-Dinitrotoluene	606-20-2	0.55	28
U107	Di-n-octyl phthalate	Di-n-octyl phthalate	117-84-0	0.017	28
U108	1,4-Dioxane	1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		1,4-Dioxane; alternate <sup>6</sup>	123-91-1	12.0	170
U109	1,2-Diphenylhydrazine	1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
		1,2-Diphenylhydraz- ine; alternate <sup>6</sup> standard for wastewaters only	122-66-7	0.087	NA
U110	Dipropylamine	Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111	Di-n-propylnitrosamine	Di-n-propylnitrosamine	621-64-7	0.40	14

U112	Ethyl acetate	Ethyl acetate	141-78-6	0.34	33
U113	Ethyl acrylate	Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114	Ethylenebisdithio-carbamic acid salts and esters	Ethylenebisdithio-carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115	Ethylene oxide	Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
		Ethylene oxide; alternate <sup>6</sup> standard for wastewaters only	75-21-8	0.12	NA
U116	Ethylene thiourea	Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117	Ethyl ether	Ethyl ether	60-29-7	0.12	160
U118	Ethyl methacrylate	Ethyl methacrylate	97-63-2	0.14	160
U119	Ethyl methane sulfonate	Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120	Fluoranthene	Fluoranthene	206-44-0	0.068	3.4
U121	Trichloromonofluoromethane	Trichloromonofluoromethane	75-69-4	0.020	30
U122	Formaldehyde	Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U123	Formic acid	Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124	Furan	Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U125	Furfural	Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U126	Glycidylaldehyde	Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U127	Hexachlorobenzene	Hexachloroben-zene	118-74-1	0.055	10
U128	Hexachlorobutadiene	Hexachlorobuta-diene	87-68-3	0.055	5.6
U129	Lindane	alpha-BHC	319-84-6	0.00014	0.066
		beta-BHC	319-85-7	0.00014	0.066
		delta-BHC	319-86-8	0.023	0.066
		gamma-BHC (Lindane)	58-89-9	0.0017	0.066
U130	Hexachlorocyclopenta-diene	Hexachlorocyclo-pentadiene	77-47-4	0.057	2.4
U131	Hexachloroethane	Hexachloroethane	67-72-1	0.055	30
U132	Hexachlorophene	Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133	Hydrazine	Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134	Hydrogen fluoride	Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR
U135	Hydrogen Sulfide	Hydrogen Sulfide	7783-06-4	CHOXD; CHRED, or CMBST	CHOXD; CHRED; or CMBST.
U136	Cacodylic acid	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137	Indeno(1,2,3-cd)pyrene	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
U138	Iodomethane	Iodomethane	74-88-4	0.19	65

U140	Isobutyl alcohol	Isobutyl alcohol	78-83-1	5.6	170
U141	Isosafrole	Isosafrole	120-58-1	0.081	2.6
U142	Kepone	Kepone	143-50-8	0.0011	0.13
U143	Lasiocarpine	Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144	Lead acetate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U145	Lead phosphate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U146	Lead subacetate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U147	Maleic anhydride	Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148	Maleic hydrazide	Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149	Malononitrile	Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150	Melphalan	Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151	U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP

	All U151 (mercury) wastewaters.	Mercury	7439-97-6	0.15	NA
	Elemental Mercury Contaminated with Radioactive Materials	Mercury	7439-97-6	NA	AMLGM
U152	Methacrylonitrile	Methacrylonitrile	126-98-7	0.24	84
U153	Methanethiol	Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U154	Methanol	Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Methanol; alternate <sup>6</sup> set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP
U155	Methapyrilene	Methapyrilene	91-80-5	0.081	1.5
U156	Methyl chlorocarbonate	Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U157	3-Methylcholanthrene	3-Methylcholanthrene	56-49-5	0.0055	15
U158	4,4'-Methylene bis(2-chloroaniline)	4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
U159	Methyl ethyl ketone	Methyl ethyl ketone	78-93-3	0.28	36
U160	Methyl ethyl ketone peroxide	Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U161	Methyl isobutyl ketone	Methyl isobutyl ketone	108-10-1	0.14	33
U162	Methyl methacrylate	Methyl methacrylate	80-62-6	0.14	160

U163	N-Methyl N'-nitro N-nitrosoguanidine	N-Methyl N'-nitro N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164	Methylthiouracil	Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U165	Naphthalene	Naphthalene	91-20-3	0.059	5.6
U166	1,4-Naphthoquinone	1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167	1-Naphthylamine	1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168	2-Naphthylamine	2-Naphthylamine	91-59-8	0.52	CMBST
U169	Nitrobenzene	Nitrobenzene	98-95-3	0.068	14
U170	p-Nitrophenol	p-Nitrophenol	100-02-7	0.12	29
U171	2-Nitropropane	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U172	N-Nitrosodi-n-butylamine	N-Nitrosodi-n-butylamine	924-16-3	0.40	17
U173	N-Nitrosodiethanolamine	N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174	N-Nitrosodiethylamine	N-Nitrosodiethylamine	55-18-5	0.40	28
U176	N-Nitroso-N-ethylurea	N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177	N-Nitroso-N-methylurea	N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U178	N-Nitroso-N-methylurethane	N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179	N-Nitrosopiperidine	N-Nitrosopiperidine	100-75-4	0.013	35
U180	N-Nitrosopyrrolidine	N-Nitrosopyrrolidine	930-55-2	0.013	35
U181	5-Nitro-o-toluidine	5-Nitro-o-toluidine	99-55-8	0.32	28
U182	Paraldehyde	Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183	Pentachlorobenzene	Pentachloroben-zene	608-93-5	0.055	10
U184	Pentachloroethane	Pentachloroeth-ane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Pentachloroethane; alternate <sup>6</sup> standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185	Pentachloronitrobenzene	Pentachloronitro-benzene	82-68-8	0.055	4.8
U186	1,3-Pentadiene	1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187	Phenacetin	Phenacetin	62-44-2	0.081	16
U188	Phenol	Phenol	108-95-2	0.039	6.2
U189	Phosphorus sulfide	Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28

		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191	2-Picoline	2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192	Pronamide	Pronamide	23950-58-5	0.093	1.5
U193	1,3-Propane sultone	1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194	n-Propylamine	n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196	Pyridine	Pyridine	110-86-1	0.014	16
U197	p-Benzoquinone	p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200	Reserpine	Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201	Resorcinol	Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U202	<del>Saccharin and salts</del>	<del>Saccharin</del>	<del>81-07-2</del>	<del>(WETOX or CHOXD) fb CARBN; or CMBST</del>	<del>CMBST</del>
U203	Safrole	Safrole	94-59-7	0.081	22
U204	Selenium dioxide	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U205	Selenium sulfide	Selenium	7782-49-2	0.82	5.7 mg/l TCLP

U206	Streptozotocin	Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207	1,2,4,5-Tetrachlorobenzene	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208	1,1,1,2-Tetrachloroethane	1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
U209	1,1,2,2-Tetrachloroethane	1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
U210	Tetrachloroethylene	Tetrachloroethy-lene	127-18-4	0.056	6.0
U211	Carbon tetrachloride	Carbon tetrachloride	56-23-5	0.057	6.0
U213	Tetrahydrofuran	Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214	Thallium (I) acetate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U215	Thallium (I) carbonate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U216	Thallium (I) chloride	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U217	Thallium (I) nitrate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U218	Thioacetamide	Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U219	Thiourea	Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220	Toluene	Toluene	108-88-3	0.080	10

U221	Toluenediamine	Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222	o-Toluidine hydrochloride	o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate	Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225	Bromoform (Tribromomethane)	Bromoform (Tribromometh-ane)	75-25-2	0.63	15
U226	1,1,1-Trichloroethane	1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227	1,1,2-Trichloroethane	1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228	Trichloroethylene	Trichloroethylene	79-01-6	0.054	6.0
U234	1,3,5-Trinitrobenzene	1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235	tris-(2,3-Dibromopropyl)- phosphate	tris-(2,3- Dibromopropyl)- phosphate	126-72-7	0.11	0.10
U236	Trypan Blue	Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237	Uracil mustard	Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238	Urethane (Ethyl carbamate)	Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239	Xylenes	Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
U240	2,4-D (2,4- Dichlorophenoxyacetic acid)	2,4-D (2,4- Dichlorophenoxy- acetic acid)	94-75-7	0.72	10

	2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters		NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243	Hexachloropropylene	Hexachloropropylene	1888-71-7	0.035	30
U244	Thiram	Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246	Cyanogen bromide	Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247	Methoxychlor	Methoxychlor	72-43-5	0.25	0.18
U248	Warfarin, & salts, when present at concentrations of 0.3% or less	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249	Zinc phosphide, Zn <sub>3</sub> P <sub>2</sub> , when present at concentrations of 10% or less	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271	Benomyl <sup>10</sup>	Benomyl	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U278	Bendiocarb <sup>10</sup>	Bendiocarb	22781-23-3	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U279	Carbaryl <sup>10</sup>	Carbaryl	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
U280	Barban <sup>10</sup>	Barban	101-27-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U328	o-Toluidine	o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN.	CMBST
U353	p-Toluidine	p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST

U359	2-Ethoxyethanol	2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364	Bendiocarb phenol <sup>10</sup>	Bendiocarb phenol	22961-82-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U367	Carbofuran phenol <sup>10</sup>	Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U372	Carbendazim <sup>10</sup>	Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U373	Propham <sup>10</sup>	Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U387	Prosulfocarb <sup>10</sup>	Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U389	Triallate <sup>10</sup>	Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U394	A2213 <sup>10</sup>	A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U395	Diethylene glycol, dicarbamate <sup>10</sup>	Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U404	Triethylamine <sup>10</sup>	Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; <u>or CMBST</u>
U409	Thiophanate-methyl <sup>10</sup>	Thiophanate-methyl	23564-05-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U410	Thiodicarb <sup>10</sup>	Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>
U411	Propoxur <sup>10</sup>	Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; <u>or CMBST</u>

FOOTNOTES TO TREATMENT STANDARDS TABLE

- 1 The waste descriptions provided in this table do not replace waste descriptions in Rule 0400-12-01-.02. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/L and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in subparagraph (3)(c) of this rule Table 1 - Technology Codes and Descriptions of Technology-Based Standards.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of Rule 0400-12-01-.06(15), or Rule 0400-12-01-.05(15), or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in part 4 of this subparagraph. All concentration standards for nonwastewaters are based on analysis of grab samples.
- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment/Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.
- 7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, listed in 40 CFR 260.11; Rule 0400-12-01-.01(2)(b)1, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See subparts (1)(a)3(iii) and (iv) of this rule.)
- 9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 40 CFR 148.1(d).)
- 10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at subparagraph (c) Table 1 of this paragraph for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at subparagraph (c) Table 1 of this paragraph for wastewaters.
- 11 For these wastes, the definition of CMBST is limited to: (1) combustion units operating under Rule 0400-12-01-.09, (2) combustion units permitted under Rule 0400-12-01-.06(15), or (3) combustion units operating under Rule 0400-12-01-.05(15), which have obtained a determination of equivalent treatment under part (c)2 of this paragraph.
- 12 Disposal of K175 wastes that have complied with all applicable treatment standards of this subparagraph must also be macroencapsulated in accordance with subparagraph (f) of this paragraph Table 1 unless the waste is placed in:
- (i) A hazardous waste (Subtitle C) monofill containing only K175 wastes that meet all applicable treatment standards of this subparagraph; or
  - (ii) A dedicated hazardous waste (Subtitle C) landfill cell in which all other wastes being co-disposed are at pH  $\leq$ 6.0.

Subparagraph (i) of paragraph (3) of Rule 0400-12-01-.10 Land Disposal Restrictions is amended by deleting it in its entirety and replacing it with a new subparagraph so that, as amended, the subparagraph shall read as follows:

(i) Universal Treatment Standards [40 CFR 268.48]

1. Table UTS identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents as defined in part (1)(b)10 of this rule, these treatment standards may not be exceeded. Compliance with these treatment standards is measured by an analysis of grab samples, unless otherwise noted in the following Table UTS.

UNIVERSAL TREATMENT STANDARDS (NOTE: NA means not applicable.)			
REGULATED CONSTITUENT Common Name <sup>6</sup>	CAS <sup>1</sup> Number	Wastewater Standard	Nonwastewater Standard
		Concentration <sup>2</sup> in mg/l	Concentration <sup>3</sup> in mg/kg unless noted as "mg/l TCLP"
Organic Constituents			
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone <sup>4</sup>	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4

Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Barban <sup>®</sup>	101-27-9	0.056	1.4
Bendiocarb <sup>®</sup>	22781-23-3	0.056	1.4
Benomyl <sup>®</sup>	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Bromomethane/Methyl bromide	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate <sup>®</sup>	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol/Dinoseb	88-85-7	0.066	2.5
Carbaryl <sup>®</sup>	63-25-2	0.006	0.14
Carbenzadim <sup>®</sup>	10605-21-7	0.056	1.4
Carbofuran <sup>®</sup>	1563-66-2	0.006	0.14
Carbofuran-phenol <sup>®</sup>	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan <sup>®</sup>	55285-14-8	0.028	1.4

Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloromethane/Methyl chloride	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methylcarbamate <sup>5</sup>	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087

Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2, 4-Dimethylaniline (2, 4-xylidine)	95-68-1	0.010	0.66
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28

Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
<b>Dithiocarbamates (total)<sup>b</sup></b>	<b>NA</b>	<b>0.028</b>	<b>28</b>
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
<b>EPTC<sup>c</sup></b>	<b>759-94-4</b>	<b>0.042</b>	<b>1.4</b>
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide/Propanenitrile	107-12-0	0.24	360
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
<b>Formetanate hydrochloride<sup>b</sup></b>	<b>23422-53-9</b>	<b>0.056</b>	<b>1.4</b>
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzo-p-dioxin (1, 2, 3, 4, 6, 7, 8-HpCDD)	35822-46-9	0.000035	0.0025
1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzofuran (1, 2, 3, 4, 6, 7, 8-HpCDF)	67562-39-4	0.000035	0.0025
1, 2, 3, 4, 7, 8, 9-Heptachlorodibenzofuran (1, 2, 3, 4, 7, 8, 9-HpCDF)	55673-89-7	0.000035	0.0025

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb <sup>®</sup>	2032-65-7	0.056	1.4
Methomyl <sup>®</sup>	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb <sup>®</sup>	1129-41-5	0.056	1.4
Mexacarbate <sup>®</sup>	315-18-4	0.056	1.4
Molinate <sup>®</sup>	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6

