

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990  
6364 SENATE JUDICIARY 8672

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U.S.C.A. § 136 et seq.]. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

**(j) Obligations or liability pursuant to federally permitted release**

Recovery by any person (including the United States or any State or Indian tribe) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 9601(10)(B) or (C) of this title shall be recoverable in an action brought under section 1319(b) of Title 33. ◀

**(k) Transfer to, and assumption by, Post-closure Liability Fund of liability of owner or operator of hazardous waste disposal facility in receipt of permit under applicable solid waste disposal law; time, criteria applicable, procedures, etc; monitoring costs; reports**

(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act [42 U.S.C.A. § 6921 et seq.], shall be transferred to and assumed by the Post-closure Liability Fund established by section 9641 of this title when—

(A) Such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act [42 U.S.C.A. § 6921 et seq.] and regulations issued thereunder, which may affect the performance of such facility after closure; and

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act [42 U.S.C.A. § 6926(b)]) that the conditions imposed by this subsection have been satisfied. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or

that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 9641 of this title, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 9641 of this title may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act [42 U.S.C.A. § 6921 et seq.] for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection.

(4)(A) Not later than one year after December 11, 1980, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in subchapter II of this chapter.

(B) Not later than eighteen months after December 11, 1980, and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this chapter and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under subchapter II of this chapter.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph.

►III.B. Post-Closure  
SARA § 201

**(5) SUSPENSION OF LIABILITY TRANSFER.**—Notwithstanding paragraphs (1), (2), (3), and (4) of this subsection and subsection (j) of section 9611 of this title, no liability shall be transferred to or assumed by the Post-Closure Liability Trust Fund established by section 9641 of this title prior to completion of the study required under paragraph (6) of this subsection, transmission of a report of such study to both Houses of Congress, and authorization of such a transfer or assumption by Act of Congress following receipt of such study and report.

**(6) STUDY OF OPTIONS FOR POST-CLOSURE PROGRAM.**—

**(A) STUDY.**—The Comptroller General shall conduct a study of options for a program for the management of the liabilities associated with hazardous waste treatment, storage, and disposal sites after their closure which complements the policies set forth in the Hazardous and Solid Waste Amendments of 1984 and assures the protection of human health and the environment.

**(B) PROGRAM ELEMENTS.**—The program referred to in subparagraph (A) shall be designed to assure each of the following:

(i) Incentives are created and maintained for the safe management and disposal of hazardous wastes so as to assure protection of human health and the environment.

(ii) Members of the public will have reasonable confidence that hazardous wastes will be managed and disposed of safely and that resources will be available to address any problems that may arise and to cover costs of long-term monitoring, care, and maintenance of such sites.

(iii) Persons who are or seek to become owners and operators of hazardous waste disposal facilities will be able to manage their potential future liabilities and to attract the investment capital necessary to build, operate, and close such facilities in a manner which assures protection of human health and the environment.

**(C) ASSESSMENTS.**—The study under this paragraph shall include assessments of treatment, storage, and disposal facilities which have been or are likely to be issued a permit under section 3005 of the Solid Waste Disposal Act and the likelihood of future insolvency on the part of owners and operators of such facilities. Separate assessments shall be made for different classes of facilities and

for different classes of land disposal facilities and shall include but not be limited to—

(i) the current and future financial capabilities of facility owners and operators;

(ii) the current and future costs associated with facilities, including the costs of routine monitoring and maintenance, compliance monitoring, corrective action, natural resource damages, and liability for damages to third parties; and

(iii) the availability of mechanisms by which owners and operators of such facilities can assure that current and future costs, including post-closure costs, will be financed.

**(D) PROCEDURES.**—In carrying out the responsibilities of this paragraph, the Comptroller General shall consult with the Administrator, the Secretary of Commerce, the Secretary of the Treasury, and the heads of other appropriate Federal agencies.

**(E) CONSIDERATION OF OPTIONS.**—In conducting the study under this paragraph, the Comptroller General shall consider various mechanisms and combinations of mechanisms to complement the policies set forth in the Hazardous and Solid Waste Amendments of 1984 to serve the purposes set forth in subparagraph (B) and to assure that the current and future costs associated with hazardous waste facilities, including post-closure costs, will be adequately financed and, to the greatest extent possible, borne by the owners and operators of such facilities. Mechanisms to be considered include, but are not limited to—

(i) revisions to closure, post-closure, and financial responsibility requirements under subtitles C and I of the Solid Waste Disposal Act;

(ii) voluntary risk pooling by owners and operators;

(iii) legislation to require risk pooling by owners and operators;

(iv) modification of the Post-Closure Liability Trust Fund previously established by section 9641 of this title, and the conditions for transfer of liability under this subsection, including limiting the transfer of some or all liability under this subsection only in the case of insolvency of owners and operators;

(v) private insurance;

(vi) insurance provided by the Federal Government;

(vii) coinsurance, reinsurance, or pooled-risk insurance, whether provided by the private sector or provided or assisted by the Federal Government; and

(viii) creation of a new program to be administered by a new or existing Federal agency or by a federally chartered corporation.

**(F) RECOMMENDATIONS.**—The Comptroller General shall consider options for funding any program under this section and shall, to the extent necessary, make recommendations to the appropriate committees of Congress for additional authority to implement such program. ◀

► II.J. Federal Lien  
SARA § 107(f)

(f) FEDERAL LIEN.—

(1) IN GENERAL.—All costs and damages for which a person is liable to the United States under subsection (a) of this section (other than the owner or operator of a vessel under paragraph (1) of subsection (a)) shall constitute a lien in favor of the United States upon all real property and rights to such property which—

- (A) belong to such person; and
- (B) are subject to or affected by a removal or remedial action.

(2) DURATION.—The lien imposed by this subsection shall arise at the later of the following:

- (A) The time costs are first incurred by the United States with respect to a response action under this chapter.
- (B) The time that the person referred to in paragraph (1) is provided (by certified or registered mail) written notice of potential liability.

Such lien shall continue until the liability for the costs (or a judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the statute of limitations provided in section 9613.

(3) NOTICE AND VALIDITY.—The lien imposed by this subsection shall be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is perfected under applicable State law before notice of the lien has been filed in the appropriate office within the State (or county or other governmental subdivision), as designated by State law, in which the real property subject to the lien is located. Any such purchaser, holder of a security interest, or judgment lien creditor shall be afforded the same protections against the lien imposed by this subsection as are afforded under State law against a judgment lien which arises out of an unsecured obligation and which arises as of the time of the filing of the notice of the lien imposed by this subsection. If the State has not by law designated one office for the receipt of such notices of liens, the notice shall be filed in the office of the clerk of the United States district court for the district in which the real property is located. For purposes of this subsection, the terms "purchaser" and "security interest" shall have the definitions provided under section 6323(h) of the Internal Revenue Code of 1954.

(4) ACTION IN REM.—The costs constituting the lien may be recovered in an action in rem in the United States district court for the district in which the removal or remedial action is occurring or has occurred. Nothing in this subsection shall affect the right of the United States to bring an action against any person to recover all costs and damages for which such person is liable under subsection (a) of this section.

(m) MARITIME LIEN.—All costs and damages for which the owner or operator of a vessel is liable under subsection (a) with respect to a threat or threatened

release from such vessel shall constitute a maritime lien in favor of the United States on such vessel. Such costs may be recovered in an action in rem in the district court of the United States for the district in which the vessel may be found. Nothing in this subsection shall affect the right of the United States to bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs. ◀

Pub.L. 96-510, Title I, § 107, Dec. 11, 1980, 94 Stat. 2781, as added and amended Pub.L. 99-499, Title I, §§ 107, 127(b), (c), Title II, §§ 201, 207(c), Oct. 17, 1986.

§ 9608. [CERCLA § 108]

Financial responsibility

(a) Establishment and maintenance by owner or operator of vessel; amount; failure to obtain certification of compliance

(1) The owner or operator of each vessel (except a nonself-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of \$300 per gross ton (or for a vessel carrying hazardous substances as cargo, or \$5,000,000, whichever is greater) to cover the liability prescribed under paragraph (1) of section 9607(a) of this title. Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 91 of Title 46 of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

► IV.K. Ocean Incineration  
SARA § 127(c)

(4) In addition to the financial responsibility provisions of paragraph (1) of this subsection, the President shall require additional evidence of financial responsibility for incineration vessels in such amounts, and to cover such liabilities recognized by law, as the President deems appropriate, taking into account the potential risks posed by

*incineration and transport for incineration, and any other factors deemed relevant.* ◀

**(b) Establishment and maintenance by owner or operator of production, etc., facilities; amount; adjustment; consolidated form of responsibility; coverage of motor carriers**

(1) Beginning not earlier than five years after December 11, 1980, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act [42 U.S.C.A. § 6921 et seq.] and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after December 11, 1980, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

▶II.G. Financial Responsibility  
SARA § 108(a)

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements. *Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary, or which are unacceptable, in establishing such evidence of financial responsibility in order to effectuate the purposes of this chapter.* ◀

▶II.G. Financial Responsibility  
SARA § 108(b)

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements [over a period of not less than three and no more than six years] *as quickly as can reasonably be achieved but in no event more than 4 years after the date of promulgation.* Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements. ◀

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and on behalf

of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this chapter shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296.

▶II.G. Financial Responsibility  
SARA § 108(c)

**(c) Claims against guarantor; maintenance, etc.**

Any claim authorized by section 9607 or 9611 of this title may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this subchapter. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

**(d) Liability of guarantor**

Any guarantor acting in good faith against which claims under this chapter are asserted as a guarantor shall be liable under section 9607 of this title or section 9612(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under this section, and only to the extent that liability is not excluded by restrictive endorsement: *Provided, That this subsection shall not alter the liability of any person under section 9607 of this title.]*

**(c) DIRECT ACTION.—**

**(1) RELEASES FROM VESSELS.—***In the case of a release or threatened release from a vessel, any claim authorized by section 9607 or 9611 may be asserted directly against any guarantor providing evidence of financial responsibility for such vessel under subsection (a). In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this subchapter. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but the guarantor may not invoke any other defense that the guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.*

**(2) RELEASES FROM FACILITIES.—***In the case of a release or threatened release from a facility, any claim authorized by section 9607 or 9611 may be asserted directly against any guarantor providing evidence of financial responsibility for such facility under subsection (b), if the person liable under section 9607 is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code, or if, with reasonable diligence, jurisdiction in the Federal courts cannot be obtained over a person liable under section 9607 who is likely to be solvent at the time of judgment. In the case of any action pursuant to this paragraph, the guarantor shall be entitled to invoke all rights and defenses which would have been available to the person liable under sec-*

tion 9607 if any action had been brought against such person by the claimant and all rights and defenses which would have been available to the guarantor if an action had been brought against the guarantor by such person.

**(d) LIMITATION OF GUARANTOR LIABILITY.—**

**(1) TOTAL LIABILITY.—**The total liability of any guarantor in a direct action suit brought under this section shall be limited to the aggregate amount of the monetary limits of the policy of insurance, guarantee, surety bond, letter of credit, or similar instrument obtained from the guarantor by the person subject to liability under section 9607 for the purpose of satisfying the requirement for evidence of financial responsibility.

**(2) OTHER LIABILITY.—**Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual, or common law liability of a guarantor, including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed, interpreted, or applied to diminish the liability of any person under section 9607 of this title or other applicable law. ◀

Pub.L. 96-510, Title I, § 108, Dec. 11, 1980, 94 Stat. 2785, as added and amended Pub.L. 99-499, Title I, §§ 108, 127(c), Oct. 17, 1986.

## § 9609. [CERCLA §109]

### [Civil penalties]

Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 9608 of this title, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed \$10,000 for each day of violation.]

►II.D. Civil and Criminal Penalties  
SARA § 109(c)

### CIVIL PENALTIES AND AWARDS.

**(a) CLASS I ADMINISTRATIVE PENALTY.—**

**(1) VIOLATIONS.—**A civil penalty of not more than \$25,000 per violation may be assessed by the President in the case of any of the following—

(A) A violation of the requirements of section 9603(a) or (b) (relating to notice).

(B) A violation of the requirements of section 9603(d)(2) (relating to destruction of records, etc.).

(C) A violation of the requirements of section 9608 (relating to financial responsibility, etc.), the regulations issued under section 9608, or with any denial or detention order under section 9608.

(D) A violation of an order under section 9622(d)(3) (relating to settlement agreements for action under section 9604(b)).

(E) Any failure or refusal referred to in section 9622(d) (relating to violations of administrative orders, consent decrees, or agreements under section 9620).

**(2) NOTICE AND HEARINGS.—**No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation.

**(3) DETERMINING AMOUNT.—**In determining the amount of any penalty assessed pursuant to this subsection, the President shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

**(4) REVIEW.—**Any person against whom a civil penalty is assessed under this subsection may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the President. The President shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the United States, the President may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty on the record.

**(5) SUBPOENAS.—**The President may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

**(b) CLASS II ADMINISTRATIVE PENALTY.—**A civil penalty of not more than \$25,000 per day for each day during which the violation continues may be assessed by the President in the case of any of the following—

(1) A violation of the notice requirements of section 9603(a) or (b).

(2) A violation of section 9603(d)(2) (relating to destruction of records, etc.).

(3) A violation of the requirements of section 9608 (relating to financial responsibility, etc.), the regula-

tions issued under section 9608, or with any denial or detention order under section 9608.

(4) A violation of an order under section 9622(d)(3) (relating to settlement agreements for action under section 9604(b)).

(5) Any failure or refusal referred to in section 9622(l) (relating to violations of administrative orders, consent decrees, or agreements under section 9620).

In the case of a second or subsequent violation the amount of such penalty may be not more than \$75,000 for each day during which the violation continues. Any civil penalty under this subsection shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and opportunity for hearing on the record in accordance with section 554 of Title 5 of the United States Code. In any proceeding for the assessment of a civil penalty under this subsection the President may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents and may promulgate rules for discovery procedures. Any person who requested a hearing with respect to a civil penalty under this subsection and who is aggrieved by an order assessing the civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

(c) **JUDICIAL ASSESSMENT.**—The President may bring an action in the United States district court for the appropriate district to assess and collect a penalty of not more than \$25,000 per day for each day during which the violation (or failure or refusal) continues in the case of any of the following—

(1) A violation of the notice requirements of section 9603(a) or (b).

(2) A violation of section 9603(d)(2) (relating to destruction of records, etc.).

(3) A violation of the requirements of section 9608 (relating to financial responsibility, etc.), the regulations issued under section 9608, or with any denial or detention order under section 9608.

(4) A violation of an order under section 9622(d)(3) (relating to settlement agreements for action under section 9604(b)).

(5) Any failure or refusal referred to in section 9622(l) (relating to violations of administrative orders, consent decrees, or agreements under section 9620).

In the case of a second or subsequent violation (or failure or refusal), the amount of such penalty may be not more than \$75,000 for each day during which the violation (or failure or refusal) continues. For additional provisions providing for judicial assessment of civil penalties for failure to comply with a request or order under section 9604(e) (relating to information gathering and access authorities), see section 9604(e).

(d) **AWARDS.**—The President may pay an award of up to \$10,000 to any individual who provides information

leading to the arrest and conviction of any person for a violation subject to a criminal penalty under this chapter, including any violation of section 9603 and any other violation referred to in this section. The President shall, by regulation, prescribe criteria for such an award and may pay any award under this subsection from the Fund, as provided in section 9611.

(e) **PROCUREMENT PROCEDURES.**—Notwithstanding any other provision of law, any executive agency may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in preparing or prosecuting a civil or criminal action under this chapter, whether or not the expert is expected to testify at trial. The executive agency need not provide any written justification for the use of procedures other than competitive procedures when procuring such expert services under this chapter and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.

(f) **SAVINGS CLAUSE.**—Action taken by the President pursuant to this section shall not affect or limit the President's authority to enforce any provisions of this chapter. ◀

Pub. L. 96-510, Title I, § 109, Dec. 11, 1980, 94 Stat. 2787, as added and amended Pub.L. 99-499, Title I, § 109(c), Oct. 17, 1986.

## § 9610. [CERCLA § 110]

### Employee protection

#### (a) Activities of employee subject to protection

No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this chapter, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this chapter.

#### (b) Administrative grievance procedure in cases of alleged violations

Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to § 554 of Title 5,

Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this chapter.

**(c) Assessment of costs and expenses against violator subsequent to issuance of order of abatement**

Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

**(d) Defenses**

This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this chapter.

**(e) Presidential evaluations of potential loss of shifts of employment resulting from administration or enforcement of provisions; investigations; procedures applicable, etc.**

The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this chapter, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to §554 of Title 5. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State

to modify or withdraw any action, standard, limitation, or any other requirement of this chapter.

Pub.L. 96-510, Title 1, §110, Dec. 11, 1980, 94 Stat. 2787.

**►IV.E Worker Protection  
SARA § 126**

**WORKER PROTECTION STANDARDS.** Section 126 of Pub.L. 99-499 provided that:

"(a) **PROMULGATION.**—Within one year after the date of the enactment of this section, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate standards for the health and safety protection of employees engaged in hazardous waste operations.

"(b) **PROPOSED STANDARDS.**—The Secretary of Labor shall issue proposed regulations on such standards which shall include, but need not be limited to, the following worker protection provisions:

"(1) **SITE ANALYSIS.**—Requirements for a formal hazard analysis of the site and development of a site specific plan for worker protection.

"(2) **TRAINING.**—Requirements for contractors to provide initial and routine training of workers before such workers are permitted to engage in hazardous waste operations which would expose them to toxic substances.

"(3) **MEDICAL SURVEILLANCE.**—A program of regular medical examination, monitoring, and surveillance of workers engaged in hazardous waste operations which would expose them to toxic substances.

"(4) **PROTECTIVE EQUIPMENT.**—Requirements for appropriate personal protective equipment, clothing, and respirators for work in hazardous waste operations.

"(5) **ENGINEERING CONTROLS.**—Requirements for engineering controls concerning the use of equipment and exposure of workers engaged in hazardous waste operations.

"(6) **MAXIMUM EXPOSURE LIMITS.**—Requirements for maximum exposure limitations for workers engaged in hazardous waste operations, including necessary monitoring and assessment procedures.

"(7) **INFORMATIONAL PROGRAM.**—A program to inform workers engaged in hazardous waste operations of the nature and degree of toxic exposure likely as a result of such hazardous waste operations.

"(8) **HANDLING.**—Requirements for the handling, transporting, labeling, and disposing of hazardous wastes.

"(9) **NEW TECHNOLOGY PROGRAM.**—A program for the introduction of new equipment or technologies that will maintain worker protections.

"(10) **DECONTAMINATION PROCEDURES.**—Procedures for decontamination.

"(11) **EMERGENCY RESPONSE.**—Requirements for emergency response and protection of workers engaged in hazardous waste operations.

**(c) FINAL REGULATIONS.**—Final regulations under subsection (a) shall take effect one year after the date they are promulgated. In promulgating final regulations on standards under subsection (a), the Secretary of Labor shall include each of the provisions listed in paragraphs (1) through (11) of subsection (b) unless the Secretary determines that the evidence in the public record considered as a whole does not support inclusion of any such provision.

**(d) SPECIFIC TRAINING STANDARDS.—(1) OFFSITE INSTRUCTION; FIELD EXPERIENCE.**—Standards promulgated under subsection (a) shall include training standards requiring that general site workers (such as equipment operators, general laborers, and other supervised personnel engaged in hazardous

substance removal or other activities which expose or potentially expose such workers to hazardous substances receive a minimum of 40 hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor, at the time of assignment. The requirements of the preceding sentence shall not apply to any general site worker who has received the equivalent of such training. Workers who may be exposed to unique or special hazards shall be provided additional training.

(2) **TRAINING OF SUPERVISORS.**—Standards promulgated under subsection (a) shall include training standards requiring that onsite managers and supervisors directly responsible for the hazardous waste operations (such as foremen) receive the same training as general site workers set forth in paragraph (1) of this subsection and at least eight additional hours of specialized training on managing hazardous waste operations. The requirements of the preceding sentence shall not apply to any person who has received the equivalent of such training.

(3) **CERTIFICATION; ENFORCEMENT.**—Such training standards shall contain provisions for certifying that general site workers, onsite managers, and supervisors have received the specified training and shall prohibit any individual who has not received the specified training from engaging in hazardous waste operations covered by the standards.

(4) **TRAINING OF EMERGENCY RESPONSE PERSONNEL.**—Such training standards shall set forth requirements for the training of workers who are responsible for responding to hazardous emergency situations who may be exposed to toxic substances in carrying out their responsibilities.

(e) **INTERIM REGULATIONS.**—The Secretary of Labor shall issue interim final regulations under this section within 60 days after the enactment of this section which shall provide no less protection under this section for workers employed by contractors and emergency response workers than the protections contained in the Environmental Protection Agency Manual (1981) "Health and Safety Requirements for Employees Engaged in Field Activities" and existing standards under the Occupational Safety and Health Act of 1970 found in subpart C of part 1926 of title 29 of the Code of Federal Regulations. Such interim final regulations shall take effect upon issuance and shall apply until final regulations become effective under subsection (c).

(f) **COVERAGE OF CERTAIN STATE AND LOCAL EMPLOYEES.**—Not later than 50 days after the promulgation of final regulations under subsection (a), the Administrator shall promulgate standards identical to those promulgated by the Secretary of Labor under subsection (a). Standards promulgated under this subsection shall apply to employees of State and local governments in each State which does not have in effect an approved State plan under section 18 of the Occupational Safety and Health Act of 1970 providing for standards for the health and safety protection of employees engaged in hazardous waste operations.

(g) **GRANT PROGRAM.**—

(1) **GRANT PURPOSES.**—Grants for the training and education of workers who are or may be engaged in activities related to hazardous waste removal or containment or emergency response may be made under this subsection.

(2) **ADMINISTRATION.**—Grants under this subsection shall be administered by the National Institute of Environmental Health Sciences.

(3) **GRANT RECIPIENTS.**—Grants shall be awarded to non-profit organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training program target populations of workers who are or will be engaged in hazardous waste removal or containment or emergency response operations.

## § 9611. [CERCLA § 111]

### Uses of Fund

#### (a) Authorized purposes ►III.A. Financing Superfund SARA § 111(a)

**IN GENERAL.**—For the purposes specified in this section there is authorized to be appropriated from the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 not more than \$8,500,000,000 for the 5-year period beginning on the date of enactment of the Superfund Amendments and Reauthorization Act of 1986. The preceding sentence constitutes a specific authorization for the funds appropriated under title II of Public Law 99-160 (relating to payment to the Hazardous Substances Trust Fund). ◀

The President shall use the money in the Fund for the following purposes:

(1) [p]Payment of governmental response costs incurred pursuant to section 9604 of this title, including costs incurred pursuant to the Intervention on the High Seas Act [33 U.S.C.A. § 1471 et seq.];.

(2) [p]Payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 1321(c) of Title 33 and amended by section 9605 of this title: *Provided, however,* That such costs must be approved under said plan and certified by the responsible Federal official[;].

(3) [p]Payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 9612 of this title, including those costs set out in subsection 9612(c)(3) of this title[; and].

(4) [p]Payment of costs specified under subsection (c) of this section.

#### ►I.J. Public Participation SARA § 111(b)

(5) **GRANTS FOR TECHNICAL ASSISTANCE.**—The cost of grants under section 9617(e) (relating to public participation grants for technical assistance). ◀

#### ►IV.D. Lead Contamination SARA § 111(b)

(6) **LEAD CONTAMINATED SOIL.**—Payment of not to exceed \$15,000,000 for the costs of a pilot program for removal, decontamination, or other action with respect to lead-contaminated soil in one to three different metropolitan areas. ◀

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this subchapter.

#### (b) Additional authorized purposes

#### ►I.H. Indian Tribes SARA § 207(d)

**(D) IN GENERAL.**—Claims asserted and compensable but unsatisfied under provisions of section 1321 of Title 33, which are modified by section 304 of this Act may be asserted against the Fund under this subchapter, and other claims resulting from a release or threat of release of a hazardous substance from a vessel or a facility may be

asserted against the Fund under this subchapter for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however*, That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State, *or by any Indian tribe or by the United States acting on behalf of any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation.* ◀

▶I.N. Natural Resource Damages  
SARA § 111(c)

**(2) LIMITATION ON PAYMENT OF NATURAL RESOURCE CLAIMS.—**

**(A) GENERAL REQUIREMENTS.—***No natural resource claim may be paid from the Fund unless the President determines that the claimant has exhausted all administrative and judicial remedies to recover the amount of such claim from persons who may be liable under section 9607.*

**(B) DEFINITION.—***As used in this paragraph, the term "natural resource claim" means any claim for injury to, or destruction or loss of, natural resources. The term does not include any claim for the cost of natural resource damage assessment.* ◀

**(c) Peripheral matters and limitations**

▶I.H. Indian Tribes  
SARA §§ 111(d), 207(d)

Uses of the Fund under subsection (a) of this section include—

(1) [t]The costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance[;].

(2) [t]The costs of Federal or State or *Indian tribe* efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance[;]. ◀

(3) [s]Subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances[;].

▶I.L. Health Related Authorities  
SARA § 111(d)

(4) [the costs of epidemiologic studies] *Any costs incurred in accordance with subsection (m) of this section (relating to ATSDR) and section 9604(i), including the costs of epidemiologic and laboratory studies, health assessments, preparation of toxicologic profiles, diagnosis, and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to deter-*

*mine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases[;].* ◀

(5) [s]Subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this chapter and section 1321 of Title 33, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task forces, or other response teams under the national contingency plan[; and].

(6) [s]Subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

▶I.D. NCP/HRS/NPL  
SARA § 111(d)

**(7) EVALUATION COSTS UNDER PETITION PROVISIONS OF SECTION 9605(d).—***Costs incurred by the President in evaluating facilities pursuant to petitions under section 9605(d) (relating to petitions for assessment of release).* ◀

▶I.B. Response Authorities  
SARA § 111(d)

**(8) CONTRACT COSTS UNDER SECTION 9604(a)(1).—***The costs of contracts or arrangements entered into under section 9604(a)(1) to oversee and review the conduct of remedial investigations and feasibility studies undertaken by persons other than the President and the costs of appropriate Federal and State oversight of remedial activities at National Priorities List sites resulting from consent orders or settlement agreements.* ◀

▶I.I. Property Acquisition  
SARA § 111(d)

**(9) ACQUISITION COSTS UNDER SECTION 9604(j).—***The cost incurred by the President in acquiring real estate or interests in real estate under section 9604(j) (relating to acquisition of property).* ◀

▶I.M. Research and Development  
SARA § 111(d)

**(10) RESEARCH, DEVELOPMENT, AND DEMONSTRATION COSTS UNDER SECTION 9660.—***The cost of carrying out section 9660 (relating to research, development, and demonstration), except that the amounts available for such purposes shall not exceed the amounts specified in subsection (m) of this section.* ◀

►I.C. Federal/State Cost Sharing  
SARA § 111(d)

**(11) LOCAL GOVERNMENT REIMBURSEMENT.**—Reimbursements to local governments under section 9623, except that during the 5-fiscal-year period beginning October 1, 1986, not more than 0.1 percent of the total amount appropriated from the Fund may be used for such reimbursements. ◀

►IV.E. Worker Protection  
SARA § 111(d)

**(12) WORKER TRAINING AND EDUCATION GRANTS.**—The costs of grants under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 for training and education of workers to the extent that such costs do not exceed \$10,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991. ◀

►II.D. Civil and Criminal Penalties  
SARA § 111(d)

**(13) AWARDS UNDER SECTION 9609.**—The costs of any awards granted under section 9609(d). ◀

►IV.D. Lead Contamination  
SARA § 111(d)

**(14) LEAD POISONING STUDY.**—The cost of carrying out the study under subsection (f) of section 118 of the Superfund Amendments and Reauthorization Act of 1986 (relating to lead poisoning in children). ◀

(d) Additional limitations

(1) No money in the Fund may be used under subsection (c)(1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before December 11, 1980.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e) Funding requirements respecting money in Fund

(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President shall pay such claims, to the extent authorized under this section, in full in the order in which they were finally determined.

►I.N. Natural Resource Damages  
SARA § 111(e)

(2) In any fiscal year, 85 percent of the money credited to the Fund under subchapter II of this chapter shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section. *No money in the Fund may be used for the payment of any claim under subsection (a)(3) or subsection (b) of this section in any fiscal year for which the President determines that all of the Fund is needed for response to threats to public health from releases or threatened releases of hazardous substances.* ◀

►I.O. Federal Facilities  
SARA § 111(f)

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities[.]; *except that money in the Fund shall be available for the provision of alternative water supplies (including the reimbursement of costs incurred by a municipality) in any case involving groundwater contamination outside the boundaries of a federally owned facility in which the federally owned facility is not the only potentially responsible party.* ◀

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

(f) Obligation of moneys by Federal officials; obligation of moneys or settlement of claims by State officials

►I.H. Indian Tribes  
SARA § 207(d)

The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State or Indian tribe operating under a contract or cooperative agreement with the Federal Government pursuant to section 9604(d) of this title. ◀

(g) Notice to potential injured parties by owner and operator of vessel or facility causing release of substance; rules and regulations

The President shall provide the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this subchapter. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

►I.N. Natural Resource Damages  
SARA § 111(c)

(h) Assessment of damages for injury, etc. to natural resources from release of substances; determination, etc.

(1) In accordance with regulations promulgated under section 9651(c) of this title, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this chapter and section 1321(1)(4) and (5) of Title 33, shall be assessed by Federal officials designated by the President under the national contingency plan published under section 9605 of this title, and such officials shall act for the President as trustee under this section and section 1321(1)(5) of Title 33.

(2) Any determination or assessment of damages for in-

jury to, destruction of, or loss of natural resources for the purposes of this chapter and section 1321(f)(4) and (5) of Title 33 shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 9607 of this title or a Federal agency) in any judicial or adjudicatory administrative proceeding under this chapter or section 1321 of Title 33.]

—Section 111(h) of CERCLA is repealed. ◀

(i) Restoration, etc., of natural resources

►I.H. Indian Tribes  
SARA § 207(d)

Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this chapter for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, and by the governing body of any Indian tribe having sustained damage to natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation, after adequate public notice and opportunity for hearing and consideration of all public comment. ◀

(j) Use of Post-closure Liability Fund

The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 9607(k) of this title, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 9607 of this title or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

►IV.F. Reports to Congress  
SARA § 111(g)

[(k) Audit review, etc., by Inspector General of Federal department or agency delegated with responsibility to obligate moneys

The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.]

(k) INSPECTOR GENERAL.—In each fiscal year, the Inspector General of each department, agency, or in-

strumentality of the United States which is carrying out any authority of this chapter shall conduct an annual audit of all payments, obligations, reimbursements, or other uses of the Fund in the prior fiscal year, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. The audit shall include an examination of a sample of agreements with States (in accordance with the provisions of the Single Audit Act) carrying out response actions under this subchapter and an examination of remedial investigations and feasibility studies prepared for remedial actions. The Inspector General shall submit to the Congress an annual report regarding the audit report required under this subsection. The report shall contain such recommendations as the Inspector General deems appropriate. Each department, agency, or instrumentality of the United States shall cooperate with its inspector general in carrying out this subsection. ◀

(l) Foreign claimants

To the extent that the provisions of this chapter permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable water or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

►I.L. Health Related Authorities  
SARA § 111(h)

(m) AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.—There shall be directly available to the Agency for Toxic Substances and Disease Registry to be used for the purpose of carrying out activities described in subsection (c)(4) and section 9604(i) not less than \$50,000,000 per fiscal year for each of fiscal years 1987 and 1988, not less than \$55,000,000 for fiscal year 1989, and not less than \$60,000,000 per fiscal year for each of fiscal years 1990 and 1991. Any funds so made available which are not obligated by the end of the fiscal year in which made available shall be returned to the Fund. ◀

►I.M. Research and Development  
SARA § 111(h)

(n) LIMITATIONS ON RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(1) SECTION 9660(b).—For each of the fiscal years 1987, 1988, 1989, 1990, and 1991, not more than \$20,000,000 of the amounts available in the

Fund may be used for the purposes of carrying out the applied research, development, and demonstration program for alternative or innovative technologies and training program authorized under section 9660(b) (relating to research, development, and demonstration) other than basic research. Such amounts shall remain available until expended.

(2) SECTION 9660(a).—From the amounts available in the Fund, not more than the following amounts may be used for the purposes of section 9660(a) (relating to hazardous substance research, demonstration, and training activities):

(A) For the fiscal year 1987, \$3,000,000.

(B) For the fiscal year 1988, \$10,000,000.

(C) For the fiscal year 1989, \$20,000,000.

(D) For the fiscal year 1990, \$30,000,000.

(E) For the fiscal year 1991, \$35,000,000.

No more than 10 percent of such amounts shall be used for training under section 9660(a) in any fiscal year.

(3) SECTION 9660(d).—For each of the fiscal years 1987, 1988, 1989, 1990, and 1991, not more than \$5,000,000 of the amounts available in the Fund may be used for the purposes of section 9660(d) (relating to university hazardous substance research centers). ◀

▶II.N. Response Claims  
SARA § 111(h)

(a) NOTIFICATION PROCEDURES FOR LIMITATIONS ON CERTAIN PAYMENTS.—Not later than 90 days after the enactment of this subsection, the President shall develop and implement procedures to adequately notify, as soon as practicable after a site is included on the National Priorities List, concerned local and State officials and other concerned persons of the limitations, set forth in subsection (a)(2) of this section, on the payment of claims for necessary response costs incurred with respect to such site. ◀

▶III.A. Financing Superfund  
SARA § 111(i)

(p) GENERAL REVENUE SHARE OF SUPERFUND.—

(1) IN GENERAL.—The following sums are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Hazardous Substance Superfund:

(A) For fiscal year 1986, \$212,500,000.

(B) For fiscal year 1987, \$212,500,000.

(C) For fiscal year 1988, \$212,500,000.

(D) For fiscal year 1989, \$212,500,000.

(E) For fiscal year 1990, \$212,500,000.

In addition there is authorized to be appropriated to the Hazardous Substance Superfund for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under this subsection (and paragraph (2) of section 221(b) of the Hazardous Substance Response Revenue Act of 1980) as has not been appropriated before the beginning of the fiscal year involved.

(2) COMPUTATION.—The amounts authorized to be appropriated under paragraph (1) of this subsection in a given fiscal year shall be available only to the extent that such amount exceeds the amount

determined by the Secretary under section 9631(b)(1)(B) for the prior fiscal year. ◀

Pub.L. 96-510, Title I, § 111, Dec. 11, 1980, 94 Stat. 2788, as added and amended Pub.L. 99-499, Title I, § 111, Title II, § 207(d), Oct. 17, 1986.

## § 9612. [CERCLA § 112]

### Claims procedure

▶II.N. Response Claims  
SARA § 112(a)

(a) Presentment of assertable claims against owner, operator, guarantor, or other person; election of available remedies upon failure to satisfy presentment

All claims which may be asserted against the Fund pursuant to section 9611 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 9607 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.]

