for wastes F001–F005, F039, D001, D002, D012–D043 and in § 268.32 or RCRA section 3004(d). Generators must also include whether the waste is a nonwastewater or wastewater (as defined in § 268.2 (d) and (f)), and indicate the subcategory of the waste (such as "D003 reactive cyanide"), if applicable;

* * * * *

- (iv) For hazardous debris, the contaminants subject to treatment as provided by § 268.45(b) and the following statement: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.45;"
- (v) The waste analysis data, where available; and,
- (vi) The date the waste is subject to the prohibitions.

(2) * * *

(i) * * *

(B) The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001–F005, F039, D001, D002, D012–D043 and § 268.32 or RCRA section 3004(d). Generators must also include whether the waste is a nonwastewater or wastewater (as defined in § 268.2 (d) and (f)), and indicate the subcategory of the waste (such as "D003 reactive cyanide"), if applicable;

* * * * * * * * (3) * * *

- (vi) For hazardous debris when using the treatment standards for the contaminating waste(s) in § 268.40: the requirements described in paragraphs (a)(3) (i), (ii), (iii), (iv), and (vii) of this section; and,
- (vii) The date the waste is subject to the prohibitions.

* * * * *

(8) If a generator is managing a lab pack that contains none of the wastes specified in appendix IV of part 268, and wishes to use the alternative treatment standard under § 268.42(c), with each shipment of waste the generator must submit a notice to the treatment facility in accordance with paragraph (a)(1) of this section, except that underlying hazardous constituents need not be determined. The generator

must also comply with the requirements in paragraphs (a)(5) and (a)(6) of this section and must submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack does not contain any wastes identified at Appendix IV to part 268. I am aware that there are significant penalties for submitting a false certification including possibility of fine or imprisonment.

* * * * * * (b) * * * (4) * * *

- (ii) The waste constituents to be monitored, if monitoring will not include all regulated constituents, for wastes F001–F005, F039, D001, D002, D012–D043 and in § 268.32 or RCRA section 3004(d). Generators must also include whether the waste is a nonwastewater or wastewater (as defined in § 268.2 (d) and (f), and indicate the subcategory of the waste (such as D003 reactive cyanide), if applicable.
- (d) Generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste under § 261.3(e) of this chapter (i.e., debris treated by an extraction or destruction technology provided by Table 1, § 268.45, and debris that the EPA Regional Administrator (or his designated representative) or State authorized to implement part 268 requirements has determined does not contain hazardous waste) are subject to the following notification and certification requirements:
- (1) A one-time notification, including the following information, must be submitted to the EPA Regional hazardous waste management division director (or his designated representative) or State authorized to implement part 268 requirements, or State authorized to implement part 268 requirements:

* * * * *

4. Section 268.9 is amended by revising paragraph (a) and paragraph (d)(2)(i) to read as follows:

§ 268.9 Special rules regarding wastes that exhibit a characteristic.

(a) The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under subpart D of this part. For purposes of part 268, the waste will carry the waste code for any applicable listing under 40 CFR 261, subpart D. In addition, the waste will carry one or more of the waste codes under 40 CFR 261, subpart C, where the waste exhibits a characteristic, except in the case when the treatment standard for the waste listed in part 261, subpart D operates in lieu of the treatment standard for the waste under part 261, subpart C, as specified in paragraph (b) of this section. If the generator determines that his waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by CMBST, or RORGS), or the characteristic of corrosivity (D002), and is prohibited under § 268.37; or that his waste displays the characteristic of toxicity (D012-D043), and is prohibited under § 268.38, the generator must determine the underlying hazardous constituents (as defined in § 268.2), in the D001, D002, or D012-D043 wastes.

* * * * * (d) * * * (2) * * *

(i) If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in § 268.7(b)(5)(iv) applies.

Subpart D—Treatment Standards

5. Section 268.40 is amended by revising the table "Treatment Standards for Hazardous Wastes" to read as follows:

§ 268.40 Applicability of Treatment Standards

* * * * * * *
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