2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063	0.005
1, 2, 3, 4, 6, 7, 8, 9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063	0.005
<del>Oxamyl<sup>e</sup></del>	<del>23135-22-0</del>	<del>0.056</del>	<del>0.28</del>
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors) <sup>8</sup>	1336-36-3	0.10	10
<del>Pebulate<sup>e</sup></del>	<del>1114-71-2</del>	<del>0.042</del>	<del>1.4</del>
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1, 3-Phenylenediamine	108-45-2	0.010	0.66

Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine <sup>6</sup>	<del>57-47-6</del>	<del>0.056</del>	<del>1.4</del>
Physostigmine-salicylate <sup>6</sup>	<del>57-64-7</del>	<del>0.056</del>	<del>1.4</del>
Promecarb <sup>6</sup>	<del>2631-37-0</del>	<del>0.056</del>	<del>1.4</del>
Pronamide	23950-58-5	0.093	1.5
Propham <sup>6</sup>	<del>122-42-0</del>	<del>0.056</del>	<del>1.4</del>
Propoxur <sup>6</sup>	<del>114-26-1</del>	<del>0.056</del>	<del>1.4</del>
Presulfocarb <sup>6</sup>	<del>52888-80-0</del>	<del>0.042</del>	<del>1.4</del>
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex/2,4,5-TP	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Thiodicarb <sup>6</sup>	<del>59669-26-0</del>	<del>0.019</del>	<del>1.4</del>
Thiophanate-methyl <sup>6</sup>	<del>23564-05-8</del>	<del>0.056</del>	<del>1.4</del>
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate <sup>6</sup>	<del>2303-17-5</del>	<del>0.042</del>	<del>1.4</del>
Tribromomethane/Bromoform	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30

2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine <sup>6</sup>	<del>101-44-8</del>	<del>0.081</del>	<del>1.5</del>
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vernelate <sup>6</sup>	<del>1929-77-7</del>	<del>0.042</del>	<del>1.4</del>
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Inorganic Constituents			
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>4</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>4</sup>	57-12-5	0.86	30
Fluoride <sup>5</sup>	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury - Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury - All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium <sup>7</sup>	7782-49-2	0.82	5.7 mg/l TCLP

Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide <sup>5</sup>	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium <sup>5</sup>	7440-62-2	4.3	1.6 mg/l TCLP
Zinc <sup>5</sup>	7440-66-6	2.61	4.3 mg/l TCLP

Footnotes to Universal Treatment Standards Table:

- 1 CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.
- 2 Concentration standards for wastewaters are expressed in mg/L and are based on analysis of composite samples.
- 3 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of Rule 0400-12-01-.06(15) or 0400-12-01-.05(15), or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in part (a)4 of this paragraph. All concentration standards for nonwastewaters are based on analysis of grab samples.
- 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, listed in 40 CFR 260.11, Rule 0400-12-01-.02(2)(b)1, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at part (1)(b)10 of this rule.
- 6 ~~Between August 26, 1998 and March 4, 1999, these constituents are not "underlying hazardous constituents" as defined in part (1)(b)10 of this rule. RESERVED~~
- 7 This constituent is not an underlying hazardous constituent as defined at Rule 0400-12-01-.10(1)(b)10 because its UTS level is greater than its TC level, thus a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.
- 8 This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to D004--D011 only.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Table 1 of Appendix VII of paragraph (5) of Rule 0400-12-01-.10 Land Disposal Restrictions is deleted in its entirety and replaced by a new Table so that, as amended, the Table shall read as follows:

Appendix VII - Effective Dates of Surface Disposed Wastes Regulated in the LDRs  
[40 CFR 268 Appendix VII]

TABLE 1.-EFFECTIVE DATES OF SURFACE DISPOSED WASTES [(NON-SOIL AND DEBRIS) REGULATED IN THE LDRS<sup>a</sup> - COMPREHENSIVE LIST]

Waste Code	Waste Category	Effective Date
D001 <sup>c</sup>	All (except High TOC Ignitable Liquids)	Aug. 9, 1993
D001	High TOC Ignitable Liquids	Aug. 8, 1990
D002 <sup>c</sup>	All	Aug. 9, 1993
D003	Newly identified surface-disposed elemental	May 26, 2000

	phosphorus processing wastes	
D004	Newly identified D004 and mineral processing wastes	Aug. 24, 1998
D004	Mixed radioactive/newly identified D004 or mineral processing wastes	May 26, 2000
D005	Newly identified D005 and mineral processing wastes	Aug. 24, 1998
D005	Mixed radioactive/newly identified D005 or mineral processing wastes	May 26, 2000
D006	Newly identified D006 and mineral processing wastes	Aug. 24, 1998
D006	Mixed radioactive/newly identified D006 or mineral processing wastes	May 26, 2000
D007	Newly identified D007 and mineral processing wastes	Aug. 24, 1998
D007	Mixed radioactive/newly identified D007 or mineral processing wastes	May 26, 2000
D008	Newly identified D008 and mineral processing wastes	Aug. 24, 1998
D008	Mixed radioactive/newly identified D008 or mineral processing wastes	May 26, 2000
D009	Newly identified D009 and mineral processing wastes	Aug. 24, 1998
D009	Mixed radioactive/newly identified D009 or mineral processing wastes	May 26, 2000
D010	Newly identified D010 and mineral processing wastes	Aug. 24, 1998
D010	Mixed radioactive/newly identified D010 or mineral processing wastes	May 26, 2000
D011	Newly identified D011 and mineral processing wastes	Aug. 24, 1998
D011	Mixed radioactive/newly identified D011 or mineral processing wastes	May 26, 2000
D012 (that exhibit the toxicity characteristic based on the TCLP) <sup>d</sup>	All	Dec. 14, 1994
D013 (that exhibit the toxicity characteristic based on the TCLP) <sup>d</sup>	All	Dec. 14, 1994
D014 (that exhibit the toxicity characteristic based on the TCLP) <sup>d</sup>	All	Dec. 14, 1994

D015 (that exhibit the toxicity characteristic based on the TCLP) <sup>d</sup>	All	Dec. 14, 1994
D016 (that exhibit the the toxicity characteristic based on the TCLP) <sup>d</sup>	All	Dec. 14, 1994
D017 (that exhibit the toxicity characteristic based on the TCLP) <sup>d</sup>	All	Dec. 14, 1994
D018	Mixed with radioactive wastes	Sept. 19, 1996
D018	All others	Dec. 19, 1994
D019	Mixed with radioactive wastes	Sept. 19, 1996
D019	All others	Dec. 19, 1994
D020	Mixed with radioactive wastes	Sept. 19, 1996
D020	All others	Dec. 19, 1994
D021	Mixed with radioactive wastes	Sept. 19, 1996
D021	All others	Dec. 19, 1994
D022	Mixed with radioactive wastes	Sept. 19, 1996
D022	All others	Dec. 19, 1994
D023	Mixed with radioactive wastes	Sept. 19, 1996
D023	All others	Dec. 19, 1994
D024	Mixed with radioactive wastes	Sept. 19, 1996
D024	All others	Dec. 19, 1994
D025	Mixed with radioactive wastes	Sept. 19, 1996
D025	All others	Dec. 19, 1994
D026	Mixed with radioactive wastes	Sept. 19, 1996
D026	All others	Dec. 19, 1994
D027	Mixed with radioactive wastes	Sept. 19, 1996
D027	All others	Dec. 19, 1994
D028	Mixed with radioactive wastes	Sept. 19, 1996
D028	All others	Dec. 19, 1994
D029	Mixed with radioactive wastes	Sept. 19, 1996
D029	All others	Dec. 19, 1994
D030	Mixed with radioactive wastes	Sept. 19, 1996
D030	All others	Dec. 19, 1994
D031	Mixed with radioactive wastes	Sept. 19, 1996
D031	All others	Dec. 19, 1994
D032	Mixed with radioactive wastes	Sept. 19, 1996
D032	All others	Dec. 19, 1994
D033	Mixed with radioactive wastes	Sept. 19, 1996
D033	All others	Dec. 19, 1994
D034	Mixed with radioactive wastes	Sept. 19, 1996
D034	All others	Dec. 19, 1994
D035	Mixed with radioactive wastes	Sept. 19, 1996
D035	All others	Dec. 19, 1994
D036	Mixed with radioactive wastes	Sept. 19, 1996
D036	All others	Dec. 19, 1994

D037	Mixed with radioactive wastes	Sept. 19, 1996
D037	All others	Dec. 19, 1994
D038	Mixed with radioactive wastes	Sept. 19, 1996
D038	All others	Dec. 19, 1994
D039	Mixed with radioactive wastes	Sept. 19, 1996
D039	All others	Dec. 19, 1994
D040	Mixed with radioactive wastes	Sept. 19, 1996
D040	All others	Dec. 19, 1994
D041	Mixed with radioactive wastes	Sept. 19, 1996
D041	All others	Dec. 19, 1994
D042	Mixed with radioactive wastes	Sept. 19, 1996
D042	All others	Dec. 19, 1994
D043	Mixed with radioactive wastes	Sept. 19, 1996
D043	All others	Dec. 19, 1994
F001	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988
F001	All others	Nov. 8, 1986
F002 (1,1,2-trichloroethane)	Wastewater and Nonwastewater	Aug. 8, 1990
F002	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988
F002	All others	Nov. 8, 1986
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988
F003	All others	Nov. 8, 1986
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986
F004	All others	Nov. 8, 1986
F004	All others	Nov. 8, 1986
F005 (benzene, 2-ethoxy ethanol, 2-nitropropane)	Wastewater and Nonwastewater	Aug. 8, 1990
F005	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988
F005	All others	Nov. 8, 1986
F006	Wastewater	Aug. 8, 1990
F006	Nonwastewater	Aug. 8, 1988
F006 (cyanides)	Nonwastewater	July 8, 1989
F007	All	July 8, 1989

F008	All	July 8, 1989
F009	All	July 8, 1989
F010	All	June 8, 1989
F011 (cyanides)	Nonwastewater	Dec. 8, 1989
F011	All others	July 8, 1989
F012 (cyanides)	Nonwastewater	Dec. 8, 1989
F012	All others	July 8, 1989
F019	All	Aug. 8, 1990
F020	All	Nov. 8, 1988
F021	All	Nov. 8, 1988
F025	All	Aug. 8, 1990
F026	All	Nov. 8, 1988
F027	All	Nov. 8, 1988
F028	All	Nov. 8, 1988
F032	Mixed with radioactive wastes	Aug. 12, 1999
F032	All others	Aug. 12, 1997
F034	Mixed with radioactive wastes	Aug. 12, 1999
F034	All others	Aug. 12, 1997
F035	Mixed with radioactive wastes	May 12, 1999
F035	All others	Aug. 12, 1997
F037	Not generated from surface impoundment cleanouts or closures	June 30, 1993
F037	Generated from surface impoundment cleanouts or closures	June 30, 1994
F037	Mixed with radioactive wastes	June 30, 1994
F038	Not generated from surface impoundment cleanouts or closures	June 30, 1993
F038	Generated from surface impoundment cleanouts or closures	June 30, 1994
F038	Mixed with radioactive wastes	June 30, 1994
F039	Wastewater	Aug. 8, 1990
F039	Nonwastewater	May 8, 1992
K001 (organics) <sup>b</sup>	All	Aug. 8, 1988
K001	All others	Aug. 8, 1988
K002	All	Aug. 8, 1990
K003	All	Aug. 8, 1990
K004	Wastewater	Aug. 8, 1990
K004	Nonwastewater	Aug. 8, 1988
K005	Wastewater	Aug. 8, 1990
K005	Nonwastewater	June 8, 1989
K006	All	Aug. 8, 1990
K007	Wastewater	Aug. 8, 1990
K007	Nonwastewater	June 8, 1989
K008	Wastewater	Aug. 8, 1990
K008	Nonwastewater	Aug. 8, 1988
K009	All	June 8, 1989
K010	All	June 8, 1989
K011	Wastewater	Aug. 8, 1990

K011	Nonwastewater	June 8, 1989
K013	Wastewater	Aug. 8, 1990
K013	Nonwastewater	June 8, 1989
K014	Wastewater	Aug. 8, 1990
K014	Nonwastewater	June 8, 1989
K015	Wastewater	Aug. 8, 1988
K015	Nonwastewater	Aug. 8, 1990
K016	All	Aug. 8, 1988
K017	All	Aug. 8, 1990
K018	All	Aug. 8, 1988
K019	All	Aug. 8, 1988
K020	All	Aug. 8, 1988
K021	Wastewater	Aug. 8, 1990
K021	Nonwastewater	Aug. 8, 1988
K022	Wastewater	Aug. 8, 1990
K022	Nonwastewater	Aug. 8, 1988
K023	All	June 8, 1989
K024	All	Aug. 8, 1988
K025	Wastewater	Aug. 8, 1990
K025	Nonwastewater	Aug. 8, 1988
K026	All	Aug. 8, 1990
K027	All	June 8, 1989
K028	Nonwastewater	Aug. 8, 1990
(metals)		
K028	All others	June 8, 1989
K029	Wastewater	Aug. 8, 1990
K029	Nonwastewater	June 8, 1989
K030	All	Aug. 8, 1988
K031	Wastewater	Aug. 8, 1990
K031	Nonwastewater	May 8, 1992
K032	All	Aug. 8, 1990
K033	All	Aug. 8, 1990
K034	All	Aug. 8, 1990
K035	All	Aug. 8, 1990
K036	Wastewater	June 8, 1989
K036	Nonwastewater	Aug. 8, 1988
K037 <sup>b</sup>	Wastewater	Aug. 8, 1988
K037	Nonwastewater	Aug. 8, 1988
K038	All	June 8, 1989
K039	All	June 8, 1989
K040	All	June 8, 1989
K041	All	Aug. 8, 1990
K042	All	Aug. 8, 1990
K043	All	June 8, 1989
K044	All	Aug. 8, 1988
K045	All	Aug. 8, 1988
K046	Nonwastewater	Aug. 8, 1988
(Nonreactive)		
K046	All others	Aug. 8, 1990
K047	All	Aug. 8, 1988
K048	Wastewater	Aug. 8, 1990
K048	Nonwastewater	Nov. 8, 1990
K049	Wastewater	Aug. 8, 1990
K049	Nonwastewater	Nov. 8, 1990
K050	Wastewater	Aug. 8, 1990
K050	Nonwastewater	Nov. 8, 1990
K051	Wastewater	Aug. 8, 1990
K051	Nonwastewater	Nov. 8, 1990
K052	Wastewater	Aug. 8, 1990