(a) CLAIMS AGAINST THE FUND FOR RESPONSE COSTS.—No claims may be asserted against the Fund pursuant to section 9611(a) unless such claim is presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 9607. In any case where the claim has not been satisfied within 60 days of presentation in accordance with this subsection, the claimant may present the claim to the Fund for payment. No claim against the Fund may be approved or certified during the pendency of an action by the claimant in court to recover costs which are the subject of the claim. ◀

(b) Forms and procedures applicable]

(b)(1) PRESCRIBING FORMS AND PROCEDURES.—

▶II.D. Civil and Criminal Penalties  
SARA § 109(a)

(1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined [up to \$5,000 or imprisoned for not more than one year, or both.] in accordance with the applicable provisions of title 18 of the United States Code or imprisoned for not more than 3 years (or not more than 5 years in the case of a second or subsequent conviction), or both. ◀

▶II.N. Response Claims  
SARA § 112(b)

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a

settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 5 of Title 41, upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within ninety days of December 11, 1980, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however*, That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this chapter shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpoena the attendance and testimony of witnesses and the produc-

tion of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of Title 5, and rules promulgated by the President. If a person fails or refuses to obey a subpoena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 9604(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however*, That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this chapter or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2) (A) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(1) If any any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests, of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.]

(2) **PAYMENT OR REQUEST FOR HEARING.**—*The President may, if satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim, except that no claim may be awarded to the extent that a judicial judgment has been made on the costs that are the subject of the claim. If the President declines to pay all or part of the claim, the claimant may, within 30 days after receiving notice of the President's decision, request an administrative hearing.*

(3) **BURDEN OF PROOF.**—*In any proceeding under this subsection, the claimant shall bear the burden of proving his claim.*

(4) **DECISIONS.**—*All administrative decisions made hereunder shall be in writing, with notification to all appropriate parties, and shall be rendered within 90 days of submission of a claim to an administrative law judge, unless all the parties to the claim agree in writing to an extension or unless the President, in his discretion, extends the time limit for a period not to exceed sixty days.*

(5) **FINALITY AND APPEAL.**—*All administrative decisions hereunder shall be final, and any party to the proceeding may appeal a decision within 30 days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the release or threat of release took place. In any such appeal, the decision shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of discretion.*

(6) **PAYMENT.**—*Within 20 days after the expiration of the appeal period for any administrative decision concerning an award, or within 20 days after the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment. ◀*

**(c) Subrogation rights; actions maintainable**

(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this chapter to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this chapter or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this subchapter, and, with respect to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason

of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

**►II.F. Statutes of Limitations  
SARA § 112(c)**

**[(d) Time for presentation of claims or maintenance of actions**

No claim may be presented, nor may an action be commenced for damages under this subchapter, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or December 11, 1980, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.]

**(d). STATUTE OF LIMITATIONS.—**

**(1) CLAIMS FOR RECOVERY OF COSTS.—**

*No claim may be presented under this section for recovery of the costs referred to in section 9607(a) after the date 6 years after the date of completion of all response action.*

**(2) CLAIMS FOR RECOVERY OF DAMAGES.—***No claim may be presented under this section for recovery of the damages referred to in section 9607(a) unless the claim is presented within 3 years after the later of the following:*

**(A)** *The date of the discovery of the loss and its connection with the release in question.*

**(B)** *The date on which final regulations are promulgated under section 9651(c).*

**(3) MINORS AND INCOMPETENTS.—***The time limitations contained herein shall not begin to run—*

**(A)** *against a minor until the earlier of the date when such minor reaches 18 years of age or the date on which a legal representative is duly appointed for the minor, or*

**(B)** *against an incompetent person until the earlier of the date on which such person's incompetency ends or the date on which a legal representative is duly appointed for such incompetent person. ◀*

**(e) Other statutory or common law claims not waived, etc.**

Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this subchapter shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this subchapter arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this subchapter shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this subchapter arising from the same incident, transaction, or set of circumstances.

►II.N. Natural Resource Damages  
SARA § 112(d)

(f) **DOUBLE RECOVERY PROHIBITED.**—Where the President has paid out of the Fund for any response costs or any costs specified under section 9611(c)(1) or (2), no other claim may be paid out of the Fund for the same costs. ◀

Pub.L. 96-510, Title I, § 112, Dec. 11, 1980, 94 Stat. 2792, as added and amended Pub.L. 99-499, Title I, §§ 109(a), 112, Oct. 17, 1986.

## § 9613. [CERCLA § 113]

### Civil proceedings

#### (a) Review of regulations in Circuit Court of Appeals of the United States for the District of Columbia

Review of any regulation promulgated under this chapter may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

#### (b) Jurisdiction; venue

##### ►II.A. Judicial Review SARA § 113(c)

Except as provided in [subsection] subsections (a) and (h) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this chapter, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia. ◀

#### (c) Controversies or other matters resulting from tax collection or tax regulation review

The provisions of subsections (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by subchapter II of this chapter, or to the review of any regulation promulgated under Title 26.

#### (d) Litigation commenced prior to December 11, 1980

No provision of this chapter shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to December 11, 1980.

##### ►II.K. Service of Process SARA § 113(a)

(e) **NATIONWIDE SERVICE OF PROCESS.**—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process. ◀

##### ►II.H. Contribution SARA § 113(b)

#### (f) CONTRIBUTION.—

(1) **CONTRIBUTION.**—Any person may seek contribution from any other person who is liable or potentially liable under section 9607(a), during or following any civil action under section 9606 or under section 9607(a). Such claims shall be brought in accordance with this section and the Federal Rules of Civil Procedure, and shall be governed by Federal law. In resolving contribution claims, the court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate. Nothing in this subsection shall diminish the right of any person to bring an action for contribution in the absence of a civil action under section 9606 or section 9607.

(2) **SETTLEMENT.**—A person who has resolved its liability to the United States or a State in an administrative or judicially approved settlement shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

(3) **PERSONS NOT PARTY TO SETTLEMENT.**—(A) If the United States or a State has obtained less than complete relief from a person who has resolved its liability to the United States or the State in an administrative or judicially approved settlement, the United States or the State may bring an action against any person who has not so resolved its liability.

(B) A person who has resolved its liability to the United States or a State for some or all of a response action or for some or all of the costs of such action in an administrative or judicially approved settlement may seek contribution from any person who is not party to a settlement referred to in paragraph (2).

(C) In any action under this paragraph, the rights of any person who has resolved its liability to the United States or a State shall be subordinate to the rights of the United States or the State. Any contribution action brought under this paragraph shall be governed by Federal law. ◀

##### ►II.F. Statutes of Limitations SARA § 113(b)

#### (g) PERIOD IN WHICH ACTION MAY BE BROUGHT.—

(1) **ACTIONS FOR NATURAL RESOURCE DAMAGES.**—Except as provided in paragraphs (3) and (4), no action may be commenced for damages (as defined in section 9601(6)) under this chapter, unless that action is commenced within 3 years after the later of the following:

(A) The date of the discovery of the loss and its connection with the release in question.

(B) The date on which regulations are promulgated under section 9651(c).

With respect to any facility listed on the National Priorities List (NPL), any Federal facility identified under section 9620 relating to Federal facilities, or any vessel or facility at which a remedial action under this chapter is otherwise scheduled, an action for damages under this chapter must be commenced

within 3 years after the completion of the remedial action (excluding operation and maintenance activities) in lieu of the dates referred to in subparagraph (A) or (B). In no event may an action for damages under this chapter with respect to such a vessel or facility be commenced (i) prior to 60 days after the Federal or State natural resource trustee provides to the President and the potentially responsible party a notice of intent to file suit, or (ii) before selection of the remedial action if the President is diligently proceeding with a remedial investigation and feasibility study under section 9604(b) or section 9620 (relating to Federal facilities). The limitation in the preceding sentence on commencing an action before giving notice or before selection of the remedial action does not apply to actions filed on or before the enactment of the Superfund Amendments and Reauthorization Act of 1986.

**(2) ACTIONS FOR RECOVERY OF COSTS.—**An initial action for recovery of the costs referred to in section 9607 must be commenced—

(A) for a removal action, within 3 years after completion of the removal action, except that such cost recovery action must be brought within 6 years after a determination to grant a waiver under section 9604(c)(1)(C) for continued response action; and

(B) for a remedial action, within 6 years after initiation of physical on-site construction of the remedial action, except that, if the remedial action is initiated within 3 years after the completion of the removal action, costs incurred in the removal action may be recovered in the cost recovery action brought under this subparagraph.

In any such action described in this subsection, the court shall enter a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages. A subsequent action or actions under section 9607 for further response costs at the vessel or facility may be maintained at any time during the response action, but must be commenced no later than 3 years after the date of completion of all response action. Except as otherwise provided in this paragraph, an action may be commenced under section 9607 for recovery of costs at any time after such costs have been incurred.

**(3) CONTRIBUTION.—**No action for contribution for any response costs or damages may be commenced more than 3 years after—

(A) the date of judgment in any action under this chapter for recovery of such costs or damages, or

(B) the date of an administrative order under section 9622(e) (relating to de minimis settlements) or 9622(h) (relating to cost recovery settlements) or entry of a judicially approved settlement with respect to such costs or damages.

**(4) SUBROGATION.—**No action based on rights subrogated pursuant to this section by reason of payment of a claim may be commenced under this sub-

chapter more than 3 years after the date of payment of such claim.

**(5) ACTIONS TO RECOVER INDEMNIFICATION PAYMENTS.—**Notwithstanding any other provision of this subsection, where a payment pursuant to an indemnification agreement with a response action contractor is made under section 9619, an action under section 9607 for recovery of such indemnification payment from a potentially responsible party may be brought at any time before the expiration of 3 years from the date on which such payment is made.

**(6) MINORS AND INCOMPETENTS.—**The time limitations contained herein shall not begin to run—

(A) against a minor until the earlier of the date when such minor reaches 18 years of age or the date on which a legal representative is duly appointed for such minor, or

(B) against an incompetent person until the earlier of the date on which such incompetent's incompetency ends or the date on which a legal representative is duly appointed for such incompetent. ◀

▶II.A. Judicial Review  
SARA § 113(c)

**(h) TIMING OF REVIEW.—**No Federal court shall have jurisdiction under Federal law other than under section 1332 of title 28 of the United States Code (relating to diversity of citizenship jurisdiction) or under State law which is applicable or relevant and appropriate under section 9621 (relating to cleanup standards) to review any challenges to removal or remedial action selected under section 9604, or to review any order issued under section 9606(a), in any action except one of the following:

(1) An action under section 9607 to recover response costs or damages or for contribution.

(2) An action to enforce an order issued under section 9606(a) or to recover a penalty for violation of such order.

(3) An action for reimbursement under section 9606(b)(2).

(4) An action under section 9659 (relating to citizens suits) alleging that the removal or remedial action taken under section 9604 or secured under section 9606 was in violation of any requirement of this chapter. Such an action may not be brought with regard to a removal where a remedial action is to be undertaken at the site.

(5) An action under section 9606 in which the United States has moved to compel a remedial action.

**(i) INTERVENTION.—**In any action commenced under this chapter or under the Solid Waste Disposal Act in a court of the United States, any person may intervene as a matter of right when such person claims an interest relating to the subject of the action and is so situated that the disposition of the action may, as a practical matter, impair or impede the person's ability to protect that interest, unless the President or the State shows that the person's interest is adequately represented by existing parties.

**(j) JUDICIAL REVIEW.—**

**(1) LIMITATION.—**In any judicial action under this chapter, judicial review of any issues concern-

ing the adequacy of any response action taken or ordered by the President shall be limited to the administrative record. Otherwise applicable principles of administrative law shall govern whether any supplemental materials may be considered by the court.

(2) **STANDARD.**—In considering objections raised in any judicial action under this chapter, the court shall uphold the President's decision in selecting the response action unless the objecting party can demonstrate, on the administrative record, that the decision was arbitrary and capricious or otherwise not in accordance with law.

(3) **REMEDY.**—If the court finds that the selection of the response action was arbitrary and capricious or otherwise not in accordance with law, the court shall award (A) only the response costs or damages that are not inconsistent with the national contingency plan, and (B) such other relief as is consistent with the National Contingency Plan.

(4) **PROCEDURAL ERRORS.**—In reviewing alleged procedural errors, the court may disallow costs or damages only if the errors were so serious and related to matters of such central relevance to the action that the action would have been significantly changed had such errors not been made.

**(K) ADMINISTRATIVE RECORD AND PARTICIPATION PROCEDURES.—**

(1) **ADMINISTRATIVE RECORD.**—The President shall establish an administrative record upon which the President shall base the selection of a response action. The administrative record shall be available to the public at or near the facility at issue. The President also may place duplicates of the administrative record at any other location.

**(2) PARTICIPATION PROCEDURES.—**

(A) **REMOVAL ACTION.**—The President shall promulgate regulations in accordance with chapter 5 of title 5 of the United States Code establishing procedures for the appropriate participation of interested persons in the development of the administrative record on which the President will base the selection of removal actions and on which judicial review of removal actions will be based.

(B) **REMEDIAL ACTION.**—The President shall provide for the participation of interested persons, including potentially responsible parties, in the development of the administrative record on which the President will base the selection of remedial actions and on which judicial review of remedial actions will be based. The procedures developed under this subparagraph shall include, at a minimum, each of the following:

(i) Notice to potentially affected persons and the public, which shall be accompanied by a brief analysis of the plan and alternative plans that were considered.

(ii) A reasonable opportunity to comment and provide information regarding the plan.

(iii) An opportunity for a public meeting in the affected area, in accordance with section 9617(a)(2) (relating to public participation).

(iv) A response to each of the significant comments, criticisms, and new data submitted in written or oral presentations.

(v) A statement of the basis and purpose of the selected action.

For purposes of this subparagraph, the administrative record shall include all items developed and received under this subparagraph and all items described in the second sentence of section 9617(d). The President shall promulgate regulations in accordance with chapter 5 of title 5 of the United States Code to carry out the requirements of this subparagraph.

(C) **INTERIM RECORDS.**—Until such regulations under subparagraphs (A) and (B) are promulgated, the administrative record shall consist of all items developed and received pursuant to current procedures for selection of the response action, including procedures for the participation of interested parties and the public. The development of an administrative record and the selection of response action under this chapter shall not include an adjudicatory hearing.

(D) **POTENTIALLY RESPONSIBLE PARTIES.**—The President shall make reasonable efforts to identify and notify potentially responsible parties as early as possible before selection of a response action. Nothing in this paragraph shall be construed to be a defense to liability.

(f) **NOTICE OF ACTIONS.**—Whenever any action is brought under this chapter in a court of the United States by a plaintiff other than the United States, the plaintiff shall provide a copy of the complaint to the Attorney General of the United States and to the Administrator of the Environmental Protection Agency. ◀

Pub. L. 96-510, Title 1, § 113, Dec. 11, 1980, 94 Stat. 2795, as added and amended Pub. L. 99-499, Title 1, § 113, Oct. 17, 1986.

## § 9614. [CERCLA § 114]

### Relationship to other law

#### (a) Additional State liability or requirements with respect to release of substances within State

Nothing in this chapter shall be construed or interpreted as preempting any State from imposing any additional liability or requirements with respect to the release of hazardous substances within such State.

#### (b) Recovery under other State or Federal law of compensation for removal costs or damages, or payment of claims

Any person who receives compensation for removal costs or damages or claims pursuant to this chapter shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from

receiving compensation for the same removal costs or damages or claims as provided in this chapter.

►IV.C. Federal/State Cost Sharing  
SARA § 114(a)

(c) Contributions to other funds; limitations, etc.

Except as provided in this chapter, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this subchapter. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affects such State.]◄

►IV.G. Recycled Oil  
SARA § 114(a)

(c) RECYCLED OIL.—

(1) SERVICE STATION DEALERS, ETC.—No person (including the United States or any State) may recover, under the authority of subsection (a)(3) or (a)(4) of section 9607, from a service station dealer for any response costs or damages resulting from a release or threatened release of recycled oil, or use the authority of section 9606 against a service station dealer other than a person described in subsection (a)(1) or (a)(2) of section 9607, if such recycled oil—

(A) is not mixed with any other hazardous substance, and

(B) is stored, treated, transported, or otherwise managed in compliance with regulations or standards promulgated pursuant to section 3014 of the Solid Waste Disposal Act and other applicable authorities.

Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release or threatened release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action.

(2) PRESUMPTION.—Solely for the purposes of this subsection, a service station dealer may presume that a small quantity of used oil is not mixed with other hazardous substances if it—

(A) has been removed from the engine of a light duty motor vehicle or household appliances by the owner of such vehicle or appliances, and

(B) is presented, by such owner, to the dealer for collection, accumulation, and delivery to an oil recycling facility.

(3) DEFINITION.—For purposes of this subsection, the terms "used oil" and "recycled oil" have the same meanings as set forth in sections 1004(36) and 1004(37) of the Solid Waste Disposal Act and regulations promulgated pursuant to that Act.

(4) EFFECTIVE DATE.—The effective date of paragraphs (1) and (2) of this subsection shall be the effective date of regulations or standards pro-

mulgated under section 3014 of the Solid Waste Disposal Act that include, among other provisions, a requirement to conduct corrective action to respond to any releases of recycled oil under subtitle C or subtitle I of such Act. ◄

(d) Financial responsibility of owner or operator of vessel or facility under State or local law, rule, or regulation

Except as provided in this subchapter, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this subchapter shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this subchapter shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

Pub.L. 96-510, Title I, § 114, Dec. 11, 1980, 94 Stat. 2795, as added and amended Pub.L. 99-499, Title I, § 114(a), Oct. 17, 1986.

## § 9615. [CERCLA § 115]

### Presidential delegation and assignment of duties or powers and promulgation of regulations

The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this subchapter.

Pub.L. 96-510, Title I, § 115, Dec. 11, 1980, 94 Stat. 2796.

►I.G. Schedules  
SARA § 116

## § 9616. [CERCLA § 116]

### SCHEDULES.

(a) ASSESSMENT AND LISTING OF FACILITIES.—It shall be a goal of this chapter that, to the maximum extent practicable—

(1) not later than January 1, 1988, the President shall complete preliminary assessments of all facilities that are contained (as of the date of enactment of the Superfund Amendments and Reauthorization Act of 1986) on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) including in each assessment a statement as to whether a site inspection is necessary and by whom it should be carried out; and

(2) not later than January 1, 1989, the President shall assure the completion of site inspections at all facilities for which the President has stated a site inspection is necessary pursuant to paragraph (1).

(b) EVALUATION.—Within 4 years after enactment of the Superfund Amendments and Reauthorization Act of 1986, each facility listed (as of the date of such enactment)

in the CERCLIS shall be evaluated if the President determines that such evaluation is warranted on the basis of a site inspection or preliminary assessment. The evaluation shall be in accordance with the criteria established in section 9605 under the National Contingency Plan for determining priorities among release for inclusion on the National Priorities List. In the case of a facility listed in the CERCLIS after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the facility shall be evaluated within 4 years after the date of such listing if the President determines that such evaluation is warranted on the basis of a site inspection or preliminary assessment.

(c) **EXPLANATIONS.**—If any of the goals established by subsection (a) or (b) are not achieved, the President shall publish an explanation of why such action could not be completed by the specified date.

(d) **COMMENCEMENT OF RI/FS.**—The President shall assure that remedial investigations and feasibility studies (RI/FS) are commenced for facilities listed on the National Priorities List, in addition to those commenced prior to the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, in accordance with the following schedule:

(1) not fewer than 275 by the date 36 months after the date of enactment of the Superfund Amendment and Reauthorization Act of 1986, and

(2) if the requirement of paragraph (1) is not met, not fewer than an additional 175 by the date 4 years after such date of enactment, an additional 200 by the date 5 years after such date of enactment, and a total of 650 by the date 5 years after such date of enactment.

(e) **COMMENCEMENT OF REMEDIAL ACTION.**—The President shall assure that substantial and continuous physical on-site remedial action commences at facilities on the National Priorities List, in addition to those facilities on which remedial action has commenced prior to the date of enactment of the Superfund Amendments and Reauthorization Act of 1986, at a rate not fewer than:

(1) 175 facilities during the first 36-month period after enactment of this subsection; and

(2) 200 additional facilities during the following 24 months after such 36-month period. ◀

As added Pub.L. 99-499, Title I, §116, Oct. 17, 1986.

►I.J. Public Participation  
SARA § 117

## § 9617. [CERCLA § 117]

### PUBLIC PARTICIPATION.

(a) **PROPOSED PLAN.**—Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 9604, 9606, 9620, or 9622, the President or State, as appropriate, shall take both of the following actions:

(1) Publish a notice and brief analysis of the proposed plan and make such plan available to the public.

(2) Provide a reasonable opportunity for submission of written and oral comments and an opportunity

ty for a public meeting at or near the facility at issue regarding the proposed plan and regarding any proposed findings under section 9621(d)(4) (relating to cleanup standards). The President or the State shall keep a transcript of the meeting and make such transcript available to the public. The notice and analysis published under paragraph (1) shall include sufficient information as may be necessary to provide a reasonable explanation of the proposed plan and alternative proposals considered.

(b) **FINAL PLAN.**—Notice of the final remedial action plan adopted shall be published and the plan shall be made available to the public before commencement of any remedial action. Such final plan shall be accompanied by a discussion of any significant changes (and the reasons for such changes) in the proposed plan and a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations under subsection (a).

(c) **EXPLANATION OF DIFFERENCES.**—After adoption of a final remedial action plan—

(1) if any remedial action is taken,

(2) if any enforcement action under section 9606 is taken, or

(3) if any settlement or consent decree under section 9606 or section 9622 is entered into, and if such action, settlement, or decree differs in any significant respects from the final plan, the President or the State shall publish an explanation of the significant differences and the reasons such changes were made.

(d) **PUBLICATION.**—For the purposes of this section, publication shall include, at a minimum, publication in a major local newspaper of general circulation. In addition, each item developed, received, published, or made available to the public under this section shall be available for public inspection and copying at or near the facility at issue.

(e) **GRANTS FOR TECHNICAL ASSISTANCE.**—

(1) **AUTHORITY.**—Subject to such amounts as are provided in appropriations Acts and in accordance with rules promulgated by the President, the President may make grants available to any group of individuals which may be affected by a release or threatened release at any facility which is listed on the National Priorities List under the National Contingency Plan. Such grants may be used to obtain technical assistance in interpreting information with regard to the nature of the hazard, remedial investigation and feasibility study, record of decision, remedial design, selection and construction of remedial action, operation and maintenance, or removal action at such facility.

(2) **AMOUNT.**—The amount of any grant under this subsection may not exceed \$50,000 for a single grant recipient. The President may waive the \$50,000 limitation in any case where such waiver is necessary to carry out the purposes of this subsection. Each grant recipient shall be required, as a condition of the grant, to contribute at least 20 percent of the total of costs of the technical assistance for which such grant is made. The President may waive the . . . por-

cent contribution requirement if the grant recipient demonstrates financial need and such waiver is necessary to facilitate public participation in the selection of remedial action at the facility. Not more than one grant may be made under this subsection with respect to a single facility, but the grant may be renewed to facilitate public participation at all stages of remedial action. ◀

As added Pub.L. 99-499, Title I, § 117, Oct. 17, 1986.

## § 9618. [CERCLA § 118]

### ►I.A. Scope of Superfund SARA § 118(a)

#### HIGH PRIORITY FOR DRINKING WATER SUPPLIES.

For purposes of taking action under section 9604 or 9606 and listing facilities on the National Priorities List, the President shall give a high priority to facilities where the release of hazardous substances or pollutants or contaminants has resulted in the closing of drinking water wells or has contaminated a principal drinking water supply. ◀

As added Pub.L. 99-499, Title I, § 118(a), Oct. 17, 1986.

**MISCELLANEOUS PROVISIONS.** Subsections (b)-(p) of section 118 of Pub.L. 99-499 provided that:

### ►IV.H. Radon SARA § 118(b)

"(b) **REMOVAL AND TEMPORARY STORAGE OF CONTAINERS OF CONTAMINATED SOIL.**—Not later than 90 days after the enactment of this Act, the Administrator shall make a grant of \$7,500,000 to the State of New Jersey for transportation from residential areas in the State of New Jersey and temporary storage of approximately 14,000 containers of radon contaminated soil which is the subject of a remedial action for which a remedial investigation and feasibility study has been initiated before such date. Such containers shall be transported to and temporarily stored at any site in the State of New Jersey designated by the Governor of such State. For purposes of section 111(a) of CERCLA, the grant under this subsection for transportation and storage of such containers shall be treated as payment of governmental response cost incurred pursuant to section 104 of CERCLA. ◀

"(c) **UNCONSOLIDATED QUATERNARY AQUIFER.**—Notwithstanding any other provision of law, no person may—

"(1) locate or authorize the location of a landfill, surface impoundment, waste pile, injection well, or land treatment facility over the Unconsolidated Quaternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946-2948); or

"(2) place or authorize the placement of solid waste in a landfill, surface impoundment, waste pile, injection well, or land treatment facility over such aquifer or zone. This subsection may be enforced under sections 309(a) and (b) of the Federal Water Pollution Control Act. For purposes of section 309(c) of such Act, a violation of this subsection shall be considered a violation of section 301 of such Act.

### ►IV.I. Studies SARA § 118(d)

"(d) **STUDY OF SHORTAGES OF SKILLED PERSONNEL.**—The Comptroller General shall study the problem of shortages

of skilled personnel in the Environmental Protection Agency to carry out response actions under CERCLA. In particular the Comptroller General shall study—

"(1) the types of skilled personnel needed for response actions for which there are shortages in the Environmental Protection Agency,

"(2) the extent of such shortages,

"(3) pay differential between the public and private sectors for the skilled positions involved in response actions,

"(4) the extent to which skilled personnel of Federal and State governments involved in response actions are leaving their positions for employment in the private sector,

"(5) the success of programs of the Department of Defense and the Office of Personnel Management in retaining skilled personnel, and

"(6) the types of training required to improve the skills of employees carrying out response actions.

The Comptroller General shall complete the study required by this subsection and submit a report on the results thereof to Congress not later than July 1, 1987. ◀

"(e) **STATE REQUIREMENTS NOT APPLICABLE TO CERTAIN TRANSFERS.**—No State or local requirement shall apply to the transfer and disposal of any hazardous substance or pollutant or contaminant from a facility at which a release or threatened release has occurred to a facility for which a final permit under section 3005(a) of the Solid Waste Disposal Act is in effect if the following conditions apply—

"(1) Such permit was issued after January 1, 1983 and before November 1, 1984.

"(2) The transfer and disposal is carried out pursuant to a cooperative agreement between the Administrator and the State.

"(3) The facility at which the release or threatened release has occurred is identified as the McColl Site in Fullerton, California. The terms used in this section shall have the same meaning as when used in title I of CERCLA.

### ►IV.D. Lead Contamination SARA § 118(f)

"(f) **STUDY OF LEAD POISONING IN CHILDREN.**—(1) The Administrator of the Agency for Toxic Substances and Disease Registry shall, in consultation with the Administrator of the Environmental Protection Agency and other officials as appropriate, not later than March 1, 1987, submit to the Congress, a report on the nature and extent of lead poisoning in children from environmental sources. Such report shall include, at a minimum, the following information—

"(A) an estimate of the total number of children, arrayed according to Standard Metropolitan Statistical Area or other appropriate geographic unit, exposed to environmental sources of lead at concentrations sufficient to cause adverse health effects;

"(B) an estimate of the total number of children exposed to environmental sources of lead arrayed according to source or source types;

"(C) a statement of the long term consequences for public health of unabated exposures to environmental sources of lead and including but not limited to, diminution in intelligence, increases in morbidity and mortality; and

"(D) methods and alternatives available for reducing exposures of children to environmental sources of lead.

"(2) Such report shall also score and evaluate specific sites at which children are known to be exposed to environmental sources of lead due to releases, utilizing the Hazard Ranking system of the National Priorities List.

"(3) The costs of preparing and submitting the report required by this section shall be borne by the Hazardous Substance Superfund established under subchapter A of chapter 98 of Internal Revenue Code of 1954. ◀

**"(g) FEDERALLY LICENSED DAM.**—For purposes of CERCLA in the case of the Milltown Dam in the State of Montana licensed under part 1 of the Federal Power Act and designated as FERC license number 2543-004, if a hazardous substance, pollutant, or contaminant—

"(1) has been released into the environment upstream of the dam, and

"(2) has subsequently come to be located in the reservoir created by such dam

notwithstanding section 101(20) of such Act, the term 'owner or operator' does not include the owner or operator of the dam unless such owner or operator is a person who would otherwise be liable for such release or threatened release under section 107 of such Act.

►I.A. Scope of Superfund  
SARA § 118(h)

**"(h) COMMUNITY RELOCATION AT TIMES BEACH SITE.**—For purposes of any Missouri dioxin site at which a temporary or permanent relocation decision has been made, or is under active consideration, by the Administrator as of the enactment of this Act, the terms 'remove' and 'removal' as used in CERCLA shall be deemed to include the costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare. In the case of a business located in an area of evacuation or relocation at such facility, such terms may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and 30 days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, such terms may also include the provision of assistance identical to that authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974; except that the costs of such assistance shall be paid from the Trust Fund established under amendments made to the Internal Revenue Code of 1954 by this Act. Section 104(c)(1) of CERCLA shall not apply to obligations from the Fund for permanent relocation under this paragraph. ◀

**"(i) LIMITED WAIVERS IN STATE OF ILLINOIS.**—

**"(1) MOBILE INCINERATORS.**—In the case of remedial actions specifically involving mobile incinerator units in the State of Illinois, if such remedial actions are undertaken by the State under the authority of a State Superfund law or equivalent authority, the State may, with the approval of the Administrator, waive any permit requirement under subtitle C of the Solid Waste Disposal Act which would be otherwise applicable to such action to the extent that the following conditions are met:

**"(A) NO TRANSFER.**—The incinerator does not involve the transfer of a hazardous substance or pollutant or contaminant from the facility at which the release or threatened release occurs to an offsite facility.

**"(B) REMEDIAL ACTION.**—The remedial action provides each of the following:

"(i) Changes in the character or composition of the hazardous substance or pollutant or contaminant concerned so that it no longer presents a risk to public health.

"(ii) Protection against accidental emissions during operation.

"(iii) Protection of public health, considering the multimedia impacts of the treatment process.

**"(C) PUBLIC PARTICIPATION.**—The State provides procedures for public participation regard-

ing the response action which are at least equivalent to the level of public participation procedures applicable under CERCLA and under the Solid Waste Disposal Act.

**"(2) EFFECT OF WAIVER.**—The waiver of any permit requirement under this subsection shall not be construed to waive any standard or level or control which—

"(A) is applicable to any hazardous substance or pollutant or contaminant involved in the remedial action; and

"(B) would otherwise be contained in the permit.

Such waiver of any permit requirement under subtitle C of the Solid Waste Disposal Act shall only apply to the extent that the facility or remedial action involves the onsite treatment with a mobile incineration unit of waste present at such site. The waiver shall not apply to any other regulated or potentially regulated activity, including the use of the mobile incineration unit for actions not authorized by the State.

**"(3) EXPIRATION OF AUTHORITY.**—The authority of this subsection shall terminate at the end of 3 years, unless the State demonstrates, to the satisfaction of the Administrator, that the operation of mobile incinerators in the State has sufficiently protected public health and the environment and is consistent with the criteria required for a permit under subtitle C of the Solid Waste Disposal Act.

►IV.I. Studies  
SARA § 118(j)

**"(j) STUDY OF JOINT USE OF TRUCKS.**—

**"(1) STUDY.**—The Administrator, in consultation with the Secretary of Transportation, shall conduct a study of problems associated with the use of any vehicle for purposes other than the transportation of hazardous substances when that vehicle is used at other times for the transportation of hazardous substances. At a minimum, the Administrator shall consider—

"(A) whether such joint use of vehicles should be prohibited, and

"(B) whether, if such joint use is permitted, special safeguards should be taken to minimize threats to public health and the environment.

**"(2) REPORT.**—The Administrator shall submit a report, along with recommendations, to Congress on the results of the study conducted under paragraph (1) not later than 180 days after the date of the enactment of this Act. ◀

►IV.H. Radon  
SARA § 118(k)

**"(k) RADON ASSESSMENT AND MITIGATION.**—

**"(1) NATIONAL ASSESSMENT OF RADON GAS.**—No later than one year after the enactment of this Act, the Administrator shall submit to the Congress a report which shall, to the extent possible—

"(A) identify the locations in the United States where radon is found in structures where people normally live or work, including educational institutions;

"(B) assess the levels of radon gas that are present in such structures;

"(C) determine the level of radon gas and radon daughters which poses a threat to human health and assess for each location identified under subparagraph (A) the extent of the threat to human health;

"(D) determine methods of reducing or eliminating the threat to human health of radon gas and radon daughters; and

"(E) include guidance and public information materials based on the findings or research of mitigating radon.

**"(2) RADON MITIGATION DEMONSTRATION PROGRAM.—**

**"(A) DEMONSTRATION PROGRAM.—**The Administrator shall conduct a demonstration program to test methods and technologies of reducing or eliminating radon gas and radon daughters where it poses a threat to human health. The Administrator shall take into consideration any demonstration program underway in the Reading Prong of Pennsylvania, New Jersey, and New York and at other sites prior to enactment. The demonstration program under this section shall be conducted in the Reading Prong, and at such other sites as the Administrator considers appropriate.

**"(B) ANNUAL REPORTS.—**The Administrator shall submit annual reports not later than February 1 of each year (beginning February 1, 1987) on the status of the demonstration program carried out under this subsection and on any such demonstration program initiated prior to enactment.

**"(C) LIABILITY.—**Liability, if any, for persons undertaking activities pursuant to the radon mitigation demonstration program authorized under this subsection shall be determined under principles of existing law.

**"(3) CONSTRUCTION OF SECTION.—**Nothing in this subsection shall be construed to authorize the Administrator to carry out any regulatory program or any activity other than research, development, and related reporting, information dissemination, and coordination activities specified in this subsection. Nothing in paragraph (1) or (2) shall be construed to limit the authority of the Administrator or of any other agency or instrumentality of the United States under any other authority of law. ◀

►I.M. Research and Development  
SARA § 118(l)

**"(4) GULF COAST HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—**

**"(1) ESTABLISHMENT OF HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—**The Administrator shall establish a hazardous substance research, development, and demonstration center (hereinafter in this subsection referred to as the 'Center') for the purpose of conducting research to aid in more effective hazardous substance response and waste management throughout the Gulf Coast.

**"(2) PURPOSES OF THE CENTER.—**The Center shall carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies which may be utilized in response actions or in normal handling of hazardous wastes to achieve better protection of human health and the environment.

**"(3) OPERATION OF CENTER.—(A)** For purposes of operating the Center, the Administrator is authorized to enter into contracts and cooperative agreements with, and make grants to, a university related institute involved with the improvement of waste management. Such institute shall be located in Jefferson County, Texas.

**"(B)** The Center shall be authorized to make grants, accept contributions, and enter into agreements with universities located in the States of Texas, Louisiana, Mississippi, Alabama, and Florida in order to carry out the purposes of the Center.

