NEBRASKA ADMINISTRATIVE CODE

Title 128 - Department of Environmental Quality

Chapter 7 - REQUIREMENTS FOR RECYCLABLE MATERIALS AND STANDARDS FOR MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

001 Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of Sections 004 through 006 of this Chapter except for the materials listed in Sections 002 and 003 of this Chapter. Hazardous wastes that are recycled will be known as "recyclable materials." Certain hazardous wastes as defined by Title 128, Chapter 25 may be managed under the universal waste requirements of Chapter 25.

002 The following materials are exempt from Chapter 4 and Chapters 7 through 23:

002.01 Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 40 CFR Part 262, Subpart E, as incorporated by reference in Chapter 10, 006:

002.01A 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 40 CFR 262.53, 262.56(a)(1)-(4), (6), and (b), and 262.57, as incorporated by reference in Chapter 10, 006 export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent for defined in Subpart E of 40 CFR Part 262, as incorporated by reference in Chapter 10, 006 and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

002.01B Transporters transporting a shipment for export may not accept a shipment if the transporter 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.

002.02 Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some manner that meets the requirements under Sections 009 and 010 of this ~~c~~Chapter;

002.03 Scrap metal that is not excluded under Chapter 2, 008.14;

002.04 Fuels produced from the refining of oil-bearing hazardous wastes 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 Chapter 2, 008.12);

002.05 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 Section 010.01E of this Chapter and so long as no other hazardous wastes are used to produce the hazardous waste fuel.

002.06 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 Section 010.01E of this Chapter.

002.07 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 Section 010.01E of this Chapter.

003 The following recyclable materials are regulated under Sections 007 through 012 of this Chapter and all applicable provisions in Chapters 12 through 15:

003.01 A recyclable material used in a manner constituting disposal;

003.02 Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated as incinerators under Chapters 21 or 22;

003.03 Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under Chapters 21 or 22;

003.04 Recyclable materials from which precious metals are reclaimed; and

003.05 Spent lead-acid batteries that are being reclaimed.

004 Generators and transporters of recyclable materials are subject to the applicable requirements of Chapters 9 (Small Quantity Generators), 10 (Large Quantity Generators) and 11 (Transporters) and the notification requirements of Chapter 4 except as provided in Sections 002 and 003 of this Chapter.

005 Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of Chapters 12 through 15, Chapter 20, Sections 001 through 012 and Sections 019 through 020 of Chapters 21 and 22, and the notification requirements of Chapter 4 except as provided in Sections 002 and 003 of this Chapter. The recycling process itself is exempt from regulation except as provided in Section 005.01 of this Chapter.

005.01 Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of Sections 019 and 020 of Chapters 21 or 22.

006 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 Sections 002 and 003 of this Chapter:

006.01 Notification requirements of Chapter 4;

006.02 Requirements dealing with the use of the manifest and manifest discrepancies 40 CFR 265.71 and 265.72, as incorporated by reference in Chapter 22, 005 ; and

006.03 Section 005.01 of this Chapter.

007 Recyclable materials used in a manner constituting disposal.

007.01 Applicability.

007.01A The regulations of Section 007 of this Chapter apply to recyclable materials that are applied to or placed on the land:

007.01A1 Without mixing with any other substance(s); or

007.01A2 After mixing or combination with any other substance(s). These materials will be referred to as "materials used in a manner that constitutes disposal."

007.01B 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 Chapter 20, Sections 009 through 013, (or applicable prohibition levels in 40 CFR 268.32 as incorporated by reference in Chapter 20, or Section 3004(d) of the Federal Act, where no treatment standards have been established) for each recyclable material (i. e. hazardous waste) that they contain.

007.01C Anti-skid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in Section 007.01B of this Chapter and remain subject to regulation.

007.01D Fertilizers that contain recyclable materials are not subject to regulation provided that:

007.01D1 They are zinc fertilizers excluded from the definition of solid waste according to Chapter 2, Section 008.21; or

007.01D2 They meet the applicable treatment standards in Chapter 20 of this Title for each hazardous waste that they contain.

007.02 Generators and transporters of materials that are used in a manner that constitutes disposal are subject to the applicable requirements of Chapters 9, 10, and 11 and the notification requirements of Chapter 4.

007.03 Owners or operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, are regulated under all applicable provisions of Chapters 12 through 15 (Permitting), 21 (Permitted Facilities) or 22 (Interim Status Facilities) and the notification requirement under Chapter 4.