K052	Nonwastewater	Nov. 8, 1990
K060	Wastewater	Aug. 8, 1990
K060	Nonwastewater	Aug. 8, 1988
K061	Wastewater	Aug. 8, 1990
K061	Nonwastewater	June 30, 1992
K062	All	Aug. 8, 1988
K069 (Non-Calcium Sulfate)	Nonwastewater	Aug. 8, 1988
K069	All others	Aug. 8, 1990
K071	All	Aug. 8, 1990
K073	All	Aug. 8, 1990
K083	All	Aug. 8, 1990
K084	Wastewater	Aug. 8, 1990
K084	Nonwastewater	May 8, 1992
K085	All	Aug. 8, 1990
K086	All	Aug. 8, 1988
(organics) <sup>b</sup>		
K086	All others	Aug. 8, 1988
K087	All	Aug. 8, 1988
K088	Mixed with radioactive wastes	Apr. 8, 1998
K088	All others	Oct. 8, 1997
K093	All	June 8, 1989
K094	All	June 8, 1989
K095	Wastewater	Aug. 8, 1990
K095	Nonwastewater	June 8, 1989
K096	Wastewater	Aug. 8, 1990
K096	Nonwastewater	June 8, 1989
K097	All	Aug. 8, 1990
K098	All	Aug. 8, 1990
K099	All	Aug. 8, 1988
K100	Wastewater	Aug. 8, 1990
K100	Nonwastewater	Aug. 8, 1988
K101	Wastewater	Aug. 8, 1988
(organics)		
K101	Wastewater	Aug. 8, 1990
(metals)		
K101	Nonwastewater	Aug. 8, 1988
(organics)		
K101	Nonwastewater	May 8, 1992
(metals)		
K102	Wastewater	Aug. 8, 1988
(organics)		
K102	Wastewater	Aug. 8, 1990
(metals)		
K102	Nonwastewater	Aug. 8, 1988
(organics)		
K102	Nonwastewater	May 8, 1992
(metals)		
K103	All	Aug. 8, 1988
K104	All	Aug. 8, 1988
K105	All	Aug. 8, 1990
K106	Wastewater	Aug. 8, 1990
K106	Nonwastewater	May 8, 1992
K107	Mixed with radioactive wastes	June 30, 1994

K107	All others	Nov. 9, 1992
K108	Mixed with radioactive wastes	June 30, 1994
K108	All others	Nov. 9, 1992
K109	Mixed with radioactive wastes	June 30, 1994
K109	All others	Nov. 9, 1992
K110	Mixed with radioactive wastes	June 30, 1994
K110	All others	Nov. 9, 1992
K111	Mixed with radioactive wastes	June 30, 1994
K111	All others	Nov. 9, 1992
K112	Mixed with radioactive wastes	June 30, 1994
K112	All others	Nov. 9, 1992
K113	All	June 8, 1989
K114	All	June 8, 1989
K115	All	June 8, 1989
K116	All	June 8, 1989
K117	Mixed with radioactive wastes	June 30, 1994
K117	All others	Nov. 9, 1992
K118	Mixed with radioactive wastes	June 30, 1994
K118	All others	Nov. 9, 1992
K123	Mixed with radioactive wastes	June 30, 1994
K123	All others	Nov. 9, 1992
K124	Mixed with radioactive wastes	June 30, 1994
K124	All others	Nov. 9, 1992
K125	Mixed with radioactive wastes	June 30, 1994
K125	All others	Nov. 9, 1992
K126	Mixed with radioactive wastes	June 30, 1994
K126	All others	Nov. 9, 1992
K131	Mixed with radioactive wastes	June 30, 1994
K131	All others	Nov. 9, 1992
K132	Mixed with radioactive wastes	June 30, 1994
K132	All others	Nov. 9, 1992
K136	Mixed with radioactive wastes	June 30, 1994
K136	All others	Nov. 9, 1992
K141	Mixed with radioactive wastes	Sep. 19, 1996
K141	All others	Dec. 19, 1994
K142	Mixed with radioactive wastes	Sep. 19, 1996
K142	All others	Dec. 19, 1994
K143	Mixed with radioactive wastes	Sep. 19, 1996
K143	All others	Dec. 19, 1994
K144	Mixed with radioactive wastes	Sep. 19, 1996
K144	All others	Dec. 19, 1994
K145	Mixed with radioactive wastes	Sep. 19, 1996
K145	All others	Dec. 19, 1994
K147	Mixed with radioactive wastes	Sep. 19, 1996
K147	All others	Dec. 19, 1994
K148	Mixed with radioactive wastes	Sep. 19, 1996
K148	All others	Dec. 19, 1994
K149	Mixed with radioactive wastes	Sep. 19, 1996
K149	All others	Dec. 19, 1994
K150	Mixed with radioactive wastes	Sep. 19, 1996
K150	All others	Dec. 19, 1994
K151	Mixed with radioactive wastes	Sep. 19, 1996
K151	All others	Dec. 19, 1994
K156	Mixed with radioactive wastes	Apr. 8, 1998
K156	All others	July 8, 1996
K157	Mixed with radioactive wastes	Apr. 8, 1998
K157	All others	July 8, 1996
K158	Mixed with radioactive wastes	Apr. 8, 1998
K158	All others	July 8, 1996
K159	Mixed with radioactive wastes	Apr. 8, 1998

K159	All others	July 8, 1996
K160	Mixed with radioactive wastes	Apr. 8, 1998
K160	All others	July 8, 1996
K161	Mixed with radioactive wastes	Apr. 8, 1998
K161	All others	July 8, 1996
P001	All	Aug. 8, 1990
P002	All	Aug. 8, 1990
P003	All	Aug. 8, 1990
P004	All	Aug. 8, 1990
P005	All	Aug. 8, 1990
P006	All	Aug. 8, 1990
P007	All	Aug. 8, 1990
P008	All	Aug. 8, 1990
P009	All	Aug. 8, 1990
P010	Wastewater	Aug. 8, 1990
P010	Nonwastewater	May 8, 1992
P011	Wastewater	Aug. 8, 1990
P011	Nonwastewater	May 8, 1992
P012	Wastewater	Aug. 8, 1990
P012	Nonwastewater	May 8, 1992
P013	Nonwastewater	Aug. 8, 1990
(barium)		
P013	All others	June 8, 1989
P014	All	Aug. 8, 1990
P015	All	Aug. 8, 1990
P016	All	Aug. 8, 1990
P017	All	Aug. 8, 1990
P018	All	Aug. 8, 1990
P020	All	Aug. 8, 1990
P021	All	June 8, 1989
P022	All	Aug. 8, 1990
P023	All	Aug. 8, 1990
P024	All	Aug. 8, 1990
P026	All	Aug. 8, 1990
P027	All	Aug. 8, 1990
P028	All	Aug. 8, 1990
P029	All	June 8, 1989
P030	All	June 8, 1989
P031	All	Aug. 8, 1990
P033	All	Aug. 8, 1990
P034	All	Aug. 8, 1990
P036	Wastewater	Aug. 8, 1990
P036	Nonwastewater	May 8, 1992
P037	All	Aug. 8, 1990
P038	Wastewater	Aug. 8, 1990
P038	Nonwastewater	May 8, 1992
P039	All	June 8, 1989
P040	All	June 8, 1989
P041	All	June 8, 1989
P042	All	Aug. 8, 1990
P043	All	June 8, 1989
P044	All	June 8, 1989
P045	All	Aug. 8, 1990
P046	All	Aug. 8, 1990
P047	All	Aug. 8, 1990
P048	All	Aug. 8, 1990
P049	All	Aug. 8, 1990
P050	All	Aug. 8, 1990
P051	All	Aug. 8, 1990
P054	All	Aug. 8, 1990

P056	All	Aug. 8, 1990
P057	All	Aug. 8, 1990
P058	All	Aug. 8, 1990
P059	All	Aug. 8, 1990
P060	All	Aug. 8, 1990
P062	All	June 8, 1989
P063	All	June 8, 1989
P064	All	Aug. 8, 1990
P065	Wastewater	Aug. 8, 1990
P065	Nonwastewater	May 8, 1992
P066	All	Aug. 8, 1990
P067	All	Aug. 8, 1990
P068	All	Aug. 8, 1990
P069	All	Aug. 8, 1990
P070	All	Aug. 8, 1990
P071	All	June 8, 1989
P072	All	Aug. 8, 1990
P073	All	Aug. 8, 1990
P074	All	June 8, 1989
P075	All	Aug. 8, 1990
P076	All	Aug. 8, 1990
P077	All	Aug. 8, 1990
P078	All	Aug. 8, 1990
P081	All	Aug. 8, 1990
P082	All	Aug. 8, 1990
P084	All	Aug. 8, 1990
P085	All	June 8, 1989
P087	All	May 8, 1992
P088	All	Aug. 8, 1990
P089	All	June 8, 1989
P092	Wastewater	Aug. 8, 1990
P092	Nonwastewater	May 8, 1992
P093	All	Aug. 8, 1990
P094	All	June 8, 1989
P095	All	Aug. 8, 1990
P096	All	Aug. 8, 1990
P097	All	June 8, 1989
P098	All	June 8, 1989
P099 (silver)	Wastewater	Aug. 8, 1990
P099	All others	June 8, 1989
P101	All	Aug. 8, 1990
P102	All	Aug. 8, 1990
P103	All	Aug. 8, 1990
P104 (silver)	Wastewater	Aug. 8, 1990
P104	All others	June 8, 1989
P105	All	Aug. 8, 1990
P106	All	June 8, 1989
P108	All	Aug. 8, 1990
P109	All	June 8, 1989
P110	All	Aug. 8, 1990
P111	All	June 8, 1989
P112	All	Aug. 8, 1990
P113	All	Aug. 8, 1990
P114	All	Aug. 8, 1990
P115	All	Aug. 8, 1990
P116	All	Aug. 8, 1990
P118	All	Aug. 8, 1990
P119	All	Aug. 8, 1990
P120	All	Aug. 8, 1990
P121	All	June 8, 1989

P122	All	Aug. 8, 1990
P123	All	Aug. 8, 1990
P127	Mixed with radioactive wastes	Apr. 8, 1998
P127	All others	July 8, 1996
P128	Mixed with radioactive wastes	Apr. 8, 1998
P128	All others	July 8, 1996
P185	Mixed with radioactive wastes	Apr. 8, 1998
P185	All others	July 8, 1996
P188	Mixed with radioactive wastes	Apr. 8, 1998
P188	All others	July 8, 1996
P189	Mixed with radioactive wastes	Apr. 8, 1998
P189	All others	July 8, 1996
P190	Mixed with radioactive wastes	Apr. 8, 1998
P190	All others	July 8, 1996
P191	Mixed with radioactive wastes	Apr. 8, 1998
P191	All others	July 8, 1996
P192	Mixed with radioactive wastes	Apr. 8, 1998
P192	All others	July 8, 1996
P194	Mixed with radioactive wastes	Apr. 8, 1998
P194	All others	July 8, 1996
P196	Mixed with radioactive wastes	Apr. 8, 1998
P196	All others	July 8, 1996
P197	Mixed with radioactive wastes	Apr. 8, 1998
P197	All others	July 8, 1996
P198	Mixed with radioactive wastes	Apr. 8, 1998
P198	All others	July 8, 1996
P199	Mixed with radioactive wastes	Apr. 8, 1998
P199	All others	July 8, 1996
P201	Mixed with radioactive wastes	Apr. 8, 1998
P201	All others	July 8, 1996
P202	Mixed with radioactive wastes	Apr. 8, 1998
P202	All others	July 8, 1996
P203	Mixed with radioactive wastes	Apr. 8, 1998
P203	All others	July 8, 1996
P204	Mixed with radioactive wastes	Apr. 8, 1998
P204	All others	July 8, 1996
P205	Mixed with radioactive wastes	Apr. 8, 1998
P205	All others	July 8, 1996
U001	All	Aug. 8, 1990
U002	All	Aug. 8, 1990
U003	All	Aug. 8, 1990
U004	All	Aug. 8, 1990
U005	All	Aug. 8, 1990
U006	All	Aug. 8, 1990
U007	All	Aug. 8, 1990
U008	All	Aug. 8, 1990
U009	All	Aug. 8, 1990
U010	All	Aug. 8, 1990
U011	All	Aug. 8, 1990
U012	All	Aug. 8, 1990
U014	All	Aug. 8, 1990
U015	All	Aug. 8, 1990
U016	All	Aug. 8, 1990
U017	All	Aug. 8, 1990
U018	All	Aug. 8, 1990
U019	All	Aug. 8, 1990
U020	All	Aug. 8, 1990
U021	All	Aug. 8, 1990
U022	All	Aug. 8, 1990
U023	All	Aug. 8, 1990

U024	All	Aug. 8, 1990
U025	All	Aug. 8, 1990
U026	All	Aug. 8, 1990
U027	All	Aug. 8, 1990
U028	All	June 8, 1989
U029	All	Aug. 8, 1990
U030	All	Aug. 8, 1990
U031	All	Aug. 8, 1990
U032	All	Aug. 8, 1990
U033	All	Aug. 8, 1990
U034	All	Aug. 8, 1990
U035	All	Aug. 8, 1990
U036	All	Aug. 8, 1990
U037	All	Aug. 8, 1990
U038	All	Aug. 8, 1990
U039	All	Aug. 8, 1990
U041	All	Aug. 8, 1990
U042	All	Aug. 8, 1990
U043	All	Aug. 8, 1990
U044	All	Aug. 8, 1990
U045	All	Aug. 8, 1990
U046	All	Aug. 8, 1990
U047	All	Aug. 8, 1990
U048	All	Aug. 8, 1990
U049	All	Aug. 8, 1990
U050	All	Aug. 8, 1990
U051	All	Aug. 8, 1990
U052	All	Aug. 8, 1990
U053	All	Aug. 8, 1990
U055	All	Aug. 8, 1990
U056	All	Aug. 8, 1990
U057	All	Aug. 8, 1990
U058	All	June 8, 1989
U059	All	Aug. 8, 1990
U060	All	Aug. 8, 1990
U061	All	Aug. 8, 1990
U062	All	Aug. 8, 1990
U063	All	Aug. 8, 1990
U064	All	Aug. 8, 1990
U066	All	Aug. 8, 1990
U067	All	Aug. 8, 1990
U068	All	Aug. 8, 1990
U069	All	June 30, 1992
U070	All	Aug. 8, 1990
U071	All	Aug. 8, 1990
U072	All	Aug. 8, 1990
U073	All	Aug. 8, 1990
U074	All	Aug. 8, 1990
U075	All	Aug. 8, 1990
U076	All	Aug. 8, 1990
U077	All	Aug. 8, 1990
U078	All	Aug. 8, 1990
U079	All	Aug. 8, 1990
U080	All	Aug. 8, 1990
U081	All	Aug. 8, 1990
U082	All	Aug. 8, 1990
U083	All	Aug. 8, 1990
U084	All	Aug. 8, 1990
U085	All	Aug. 8, 1990
U086	All	Aug. 8, 1990