**"(4) AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated to the Ad-

ministrator for purposes of carrying out this subsection for fiscal years beginning after September 30, 1986, not more than \$5,000,000. ◀

►IV.H. Radon  
SARA § 118(m)

**"(m) RADON PROTECTION AT CURRENT NATIONAL PRIORITIES LIST SITES.—**It is the sense of the Congress that the President, in selecting response action for facilities included on the National Priorities List published under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 because of the presence of radon, is not required by statute or regulations to use fully demonstrated methods, particularly those involving the offsite transport and disposition of contaminated material, but may use innovative or alternative methods which protect human health and the environment in a more cost-effective manner. ◀

►I.M. Research and Development  
SARA § 118(n)

**"(n) SPILL CONTROL TECHNOLOGY.—**

**"(1) ESTABLISHMENT OF PROGRAM.—**Within 180 days of enactment of this subsection, the Secretary of the United States Department of Energy is directed to carry out a program of testing and evaluation of technologies which may be utilized in responding to liquefied gaseous and other hazardous substance spills at the Liquefied Gaseous Fuels Spill Test Facility that threaten public health or the environment.

**"(2) TECHNOLOGY TRANSFER.—**In carrying out the program established under this subsection, the Secretary shall conduct a technology transfer program that, at a minimum—

**"(A)** documents and archives spill control technology;

**"(B)** investigates and analyzes significant hazardous spill incidents;

**"(C)** develops and provides generic emergency action plans;

**"(D)** documents and archives spill test results; **(E)** develops emergency action plans to respond to spills;

**"(F)** conducts training of spill response personnel; and

**"(G)** establishes safety standards for personnel engaged in spill response activities.

**"(3) CONTRACTS AND GRANTS.—**The Secretary is directed to enter into contracts and grants with a nonprofit organization in Albany County, Wyoming, that is capable of providing the necessary technical support and which is involved in environmental activities related to such hazardous substance related emergencies.

**"(4) USE OF SITE.—**The Secretary shall arrange for the use of the Liquefied Gaseous Fuels Spill Test Facility to carry out the provisions of this subsection. ◀

►I.M. Research and Development  
SARA § 118(o)

**"(o) PACIFIC NORTHWEST HAZARDOUS SUBSTANCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—**

**"(1) ESTABLISHMENT.—**The Administrator shall establish a hazardous substance research, development, and demonstration center (hereinafter in this subsection referred to as the 'Center') for the purpose of conducting research to aid in more effective hazardous substance response in the Pacific Northwest.

**"(2) PURPOSES OF CENTER.—**The Center shall carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies which may be utilized in response actions to achieve more permanent protection of human health and welfare and the environment.

**"(3) OPERATION OF CENTER.—**

**"(A) NONPROFIT ENTITY.—**For the purposes of operating the Center, the Administrator is authorized to enter into contracts and cooperative agreements with, and make grants to, a nonprofit private entity as defined in section 201(f) of Public Law 96-517 which entity shall agree to provide the basic technical and management personnel. Such nonprofit private entity shall also agree to provide at least two permanent research facilities, one of which shall be located in Benton County, Washington, and one of which shall be located in Clallam County, Washington.

**"(B) AUTHORITY.—**The Center shall be authorized to make grants, accept contributions, and enter into agreements with universities located in the States of Washington, Oregon, Idaho, and Montana in order to carry out the purposes of the Center.

**"(4) HAZARDOUS WASTE RESEARCH AT THE HANFORD SITE.—**

**"(A) INTERAGENCY AGREEMENTS.—**The Administrator and the Secretary of Energy are authorized to enter into interagency agreements with one another for the purpose of providing for research, evaluation, testing, development, and demonstration into alternative or innovative technologies to characterize and assess the nature and extent of hazardous waste (including radioactive mixed waste) contamination at the Hanford site, in the State of Washington.

**"(B) FUNDING.—**There is authorized to be appropriated to the Secretary of Energy for purposes of carrying out this paragraph for fiscal years beginning after September 30, 1986, not more than \$5,000,000. All sums appropriated under this subparagraph shall be provided to the Administrator by the Secretary of Energy, pursuant to the interagency agreement entered into under subparagraph (A), for the purpose of the Administrator entering into contracts and cooperative agreements with, and making grants to, the Center in order to carry out the research, evaluation, testing, development, and demonstration described in paragraph (1).

**"(5) AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated to the Administrator for purposes of carrying out this subsection (other than paragraph (4)) for fiscal years beginning after September 30, 1986, not more than \$5,000,000. ◀

►I.D. NCPIHRSINPL  
SARA § 118(p)

**"(p) SILVER CREEK TAILINGS.—**Effective with the date of enactment of this Act, the facility listed in Group 7 in EPA National Priorities List Update #4 (50 Federal Register 37956, September 18, 1985), the site in Park City, Utah, which is located on tailings from noncoal mining operations, shall be deemed removed from the list of sites recommended for inclusion on the National Priorities List, unless the President determines upon site specific data not used in the proposed listing of such facility, that the facility meets requirements of the Hazard Ranking System or any revised Hazard Ranking System. ◀"

So in original. Probably should be "divia."

►II.C. Response Action Contractors  
SARA § 119

**§ 9619. [CERCLA § 119]****RESPONSE ACTION CONTRACTORS.****(a) LIABILITY OF RESPONSE ACTION CONTRACTORS.—****(1) RESPONSE ACTION CONTRACTORS.—**

A person who is a response action contractor with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from a vessel or facility shall not be liable under this subchapter or under any other Federal law to any person for injuries, costs, damages, expenses, or other liability (including but not limited to claims for indemnification or contribution and claims by third parties for death, personal injury, illness or loss of or damage to property or economic loss) which results from such release or threatened release.

**(2) NEGLIGENCE, ETC.—**Paragraph (1) shall not apply in the case of a release that is caused by conduct of the response action contractor which is negligent, grossly negligent, or which constitutes intentional misconduct.

**(3) EFFECT ON WARRANTIES; EMPLOYER LIABILITY.—**Nothing in this subsection shall affect the liability of any person under any warranty under Federal, State, or common law. Nothing in this subsection shall affect the liability of an employer who is a response action contractor to any employee of such employer under any provision of law, including any provision of any law relating to worker's compensation.

**(4) GOVERNMENTAL EMPLOYEES.—**A state employee or an employee of a political subdivision who provides services relating to response action while acting within the scope of his authority as a governmental employee shall have the same exemption from liability (subject to the other provisions of this subsection) as is provided to the response action contractor under this section.

**(b) SAVINGS PROVISIONS.—**

**(1) LIABILITY OF OTHER PERSONS.—**The defense provided by section 9607(b)(3) shall not be available to any potentially responsible party with respect to any costs or damages caused by any act or omission of a response action contractor. Except as provided in subsection (a)(4) and the preceding sentence, nothing in this section shall affect the liability under this chapter or under any other Federal or State law of any person, other than a response action contractor.

**(2) BURDEN OF PLAINTIFF.—**Nothing in this section shall affect the plaintiff's burden of establishing liability under this subchapter.

**(c) INDEMNIFICATION.—**

**(1) IN GENERAL.—**The President may agree to hold harmless and indemnify any response action contractor meeting the requirements of this subsection against any liability (including the expenses of litigation or settlement) for negligence arising out of the contractor's performance in carrying out response action activities under this subchapter, unless such liability was caused by conduct of the contractor which was grossly negligent or which constituted intentional misconduct.

**(2) APPLICABILITY.—**This subsection shall apply only with respect to a response action carried out under written agreement with—

(A) the President;

(B) any Federal agency;

(C) a State or political subdivision which has entered into a contract or cooperative agreement in accordance with section 9604(d)(1) of this title; or

(D) any potentially responsible party carrying out any agreement under section 9622 (relating to settlements) or section 9606 (relating to abatement).

(3) **SOURCE OF FUNDING.**—This subsection shall not be subject to section 1301 or 1341 of title 31 of the United States Code or section 3732 of the Revised Statutes (41 U.S.C. 11) or to section 3 of the Superfund Amendments and Reauthorization Act of 1986. For purposes of section 9611, amounts expended pursuant to this subsection for indemnification of any response action contractor (except with respect to federally owned or operated facilities) shall be considered governmental response costs incurred pursuant to section 9604. If sufficient funds are unavailable in the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 to make payments pursuant to such indemnification or if the Fund is repealed, there are authorized to be appropriated such amounts as may be necessary to make such payments.

(4) **REQUIREMENTS.**—An indemnification agreement may be provided under this subsection only if the President determines that each of the following requirements are met:

(A) The liability covered by the indemnification agreement exceeds or is not covered by insurance available, at a fair and reasonable price, to the contractor at the time the contractor enters into the contract to provide response action, and adequate insurance to cover such liability is not generally available at the time the response action contract is entered into.

(B) The response action contractor has made diligent efforts to obtain insurance coverage from non-Federal sources to cover such liability.

(C) In the case of a response action contract covering more than one facility, the response action contractor agrees to continue to make such diligent efforts each time the contractor begins work under the contract at a new facility.

(5) **LIMITATIONS.**—

(A) **LIABILITY COVERED.**—Indemnification under this subsection shall apply only to response action contractor liability which results from a release of any hazardous substance or pollutant or contaminant if such release arises out of response action activities.

(B) **DEDUCTIBLES AND LIMITS.**—An indemnification agreement under this subsection shall include deductibles and shall place limits on the amount of indemnification to be made available.

(C) **CONTRACTS WITH POTENTIALLY RESPONSIBLE PARTIES.**—

(i) **DECISION TO INDEMNIFY.**—In deciding whether to enter into an indemnification agreement with a response action contractor carrying out a written contract or agreement with any potentially responsible party, the President shall determine an amount which the potentially responsible party is able to indemnify the contractor. The President may enter into such an indemnification agreement only if the President determines that such amount of indemnification is inadequate to cover any reasonable potential liability of the contractor arising out of the contractor's negligence in performing the contract or agreement with such party. The President shall make the determinations in the preceding sentences (with respect to the amount and the adequacy of the amount) taking into account the total net assets and resources of potentially responsible parties with respect to the facility at the time of such determinations.

(ii) **CONDITIONS.**—The President may pay a claim under an indemnification agreement referred to in clause (i) for the amount determined under clause (i) only if the contractor has exhausted all administrative, judicial, and common law claims for indemnification against all potentially responsible parties participating in the clean-up of the facility with respect to the liability of the contractor arising out of the contractor's negligence in performing the contract or agreement with such party. Such indemnification agreement shall require such contractor to pay any deductible established under subparagraph (B) before the contractor may recover any amount from the potentially responsible party or under the indemnification agreement.

(D) **RCRA FACILITIES.**—No owner or operator of a facility regulated under the Solid Waste Disposal Act may be indemnified under this subsection with respect to such facility.

(E) **PERSONS RETAINED OR HIRED.**—A person retained or hired by a person described in subsection (c)(2)(B) shall be eligible for indemnification under this subsection only if the President specifically approves of the retaining or hiring of such person.

(6) **COST RECOVERY.**—For purposes of section 9607, amounts expended pursuant to this subsection for indemnification of any person who is a response action contractor with respect to any release or threatened release shall be considered a cost of response incurred by the United States Government with respect to such release.

(7) **REGULATIONS.**—The President shall promulgate regulations for carrying out the provisions of this subsection. Before promulgation of the regulations, the President shall develop guidelines to carry

out this section. Development of such guidelines shall include reasonable opportunity for public comment.

(8) **STUDY.**—The Comptroller General shall conduct a study in the fiscal year ending September 30, 1989, on the application of this subsection, including whether indemnification agreements under this subsection are being used, the number of claims that have been filed under such agreements, and the need for this subsection. The Comptroller General shall report the findings of the study to Congress no later than September 30, 1989.

(d) **EXCEPTION.**—The exemption provided under subsection (a) and the authority of the President to offer indemnification under subsection (c) shall not apply to any person covered by the provisions of paragraph (1), (2), (3), or (4) of section 9607(a) with respect to the release or threatened release concerned if such person would be covered by such provisions even if such person had not carried out any actions referred to in subsection (e) of this section.

(e) **DEFINITIONS.**—For purposes of this section—

(1) **RESPONSE ACTION CONTRACT.**—The term "response action contract" means any written contract or agreement entered into by a response action contractor (as defined in paragraph (2)(A) of this subsection) with—

(A) the President;

(B) any Federal agency;

(C) a State or political subdivision which has entered into a contract or cooperative agreement in accordance with section 9604(d)(1) of this title; or

(D) any potentially responsible party carrying out an agreement under section 9606 or 9622;

to provide any remedial action under this chapter at a facility listed on the National Priorities List, or any removal under this chapter, with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from the facility or to provide any evaluation, planning, engineering, surveying and mapping, design, construction, equipment, or any ancillary services thereto for such facility.

(2) **RESPONSE ACTION CONTRACTOR.**—The term "response action contractor" means—

(A) any—

(i) person who enters into a response action contract with respect to any release or threatened release of a hazardous substance or pollutant or contaminant from a facility and is carrying out such contract; and

(ii) person, public or nonprofit private entity, conducting a field demonstration pursuant to section 9660(b); and

(B) any person who is retained or hired by a person described in subparagraph (A) to provide any services relating to a response action.

(3) **INSURANCE.**—The term "insurance" means liability insurance which is fair and reasonably priced, as determined by the President, and which is made available at the time the contractor enters into

the response action contract to provide response action.

(f) **COMPETITION.**—Response action contractors and subcontractors for program management, construction management, architectural and engineering, surveying and mapping, and related services shall be selected in accordance with title IX of the Federal Property and Administrative Services Act of 1949. The Federal selection procedures shall apply to appropriate contracts negotiated by all Federal governmental agencies involved in carrying out this chapter. Such procedures shall be followed by response action contractors and subcontractors. ◀

As added Pub.L. 99-499, Title I, § 119, Oct. 17, 1986.

►I.O. Federal Facilities  
SARA § 120(a)

## § 9620. [CERCLA § 120]

### FEDERAL FACILITIES.

#### (a) APPLICATION OF CHAPTER TO FEDERAL GOVERNMENT.—

(1) **IN GENERAL.**—Each department, agency, and instrumentality of the United States (including the executive, legislative, and judicial branches of government) shall be subject to, and comply with, this chapter in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under section 9607 of this title. Nothing in this section shall be construed to affect the liability of any person or entity under sections 9606 and 9607.

(2) **APPLICATION OF REQUIREMENTS TO FEDERAL FACILITIES.**—All guidelines, rules, regulations, and criteria which are applicable to preliminary assessments carried out under this chapter for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned or operated by a department, agency, or instrumentality of the United States in the same manner and to the extent as such guidelines, rules, regulations, and criteria are applicable to other facilities. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this chapter.

(3) **EXCEPTIONS.**—This subsection shall not apply to the extent otherwise provided in this section with respect to applicable time periods. This subsection shall also not apply to any requirements relating to bonding, insurance, or financial responsibility. Nothing in this chapter shall be construed to require a State to comply with section 9604(c)(3) in the case of a facility which is owned or operated by any department, agency, or instrumentality of the United States.

(4) **STATE LAWS.**—State laws concerning

removal and remedial action, including State laws regarding enforcement, shall apply to removal and remedial action at facilities owned or operated by a department, agency, or instrumentality of the United States when such facilities are not included on the National Priorities List. The preceding sentence shall not apply to the extent a State law would apply any standard or requirement to such facilities which is more stringent than the standards and requirements applicable to facilities which are not owned or operated by any such department, agency, or instrumentality.

(b) **NOTICE.**—Each department, agency, and instrumentality of the United States shall add to the inventory of Federal agency hazardous waste facilities required to be submitted under section 3016 of the Solid Waste Disposal Act (in addition to the information required under section 3016(a)(3) of such Act) information on contamination from each facility owned or operated by the department, agency, or instrumentality if such contamination affects contiguous or adjacent property owned by the department, agency, or instrumentality or by any other person, including a description of the monitoring data obtained.

(c) **FEDERAL AGENCY HAZARDOUS WASTE COMPLIANCE DOCKET.**—The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket (hereinafter in this section referred to as the "docket") which shall contain each of the following:

(1) All information submitted under section 3016 of the Solid Waste Disposal Act and subsection (b) of this section regarding any Federal facility and notice of each subsequent action taken under this chapter with respect to the facility.

(2) Information submitted by each department, agency, or instrumentality of the United States under section 3005 or 3010 of such Act.

(3) Information submitted by the department, agency, or instrumentality under section 9603 of this title.

The docket shall be available for public inspection at reasonable times. Six months after establishment of the docket and every 6 months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the docket during the immediately preceding 6-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the docket under this subsection.

(d) **ASSESSMENT AND EVALUATION.**—Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator shall take steps to assure that a preliminary assessment is conducted for each facility on the docket. Following such preliminary assessment, the Administrator shall, where appropriate—

(1) evaluate such facilities in accordance with the criteria established in accordance with section 9605 under the National Contingency Plan for determining priorities among releases; and

(2) include such facilities on the National Priorities List maintained under such plan if the facility meets such criteria. Such criteria shall be applied in the same manner as the criteria are applied to facilities which are owned or operated by other persons. Evaluation and listing under this subsection shall be completed not later than 30 months after such date of enactment. Upon the receipt of a petition from the Governor of any State, the Administrator shall make such an evaluation of any facility included in the docket.

(e) **REQUIRED ACTION BY DEPARTMENT.**—

(1) **RI/FS.**—Not later than 6 months after the inclusion of any facility on the National Priorities List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator and appropriate State authorities, commence a remedial investigation and feasibility study for such facility. In the case of any facility which is listed on such list before the date of the enactment of this section, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator and appropriate State authorities, commence such an investigation and study for such facility within one year after such date of enactment. The Administrator and appropriate State authorities shall publish a timetable and deadlines for expeditious completion of such investigation and study.

(2) **COMMENCEMENT OF REMEDIAL ACTION; INTERAGENCY AGREEMENT.**—The Administrator shall review the results of each investigation and study conducted as provided in paragraph (1). Within 180 days thereafter, the head of the department, agency, or instrumentality concerned shall enter into an interagency agreement with the Administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. Substantial continuous physical onsite remedial action shall be commenced at each facility not later than 15 months after completion of the investigation and study. All such interagency agreements, including review of alternative remedial action plans and selection of remedial action, shall comply with the public participation requirements of section 9617.

(3) **COMPLETION OF REMEDIAL ACTIONS.**—Remedial actions at facilities subject to interagency agreements under this section shall be completed as expeditiously as practicable. Each agency shall include in its annual budget submissions to the Congress a review of alternative agency funding which could be used to provide for the costs of remedial action. The budget submission shall also include a statement of the hazard posed by the facility to human health, welfare, and the environment and identify the specific consequences of failure to begin and complete remedial action.

(4) **CONTENTS OF AGREEMENT.**—Each interagency agreement under this subsection shall include, but shall not be limited to, each of the following:

(A) A review of alternative remedial actions and selection of a remedial action by the head

of the relevant department, agency, or instrumentality and the Administrator or, if unable to reach agreement on selection of a remedial action, selection by the Administrator.

(B) A schedule for the completion of each such remedial action.

(C) Arrangements for long-term operation and maintenance of the facility.

(5) **ANNUAL REPORT.**—Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to, each of the following items:

(A) A report on the progress in reaching interagency agreements under this section.

(B) The specific cost estimates and budgetary proposals involved in each interagency agreement.

(C) A brief summary of the public comments regarding each proposed interagency agreement.

(D) A description of the instances in which no agreement was reached.

(E) A report on progress in conducting investigations and studies under paragraph (1).

(F) A report on progress in conducting remedial actions.

(G) A report on progress in conducting remedial action at facilities which are not listed on the National Priorities List.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached. The annual report required by this paragraph shall also contain a detailed description on a State-by-State basis of the status of each facility subject to this section, including a description of the hazard presented by each facility, plans and schedules for initiating and completing response action, enforcement status (where appropriate), and an explanation of any postponements or failure to complete response action. Such reports shall also be submitted to the affected States.

(6) **SETTLEMENTS WITH OTHER PARTIES.**—If the Administrator, in consultation with the head of the relevant department, agency, or instrumentality of the United States, determines that remedial investigations and feasibility studies or remedial action will be done properly at the Federal facility by another potentially responsible party within the deadlines provided in paragraphs (1), (2), and (3) of this subsection, the Administrator may enter into an agreement with such party under section 9622 (relating to settlements). Following approval by the Attorney General of any such agreement relating to a remedial action, the agreement shall be entered in the appropriate United States

district court as a consent decree under section 9506 of this title.

(f) **STATE AND LOCAL PARTICIPATION.**—The Administrator and each department, agency, or instrumentality responsible for compliance with this section shall afford to relevant State and local officials the opportunity to participate in the planning and selection of the remedial action, including but not limited to the review of all applicable data as it becomes available and the development of studies, reports, and action plans. In the case of State officials, the opportunity to participate shall be provided in accordance with section 9621.

(g) **TRANSFER OF AUTHORITIES.**—Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any officer or employee of the United States or to any other person.

(h) **PROPERTY TRANSFERRED BY FEDERAL AGENCIES.**—

(1) **NOTICE.**—After the last day of the 6-month period beginning on the effective date of regulations under paragraph (2) of this subsection, whenever any department, agency, or instrumentality of the United States enters into any contract for the sale or other transfer of real property which is owned by the United States and on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, the head of such department, agency, or instrumentality shall include in such contract notice of the type and quantity of such hazardous substance and notice of the time at which such storage, release, or disposal took place, to the extent such information is available on the basis of a complete search of agency files.

(2) **FORM OF NOTICE; REGULATIONS.**—Notice under this subsection shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the enactment of this subsection but not later than 18 months after the date of such enactment, and after consultation with the Administrator of the General Services Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this subsection.

(3) **CONTENTS OF CERTAIN DEEDS.**—After the last day of the 6-month period beginning on the effective date of regulations under paragraph (2) of this subsection, in the case of any real property owned by the United States on which any hazardous substance was stored for one year or more, known to have been released, or disposed of, each deed entered into for the transfer of such property by the United States to any other person or entity shall contain—

(A) to the extent such information is available on the basis of a complete search of agency files—

(i) a notice of the type and quantity of such hazardous substances,

(ii) notice of the time at which such storage, release, or disposal took place, and

(iii) a description of the remedial action taken, if any, and

(B) a covenant warranting that—

(i) all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer, and

(ii) any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States.

The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the property is transferred is a potentially responsible party with respect to such real property.

(i) **OBLIGATIONS UNDER SOLID WASTE DISPOSAL ACT.**—Nothing in this section shall affect or impair the obligation of any department, agency, or instrumentality of the United States to comply with any requirement of the Solid Waste Disposal Act (including corrective action requirements).

(j) **NATIONAL SECURITY.**—

(1) **SITE SPECIFIC PRESIDENTIAL ORDERS.**—The President may issue such orders regarding response actions at any specified site or facility of the Department of Energy or the Department of Defense as may be necessary to protect the national security interests of the United States at that site or facility. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this subchapter or under title III of the Superfund Amendments and Reauthorization Act of 1986 with respect to the site or facility concerned. The President shall notify the Congress within 30 days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph for the site or facility concerned. Each such additional exemption shall be for a specified period which may not exceed one year. It is the intention of the Congress that whenever an exemption is issued under this paragraph the response action shall proceed as expeditiously as practicable. The Congress shall be notified periodically of the progress of any response action with respect to which an exemption has been issued under this paragraph. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

(2) **CLASSIFIED INFORMATION.**—Notwithstanding any other provision of law, all requirements of the Atomic Energy Act and all Ex-

ecutive orders concerning the handling of restricted data and national security information, including "need to know" requirements, shall be applicable to any grant of access to classified information under the provisions of this chapter or under title III of the Superfund Amendments and Reauthorization Act of 1986. ◀

As added Pub. L. 99-499, Title I, § 120(a), Oct. 17, 1986.

**LIMITED GRANDFATHER.** Section 120(b) of Pub. L. 99-499 provided that: "Section 120 of CERCLA shall not apply to a response action or remedial action for which a plan is under development by the Department of Energy on the date of enactment of this Act with respect to facilities—

(1) owned or operated by the United States and subject to the jurisdiction of such Department;

(2) located in St. Charles and St. Louis counties, Missouri, or the city of St. Louis, Missouri, and

(3) published in the National Priorities List.

In preparing such plans, the Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency."

► I.F. Cleanup Standards  
SARA § 121(a)

## § 9621. [CERCLA §121]

### CLEANUP STANDARDS.

(a) **SELECTION OF REMEDIAL ACTION.**—The President shall select appropriate remedial actions determined to be necessary to be carried out under section 9606 or secured under section 9606 which are in accordance with this section and, to the extent practicable, the national contingency plan, and which provide for cost-effective response. In evaluating the cost effectiveness of proposed alternative remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

(b) **GENERAL RULES.**—(1) Remedial actions in which treatment which permanently and significantly reduces the volume, toxicity or mobility of the hazardous substance pollutants, and contaminants is a principal element, are to be preferred over remedial actions not involving such treatment. The offsite transport and disposal of hazardous substances or contaminated materials without such treatment should be the least favored alternative remedial action where practicable treatment technologies are available. The President shall conduct an assessment of permanent solutions and alternative treatment technologies or resource recovery technologies that, in whole or in part, will result in a permanent and significant decrease in the toxicity, mobility, or volume of the hazardous substance, pollutant, or contaminant. In making such assessment, the President shall specifically address the long-term effectiveness of various alternatives. In assessing alternative remedial actions, the President shall, at a minimum, take into account

(A) the long-term uncertainties associated with land disposal;

(B) the goals, objectives, and requirements of the Solid Waste Disposal Act;

(C) the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous substances and their constituents;

(D) short- and long-term potential for adverse health effects from human exposure;

(E) long-term maintenance costs;

(F) the potential for future remedial action costs if the alternative remedial action in question were to fail; and

(G) the potential threat to human health and the environment associated with excavation, transportation, and redisposal, or containment.

The President shall select a remedial action that is protective of human health and the environment, that is cost effective, and that utilizes permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. If the President selects a remedial action not appropriate for a preference under this subsection, the President shall publish an explanation as to why a remedial action involving such reductions was not selected.

(2) The President may select an alternative remedial action meeting the objectives of this subsection whether or not such action has been achieved in practice at any other facility or site that has similar characteristics. In making such a selection, the President may take into account the degree of support for such remedial action by parties interested in such site.

(c) **REVIEW.**—If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each 5 years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with section 9604 or 9606, the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.

(d) **DEGREE OF CLEANUP.**—(1) Remedial actions selected under this section or otherwise required or agreed to by the President under this chapter shall attain a degree of cleanup of hazardous substances, pollutants, and contaminants released into the environment and of control of further release at a minimum which assures protection of human health and the environment. Such remedial actions shall be relevant and appropriate under the circumstances presented by the release or threatened release of such substance, pollutant, or contaminant.

(2)(A) With respect to any hazardous substance, pollutant or contaminant that will remain onsite, if—

(i) any standard, requirement, criteria, or limitation under any Federal environmental law, including, but not limited to, the Toxic Substances Control Act, the Safe Drinking Water Act, the Clean Air Act, the Clean Water Act, the Marine Protection, Research and Sanctuaries Act, or the Solid Waste Disposal Act; or

(ii) any promulgated standard, requirement,

criteria, or limitation under a State environmental or facility siting law that is more stringent than any Federal standard, requirement, criteria, or limitation, including each such State standard, requirement, criteria, or limitation contained in a program approved, authorized or delegated by the Administrator under a statute cited in subparagraph (A), and that has been identified to the President by the State in a timely manner,

is legally applicable to the hazardous substance or pollutant or contaminant concerned or is relevant and appropriate under the circumstances of the release or threatened release of such hazardous substance or pollutant or contaminant, the remedial action selected under section 9604 or secured under section 9606 shall require, at the completion of the remedial action, a level or standard of control for such hazardous substance or pollutant or contaminant which at least attains such legally applicable or relevant and appropriate standard, requirement, criteria, or limitation. Such remedial action shall require a level or standard of control which at least attains Maximum Contaminant Level Goals established under the Safe Drinking Water Act and water quality criteria established under section 304 or 303 of the Clean Water Act, where such goals or criteria are relevant and appropriate under the circumstances of the release or threatened release.

(B)(i) In determining whether or not any water quality criteria under the Clean Water Act is relevant and appropriate under the circumstances of the release or threatened release, the President shall consider the designated or potential use of the surface or groundwater, the environmental media affected, the purposes for which such criteria were developed, and the latest information available.

(ii) For the purposes of this section, a process for establishing alternate concentration limits to those otherwise applicable for hazardous constituents in groundwater under subparagraph (A) may not be used to establish applicable standards under this paragraph if the process assumes a point of human exposure beyond the boundary of the facility, as defined at the conclusion of the remedial investigation and feasibility study, except where—

(I) there are known and projected points of entry of such groundwater into surface water; and

(II) on the basis of measurements or projections, there is or will be no statistically significant increase of such constituents from such groundwater in such surface water at the point of entry or at any point where there is reason to believe accumulation of constituents may occur downstream; and

(III) the remedial action includes enforceable measures that will preclude human exposure to the contaminated groundwater at any point between the facility boundary and all known and projected points of entry of such groundwater into surface water then the assumed point of human exposure may be at such known and projected points of entry.

(C)(i) Clause (ii) of this subparagraph shall be applicable only in cases where, due to the President's selection, in compliance with subsection (b)(1), of a proposed remedial action which does not permanently and significantly reduce the volume, toxicity, or mobility of hazardous substances,

*pollutants, or contaminants, the proposed disposition of waste generated by or associated with the remedial action selected by the President is land disposal in a State referred to in clause (ii).*

*(ii) Except as provided in clauses (iii) and (iv), a State standard, requirement, criteria, or limitation (including any State siting standard or requirement) which could effectively result in the statewide prohibition of land disposal of hazardous substances, pollutants, or contaminants shall not apply.*

*(iii) Any State standard, requirement, criteria, or limitation referred to in clause (ii) shall apply where each of the following conditions is met:*

*(I) The State standard, requirement, criteria, or limitation is of general applicability and was adopted by formal means.*

*(II) The State standard, requirement, criteria, or limitation was adopted on the basis of hydrologic, geologic, or other relevant considerations and was not adopted for the purposes of precluding onsite remedial actions or other land disposal for reasons unrelated to protection of human health and the environment.*

*(III) The State arranges for, and assures payment of the incremental costs of utilizing, a facility for disposition of the hazardous substances, pollutants, or contaminants concerned.*

*(iv) Where the remedial action selected by the President does not conform to a State standard and the State has initiated a law suit against the Environmental Protection Agency prior to May 1, 1986, to seek to have the remedial action conform to such standard, the President shall conform the remedial action to the State standard. The State shall assure the availability of an offsite facility for such remedial action.*

*(3) In the case of any removal or remedial action involving the transfer of any hazardous substance or pollutant or contaminant offsite, such hazardous substance or pollutant or contaminant shall only be transferred to a facility which is operating in compliance with section 3004 and 3005 of the Solid Waste Disposal Act (or, where applicable, in compliance with the Toxic Substances Control Act or other applicable Federal law) and all applicable State requirements. Such substance or pollutant or contaminant may be transferred to a land disposal facility only if the President determines that both of the following requirements are met:*

*(A) The unit to which the hazardous substance or pollutant or contaminant is transferred is not releasing any hazardous waste, or constituent thereof, into the groundwater or surface water or soil.*

*(B) All such releases from other units at the facility are being controlled by a corrective action program approved by the Administrator under subtitle C of the Solid Waste Disposal Act.*

*The President shall notify the owner or operator of such facility of determinations under this paragraph.*

*(4) The President may select a remedial action meeting the requirements of paragraph (1) that does not attain a level or standard of control at least equivalent to a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation as required by paragraph (2)*

*(including subparagraph (B) thereof), if the President finds that—*

*(A) the remedial action selected is only part of a total remedial action that will attain such level or standard of control when completed;*

*(B) compliance with such requirement at that facility will result in greater risk to human health and the environment than alternative options;*

*(C) compliance with such requirements is technically impracticable from an engineering perspective;*

*(D) the remedial action selected will attain a standard of performance that is equivalent to that required under the otherwise applicable standard, requirement, criteria, or limitation, through use of another method or approach;*

*(E) with respect to a State standard, requirement, criteria, or limitation, the State has not consistently applied (or demonstrated the intention to consistently apply) the standard, requirement, criteria, or limitation in similar circumstances at other remedial actions within the State; or*

*(F) in the case of a remedial action to be undertaken solely under section 9604 using the Fund, selection of a remedial action that attains such level or standard of control will not provide a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of such threats. The President shall publish such findings, together with an explanation and appropriate documentation.*

*(e) PERMITS AND ENFORCEMENT.—(1) No Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite, where such remedial action is selected and carried out in compliance with this section.*

*(2) A State may enforce any Federal or State standard, requirement, criteria, or limitation to which the remedial action is required to conform under this chapter in the United States district court for the district in which the facility is located. Any consent decree shall require the parties to attempt expeditiously to resolve disagreements concerning implementation of the remedial action informally with the appropriate Federal and State agencies. Where the parties agree, the consent decree may provide for administrative enforcement. Each consent decree shall also contain stipulated penalties for violations of the decree in an amount not to exceed \$25,000 per day, which may be enforced by either the President or the State. Such stipulated penalties shall not be construed to impair or affect the authority of the court to order compliance with the specific terms of any such decree.*

*(f) STATE INVOLVEMENT.—(1) The President shall promulgate regulations providing for substantial and meaningful involvement by each State in initiation, development, and selection of remedial actions to be undertaken in that State. The regulations, at a minimum, shall include each of the following:*

(A) State involvement in decisions whether to perform a preliminary assessment and site inspection.

(B) Allocation of responsibility for hazard ranking system scoring.

(C) State concurrence in deleting sites from the National Priorities List.

(D) State participation in the long-term planning process for all remedial sites within the State.

(E) A reasonable opportunity for States to review and comment on each of the following:

(i) The remedial investigation and feasibility study and all data and technical documents leading to its issuance.

(ii) The planned remedial action identified in the remedial investigation and feasibility study.

(iii) The engineering design following selection of the final remedial action.

(iv) Other technical data and reports relating to implementation of the remedy.

(v) Any proposed finding or decision by the President to exercise the authority of subsection (d)(4).

(F) Notice to the State of negotiations with potentially responsible parties regarding the scope of any response action at a facility in the State and an opportunity to participate in such negotiations and, subject to paragraph (2), be a party to any settlement.

(G) Notice to the State and an opportunity to comment on the President's proposed plan for remedial action as well as on alternative plans under consideration. The President's proposed decision regarding the selection of remedial action shall be accompanied by a response to the comments submitted by the State, including an explanation regarding any decision under subsection (d)(4) on compliance with promulgated State standards. A copy of such response shall also be provided to the State.

(H) Prompt notice and explanation of each proposed action to the State in which the facility is located.

Prior to the promulgation of such regulations, the President shall provide notice to the State of negotiations with potentially responsible parties regarding the scope of any response action at a facility in the State, and such State may participate in such negotiations and, subject to paragraph (2), any settlements.

(2)(A) This paragraph shall apply to remedial actions secured under section 9606. At least 30 days prior to the entering of any consent decree, if the President proposes to select a remedial action that does not attain a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation, under the authority of subsection (d)(4), the President shall provide an opportunity for the State to concur or not concur in such selection. If the State concurs, the State may become a signatory to the consent decree.