007.04 Standards applicable to users of materials that are used in a manner that constitutes disposal.

007.04A Owners or operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of Chapters 12 through 15, 20, 21 and 22 and the notification requirement under Chapter 4. (These requirements do not apply to products which contain these recyclable materials under the provisions of Section 007.01B of this Chapter.)

007.04B The use of waste or used oil or other material, which is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability), for dust suppression or road treatment is prohibited.

007.04C The use of used oil as a dust suppressant is prohibited.

008 Hazardous waste burned in boilers and industrial furnaces.

008.01 Applicability.

008.01A The regulations of Sections 008 of this Chapter apply to hazardous waste burned or processed in a boiler or industrial furnace (as defined in Chapter 1), irrespective of the purpose of burning or processing, except as provided in Sections 008.01B and 008.01C of this Chapter. In Section 008 of this Chapter, the term "burn" means burning for energy recovery or destruction, or processing for materials recovery or as an ingredient. The emission standards of this Section apply to facilities operating under interim status or under a RCRA operating permit.

008.01B The following hazardous wastes and facilities are not subject to regulation in Section 008 of this Chapter:

008.01B1 Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Chapter 3, 005 through 010. Such used oil is subject to regulation under Section ~~009~~ 010 of this Chapter, rather than this Section;

008.01B2 Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;

008.01B3 Hazardous wastes that are exempt from regulation under Chapter 2, Sections 008 through 013, and Sections 002.04 through 002.07 of this Chapter, and hazardous wastes that are subject to special requirements for conditionally exempt small quantity generators under Chapter 8 of this Title; and

008.01B4 Coke ovens, if the only hazardous waste burned is DEQ/EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

008.01C The applicability and conditions of 40 CFR 266.100(b) and (d) through(h), pertaining to owners and operators, are hereby adopted and incorporated herein by reference.

008.02 Management prior to burning.

008.02A Generators of hazardous waste that is burned in a boiler or industrial furnace are subject to Chapters 9 and 10.

008.02B Transporters of hazardous waste that is burned in a boiler or industrial furnace are subject to Chapter 11.

008.02C The conditions and requirements of 40 CFR 266.101(c), pertaining to owners and operators of storage facilities, are hereby adopted and incorporated herein by reference.

008.03 The conditions and requirements of 40 CFR 266.102 through 266.112 and all of Part 266 Appendices are hereby adopted and incorporated herein by reference.

009 Used Oil Management. 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.

009.01 Materials containing or otherwise contaminated with used oil. Except as provided in Section 009.02 of this chapter, materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:

009.01A Are not used oil and are not subject to this chapter, and

009.01B If applicable, are subject to the hazardous waste regulations of this Title.

009.02 Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under this chapter.

009.03 Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this chapter.

009.04 Used oil storage requirements for used oil generators.

009.04A Containers and aboveground tanks used to store used oil at generator facilities must be:

009.04A1 In good condition (no severe rusting, apparent structural defects or deterioration); and

009.04A2 Not leaking (no visible leaks).

009.04A3 For containers and aboveground tanks with a volume of 25 gallons or greater, they must be labeled or marked clearly with the words “Used Oil.”

010 Used oil burned for energy recovery.

010.01 Applicability.

010.01A The regulations of Section 010 of this Chapter apply to used oil that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Chapters 21 or 22 except as provided by Sections 010.01C and 010.01E of this Chapter. Such used oil is termed "used oil fuel." Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatment.

010.01B "Used oil" is defined in Chapter 1.

010.01C Except as provided by Section 010.01D of this Chapter, used oil that is mixed with hazardous waste and burned for energy recovery is subject to regulation as hazardous waste fuel under Section 008 of this Chapter. Used oil containing more than 1000 ppm of total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Chapter 3, 013 through 016. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix I).

010.01D Used oil burned for energy recovery is subject to regulation under Section 010 of this Chapter herein rather than as hazardous waste fuel under Section 008 of this Chapter if it is a hazardous waste solely because it:

010.01D1 Exhibits a characteristic of hazardous waste identified in Chapter 3, 005 through 010, provided that it is not mixed with a hazardous waste; or

010.01D2 Contains hazardous waste generated only by a person subject to the special requirements for conditionally exempt small quantity generators under Chapter 8.

010.01E Except as provided by Section 010.01C of this Chapter, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under Section 010 of this Chapter, unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in the following table. Used oil fuel that meets the specification is subject only to the analysis and recordkeeping requirements under Sections 010.04B1 and 010.04B6. Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel."

USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO SECTION 010 OF THIS CHAPTER WHEN BURNED FOR ENERGY RECOVERY[a]

Constituent/Property	Allowable Level
Arsenic.....	5 ppm maximum
Cadmium.....	2 ppm maximum
Chromium.....	10 ppm maximum
Lead.....	100 ppm maximum
Flash Point.....	100° F minimum
Total Halogens	4,000 ppm maximum[b]

[a]The specification does not apply to used oil fuel mixed with a hazardous waste other than conditionally exempt small quantity generator hazardous waste.
[b]Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under Section 010.01C of this Chapter. Such used oil is subject to Section 008 of this Chapter rather than Section 010 of this Chapter, when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

010.02 Prohibitions.

010.02A A person may market off-specification used oil for energy recovery only:

010.02A1 To burners or other marketers who have notified DEQ, EPA or an authorized state for the same purpose, of their used oil management activities stating the location and general description of such activities, and who have a DEQ/EPA identification number or identification number issued by EPA or an authorized state for the same purpose; and

010.02A2 To burners who burn the used oil in an industrial furnace or boiler identified in Section 010.02B of this Chapter.

010.02B Off-specification used oil may be burned for energy recovery in only the following devices:

010.02B1 Industrial furnaces identified in Chapter 1, and

010.02B2 Boilers as defined in Chapter 1, that are identified as follows:

010.02B2(a) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new

products, including the component parts of products, by mechanical or chemical processes;

010.02B2(b) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or

010.02B2(c) Used oil-fired space heaters provided that the heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste; the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and the combustion gases from the heater are vented to the ambient air in compliance with Title 129.

010.03 Standards applicable to generators of used oil burned for energy recovery.

010.03A Except as provided in Sections 010.03B and 010.03C of this Chapter, generators of used oil are not subject to Section 010 of this Chapter.

010.03B Generators who market used oil directly to a burner are subject to Section 010.04 of this Chapter.

010.03C Generators who burn used oil are subject to Section 010.05 of this Chapter.

010.04 Standards applicable to marketers of used oil burned for energy recovery.

010.04A Persons who market used oil fuel are termed "marketers." Except as provided below, marketers include generators who market used oil fuel directly to a burner, persons who receive used oil from generators and produce, process, or blend used oil fuel from these used oils (including persons sending blended or processed used oil to brokers or other intermediaries), and persons who distribute but do not process or blend used oil fuel. The following persons are not marketers subject to Section 010 of this Chapter.

010.04A1 Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and collectors who market to such incidental burners are not marketers subject to Section 010 of this Chapter; and

010.04A2 Persons who market only used oil fuel that meets the specification under Section 010.01E of this Chapter and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).

010.04B Marketers are subject to the following requirements:

010.04B1 Analysis of used oil fuel. Used oil fuel is subject to regulation under Section 010 of this Chapter, unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under Section 010.01E of this Chapter.

010.04B2 Prohibitions. The prohibitions under Section 010.02A of this Chapter;

010.04B3 Notification. Notification to DEQ stating the location and general description of used oil management activities. Even if a marketer has previously notified of hazardous waste management activities and obtained a DEQ/EPA Identification Number, the marketer must renotify to identify used oil management activities;

010.04B4 Invoice system. When a marketer initiates a shipment of off-specification used oil, the marketer must prepare and send the receiving facility an invoice containing the following information:

010.04B4(a) An invoice number;

010.04B4(b) The marketer's DEQ/EPA identification number and the DEQ/EPA identification number, or identification number issued by EPA or an authorized state for the same purpose, of the receiving facility;

010.04B4(c) The names and addresses of the shipping and receiving facilities;

010.04B4(d) The quantity of off-specification used oil to be delivered;

010.04B4(e) The date(s) of shipment or delivery; and

010.04B4(f) The following statement: "This used oil is subject to DEQ regulation under Title 128, Chapter 7."

010.04B5 Required notices.

010.04B5(a) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, the marketer must obtain a one-time written and signed notice from the burner or other marketer certifying that the burner or other marketer has notified DEQ, another authorized state or EPA stating the location and general description of used oil management activities, and if the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in Section 010.02B of this Chapter, or as identified in an equivalent regulation of EPA or an authorized state.

010.4B5(b) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of Section 010.04 of this Chapter, the marketer must provide the other marketer with a one-time written and signed notice certifying that the marketer has notified DEQ of his used oil management activities; and

010.04B6 Recordkeeping. Used oil fuel that meets the specification.