U087	All	June 8, 1989
U088	All	June 8, 1989
U089	All	Aug. 8, 1990
U090	All	Aug. 8, 1990
U091	All	Aug. 8, 1990
U092	All	Aug. 8, 1990
U093	All	Aug. 8, 1990
U094	All	Aug. 8, 1990
U095	All	Aug. 8, 1990
U096	All	Aug. 8, 1990
U097	All	Aug. 8, 1990
U098	All	Aug. 8, 1990
U099	All	Aug. 8, 1990
U101	All	Aug. 8, 1990
U102	All	June 8, 1989
U103	All	Aug. 8, 1990
U105	All	Aug. 8, 1990
U106	All	Aug. 8, 1990
U107	All	June 8, 1989
U108	All	Aug. 8, 1990
U109	All	Aug. 8, 1990
U110	All	Aug. 8, 1990
U111	All	Aug. 8, 1990
U112	All	Aug. 8, 1990
U113	All	Aug. 8, 1990
U114	All	Aug. 8, 1990
U115	All	Aug. 8, 1990
U116	All	Aug. 8, 1990
U117	All	Aug. 8, 1990
U118	All	Aug. 8, 1990
U119	All	Aug. 8, 1990
U120	All	Aug. 8, 1990
U121	All	Aug. 8, 1990
U122	All	Aug. 8, 1990
U123	All	Aug. 8, 1990
U124	All	Aug. 8, 1990
U125	All	Aug. 8, 1990
U126	All	Aug. 8, 1990
U127	All	Aug. 8, 1990
U128	All	Aug. 8, 1990
U129	All	Aug. 8, 1990
U130	All	Aug. 8, 1990
U131	All	Aug. 8, 1990
U132	All	Aug. 8, 1990
U133	All	Aug. 8, 1990
U134	All	Aug. 8, 1990
U135	All	Aug. 8, 1990
U136	Wastewater	Aug. 8, 1990
U136	Nonwastewater	May 8, 1992
U137	All	Aug. 8, 1990
U138	All	Aug. 8, 1990
U140	All	Aug. 8, 1990
U141	All	Aug. 8, 1990
U142	All	Aug. 8, 1990
U143	All	Aug. 8, 1990
U144	All	Aug. 8, 1990
U145	All	Aug. 8, 1990
U146	All	Aug. 8, 1990
U147	All	Aug. 8, 1990
U148	All	Aug. 8, 1990

U149	All	Aug. 8, 1990
U150	All	Aug. 8, 1990
U151	Wastewater	Aug. 8, 1990
U151	Nonwastewater	May 8, 1992
U152	All	Aug. 8, 1990
U153	All	Aug. 8, 1990
U154	All	Aug. 8, 1990
U155	All	Aug. 8, 1990
U156	All	Aug. 8, 1990
U157	All	Aug. 8, 1990
U158	All	Aug. 8, 1990
U159	All	Aug. 8, 1990
U160	All	Aug. 8, 1990
U161	All	Aug. 8, 1990
U162	All	Aug. 8, 1990
U163	All	Aug. 8, 1990
U164	All	Aug. 8, 1990
U165	All	Aug. 8, 1990
U166	All	Aug. 8, 1990
U167	All	Aug. 8, 1990
U168	All	Aug. 8, 1990
U169	All	Aug. 8, 1990
U170	All	Aug. 8, 1990
U171	All	Aug. 8, 1990
U172	All	Aug. 8, 1990
U173	All	Aug. 8, 1990
U174	All	Aug. 8, 1990
U176	All	Aug. 8, 1990
U177	All	Aug. 8, 1990
U178	All	Aug. 8, 1990
U179	All	Aug. 8, 1990
U180	All	Aug. 8, 1990
U181	All	Aug. 8, 1990
U182	All	Aug. 8, 1990
U183	All	Aug. 8, 1990
U184	All	Aug. 8, 1990
U185	All	Aug. 8, 1990
U186	All	Aug. 8, 1990
U187	All	Aug. 8, 1990
U188	All	Aug. 8, 1990
U189	All	Aug. 8, 1990
U190	All	June 8, 1989
U191	All	Aug. 8, 1990
U192	All	Aug. 8, 1990
U193	All	Aug. 8, 1990
U194	All	June 8, 1989
U196	All	Aug. 8, 1990
U197	All	Aug. 8, 1990
U200	All	Aug. 8, 1990
U201	All	Aug. 8, 1990
U202	All	<del>Aug. 8, 1990</del>
U203	All	Aug. 8, 1990
U204	All	Aug. 8, 1990
U205	All	Aug. 8, 1990
U206	All	Aug. 8, 1990
U207	All	Aug. 8, 1990
U208	All	Aug. 8, 1990
U209	All	Aug. 8, 1990
U210	All	Aug. 8, 1990
U211	All	Aug. 8, 1990

U213	All	Aug. 8, 1990
U214	All	Aug. 8, 1990
U215	All	Aug. 8, 1990
U216	All	Aug. 8, 1990
U217	All	Aug. 8, 1990
U218	All	Aug. 8, 1990
U219	All	Aug. 8, 1990
U220	All	Aug. 8, 1990
U221	All	June 8, 1989
U222	All	Aug. 8, 1990
U223	All	June 8, 1989
U225	All	Aug. 8, 1990
U226	All	Aug. 8, 1990
U227	All	Aug. 8, 1990
U228	All	Aug. 8, 1990
U234	All	Aug. 8, 1990
U235	All	June 8, 1989
U236	All	Aug. 8, 1990
U237	All	Aug. 8, 1990
U238	All	Aug. 8, 1990
U239	All	Aug. 8, 1990
U240	All	Aug. 8, 1990
U243	All	Aug. 8, 1990
U244	All	Aug. 8, 1990
U246	All	Aug. 8, 1990
U247	All	Aug. 8, 1990
U248	All	Aug. 8, 1990
U249	All	Aug. 8, 1990
U271	Mixed with radioactive wastes	Apr. 8, 1998
U271	All others	July 8, 1996
U277	Mixed with radioactive wastes	Apr. 8, 1998
U277	All others	July 8, 1996
U278	Mixed with radioactive wastes	Apr. 8, 1998
U278	All others	July 8, 1996
U279	Mixed with radioactive wastes	Apr. 8, 1998
U279	All others	July 8, 1996
U280	Mixed with radioactive wastes	Apr. 8, 1998
U280	All others	July 8, 1996
U328	Mixed with radioactive wastes	June 30, 1994
U328	All others	Nov. 9, 1992
U353	Mixed with radioactive wastes	June 30, 1994
U353	All others	Nov. 9, 1992
U359	Mixed with radioactive wastes	June 30, 1994
U359	All others	Nov. 9, 1992
U364	Mixed with radioactive wastes	Apr. 8, 1998
U364	All others	July 8, 1996
U365	Mixed with radioactive wastes	Apr. 8, 1998
U365	All others	July 8, 1996
U366	Mixed with radioactive wastes	Apr. 8, 1998
U366	All others	July 8, 1996
U367	Mixed with radioactive wastes	Apr. 8, 1998
U367	All others	July 8, 1996
U372	Mixed with radioactive wastes	Apr. 8, 1998
U372	All others	July 8, 1996
U373	Mixed with radioactive wastes	Apr. 8, 1998
U373	All others	July 8, 1996
U375	Mixed with radioactive wastes	Apr. 8, 1998
U375	All others	July 8, 1996
U376	Mixed with radioactive wastes	Apr. 8, 1998
U376	All others	July 8, 1996

U377	Mixed with radioactive wastes	Apr. 8, 1998
U377	All others	July 8, 1996
U378	Mixed with radioactive wastes	Apr. 8, 1998
U378	All others	July 8, 1996
U379	Mixed with radioactive wastes	Apr. 8, 1998
U379	All others	July 8, 1996
U381	Mixed with radioactive wastes	Apr. 8, 1998
U381	All others	July 8, 1996
U382	Mixed with radioactive wastes	Apr. 8, 1998
U382	All others	July 8, 1996
U383	Mixed with radioactive wastes	Apr. 8, 1998
U383	All others	July 8, 1996
U384	Mixed with radioactive wastes	Apr. 8, 1998
U384	All others	July 8, 1996
U385	Mixed with radioactive wastes	Apr. 8, 1998
U385	All others	July 8, 1996
U386	Mixed with radioactive wastes	Apr. 8, 1998
U386	All others	July 8, 1996
U387	Mixed with radioactive wastes	Apr. 8, 1998
U387	All others	July 8, 1996
U389	Mixed with radioactive wastes	Apr. 8, 1998
U389	All others	July 8, 1996
U390	Mixed with radioactive wastes	Apr. 8, 1998
U390	All others	July 8, 1996
U391	Mixed with radioactive wastes	Apr. 8, 1998
U391	All others	July 8, 1996
U392	Mixed with radioactive wastes	Apr. 8, 1998
U392	All others	July 8, 1996
U393	Mixed with radioactive wastes	Apr. 8, 1998
U393	All others	July 8, 1996
U394	Mixed with radioactive wastes	Apr. 8, 1998
U394	All others	July 8, 1996
U395	Mixed with radioactive wastes	Apr. 8, 1998
U395	All others	July 8, 1996
U396	Mixed with radioactive wastes	Apr. 8, 1998
U396	All others	July 8, 1996
U400	Mixed with radioactive wastes	Apr. 8, 1998
U400	All others	July 8, 1996
U401	Mixed with radioactive wastes	Apr. 8, 1998
U401	All others	July 8, 1996
U402	Mixed with radioactive wastes	Apr. 8, 1998
U402	All others	July 8, 1996
U403	Mixed with radioactive wastes	Apr. 8, 1998
U403	All others	July 8, 1996
U404	Mixed with radioactive wastes	Apr. 8, 1998
U404	All others	July 8, 1996
U407	Mixed with radioactive wastes	Apr. 8, 1998
U407	All others	July 8, 1996
U409	Mixed with radioactive wastes	Apr. 8, 1998
U409	All others	July 8, 1996
U410	Mixed with radioactive wastes	Apr. 8, 1998
U410	All others	July 8, 1996
U411	Mixed with radioactive wastes	Apr. 8, 1998
U411	All others	July 8, 1996

FOOTNOTE:<sup>a</sup> This table does not include mixed radioactive wastes (from the First, Second, and Third Third rules) which received national capacity variance until May 8, 1992. This table also does not include contaminated soil and debris wastes.

FOOTNOTE:<sup>b</sup> The standard was revised in the Third Third Final Rule (55 FR 22520, June 1, 1990).

FOOTNOTE:<sup>c</sup> The standard was revised in the Third Third Emergency Rule (58 FR 29860, May 24, 1993); the original effective date was August 8, 1990.

FOOTNOTE:<sup>d</sup> The standard was revised in the Phase II Final Rule (59 FR 47982, Sept. 19, 1994); the original effective date was August 8, 1990.

FOOTNOTE:<sup>e</sup> The standards for selected reactive wastes were revised in the Phase III Final Rule (61 FR 15566, Apr. 8, 1996); the original effective date was August 8, 1990.

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

Subpart (ii) of part 2 of subparagraph (f) of paragraph (1) of Rule 0400-12-01-.12 Standards for Universal Waste Management is amended by deleting it in its entirety and replacing it with a new subpart so that, as amended, the subpart shall read as follows:

- (ii) Mercury-containing equipment that are not hazardous wastes. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in Rule 0400-12-01-.02(3) or is listed in Rule 0400-12-01-.02(4); and

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq.

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Warren Anderson				X	
Marty Callaway	X				
Stacy Cothran	X				
Kenneth Donaldson	X				
Dr. George Hyfantis, Jr.	X				
Bhag Kanwar	X				
Jared L. Lynn	X				
David Martin	X				
Beverly Philpot	X				
DeAnne Redman				X	
Mayor Franklin Smith, III	X				
Mark Williams	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Underground Storage Tank--Solid Waste Disposal Control Board on 12/04/2012, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/01/12

Rulemaking Hearing(s) Conducted on: (add more dates). 09/26/12

Date: December 4, 2012

Signature: *Kenneth Donaldson*

Name of Officer: Kenneth Donaldson

Title of Officer: Chairman

Subscribed and sworn to before me on: December 4, 2012

Notary Public Signature: *Carol L. Grice*

My commission expires on: June 21, 2016



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

*Robert E. Cooper, Jr.*  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
8-5-13

Date

Department of State Use Only

Filed with the Department of State on: 8/7/13

Effective on: 11/5/13



Tre Hargett  
Secretary of State

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DEPARTMENT OF STATE

## **G.O.C. STAFF RULE ABSTRACT**

**DEPARTMENT:** Board of Osteopathic Examination

**SUBJECT:** Renewal Fees

**STATUTORY AUTHORITY:** Tennessee Code Annotated, Section 63-9-107

**EFFECTIVE DATES:** November 24, 2013 – June 30, 2014

**FISCAL IMPACT:** Reduces The Costs Borne By Osteopathic Physicians

**STAFF RULE ABSTRACT:** These amendments will reduce the renewal fee for osteopathic physicians and will correct a statutory reference within the rule. The rule currently requires a \$375.00 license renewal fee to be paid biennially by osteopathic physicians. The amendment to the rule reduces that fee to \$300.00.

## **Public Hearing Comments**

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no oral or written comments on the rules.