(B) If the State does not concur in such selection, and the State desires to have the remedial action conform to such standard, requirement, criteria, or limitation, the State shall intervene in the action under section 9606 before entry of the consent decree, to seek to have the remedial

action so conform. Such intervention shall be a matter of right. The remedial action shall conform to such standard, requirement, criteria, or limitation if the State establishes, on the administrative record, that the finding of the President was not supported by substantial evidence. If the court determines that the remedial action shall conform to such standard requirement, criteria, or limitation, the remedial action shall be so modified and the State may become a signatory to the decree. If the court determines that the remedial action need not conform to such standard, requirement, criteria, or limitation, and the State pays or assures the payment of the additional costs attributable to meeting such standard, requirement, criteria, or limitation, the remedial action shall be so modified and the State shall become a signatory to the decree.

(C) The President may conclude settlement negotiations with potentially responsible parties without State concurrence.

(3)(A) This paragraph shall apply to remedial actions at facilities owned or operated by a department, agency, or instrumentality of the United States. At least 30 days prior to the publication of the President's final remedial action plan, if the President proposes to select a remedial action that does not attain a legally applicable or relevant and appropriate standard, requirement, criteria, or limitation, under the authority of subsection (d)(4), the President shall provide an opportunity for the State to concur or not concur in such selection. If the State concurs, or does not act within 30 days, the remedial action may proceed.

(B) If the State does not concur in such selection as provided in subparagraph (A), and desires to have the remedial action conform to such standard, requirement, criteria, or limitation, the State may maintain an action as follows:

(i) If the President has notified the State of selection of such a remedial action, the State may bring an action within 30 days of such notification for the sole purpose of determining whether the finding of the President is supported by substantial evidence. Such action shall be brought in the United States district court for the district in which the facility is located.

(ii) If the State establishes, on the administrative record, that the President's finding is not supported by substantial evidence, the remedial action shall be modified to conform to such standard, requirement, criteria, or limitation.

(iii) If the State fails to establish that the President's finding was not supported by substantial evidence and if the State pays, within 60 days of judgment, the additional costs attributable to meeting such standard, requirement, criteria, or limitation, the remedial action shall be selected to meet such standard, requirement, criteria, or limitation. If the State fails to pay within 60 days, the remedial action selected by the President shall proceed through completion.

(C) Nothing in this section precludes, and the court shall not enjoin, the Federal agency from taking any remedial action attributable to or not inconsistent with such standard, requirement, criteria, or limitation.

As added Pub. L. 99-499, Title I, § 121(a), Oct. 17, 1986

**EFFECTIVE DATE.** Section 121(b) of Pub.L. 99-499 provided that: "With respect to section 121 of CERCLA, as added by this section—

"(1) The requirements of section 121 of CERCLA shall not apply to any remedial action for which the Record of Decision (hereinafter in this section referred to as the 'ROD') was signed, or the consent decree was lodged, before date of enactment.

"(2) If the ROD was signed, or the consent decree lodged, within the 30-day period immediately following enactment of the Act, the Administrator shall certify in writing that the portion of the remedial action covered by the ROD or consent decree complies to the maximum extent practicable with section 121 of CERCLA.

Any ROD signed before enactment of this Act and reopened after enactment of this Act to modify or supplement the selection of remedy shall be subject to the requirements of section 121 of CERCLA."

►II.M. Settlements  
SARA § 122(a)

§ 9622. [CERCLA § 122]

SETTLEMENTS.

(a) **AUTHORITY TO ENTER INTO AGREEMENTS.**—The President, in his discretion, may enter into an agreement with any person (including the owner or operator of the facility from which a release or substantial threat of release emanates, or any other potentially responsible person), to perform any response action (including any action described in section 9604(b)) if the President determines that such action will be done properly by such person. Whenever practicable and in the public interest, as determined by the President, the President shall act to facilitate agreements under this section that are in the public interest and consistent with the National Contingency Plan in order to expedite effective remedial actions and minimize litigation. If the President decides not to use the procedures in this section, the President shall notify in writing potentially responsible parties at the facility of such decision and the reasons why use of the procedures is inappropriate. A decision of the President to use or not to use the procedures in this section is not subject to judicial review.

(b) **AGREEMENTS WITH POTENTIALLY RESPONSIBLE PARTIES.**—

(1) **MIXED FUNDING.**—An agreement under this section may provide that the President will reimburse the parties to the agreement from the Fund, with interest, for certain costs of actions under the agreement that the parties have agreed to perform but which the President has agreed to finance. In any case in which the President provides such reimbursement, the President shall make all reasonable efforts to recover the amount of such reimbursement under section 9607 or under other relevant authorities.

(2) **REVIEWABILITY.**—The President's decisions regarding the availability of fund financing under this subsection shall not be subject to judicial review under subsection (d).

(3) **RETENTION OF FUNDS.**—If, as part of any agreement, the President will be carrying out any action and the parties will be paying amounts to the President, the President may, notwithstanding any

other provision of law, retain and use such amounts for purposes of carrying out the agreement.

(4) **FUTURE OBLIGATION OF FUND.**—In the case of a completed remedial action pursuant to an agreement described in paragraph (1), the Fund shall be subject to an obligation for subsequent remedial actions at the same facility but only to the extent that such subsequent actions are necessary by reason of the failure of the original remedial action. Such obligation shall be in a proportion equal to, but not exceeding, the proportion contributed by the Fund for the original remedial action. The Fund's obligation for such future remedial action may be met through Fund expenditures or through payment, following settlement or enforcement action, by parties who were not signatories to the original agreement.

(c) **EFFECT OF AGREEMENT.**—

(1) **LIABILITY.**—Whenever the President has entered into an agreement under this section, the liability to the United States under this chapter of each party to the agreement, including any future liability to the United States, arising from the release or threatened release that is the subject of the agreement shall be limited as provided in the agreement pursuant to a covenant not to sue in accordance with subsection (f). A covenant not to sue may provide that future liability to the United States of a settling potentially responsible party under the agreement may be limited to the same proportion as that established in the original settlement agreement. Nothing in this section shall limit or otherwise affect the authority of any court to review in the consent decree process under subsection (d) any covenant not to sue contained in an agreement under this section. In determining the extent to which the liability of parties to an agreement shall be limited pursuant to a covenant not to sue, the President shall be guided by the principle that a more complete covenant not to sue shall be provided for a more permanent remedy undertaken by such parties.

(2) **ACTIONS AGAINST OTHER PERSONS.**—If an agreement has been entered into under this section, the President may take any action under section 9606 against any person who is not a party to the agreement, once the period for submitting a proposal under subsection (e)(2)(B) has expired. Nothing in this section shall be construed to affect either of the following:

(A) The liability of any person under section 9606 or 9607 with respect to any costs or damages which are not included in the agreement.

(B) The authority of the President to maintain an action under this chapter against any person who is not a party to the agreement.

(d) **ENFORCEMENT.**—

(1) **CLEANUP AGREEMENT.**—

(A) **CONSENT DECREE.**—Whenever the President enters into an agreement under this section with any potentially responsible party with respect to remedial action under section 9606, following approval of the agreement by

the Attorney General, except as otherwise provided in the case of certain administrative settlements referred to in subsection (g), the agreement shall be entered in the appropriate United States district court as a consent decree. The President need not make any finding regarding an imminent and substantial endangerment to the public health or the environment in connection with any such agreement or consent decree.

(B) **EFFECT.**—The entry of any consent decree under this subsection shall not be construed to be an acknowledgment by the parties that the release or threatened release concerned constitutes an imminent and substantial endangerment to the public health or welfare or the environment. Except as otherwise provided in the Federal Rules of Evidence, the participation by any party in the process under this section shall not be considered an admission of liability for any purpose, and the fact of such participation shall not be admissible in any judicial or administrative proceeding including a subsequent proceeding under this section.

(C) **STRUCTURE.**—The President may fashion a consent decree so that the entering of such decree and compliance with such decree or with any determination or agreement made pursuant to this section shall not be considered an admission of liability for any purpose.

**(2) PUBLIC PARTICIPATION.**—

(A) **FILING OF PROPOSED JUDGMENT.**—At least 30 days before a final judgment is entered under paragraph (1), the proposed judgment shall be filed with the court.

(B) **OPPORTUNITY FOR COMMENT.**—The Attorney General shall provide an opportunity to persons who are not named as parties to the action to comment on the proposed judgment before its entry by the court as a final judgment. The Attorney General shall consider, and file with the court, any written comments, views, or allegations relating to the proposed judgment. The Attorney General may withdraw or withhold its consent to the proposed judgment if the comments, views, and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper, or inadequate.

(3) **9604(b) AGREEMENTS.**—Whenever the President enters into an agreement under this section with any potentially responsible party with respect to action under section 9604(b), the President shall issue an order or enter into a decree setting forth the obligations of such party. The United States district court for the district in which the release or threatened release occurs may enforce such order or decree.

**(6) SPECIAL NOTICE PROCEDURES.**—

(A) **NOTICE.**—Whenever the President determines that a period of negotiation under this subsection would facilitate an agreement with potentially

responsible parties for taking response action (including any action described in section 9604(b)) and would expedite remedial action, the President shall so notify all such parties and shall provide them with information concerning each of the following:

(A) The names and addresses of potentially responsible parties (including owners and operators and other persons referred to in section 9607(a)), to the extent such information is available.

(B) To the extent such information is available, the volume and nature of substances contributed by each potentially responsible party identified at the facility.

(C) A ranking by volume of the substances at the facility, to the extent such information is available.

The President shall make the information referred to in this paragraph available in advance of notice under this paragraph upon the request of a potentially responsible party in accordance with procedures provided by the President. The provisions of subsection (e) of section 9604 regarding protection of confidential information apply to information provided under this paragraph. Disclosure of information generated by the President under this section to persons other than the Congress, or any duly authorized Committee thereof, is subject to other privileges or protections provided by law, including (but not limited to) those applicable to attorney work product. Nothing contained in this paragraph or in other provisions of this chapter shall be construed, interpreted, or applied to diminish the required disclosure of information under other provisions of this or other Federal or State laws.

**(2) NEGOTIATION.**—

(A) **MORATORIUM.**—Except as provided in this subsection, the President may not commence action under section 9604(a), or take any action under section 9606 for 120 days after providing notice and information under this subsection with respect to such action. Except as provided in this subsection, the President may not commence a remedial investigation and feasibility study under section 9604(b) for 90 days after providing notice and information under this subsection with respect to such action. The President may commence any additional studies or investigations authorized under section 9604(b), including remedial design, during the negotiation period.

(B) **PROPOSALS.**—Persons receiving notice and information under paragraph (1) of this subsection with respect to action under section 9606 shall have 60 days from the date of receipt of such notice to make a proposal to the President for undertaking or financing the action under section 9606. Persons receiving notice and information under paragraph (1) of this subsection with respect to action under section 9604(b) shall have 60 days from the date of receipt of such notice to make a proposal to the

President for undertaking or financing the action under section 9604(b).

**(C) ADDITIONAL PARTIES.**—If an additional potentially responsible party is identified during the negotiation period or after an agreement has been entered into under this subsection concerning a release or threatened release, the President may bring the additional party into the negotiation or enter into a separate agreement with such party.

**(3) PRELIMINARY ALLOCATION OF RESPONSIBILITY.**—

**(A) IN GENERAL.**—The President shall develop guidelines for preparing nonbinding preliminary allocations of responsibility. In developing these guidelines the President may include such factors as the President considers relevant, such as: volume, toxicity, mobility, strength of evidence, ability to pay, litigative risks, public interest considerations, precedential value, and inequities and aggravating factors. When it would expedite settlements under this section and remedial action, the President may, after completion of the remedial investigation and feasibility study, provide a nonbinding preliminary allocation of responsibility which allocates percentages of the total cost of response among potentially responsible parties at the facility.

**(B) COLLECTION OF INFORMATION.**—To collect information necessary or appropriate for performing the allocation under subparagraph (A) or for otherwise implementing this section, the President may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other information that the President deems necessary. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the event of contumacy or failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.

**(C) EFFECT.**—The nonbinding preliminary allocation of responsibility shall not be admissible as evidence in any proceeding, and no court shall have jurisdiction to review the nonbinding preliminary allocation of responsibility. The nonbinding preliminary allocation of responsibility shall not constitute an apportionment or other statement on the divisibility of harm or causation.

**(D) COSTS.**—The costs incurred by the President in producing the nonbinding preliminary allocation of responsibility shall be reimbursed by the potentially responsible parties whose offer is accepted by the President. Where an offer under this section is not ac-

cepted, such costs shall be considered costs of response.

**(E) DECISION TO REJECT OFFER.**—Where the President, in his discretion, has provided a nonbinding preliminary allocation of responsibility and the potentially responsible parties have made a substantial offer providing for response to the President which he rejects, the reasons for the rejection shall be provided in a written explanation. The President's decision to reject such an offer shall not be subject to judicial review.

**(F) FAILURE TO PROPOSE.**—If the President determines that a good faith proposal for undertaking or financing action under section 9606 has not been submitted within 60 days of the provision of notice pursuant to this subsection, the President may thereafter commence action under section 9604(a) or take an action against any person under section 9606 of this title. If the President determines that a good faith proposal for undertaking or financing action under section 9604(b) has not been submitted within 60 days after the provision of notice pursuant to this subsection, the President may thereafter commence action under section 9604(b).

**(G) SIGNIFICANT THREATS.**—Nothing in this subsection shall limit the President's authority to undertake response or enforcement action regarding a significant threat to public health or the environment within the negotiation period established by this subsection.

**(H) INCONSISTENT RESPONSE ACTION.**—When either the President, or a potentially responsible party pursuant to an administrative order or consent decree under this chapter, has initiated a remedial investigation and feasibility study for a particular facility under this chapter, no potentially responsible party may undertake any remedial action at the facility unless such remedial action has been authorized by the President.

**(I) COVENANT NOT TO SUE.**—

**(1) DISCRETIONARY COVENANTS.**—The President may, in his discretion, provide any person with a covenant not to sue concerning any liability to the United States under this chapter, including future liability, resulting from a release or threatened release of a hazardous substance addressed by a remedial action, whether that action is onsite or off-site, if each of the following conditions is met:

**(A)** The covenant not to sue is in the public interest.

**(B)** The covenant not to sue would expedite response action consistent with the National Contingency Plan under section 9605 of this title.

**(C)** The person is in full compliance with a consent decree under section 9606 (including a consent decree entered into in accordance with this section) for response to the release or threatened release concerned.

**(D)** The response action has been approved by the President.

**(2) SPECIAL COVENANTS NOT TO SUE.**—

In the case of any person to whom the President is authorized under paragraph (1) of this subsection to provide a covenant not to sue, for the portion of remedial action—

(A) which involves the transport and secure disposition offsite of hazardous substances in a facility meeting the requirements of sections 3004 (c), (d), (e), (f), (g), (m), (o), (p), (u), and (v) and 3005(c) of the Solid Waste Disposal Act, where the President has rejected a proposed remedial action that is consistent with the National Contingency Plan that does not include such offsite disposition and has thereafter required offsite disposition; or

(B) which involves the treatment of hazardous substances so as to destroy, eliminate, or permanently immobilize the hazardous constituents of such substances, such that, in the judgment of the President, the substances no longer present any current or currently foreseeable future significant risk to public health, welfare or the environment, no byproduct of the treatment or destruction process presents any significant hazard to public health, welfare or the environment, and all byproducts are themselves treated, destroyed, or contained in a manner which assures that such byproducts do not present any current or currently foreseeable future significant risk to public health, welfare or the environment, the President shall provide such person with a covenant not to sue with respect to future liability to the United States under this chapter for a future release or threatened release of hazardous substances from such facility, and a person provided such covenant not to sue shall not be liable to the United States under section 9606 or 9607 with respect to such release or threatened release at a future time.

(3) **REQUIREMENT THAT REMEDIAL ACTION BE COMPLETED.**— A covenant not to sue concerning future liability to the United States shall not take effect until the President certifies that remedial action has been completed in accordance with the requirements of this chapter at the facility that is the subject of such covenant.

(4) **FACTORS.**— In assessing the appropriateness of a covenant not to sue under paragraph (1) and any condition to be included in a covenant not to sue under paragraph (1) or (2), the President shall consider whether the covenant or condition is in the public interest on the basis of such factors as the following:

(A) The effectiveness and reliability of the remedy, in light of the other alternative remedies considered for the facility concerned.

(B) The nature of the risks remaining at the facility.

(C) The extent to which performance standards are included in the order or decree.

(D) The extent to which the response action provides a complete remedy for the facility, including a reduction in the hazardous nature of the substances at the facility.

(E) The extent to which the technology used in the response action is demonstrated to be effective.

(F) Whether the Fund or other sources of funding would be available for any additional remedial actions that might eventually be necessary at the facility.

(G) Whether the remedial action will be carried out, in whole or in significant part, by the responsible parties themselves.

(5) **SATISFACTORY PERFORMANCE.**— Any covenant not to sue under this subsection shall be subject to the satisfactory performance by such party of its obligations under the agreement concerned.

(6) **ADDITIONAL CONDITION FOR FUTURE LIABILITY.**— (A) Except for the portion of the remedial action which is subject to a covenant not to sue under paragraph (2) or under subsection (g) (relating to de minimis settlements), a covenant not to sue a person concerning future liability to the United States shall include an exception to the covenant that allows the President to sue such person concerning future liability resulting from the release or threatened release that is the subject of the covenant where such liability arises out of conditions which are unknown at the time the President certifies under paragraph (3) that remedial action has been completed at the facility concerned.

(B) In extraordinary circumstances, the President may determine, after assessment of relevant factors such as those referred to in paragraph (4) and volume, toxicity, mobility, strength of evidence, ability to pay, litigative risks, public interest considerations, precedential value, and inequities and aggravating factors, not to include the exception referred to in subparagraph (A) if other terms, conditions, or requirements of the agreement containing the covenant not to sue are sufficient to provide all reasonable assurances that public health and the environment will be protected from any future releases at or from the facility.

(C) The President is authorized to include any provisions allowing future enforcement action under section 9606 or 9607 that in the discretion of the President are necessary and appropriate to assure protection of public health, welfare, and the environment.

(g) **DE MINIMIS SETTLEMENTS.**—

(1) **EXPEDITED FINAL SETTLEMENT.**— Whenever practicable and in the public interest, as determined by the President, the President shall, as promptly as possible, reach a final settlement with a potentially responsible party in an administrative or civil action under section 9606 or 9607 if such settlement involves only a minor portion of the response costs at the facility concerned and, in the judgment of the President, the conditions in either of the following subparagraph (A) or (B) are met:

(A) Both of the following are minimal in comparison to other hazardous substances at the facility:

(i) The amount of the hazardous substances contributed by that party to the facility

(ii) The toxic or other hazardous effects of the

substances contributed by that party to the facility.

(B) The potentially responsible party—

(i) is the owner of the real property on or in which the facility is located;

(ii) did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility; and

(iii) did not contribute to the release or threat of release of a hazardous substance at the facility through any action or omission.

This subparagraph (B) does not apply if the potentially responsible party purchased the real property with actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance.

(2) **COVENANT NOT TO SUE.**—The President may provide a covenant not to sue with respect to the facility concerned to any party who has entered into a settlement under this subsection unless such a covenant would be inconsistent with the public interest as determined under subsection (f).

(3) **EXPEDITED AGREEMENT.**—The President shall reach any such settlement or grant any such covenant not to sue as soon as possible after the President has available the information necessary to reach such a settlement or grant such a covenant.

(4) **CONSENT DECREE OR ADMINISTRATIVE ORDER.**—A settlement under this subsection shall be entered as a consent decree or embodied in an administrative order setting forth the terms of the settlement. In the case of any facility where the total response costs exceed \$500,000 (excluding interest), if the settlement is embodied as an administrative order, the order may be issued only with the prior written approval of the Attorney General. If the Attorney General or his designee has not approved or disapproved the order within 30 days of this referral, the order shall be deemed to be approved unless the Attorney General and the Administrator have agreed to extend the time. The district court for the district in which the release or threatened release occurs may enforce any such administrative order.

(5) **EFFECT OF AGREEMENT.**—A party who has resolved its liability to the United States under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially responsible parties unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

(6) **SETTLEMENTS WITH OTHER POTENTIALLY RESPONSIBLE PARTIES.**—Nothing in this subsection shall be construed to affect the authority of the President to reach settlements with other potentially responsible parties under this chapter.

(h) **COST RECOVERY SETTLEMENT AUTHORITY.**—

(i) **AUTHORITY TO SETTLE.**—The head of any

department or agency with authority to undertake a response action under this chapter pursuant to the national contingency plan may consider, compromise, and settle a claim under section 9607 for costs incurred by the United States Government if the claim has not been referred to the Department of Justice for further action. In the case of any facility where the total response costs exceed \$500,000 (excluding interest), any claim referred to in the preceding sentence may be compromised and settled only with the prior written approval of the Attorney General.

(2) **USE OF ARBITRATION.**—Arbitration in accordance with regulations promulgated under this subsection may be used as a method of settling claims of the United States where the total response costs for the facility concerned do not exceed \$500,000 (excluding interest). After consultation with the Attorney General, the department or agency head may establish and publish regulations for the use of arbitration or settlement under this subsection.

(3) **RECOVERY OF CLAIMS.**—If any person fails to pay a claim that has been settled under this subsection, the department or agency head shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount of such claim, plus costs, attorneys' fees, and interest from the date of the settlement. In such an action, the terms of the settlement shall not be subject to review.

(4) **CLAIMS FOR CONTRIBUTION.**—A person who has resolved its liability to the United States under this subsection shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement shall not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

(i) **SETTLEMENT PROCEDURES.**—

(1) **PUBLICATION IN FEDERAL REGISTER.**—At least 30 days before any settlement (including any settlement arrived at through arbitration) may become final under subsection (h), or under subsection (g) in the case of a settlement embodied in an administrative order, the head of the department or agency which has jurisdiction over the proposed settlement shall publish in the Federal Register notice of the proposed settlement. The notice shall identify the facility concerned and the parties to the proposed settlement.

(2) **COMMENT PERIOD.**—For a 30-day period beginning on the date of publication of notice under paragraph (1) of a proposed settlement, the head of the department or agency which has jurisdiction over the proposed settlement shall provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement.

(3) **CONSIDERATION OF COMMENTS.**—The head of the department or agency shall consider any comments filed under paragraph (2) in determining whether or not to consent to the proposed settlement.

and may withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

**(j) NATURAL RESOURCES.—**

**(1) NOTIFICATION OF TRUSTEE.—**Where a release or threatened release of any hazardous substance that is the subject of negotiations under this section may have resulted in damages to natural resources under the trusteeship of the United States, the President shall notify the Federal natural resource trustee of the negotiations and shall encourage the participation of such trustee in the negotiations.

**(2) COVENANT NOT TO SUE.—**An agreement under this section may contain a covenant not to sue under section 9607(a)(4)(C) for damages to natural resources under the trusteeship of the United States resulting from the release or threatened release of hazardous substances that is the subject of the agreement, but only if the Federal natural resource trustee has agreed in writing to such covenant. The Federal natural resource trustee may agree to such covenant if the potentially responsible party agrees to undertake appropriate actions necessary to protect and restore the natural resources damaged by such release or threatened release of hazardous substances.

**(k) SECTION NOT APPLICABLE TO VESSELS.—**The provisions of this section shall not apply to releases from a vessel.

**(l) CIVIL PENALTIES.—**A potentially responsible party which is a party to an administrative order or consent decree entered pursuant to an agreement under this section or section 9620 (relating to Federal facilities) or which is a party to an agreement under section 9620 and which fails or refuses to comply with any term or condition of the order, decree or agreement shall be subject to a civil penalty in accordance with section 9609.

**(m) APPLICABILITY OF GENERAL PRINCIPLES OF LAW.—**In the case of consent decrees and other settlements under this section (including covenants not to sue), no provision of this chapter shall be construed to preclude or otherwise affect the applicability of general principles of law regarding the setting aside or modification of consent decrees or other settlements. ◀

As added Pub. L. 99-499, Title I, § 122(a), Oct. 17, 1986.

## § 9623. [CERCLA § 123]

### REIMBURSEMENT TO LOCAL GOVERNMENTS.

▶ I.C. Federal/State Cost Sharing  
SARA § 123

**(a) APPLICATION.—**Any general purpose unit of local government for a political subdivision which is affected by a release or threatened release at any facility may apply to the President for reimbursement under this section.

**(b) REIMBURSEMENT.—**

**(1) TEMPORARY EMERGENCY MEASURES.—**The President is authorized to reimburse local community authorities for expenses incurred before or after the enactment of the Superfund Amendments and Reauthorization Act of 1986 in carrying out temporary emergency measures

necessary to prevent or mitigate injury to human health or the environment associated with the release or threatened release of any hazardous substance or pollutant or contaminant. Such measures may include, where appropriate, security fencing to limit access, response to fires and explosions, and other measures which require immediate response at the local level.

**(2) LOCAL FUNDS NOT SUPPLANTED.—**Reimbursement under this section shall not supplant local funds normally provided for response.

**(c) AMOUNT.—**The amount of any reimbursement to any local authority under subsection (b)(1) may not exceed \$25,000 for a single response. The reimbursement under this section with respect to a single facility shall be limited to the units of local government having jurisdiction over the political subdivision in which the facility is located.

**(d) PROCEDURE.—**Reimbursements authorized pursuant to this section shall be in accordance with rules promulgated by the Administrator within one year after the enactment of the Superfund Amendments and Reauthorization Act of 1986. ◀

As added Pub. L. 99-499, Title I, § 123, Oct. 17, 1986.

## § 9624. [CERCLA § 124]

### METHANE RECOVERY.

▶ II.B. Liability Limits  
SARA § 124(a)

**(a) IN GENERAL.—**In the case of a facility at which equipment for the recovery or processing (including recirculation of condensate) of methane has been installed, for purposes of this chapter:

(1) The owner or operator of such equipment shall not be considered an "owner or operator", as defined in section 9601(20), with respect to such facility.

(2) The owner or operator of such equipment shall not be considered to have arranged for disposal or treatment of any hazardous substance at such facility pursuant to section 9607 of this title.

(3) The owner or operator of such equipment shall not be subject to any action under section 9606 with respect to such facility.

**(b) EXCEPTIONS.—**Subsection (a) does not apply with respect to a release or threatened release of a hazardous substance from a facility described in subsection (a) if either of the following circumstances exist:

(1) The release or threatened release was primarily caused by activities of the owner or operator of the equipment described in subsection (a).

(2) The owner or operator of such equipment would be covered by paragraph (1), (2), (3), or (4) of subsection (a) of section 9607 with respect to such release or threatened release if he were not the owner or operator of such equipment.

In the case of any release or threatened release referred to in paragraph (1), the owner or operator of the equipment described in subsection (a) shall be liable under this chapter only for costs or damages primarily caused by the activities of such owner or operator. ◀

As added Pub. L. 99-499, Title I, § 124(a), Oct. 17, 1986.

**REGULATION UNDER THE SOLID WASTE DISPOSAL ACT.** Section 124(b) of Pub.L. 99-499 provided that:

"Unless the Administrator of the Environmental Protection Agency promulgates regulations under subtitle C of the Solid Waste Disposal Act addressing the extraction of wastes from landfills as part of the process of recovering methane from such landfills, the owner and operator of equipment used to recover methane from a landfill shall not be deemed to be managing, generating, transporting, treating, storing, or disposing of hazardous or liquid wastes within the meaning of that subtitle. If the aqueous or hydrocarbon phase of the condensate or any other waste material removed from the gas recovered from the landfill meets any of the characteristics identified under section 3001 of subtitle C of the Solid Waste Disposal Act, the preceding sentence shall not apply and such condensate phase or other waste material shall be deemed a hazardous waste under that subtitle, and shall be regulated accordingly."

### § 9625. [CERCLA § 125]

#### SECTION 3001(b)(3)(A)(i) WASTE.

► I.D. NCP/HRS/NPL  
SARA § 125

(a) **REVISION OF HAZARD RANKING SYSTEM.**—This section shall apply only to facilities which are not included or proposed for inclusion on the National Priorities List and which contain substantial volumes of waste described in section 3001(b)(3)(A)(i) of the Solid Waste Disposal Act. As expeditiously as practicable, the President shall revise the hazard ranking system in effect under the National Contingency Plan with respect to such facilities in a manner which assures appropriate consideration of each of the following site-specific characteristics of such facilities:

(1) The quantity, toxicity, and concentrations of hazardous constituents which are present in such waste and a comparison thereof with other wastes.

(2) The extent of, and potential for, release of such hazardous constituents into the environment.

(3) The degree of risk to human health and the environment posed by such constituents.

(b) **INCLUSION PROHIBITED.**—Until the hazard ranking system is revised as required by this section, the President may not include on the National Priorities List any facility which contains substantial volumes of waste described in section 3001(b)(3)(A)(i) of the Solid Waste Disposal Act on the basis of an evaluation made principally on the volume of such waste and not on the concentrations of the hazardous constituents of such waste. Nothing in this section shall be construed to affect the President's authority to include any such facility on the National Priorities List based on the presence of other substances at such facility or to exercise any other authority of this chapter with respect to such other substances. ◀

As added Pub.L. 99-499, Title I, § 125, Oct. 17, 1986.

► I.H. Indian Tribes  
SARA § 207(e)

### § 9626. [CERCLA § 126]

#### INDIAN TRIBES.

(a) **TREATMENT GENERALLY.**—The governing body of an Indian tribe shall be afforded substantially the same treatment as a State with respect to the provisions of section 9603(a) (regarding notification of releases), section 9604(c)(2) (regarding consultation on remedial actions), section 9604(e) (regarding access to information), section 9604(i) (regarding health authorities) and section 9605 (regarding roles and responsibilities under the national contingency plan and submittal of priorities for remedial action, but not including the provision regarding the inclusion of at least one facility per State on the National Priorities List).

(b) **COMMUNITY RELOCATION.**—Should the President determine that proper remedial action is the permanent relocation of tribal members away from a contaminated site because it is cost effective and necessary to protect their health and welfare, such finding must be concurred in by the affected tribal government before relocation shall occur. The President, in cooperation with the Secretary of the Interior, shall also assure that all benefits of the relocation program are provided to the affected tribe and that alternative land of equivalent value is available and satisfactory to the tribe. Any lands acquired for relocation of tribal members shall be held in trust by the United States for the benefit of the tribe.

(c) **STUDY.**—The President shall conduct a survey, in consultation with the Indian tribes, to determine the extent of hazardous waste sites on Indian lands. Such survey shall be included within a report which shall make recommendations on the program needs of tribes under this chapter, with particular emphasis on how tribal participation in the administration of such programs can be maximized. Such report shall be submitted to Congress along with the President's budget request for fiscal year 1988.

(d) **LIMITATION.**—Notwithstanding any other provision of this chapter, no action under this chapter by an Indian tribe shall be barred until the later of the following:

(1) The applicable period of limitations has expired.

(2) 2 years after the United States, in its capacity as trustee for the tribe, gives written notice to the governing body of the tribe that it will not present a claim or commence an action on behalf of the tribe or fails to present a claim or commence an action within the time limitations specified in this chapter. ◀

As added Pub.L. 99-499, Title II, § 207(e), Oct. 17, 1986.

## SUBCHAPTER II—HAZARDOUS SUBSTANCE RESPONSE REVENUE

### Part A—Hazardous Substance Response Trust Fund

#### § 9631. [CERCLA § 221]

##### Establishment of Hazardous Substance Response Trust Fund

###### (a) Creation of Trust Fund

###### ► III.A. Financing Superfund SARA § 204(a)

There is established in the Treasury of the United States a trust fund to be known as the ["Hazardous Substance Trust Fund"] "*Hazardous Substances Superfund*" (hereinafter in this part referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriate or transferred to such Trust Fund as provided in this section. ◀

###### (b) Transfers to Response Trust Fund

###### (1) Amounts equivalent to certain taxes, etc.

There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of Title 26,

(B) the amounts recovered on behalf of the Response Trust Fund under this chapter,

(C) all moneys recovered or collected under section 1321(b)(6)(B) of Title 33,

(D) penalties assessed under subchapter I of this chapter, and

(E) punitive damages under section 9607(e)(8) of this title.

###### (2) Authorization for appropriations

There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, \$44,000,000,

(B) 1982, \$44,000,000,

(C) 1983, \$44,000,000,

(D) 1984, \$44,000,000, and

(E) 1985, \$44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

###### (3) Transfer of funds

There shall be transferred to the Response Trust Fund—

(A) one-half of the unobligated balance remaining before December 11, 1980, under the Fund in section 1321 of Title 33, and

(B) the amounts appropriated under section 1364(b) of Title 33 during any fiscal year.

###### ► III.A. Financing Superfund SARA § 204(b)

###### (c) Expenditures from Response Trust Fund

###### (1) In general

Amounts in the Response Trust Fund shall be

available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 9611 (other than subsection (j) thereof) of this title, as in effect on December 11, 1980, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 1321 of Title 33,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 9611(c) of this title.

###### (2) Limitations on expenditures

At least 85 percent of the amounts appropriated to the Response Trust Fund under subsection (b)(1)(A) and (2) of this section shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 9611(a) of this title, and

(B) for the repayment of advances made under section 9633(c) of this title, other than advances subject to the limitation of section 9533(c)(2)(C) of this title.]

###### (c) EXPENDITURES FROM TRUST FUND.—

*Amounts in the Hazardous Substances Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 shall be available for expenditure only as provided in section 9611 of this title.* ◀

Pub.L. 96-510, Title II, § 221, Dec. 11, 1980, 94 Stat. 2801, as added and amended Pub.L. 99-499, Title II, § 204, Oct. 17, 1986.

#### § 9632. [CERCLA § 222]

##### Liability of United States limited to amount in Trust Fund

###### (a) General rule

Any claim filed against the Response Trust Fund may be paid out of such Trust Fund. Nothing in this chapter (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount with respect to any such claim out of any source other than the Response Trust Fund.

###### (b) Order in which unpaid claims are to be paid

If at any time the Response Trust Fund is unable (by reason of subsection (a) of this section or the limitation of section 9631(c)(2) of this title) to pay all of the claims payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a) of this section, be paid in full in the order in which they were finally determined.

Pub.L. 96-510, Title II, § 222, Dec. 11, 1980, 94 Stat. 2802.

#### § 9633. [CERCLA § 223]

##### Administrative provisions

###### (a) Method of transfer

The amounts appropriated by section 9631(b)(1) of this title shall be transferred at least monthly from the general

fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

**(b) Management of Trust Fund**

**(1) Report**

The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

**(2) Investment**

It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

**(c) Authority to borrow**

**(1) In general**

There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

**(2) Limitations on advances to Response Trust Fund**

**(A) Aggregate advances**

The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1)(A) of section 9631(b) of this title for the following 12 months, and

**(B) Advances for payment of response costs**

No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 9611(a)(1), (2), or (4) of this title, unless such costs are incurred incident to any

spill the effects of which the Secretary determines to be catastrophic.

**(C) Advances for other costs**

The maximum aggregate amount advanced to the Response Trust Fund which is outstanding at any one time for the purpose of paying costs other than costs described in 9611(a)(1), (2), or (4) of this title shall not exceed one-third of the amount of the estimate made under subparagraph (A).