010.04B6(a) A marketer who first claims under Section 010.04B1 specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years information on each shipment of used oil fuel that meets the specification. Such information shall include the name and address of the facility receiving the shipment, the quantity of used oil fuel delivered, the date of shipment or delivery, and a cross-reference to the record of used oil analysis required herein. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with hazardous waste or unless it is mixed with used oil so that it no longer meets the specification.

010.04B6(b) Off-specification used oil fuel. A marketer who receives or initiates an invoice under the requirements of Section 010.04 of this Chapter, must keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer must keep a copy of each certification notice received or sent for three years from the date of last engaging in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

010.05 Standards applicable to burners of used oil burned for energy recovery. Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

010.05A Prohibition. The prohibition under Section 010.02B of this Chapter.

010.05B Notification. Burners of off-specification used oil fuel, and burners of used oil fuel who are the first to claim that the oil meets the specification provided under Section 010.01E of this Chapter, except burners who burn specification oil that they generate, must notify DEQ stating the location and general description of used oil management activities. Burners of used oil fuel that meets the specification who receive such oil from a marketer that previously notified DEQ, EPA or an authorized state are not required to notify. Owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of Section 010.02B2 are exempt from this notification requirement. Even if a burner has previously notified DEQ or EPA of hazardous waste management activities and obtained an

identification number, the burner must renotify to identify used oil management activities.

010.05C Required Notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, the burner must provide the marketer a one-time written and signed notice certifying that:

010.05C1 The burner has notified DEQ stating the location and general description of used oil management activities; and

010.05C2 The burner will burn the used oil only in an industrial furnace or boiler identified in Section 010.02B of this Chapter.

010.05D Used oil fuel analysis.

010.05D1 Used oil fuel burned by the generator is subject to regulation under Section 010 of this Chapter, unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under Section 010.01E of this Chapter.

010.05D2 Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under Section 010.01E of this Chapter must obtain analyses (or other information) documenting that the used oil meets the specification.

010.05E Recordkeeping. A burner who receives an invoice under the requirements of Section 010.05 of this Chapter, must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by Section 010.05D of this Chapter. In addition, the burner must keep a copy of each certification notice sent to a marketer for three years from the date of last receiving off-specification used oil from that marketer.

011 Recyclable materials utilized for precious metal recovery.

011.01 Applicability and scope. The regulations of Section ~~010~~011 of this Chapter, apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

011.02 Persons who generate, transport, or store recyclable materials that are regulated in Section 011 of this Chapter are subject to the following requirements:

011.02A Notification requirements under Chapter 4; and

011.02B Applicable requirements of the manifest system in Chapters 9, 10, 11, or 15.

011.03 Persons who store recycled materials that are regulated under Section 011 of this Chapter, must keep the following records to document that they are not accumulating these materials speculatively (as defined in Chapter 2, 002):

011.03A Records showing the volume of these materials stored at the beginning of the calendar year;

011.03B The amount of these materials generated or received during the calendar year; and

011.03C The amount of materials remaining at the end of the calendar year.

011.04 Recyclable materials that are regulated in Section 011 of this Chapter that are accumulated speculatively are subject to all applicable provisions of Chapters 4, 9 through 19, 21 and 22.

012 Spent lead-acid batteries being reclaimed.

012.01 Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the "Universal Waste" provisions under Chapter 25.

If your batteries * * *	And if you * * *	Then you * * *	And you * * *
(1) Will be reclaimed through regeneration (such as by electrolyte replacement).		are exempt from Chapter 4 (except for Section 002), Chapter 7, Sections 007 through 013, Chapter 9 (except Sections 002 through 004), Chapter 10 (except Sections 001.01 through 001.05), Chapters 11 through 23, and 26.	are subject to Chapters 2, 3, and 4, Section 002, Chapter 7, Section 001 through 006.03, Chapter 8 (if applicable), Chapter 9 (if applicable), Sections 002 through 004, and Chapter 10 (if applicable), Sections 001.01 through 001.05.