### **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

#### Regulatory Flexibility Analysis

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) The proposed rules are not written with special consideration for the flexible compliance and/or requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations. The rule is written to provide a decrease in the renewal fee for osteopathic physicians.
- (4) The compliance requirements throughout the proposed rules are as "user-friendly" as possible while still allowing the division to achieve its mandated mission in licensing osteopathic physicians.
- (5) Compliance requirements are not consolidated or simplified for small businesses in the proposed rules.
- (6) The standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation.

## STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

1. **Name of Board, Committee or Council:** Tennessee Board of Osteopathic Examination
2. **Rulemaking hearing date:** May 15, 2013
3. **Type or types of small businesses that will be directly affected by the proposed rules:**  
Osteopathic Physicians will be affected by the proposed rules.
4. **Types of small businesses that will bear the cost of the proposed rules:**  
The proposed rules will reduce the costs borne by Osteopathic Physicians.
5. **Types of small businesses that will directly benefit from the proposed rules:**  
Osteopathic Physicians will benefit by the proposed rules.
6. **Description of how small business will be adversely impacted by the proposed rules:**  
The Board does not anticipate that there will be adverse impacts to small businesses.
7. **Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**  
These rule amendments are not burdensome, intrusive, or costly. On the contrary, these rule amendments will have a positive impact on business.
8. **Comparison of the proposed rule with any federal or state counterparts:**
  - (a) Federal: The Board is not aware of any federal counterparts.
  - (b) State: There are other Health Professional Boards whose renewal fees have been decreased when the Board is operating at a surplus.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

(Insert statement here)

The proposed rule amendments should not have an impact on local governments.

**Department of State  
Division of Publications**

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**For Department of State Use Only**

Sequence Number: 08-21-13  
Rule ID(s): 5518  
File Date: 8/26/13  
Effective Date: 11/24/13

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Board of Osteopathic Examination
<b>Division:</b>	
<b>Contact Person:</b>	Diona E. Layden, Deputy General Counsel
<b>Address:</b>	Plaza One, Suite 210, 220 Athens Way, Nashville, Tennessee 37243
<b>Zip:</b>	
<b>Phone:</b>	(615) 741-1611
<b>Email:</b>	Diona.Layden@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1050-02	General Rules and Regulations Governing the Practice of Osteopathy
Rule Number	Rule Title
1050-02-.02	Fees
1050-02-.18	Medical Records

(Rule 1050-02-.01, continued)

- (11) FCVS - The Federation Credentials Verification Service which is a service offered by the Federation of State Medical Boards that provides primary source identification and verification of physician core credentials as required in licensure applications by the states.
- (12) FLEX - The Federation Licensing Examination.
- (13) Licensee - Any person who has been lawfully issued a license to practice osteopathic medicine in Tennessee by the Board.
- (14) Medical Service - An activity that falls within the definition of the "practice of osteopathic medicine" as set forth in Tennessee Code Annotated, Section 63-9-106(a).
- (15) N.B.M.E. - The National Board of Medical Examiners' Examination
- (16) N.B.O.M.E. - The National Board of Osteopathic Medical Examiners' Examination.
- (17) Practice of Medicine - The "practice of osteopathic medicine" as set forth in Tennessee Code Annotated, Section 63-9-106(a). See also "Medical Service" or "Professional Service".
- (18) Professional Service - An osteopathic service.
- (19) Shall or Must - Where these words are used, compliance is mandatory.
- (20) Should or May - Where these words are used, it means a suggestion or a recommendation.
- (21) SPEX - The Special Purpose Examination, as written by the Federation of State Medical Boards.
- (22) Supervising Physician - Where these words are used, it shall include a licensed physician who actively oversees a certified nurse practitioner or a licensed physician assistant; and shall also include any properly authorized alternate or substitute supervising physician.
- (23) U.S.M.L.E. - The United States Medical Licensing Examination.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-9-101, 63-9-105, 63-9-107, and 63-9-111. **Administrative History:** Original rule filed April 29, 1988; effective June 13, 1988. Amendment filed November 30, 1990; effective January 14, 1991. Amendment filed July 12, 1995; effective September 25, 1995. Repeal and new rule filed April 10, 2000; effective June 24, 2000. Amendment filed October 2, 2002; effective December 16, 2002.

#### 1050-02-.02 FEES.

- (1) The fees authorized by the Tennessee Osteopathic Medical Practice Act (T.C.A. §§ 63-9-101 through 63-9-114) and other applicable statutes to be established by the Board are established as follows:
  - (a) Application Fee - A non refundable fee to be paid by all licensure applicants, except Special Training License applicants, regardless of the type of license applied for. It must be paid each time an application for licensure is filed or an application to take the Board examination is filed. \$ 400.00
  - (b) ~~Licensure Renewal Fee - To be paid biennially by all licensees. This fee also applies to licensees who reactivate a retired license.~~ \$ 375.00  
Licensure Renewal Fee - To be paid biennially by all licensees. \$300.00

(Rule 1050-02-.02, continued)

This fee also applies to licensees who reactivate a retired license.

(c) State Regulatory Fee - To be paid by all licensees upon application and biennially upon renewal.	\$ 10.00
(d) Late Licensure Renewal Fee - To be paid when a licensee fails to timely renew a licensure.	\$ 200.00
(e) Duplicate License Fee.	\$ 25.00
(f) Certificate of Fitness.	\$10.00
(g) Licensure Exemption Fee.	\$50.00
(h) Special Training License Fee.	\$50.00

- (2) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Osteopathic Examination.

**Authority:** T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-106, 63-9-101, 63-9-104, 63-9-105, and 63-9-107.

**Administrative History:** Original rule filed April 29, 1988; effective June 13, 1988. Amendment filed November 30, 1990; effective January 14, 1991. Amendment filed July 12, 1995; effective September 25, 1995. Amendment filed January 4, 1996; effective March 19, 1996. Suspension filed April 17, 1996; effective April 25, 1996. Repeal and new rule filed August 13, 1999; effective October 27, 1999. Repeal and new rule filed April 10, 2000; effective June 24, 2000. Amendment filed April 19, 2002; effective July 3, 2002. Amendment filed September 17, 2002; effective December 1, 2002. Amendment filed October 2, 2002; effective December 16, 2002. Amendment filed January 14, 2005; effective March 30, 2005.

**1050-02-.03 LICENSURE PROCESS.** To practice osteopathic medicine in Tennessee, a person must possess a lawfully issued license from the Board. The procedure for obtaining a license is as follows:

- (1) Initial Licensure As An Osteopathic Physician -Consideration for initial licensure as a Doctor of Osteopathic Medicine requires that the applicant shall submit to the Board the following materials:
- (a) An application from the Board Administrative Office in which the applicant responds truthfully and completely to every question or request for information along with all documentation and fees to the Board Administrative Office. It is the intent of this rule that all activities necessary to accomplish the filing of the required documentation be completed prior to filing a licensure application and that all documentation be filed simultaneously. This form will include the applicant's name, current address, social security number and age (which shall not be less than eighteen years of age).
  - (b) A clear and recognizable, recently taken, bust photograph which shows the full head, face forward from at least the top of the shoulders up. The photograph must be signed by the applicant.
  - (c) A graduate transcript from an accredited osteopathic medical school in good standing with the American Osteopathic Association at the time of graduation (or its successor). The transcript must be submitted directly from the school to the Board Administrative Office. The transcript must show that the degree has been conferred based upon the

(Rule 1050-02-.17, continued)

- (b) Licensed / registered osteopathic physicians or surgeons of other states when called in consultation by a Tennessee licensed / registered osteopathic physician.
- (7) Not exempted from these rules is the practice of osteopathic medicine across state lines conducted within the parameters of a contractual relationship.
- (8) At the Board's discretion, submission of any document or set of documents required by this rule or submission of verification of the authenticity, validity and accuracy of the content of any document or set of documents required by this rule directly from the FCVS or other Board approved credentialing service to the Board Administrative Office shall be deemed to be submission of originals of those documents or sets of documents by the issuing institution(s).

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-9-101, 63-9-104, and 63-9-111. **Administrative History:** Original rule filed April 10, 2000; effective June 24, 2000. Amendment filed March 14, 2006; effective May 28, 2006.

**1050-02-.18 MEDICAL RECORDS.**

- (1) Purposes - The purposes of these rules are:
  - (a) To recognize that medical records are an integral part of the practice of osteopathic medicine as defined in T.C.A. § 63-9-106.
  - (b) To give physicians, their professional and non-professional staff, and the public direction about the content, transfer, retention, and destruction of those records.
  - (c) To recognize that a distinction exists between a physician's medical records for a patient receiving services in the physician's office and those records created by the physician for that patient for purposes of services provided in a hospital as defined by T.C.A. § 68-11-302 (4) and that the distinction exists regardless of the fact that the physician may also be an employee of the hospital or of a medical group employed or owned by the hospital.
- (2) Conflicts - As to medical records, these rules should be read in conjunction with the provisions of T.C.A. §§ 63-2-101 and 102, and are not intended to conflict with those statutes in any way. Those statutes, along with these rules, govern the subjects that they cover in the absence of other controlling state or federal statutes or rules to the contrary.
- (3) Applicability - These rules regarding medical records shall apply only to those records, the information for which was obtained by physicians or their professionally licensed employees, or those over whom they exercise supervision, for purposes of services provided in any clinical setting other than those provided in a hospital as defined by T.C.A. § 68-11-302 (4), a hospital emergency room or hospital outpatient facility.
- (4) Medical Records -
  - (a) Duty to Create and Maintain Medical Records - As a component of the standard of care and of minimal competency a physician must cause to be created and cause to be maintained a medical record for every patient for whom he or she, and/or any of his or her professionally licensed supervisees, performs services or provides professional consultation.
  - (b) Notice - Anywhere in these rules where notice is required to be given to patients of any physician that notice shall be required to be issued within thirty (30) days of the date of

(Rule 1050-02-.18, continued)

the event that triggers the notice requirement, and may be accomplished by public notice.

- (c) Distinguished from Hospital Medical Records - The medical records covered by these rules are separate and distinct from those records generated for the patient by the physician during the course of providing medical services for the patient in a hospital as defined by T.C.A. § 68-11-302 (4) regardless of the fact that the physician may also be an employee of the hospital or of a medical group employed or owned by the hospital.
1. The provisions of T.C.A. Title 68, Part 11, Chapter 3 govern medical records generated in a hospital as defined by T.C.A. § 68-11-302 (4).
  2. The medical records covered by these rules are those:
    - (i) That are created prior to the time of the patient's admission to or confinement and/or receipt of services in a hospital as defined by T.C.A. § 68-11-302 (4), hospital emergency room and/or hospital outpatient facility, and/or
    - (ii) That are created after the patient's discharge from a hospital as defined by T.C.A. § 68-11-302 (4), hospital emergency room or hospital outpatient facility.
    - (iii) That are created during the practice of medicine as defined by T.C.A. § 63-6-204 outside of a hospital as defined by T.C.A. § 68-11-302 (4), hospital emergency room or hospital outpatient facility.
  3. Even though the records covered by these rules may, of necessity, reference provision of services in the hospital setting and the necessary initial work-up and/or follow-up to those services, that does not make them "hospital records" that are regulated by or obtainable pursuant to T.C.A. Title 68, Part 11, Chapter 3.
- ~~(d) Content - All medical records, or summaries thereof, produced in the course of the practice of medicine for all patients shall include all information and documentation listed in T.C.A. § 63-2-101 (c) (2) and such additional information that is necessary to insure that a subsequent reviewing or treating physician can both ascertain the basis for the diagnosis, treatment plan and outcomes, and provide continuity of care for the patient.~~
- (d) Content - All medical records, or summaries thereof, produced in the course of the practice of medicine for all patients shall include all information and documentation listed in T.C.A. § 63-2-101(c)(4) and such additional information that is necessary to insure that a subsequent reviewing or treating physician can both ascertain the basis for the diagnosis, treatment plan and outcomes, and provide continuity of care for the patient.
- (e) Transfer -
1. Records of Physicians upon Death or Retirement - When a physician retires or dies while in practice, patients seen by the physician in his/her office during the immediately preceding thirty-six (36) months shall be notified by the physician, or his/her authorized representative and urged to find a new physician and be informed that upon authorization, copies of the records will be sent to the new

(Rule 1050-02-.18, continued)

physician. This notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.

2. Records of Physicians upon Departure from a Group - The responsibility for notifying patients of a physician who leaves a group practice whether by death, retirement or departure shall be governed by the physician's employment contract.
  - (i) Whomever is responsible for that notification must notify patients seen by the physician in his/her office during the immediately preceding thirty-six (36) months of his/her departure, except that this notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.
  - (ii) Except where otherwise governed by provisions of the physician's contract, those patients shall also be notified of the physician's new address and offered the opportunity to have copies of their medical records forwarded to the departing physician at his or her new practice. Provided however, a group shall not withhold the medical records of any patient who has authorized their transfer to the departing physician or any other physician.
  - (iii) The choice of physicians in every case should be left to the patient, and the patient should be informed that upon authorization his/her records will be sent to the physician of the patient's choice.
3. Sale of a Medical Practice - A physician or the estate of a deceased physician may sell the elements that comprise his/her practice, one of which is its goodwill, i.e., the opportunity to take over the patients of the seller by purchasing the physician's medical records. Therefore, the transfer of records of patients is subject to the following:
  - (i) The physician (or the estate) must ensure that all medical records are transferred to another physician or entity that is held to the same standards of confidentiality as provided in these rules.
  - (ii) Patients seen by the physician in his/her office during the immediately preceding thirty-six (36) months shall be notified that the physician (or the estate) is transferring the practice to another physician or entity who will retain custody of their records and that at their written request the copies of their records will be sent to another physician or entity of their choice. This notification requirement shall not apply to a patient when there have been fewer than two (2) office patient encounters within the immediately preceding eighteen (18) months.
4. Abandonment of Records - For purposes of this section of the rules death of a physician shall not be considered as abandonment.
  - (i) It shall be a prima facie violation of T.C.A. § 63-9-111 (b) (1) for a physician to abandon his practice without making provision for the security, or transfer, or otherwise establish a secure method of patient access to their records.
  - (ii) Upon notification that a physician in a practice has abandoned his practice and not made provision for the security, or transfer, or otherwise

(Rule 1050-02-.18, continued)

established a secure method of patient access to their records patients should take all reasonable steps to obtain their medical records by whatever lawful means available and should immediately seek the services of another physician.