**(D) Final repayment**

No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

**(3) Repayment of advances**

Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) of this section and shall be compounded annually.

Pub.L. 96-510, Title II, § 223, Dec. 11, 1980, 94 Stat. 2802.

**Part B—Post-Closure Liability Trust Fund  
§ 9641. [CERCLA § 232]**

**Post-closure Liability Trust Fund**

**(a) Creation of Trust Fund**

There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

**(b) Expenditures from Post-closure Liability Trust Fund**

Amounts in the Post-closure Liability Trust Fund shall be available only for the purposes described in sections 9607(k) and 9611(j) of this title (as in effect on December 11, 1980).

**(c) Administrative provisions**

The provisions of sections 9632 and 9633 of this title shall apply with respect to the Trust Fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed \$200,000,000.

Pub.L. 96-510, Title II, § 232, Dec. 11, 1980, 94 Stat. 2804.

## SUBCHAPTER III—MISCELLANEOUS PROVISIONS

### § 9651. [CERCLA § 301]

#### Reports and studies

##### (a) Implementation experiences; identification and disposal of waste

(1) The President shall submit to the Congress, within four years after December 11, 1980, a comprehensive report on experience with the implementation of this chapter including, but not limited to—

(A) the extent to which the chapter and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(B) a summary of past receipts and disbursements from the Fund;

(C) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(D) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(E) the record of State participation in the system of response, liability, and compensation established by this chapter;

(F) the impact of the taxes imposed by subchapter II of this chapter on the Nation's balance of trade with other countries;

(G) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this chapter. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this chapter, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions for the Response Trust Fund and the Post-closure Liability Trust Fund;

(H) an exemption from or an increase in the substances or the amount of taxes imposed by section 4661 of Title 26 for copper, lead, and zinc oxide, and for feedstocks when used in the manufac-

ture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund;

(I) the economic impact of taxing coal-derived substances and recycled metals.

(2) The Administrator of the Environmental Protection Agency (in consultation with the Secretary of the Treasury) shall submit to the Congress (i) within four years after December 11, 1980, a report identifying additional wastes designated by rule as hazardous after the effective date of this chapter and pursuant to section 3001 of the Solid Waste Disposal Act [42 U.S.C.A. § 6921] and recommendations on appropriate tax rates for such wastes for the Post-closure Liability Trust Fund. The report shall, in addition, recommend a tax rate, considering the quantity and potential danger to human health and the environment posed by the disposal of any wastes which the Administrator, pursuant to subsection 3001(b)(2)(B) and subsection 3001(b)(3)(A) of the Solid Waste Disposal Act of 1980 [42 U.S.C.A. §§ 6921(b)(2)(B) and 6921(b)(3)(A)], has determined should be subject to regulation under subtitle C of such Act [42 U.S.C.A. § 6921 et seq.], (ii) within three years after December 11, 1980, a report on the necessity for and the adequacy of the revenue raised, in relation to estimated future requirements, of the Post-closure Liability Trust Fund.

##### (b) Private insurance protection

The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 9607 of this title, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of December 11, 1980, and shall submit an interim report on his study within one year of December 11, 1980.

##### (c) Regulations respecting assessment of damages to natural resources

###### ►I.N. Natural Resource Damages SARA § 107(d)

(1) The President, acting through Federal officials designated by the National Contingency Plan published under section 9605 of this title, shall study and, not later than two years after December 11, 1980, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this chapter and section 1321(f)(4) and (5) of Title 33. *Notwithstanding the failure of the President to promulgate the regulations required under this subsection on the required date, the President shall promulgate such regulations not later than 6 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986.*

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages

based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

**(d) Issues, alternatives, and policy considerations involving selection of location for waste treatment, storage, and disposal facilities**

The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of December 11, 1980, on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act [42 U.S.C.A. § 6921 et seq.] and other applicable provisions of law;

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

**(e) Adequacy of existing common law and statutory remedies**

(1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of December 11, 1980—

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed \$300,000.

**(f) Modification of national contingency plan**

The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after December 11, 1980, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

►IV.C. Pollution Insurance  
SARA § 208

(g) **INSURABILITY STUDY.**—

(1) **STUDY BY COMPTROLLER GENERAL.**—  
The Comptroller General of the United States, in consultation with the persons described in paragraph (2), shall undertake a study to determine the insurability, and effects on the standard of care, of the liability of each of the following:

(A) Persons who generate hazardous substances; liability for costs and damages under this chapter.

(B) Persons who own or operate facilities; liability for costs and damages under this chapter.

(C) Persons liable for injury to persons or property caused by the release of hazardous substances into the environment.

(2) **CONSULTATION.**—In conducting the study under this subsection, the Comptroller General shall consult with the following:

(A) Representatives of the Administrator.

(B) Representatives of persons described in subparagraphs (A) through (C) of the preceding paragraph.

(C) Representatives (i) of groups or organizations comprised generally of persons adversely affected by releases or threatened releases of hazardous substances and (ii) of groups organized for protecting the interests of consumers.

(D) Representatives of property and casualty insurers.

(E) Representatives of reinsurers.

(F) Persons responsible for the regulation of insurance at the State level.

(3) **ITEMS EVALUATED.**—The study under this section shall include, among other matters, an evaluation of the following:

(A) Current economic conditions in, and the future outlook for, the commercial market for insurance and reinsurance.

(B) Current trends in statutory and common law remedies.

(C) The impact of possible changes in traditional standards of liability, proof, evidence, and damages on existing statutory and common law remedies.

(D) The effect of the standard of liability and extent of the persons upon whom it is imposed under this chapter on the protection of human health and the environment and on the availability, underwriting, and pricing of insurance coverage.

(E) Current trends, if any, in the judicial interpretation and construction of applicable insurance contracts, together with the degree to which amendments in the language of such contracts and the description of the risks assumed, could affect such trends.

(F) The frequency and severity of a representative sample of claims closed during the calendar

year immediately preceding the enactment of this subsection.

(G) Impediments to the acquisition of insurance or other means of obtaining liability coverage other than those referred to in the preceding subparagraphs.

(H) The effects of the standards of liability and financial responsibility requirements imposed pursuant to this chapter on the cost of, and incentives for, developing and demonstrating alternative and innovative treatment technologies as well as waste generation minimization.

(4) **SUBMISSION.**—The Comptroller General shall submit a report on the results of the study to Congress with appropriate recommendations within 12 months after the enactment of this subsection. ◀

►IV.F. Reports to Congress  
SARA § 212

(h) **REPORT AND OVERSIGHT REQUIREMENTS.**—

(1) **ANNUAL REPORT BY EPA.**—On January 1 of each year the Administrator of the Environmental Protection Agency shall submit an annual report to Congress of such Agency on the progress achieved in implementing this chapter during the preceding fiscal year. In addition such report shall specifically include each of the following:

(A) A detailed description of each feasibility study carried out at a facility under subchapter I of this chapter.

(B) The status and estimated date of completion of each such study.

(C) Notice of each such study which will not meet a previously published schedule for completion and the new estimated date for completion.

(D) An evaluation of newly developed feasible and achievable permanent treatment technologies.

(E) Progress made in reducing the number of facilities subject to review under section 9621(c).

(F) A report on the status of all remedial and enforcement actions undertaken during the prior fiscal year, including a comparison to remedial and enforcement actions undertaken in prior fiscal years.

(G) An estimate of the amount of resources, including the number of work years or personnel, which would be necessary for each department, agency, or instrumentality which is carrying out any activities of this chapter to complete the implementation of all duties vested in the department, agency, or instrumentality under this chapter.

(2) **REVIEW BY INSPECTOR GENERAL.**—Consistent with the authorities of the Inspector General Act of 1978 the Inspector General of the Environmental Protection Agency shall review any report submitted under paragraph (1) related to EPA's activities for reasonableness and accuracy and

submit to Congress, as a part of such report a report on the results of such review.

(3) **CONGRESSIONAL OVERSIGHT.**—After receiving the reports under paragraphs (1) and (2) of this subsection in any calendar year, the appropriate authorizing committees of Congress shall conduct oversight hearings to ensure that this chapter is being implemented according to the purposes of this chapter and congressional intent in enacting this chapter. ◀

Pub.L. 96-510, Title III, § 301, Dec. 11, 1980, 94 Stat. 2805, as added Pub.L. 99-499, Title I, § 107(d), Title II, §§ 208, 212, Oct. 17, 1986.

### § 9652. [CERCLA § 302]

**Effective dates; savings provisions**

(a) Unless otherwise provided, all provisions of this chapter shall be effective on December 11, 1980.

(b) Any regulation issued pursuant to any provisions of section 1321 of Title 33 which is repealed or superseded by this chapter and which is in effect on the date immediately preceding the effective date of this chapter shall be deemed to be a regulation issued pursuant to the authority of this chapter and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this chapter, and

(3) in effect on the date immediately preceding the effective date of this chapter shall be deemed to be a regulation issued pursuant to the authority of this chapter and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this chapter shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutants or contaminants. The provisions of this chapter shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities.

Pub.L. 96-510, Title III, § 302, Dec. 11, 1980, 94 Stat. 2808.

### § 9653. [CERCLA § 303]

**Termination of authority to collect taxes**

Unless reauthorized by the Congress, the authority to collect taxes conferred by this chapter shall terminate on September 30, 1985, or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of Title 26 total \$1,350,000,000, whichever occurs first. The Secretary of the Treasury shall estimate when this level of \$1,350,000,000 will be reached and shall by regulation

provide procedures for the termination of the tax authorized by this chapter and imposed under sections 4611 and 4661 of Title 26.

Pub.L. 96-510, Title III, § 303, Dec. 11, 1980, 94 Stat. 2808.

### § 9654. [CERCLA § 304(b), (c)]

**Applicability of Federal water pollution control funding, etc., provisions**

(a) Omitted

(b) One-half of the unobligated balance remaining before December 11, 1980, under subsection (k) of section 1321 of Title 33 and all sums appropriated under section 1364(b) of Title 33 shall be transferred to the Fund established under subchapter II of this chapter.

(c) In any case in which any provision of section 1321 of Title 33 is determined to be in conflict with any provisions of this chapter, the provisions of this chapter shall apply.

Pub.L. 96-510, Title III, § 304, Dec. 11, 1980, 94 Stat. 2809.

### § 9655. [CERCLA § 305]

**Legislative veto of rule or regulation**

(a) **Transmission to Congress upon promulgation or repromulgation of rule or regulation; disapproval procedures**

Notwithstanding any other provision of law, simultaneously with promulgation of or repromulgation of any rule or regulation under authority of subchapter I of this chapter, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the \_\_\_\_\_ dealing with the matter of \_\_\_\_\_, which rule or regulation was transmitted to Congress on \_\_\_\_\_", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) **Approval; effective dates**

