

**§ 264.170**

[Title]  
Attest:  
[Title]  
[Seal]

\_\_\_\_\_  
[Signature of Trustee]

Attest:  
[Title]  
[Seal]

(2) The following is an example of the certification of acknowledgement which must accompany the trust agreement for a stand-by trust fund as specified in section 264.147(h) or 265.147(h) of this chapter. State requirements may differ on the proper content of this acknowledgement.

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

\_\_\_\_\_  
[Signature of Notary Public]

[47 FR 15059, Apr. 7, 1982, as amended at 47 FR 16556, Apr. 16, 1982; 47 FR 17989, Apr. 27, 1982; 47 FR 19995, May 10, 1982; 47 FR 28627, July 1, 1982; 51 FR 16450, May 2, 1986; 51 FR 25354, July 11, 1986; 52 FR 44320, Nov. 18, 1987; 53 FR 33952, Sept. 1, 1988; 57 FR 42836, Sept. 16, 1992; 59 FR 29960, June 10, 1994; 71 FR 40272, July 14, 2006]

**Subpart I—Use and Management of Containers**

SOURCE: 46 FR 2866, Jan. 12, 1981, unless otherwise noted.

**§ 264.170 Applicability.**

The regulations in this subpart apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as § 264.1 provides otherwise.

[Comment: Under § 261.7 and § 261.33(c), if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is “empty” as defined in § 261.7. In that event, management of the container is exempt from the requirements of this subpart.]

**40 CFR Ch. I (7–1–10 Edition)**

**§ 264.171 Condition of containers.**

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this part.

**§ 264.172 Compatibility of waste with containers.**

The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

**§ 264.173 Management of containers.**

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

(b) A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

[Comment: Reuse of containers in transportation is governed by U.S. Department of Transportation regulations including those set forth in 49 CFR 173.28.]

**§ 264.174 Inspections.**

At least weekly, the owner or operator must inspect areas where containers are stored, except for Performance Track member facilities, that may conduct inspections at least once each month, upon approval by the Director. To apply for reduced inspection frequencies, the Performance Track member facility must follow the procedures identified in § 264.15(b)(5) of this part. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

[Comment: See §§ 264.15(c) and 264.171 for remedial action required if deterioration or leaks are detected.]

[71 FR 16905, Apr. 4, 2006]