- (f) Retention of Medical Records - Medical records shall be retained for a period of not less than ten (10) years from the physician's or his supervisees' last professional contact with the patient except for the following:
1. Immunization records shall be retained indefinitely.
  2. Medical records for incompetent patients shall be retained indefinitely.
  3. Mammography records shall be retained for at least twenty (20) years.
  4. X-rays, radiographs and other imaging products shall be retained for at least four (4) years after which if there exist separate interpretive records thereof they may be destroyed.
  5. Medical records of minors shall be retained for a period of not less than one (1) year after the minor reaches the age of majority or ten (10) years from the date of the physician's or his supervisees' last professional contact with the patient, whichever is longer.
  6. Notwithstanding the foregoing, no medical record involving services which are currently under dispute shall be destroyed until the dispute is resolved.
- (g) Destruction of Medical Records -
1. No medical record shall be singled out for destruction other than in accordance with established office operating procedures.
  2. Records shall be destroyed only in the ordinary course of business according to established office operating procedures that are consistent with these rules.
  3. Records may be destroyed by burning, shredding, or other effective methods in keeping with the confidential nature of the records.
  4. When records are destroyed, the time, date and circumstances of the destruction shall be recorded and maintained for future reference. The record of destruction need not list the individual patient medical records that were destroyed but shall be sufficient to identify which group of destroyed records contained a particular patient's medical records.
- (5) Violations - Violation of any provision of these rules is grounds for disciplinary action pursuant to T.C.A. §§ 63-9-111 (b) (1), and/or (2).

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-9-101, 63-9-106, and 63-9-111.  
**Administrative History:** Original rule filed July 27, 2000; effective October 10, 2000. Repeal and new rule filed April 29, 2003; effective July 13, 2003. Amendment filed October 18, 2004; effective January 1, 2005.

**1050-02-.19 MEDICAL PROFESSIONAL CORPORATIONS AND MEDICAL PROFESSIONAL LIMITED LIABILITY COMPANIES.**

\* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jill Robinson, DO	X				
Jeffrey Hamre, DO	X				
Donald H. Polk, DO	X				
Robert Fletcher Lance	X				
Karen R. Shepherd, DO	X				
Jack G. Pettigrew, DO				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Osteopathic Examination (board/commission/ other authority) on 5/15/2013 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 02/15/13

Rulemaking Hearing(s) Conducted on: (add more dates). 05/15/13

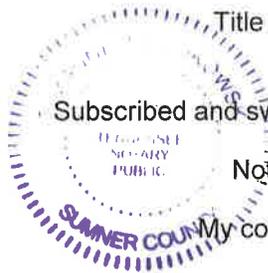
Date: May 24, 2013

Signature: [Handwritten Signature]

Name of Officer: Diona E. Layden

Deputy General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: May 24, 2013

Notary Public Signature: [Handwritten Signature]

My commission expires on: MY COMMISSION EXPIRES APRIL 19, 2017

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]

Robert E. Cooper, Jr.

Attorney General and Reporter

8-22-13

Date

Department of State Use Only

Filed with the Department of State on: 8/26/13

Effective on: 11/24/13

*Tre Hargett*

Tre Hargett  
Secretary of State

RECEIVED  
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## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Doe Mountain Recreation Authority

SUBJECT: Rules of the Doe Mountain Recreation Authority; Fees

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 11-25-101 to 11-25-119

EFFECTIVE DATES: November 4, 2013 through June 30, 2014

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: Establishes new rules and regulations for the administration of the Doe Mountain Recreation Authority and the lands under its administration. These new rules state that the Board of Directors for the Doe Mountain Recreation Authority may establish the hours of the authority, as well as set guidelines for hunting and weapons, the use of off-highway vehicles, fees, commercial activities, and violations. Some of these new rules incorporate existing rules and definitions from the Tennessee Department of Environment and Conservation that relate to public use and recreation. In the event of an inconsistency between the rules of Doe Mountain Recreation Authority and the department, however, these new rules state that they control.

## **Public Hearing Comments**

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Copy attached at end.

Doe Mountain Recreation Authority Rules: Chapter 0485-01-01  
Rulemaking Hearing: July 9, 2013  
Rulemaking Hearing Comments and Responses

Two persons provided comments at the rulemaking hearing, one of whom provided written comments. A summary of the comments and responses are provided below:

Comment: The rules should address noise abatement, including the need to require spark arrestors on off-road vehicles.

Response: The TDEC rules, adopted by the DMRA Board of Directors (the Board), address noise levels at 0400-02-02-.03 (Audio Devices); 0400-02-02-.07 (Disorderly Conduct – includes “unreasonable noise”); 0400-02-05-.08 (Excessive Acceleration); 0400-02-05-.12 (Mufflers). DMRA rule 0485-01-01-.06 addresses off-highway vehicles: “harassment or disturbance of people or wildlife is not permitted.” The DMRA User Agreement requires spark arrestors on off highway vehicles.

Comment: The rules should address Tennessee handgun permit laws and authorize legal weapons.

Response: A section has been added, “Firearms and Other Weapons: Weapons are permitted pursuant TDEC Rule 0400-02-02-.11 and as otherwise authorized by the laws of the State of Tennessee.”

Comment: The definitions of “Commissioner,” “Assistant Commissioner,” and “Park Manager” are confusing. The commenter also disagreed with some of the designations of responsibility.

Response: The rule now combines the definition of “Commissioner” and “Assistant Commissioner” into one subsection; the Chair of the DMRA Board will perform these functions. The term “Executive Director” has been changed to “DMRA Manager.” The rules identify several persons/entities who may perform the function of TDEC “Park Manager.” Because the DMRA does not yet have a DMRA Manager, someone has to perform those functions until it does. In the interest of the greatest flexibility, the Board or its designee may also perform the “Park Manager” functions.

Comment: The TDEC rules are not specific to the DMRA-administered property; they should be revised to be specific to the DMRA.

Response: The Board is adopting two chapters of TDEC rules in the interest of simplicity. Recognizing that these TDEC rules are not a perfect fit in every respect (for example, there is no large body of water), these rules have gone through Attorney General review, have stood the test of time, and are applicable to large numbers of public lands in Tennessee. The Board believes they can and should also apply to the DMRA, at least until a Master Plan is finished and changes in usage or management of the property might dictate changes to the rules. The Board adopted unique DMRA specific rules in limited areas: OHV, hours, fees, hunting, and other areas where TDEC rules would be inconsistent with DMRA purposes and requirements.

Comment: Penalties for violations of rules should be identified. How will the rules be enforced?

Response: The rule as proposed and as adopted contains a section on “Violations.” The DMRA has no authority to impose criminal penalties. Violation of some of the rules would also violate State law and carry a penalty. Penalties are found in the Tennessee criminal code and are not in regulations.

Comment: The rule does not address all uses, for example ziplines, caving, hang gliding, etc.

Response: Neither the DMRA nor the TDEC rules address every conceivable use. The rules do provide that the Park Manager may “close or restrict the public use of all or any portion of a park area, when necessary for the

protection of the area or the safety and welfare of persons or property.” TDEC Rule 0400-02-02-.06. The TDEC rules also address the intentional or wanton destruction, defacement, or removal of features or natural resources. TDEC Rule 0400-02-02-.18. The Board believes the current rules are sufficient at this time.

Comment: One commenter provided a number of suggestions to change the TDEC rules that were editorial in nature.

Response: Because the DMRA is adopting the TDEC rules as they stand or are hereafter amended and the suggestions do not go to the substance of the rule, the Board has not accepted these comments.

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

This rule does not affect small businesses.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule has no projected impact on local governments.

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**Division of Publications**  
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 Fax: 615-741-5133  
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**For Department of State Use Only**

Sequence Number: 08-03-13  
 Rule ID(s): 5512  
 File Date: 8/6/13  
 Effective Date: 1/14/13

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Doe Mountain Recreation Authority (DMRA)
<b>Division:</b>	
<b>Contact Person:</b>	Gabrielle Lynch, Secretary-Treasurer, DMRA
<b>Address:</b>	10537 Hwy 421 N; Shady Valley, TN
<b>Zip:</b>	37688
<b>Phone:</b>	423.471.0700
<b>Email:</b>	glynch@tnc.org

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Rule Number	Rule Title
0485-01-01	Rules of the Doe Mountain Recreation Authority
0485-01-01-.01	Purpose
0485-01-01-.02	Applicability and Scope
0485-01-01-.03	Rules Incorporated by Reference
0485-01-01-.04	Hours
0485-01-01-.05	Hunting and Weapons
0485-01-01-.06	Off-highway Vehicles
0485-01-01-.07	User Agreement and Fees
0485-01-01-.08	Commercial Activities
0485-01-01-.09	Penalties

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rules of the Doe Mountain Recreation Authority

Chapter 0485-01-01

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0485-01-01-.05	Hunting and weapons
0485-01-01-.06	Off highway vehicles
0485-01-01-.07	User agreement and fees
0485-01-01-.08	Commercial activities
0485-01-01-.09	Penalties

0485-01-01-.01 Purpose

(1) Pursuant to the Doe Mountain Recreation Authority Act of 2012, T.C.A. §§ 11-25-101 to -119, the purpose of this Chapter is to establish rules and regulations for the administration and management of the Doe Mountain Recreation Authority and the lands under its administration.

Authority: T.C.A. §§ 11-25-107 to -108.

0485-01-01-.02 Applicability and Scope.

(1) The rules in this Chapter shall apply to the Doe Mountain Recreation Authority and all lands under its administration.

Authority: T.C.A. §§ 11-25-107 to -108.

0485-01-01-.03 Rules Incorporated by Reference

(1) General: Except as otherwise provided in these rules, and subject to the definitions below, the following rules of the Tennessee Department of Environment and Conservation, including any future amendments, shall apply to the Doe Mountain Recreation Authority and all lands under its administration:

0400-02-02 Public Use and Recreation

0400-02-05-.01-.21 Vehicles and Traffic Safety (excludes rule 0400-02-05-.22: Trail Bikes, Mini Bikes, and Other Off Road Vehicles)

(2) Definitions: The following terms used in the rules of the Tennessee Department of Environment and Conservation have the following definitions as they apply to the Doe Mountain Recreation Authority and the lands under its administration:

(a) The terms "Commissioner" and "Assistant Commissioner" shall mean the Chair of the Board of Directors of the Doe Mountain Recreation Authority.

(b) The term "Park Manager" includes the Board of Directors of the Doe Mountain Recreation Authority, the Doe Mountain Recreation Authority Manager, or their authorized representatives.

(c) The term "Authorized Person" includes any person authorized to enforce the provisions of these regulations.

(d) The term "Park Area" includes all lands administered by the Doe Mountain Recreation Authority.

(3) If there is an inconsistency between these rules and the rules of the Tennessee Department of Environment and Conservation, these rules are controlling with respect to the Doe Mountain Recreation Authority and all lands under its administration.

Authority: T.C.A. §§ 11-25-107 to -108.

0485-01-01-.04 Hours

(1) Notwithstanding any other provision of these rules or the rules of the Tennessee Department of Environment and Conservation, the Board of Directors of the Doe Mountain Recreation Authority will establish hours for use of the lands under its administration. Hours may differ depending on usage and season. Hours shall be posted publicly.

Authority: T.C.A. §§ 11-25-107 to -108.

#### 0485-01-01-.05 Hunting and Weapons

(1) Hunting: The Board of Directors of the Doe Mountain Recreation Authority shall determine when and to what extent the lands under its administration will be open for hunting, consistent with the rules and proclamations of the Tennessee Wildlife Resources Agency. When lands are open to hunting, the laws of the State of Tennessee, including the rules of the Tennessee Wildlife Resources Agency, shall apply to the extent they apply generally to other public lands in the State of Tennessee.

(2) Weapons: Firearms and weapons are authorized consistent with Tennessee Department of Environment and Conservation Rule 0400-02-02-.11, or as otherwise authorized under the laws of the State of Tennessee.

Authority: T.C.A. §§ 11-25-107 to -108.

#### 0485-01-01-.06 Off-Highway Vehicles

(1) Off Highway Vehicle (OHV) is any motorized vehicle capable of traveling off highways. The term includes all-terrain vehicles, motorcycles, dune buggies, and other four-wheeled vehicles used for off-road activities.

(2) Within the Doe Mountain Recreation Authority-administered lands, OHVs are restricted to use on roads and trails designated for OHV use.

(3) OHV users must comply with all relevant safety laws, including the use of safety belts and child safety restraints if the vehicle is so equipped. OHV users must comply with minimum age requirements and OHV passenger limitations. All pertinent safety equipment, including an approved helmet, protective eyewear, and protective clothing is recommended.

(4) Minors (under the age of 18) must be under the supervision of an adult and must wear a DOT or SNELL approved helmet in accordance with state law.

(5) OHVs must be operated in a safe manner. Recklessness and the harassment or disturbance of people or wildlife is not permitted.

Authority: T.C.A. §§ 11-25-107 to -108.

#### 0485-01-01-.07 User Agreement and Fees

(1) User Agreement: All Doe Mountain Recreation Authority users must sign an Acknowledgement of Risk and have a valid Doe Mountain Recreation Authority User Agreement and photo ID in their presence at all times while on Doe Mountain Recreation Authority lands.

(2) Fees - General: The Doe Mountain Recreation Authority Board of Directors will assess fees and other charges to defray the costs of the Authority's responsibilities with respect to the lands under its administration and to make the Doe Mountain Recreation Authority as self-sufficient as possible. Fees may be based on the type of recreational use, including the impact of particular uses on Doe Mountain and maintenance required for specific uses.

(3) Fee types: Charges may include, as determined by the Board of Directors of the Doe Mountain Recreation Authority, any of the following:

- (a) Single visit entry fees or user charges;
- (b) Annual fees;
- (c) Fees for special activities;
- (d) Fees assessed on authorized concessionaires;

(e) Parking fees; and,

(f) Such other fees or charges as the Doe Mountain Recreation Authority Board of Directors deems appropriate to accomplish the purposes of the Doe Mountain Recreation Act of 2012.