If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further considera-

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Ammonium picrate	131748	Phenol, 2,4,6-trinitro-, ammonium salt.	1*	4	P009	A	10 (4.54)
Ammonium silicofluoride	16919190		1000	1		C	1000 (454)
Ammonium sulfamate	7773060		5000	1		D	5000 (2270)
Ammonium sulfide	12135761		5000	1		B	100 (45.4)
Ammonium sulfite	10198040		5000	1		D	5000 (2270)
Ammonium tartrate	14307438		5000	1		D	5000 (2270)
	3164292						
Ammonium thiocyanate	1762954		5000	1		D	5000 (2270)
Ammonium thiosulfate	7783188		5000	1		D	5000 (2270)
Ammonium vanadate	7803556	Vanadic acid, ammonium salt.	1*	4	P110	C	1000 (454)
Amyl acetate	628637		1000	1		D	5000 (2270)
iso-	123922						
sec-	628380						
tert-	625181						
Aniline	62533	Benzenamine	1000	1,4	U012	D	5000 (2270)
Anthracene	120127		1*	2		D	5000 (2270)
Antimony II	7440360		1*	2		D	5000 (2270)
ANTIMONY AND COMPOUNDS			1*	2			**
Antimony pentachloride	7647189		1000	1		C	1000 (454)
Antimony potassium tartrate	28300745		1000	1		B	100 (45.4)
Antimony tribromide	7789819		1000	1		C	1000 (454)
Antimony trichloride	10025919		1000	1		C	1000 (454)
Antimony trifluoride	7783564		1000	1		C	1000 (454)
Antimony trioxide	1309644		5000	1		C	1000 (454)
Aroclor 1016	12674112	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Aroclor 1221	11104282	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Aroclor 1232	11141165	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Aroclor 1242	53469219	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Aroclor 1248	12672296	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Aroclor 1254	11097691	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Aroclor 1260	11096825	Polychlorinated Biphenyls (PCBs).	10	1,2		A	10# (4.54)
Arsenic II	7440382		1*	2,3		X	1# (0.454)
Arsenic acid	1327522		1*	4	P010	X	1# (0.454)
	7778394						**
ARSENIC AND COMPOUNDS			1*	2			**
Arsenic disulfide	1303328		5000	1		D	5000# (2270)
Arsenic(III) oxide	1327533	Arsenic trioxide	5000	1,4	P012	D	5000# (2270)
Arsenic(V) oxide	1303282	Arsenic pentoxide	5000	1,4	P011	D	5000# (2270)
Arsenic pentoxide	1303282	Arsenic(V) oxide	5000	1,4	P011	D	5000# (2270)
Arsenic trichloride	7784341		5000	1		D	5000# (2270)
Arsenic trioxide	1327533	Arsenic(III) oxide	5000	1,4	P012	D	5000# (2270)
Arsenic trisulfide	1303339		5000	1		D	5000# (2270)
Arsine, diethyl-	692422	Diethylarsine	1*	4	P038	X	1# (0.454)
Asbestos III	1332214		1*	2,3		X	1# (0.454)
Auramine	492808	Benzenamine, 4,4'-carbonimidoylbis(N,N-dimethyl-)	1*	4	U014	X	1# (0.454)
Azaserone	115026	L-Serine, diazoacetate (ester).	1*	4	U015	X	1# (0.454)
Azidine	151584	Ethylenimine	1*	4	P054	X	1# (3.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RO	
			RQ	Code	RCA Waste Number	Category	Pounds (kg)
Azino(2,3',3,4)pyrrolo (1,2'-imidole-4,7- dione,6-amino-6- ((aminocarbonyloxy) methyl)- 1,1a,2,6,6a,8b- hexahydro da- methoxy-5-methyl-	50077	Mitomycin C	1*	4	U010	X	1# (0.454)
Banum cyanide	542621		10	1,4	P012	A	10 (454)
Benz(j)acanthylene. 1,2-dihydro-3-methyl-	56495	3-Methylcholanthrene	1*	4	U157	X	1# (0.454)
Benz(c)acridine	225514	1,4-Benzacridine	1*	4	U016	X	1# (0.454)
3,4-Benzacridine	225514	Benz(c)acridine	1*	4	U016	X	1# (0.454)
Benzal chloride	98873	Benzene, dichloromethyl-	1*	4	U017	D	5000 (2270)
Benz(a)anthracene	56553	1,2-Benzanthracene Benzo(a)anthracene	1*	2,4	U018	X	1# (0.454)
1,2-Benzanthracene	56553	Benz(a)anthracene Benzo(a)anthracene	1*	2,4	U018	X	1# (0.454)
1,2-Benzanthracene, 7,12-dimethyl-	57976	7,12-Dimethylbenz(a) anthracene	1*	4	U094	X	1# (0.454)
Benzenamine	62533	Aniline	1000	1,4	U012	D	5000 (2270)
Benzenamine, 4,4'- carbonimidoyl bis(N,N- dimethyl-	492808	Auramine	1*	4	U014	X	1# (0.454)
Benzenamine, 4-chloro-	106478	p-Chloroaniline	1*	4	P024	C	1000 (454)
Benzenamine, 4-chloro- 2-methyl- hydrochloride	3165933	4-Chloro-o-toluidine, hydrochloride	1*	4	U049	X	1# (0.454)
Benzenamine, N,N- dimethyl-4-phenylazo-	80117	Dimethylaminoazoben- zene	1*	4	U093	X	1# (0.454)
Benzenamine, 4,4'- methylenebis(2-chloro-	101144	4,4'-Methylenebis(2- chloroaniline)	1*	4	U158	X	1# (0.454)
Benzenamine, 2-methyl- hydrochloride	636215	o-Toluidine hydrochloride	1*	4	U222	X	1# (0.454)
Benzenamine, 2-methyl- 5-nitro-	99558	5-Nitro-o-toluidine	1*	4	U181	X	1# (0.454)
Benzenamine, 4-nitro	100016	p-Nitroaniline	1*	4	P077	D	5000 (2270)
Benzene	71432		1000	1,2,3,4	U019	C	1000# (454)
Benzene, 1-bromo-4- phenoxy-	101553	4-Bromophenyl phenyl ether	1*	2,4	U030	B	100 (45.4)
Benzene, chloro-	108907	Chlorobenzene	100	1,2,4	U037	B	100 (45.4)
Benzene, chloromethyl-	100447	Benzyl chloride	100	1,4	P026	B	100# (45.4)
Benzene, 1,2-dichloro-	95501	1,2-Dichlorobenzene	100	1,2,4	U070	B	100 (45.4)
Benzene, 1,3-dichloro-	541731	o-Dichlorobenzene 1,3-Dichlorobenzene	1*	2,4	U071	B	100 (45.4)
Benzene, 1,4-dichloro-	106467	m-Dichlorobenzene 1,4-Dichlorobenzene	100	1,2,4	U072	B	100 (45.4)
Benzene, dichloromethyl-	98873	Benzal chloride	1*		U017	D	5000 (2270)
Benzene, 2,4- diisocyanatomethyl-	584849	Toluene diisocyanate	1*	4	U223	B	100 (45.4)
Benzene, dimethyl	91087 26471625 1330207	Xylene	1000	1,4	U239	C	1000 (454)
m-	108383	m-					
o-	95476	o-					
p-	106423	p-					
Benzene, hexachloro-	118741	Hexachlorobenzene	1*	2,4	U127	X	1# (0.454)
Benzene, hexahydro-	110827	Cyclohexane	1000	1,4	U056	C	1000 (454)
Benzene, hydroxy-	108952	Phenol	1000	1,2,4	U188	C	1000 (454)
Benzene, methyl-	108883	Toluene	1000	1,2,4	U220	C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RO	
			RO	Code	RCRA Waste Number	Category	Pounds(Kg)
Benzene, 1-methyl-2,4-dinitro-	121142	2,4-Dinitrotoluene	1000	1,2,4	U105	C	1000# (454)
Benzene, 1-methyl-2,6-dinitro-	606202	2,6-Dinitrotoluene	1000	1,2,4	U106	C	1000# (454)
Benzene, 1,2-methylenedioxy-4-allyl-	04597	Salrole	1*	4	U203	X	1# (0.454)
Benzene, 1,2-methylenedioxy-4-propenyl-	120581	Isosalrole	1*	4	U141	X	1# (0.454)
Benzene, 1,2-methylenedioxy-4-propyl-	04586	Uhydrosalrole	1*	4	U090	X	1# (0.454)
Benzene, 1-methylethyl-	98828	Cumene	1*	4	U055	D	5000 (2270)
Benzene, nitro-	98953	Nitrobenzene	1000	1,2,4	U169	C	1000 (454)
Benzene, pentachloro-	608935	Pentachlorobenzene	1*	4	U163	A	10 (4.54)
Benzene, pentachloromtro-	62688	Pentachloronitrobenzene	1*	4	U185	X	1# (0.454)
Benzene, 1,2,4,5-tetrachloro-	95943	1,2,4,5-Tetrachlorobenzene	1*	4	U207	D	5000 (2270)
Benzene, trichloromethyl-	98077	Benzotrichloride	1*	4	U023	X	1# (0.454)
Benzene, 1,3,5-trinitro-	09354	sym-Trinitrobenzene	1*	4	U234	A	10 (4.54)
Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510156	Ethyl 4,4'-dichlorobenzilate	1*	4	U038	X	1# (0.454)
1,2-Benzenedicarboxylic acid anhydride	85449	Phthalic anhydride	1*	4	U190	D	5000 (2270)
1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester	117817	Bis(2-ethylhexyl)phthalate	1*	2,4	U028	X	1# (0.454)
1,2-Benzenedicarboxylic acid, dibutyl ester	84742	n-Butyl phthalate	100	1,2,4	U069	A	10 (4.54)
1,2-Benzenedicarboxylic acid, diethyl ester	84662	Dibutyl phthalate Di-n-butyl phthalate Diethyl phthalate	1*	2,4	U088	C	1000 (454)
1,2-Benzenedicarboxylic acid, dimethyl ester	131113	Dimethyl phthalate	1*	2,4	U102	D	5000 (2270)
1,2-Benzenedicarboxylic acid, di-n-octyl ester	117840	Di-n-octyl phthalate	1*	2,4	U107	D	5000 (2270)
1,3-Benzenediol	108463	Resorcinol	1000	1,4	U201	D	5000 (2270)
1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-	51434	Epinephrine	1*	4	P042	C	1000 (454)
Benzenesulfonic acid chloride	98099	Benzenesulfonyl chloride	1*	4	U020	B	100 (45.4)
Benzenesulfonyl chloride	98099	Benzenesulfonic acid chloride	1*	4	U020	B	100 (45.4)
Benzenethiol	108985	Thiophenol	1*	4	P014	B	100 (45.4)
Benzidine	92875	(1,1'-Biphenyl)-4,4'-diamine	1*	2,4	U021	X	1# (0.454)
1,2-Benzothiazolin-3-one, 1,1-dioxide, and salts	81072	Sacchann and salts	1*	4	U202	X	1# (0.454)
Benzo(a)anthracene	56553	Benzo(a)anthracene 1,2-Benzanthracene	1*	2,4	U018	X	1# (0.454)
Benzo(b)fluoranthene	205992		1*	2		X	1# (0.454)
Benzo(k)fluoranthene	207089		1*	2		X	1# (0.454)
Benzo(j,k)fluorene	206440	Fluoranthene	1*	2,4	U120	B	100 (45.4)
Benzoic acid	65850		5000	1		D	5000 (2270)
Benzonitrile	100470		1000	1		D	5000 (2270)
Benzo(g,h)perylene	191242		1*	2		D	5000 (2270)
Benzo(a)pyrene	50328	3,4-Benzopyrene	1*	2,4	U022	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RC	
			RO	Code	RCRA Waste Number	Catego-ry	Pounds/(kg)
3,4-Benzopyrene.....	50328	Benzo[ <i>a</i> ]pyrene.....	1*	2,4	U022	X	1# (0.454)
p-Benzocumone.....	106514	1,4-Cyclohexadienedione	1*	4	U197	A	10 (4.54)
Benzoinc chloride.....	98077	Benzene, trichloromethyl-	1*	4	U023	X	1# (0.454)
Benzoyl chloride.....	98884		1000	1		C	1000 (454)
1,2-Benzophenanthrene.....	218019	Chrysene.....	1*	2,4	UC50	X	1# (0.454)
Benzyl chloride.....	100447	Benzene, chloromethyl-	100	1,4	P028	B	100# (45.4)
Beryllium flt.....	7440417	Beryllium dust.....	1*	2,3,4	P015	X	1# (0.454)
BERYLLIUM AND COMPOUNDS.....			1*	2			**
Beryllium chloride.....	7787475		5000	1		D	5000# (2270)
Beryllium dust.....	7440417	Beryllium.....	1*	2,3,4	P015	X	1# (0.454)
Beryllium fluoride.....	7787497		5000	1		D	5000# (2270)
Beryllium nitrate.....	13597994		5000	1		D	5000# (2270)
alpha - BHC.....	319848		1*	2		X	1# (0.454)
beta - BHC.....	319857		1*	2		*X	1# (0.454)
gamma - BHC.....	58699	Hexachlorocyclohexane (gamma isomer) Lindane	1	1,2,4	U129	X	1# (0.454)
delta - BHC.....	319868		1*	2		X	1 (0.454)
2,2'-Bioxirane.....	1464535	1,2,3,4-Diepoxybutane	1*	4	U085	X	1# (0.454)
(1,1'-Biphenyl)- 4,4'-diamine.....	92875	Benzidine.....	1*	2,4	U021	X	1# (0.454)
(1,1'-Biphenyl)-4,4' diamine,3,3'-dichloro-	91941	3,3'-Dichlorobenzidine.....	1*	2,4	U073	X	1# (0.454)
(1,1'-Biphenyl)-4,4' diamine,3,3'-dimethoxy-	119904	3,3'-Dimethoxybenzidine.....	1*	4	U091	X	1# (0.454)
(1,1'-Biphenyl)-4,4'- diamine,3,3'-dimethyl-	119937	3,3'-Dimethylbenzidine.....	1*	4	U095	X	1# (0.454)
Bis(2-chloroethoxy) methane.....	111911	Ethane, 1,1'- [methylenebis(oxy)] bis(2-chloro-	1*	2,4	U024	C	1000 (454)
Bis (2-chloroethyl) ether.....	111444	Dichloroethyl ether.....	1*	2,4	U025	X	1# (0.454)
Bis(2-chloroisopropyl) ether.....	108601	Ethane, 1,1'-oxybis(2- chloro-	1*	2,4	U027	C	1000 (454)
Bis(chloromethyl) ether.....	542881	Propane, 2,2'-oxybis(2- chloro-	1*	4	P016	X	1# (0.454)
Bis (dimethylthiocarba- moyl) disulfide.....	137268	Methane, oxybis(chloro- thwam.....	1*	4	U244	A	10 (4.54)
di-, 7- -thylhexyl)phthalate.....	117817	1,2-Benzenedicarboxylic acid, [bis(2- ethylhexyl)] ester	1*	2,4	U028	X	1# (0.454)
Bromine cyanide.....	506683	Cyanogen bromide.....	1*	4	U246	C	1000 (454)
Bromoacetone.....	598312	2-Propanone, 1-bromo-	1*	4	P017	C	1000 (454)
Bromoform.....	75252	Methane, tribromo-	1*	2,4	U225	B	100 (45.4)
4-Bromophenyl phenyl ether.....	101553	Benzene, 1-bromo-4- phenoxy-	1*	2,4	U030	B	100 (45.4)
Brucine.....	357373	Strychnidin-10-one, 2,3- dimethoxy-	1*	4	P018	B	100 (45.4)
1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87683	Hexachlorobutadiene.....	1*	2,4	U128	X	1# (0.454)
1-Butanamine, N-butyl- N-nitroso.....	924163	N-Nitrosod-n-butylamine	1*	4	U172	X	1# (0.454)
Butanoic acid, 4-[bis(2- chloroethyl)amino] benzene.....	305033	Chlorambuc.....	1*	4	U035	X	1# (0.454)
1-Butanol.....	71363	n-Butyl alcohol.....	1*	4	U031	D	5000 (2270)
2-Butanone.....	78933	Methyl ethyl ketone.....	1*	4	U159	D	5000 (2270)
2-Butanone peroxide.....	1338234	Methyl ethyl ketone peroxide.....	1*	4	U160	A	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
2-Butenal	123739 4170303	Crotonaldehyde	100	1,4	U053	B	100 (45.4)
2-Butene, 1,4-dichloro-	764410	1,4-Dichloro-2-butene	1*	4	U074	X	1 (0.454)
Butyl acetate	123864		5000	1		D	5000 (2270)
iso-	110190						
sec-	105464						
tert-	540885						
n-Butyl alcohol	71363	1-Butanol	1*	4	U031	D	5000 (2270)
Butylamine	109739		1000	1		C	1000 (454)
iso-	78819						
sec-	513495						
tert-	13952846						
Butyl benzyl phthalate	85687		1*	2		B	100 (45.4)
n-Butyl phthalate	84742	1,2-Benzenedicarboxylic acid, dibutyl ester, Dibutyl phthalate, Di-n-butyl phthalate	100	1,2,4	U069	A	10 (4.54)
Butyric acid	107926		5000	1		D	5000 (2270)
iso-	79312						
Cacodylic acid	75605	Hydroxymethylarsine oxide	1*	4	U136	X	1# (0.454)
Cadmium ff	7440439		1*	2		X	1# (0.454)
Cadmium acetate	543908		100	1		B	100# (45.4)
CADMIUM AND COMPOUNDS			1*	2			**
Cadmium bromide	7789426		100	1		B	100# (45.4)
Cadmium chloride	10108642		100	1		B	100# (45.4)
Calcium arsenate	7778441		1000	1		C	1000# (454)
Calcium arsenite	52740166		1000	1		C	1000# (454)
Calcium carbide	75207		5000	1		A	10 (4.54)
Calcium chromate	13765190	Chromic acid, calcium salt	1000	1,4	U032	C	1000# (454)
Calcium cyanide	592018		10	1,4	P021	A	10 (4.54)
Calcium dodecylbenzene sulfonate	26264062		1000	1		C	1000 (454)
Calcium hypochlorite	7778543		100	1		A	10 (4.54)
Camphene, octachloro-	8001352	Toxaphene	1	1,2,4	P123	X	1# (0.454)
Caplan	133062		10	1		A	10# (4.54)
Carbamic acid, ethyl ester	51796	Ethyl carbamate (Urethan)	1*	4	U238	X	1# (0.454)
Carbamic acid, methylnitroso, ethyl ester	615532	N-Nitroso-N-methylurethane	1*	4	U178	X	1# (0.454)
Carbamide, N-ethyl-N-nitroso-	759739	N-Nitroso-N-ethylurea	1*	4	U176	X	1# (0.454)
Carbamide, N-methyl-N-nitroso-	684935	N-Nitroso-N-methylurea	1*	4	U177	X	1# (0.454)
Carbamide, thio-	62566	Thiourea	1*	4	U219	X	1# (0.454)
Carbamidoselenonic acid	630104	Selenourea	1*	4	P103	C	1000 (454)
Carbamoyl chloride, dimethyl-	79447	Dimethylcarbamoyl chloride	1*	4	U097	X	1# (0.454)
Carbaryl	63252		100	1		B	100 (45.4)
Carbaryl	1563662		10	1		A	10 (4.54)
Carbon bisulfide	75150	Carbon disulfide	5000	1,4	P022	B	100 (45.4)
Carbon disulfide	75150	Carbon bisulfide	5000	1,4	P022	B	100 (45.4)
Carbonic acid, di(alkali) salt	6533739	Thalium(I) carbonate	1*	4	U215	B	100 (45.4)
Carbonochloride acid, methyl ester	79221	Methyl chlorocarbonate	1*	4	U156	C	1000 (454)
Carbon oxyfluoride	353504	Carbonyl fluoride	1*	4	U033	C	1000 (454)
Carbon tetrachloride	56235	Methane, tetrachloro-	5000	1,2,4	U211	D	5000# (2270)
Carbonyl chloride	75445	Phosgene	5000	1,4	P095	A	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code <sup>1</sup>	RCRA Waste Number	Category	Pounds(Kg)
Carbonyl fluoride.....	353504	Carbon oxyfluoride.....	1*	4	U033	C	1000 (454)
Chloral.....	75878	Acetaldehyde, trichloro.....	1*	4	U034	X	1# (0.454)
Chlorambucil.....	305033	Butanoic acid, 4-[(bis(2-chloroethyl)amino) benzene-.....	1*	4	U035	X	1# (0.454)
CHLORDANE (TECHNICAL MIXTURE AND METABOLITES)			1*	2			**
Chlordane.....	57749	Chlordane, technical..... 4,7-Methanoindan, 1,2,4,5,6,7,8,8- octachloro- 3a,4,7,7a- tetrahydro-.....	1	1,2,4	U036	X	1# (0.454)
Chlordane, technical.....	57749	Chlordane..... 4,7-Methanoindan, 1,2,4,5,6,7,8,8- octachloro- 3a,4,7,7a- tetrahydro-.....	1	1,2,4	U036	X	1# (0.454)
CHLORINATED BENZENES.			1*	2			**
CHLORINATED ETHANES.			1*	2			**
CHLORINATED NAPHTHALENE.			1*	2			**
CHLORINATED PHENOLS.			1*	2			**
Chlorine.....	7782505		10	1		A	10 (4.54)
Chlorine cyanide.....	506774	Cyanogen chloride.....	10	1,4	P033	A	10 (4.54)
Chloromaphazine.....	494031	2-Naphthylamine, N,N- bis(2-chloroethyl)-.....	1*	4	U026	X	1# (0.454)
Chloroacetaldehyde.....	107200	Acetaldehyde, chloro.....	1*	4	P023	C	1000 (454)
CHLOROALKYL ETHERS			1*	2			**
p-Chloroaniline.....	106478	Benzenamine, 4-chloro.....	1*	4	P024	C	1000 (454)
Chlorobenzene.....	108907	Benzene, chloro.....	100	1,2,4	U037	B	100 (45.4)
4-Chloro-m-cresol.....	59507	p-Chloro-m-cresol..... Phenol, 4-chloro-3- methyl-.....	1*	2,4	U039	D	5000 (2270)
p-Chloro-m-cresol.....	59507	4-Chloro-m-cresol..... Phenol, 4-chloro-3- methyl-.....	1*	2,4	U039	D	5000 (2270)
Chlorobromomethane.....	124481		1*	2		B	100 (45.4)
1-Chloro-2,3- epoxypropane.....	106898	Epichlorohydrin.....  Oxirane, 2- (chloromethyl)-.....	1000	1,4	U041	C	1000# (454)
Chloroethane.....	75003		1*	2		B	100 (45.4)
2-Chloroethyl vinyl ether.....	110758	Ethene, 2-chloroethoxy.....	1*	2,4	U042	C	1000 (454)
Chloroform.....	67663	Methane, trichloro.....	5000	1,2,4	U044	D	5000# (2270)
Chloromethyl methyl ether.....	107302	Methane, chloromethoxy-.....	1*	4	U046	X	1# (0.454)
beta-Chloronaphthalene.....	91587	2-Chloronaphthalene..... Naphthalene, 2-chloro- beta-Chloronaphthalene.....	1*	2,4	U047	D	5000 (2270)
2-Chloronaphthalene.....	91587	beta-Chloronaphthalene..... Naphthalene, 2-chloro- alpha-Chlorophenol.....	1*	2,4	U047	D	5000 (2270)
2-Chlorophenol.....	95578	Phenol, 2-chloro- alpha-Chlorophenol.....	1*	2,4	U048	B	100 (45.4)
o-Chlorophenol.....	95578	2-Chlorophenol..... Phenol, 2-chloro-.....	1*	2,4	U048	B	100 (45.4)
4-Chlorophenyl phenyl ether.....	7005723		1*	2		D	5000 (2270)
1-(o- Chlorophenyl)thiourea.....	5344821	Thiourea, (2- chlorophenyl)-.....	1*	4	P026	B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
3 Chloropropanitrile	542787	Propanenitrile, 3-chloro-	1*	4	P027	C	1000 (454)
Chlorosulfonic acid	7790945		1000	1		C	1000 (454)
4 Chloro-o-toluidine, hydrochloride	3165933	Benzenamine, 4-chloro-2-methyl-, hydrochloride	1*	4	U049	X	1# (0.454)
Chlorpyrifos	2921682		1	1		X	1 (0.454)
Chromic acetate	1066304		1000	1		C	1000 (454)
Chromic acid	11115745		1000	1		C	1000# (454)
	7738945						
Chromic acid, calcium salt	13765190	Calcium chromate	1000	1,4	U032	C	1000# (454)
Chromic sulfate	10101538		1000	1		C	1000 (454)
Chromium II	7440473		1*	2		X	1# (0.454)
CHROMIUM AND COMPOUNDS			1*	2			**
Chromous chloride	10049055		1000	1		C	1000 (454)
Chrysene	218010	1,2-Benzphenanthrene	1*	2,4	U050	X	1# (0.454)
Cobaltous bromide	7789437		1000	1		C	1000(454)
Cobaltous formate	544183		1000	1		C	1000 (454)
Cobaltous sulfamate	14017415		1000	1		C	1000 (454)
Coke Oven Emissions	N.A.		1*	3		X	1# (0.454)
Copper II	7440508		1*	2		D	5000 (2270)
COPPER AND COMPOUNDS			1*	2			**
Copper cyanide	544923		1*	4	P029	A	10 (4.54)
Coumaphos	56724		10	1		A	10 (4.54)
Creosote	8001589		1*	4	U051	X	1# (0.454)
Cresol(s)	1319773	Cresylic acid	1000	1,4	U052	C	1000# (454)
m-	108394						
o-	95487						
p-	106445						
Cresylic acid	1319773	Cresol(s)	1000	1,4	U052	C	1000# (454)
m-	108394						
o-	95487						
p-	106445						
Crotonaldehyde	123739	2-Butenal	100	1,4	U053	B	100 (45.4)
	4170303						
Cumene	98828	Benzene, 1-methylethyl-	1*	4	U055	D	5000 (2270)
Cupric acetate	142712		100	1		B	100 (45.4)
Cupric acetoarsenite	12002038		100	1		B	100# (45.4)
Cupric chloride	7447394		10	1		A	10 (4.54)
Cupric nitrate	3251238		100	1		B	100 (45.4)
Cupric oxalate	5893663		100	1		B	100 (45.4)
Cupric sulfate	7758987		10	1		A	10 (4.54)
Cupric sulfate ammoniated	10380297		100	1		B	100 (45.4)
Cupric tartrate	815827		100	1		B	100 (45.4)
CYANIDES			1*	2			**
Cyanides (soluble cyanide salts), not elsewhere specified	57125		1*	4	P030	A	10 (4.54)
Cyanogen	460195		1*	4	P031	B	100 (45.4)
Cyanogen bromide	506683	Bromine cyanide	1*	4	U246	C	1000 (454)
Cyanogen chloride	506774	Chlorine cyanide	10	1,4	P033	A	10 (4.54)
1,4-Cyclohexanedione	106514	p-Benzoquinone	1*	4	U197	A	10 (4.54)
Cyclohexane	110827	Benzene, hexahydro-	1000	1,4	U058	C	1000(454)
Cyclohexanone	108941		1*	4	U057	D	5000 (2270)
1,3-Cyclopentadiene	77474	Hexachlorocyclopentadiene	1	1,2,4	U130	X	1# (0.454)
1,2,1,4,5,5-hexachloro-							
Cyclophosphamide	50180	2H-1,3,2-Oxazaphosphone,2-[bis(2-chloroethyl)amino] tetrahydro-2-oxide	1*	4	U058	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
2,4-D Acid	94757	2,4-D, salts and esters 2,4-Dichlorophenoxyacetic acid, salts and esters	100	1,4	U240	B	100 (45.4)
2,4-D Esters	94111 94791 94804 1320189 1929387 1928816 1929733 2971382 25168267 53487111		100	1		B	100 (45.4)
2,4-D, salts and esters	94757	2,4-D Acid 2,4-Dichlorophenoxyacetic acid, salts and esters	100	1,4	U240	B	100 (45.4)
Daunomycin	20830813	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[3-amino-2,3,6-Indeoxy- $\alpha$ -L-lyxohexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-	1*	4	U059	X	1# (0.454)
DDD	72548	4,4' DDD Dichlorodiphenyl dichloroethane	1	1,2,4	U060	X	1# (0.454)
4,4' DDD	72548	TDE DDD Dichlorodiphenyl dichloroethane	1	1,2,4	U060	X	1# (0.454)
DDE	72559	4,4' DDE	1*	2		X	1# (0.454)
4,4' DDE	72559	DDE	1*	2		X	1# (0.454)
DDT	50293	4,4' DDT Dichlorodiphenyl trichloroethane	1	1,2,4	U061	X	1# (0.454)
4,4' DDT	50293	DDT Dichlorodiphenyl trichloroethane	1	1,2,4	U061	X	1# (0.454)
DDT AND METABOLITES			1*	2			**
Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one	143500	Kepon	1	1,4	U142	X	1# (0.454)
Dallate	2303164	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	1*	4	U062	X	1# (0.454)
Damine	302012	Hydrazine	1*	4	U133	X	1# (0.454)
Diaminotoluene	95807 25376458 498720 823405	Toluenediamine	1*	4	U221	X	1# (0.454)
Diazinon	5333415		1	1		X	1 (0.454)
Dibenz[a,h]anthracene	53703	1,2,5,6-Dibenzanthracene Dbenzo[a,h]anthracene	1*	2,4	U063	X	1# (0.454)
1,2,5,6-Dibenzanthracene	53703	Dbenzo[a,h]anthracene Dbenzo[a,h]anthracene	1*	2,4	U063	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RCQ	
			RCQ	Code	RCRA Waste Number	Catego-ry	Pounds(Kg)
Dibenzo[a,h]anthracene	53703	Dibenzo[a,h]anthracene 1,2,5,6- Dibenzanthracene	1*	2,4	U063	X	1# (0.454)
1,2,7,8-Dibenzopyrene	189559	Dibenzo[a,i]pyrene	1*	4	U064	X	1# (0.454)
Dibenzo[a,i]pyrene	189559	1,2,7,8-Dibenzopyrene	1*	4	U064	X	1# (0.454)
1,2-Dibromo-3-chloropropane	26128	Propane, 1,2-dibromo-3-chloro-	1*	4	U066	X	1# (0.154)
Di-n-butyl phthalate	84742	1,2-Benzenedicarboxylic acid di-n-butyl ester Di-n-butyl phthalate n-Butyl phthalate	100	1,2,4	U069	A	10 (4.54)
D-i-n-butyl phthalate	84742	1,2-Benzenedicarboxylic acid di-n-butyl ester n-Butyl phthalate Di-n-butyl phthalate	100	1,2,4	U060	A	10 (4.54)
D-camba	1918009		1000	1		C	1000 (454)
D-chlobeni	1194656		1000	1		B	100 (45.4)
Dichlone	117806		1	1		X	1 (0.454)
S-(2,3-Dichloroallyl) isopropylthiocarbamate	2303164	Diallate	1*	4	U062	X	1# (0.454)
3,5-Dichloro-N-(1,1-dimethyl-2-propenyl)benzamide	23950585	Pronamide	1*	4	U192	D	5000 (2270)
Dichlorobenzene (mixed)	25321226		100	1		B	100 (45.4)
1,2-Dichlorobenzene	95501	Benzene, 1,2-dichloro-o-Dichlorobenzene	100	1,2,4	U070	B	100 (45.4)
1,3-Dichlorobenzene	541731	Benzene, 1,3-dichloro-m-Dichlorobenzene	1*	2,4	U071	B	100 (45.4)
1,4-Dichlorobenzene	106467	Benzene, 1,4-dichloro-p-Dichlorobenzene	100	1,2,4	U072	B	100 (45.4)
m-Dichlorobenzene	541731	Benzene, 1,3-dichloro-1,3-Dichlorobenzene	1*	2,4	U071	B	100 (45.4)
o-Dichlorobenzene	95501	Benzene, 1,2-dichloro-1,2-Dichlorobenzene	100	1,2,4	U070	B	100 (45.4)
p-Dichlorobenzene	106467	Benzene, 1,4-dichloro-1,4-Dichlorobenzene	100	1,2,4	U072	B	100 (45.4)
DICHLOROBENZIDINE			1*	2			**
3,3'-Dichlorobenzidine	91941	(1,1'-Biphenyl)-4,4'-diamine,3,3'-dichloro-	1*	2,4	U073	X	1# (0.454)
Dichlorobromomethane	75274		1*	2		D	5000 (2270)
1,4-Dichloro-2-butene	764410	2-Butene, 1,4-dichloro-	1*	4	U074	X	1 (0.454)
Dichlorodifluoromethane	75716	Methane, dichlorodifluoro-	1*	4	U075	D	5000 (2270)
Dichlorodiphenyl dichloroethane	72548	DDD 4,4' DDD TCE	1	1,2,4	U060	X	1# (0.454)
Dichlorodiphenyl trichloroethane	50293	DDT 4,4' DDT	1	1,2,4	U061	X	1# (0.454)
1,1-Dichloroethane	75343	Ethane, 1,1-dichloro-Ethylidene dichloride	1*	2,4	U076	C	1000 (454)
1,2-Dichloroethane	107062	Ethane, 1,2-dichloro-Ethylene dichloride	5000	1,2,4	U077	D	5000# (2270)
1,1-Dichloroethylene	75354	Ethene, 1,1-dichloro-Vinylidene chloride	5000	1,2,4	U078	D	5000# (2270)
1,2 trans-Dichloroethylene	156605	Ethene, trans-1,2-dichloro-	1*	2,4	U079	C	1000 (454)
Dichloroethyl ether	111444	Bis (2-chloroethyl) ether Ethane, 1,1'-oxybis(2-chloro-	1*	2,4	U025	X	1# (0.454)
2,4-Dichlorophenol	120832	Phenol, 2,4-dichloro-	1*	2,4	U081	B	100 (45.4)
2,6-Dichlorophenol	87650	Phenol, 2,6-dichloro-	1*	4	U082	B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
2,4-Dichlorophenoxyacetic acid, salts and esters	94757	2,4-D Acid	100	1,4	U240	B	100 (45.4)
Dichlorophenylarsine	696286	2,4-D salts and esters	1*	4	P036	X	1# (0.454)
Dichloropropane	26638197	Phenyl dichloroarsine	5000	1		C	1000 (454)
1,1-Dichloropropane	78999						
1,3-Dichloropropane	142289						
1,2-Dichloropropane	78875	Propylene dichloride	5000	1,2,4	U083	C	1000 (454)
Dichloropropane - Dichloropropene (mixture)	8003198		5000	1		B	100# (45.4)
Dichloropropenols (mixture)	26952238		5000	1		B	100 (45.4)
2,3-Dichloropropene (isomer)	78886						
1,3-Dichloropropene	542758	Propene, 1,3-dichloro-	5000	1,2,4	U084	B	100# (45.4)
2,2-Dichloropropionic acid	75990		5000	1		D	5000 (2270)
Dichlorvos	82737		10	1		A	10 (4.54)
Dieldrin	60571	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4,5,8-dimethanonaphthalene	1	1,2,4	P037	X	1# (0.454)
1,2,3,4-Deposybulane	1464535	2,2'-Bioxirane	1*	4	U085	X	1# (0.454)
Diethylamine	109897		1000	1		B	100 (45.4)
Diethylarsine	692422	Arsine diethyl-	1*	4	P038	X	1# (0.454)
1,4-Diethylene dioxide	123911	1,4-Dioxane	1*	4	U108	X	1# (0.454)
N,N'-Diethylhydrazine	1615801	Hydrazine, 1,2-diethyl-	1*	4	U086	X	1# (0.454)
O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	298044	Disulfoton	1	1,4	P039	X	1 (0.454)
O,O-Diethyl S-methyl dithiophosphate	3288582	Phosphorodithioic acid, O,O-diethyl S-methyl ester	1*	4	U087	D	5000 (2270)
Diethyl p-nitrophenyl phosphate	311455	Phosphonic acid, diethyl p-nitrophenyl ester	1*	4	P041	B	100 (45.4)
Diethyl phthalate	84662	1,2-Benzenedicarboxylic acid, diethyl ester	1*	2,4	U088	C	1000 (454)
O,O-Diethyl O-pyrazinyl phosphorothioate	297972	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	1*	4	P040	B	100 (45.4)
Diethylstilbestrol	56531	4,4'-Stilbenediol, alpha, alpha'-diethyl-	1*	4	U089	X	1# (0.454)
1,2-Dihydro-3,6-pyridazinone	123331	Maleic hydrazide	1*	4	U148	D	5000 (2270)
Dihydrosalicylic acid	94588	Benzene, 1,2-methylenedioxy-4-propyl-	1*	4	U090	X	1# (0.454)
Diisopropyl fluorophosphate	55914	Phosphorofluoridic acid bis(1-methylethyl) ester	1*	4	P043	B	100 (45.4)
Dimethoate	60515	Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester	1*	4	P044	A	10 (4.54)
3,3'-Dimethoxybenzidine	119904	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	1*	4	U091	X	1# (0.454)
Dimethylamine	124403	Methanamine, N-methyl-	1000	1,4	U092	C	1000 (454)
7,12-Dimethylbenz[a]anthracene	57976	1,2-Benzanthracene, 7,12-dimethyl-	1*	4	U094	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds (Kg)
3,3'-Dimethylbenzidine	119937	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	1*	4	U095	X	1# (0.454)
alpha, alpha-Dimethylbenzylhydroperoxide	80159	Hydroperoxide, 1-methyl-1-phenylethyl-	1*	4	U096	A	10 (4.54)
3,3-Dimethyl-1-(methylthio)-2-butanone, O-((methylamino) carbonyl) oxime	39196184	Thioanox	1*	4	P045	B	100 (45.4)
Dimethylcarbamoyl chloride	79447	Carbamoyl chloride, dimethyl-	1*	4	U097	X	1# (0.454)
1,1-Dimethylhydrazine	57147	Hydrazine, 1,1-dimethyl-	1*	4	U098	X	1# (0.454)
1,2-Dimethylhydrazine	540738	Hydrazine, 1,2-dimethyl-	1*	4	U099	X	1# (0.454)
O,O-Dimethyl O-p-nitrophenyl phosphorothioate	298000	Methyl parathion	100	1.4	P071	B	100 (45.4)
Dimethylnitrosamine	62759	N-Nitrosodimethylamine	1*	2.4	P082	X	1# (0.454)
alpha, alpha-Dimethylphenethylamine	122098	Ethanamine, 1,1-dimethyl-2-phenyl-	1*	4	P046	O	5000 (2270)
2,4-Dimethylphenol	105679	Phenol, 2,4-dimethyl-	1*	2.4	U101	B	100 (45.4)
Dimethyl phthalate	131113	1,2-Benzenedicarboxylic acid, dimethyl ester	1*	2.4	U102	O	5000 (2270)
Dimethyl sulfate	77781	Sulfonic acid, dimethyl ester	1*	4	U103	X	1# (0.454)
Dinitrobenzene (mixed)	25154545		1000	1		B	100 (45.4)
m-	99650						
o-	528290						
p-	100254						
4,6-Dinitro-o-cresol and salts	534521	Phenol, 2,4-dinitro-6-methyl-, and salts	1*	2.4	P047	A	10 (4.54)
4,6-Dinitro-o-cyclohexylphenol	131895	Phenol, 2-cyclohexyl-4,6-dinitro-	1*	4	P034	B	100 (45.4)
Dinitrophenol	25550587		1000	1		A	10 (4.54)
2,5-	329715						
2,6-	573568						
2,4-Dinitrophenol	51285	Phenol, 2,4-dinitro-	1000	1.2, 4	P048	A	10 (4.54)
Dinitrotoluene	25321146		1000	1.2		C	1000# (454)
3,4-Dinitrotoluene	610399						
2,4-Dinitrotoluene	121142	Benzene, 1-methyl-2,4-dinitro-	1000	1.2, 4	U105	C	1000# (454)
Dnoseb	58857	Phenol, 2,4-dinitro-6-(1-methylpropyl)-	1*	4	P020	C	1000 (454)
Di-n-octyl phthalate	117840	1,2-Benzenedicarboxylic acid, di-n-octyl ester	1*	2.4	U107	D	5000 (2270)
1,4-Dioxane	123911	1,4-Diethylene dioxide	1*	4	U108	X	1# (0.454)
DIPHENYLHYDRAZINE			1*	2			
1,2-Diphenylhydrazine	122667	Hydrazine, 1,2-diphenyl-	1*	2.4	U109	X	1# (0.454)
Diphosphoramide, octamethyl-	152169	Octamethylpyrophosphoramide	1*	4	P085	B	100 (45.4)
Dipropylamine	142847	1-Propanamine, N-propyl-	1*	4	U110	D	5000 (2270)
Di-n-propylnitrosamine	621647	N-Nitrosodipropylamine	1*	2.4	U111	X	1# (0.454)
Dquat	85007		1000	1		C	1000 (454)
	2764729						
Disulfoton	298044	O,O-Diethyl S-(2-ethylthioethyl) phosphorodithioate	1	1.4	P039	X	1 (0.454)
2,4-Dithiouret	541537	Thiourea, dithiocarbonyl diamide	1*	4	P043	B	100 (45.4)
Dithiopyrophosphoric acid, tetraethyl ester	3689245	Tetraethylthiopyrophosphate	1*	6	P109	B	100 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Du on	330541		100	1		B	100 (45.4)
Dodecylbenzenesulfonic acid	27176870		1000	1		C	1000 (454)
Endosulfan	115297	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfate	1	1.2,4	P050	X	1 (0.454)
alpha - Endosulfan	959988		1*	2		X	1 (0.454)
beta - Endosulfan	33213659		1*	2		X	1 (0.454)
ENDOSULFAN AND METABOLITES			1*	2			**
Endosulfan sulfate	1031078		1*	2		X	1 (0.454)
Endosulfan	145733	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	1*	4	P088	C	1000 (454)
Endrin	72208	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4a,5,6,7,8,8a-octahydro-endo,endo-1,4,5,8-dimethanonaphthalene	1	1.2,4	P051	X	1 (0.454)
Endrin aldehyde	7421934		1*	2		X	1 (0.454)
ENDRIN AND METABOLITES			1*	2			**
Epichlorohydrin	106898	1-Chloro-2,3-epoxypropane	1000	1,4	U041	C	1000# (454)
Epinephrine	51434	Oxvane, 2-(chloromethyl)-(chloromethyl)-1,2-Benzenediol, 4-[(1-hydroxy-2-(methylamino)ethyl)-	1*	4	P042	C	1000 (454)
Ethanol	75070	Acetaldehyde	1000	1,4	U001	C	1000 (454)
Ethanamine, 1,1-dimethyl-2-phenyl-	122098	alpha alpha-Dimethylphenethylamine	1*	4	P046	D	5000 (2270)
Ethanamine, N-ethyl-N-nitroso-	55185	N-Nitrosodimethylamine	1*	4	U174	X	1# (0.454)
Ethane, 1,2-dibromo-	106934	Ethylene dibromide	1000	1,4	U067	C	1000# (454)
Ethane, 1,1-dichloro-	75343	1,1-Dichloroethane	1*	2,4	U076	C	1000 (454)
Ethane, 1,2-dichloro-	107062	Ethylene dichloride	5000	1.2,4	U077	D	5000# (2270)
Ethane, 1,1,1,2,2,2-hexachloro-	67721	Ethylene dichloride	1*	2,4	U131	X	1# (0.454)
Ethane, 1,1'-bis(methylenebis(oxy)) bis(2-chloro-	111911	Bis(2-chloroethoxy)methane	1*	2,4	U024	C	1000 (454)
Ethane, 1,1'-oxybis-	60297	Ethyl ether	1*	4	U117	B	100 (45.4)
Ethane, 1,1'-oxybis(2-chloro-	111444	Bis (2-chloroethyl) ether	1*	2,4	U025	X	1# (0.454)
Ethane, pentachloro-	76017	Dichloroethyl ether	1*	4	U184	X	1# (0.454)
Ethane, 1,1,1,2,2-tetrachloro-	630206	Pentachloroethane	1*	4	U208	X	1# (0.454)
Ethane, 1,1,2,2-tetrachloro-	79345	1,1,1,2-Tetrachloroethane	1*	2,4	U209	X	1# (0.454)
Ethane, 1,1,2-trichloro-	79005	1,1,2,2-Tetrachloroethane	1*	2,4	U227	X	1# (0.454)
Ethane, 1,1,1-trichloro-	72435	1,1,2-Trichloroethane	1	1,4	U247	X	1 (0.454)
2,2-bis(p-methoxyphenyl)-1,2-	111546	Methoxychlor	1*	4	U114	D	5000 (2270)
Ethanedithiocarbamic acid		Ethylenebis (thiocarbamic acid)	1*	4	U114	D	5000 (2270)
Ethanolamine	75058	Acetonitrile	1*	4	U003	D	5000 (2270)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(RQ)
Ethanethioamide	62555	Thioacetamide	1*	4	U218	X	1# (0.454)
Ethanol, 2,2'-(nitrosomino)bis-	1116547	N-Nitrosobethanolamine	1*	4	U173	X	1# (0.454)
Ethanone, 1-phenyl-	98862	Acetophenone	1*	4	U004	D	5000 (2270)
Ethanyl chloride	75365	Acetyl chloride	5000	1.4	U006	D	5000 (2270)
Ethanimine, N-methyl-N-nitroso-	4549400	N-Nitrosomethylmethanimine	1*	4	P084	X	1# (0.454)
Ethene, chloro-	75014	Vinyl chloride	1*	2.4	U043	X	1# (0.454)
Ethene, 1-chloroethoxy-	110758	2-Chloroethyl vinyl ether	1*	2.4	U042	C	1000 (454)
Ethene, 1,1-dichloro-	75354	1,1-Dichloroethylene	5000	1.2, 4	U078	D	5000# (2270)
Ethene, 1,1,2,2-tetrachloro-	127184	Vinylidene chloride	1*	2.4	U210	X	1# (0.454)
Ethene, trans-1,2-dichloro-	156605	Tetrachloroethylene	1*	2.4	U079	C	1000 (454)
Ethion	563122	1,2-trans-Dichloroethylene	10	1		A	10 (4.54)
2-Ethoxyethanol	110805	Ethylene glycol monoethyl ether	1*	4	U359	X	1# (0.454)
Ethyl acetate	141786	Acetic acid, ethyl ester	1*	4	U112	D	5000 (2270)
Ethyl acrylate	140865	2-Propenoic acid, ethyl ester	1*	4	U113	C	1000 (454)
Ethylbenzene	100414		1000	1.2		C	1000 (454)
Ethyl carbamate (Urethan)	51796	Carbamic acid, ethyl ester	1*	4	U238	X	1# (0.454)
Ethyl cyanide	107120	Propanenitrile	1*	4	P101	A	10 (4.54)
Ethyl 4,4'-dichlorobenzilate	510156	Benzenesulfonic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	1*	4	U038	X	1# (0.454)
Ethylene dibromide	106934	Ethane, 1,2-dibromo-	1000	1.4	U067	C	1000# (454)
Ethylene dichloride	107062	1,2-Dichloroethane	5000	1.2, 4	U077	D	5000# (2270)
Ethylene oxide	75218	Ethane, 1,2-dichloro-	1*	4	U115	X	1# (0.454)
Ethylenebis (orthocarbamic acid)	111546	Oxirane	1*	4	U114	D	5000 (2270)
Ethylenediamine	107153	Ethanedithiocarbamic acid	1000	1		D	5000 (2270)
Ethylenediamine tetraacetic acid (EDTA)	60004		5000	1		D	5000 (2270)
Ethylene glycol monoethyl ether	110805	2-Ethoxyethanol	1*	4	U359	X	1# (0.454)
Ethylenethiourea	96457	2-Imidazolidinethione	1*	4	U116	X	1# (0.454)
Ethylenimine	151564	Azidine	1*	4	P054	X	1# (0.454)
Ethyl ether	60297	Ethane, 1,1'-oxybis-	1*	4	U117	B	100 (45.4)
Ethylene dichloride	75343	1,1-Dichloroethane	1*	2.4	U076	C	1000 (454)
Ethyl methacrylate	97632	Ethane, 1,1-dichloro-	1*	4	U118	C	1000 (454)
Ethyl methanesulfonate	62500	2-Propenoic acid, 2-methyl-, ethyl ester	1*	4	U119	X	1# (0.454)
Fampur	52857	Methanesulfonic acid, ethyl ester	1*	4	P097	C	1000 (454)
Ferric ammonium citrate	1185575	Phosphorothioic acid, O,O-dimethyl-O-[p-(dimethylamino)sulfonyl]phenyl ester	1000	1		C	1000 (454)
Ferric ammonium oxalate	2944874		1000	1		C	1000 (454)
Ferric chloride	5548874						
Ferric chloride	7705080		1000	1		C	1000 (454)
Ferric dextran ***	9004664	Iron dextran ***	1*	4	U139	D	5000 (2270)
Ferric fluoride	7783508		100	1		B	100 (45.4)
Ferric nitrate	10421484		1000	1		C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Catego-ry	Pounds(Kg)
Ferric sulfate	10028225		1000	1		C	1000 (454)
Ferrous ammonium sulfate	10045893		1000	1		C	1000 (454)
Ferrous chloride	7758943		100	1		B	100 (45.4)
Ferrous sulfate	7720787		1000	1		C	1000 (454)
	7782630						
Fluoroacetic acid, sodium salt	62748	Acetic acid, fluoro-sodium salt	1*	4	P058	A	10 (4.54)
Fluoranthene	206440	Benzofluorene	1*	2.4	U120	B	100 (45.4)
Fluorene	88737		1*	2		D	5000 (2270)
Fluorine	7782414		1*	4	P056	A	10 (4.54)
Fluoroacetamide	640197	Acetamide, 2-fluoro-	1*	4	P057	B	100 (45.4)
Formaldehyde	50000	Methylene oxide	1000	1.4	U122	C*	1000# (454)
Formic acid	64186	Methanoic acid	5000	1.4	U123	D	5000 (2270)
Fulmic acid, mercury(II) salt	628864	Mercury fulminate	1*	4	P065	A	10 (4.54)
Fumaric acid	110178		5000	1		D	5000 (2270)
Furan	110009	Furfuran	1*	4	U124	B	100 (45.4)
Furan, tetrahydro-	109999	Tetrahydrofuran	1*	4	U213	C	1000 (454)
2-Furancarboxaldehyde	98011	Furfural	1000	1.4	U125	D	5000 (2270)
2,5-Furandione	108316	Maleic anhydride	5000	1.4	U147	D	5000 (2270)
Furfural	98011	2-Furancarboxaldehyde	1000	1.4	U125	D	5000 (2270)
Furfuran	110009	Furan	1*	4	U124	B	100 (45.4)
D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-	18883664	Streptozotocin	1*	4	U206	X	1# (0.454)
Glycidylaldehyde	785344	1-Propanal, 2,3-epoxy-	1*	4	U126	X	1# (0.454)
Guandine, N-nitroso-N-methyl-N'-nitro-	70257	N-Methyl-N'-nitro-N-nitrosoquandine	1*	4	U163	X	1# (0.454)
Guthon	66500		1	1		X	1 (0.454)
HALOETHERS			1*	2			**
HALOMETHANES			1*	2			**
Heptachlor	76448	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	1	1,2,4	P059	X	1# (0.454)
HEPTACHLOR AND METABOLITES			1*	2			**
Heptachlor epoxide	1024573		1*	2		X	1# (0.454)
Hexachlorobenzene	118741	Benzene, hexachloro-	1*	2.4	U127	X	1# (0.454)
Hexachlorobutadiene	87683	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	1*	2.4	U128	X	1# (0.454)
HEXACHLOROCYCLO-HEXANE (all isomers)	608731		1*	2			**
Hexachlorocyclohexane (gamma isomer)	58899	gamma-BHC	1	1,2,4	U129	X	1# (0.454)
		Lindane					
Hexachlorocyclopentadiene	77474	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	1	1,2,4	U130	X	1# (0.454)
1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo-endo-1,4,5,8-dimethanonaphthalene	72208	Endrin	1	1,2,4	P051	X	1 (0.454)
1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo-endo-1,4,5,8-dimethanonaphthalene	60571	Dieldrin	1	1,2,4	P037	X	1# (0.454)
Hexachloroethane	67721	Ethane, 1,1,1,2,2,2-hexachloro-	1*	2.4	U131	X	1# (0.454)

● TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Categor- y	Pounds(Kg)
Hexachlorohexahydro- endo,endo- dimethanonaphthalene	465736	1,2,3,4,10,10- Hexachloro- 1,4,4a,5,8,8a- hexahydro-1,4,5,8- endo,endo- dimethanonaphthalene	1*	4	P060	X	1 (0.454)
1,2,3,4,10,10- Hexachloro- 1,4,4a,5,8,8a- hexahydro-1,4,5,8- endo,endo- dimethanonaphthalene	465738	Hexachlorohexahydro- endo,endo- dimethanonaphthalene	1*	4	P060	X	1 (0.454)
1,2,3,4,10,10- Hexachloro- 1,4,4a,5,8,8a- hexahydro-1,4,5,8- endo,exo- dimethanonaphthalene	309002	Aldrin	1	1,2,4	P004	X	1# (0.454)
Hexachlorophene	70304	2,2'-Methylenebis(3,4,6- trichlorophenol)	1*	4	U132	B	100 (45.4)
Hexachloropropene	1888717	1-Propene, 1,1,2,3,3,3- hexachloro-	1*	4	U243		1000 (454)
Hexaethyl tetraphosphate	757584	Tetraphosphoric acid, hexaethyl ester	1*	4	P062	B	100 (45.4)
Hydrazine	302012	Diamine	1*	4	U133	X	1# (0.454)
Hydrazine, 1,2-diethyl-	1615801	N,N-Diethylhydrazine	1*	4	U088	X	1# (0.454)
Hydrazine, 1,1-dimethyl-	57147	1,1-Dimethylhydrazine	1*	4	U098	X	1# (0.454)
Hydrazine, 1,2-dimethyl-	540738	1,2-Dimethylhydrazine	1*	4	U099	X	1# (0.454)
Hydrazine, 1,2-diphenyl-	122667	1,2-Diphenylhydrazine	1*	2,4	U109	X	1# (0.454)
Hydrazine, methyl-	60344	Methyl hydrazine	1*	4	F068	A	10 (4.54)
Hydrazinecarbothioamide	79196	Thiosemicarbazide	1*	4	P116	B	100 (45.4)
Hydrochloric acid	7647010		5000	1		D	5000 (2270)
Hydrocyanic acid	74908	Hydrogen cyanide	10	1,4	P063	A	10 (4.54)
Hydrofluoric acid	7664393	Hydrogen fluoride	5000	1,4	U134	B	100 (45.4)
Hydrogen cyanide	74908	Hydrocyanic acid	10	1,4	P063	A	10 (4.54)
Hydrogen fluoride	7664393	Hydrofluoric acid	5000	1,4	U134	B	100 (45.4)
Hydrogen phosphide	7803512	Phosphine	1*	4	P098	B	100 (45.4)
Hydrogen sulfide	7783064	Hydrosulphuric acid Sulfur hydride	100	1,4	U135	B	100 (45.4)
Hydroperoxide, 1-methyl- 1-phenylethyl-	80159	alpha, alpha- Dimethylbenzylhydro- peroxide	1*	4	U098	A	10 (4.54)
Hydrosulphuric acid	7783064	Hydrogen sulfide Sulfur hydride	100	1,4	U135	B	100 (45.4)
Hydroxydimethylarsine oxide	75605	Cacodylic acid	1*	4	U136	X	1# (0.454)
2-Imidazoledithione	74457	Ethylenethiourea	1*	4	U116	X	1# (0.454)
Indeno[1,2,3-cd]pyrene	193395	1,10-[1,2- Phenylene]pyrene	1*	2,4	U137	X	1# (0.454)
Iron dextran ***	9004664	Ferric dextran ***	1*	4	U139	D	5000 (2270)
Isobutyl alcohol	78831	1-Propanol, 2-methyl-	1*	4	U140	D	5000 (2270)
Isocyanic acid, methyl ester	624839	Methyl isocyanate	1*	4	P064	X	1###(0.454)
Isophorone	78591		1*	2		D	5000 (2270)
Isoprene	78795		1000	1		B	100 (45.4)
Isocropanolamine dodecylbenzenesulfon- ate	42504461		1000	1		C	1000 (454)
Isosafrole	120581	Benzene, 1,2- methyleneedioxy-4- propenyl-	1*	4	U141	X	1# (0.454)
3(2H)-Isosaxazolinone, 5- (aminomethyl)-	2763964	5-(Aminomethyl)-3- isoxazolinol	1*	4	P007	C	1000 (454)
methane	115322		5000	1		A	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Kepono	143500	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one	†	1.4	U142	X	1# (0.454)
Lasiocarpine	303344		1*	4	U143	X	1# (0.454)
Lead ††	7439921		1*	2		X	1# (0.454)
Lead acetate	301042	Acetic acid, lead salt	5000	1.4	U144	D	5000# (2270)
LEAD AND COMPOUNDS			1*	2			**
Lead arsenate	7784409 7645252 10102484		5000	1		D	5000# (2270)
Lead chloride	7758954		5000	1		B	100# (45.4)
Lead fluoroborate	13814965		5000	1		B	100# (45.4)
Lead fluoride	7783462		1000	1		B	100# (45.4)
Lead iodide	10101630		5000	1		B	100# (45.4)
Lead nitrate	10099748		5000	1		B	100# (45.4)
Lead phosphate	7446277	Phosphonic acid, lead salt	1*	4	U145	X	1# (0.454)
Lead stearate	7428480 1072351		5000	1		D	5000# (2270)
	52652592 56189094						
Lead subacetate	1335328		1*	4	U146	X	1# (0.454)
Lead sulfate	15739807 7446142		5000	1		B	100# (45.4)
Lead sulfide	1314870		5000	1		D	5000# (2270)
Lead thiocyanate	592870		5000	1		B	100# (45.4)
Lindane	58899	gamma - BHC Hexachlorocyclohexane (gamma isomer)		1.2,4	U129	X	1# (0.454)
Lithium chromate	14307358		1000	1		C	1000# (454)
Malathion	121755		10	1		B	100 (45.4)
Maleic acid	110167		5000	1		D	5000 (2270)
Maleic anhydride	108316	2,5-Furandione	5000	1.4	U147	D	5000 (2270)
Maleic hydrazide	123331	1,2-Dihydro-3,6-pyrazinedione	1*	4	U148	D	5000 (2270)
Malononitrile	109773	Propanedinitrile	1*	4	U149	C	1000 (454)
Mephalan	148823	Alanine, 3-(p-bis(2-chloroethyl)amino) phenyl-L-	1*	4	U150	X	1# (0.454)
Mercaptodimethyl	2032657		100	1		A	10 (4.54)
Mercure cyanide	592041		1	1		X	1 (0.454)
Mercure nitrate	10045940		10	1		A	10 (4.54)
Mercure sulfate	7783359		10	1		A	10 (4.54)
Mercure thiocyanate	592858		10	1		A	10 (4.54)
Mercurous nitrate	10415755		10	1		A	10 (4.54)
Mercury	7439976		1*	2,3,4	U151	X	1 (0.454)
MERCURY AND COMPOUNDS			1*	2			**
Mercury, (acetato-O)phenyl-	62384	Phenylmercuric acetate	1*	4	P092	B	100 (45.4)
Mercury fulminate	628364	Fulminic acid, mercury(II) salt	1*	4	P065	A	10 (4.54)
Methacrylonitrile	126987	2-Propenenitrile, 2-methyl-	1*	4	U152	C	1000 (454)
Methanamine, N-methyl-	124403	Dimethylamine	1000	1.4	U092	C	1000 (454)
Methane bromo-	74839	Methyl bromide	1*	2,4	U029	C	1000 (454)
Methane chloro-	74873	Methyl chloride	1*	2,4	U045	X	1# (0.454)
Methane chloromethoxy-	107302	Chloromethyl methyl ether	1*	4	U046	X	1# (0.454)
Methane dibromo-	74953	Methylene bromide	1*	4	U068	C	1000 (454)
Methane dichloro-	75092	Methylene chloride	1*	2,4	U080	C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Methane, dichlorodifluoro	75718	Dichlorodifluoromethane	1*	4	U075	D	5000 (2270)
Methane, iodo	74884	Methyl iodide	1*	4	U138	X	1# (0 454)
Methane, oxybis(chloro	542881	Bis(chloromethyl) ether	1*	4	P016	X	1# (0 454)
Methane, tetrachloro	56235	Carbon tetrachloride	5000	1,2,4	U211	D	5000# (2270)
Methane, tetrahydro	509148	Tetrahydrofuran	1*	4	P112	A	10 (4 54)
Methane, tribromo	75252	Bromoform	1*	2,4	U225	B	100 (45 4)
Methane, trichloro	87663	Chloroform	5000	1,2,4	U044	D	5000# (2270)
Methane, trichlorofluoro	75694	Trichloromonofluoromethane	1*	4	U121	D	5000 (2270)
Methanesulfonic acid, ethyl ester	62500	Ethyl methanesulfonate	1*	4	U119	X	1# (0 454)
Methanethiol	74931	Methylmercaptan Thiomethanol	100	1,4	U153	B	100 (45 4)
Methanesulfonyl chloride, trichloro	594423	Trichloromethanesulfonyl chloride	1*	4	P118	B	100 (45 4)
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76448	Heptachlor	1	1,2,4	P059	X	1# (0 454)
Methanoic acid	64186	Formic acid	5000	1,4	U123	D	5000 (2270)
4,7-Methanorindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-	57749	Chlordane Chlordane, technical	1	1,2,4	U036	X	1# (0 454)
Methanol	67561	Methyl alcohol	1*	4	U154	D	5000 (2270)
Methapyrene	91805	Pyrene, 2-(1-(2-(dimethylamino)ethyl)-2-thenylamino)-	1*	4	U155	D	5000 (2270)
Methylol	16752775	Acetic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	1*	4	P066	B	100 (45 4)
Methoxychlor	72435	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl)-	1	1,4	U247	X	1 (0 454)
Methyl alcohol	67561	Methanol	1*	4	U154	D	5000 (2270)
2-Methylaziridine	75558	1,2-Propylenimine	1*	4	P067	X	1# (0 454)
Methyl bromide	74839	Methane, bromo-	1*	2,4	U029	C	1000 (454)
1-Methylbutadiene	504609	1,3-Pentadiene	1*	4	U186	B	100 (45 4)
Methyl chloride	74873	Methane, chloro-	1*	2,4	U045	X	1# (0 454)
Methyl chlorocarbonate	79221	Carbonochloridic acid, methyl ester	1*	4	U156	C	1000 (454)
Methyl chloroform	71558	1,1,1-Trichloroethane	1*	2,4	U226	C	1000 (454)
4,4'-Methylenebis(2-chloroaniline)	101144	Benzenamine, 4,4'-methylenebis(2-chloro-	1*	4	U158	X	1# (0 454)
2,2'-Methylenebis[3,4,6-trichlorophenol]	70304	Hexachlorophene	1*	4	U132	B	100 (45 4)
3-Methylcholanthrene	56495	Benz[ <i>h</i> ]aceanthrylene	1*	4	U157	X	1# (0 454)
Methylene bromide	74953	Methane, dibromo-	1*	4	U068	C	1000 (454)
Methylene chloride	75092	Methane, dichloro-	1*	2,4	U080	C	1000 (454)
Methylene oxide	50000	Formaldehyde	1000	1,4	U122	C	1000# (454)
Methyl ethyl ketone	78933	2-Butanone	1*	4	U159	D	5000 (2270)
Methyl ethyl ketone peroxide	1338234	2-Butanone peroxide	1*	4	U160	A	10 (4 54)
Methyl hydrazine	60344	Hydrazine, methyl-	1*	4	P068	A	10 (4 54)
Methyl iodide	74884	Methane, iodo-	1*	4	U138	X	1# (0 454)
Methyl isobutyl ketone	108101	4-Methyl-2-pentanone	1*	4	U161	D	5000 (2270)
Methyl isocyanate	624839	Isocyanic acid, methyl ester	1*	4	P064	X	1# (0 454)
2-Methylacetonitrile	75865	Acetone cyanohydrin Propanenitrile, 2-hydroxy-2-methyl-	10	1,4	P063	A	10 (4 54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Methylmercaptan	74931	Methanethiol Thiomethanol	100	1.4	U153	B	100 (45.4)
Methyl methacrylate	80626	2-Propenoic acid, 2-methyl-, methyl ester	5000	1.4	U162	C	1000 (454)
N-Methyl-N'-nitro-N-nitrosoguanidine	70257	Guanidine, N-nitroso-N-methyl-N'-nitro-	1*	4	U163	X	1# (0.454)
Methyl parathion	298000	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	100	1.4	P071	B	100 (45.4)
4-Methyl-2-pentanone	108101	Methyl isobutyl ketone	1*	4	U161	D	5000 (2270)
Methylthiourea	56042	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-	1*	4	U164	X	1# (0.454)
Mevinphos	2786347		1	1		A	10 (4.54)
Mexacarbale	315184		1000	1		C	1000 (454)
Milomycin C	50077	Azirino(2',3',3,4)pyrrola(1,2-a)indole-4,7-dione,6-amino-8-[(lamino-carbonyloxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-, 5-methyl-	1*	4	U010	X	1# (0.454)
Monoethylamine	75047		1000	1		B	100 (45.4)
Monomethylamine	74895		1000	1		B	100 (45.4)
Naled	300765		10	1		A	10 (4.54)
5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-indeoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-tetrahydroxy-, 1-methoxy-	20830813	Daunomycin	1*	4	U059	X	1# (0.454)
Naphthalene	91203		5000	1,2,4	U165	B	100 (45.4)
Naphthalene, 2-chloro-	91587	beta-Chloronaphthalene	1*	2.4	U047	D	5000 (2270)
1,4-Naphthalenedione	130154	2-Chloronaphthalene	1*	4	U166	D	5000 (2270)
2,7-Naphthalenedisulfonic acid,3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt	72571	1,4-Naphthoquinone	1*	4	U236	X	1# (0.454)
Naphthol		Trypan blue					
Naphthoic acid	1338245		100	1		B	100 (45.4)
1,4-Naphthoquinone	130154	1,4-Naphthalenedione	1*	4	U166	D	5000 (2270)
1-Naphthylamine	134327	alpha-Naphthylamine	1*	4	U167	X	1# (0.454)
2-Naphthylamine	91598	beta-Naphthylamine	1*	4	U168	X	1# (0.454)
alpha-Naphthylamine	134327	1-Naphthylamine	1*	4	U167	X	1# (0.454)
beta-Naphthylamine	91598	2-Naphthylamine	1*	4	U168	X	1# (0.454)
2-Naphthylamine, N,N-bis(2-chloroethyl)-	494031	Chlornaphazme	1*	4	U026	X	1# (0.454)
alpha-Naphthylthiourea	86884	Thiourea, 1-naphthalenyl-	1*	4	P072	B	100 (45.4)
Nickel 11	7440020		1*	2		X	1# (0.454)
NICKEL AND COMPOUNDS			1*	2			**
Nickel ammonium sulfate	15699180		5000	1		D	5000# (2270)
Nickel carbonyl	13463393	Nickel tetracarbonyl	1*	4	P073	X	1# (0.454)
Nickel chloride	7718549		5000	1		D	5000# (2270)
	37211055						

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Finn. RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds/qt
Nickel cyanide	557197	Nickel(II) cyanide	1*	4	P074	X	1# (0.454)
Nickel(II) cyanide	557197	Nickel cyanide	1*	4	P074	X	1# (0.454)
Nickel hydroxide	12054407		1000	1		C	1000# (454)
Nickel nitrate	14216752		5000	1		D	5000# (2270)
Nickel sulfate	7788814		5000	1		D	5000# (2270)
Nickel tetracarbonyl	13463393	Nickel carbonyl	1*	4	P073	X	1# (0.454)
Nicotine and salts	54115	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)- and salts	1*	4	P075	B	100 (45.4)
Nitric acid	7697372		1000	1		C	1000 (454)
Nitric oxide	10102439	Nitrogen(II) oxide	1*	4	P076	A	10 (4.54)
p-Nitroaniline	100016	Benzenamine, 4-nitro-	1*	4	P077	D	5000 (2270)
Nitrobenzene	98953	Benzene, nitro-	1000	1,2,4	U169	C	1000 (45.4)
Nitrogen dioxide	10102440	Nitrogen(IV) oxide	1000	1,4	P078	A	10 (4.54)
	10544726						
Nitrogen(II) oxide	10102439	Nitric oxide	1*	4	P076	A	10 (4.54)
Nitrogen(IV) oxide	10102440	Nitrogen dioxide	1000	1,4	P078	A	10 (4.54)
	10544726						
Nitroglycerine	55630	1,2,3-Propanetriol trinitrate	1*	4	P181	A	10 (4.54)
Nitrophenol (mixed)	25154556		1000	1		B	100 (45.4)
m-	554847						
o-	88755	2-Nitrophenol					
p-	100027	4-Nitrophenol					
p-Nitrophenol	100027	Phenol, 4-nitro-	1000	1,2,4	U170	B	100 (45.4)
2-Nitrophenol	88755	Phenol, 4-nitro-	1000	1,2		B	100 (45.4)
4-Nitrophenol	100027	Phenol, 4-nitro-	1000	1,2,4	U170	B	100 (45.4)
NITROPHENOLS			1*	2			**
2-Nitropropane	79489	Propane, 2-nitro-	1*	4	U171	X	1# (0.454)
NITROSAMINES			1*	2			**
N-Nitrosod-n-butylamine	924163	1-Butanamine, N-butyl-N-nitroso-	1*	4	U172	X	1# (0.454)
N-Nitrosodethanolamine	1116547	Ethanol, 2,2'-(nitrosomino)bis-	1*	4	U173	X	1# (0.454)
N-Nitrosodethylamine	55185	Ethanamine, N-ethyl-N-nitroso-	1*	4	U174	X	1# (0.454)
N-Nitrosodimethylamine	62759	Dimethylnitrosamine	1*	2,4	P082	X	1# (0.454)
N-Nitrosodiphenylamine	86306		1*	2		B	100 (45.4)
N-Nitrosod-n-propylamine	621647	Di-n-propylnitrosamine	1*	2,4	U111	X	1# (0.454)
N-Nitroso-N-ethylurea	759739	Carbamide, N-ethyl-N-nitroso-	1*	4	U176	X	1# (0.454)
N-Nitroso-N-methylurea	684935	Carbamide, N-methyl-N-nitroso-	1*	4	U177	X	1# (0.454)
N-Nitroso-N-methylurethane	615532	Carbamic acid, methylnitroso-ethyl ester	1*	4	U178	X	1# (0.454)
N-Nitrosomethylvinylamine	4549400	Ethanamine, N-methyl-N-nitroso-	1*	4	P084	X	1# (0.454)
N-Nitrosopiperidine	100754	Pyridine, hexahydro-N-nitroso-	1*	4	U179	X	1# (0.454)
N-Nitrosopyrrolidine	930552	Pyrrole, tetrahydro-N-nitroso-	1*	4	U180	X	1# (0.454)
Nitrotoluene	1321126		1000	1		C	1000 (454)
m-	99081						
o-	88722						
p-	99990						
5-Nitro-o-toluidine	99558	Benzenamine, 2-methyl-5-nitro-	1*	4	U181	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	115297	Endosulfan	1	1,2,4	P050	X	1 (0.454)
Octamethylphosphoramide	152169	Diphosphoramide, octamethyl	1	4	P085	B	100 (45.4)
Osmium oxide	20818120	Osmium tetroxide	1*	4	P087	C	1000 (454)
Osmium tetroxide	20818120	Osmium oxide	1*	4	P087	C	1000 (454)
7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145733	Endothal	1*	4	P088	C	1000 (454)
1,2-Oxathiolane, 2,2-dioxide	1120714	1,3-Propane sulfone	1*	4	U193	X	1# (0.454)
2H-1,3,2-Oxazaphosphorine 2-[bis(2-chloroethyl)amino] tetrahydro-2-oxide	50180	Cyclophosphamide	1*	4	U058	X	1# (0.454)
Oxirane	75218	Ethyleneoxide	1*	4	U115	X	1# (0.454)
Oxirane, 2-(chloromethyl)-	106898	1-Chloro-2,3-epoxypropane, Epichlorohydrin	1000	1,4	U041	C	1000# (454)
Paraldehyde	30525894		1000	1		C	1000 (454)
Paraldehyde	123637	1,3,5-Trioxane, 2,4,6-trimethyl	1*	4	U182	C	1000 (454)
Parathion	56382	Phosphorothioic acid, O,O-dethyl O-(p-nitrophenyl) ester	1	1,4	P089	X	1# (0.454)
Pentachlorobenzene	508935	Benzene, pentachloro-	1*	4	U183	A	10 (4.54)
Pentachloroethane	76017	Ethane, pentachloro-	1*	4	U184	X	1# (0.454)
Pentachloronitrobenzene	82688	Benzene, pentachloronitro-	1*	4	U185	X	1# (0.454)
Pentachlorophenol	87865	Phenol, pentachloro-	10	1,2,4	U242	A	10# (4.54)
1,3-Pentadiene	504609	1-Methylbutadiene	1*	4	U186	B	100 (45.4)
Phenacetin	62442	Acetamide, N-(4-ethoxyphenyl)-	1*	4	U187	X	1# (0.454)
Phenanthrene	85018		1*	2		D	5000 (2270)
Phenol	108952	Benzene, hydroxy-	1000	1,2,4	U188	C	1000 (454)
Phenol, 2-chloro-	95578	2-Chlorophenol	1*	2,4	U048	B	100 (45.4)
Phenol, 4-chloro-3-methyl-	59507	4-Chloro-m-cresol	1*	2,4	U039	D	5000 (2270)
Phenol, 2-cyclohexyl-4,6-dinitro-	131895	4,6-Dinitro-o-cyclohexylphenol	1*	4	P034	B	100 (45.4)
Phenol, 2,4-dichloro-	120832	2,4-Dichlorophenol	1*	2,4	U081	B	100 (45.4)
Phenol, 2,6-dichloro-	87650	2,6-Dichlorophenol	1*	4	U082	B	100 (45.4)
Phenol, 2,4-dimethyl-	105679	2,4-Dimethylphenol	1*	2,4	U101	B	100 (45.4)
Phenol, 2,4-dinitro-	51285	2,4-Dinitrophenol	1000	1,2,4	P048	A	10 (4.54)
Phenol, 2,4-dinitro-6-(1-methylpropyl)-	88857	Dinoseb	1*	4	P020	C	1000 (454)
Phenol, 2,4-dinitro-6-methyl-, and salts	534521	4,6-Dinitro-o-cresol and salts	1*	2,4	P047	A	10 (4.54)
Phenol, 4-nitro-	100027	p-Nitrophenol	1000	1,2,4	U170	B	100 (45.4)
Phenol, pentachloro-	87865	Pentachlorophenol	10	1,2,4	U242	A	10# (4.54)
Phenol, 2,3,4,6-tetrachloro-	58902	2,3,4,6-Tetrachlorophenol	1*	4	U212	A	10 (4.54)
Phenol, 2,4,5-trichloro-	95954	2,4,5-Trichlorophenol	10	1,4	U230	A	10# (4.54)
Phenol, 2,4,6-trichloro-	86062	2,4,6-Trichlorophenol	10	1,2,4	U231	A	10# (4.54)
Phenol, 2,4,6-trinitro-ammonium salt	131748	Ammonium picrate	1*	4	P009	A	10 (4.54)
Phenyl chlorarsine	696286	Dichlorophenylarsine	1*	4	P038	X	1# (0.454)
1,10-(1,2-Phenylene)pyrene	193395	Indeno[1,2,3-cd]pyrene	1*	2,4	U137	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RO	
			RO	Code	RCRA Waste Number	Category	Pounds(Kg)
Phenylmercuric acetate	62384	Mercury, (acetato-O)phenyl-	1*	4	P092	B	100 (45.4)
Phenylthiourea	103855	Thiourea, phenyl-	1*	4	P033	B	100 (45.4)
Phorate	298022	Phosphorodithioic acid, O,O-diethyl S-(ethylthio) methyl ester	1*	4	P094	A	10 (4.54)
Phosgene	75445	Carbonyl chloride	5000	1,4	P095	A	10 (4.54)
Phosphine	7803512	Hydrogen phosphide	1*	4	P096	B	100 (45.4)
Phosphoric acid	7864382		5000	1		D	5000 (2270)
Phosphonic acid, diethyl p-nitrophenyl ester	311455	Diethyl p-nitrophenyl phosphate	1*	4	P041	B	100 (45.4)
Phosphoric acid, lead salt	7446277	Lead phosphate	1*	4	U145	X	1# (0.454)
Phosphorodithioic acid, O,O-diethyl S-methyl ester	3298582	O,O-Diethyl S-methyl dithiophosphate	1*	4	U087	D	5000 (2270)
Phosphorodithioic acid, O,O-diethyl S-(ethylthio) methyl ester	298022	Phorate	1*	4	P094	A	10 (4.54)
Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester	60515	Dimethoate	1*	4	P044	A	10 (4.54)
Phosphorothioic acid, bis(1-methylethyl) ester	55914	Disobopropyl fluorophosphate	1*	4	P043	B	100 (45.4)
Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester	56382	Parathion	1	1,4	P089	X	1# (0.454)
Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297972	O,O-Diethyl O-pyrazinyl phosphorothioate	1*	4	P040	B	100 (45.4)
Phosphorothioic acid, O,O-dimethyl O-(p-[dimethylamino]-sulfonyl)phenyl ester	52857	Famphur	1*	4	P097	C	1000 (454)
Phosphorus	7723140		1	1		X	1 (0.454)
Phosphorus trichloride	10025873		5000	1		C	1000 (454)
Phosphorus pentasulfide	1314803	Phosphorus sulfide	100	1,4	U189	B	100 (45.4)
Phosphorus sulfide	1314803	Sulfur phosphide	100	1,4	U189	B	100 (45.4)
Phosphorus pentasulfide	1314803	Phosphorus pentasulfide	100	1,4	U189	B	100 (45.4)
Phosphorus sulfide	1314803	Sulfur phosphide	100	1,4	U189	B	100 (45.4)
Phosphorus trichloride	7719122		5000	1		C	1000 (454)
PHTHALATE ESTERS			1*	2			**
Phthalic anhydride	85449	1,2-Benzenedicarboxylic acid anhydride	1*	4	U190	D	5000 (2270)
Pycoline	109068	Pyridine, 2-methyl-	1*	4	U191	D	5000 (2270)
Pumbane, tetraethyl-	78002	Tetraethyl lead	100	1,4	P110	A	10# (4.54)
POLYCHLORINATED BIPHENYLS (PCBs)	1036363	Aroclor	10	1,2		A	10# (4.54)
	12674112	Aroclor 1016					
	11104282	Aroclor 1221					
	11141165	Aroclor 1232					
	53469219	Aroclor 1242					
	12672296	Aroclor 1248					
	11097891	Aroclor 1254					
	11096625	Aroclor 1260					
POLYNUCLEAR AROMATIC HYDROCARBONS			1*	2			**
Potassium arsenate	7784410		1000	1		C	1000# (454)
Potassium arsenite	10124502		1000	1		C	1000# (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Potassium bichromate.....	7778509		1000	1		C	1000# (454)
Potassium chromate.....	7789006		1000	1		C	1000# (454)
Potassium cyanide.....	151508		10	1,4	P098	A	10 (4.54)
Potassium hydroxide.....	1310583		1000	1		C	1000 (454)
Potassium permanganate.....	7722647		100	1		B	100 (45.4)
Potassium silver cyanide.....	506616		1*	4	P099	X	1 (0.454)
Pronamide.....	23950585	3,5-Dichloro-N-(1,1-dimethyl-2-propenyl)benzamide.	1*	4	U192	D	5000 (2270)
1-Propanal, 2,3-epoxy.....	785344	Glycidylaldehyde.....	1*	4	U128	X	1# (0.454)
Propanal, 2-methyl-2-(methylthio)-O-[(methylamino)carbonyl]oxime.....	116063	Aldicarb.....	1*	4	P070	X <sub>2</sub>	1 (0.454)
1-Propanamine.....	107108	n-Propylamine.....	1*	4	U194	D	5000 (2270)
1-Propanamine, N-propyl.....	142847	Dipropylamine.....	1*	4	U110	D	5000 (2270)
Propane, 1,2-dibromo-3-chloro.....	96128	1,2-Dibromo-3-chloropropane.....	1*	4	U066	X	1# (0.454)
Propane, 2-nitro.....	79469	2-Nitropropane.....	1*	4	U171	X	1# (0.454)
Propane, 2,2'-oxybis(2-chloro.....	108601	Bis(2-chloroisopropyl) ether.....	1*	2,4	U027	C	1000 (454)
1,3-Propane sulfone.....	1120714	1,2-Oxatholane, 2,2-dioxide.....	1*	4	U193	X	1# (0.454)
Propanedinitrile.....	109773	Malononitrile.....	1*	4	U149	C	1000 (4.54)
Propanenitrile.....	107120	Ethyl cyanide.....	1*	4	P101	A	10 (4.54)
Propanenitrile, 3-chloro.....	542767	3-Chloropropanitrile.....	1*	4	P027	C	1000 (45.4)
Propanenitrile, 2-hydroxy-2-methyl.....	75865	Acetone cyanhydrin.....	10	1,4	P069	A	10 (4.54)
1,2,3-Propanetriol, Innitrate.....	55630	2-Methylactonitrile.....	1*	4	P081	A	10 (4.54)
1-Propanol, 2,3-dibromophosphate (3:1).....	126727	Tri(2,3-dibromopropyl) phosphate.....	1*	4	U235	X	1# (0.454)
1-Propanol, 2-methyl.....	78831	Isobutyl alcohol.....	1*	4	U140	D	5000 (2270)
2-Propanone.....	67641	Acetone.....	1*	4	U002	D	5000 (2270)
2-Propanone, 1-bromo.....	598312	Bromoacetone.....	1*	4	P017	C	1000 (45.4)
Propargite.....	2312358		10	1		A	10 (4.54)
Propargyl alcohol.....	107197	2-Propyn-1-ol.....	1*	4	P102	C	1000 (45.4)
2-Propenal.....	107028	Acrolein.....	1	1,2,4	P003	X	1 (0.454)
2-Propanamide.....	79061	Acrylamide.....	1*	4	U007	D	5000 (2270)
Propene, 1,3-dichloro.....	542756	1,3-Dichloropropene.....	5000	1,2,4	U064	B	100# (45.4)
1-Propene, 1,1,2,3,3,3-hexachloro.....	1888717	Hexachloropropene.....	1*	4	U243	C	1000 (45.4)
2-Propanenitrile.....	107131	Acrylonitrile.....	100	1,2,4	U009	B	100# (45.4)
2-Propanenitrile, 2-methyl.....	126987	Methacrylonitrile.....	1*	4	U152	C	1000 (45.4)
2-Propanoic acid.....	79107	Acrylic acid.....	1*	4	U008	D	5000 (2270)
2-Propanoic acid, ethyl ester.....	140885	Ethyl acrylate.....	1*	4	U113	C	1000 (45.4)
2-Propanoic acid, 2-methyl, ethyl ester.....	97632	Ethyl methacrylate.....	1*	4	U118	C	1000 (45.4)
2-Propanoic acid, 2-methyl, methyl ester.....	80626	Methyl methacrylate.....	5000	1,4	U162	C	1000 (45.4)
2-Propan-1-ol.....	107166	Allyl alcohol.....	100	1,4	P005	B	100 (45.4)
Propionic acid.....	79094		5000	1		D	5000 (2270)
Propionic acid, 2-(2,4,5-trichlorophenoxy).....	93721	Silvex.....	100	1,4	U233	B	100 (45.4)
Propionic anhydride.....	121626	2,4,5-TP acid.....	5000	1		D	5000 (2270)
n-Propylamine.....	107108	1-Propanamine.....	1*	4	U194	D	5000 (2270)
Propylene dichloride.....	78875	1,2-Dichloropropane.....	5000	1,2,4	U083	C	1000 (45.4)
Propylene oxide.....	75569		5000	1		B	100 (45.4)
1,2-Propylenimine.....	75558	2-Methylaziridine.....	1*	4	P067	X	1# (0.454)
2-Propyn-1-ol.....	107197	Propargyl alcohol.....	1*	4	P102	C	1000 (45.4)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Pyrene	129000		1*	2		D	5000 (2270)
Pyrethrans	121299 121211 8003347		1000	1		X	1 (0.454)
4-Pyridinamine	504245	4-Aminopyridine	1*	4	P008	C	1000 (454)
Pyridine	110861		1*	4	U196	C	1000 (454)
Pyridine, 2-[(2-methylaminoethyl)-2-thenylamino]-	91805	Methapyriene	1*	4	U155	D	5000 (2270)
Pyridine, hexahydro-N-nitroso-	100754	N-Nitrosopiperidine	1*	4	U179	X	1# (0.454)
Pyridine, 2-methyl-	109068	2-Picoline	1*	4	U191	D	5000 (2270)
Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	54115	Nicotine and salts	1*	4	P075	B	100 (45.4)
4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thio-	56042	Methylthouracil	1*	4	U164	X	1# (0.454)
Pyrophosphoric acid, tetraethyl ester	107493	Tetraethyl pyrophosphate	100	1,4	P111	A	10 (4.54)
Pyrore, tetrahydro-N-nitroso-	930552	N-Nitrosopyrrolidine	1*	4	U180	X	1 (0.454)
Quinoline	91225		1000	1		D	5000 (2270)
RADIONUCLIDES			1*	3		X	1# (0.454)
Reserpine	50555	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyloxy)-methyl ester]	1*	4	U200	D	5000 (2270)
Resorcinol	108463	1,3-Benzenediol	1000	1,4	U201	D	5000 (2270)
Saccharin and salts	81072	1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts	1*	4	U202	X	1# (0.454)
Safrole	94597	Benzene, 1,2-methylenedioxy-4-allyl-	1*	4	U203	X	1# (0.454)
Selenous acid	7783008		1*	4	U204	A	10 (4.54)
Selenium **	7782492		1*	2		B	100 (45.4)
SELENIUM AND COMPOUNDS			1*	2			**
Selenium dioxide	7446084	Selenium oxide	1000	1,4	P04	A	10 (4.54)
Selenium disulfide	7488564	Sulfur selenide	1*	4	15	X	1# (0.454)
Selenium oxide	7446084	Selenium dioxide	1000	1,4		A	10 (4.54)
Selenourea	630104	Carbamidoselenonic acid	1*	4	P103	C	1000 (454)
L-Serine, diazoacetate (ester)	115026	Azaserine	1*	4	U015	X	1# (0.454)
Silver **	7440224		1*	2		C	1000 (454)
SILVER AND COMPOUNDS			1*	2			**
Silver cyanide	506649		1*	4	P104	X	1 (0.454)
Silver nitrate	7761888		1	1		X	1 (0.454)
Silver	93721	Propionic acid, 2-(2,4,5-trichlorophenoxy)-2,4,5-TP acid	100	1,4	U233	B	100 (45.4)
Sodium	7440235		1000	1		A	10 (4.54)
Sodium arsenate	7631892		1000	1		C	1000# (454)
Sodium arsenite	7784465		1000	1		C	1000# (454)
Sodium azide	26628228		1*	4	P105	C	1000 (454)
Sodium bichromate	10588019		1000	1		C	1000# (454)
Sodium bifluoride	1333831		5000	1		B	100 (45.4)
Sodium bisulfite	7631905		5000	1		D	5000 (2270)
Sodium chromate	7775113		1000	1		C	1000# (454)
Sodium cyanide	143339		10	1,4	P106	A	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(lb)g
Sodium dodecylbenzene sulfonate	25155303		1000	1		C	1000 (454)
Sodium fluoride	7681494		5000	1		C	1000 (454)
Sodium hydrosulfide	16721805		5000	1		D	5000 (2270)
Sodium hydroxide	1310732		1000	1		C	1000 (454)
Sodium hypochlorite	7681529		100	1		B	100 (45.4)
	10022705						
Sodium methylate	124414		1000	1		C	1000 (454)
Sodium nitrite	7632000		100	1		B	100 (45.4)
Sodium phosphate, dibasic	7558794		5000	1		D	5000 (2270)
	10039324						
	10140655						
Sodium phosphate, inbasic	7601549		5000	1		D	5000 (2270)
	7785844						
	10101890						
	10361894						
	7758294						
	10124568						
Sodium selenite	10102188		1000	1		B	100 (45.4)
	7782823						
4,4'-Stilbenediol, alpha, alpha'-diethyl-	56531	Diethylstilbestrol	1*	4	U089	X	1# (0.454)
Streptozotocin	18883664	O-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-	1*	4	U206	X	1# (0.454)
Strontium chromate	7789082		1000	1		C	1000# (454)
Strontium sulfide	1314961		1*	4	P107	B	100 (45.4)
Strychnidin-10-one, and salts	57249	Strychnine and salts	10	1,4	P108	A	10 (4.54)
Strychnidin-10-one, 2,3-dimethoxy-	357573	Brucine	1*	4	P018	B	100 (4.54)
Strychnine and salts	57249	Strychnidin-10-one, and salts	10	1,4	P108	A	10 (4.54)
Styrene	100425		1000	1		C	1000 (454)
Sulfur hydride	7783064	Hydrogen sulfide Hydrodisulfuric acid	100	1,4	U135	B	100 (45.4)
Sulfur monochloride	12771083		1000	1		C	1000 (454)
Sulfur phosphide	1314803	Phosphorus pentasulfide Phosphorus sulfide	100	1,4	U189	B	100 (45.4)
Sulfur selenide	7488564	Selenium disulfide	1*	4	U205	X	1# (0.454)
Sulfuric acid	7664939		1000	1		C	1000 (454)
	8014957						
Sulfuric acid, dimethyl ester	77781	Dimethyl sulfate	1*	4	U103	X	1# (0.454)
Sulfuric acid, thallium(I) salt	7446186	Thallium(I) sulfate	1000	1,4	P115	B	100 (45.4)
	10031591						
2,4,5-T	93765	2,4,5-T acid 2,4,5-Trichlorophenoxyacetic acid	100	1,4	U232	C	1000 (454)
2,4,5-T acid	93765	2,4,5-T 2,4,5-Trichlorophenoxyacetic acid	100	1,4	U232	C	1000 (454)
2,4,5-T amines	2008460		100	1		D	5000 (2270)
	6369966						
	6369977						
	1319728						
	3813147						
2,4,5-T esters	93798		100	1		C	1000 (454)
	2545597						
	61792072						
	1928478						
	25168154						
2,4,5-T salts	17560991		100	1		C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
TDE	72548	DDD 4,4'-DDD Dichlorodiphenyl dichloroethane	1	1,2,4	U060	X	1# (0.454)
1,2,4,5-Tetrachlorobenzene	95943	Benzene, 1,2,4,5-tetrachloro-	1*	4	U207	D	5000 (2270)
2,3,7,8-Tetrachlorodibenzo-p-dioxin(TCDD)	1746016		1*	2		X	1# (0.454)
1,1,1,2-Tetrachloroethane	630206	Ethane, 1,1,1,2-tetrachloro-	1*	4	U208	X	1# (0.454)
1,1,2,2-Tetrachloroethane	79345	Ethane, 1,1,2,2-tetrachloro-	1*	2,4	U209	X	1# (0.454)
Tetrachloroethylene	127184	Ethene, 1,1,2,2-tetrachloro-	1*	2,4	U210	X	1# (0.454)
2,3,4,6-Tetrachlorophenol	58902	Phenol, 2,3,4,6-tetrachloro-	1*	4	U212	A	10 (4.54)
Tetraethylthiopyrophosphate	3689245	Dithiopyrophosphoric acid,tetraethyl ester	1*	4	P109	B	100 (45.4)
Tetraethyl lead	78002	Plumbane, tetraethyl-	100	1,4	P110	A	10# (4.54)
Tetraethyl pyrophosphate	107493	Pyrophosphoric acid,tetraethyl ester	100	1,4	P111	A	10 (4.54)
Tetrahydrofuran	109999	Furan, tetrahydro-	1*	4	U213	C	1000 (454)
Tetrahydroethane	509148	Methane, tetrahydro-	1*	4	P112	A	10 (4.54)
Tetraphosphoric acid, hexaethyl ester	757584	Hexaethyl tetraphosphate	1*	4	P062	B	100 (45.4)
Thallic oxide	1314325	Thallium(III) oxide	1*	4	P113	B	100 (45.4)
Thallium ??	7440280		1*	2		C	1000 (454)
THALLIUM AND COMPOUNDS.			1*	2			**
Thallium(II) acetate	563688	Acetic acid, thallium(II) salt	1*	4	U214	B	100 (45.4)
Thallium(I) carbonate	6533739	Carbonic acid, dithallium(I) salt	1*	4	U215	B	100 (45.4)
Thallium(I) chloride	7791120		1*	4	U216	B	100 (45.4)
Thallium(III) nitrate	10102451		1*	4	U217	B	100 (45.4)
Thallium(III) oxide	1314325	Thallic oxide	1*	4	P113	B	100 (45.4)
Thallium(I) selenide	12039520		1*	4	P114	C	1000 (454)
Thallium(III) sulfate	7446186	Sulfuric acid, thallium(III) salt	1000	1,4	P115	B	100 (45.4)
Thioacetamide	82555	Ethanethioamide	1*	4	U218	X	1# (0.454)
Thioanis	39196184	3,3-Dimethyl-1-(methylthio)-2-butanone O-[(methylamino) carbonyl] oxime	1*	4	P045	B	100 (45.4)
Thioimidocarbonic diamide	541537	2,4-Dithiourea	1*	4	P049	B	100 (45.4)
Thiomethanol	74931	Methanethiol	100	1,4	U153	B	100 (45.4)
Thioether	108985	Methylmercaptan	1*	4	P014	B	100 (45.4)
Thiosemicarbazide	79196	Benzeneethiol	1*	4	P116	B	100 (45.4)
Thiourea	62566	Hydrazinecarbothioamide	1*	4	U219	X	1# (0.454)
Thiourea, 1,2-(chlorophenyl)-	5344821	Carbamide, thio-1-(o-chlorophenyl)thiourea	1*	4	P028	B	100 (45.4)
Thiourea, 1-naphthyl-	86884	alpha-Naphthylthiourea	1*	4	P072	B	100 (45.4)
Thiourea, phenyl-	103855	N-Phenylthiourea	1*	4	P093	B	100 (45.4)
Thiram	137268	Bis (dimethylthiocarbonyl) disulfide	1*	4	U244	A	10 (4.54)
Toluene	108883	Benzene, methyl-	1000	1,2,4	U220	C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Catego-ry	Pounds(Kg)
Toluenediamine.....	95807 25376458 496720 823405	Diaminotoluene.....	1*	4	U221	X	1# (0.454)
Toluene diisocyanate.....	584849	Benzene, 2,4- diisocyanatomethyl.....	1*	4	U223	B	100 (45.4)
o-Toluidine.....	91087 26471825						
o-Toluidine.....	95534	2-Amino-1-methyl benzene.....	1*	4	U328	X	1# (0.454)
p-Toluidine.....	106490	4-Amino-1-methyl benzene.....	1*	4	U353	X	1# (0.454)
o-Toluidine hydrochloride.....	636215	Benzeneamine, 2-methyl- hydrochloride.....	1*	4	U222	X	1# (0.454)
Toxaphene.....	8001352	Camphene, octachloro.....	1	1,2,4	P123	X	1# (0.454)
2,4,5-TP acid.....	93721	Propionic acid, 2-(2,4,5- trichlorophenoxy)- Silver.....	100	1,4	U233	B	100 (45.4)
2,4,5-TP acid esters.....	32534955		100	1		B	100 (45.4)
1H-1,2,4-Triazol-3-amine.....	61825	Amtriole.....	1*	4	U011	X	1# (0.454)
Tnchloron.....	52688		1000	1		B	100 (45.4)
1,2,4-Tnchlorobenzene.....	120821		1*	2		B	100 (45.4)
1,1,1-Tnchloroethane.....	71556	Methyl chloroform.....	1*	2,4	U226	C	1000 (454)
1,1,2-Tnchloroethane.....	79005	Ethane, 1,1,2-trichloro.....	1*	2,4	U227	X	1# (0.454)
Tnchloroethene.....	79016	Tnchloroethylene.....	1000	1,2,4	U228	C	1000# (454)
Tnchloroethylene.....	79016	Tnchloroethane.....	1000	1,2,4	U228	C	1000# (454)
Tnchloromethanesulfonyl chloride.....	594423	Methanesulfonyl chloride, tnchloro.....	1*	4	P118	B	100 (45.4)
Tnchloromono-fluoro- methane.....	75694	Methane, tnchlorofluoro.....	1*	4	U121	D	5000 (2270)
Tnchlorophenol.....	25187822		10	1		A	10# (4.54)
2,3,4- Tnchlorophenol.....	15950660						
2,3,5- Tnchlorophenol.....	933788						
2,3,6- Tnchlorophenol.....	933755						
2,4,5- Tnchlorophenol.....	95954	Phenol, 2,4,5-trichloro.....					
2,4,6- Tnchlorophenol.....	88062	Phenol, 2,4,6-trichloro.....					
3,4,5- Tnchlorophenol.....	609198						
2,4,5-Tnchlorophenol.....	95954	Phenol, 2,4,5-trichloro.....	10	1,4	U230	A	10# (4.54)
2,4,6-Tnchlorophenol.....	88062	Phenol, 2,4,6-trichloro.....	10	1,2,4	U231	A	10# (4.54)
2,4,5- Tnchlorophenoxyacetic acid.....	93785	2,4,5-T acid.....	100	1,4	U232	C	1000 (45.4)
Tnethanolamine dodecylbenzenesulfonate	27323417		1000	1		C	1000 (45.4)
Tnethylamine.....	121448		5000	1		D	5000 (2270)
Tnethylamine.....	75503		1000	1		B	100 (45.4)
sym-Tnnitrobenzene.....	99354	Benzene, 1,3,5-trinitro.....	1*	4	U234	A	10 (4.54)
1,3,5-Tnroazane, 2,4,6- tnmethyl.....	123637	Paraldehyde.....	1*	4	U182	C	1000 (45.4)
Tris(2,3-dibromopropyl) phosphate.....	126727	1-Propanol, 2,3-dibromo- phosphate (3:1).....	1*	4	U235	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Trypan blue	72571	2,7-Naphthalenedisulfonic acid 3,3'-(3,3'-dimethyl- (1,1'-biphenyl)-4,4'-diyl)-bis(azo)bis(5-amino-4-hydroxy)-tetrasodium salt.	1*	4	U236	X	1# (0.454)
Unlisted Hazardous Wastes Characteristic of EP Toxicity.	N.A.						
Characteristic of Toxicity.			1*	4	D001	B	100 (45.4)
Characteristic of Corrosivity.			1*	4	D002	B	100 (45.4)
Characteristic of Reactivity.			1*	4	D003	B	100 (45.4)
Characteristic of EP Toxicity.			1*	4			
Arsenic			1*	4	D004	X	1# (0.454)
Barium			1*	4	D005	C	1000 (454)
Cadmium			1*	4	D006	X	1# (0.454)
Chromium			1*	4	D007	X	1# (0.454)
Lead			1*	4	D008	X	1# # (0.454)
Mercury			1*	4	D009	X	1 (0.454)
Selenium D010	N.A.		1*	4	D010	A	10 (4.54)
Silver			1*	4	D011	X	1 (0.454)
Endrin			1	1,4	D012	X	1 (0.454)
Lindane			1	1,4	D013	X	1# (0.454)
Methoxychlor			1	1,4	D014	X	1 (0.454)
Toxaphene			1	1,4	D015	X	1# (0.454)
2,4-D			100	1,4	D016	B	100 (45.4)
2,4,5-TP			100	1,4	D017	B	100 (45.4)
Uracil, 5-[bis(2-chloroethyl)amino]-	66751	Uracil mustard	1*	4	U237	X	1# (0.454)
Uracil mustard	66751	Uracil, 5-[bis(2-chloroethyl)amino]-	1*	4	U237	X	1# (0.454)
Uranyl acetate ****	541093		5000	1		B	100 (45.4)
Uranyl nitrate ****	10102064		5000	1		B	100 (45.4)
Vanadic acid, ammonium salt.	7803556	Ammonium vanadate	1*	4	P119	C	1000 (454)
Vanadium(V) oxide	1314621	Vanadium pentoxide	1000	1,4	P120	C	1000 (454)
Vanadium pentoxide	1314621	Vanadium(V) oxide	1000	1,4	P120	C	1000 (454)
Vanadyl sulfate	27774136		1000	1		C	1000 (454)
Vinyl acetate	109054		1000	1		D	5000 (2270)
Vinyl chloride	75014	Ethene, chloro-	1*	2,3,4	U043	X	1# (0.454)
Vinylidene chloride	75354	1,1-Dichloroethylene	5000	1,2,4	U078	D	5000# (2270)
Wartann	81612	3-(alpha-Acetoxybenzyl)-4-hydroxycoumann and salts	1*	4	P001	B	100 (45.4)
Xylene (mixed)	1330207	Benzene, dimethyl	1000	1,4	U239	C	1000 (454)
m-	108383	m-					
o-	95476	o-					
p-	106423	p-					
Xylenol	1300716		1000	1		C	1000 (454)
Yohimban-16-carboxylic acid, 11,17-dimethoxy-16-[(3,4,5-trimethoxybenzoyloxy)-methyl]ester	50555	Reserpine	1*	4	U200	D	5000 (2270)
Zinc	7440666		1*	2		C	1000 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds (Kg)
ZINC AND COMPOUNDS			1*	2			** 1
Zinc acetate	557348		1000	1		C	1000 (454)
Zinc ammonium chloride	52628258		5000	1		C	1000 (454)
Zinc borate	1332076		1000	1		C	1000 (454)
Zinc bromide	7699458		5000	1		C	1000 (454)
Zinc carbonate	3486359		1000	1		C	1000 (454)
Zinc chloride	7646857		5000	1		C	1000 (454)
Zinc cyanide	557211		10	1.4	P121	A	10 (454)
Zinc fluoride	7783495		1000	1		C	1000 (454)
Zinc formate	557415		1000	1		C	1000 (454)
Zinc hydrosulfite	777*864		1000	1		C	1000 (454)
Zinc nitrate	7779886		5000	1		C	1000 (454)
Zinc phenolsulfonate	127822		5000	1		D	5000 (2270)
Zinc phosphide	1314847		1000	1.4	P122	B	100 (454)
Zinc silicofluoride	16871719		5000	1		D	5000 (2270)
Zinc sulfate	7733020		1000	1		C	1000 (454)
Zirconium nitrate	13746899		5000	1		D	5000 (2270)
Zirconium potassium fluoride	16923958		5000	1		C	1000 (454)
Zirconium sulfate	14644612		5000	1		D	5000 (2270)
Zirconium tetrachloride	10026116		5000	1		D	5000 (2270)
F001			1*	4	F001	X	1# (0.454)
The following spent halogenated solvents used in degreasing and sludges from the recovery of these solvents in degreasing operations:							
(a) Tetrachloroethylene	127184					X	1# (0.454)
(b) Trichloroethylene	79016					C	1000# (454)
(c) Methylene chloride	75092					C	1000 (454)
(d) 1,1,1-Trichloroethane	71556					C	1000 (454)
(e) Carbon tetrachloride	58235					D	5000# (2270)
(f) Chlorinated fluorocarbons	(N.A.)					D	5000 (2270)
F002			1*	4	F002	X	1# (0.454)
The following spent halogenated solvents and the still bottoms from the recovery of these solvents:							
(a) Tetrachloroethylene	127184					X	1# (0.454)
(b) Methylene chloride	75092					C	1000 (454)
(c) Trichloroethylene	79016					C	1000# (454)
(d) 1,1,1-Trichloroethane	71556					C	1000 (454)
(a) Chlorobenzene	108907					B	100 (454)
(f) 1,1,2-Trichloro-1,2,2-trifluoroethane	78131					D	5000 (2270)
(g) o-Dichlorobenzene	106467					B	100 (454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CAS#-N	Regulatory Synonyms	Statutory			Final RQ	
			RO	Code	RCRA Waste Number	Catego-ry	Pounds(Kg)
(h) Trichlorofluoromethane.	75694					D	5000 (2270)
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			1*	4	F003	B	100 (45.4)
(a) Xylene	1330207					C	1000 (454)
(b) Acetone	67641					D	5000 (2270)
(c) Ethyl acetate	141786					D	5000 (2270)
(d) Ethylbenzene	100414					C	1000 (454)
(e) Ethyl ether	60297					B	100 (45.4)
(f) Methyl isobutyl ketone	108101					D	5000 (2270)
(g) n-Butyl alcohol	71363					D	5000 (2270)
(h) Cyclohexanone	108941					D	5000 (2270)
(i) Methanol	67561					D	5000 (2270)
F004 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			1*	4	F004	C	1000# (454)
(a) Cresols/Cresylic acid							
(b) Nitrobenzene							
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			1*	4	F005	B	100 (45.4)
(a) Toluene							
(b) Methyl ethyl ketone							
(c) Carbon disulfide							
(d) Isobutanol							
(e) Pyridine							
F006 Wastewater treatment sludges from electroplating operations except from the following processes:			1*	4	F006	X	1# (0.454)
(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.							