If your batteries * * *	And if you * * *	Then you * * *	And you * * *
(2) Will be reclaimed other than through regeneration.	generate, collect, and/or transport these batteries.	are exempt from Chapter 4 (except for Section 002), Chapter 7, Sections 007 through 013, Chapter 9 (except Sections 002 through 004), Chapter 10 (except Sections 001.01 through 001.05), Chapters 11 through 19, 21 through 23, and 26.	are subject to Chapters 2, 3, and 4, Section 002, Chapter 7, Section 001 through 006.03, Chapter 8 (if applicable), Chapter 9 (if applicable), Sections 002 through 004, and Chapter 10 (if applicable), Sections 001.01 through 001.05, and applicable provisions under Chapter 20.
(3) Will be reclaimed other than through regeneration.	store these batteries but you aren't the reclaimer.	are exempt from Chapter 4 (except for Section 002), Chapter 7, Sections 007 through 013, Chapter 9 (except Sections 002 through 004), Chapter 10 (except Sections 001.01 through 001.05), Chapters 11 through 19, 21 through 23, and 26.	are subject to Chapters 2, 3, and 4, Section 002, Chapter 7, Section 001 through 006.03, Chapter 8 (if applicable), Chapter 9 (if applicable), Sections 002 through 004, and Chapter 10 (if applicable), Sections 001.01 through 001.05, and applicable provisions under Chapter 20.

If your batteries * * *	And if you * * *	Then you * * *	And you * * *
(4) Will be reclaimed other than through regeneration.	store these batteries before you reclaim them.	must comply with Chapter 7, Sections 002 and 003 and as appropriate other regulatory provisions described in those Sections.	are subject to Chapters 2, 3, and 4, Section 002, Chapter 7, Section 001 through 006.03, Chapter 8 (if applicable), Chapter 9 (if applicable), Sections 002 through 004, and Chapter 10 (if applicable), Sections 001.01 through 001.05, and applicable provisions under Chapter 20.
(5) Will be reclaimed other than through regeneration.	don't store these batteries before you reclaim them.	are exempt from Chapter 4 (except for Section 002), Chapter 7, Sections 007 through 013, Chapter 9 (except Sections 002 through 004), Chapter 10 (except Sections 001.01 through 001.05), Chapters 11 through 19, 21 through 23, and 26.	are subject to Chapters 2, 3, and 4, Section 002, Chapter 7, Section 001 through 006.03, Chapter 8 (if applicable), Chapter 9 (if applicable), Sections 002 through 004, and Chapter 10 (if applicable), Sections 001.01 through 001.05, and applicable provisions under Chapter 20.

012.02 If I store spent lead-acid batteries before I reclaim them but not through regeneration, which requirements apply? The requirements of Section 012.02 apply to you if you store spent lead-acid batteries before you reclaim them, but you don't reclaim then through regeneration. The requirements are slightly different depending on your RCRA permit status.

012.02A For Interim Status Facilities, you must comply with:

012.02A1 Notification requirements under Chapter 4, Section 003.

012.02A2 All applicable provisions in Chapter 22, Section 001 of this Title.

012.02A3 All applicable provisions in subpart B of part 265, as incorporated by reference in Chapter 22, Section 002 of this Title except 265.13 (waste analysis).

012.02A4 All applicable provisions in Chapters 17 and 18 of this Title.

012.02A5 All applicable provisions in subpart E of part 265, as incorporated by reference in Chapter 22, Section 005 of this Title except 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies).

012.02A6 All applicable provisions in subparts F through L of part 265, as incorporated by reference in Chapter 22, Sections 006 through 012 of this Title.

012.02A7 All applicable provisions in Chapters 12 through 15 of this Title.

012.02B For Permitted Facilities.

012.02B1 Notification requirements under Chapter 4, Section 003 of this Title.

012.02B2 All applicable provisions in Chapter 21, Section 001 through 001.05 of this Title.

012.02B3 All applicable provisions in subpart B of part 264, as incorporated by reference in Chapter 21, Section 002 of this Title (but not 264.13 (waste analysis)).

012.02B4 All applicable provisions in Chapters 17 and 18 of this Title.

012.02B5 All applicable provisions in subpart E of part 264, as incorporated by reference in Chapter 21, Section 005 of this Title (but not 264.71 or 264.72 (dealing with the use of the manifest and manifest discrepancies).

012.02B6 All applicable provisions in subparts F through L of part 264, as incorporated by reference in Chapter 21, Sections 006 through 012 of this Title.

012.02B7 All applicable provisions in Chapter 12 through 15 of this Title.

013 Conditional exemption for low-level mixed waste storage, treatment, transportation and disposal.

013.01 The conditions and requirements of 40 CFR Part 266, Subpart N, 266.210 through 266.360, pertaining to the conditional exemption for low-level mixed waste storage, treatment, transportation and disposal, are hereby adopted and incorporated herein by reference.

Enabling Legislation: Neb. Rev. Stat. §81-1505(13)

Legal Citation: Title 128, Chapter 7,
Nebraska Department of Environmental Quality

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