(4) Complementary passes and fee waivers: The Doe Mountain Recreation Authority Board of Directors may allow for complementary passes, as appropriate, for specific categories of users. The Board of Directors may also waive fees for appropriate purposes, such as for promotions, for access by persons conducting scientific research, etc., if the Board of Directors determines that waiver is in the interest of the Doe Mountain Recreation Authority. The authority to waive fees on a case-by-case basis may be exercised by the Chair of the Board of Directors of the Doe Mountain Recreation Authority. The authority to waive fees on a case-by-case basis may also be delegated by the Board of Directors to the Doe Mountain Recreation Authority Manager or to such other person as the Board of Directors designates.

Authority: T.C.A. §§ 11-25-107 to -108.

0485-01-01-.08 Commercial Activities

(1) Advertisements: Commercial notices and advertisements shall not be displayed, posted, or distributed on Doe Mountain Recreation Area lands without the written permission of the Chair of the Board of Directors of the Doe Mountain Recreation Authority or the written permission of the Doe Mountain Recreation Authority Manager. Permission may be granted if such notices or advertisements are found to be desirable or necessary for the convenience and guidance of the public.

(2) Business operations: Engaging in or soliciting any business on Doe Mountain Recreation Area lands is prohibited except in accordance with a contract, other written agreement, or other specific authorization from the Doe Mountain Recreation Authority.

Authority: T.C.A. §§ 11-25-107 to -108.

0485-01-01-.09 Violations

(1) Failure to comply with these rules may result in the cancellation of a user's day or annual pass - without refund of fees - or a permanent ban from use of the Doe Mountain Recreation Area administered lands. Violations of federal, state, or local law may also result in charges, arrests, prosecutions, and any penalties authorized by law.

Authority: T.C.A. §§ 11-25-107 to -108.

\* The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Frank Arnold	X				
Ed Carter	X				
Mike Farmer	X				
Jerry Grindstaff	X				
Carolyn Hawkins	X				
Brock Hill	X				
Lawrence Keeble	X				
Gabrielle Lynch	X				

Terry Maughon	X				
Roby Philippi	X				
Larry Potter	X				
Ray Stout	X				
Richard Strang	X				
Alicia Summers	X				
Susan Whitaker	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Doe Mountain Recreation Authority Board of Directors on 07/09/2013, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 05/15/2013

Rulemaking Hearing(s) Conducted on: (add more dates) 07/09/2013

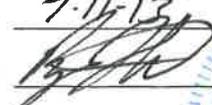
Date: 7.11.2013

Signature: 

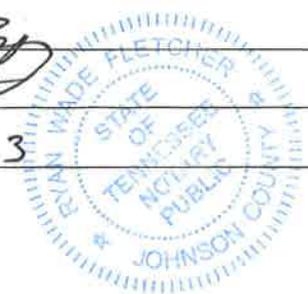
Name of Officer: Larry Potter

Title of Officer: Chair, Doe Mountain Recreation Authority Board of Directors

Subscribed and sworn to before me on: 7-11-13

Notary Public Signature: 

My commission expires on: 7-20-13



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

  
Robert E. Cooper, Jr.  
Attorney General and Reporter

7-29-13

Date

**Department of State Use Only**

Filed with the Department of State on: 8/6/13

Effective on: 11/4/13



Tre Hargett  
Secretary of State

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## G.O.C. STAFF RULE ABSTRACT

AGENCY/BOARD/COMMISSION: Tennessee Department of Finance and Administration

DIVISION: Bureau of TennCare

SUBJECT: Covered Services: Pharmacy Services Benefit for Persons Aged 21 and Older under TennCare Medicaid

STATUTORY AUTHORITY: Tennessee Code Annotated, Sections 4-5-202, 71-5-105 and 71-5-109

EFFECTIVE DATES: November 5, 2013 through June 30, 2014

FISCAL IMPACT: No anticipated impact

STAFF RULE ABSTRACT: This rule update provides pharmacy services with no quantity limits on the number of prescriptions per month for certain non-Medicare enrollees to include individuals enrolled in CHOICES 1 or CHOICES 2 and the Program of All-Inclusive Care for the Elderly (PACE). The rule also adds new provisions regarding pharmacy benefits for hospice patients.

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments on this rule.

## **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The rule is not anticipated to have an effect on small businesses.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local governments.

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**For Department of State Use Only**

Sequence Number: 08-07-13  
Rule ID(s): 5513  
File Date: 8/7/13  
Effective Date: 11/5/13

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Department of Finance and Administration
<b>Division:</b>	Bureau of TennCare
<b>Contact Person:</b>	George Woods
<b>Address:</b>	310 Great Circle Road
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 507-6446
<b>Email:</b>	<a href="mailto:george.woods@tn.gov">george.woods@tn.gov</a>

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1200-13-13	TennCare Medicaid
Rule Number	Rule Title
1200-13-13-.04	Covered Services

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Part 25. "Pharmacy Services" of Subparagraph (b) of Paragraph (1) of Rule 1200-13-13-.04 Covered Services is amended by deleting the information contained in the third column headed "Benefit for Persons Aged 21 and Older" in its entirety and replacing it with new information so as amended Part 25. shall read as follows:

SERVICE	BENEFIT FOR PERSONS UNDER AGE 21	BENEFIT FOR PERSONS AGED 21 AND OLDER
<p>25. Pharmacy Services [defined at 42 CFR §440.120(a) and obtained directly from an ambulatory retail pharmacy setting, outpatient hospital pharmacy, mail order pharmacy, or those administered to a long-term care facility (nursing facility) resident].</p>	<p>Covered as medically necessary. Certain drugs (known as DESI, LTE, IRS drugs) are excluded from coverage. Persons dually eligible for Medicaid and Medicare will receive their pharmacy services through Medicare Part D.</p> <p>Pharmacy services are the responsibility of the PBM, except for pharmaceuticals supplied and administered in a doctor's office. For persons who are not dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are the responsibility of the MCO. For persons who are dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are the responsibility of the MCO if not covered by Medicare.</p>	<p><u>(A)</u> Covered as medically necessary, subject to the limitations set out below. Certain drugs (known as DESI, LTE, IRS drugs) are excluded from coverage. Persons dually eligible for Medicaid and Medicare will receive their pharmacy services through Medicare Part D.</p> <p><u>(B)</u> Pharmacy services are the responsibility of the PBM, except for pharmaceuticals supplied and administered in a doctor's office. For persons who are not dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are the responsibility of the MCO. For persons who are dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are not covered by TennCare.</p> <p><del>(A) Pharmacy services for individuals receiving TennCare-reimbursed services in a Nursing Facility, an Intermediate Care Facility for persons with Mental Retardation (or pursuant to federal law, Intermediate Care Facility for the Mentally Retarded), the CHOICES program, or a Home and Community Based Services Waiver have no quantity limits on the number of prescriptions per month.</del></p> <p><u>(C) Pharmacy services with no quantity limits on the number of prescriptions per month for the following non-Medicare enrollees only: individuals enrolled in CHOICES 1 or CHOICES 2; PACE enrollees; and persons receiving TennCare-reimbursed services in an Intermediate Care Facility for Individuals with Intellectual Disabilities or a Home and Community Based Services Waiver for Individuals with</u></p>

Intellectual Disabilities.

(D) For hospice patients, drugs used for the relief of pain and symptom control related to their terminal illness are covered as part of the hospice benefit. If the patient is not a Medicare beneficiary, pharmacy services needed for conditions unrelated to the terminal illness are covered by TennCare. There are no quantity limits on the number of prescriptions per month covered by TennCare if the hospice patient is receiving TennCare-reimbursed room and board in a Nursing Facility. If the patient is receiving hospice services at home or in a residential hospice, coverage of pharmacy services is as described in sections (C) and (E).

(E)(B) Subject to (C) and (D) ~~(A)~~ above, pharmacy services for Medicaid adults age 21 and older are limited to five (5) prescriptions and/or refills per enrollee per month, of which no more than two (2) of the five (5) can be brand name drugs. Additional drugs for individuals in (E) ~~(B)~~ shall not be covered.

(F) Prescriptions shall be counted beginning on the first day of each calendar month. Each prescription and/or refill counts as one (1). A prescription or refill can be for no more than a thirty-one (31) day supply.

(G) The Bureau of TennCare shall maintain an Automatic Exception List of medications which shall not count against such limit. The Bureau of TennCare may modify the Automatic Exception List at its discretion. The most current version of the Automatic Exception List will be made available to enrollees via the internet from the TennCare website and upon request by mail through the DHS Family Assistance Service Center. Only medications that are specified on the current version of the Automatic Exception List that is available on the TennCare website located on the World Wide Web at [www.tn.gov/tenncare](http://www.tn.gov/tenncare) on the date of service shall be considered exempt from applicable prescription limits.

(H) The Bureau of TennCare shall also maintain a Prescriber Attestation List of medications available when the prescriber attests to an urgent need. The State may include certain drugs or categories of drugs on the list, and may maintain, and make available to physicians, providers, pharmacists, and the public, a list that shall indicate the drugs or types of drugs the State has determined to so include. The Prescriber Attestation List drugs may be approved for enrollees who have already met an applicable benefit limit only if the prescribing professional seeks and obtains a Special exemption. In order to obtain a special exemption, the prescribing provider must submit an attestation as directed by TennCare regarding the urgent need for the drug. TennCare will approve the prescribing provider's determination that the criteria for the special exemption are met, without further review, within 24 hours of receipt. Enrollees will not be entitled to a hearing regarding their eligibility for a special exemption if (i) the prescribing provider has not submitted the required attestation, or (ii) the requested drug is not on the Prescriber Attestation List.

(I) Pharmacy services in excess of five (5) prescriptions and/or refills per enrollee per month, of which no more than two (2) are brand name drugs, are non-covered services, unless (a) each excess drug is specified on the current version of the Prescriber Attestation List and a completed Prescriber Attestation is on file for each listed drug as of the date of the pharmacy service, or (b) the excess drug is specified on the Automatic Exception List of medications which shall not count against such limit.

(J) ~~(G)~~ Over-the-counter (OTC) drugs for TennCare adults are not covered even if the enrollee has a prescription for such service, unless the drug is listed on the "Covered OTC Drug List" that is available on the TennCare website located at [www.tn.gov/tenncare](http://www.tn.gov/tenncare) on the date of

		service.
--	--	----------

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Finance and Administration (board/commission/ other authority) on 06/11/13 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/09/13

Rulemaking Hearing(s) Conducted on: (add more dates). 05/30/13

Date: 6/11/13

Signature: D-J G

Name of Officer: Darin J. Gordon

Title of Officer: Director, Bureau of TennCare  
Tennessee Department of Finance and Administration



Subscribed and sworn to before me on: June 11, 2013

Notary Public Signature: Lisa Renee Bright

My commission expires on: January 6, 2015

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

REC Cooper Jr  
Robert E. Cooper, Jr.  
Attorney General and Reporter  
7-23-13  
Date

**Department of State Use Only**

Filed with the Department of State on: 8/7/13

Effective on: 11/5/13

Tre Hargett  
Tre Hargett  
Secretary of State

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SECRETARY OF STATE

## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Finance and Administration

DIVISION: Bureau of TennCare

SUBJECT: TennCare Standard – Covered Pharmacy Services under TennCare managed care program.

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 71-5-105

EFFECTIVE DATES: November 5, 2013 through June 30, 2014

FISCAL IMPACT: None.

STAFF RULE ABSTRACT: The rules describe the coverage of pharmacy services for individuals who are 21 years of age or older. The rules also provide clarification concerning the coverage of pharmacy services for certain hospice patients and enrollees in the CHOICES program.

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments on this rule.

## Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The rule is not anticipated to have an effect on small businesses.

## Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local governments.

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**For Department of State Use Only**

Sequence Number: 08-08-13  
 Rule ID(s): 5514  
 File Date: 8/7/13  
 Effective Date: 11/5/13

# Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Department of Finance and Administration
<b>Division:</b>	Bureau of TennCare
<b>Contact Person:</b>	George Woods
<b>Address:</b>	310 Great Circle Road
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 507-6446
<b>Email:</b>	george.woods@tn.gov

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1200-13-14	TennCare Standard
Rule Number	Rule Title
1200-13-14-.04	Covered Services

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Part 25. "Pharmacy Services" of Subparagraph (b) of Paragraph (1) of Rule 1200-13-14-.04 Covered Services is amended by deleting the information contained in the third column headed "Benefit for Persons Aged 21 and Older" in its entirety and replacing it with new information so as amended Part 25. shall read as follows:

SERVICE	BENEFIT FOR PERSONS UNDER AGE 21	BENEFIT FOR PERSONS AGED 21 AND OLDER
<p>25. Pharmacy Services [defined at 42 CFR §440.120(a) and obtained directly from an ambulatory retail pharmacy setting, outpatient hospital pharmacy, mail order pharmacy, or those administered to a long-term care facility (nursing facility) resident].</p>	<p>Covered as medically necessary. Certain drugs (known as DESI, LTE, IRS drugs) are excluded from coverage.</p> <p>Pharmacy services are the responsibility of the PBM, except for pharmaceuticals supplied and administered in a doctor's office, which are the responsibility of the MCO.</p> <p>For TennCare Standard children under age 21 who are Medicare beneficiaries, TennCare pays for medically necessary outpatient prescription drugs when they are covered by TennCare but not by Medicare Part D. Pharmaceuticals supplied and administered in a doctor's office to persons under age 21 are the responsibility of the MCO if not covered by Medicare.</p>	<p><u>(A) Covered as follows, subject to the limitations set out below. Certain drugs known as DESI, LTE or IRS drugs are excluded from coverage. Persons dually eligible for TennCare Standard and Medicare will receive their pharmacy services through Medicare Part D.</u></p> <p><u>(B) Pharmacy services are the responsibility of the PBM, except for pharmaceuticals supplied and administered in the doctor's office. For persons who are not dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are the responsibility of the MCO. For persons who are dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are not covered by TennCare.</u></p> <p><u>(C) For non-Medicare enrollees in the CHOICES 217-Like Group, the CHOICES 1 and 2 Carryover Group, and the PACE Carryover Group, covered with no quantity limits on the number of prescriptions per month.</u></p> <p><u>(D) For hospice patients, drugs used for the relief of pain and symptom control related to their terminal illness are covered as part of the hospice benefit. If the patient is not a Medicare beneficiary, pharmacy services needed for conditions unrelated to the terminal illness are covered by TennCare. There are no quantity limits on the number of prescriptions per month covered by TennCare if the hospice patient is receiving TennCare-reimbursed room and board in a Nursing Facility. If the patient is receiving hospice services at home or in a residential hospice, coverage of pharmacy services is as described in sections (C) and (E).</u></p>

(E) For all other non-Medicare enrollees, coverage is limited to five (5) prescriptions and/or refills per enrollee per month, of which no more than two (2) of the five (5) can be brand name drugs. Additional drugs for these enrollees shall not be covered.