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds/RQ
(5) cleaning/ stripping associated with tin, zinc and aluminum plating on carbon steel and (6) chemical etching and milling of aluminum							

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			HQ	Code	RCRA Waste Number	Category	Pounds (Kg)
F007 Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions)			1*	4	F007	A	10 (4.54)
F008 Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges)			1*	4	F008	A	10 (4.54)
F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions)			1*	4	F009	A	10 (4.54)
F010 Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching bath sludges)			1*	4	F010	A	10 (4.54)
F011 Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning)			1*	4	F011	A	10 (4.54)
F012			1*	4	F012	A	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RO	
			RO	Code	RCRA Waste Number	Category	Pounds(Kg)
Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges)							
F019			1*	4	F019	X	1# (0.454)
Wastewater treatment sludges from the chemical conversion coating of aluminum							
F020			1*	4	F020	X	1# (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol)							
F021			1*	4	F021	X	1# (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives							
F022			1*	4	F022	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.			1*	4	F023	X	1# (0.454)
F023 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)			1*	4	F024	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Wastes, including but not limited to distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent desiccants(sic), wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in § 261.22.)							
F026			1*	4	F026	X	1# (0.45#)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.							
F027			1*	4	F027	X	1# (0.45#)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RO	
			RO	Code	RCRA Waste Number	Category	Pounds(Kg)
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.)							
F028			1*	4	F028	X	1# (0.454)
Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027							
K001			1*	4	K001	X	1# (0.454)
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol							
K002			1*	4	K002	X	1# (0.454)
Wastewater treatment sludge from the production of chrome yellow and orange pigments							
K003			1*	4	K003	X	1# (0.454)
Wastewater treatment sludge from the production of molybdate orange pigments							
K004			1*	4	K004	X	1# (0.454)
Wastewater treatment sludge from the production of zinc yellow pigments							
K005			1*	4	K005	X	1# (0.454)
Wastewater treatment sludge from the production of chrome green pigments							
K006			1*	4	K006	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds/kg
Wastewater treatment sludges from the production of chrome oxide green pigments (anhydrous and hydrated)							
K007			1*	4	K007	X	1# (0.454)
Wastewater treatment sludge from the production of iron blue pigments							
K008			1*	4	K008	X	1# (0.454)
Oven residue from the production of chrome oxide green pigments							
K009			1*	4	K009	X	1# (0.454)
Distillation bottoms from the production of acetaldehyde from ethylene							
K010			1*	4	K010	X	1# (0.454)
Distillation side cuts from the production of acetaldehyde from ethylene							
K011			1*	4	K011	X	1# (0.454)
Bottom stream from the wastewater stripper in the production of acrylonitrile							
K013			1*	4	K013	X	1# (0.454)
Bottom stream from the acetonitrile column in the production of acrylonitrile							
K014			1*	4	K014	D	5000 (2270)
Bottoms from the acetonitrile purification column in the production of acrylonitrile							
K015			1*	4	K015	X	1# (0.454)
Still bottoms from the distillation of benzyl chloride							
K016			1*	4	K016	X	1# (0.454)
Heavy ends or distillation residues from the production of carbon tetrachloride							
K017			1*	4	K017	X	1# (0.454)
Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin							
K018			1*	4	K018	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code1	RCRA Waste Number	Catego-ry	Pounds(Kg)
Heavy ends from the fractionation column in ethyl chloride production			1*	4	K019	X	1# (0.454)
Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production			1*	4	K020	X	1# (0.454)
Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production			1*	4	K021	X	1# (0.454)
Aqueous spent antimony catalyst waste from fluoromethanes production			1*	4	K022	X	1# (0.454)
Distillation bottom tars from the production of phenol/acetone from cumene			1*	4	K023	D	5000 (2270)
Distillation light ends from the production of phthalic anhydride from naphthalene			1*	4	K024	D	5000 (2270)
Distillation bottoms from the production of phthalic anhydride from naphthalene			1*	4	K025	X	1# (0.454)
Distillation bottoms from the production of nitrobenzene by the nitration of benzene			1*	4	K026	C	1000 (454)
Stripping still tails from the production of methyl ethyl pyridines			1*	4	K027	X	1# (0.454)
Centrifuge and distillation residues from toluene diisocyanate production			1*	4	K028	X	1# (0.454)
Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane			1*	4	K029	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code <sup>†</sup>	RCRA Waste Number	Category	Pounds(Kg)
Waste from the product steam stripper in the production of 1,1,1-trichloroethane							
K030			1*	4	K030	X	1# (0.454)
Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene							
K031			1*	4	K031	X	1# (0.454)
By-product salts generated in the production of MSMA and cacodylic acid							
K032			1*	4	K032	X	1# (0.454)
Wastewater treatment sludge from the production of chlordane							
K033			1*	4	K033	X	1# (0.454)
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane							
K034			1*	4	K034	X	1# (0.454)
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane							
K035			1*	4	K025	X	1# (0.454)
Wastewater treatment sludges generated in the production of creosote							
K036			1*	4	K036	X	1 (0.454)
Still bottoms from toluene reclamation distillation in the production of disulfoton							
K037			1*	4	K037	X	1 (0.454)
Wastewater treatment sludges from the production of disulfoton							
K038			1*	4	K038	X	1# (0.454)
Wastewater from the washing and stripping of phosphate production							
K039			1*	4	K039	A	10 (4.54)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RO	Code†	RCRA Waste Number	Catego-ry	Pounds(Kg)
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate							
K040.....			1*	4	K040	X	1# (0.454)
Wastewater treatment sludge from the production of phorate							
K041.....			1*	4	K041	X	1# (0.454)
Wastewater treatment sludge from the production of toxaphene							
K042.....			1*	4	K042	X	1# (0.454)
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T							
K043.....			1*	4	K043	X	1# (0.454)
2,6-Dichlorophenol waste from the production of 2,4-D							
K044.....			1*	4	K044	A	10 (4.54)
Wastewater treatment sludges from the manufacturing and processing of explosives							
K045.....			1*	4	K045	A	10 (4.54)
Spent carbon from the treatment of wastewater containing explosives							
K046.....			1*	4	K046	B	100 (45.4)
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds							
K047.....			1*	4	K047	A	10 (4.54)
Pink/red water from TNT operations							
K048.....			1*	4	K048	X	1# (0.454)
Dissolved air flotation (DAF) float from the petroleum refining industry							
K049.....			1*	4	K049	X	1# (0.454)
Slop oil emulsion solids from the petroleum refining industry							
K050.....			1*	4	K050	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code <sup>1</sup>	RCHA Waste Number	Catego-ry	Pounds(Kg)
Heat exchanger brine cleaning sludge from the petroleum refining industry			1*	4	K051	X	1# (0.454)
K051 API separator sludge from the petroleum refining industry			1*	4	K052	A	10# (4.54)
K052 Tank bottoms (loaded) from the petroleum refining industry			1*	4	K060	X	1# (0.454)
K060 Ammonia still lime sludge from coking operations			1*	4	K061	X	1# (0.454)
K061 Emission control dust/ sludge from the primary production of steel in electric furnaces			1*	4	K062	X	1# (0.454)
K062 Spent pickle liquor from steel finishing operations			1*	4	K069	X	1# (0.454)
K069 Emission control dust/ sludge from secondary lead smelting			1*	4	K071	X	1 (0.454)
K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used			1*	4	K073	X	1# (0.454)
K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production			1*	4	K083	B	100 (45.4)
K083 Distillation bottoms from aniline extraction			1*	4	K084	X	1# (0.454)
K084			1*	4	K084	X	1# (0.454)

● TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code†	RCRA Waste Number	Catego-ry	Pounds(Kg)
Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds							
K085			1*	4	K085	X	1# (0.454)
Distillation or fractional column bottoms from the production of chlorobenzenes							
K086			1*	4	K086	X	1# (0.454)
Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dyes, soaps, and stabilizers containing chromium and lead							
K087			1*	4	K087	B	100 (45.4)
Decanter tank tar sludge from coking operations							
K093			1*	4	K093	D	5000 (2270)
Distillation light ends from the production of phthalic anhydride from ortho-xylene							
K094			1*	4	K094	D	5000 (2270)
Distillation bottoms from the production of phthalic anhydride from ortho-xylene							
K095			1*	4	K095	X	1# (0.454)
Distillation bottoms from the production of 1,1,1-trichloroethane							
K096			1*	4	K096	X	1# (0.454)
Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane							
K097			1*	4	K097	X	1# (0.454)
Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane							
K098			1*	4	K098	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code	RCRA Waste Number	Category	Pounds(Kg)
Untreated process wastewater from the production of toxachene K099			1*	4	K099	X	1# (0.454)
Untreated wastewater from the production of 2,4-D K100			1*	4	K100	X	1# (0.454)
Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting (Components of this waste are identical with those of K099). K101			1*	4	K101	X	1# (0.454)
Distillation tar residues from the distillation of aniline-based compounds in the production of valenary pharmaceuticals from arsenic or organo-arsenic compounds K102			1*	4	K102	X	1# (0.454)
Residue from the use of activated carbon for decolorization in the production of valenary pharmaceuticals from arsenic or organo-arsenic compounds K103			1*	4	K103	B	100 (45.4)
Process residues from aniline extraction from the production of aniline K104			1*	4	K104	X	1# (0.454)
Combined wastewater streams generated from nitrobenzene/aniline chlorobenzenes K105			1*	4	K105	X	1# (0.454)
Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes K106			1*	4	K106	X	1 (0.454)
Wastewater treatment sludge from the mercury cell process in chlorine production K111			1*	4	K111	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

(See footnotes at end of Table 302.4)

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RQ	
			RQ	Code <sup>1</sup>	RCRA Waste Number	Category	Pounds(Kg)
Product wastewaters from the production of dinitrotoluene via nitration of toluene.							
K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K112	X	1# (0.454)
K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K113	X	1# (0.454)
K114 Vapors from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K114	X	1# (0.454)
K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			1*	4	K115	X	1# (0.454)
K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.			1*	4	K116	X	1# (0.454)
K117 Wastewater from the reaction vent gas scrubber in the production of ethylene bromide via bromination of ethene.			1*	4	K117	X	1# (0.454)
K118 Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide.			1*	4	K118	X	1# (0.454)
K136			1*	4	K136	X	1# (0.454)

TABLE 302.4—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—  
Continued

[See footnotes at end of Table 302.4]

Hazardous Substance	CASRN	Regulatory Synonyms	Statutory			Final RO	
			RQ	Code†	RCRA Waste Number	Catego-ry	Pounds(Kg)
Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.							• indicates the statutory source as defined by 1, 2, 3, or 4 below

- no reporting of releases of this hazardous substance is required if the diameter of the pieces of the solid metal released is equal to or exceeds 100 micrometers (0.004 inches)
- the RQ for asbestos is limited to friable forms only
- ## - The Agency may adjust the RQ for methyl isocyanate in a future rulemaking; until then the statutory RQ applies.
- 1 - indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA Section 311(b)(4)
- 2 - indicates that the statutory source for designation of this hazardous substance under CERCLA is CWA Section 307(a)
- 3 - indicates that the statutory source for designation of this hazardous substance under CERCLA is CAA Section 112
- 4 - indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001
- 1\* - indicates that the 1-pound RQ is a CERCLA statutory RQ
- \*\* - indicates that no RQ is being assigned to the generic or broad class.
- \*\*\* - Iron dextran was designated as a hazardous substance under CERCLA solely because of its listing as a hazardous waste under Section 3001 of RCRA. The Agency recently proposed to delist iron dextran under RCRA (50 FR 46468-46470, November 8, 1985). The Agency has also proposed to delist iron dextran from Table 302.4 of 40 CFR 302.4 and thereby remove its designation as a CERCLA hazardous substance.
- \*\*\*\* - Uranyl acetate and uranyl nitrate currently are being evaluated for their radioactive properties. Their RQs may be further adjusted in a future rulemaking adjusting the RQ of radionuclides.
- # - indicates that the RQ is subject to change when the assessment of potential carcinogenicity and/or chronic toxicity is completed
- § - The Agency may adjust the RQ for radionuclides in a future rulemaking; until then the statutory RQ applies.

APPENDIX A—SEQUENTIAL CAS REGISTRY  
NUMBER LIST OF CERCLA HAZARDOUS SUB-  
STANCES

CASRN	Hazardous Substance
50000	Formaldehyde
	Methylene oxide
50077	Azino(2',3',3,4)pyrrolo(1,2-a)indole-4,7-dione-6-amino-8-(((aminocarbonyloxy)methyl)-1,1a,2,9,8a,8b-hexahydro-8a-methoxy-5-methyl-
	Mitomycin C
50180	Cyclophosphamide
	2H-1,3,2-Oxazaphosphorine,2-(bis(2-chloroethyl)amino)tetrahydro-2-oxide
50293	DDT
	4,4' DDT
	Dichlorodiphenyl trichloroethane
50328	Benzo[e]pyrene
	3,4-Benzopyrene
50555	Reserpine
	Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyloxy)-methyl ester
51285	2,4-Dinitrophenol
	Phenol, 2,4-dinitro-
51434	1,2-Benzenediol 4-(1-hydroxy-2-(methylamino)ethyl)-
	Epinephrine
51798	Carbamic acid, ethyl ester
	Ethyl carbamate (Urethan)

CASRN	Hazardous Substance
52888	Trichloron
52857	Famphur
	Phosphorothioic acid, O,O-dimethyl-O-[p-((d-methylamino)sulfonyl)phenyl] ester
53703	Dbenz[a,h]anthracene
	1,2,5,6-Dibenzanthracene
	Dibenz[a,h]anthracene
53963	Acetamide, N-9H-fluorene-2-yl-
	2-Acetylaminofluorene
54115	Nicotine and salts
	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts
55185	Ethanamine, N-ethyl-N-nitroso-
	N-Nitrosodethylamine
55630	Nitroglycenne
	1,2,3-Propanetriol, trinitrate-
55914	Diisopropyl fluorophosphate
	Phosphorofluoric acid,bis(1-methyl-ethyl) ester
56042	Methylthiouaci
	4-(1H)-Pyrimithione, 2,3-dihydro-6-methyl-2-thio-
56235	Carbon tetrachloride
	Methane, tetrachloro-
56382	Parathion
	Phosphorothioic acid,O,O-diethyl O-(p-nitrophenyl)ester
56495	Benzo[1]aceanthrylene, 1,2-dihydro-3-methyl-
	3-Methylcholanthrene
56531	Diethylstilbestrol
	4,4'-Stilbenediol, alpha, alpha'-diethyl-
56553	Benzo[a]anthracene
	1,2-Benzanthracene
	Benzo[a]anthracene

LSRN	Hazardous Substance	CASRN	Hazardous Substance
56724	Cornaphos	71363	1-Butanol
57125	Cyanides (soluble cyanide salts), not otherwise specified	71432	n-Butyl alcohol
57147	1,1-Dimethylhydrazine	71556	Benzene
57249	Hydrazine, 1,1-dimethyl-		Methyl chloroform
57749	Strychnine and salts	72208	1,1,1-Trichloroethane
	Chlordane		Endrin
	Chlordane (technical)	72435	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8a-octahydro-endo-1,4,5,8-dimethanonaphthalene
	4,7-Meibenzonon		Ethane, 1,1,1-trichloro-2,2-bis(p-methylphenyl)-
	3a,4,7,8-tetrahydro-		Methylchlor
57978	1,2-Benzothiazene, 7,12-dimethyl-	72548	DDD
58899	7,12-Dimethylbenz[1,5]naphthacene gamma - BHC		4,4' DDD
	Heptachlorocyclohexane (gamma isomer)		Dichlorodiphenyl dichloroethane
	Lindane	72559	TDE
	Permol, 2,3,4,6-tetrachloro-		DDE
5907	2,3,4,6-Tetrachloropermol	72571	4,4' DDE
	4-Chloro-m-cresol		2,7-Naphthalenedisulfonic acid,3,3'-(1,3-dimethyl-4,1'-biphenyl)-4,4'-diyl-bis(azo)bis[5-amino-4-hydroxy]tetrasodium salt
	p-Chloro-m-cresol		Trypan blue
	Permol, 4-chloro-3-methyl-	74839	Methane, bromo-
60004	Ethylenediamine tetraacetic acid (EDTA)		Methyl bromide
60117	Benzamide, N,N-dimethyl-4-phenylazo-	74873	Methane, chloro-
	Dimethylaminoazobenzene		Methyl chloride
60297	Ethane, 1,1'-oxybis-	74884	Methane, kodo-
	Ethyl ether		Methyl iodide
60344	Hydrazine, methyl-		Monomethylamine
	Methyl hydrazine	74895	Hydrocyanic acid
60515	Dimethylol	74908	Hydrogen cyanide
	Propionolthioic acid,O,O-dimethyl-S-(21methyl-lamino)-2-oxoethyl ester	74931	Methanol
60571	Dulcior		Methylmercaptan
	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8a-octahydro-endo-1,4,5,8-dimethanonaphthalene	74953	Methane, dibromo-
	Amipole	75003	Chloroethane
61825	1H-1,2,4-Triazol-3-amine	75014	Ethene, chloro-
62384	Mercury, (aceto-O)phenyl-	75047	Vinyl chloride
	Phenylmercuric acetate	75058	Monoethylamine
62442	Acetamide, N-(4-ethoxyphenyl)-		Acetone
	Phenacetin	75070	Ethanimine
62500	Ethyl methanesulfonate		Acetaldehyde
	Methanesulfonic acid, ethyl ester	75092	Ethanal
62533	Aniline		Methane, dichloro-
62555	Benzamide	75150	Methylene chloride
	Ethanolamide	75307	Carbon disulfide
62565	Thioacetamide	75218	Calcium carbide
	Carbamide, thio-		Ethylene oxide
	Thiourea	75252	Oxazene
62737	Ochloros		Bromoform
62748	Acetic acid, (hydro- sodium salt)	75274	Methane, tribromo-
	Fluoroacetic acid, sodium salt	75343	Dichloromethane
62759	Dimethylnitrosamine		1,1-Dichloroethane
	N-Nitrosodimethylamine	75354	Ethane, 1,1-dichloro-
62822	Carbaryl		Ethylene dichloride
63252	N-Nitrosodimethylamine		1,1-Dichloroethylene
64186	Formic acid	75365	Ethane, 1,1-dichloro-
	Methanoic acid		Vinylene chloride
64197	Acetic acid	75445	Acetyl chloride
65850	Benzoc acid		Ethanol chloride
66751	Uracil, 5-[bis(2-chloroethyl)amino]-		Carbonyl chloride
	Uracil mustard	75503	Phosgene
67561	Methanol	75558	Trimethylamine
	Methyl alcohol	75569	2-Methylaziridine
67641	Acetone	75589	1,2-Dichloroethane
	2-Propanone	75589	1,2-Dichloroethane
67663	Chloroform	75605	Propylene oxide
	Methane, trichloro-	75649	Carbonic acid
67721	Ethane, 1,1,2,2,2-pentafluoro-	75694	Hydroxymethylsulfanyl oxide
	Hexafluoroethane		tert-Butylamine
70257	Guanine, N-nitroso-N-methyl-N'-nitro-N-methyl-N'-nitro-N-nitrosoguanidine		Methane, trichloro-
	Hexachloroethene		Trichloromonochloromethane
70304	2,2-Methylmercaptol, 4,6-tetrachlorophenyl		

CASRN	Hazardous Substance	CASRN	Hazardous Substance
75710	Dichlorodifluoromethane	95087	Buryl benzyl phtalate
75865	Methane, dichlorodifluoro-	96306	N-Nitrosodiphenylamine
	Acetone cyanohydrin	96500	Guinon
	2-Methylactonitrile	96737	Fuorene
75976	Propionitrile, 2-hydroxy-2-methyl-	96984	alpha Naphthylthiourea
	Acetaldehyde, inchloro-		Thiourea, 1-naphthylmethyl-
	Chloral	97650	2,6-Dichlorophenol
75990	2,2-Dichloropropenoic acid	97693	Phenol, 2,6-dichloro-
76017	Ethane, pentachloro-		1,3-Butadiene, 1,1,2,3,4-tetrachloro-
	Pentachloroethane	97865	Hexachlorocycladiene
76448	Hepachlor		Pentachlorophenol
	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-	98062	Phenol, 2,4,6-trichloro
	naphtaleno-3a,4,7,7a-tetrahydro-	98722	2,4,6-Trichlorophenol
77474	1,3-Cyclopentadiene, 1,2,3,4,5-tetrachloro-	98755	o-Nitrotoluene
	Hexachlorocyclopentadiene		o-Nitrophenol
77761	Dimethyl sulfate	98857	2-Nitrophenol
78002	Sulfuric acid, dimethyl ester	91087	Duroso
78591	Pinthone, tetraethyl-		Phenol, 2,4-dinitro-6-(1-methylpropyl)-
	Tetraethyl lead		Benzene, 2,4-dicyanodimethyl-
78591	Isophorone	91203	Naphthalene
78795	Isoprene	91225	Quinone
78819	iso-Butylamine	91587	beta-Chloronaphthalene
78831	Isobutyl alcohol		2-Chloronaphthalene
	1-Propanol, 2-methyl-	91598	Naphthalene, 2-chloro-
78875	1,2-Dichloropropane	91805	2-Naphthylamine
	Propylene dichloride		beta-Naphthylamine
78886	2,3-Dichloropropene (isomer)	91941	Methacrylene
78933	2-Butanone		Pyridene, 2-[(2-dimethylamino)ethyl]-2-phenyl-
	Methyl ethyl ketone		Pyridene, 2-[(2-dimethylamino)ethyl]-2-phenyl-
78989	1,1-Dichloroethane	92875	Benzene
78905	Ethane, 1,1,2-trichloro-		(1,1'-Biphenyl)-4,4-diamine
	1,1,2-Trichloroethane		Propionic acid, 2-(2,4,5-trichlorophenoxy)-
79016	Trichloroethene	93755	Silver
	Trichloroethylene		2,4,5-TP acid
79081	Acrylamide		2,4,5-T
79094	2-Propenamide	93798	2,4,5-trichlorophenoxyacetic acid
79107	Propionic acid	94111	2,4-D Esters
	Acrylic acid	94586	Benzene, 1,2-methylendioxy-4-propyl-
79196	Hydrazinecarbothioamide	94597	Dihydrostilbene
	Thiosemicarbazide		Benzene, 1,2-methylendioxy-4-allyl-
79221	Carbonochloridic acid, methyl ester	94757	Salicoid
	Methyl chloroacetate		2,4-D Acid
79312	iso-Butyric acid		2,4-D, salts and esters
79345	Ethane, 1,1,2,2-tetrachloro-	94791	2,4-Dichlorophenoxyacetic acid, salts and esters
	1,1,2,2-Tetrachloroethane	94804	2,4-D Esters
79447	Carbalumyl chloride, dimethyl-	95476	Benzene, o-dimethyl-
	Dimethylcarbamoyl chloride		o-Xylene
79489	2-Nitropropane	95487	o-Cresol
	Propane, 2-nitro-		o-Cresylic acid
80159	alpha, alpha-Dimethylbenzylhydroperoxide	95501	Benzene, 1,2-dichloro-
	Hydroperoxide, 1-methyl-1-phenylethyl-		1,2-Dichlorobenzene
80656	Methyl methacrylate	95534	o-Dichlorobenzene
	2-Propenoic acid, 2-methyl-, methyl ester		o-Toluene
81072	1,2-Benzisothiazoin-3-one, 1,1-dioxide, and salts	95578	2-Amino-1-methyl benzene
	Saccharin and salts		2-Chlorophenol
81912	3-(alpha-Acetoxybenzyl)-4-hydroxycoumarin and salts	95807	o-Chlorophenol
	Wartan		Phenol, 2-chloro-
82688	Benzene, pentachloronitro-	95943	Toluenediamine
	Pentachloronitrobenzene		Benzene, 1,2,4,5-tetrachloro-
83289	Asenaprene	95954	1,2,4,5-tetrachlorobenzene
84662	1,2-Benzenedicarboxylic acid/dialkyl ester	96128	Phenol, 2,4,5-trichloro-
	Dialkyl phtalate		2,4,5-Trichlorophenol
84742	1,2-Benzenedicarboxylic acid dibutyl ester		1,2-Dibromo-3-chloropropane
	n-Butyl phtalate		Propane, 1,2-dibromo-3-chloro-
	Di-n-butyl phtalate		
85007	Pentafluorene		
85018	Duquat		
85449	1,2-Benzenedicarboxylic acid anhydride		
	Phthalic anhydride		