(F) Prescriptions shall be counted beginning on the first day of each calendar month. Each prescription and/or refill counts as one (1). A prescription or refill can be for no more than a thirty-one (31) day supply.

(G) The Bureau of TennCare shall maintain an Automatic Exception List of medications which shall not count against such limit. The Bureau of TennCare may modify the Automatic Exception List at its discretion. The most current version of the Automatic Exception List will be made available to enrollees via the internet from the TennCare website and upon request by mail through the DHS Family Assistance Service Center. Only medications that are specified on the current version of the Automatic Exception List that is available on the TennCare website located on the World Wide Web at [www.tn.gov/tenncare](http://www.tn.gov/tenncare) on the date of service shall be considered exempt from applicable prescription limits.

(H) The Bureau of TennCare shall also maintain a Prescriber Attestation List of medications available when the prescriber attests to an urgent need. The State may include certain drugs or categories of drugs on the list, and may maintain and make available to physicians, providers, pharmacists and the public, a list that shall indicate the drugs or types of drugs the State has determined to include. Drugs on the Prescriber Attestation List may be approved for enrollees who have already met an applicable benefit limit only if the prescribing professional seeks and obtains a special exemption. In order to obtain a special exemption, the prescribing provider must submit an attestation as directed by TennCare regarding the urgent need for the

drug. TennCare will approve the prescribing provider's determination that the criteria for the special exemption are met, without further review, within 24 hours of receipt. Enrollees will not be entitled to a hearing regarding their eligibility for a special exemption if (i) the prescribing provider has not submitted the required attestation, or (ii) the requested drug is not on the Prescriber Attestation List.

(I) Pharmacy services in excess of five (5) prescriptions and/or refills per enrollee per month, of which no more than two (2) are brand name drugs, are non-covered services, unless: (a) each excess drug is specified on the current version of the Prescriber Attestation List and a completed Prescriber Attestation is on file for each listed drug as of the date of the pharmacy service; or (b) the excess drug is specified on the Automatic Exception List of medications which shall not count against such limit.

(J) Over-the-counter (OTC) drugs for TennCare adults are not covered even if the enrollee has a prescription for such service, unless the drug is listed on the "Covered OTC Drug List" that is available on the TennCare website located at [www.tn.gov/tenncare](http://www.tn.gov/tenncare) on the date of service.

~~Not covered; except for adults enrolled in the Standard Spend Down (SSD) category and in the CHOICES 217-Like Group. Adults enrolled in the Standard Spend Down (SSD) category have the same pharmacy benefits as adults in TennCare Medicaid, i.e., pharmacy services are limited to five (5) prescriptions and/or refills per enrollee per month, of which no more than two (2) of the five (5) can be brand name drugs. Additional drugs for these enrollees shall not be covered. Persons dually eligible for TennCare Standard and Medicare will receive their pharmacy services through Medicare Part D.~~

~~Adults enrolled in the CHOICES 217-Like Group have the same~~

pharmacy benefits as adults receiving TennCare-reimbursed services in a Nursing Facility as described in Rule 1200-13-13-.04, with no quantity limit on the number of prescriptions per month.

Prescriptions shall be counted beginning on the first day of each calendar month. Each prescription and/or refill counts as one (1). A prescription or refill can be for no more than a thirty-one (31) day supply.

The Bureau of TennCare shall maintain an Automatic Exception List of medications which shall not count against such limit. The Bureau of TennCare may modify the Automatic Exception List at its discretion. The most current version of the Automatic Exception List will be made available to enrollees via the internet from the TennCare website and upon request by mail through the DHS Family Assistance Service Center. Only medications that are specified on the current version of the Automatic Exception List that is available on the TennCare website located on the World Wide Web at [www.tn.gov/tenncare](http://www.tn.gov/tenncare) on the date of service shall be considered exempt from applicable prescription limits.

The Bureau of TennCare shall also maintain a Prescriber Attestation List of medications available when the prescriber attests to an urgent need. The State may include certain drugs or categories of drugs on the list, and may maintain and make available to physicians, providers, pharmacists and the public, a list that shall indicate the drugs or types of drugs the State has determined to include. Drugs on the Prescriber Attestation List may be approved for enrollees who have already met an applicable benefit limit only if the prescribing professional seeks and obtains a special exemption. In order to obtain a special exemption, the prescribing provider must submit an attestation as directed by TennCare regarding the urgent need for the drug. TennCare will approve the prescribing provider's

		<p>determination that the criteria for the special exemption are met, without further review, within 24 hours of receipt. Enrollees will not be entitled to a hearing regarding their eligibility for a special exemption if (i) the prescribing provider has not submitted the required attestation, or (ii) the requested drug is not on the Prescriber Attestation List.</p> <p>Pharmacy services in excess of five (5) prescriptions and/or refills per enrollee per month, of which no more than two (2) are brand name drugs, are non-covered services, unless: (a) each excess drug is specified on the current version of the Prescriber Attestation List and a completed Prescriber Attestation is on file for each listed drug as of the date of the pharmacy service; or (b) the excess drug is specified on the Automatic Exception List of medications which shall not count against such limit.</p> <p>Over the counter (OTC) drugs for TennCare adults are not covered even if the enrollee has a prescription for such service, unless the drug is listed on the "Covered OTC Drug List" that is available on the TennCare website located at <a href="http://www.tn.gov/tenncare">www.tn.gov/tenncare</a> on the date of service.</p> <p>Pharmacy services are the responsibility of the PBM, except for pharmaceuticals supplied and administered in the doctor's office. For persons who are not dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are the responsibility of the MCO. For persons who are dually eligible for Medicare and Medicaid, pharmaceuticals supplied and administered in a doctor's office are not covered by TennCare.</p> <p>Certain drugs known as DESI, LTE or IRS drugs are excluded from coverage.</p>
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Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Finance and Administration (board/commission/ other authority) on 06/11/13 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/09/13

Rulemaking Hearing(s) Conducted on: (add more dates). 05/30/13

Date: 6/11/2013

Signature: D. J. Gordon

Name of Officer: Darin J. Gordon

Director, Bureau of TennCare

Title of Officer: Tennessee Department of Finance and Administration



Subscribed and sworn to before me on: June 6, 2013

Notary Public Signature: Lisa Renee Bright

My commission expires on: January 6, 2015

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

RE Cooper Jr

Robert E. Cooper, Jr.

Attorney General and Reporter

8-6-13

Date

**Department of State Use Only**

Filed with the Department of State on: 8/7/13

Effective on: 11/5/13

Tre Hargett

Tre Hargett  
Secretary of State

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## G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: Finance and Administration

DIVISION: Bureau of TennCare

SUBJECT: TennCare Medicaid – Crossover Payments for Medicare Deductibles and Coinsurance.

STATUTORY AUTHORITY: Tennessee Code Annotated, §§ 4-5-202, 71-5-105 and 71-5-109

EFFECTIVE DATES: November 13, 2013 through June 30, 2014

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT: These rules replace the Emergency Rules promulgated to assure that the TennCare crossover payments for Medicare Deductibles and Coinsurance rules conformed to the requirements of Section 1202 (rates for physicians who provide primary care services) of the Affordable Care Act. Specifically, the new rules provide definitions for “enhanced payment rate”, “primary care providers”, “primary care services”, “TennCare maximum fee”, “TennCare primary care allowable”, “TennCare vaccination administration allowable” and “vaccine administration services”.

## Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

There were no public comments on these rules.

## **Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The rules are not anticipated to have an effect on small businesses.

## **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rules are not anticipated to have an impact on local governments.

**Department of State  
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**For Department of State Use Only**

Sequence Number: 08-13-13  
Rule ID(s): 5517  
File Date: 8/15/13  
Effective Date: 11/13/13

## Rulemaking Hearing Rule(s) Filing Form

*Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205*

<b>Agency/Board/Commission:</b>	Tennessee Department of Finance and Administration
<b>Division:</b>	Bureau of TennCare
<b>Contact Person:</b>	George Woods
<b>Address:</b>	310 Great Circle Road
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 507-6446
<b>Email:</b>	george.woods@tn.gov

**Revision Type (check all that apply):**

- Amendments  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
1200-13-17	TennCare Crossover Payments for Medicare Deductibles and Coinsurance
Rule Number	Rule Title
1200-13-17-.01	Definitions
1200-13-17-.04	Medicare Crossover Payment Methodology

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rule 1200-13-17-.01 Definitions is amended by deleting and replacing the following terms and definitions with the following language, alphabetically ordering all the definitions and numbering them appropriately.

ENHANCED PAYMENT RATE shall mean the payment rate referred to in 42 U.S.C. § 1396a(a)(13)(C). Enhanced payment rates are made only to primary care providers and to providers of vaccine administration services, as defined in these rules. These rates are applicable only for dates of service between January 1, 2013, and December 31, 2014.

PRIMARY CARE PROVIDERS shall mean, for purposes of the enhanced payment rate, as defined in these rules, primary care providers practicing in family medicine, general internal medicine, pediatric medicine, and related subspecialists who meet requirements as described in 42 C.F.R. § 447.400(a). In accordance with policies set forth by the Bureau of TennCare, these providers must adequately demonstrate to an MCO or the Bureau of TennCare that they meet the minimum board certification requirements and/or that 60 percent of the services they provide represent the eligible codes identified in these rules as primary care or vaccine administration services.

PRIMARY CARE SERVICES are services for which enhanced payment rates, as defined in these rules, will be paid for dates of service between January 1, 2013, and December 31, 2014. The procedure codes for these services, as published in the American Medical Association's Current Procedural Terminology (2013 edition), are Evaluation and Management Codes 99201 through 99499, or their successor codes.

TENNCARE MAXIMUM FEE shall mean the maximum amount considered by TennCare for reimbursement of a particular Medicare-covered service. The TennCare maximum fee is 85% of the Cigna Medicare fee schedule amount for participating providers that was in effect on January 1, 2008. For Medicare-covered services that were introduced after January 1, 2008, and that therefore had no Medicare fee schedule amount in effect on that date, the TennCare maximum fee is 85% of the Medicare fee schedule amount for the participating providers that was in effect on the date the service was introduced.

TENNCARE PRIMARY CARE ALLOWABLE shall mean 100% of the designated Medicare Cost-Sharing amounts for primary care services provided by primary care providers as defined in these rules during Calendar Years (CY) 2013 and 2014.

TENNCARE VACCINATION ADMINISTRATION ALLOWABLE shall mean 100% of the designated Medicare Cost-Sharing amounts for vaccine administration services provided by primary care providers as defined in these rules during Calendar Years (CY) 2013 and 2014.

VACCINE ADMINISTRATION SERVICES are services for which enhanced payment rates, as defined in these rules, will be paid for dates of service between January 1, 2013, and December 31, 2014. The procedure codes for these services, as published in the American Medical Association's Current Procedural Terminology (2013 edition), are Vaccine Administration Codes 90460, 90461, 90471, 90472, 90473, and 90474 or their successor codes.

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

Rule 1200-13-17-.04 Medicare Crossover Payment Methodology is amended by deleting the rule in its entirety and replacing it with the following:

- (1) On crossover claims for professional services and procedures with dates of service on or after July 1, 2008, TennCare will pay the lesser of (a) billed charges or (b) the TennCare allowable, as defined in these rules, less the Medicare paid amount, less any third party liability.
- (2) On crossover claims for Medicare Part B pharmacy services provided by pharmacy providers, as defined in these rules, to non-FBDEs with dates of service on or after July 1, 2009, TennCare will pay the lesser of (a) billed charges or (b) the TennCare allowable, as defined in these rules, less the Medicare paid amount, less any third party liability.

- (3) On crossover claims for Medicare Part B pharmacy services provided by pharmacy providers, as defined in these rules, to FBDEs with dates of service on or after July 1, 2009, TennCare will pay the lesser of (a) billed charges or (b) the TennCare pharmacy allowable, as defined in these rules, less the Medicare paid amount, less any third party liability.
- (4) On crossover claims for primary care services, as defined in these rules, TennCare will pay an enhanced payment rate for dates of service between January 1, 2013, and December 31, 2014. The enhanced payment rate will be the lesser of (a) billed charges or (b) the TennCare primary care allowable, as defined in these rules, less the Medicare paid amount, less any third party liability.
- (5) On crossover claims for vaccine administration services, as defined in these rules, TennCare will pay an enhanced payment rate for services between January 1, 2013, and December 31, 2014. The enhanced payment rate will be the lesser of (a) billed charges or (b) the TennCare vaccination administration allowable, as defined in these rules, less the Medicare paid amount, less any third party liability.
- (6) In no circumstance will the TennCare payment exceed the enrollee's liability on the Medicare crossover claim.
- (7) Medicare crossover payments are normally made by the Bureau of TennCare separately from the Managed Care Contractors. Rules 1200-13-13-.08(12)(b) and 1200-13-14-.08(12)(b) set forth the guidelines for timely filing Medicare crossover claims. However, if an MCC should choose to authorize a non-covered TennCare service as a cost-effective alternative service for a non-QMB FBDE who is age 21 or older and not an SSI recipient, the MCC will be responsible for the Medicare crossover payment on that service. The calculation of this payment should be included by the MCC in its analysis of whether or not the non-covered TennCare service is a cost-effective alternative service.

Statutory Authority: T.C.A. §§ 4-5-202, 71-5-105 and 71-5-109.

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Finance and Administration (board/commission/ other authority) on \_\_\_\_\_ (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/30/13

Rulemaking Hearing(s) Conducted on: (add more dates). 06/19/13

Date: 7/16/2013

Signature: D. J. Gordon

Name of Officer: Darin J. Gordon

Director, Bureau of TennCare

Title of Officer: Tennessee Department of Finance and Administration



Subscribed and sworn to before me on: 7/16/13

Notary Public Signature: Cheryl D. Kline

My commission expires on: AUG 23 2016

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.  
Attorney General and Reporter

8-13-13

Date

**Department of State Use Only**

Filed with the Department of State on: 8/15/13

Effective on: 11/13/13

Tre Hargett

Tre Hargett  
Secretary of State

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