



## Draft Language for Labeling of Hazardous Waste Containers and Tanks in Storage

December 18, 2013

### OPTION 1 – Tanks may be labeled with words (as per containers) or in compliance with NFPA 704

#### (C) Pre-Transport Containerization and Labeling Requirements

1. In addition to labeling containers used to accumulate hazardous waste in accordance with the requirements in 40 CFR 262.34(a)(2), (a)(3), and (d)(4), generators must also comply with either subsection A or subsection B below.

A. All containers used to accumulate hazardous waste must be labeled in accordance with applicable United States Department of Transportation labeling requirements in 49 CFR part 172 Subpart E during the entire time the waste is accumulated on-site. If a generator determines that labeling a container with a capacity of less than one gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack or other device used to hold or accumulate any such container; or

B. Clearly label each container with words that correctly identify the hazards of the contents of the container during the entire on-site storage period. Such words shall include one or more of the following as defined in 40 CFR part 261 subparts C and D: Ignitable, Toxic, Corrosive, or Reactive. The label shall be white with black lettering or black with white lettering that is a minimum of one (1) inch in height. If a generator determines that labeling a container with a capacity of less than one gallon is not feasible, the generator shall affix the appropriate label(s) to the locker, rack or other device used to hold or accumulate any such container. Note that pursuant to 49 CFR 172.401, "No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design or shape could be confused with or conflict with a label prescribed by this part."

2. In addition to labeling requirements for tanks used to accumulate hazardous waste in accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also comply with either subsection A or subsection B below.

A. Clearly label each tank with words that correctly identify the hazards of the contents of the tank during the entire on-site storage period. Such words may also be stenciled on the tank in lieu of using a label and shall include one or more of the following as defined in 40 CFR part 261 subparts C and D: Ignitable, Toxic, Corrosive, or Reactive. Labels or stenciling must use clearly contrasting colors, such as a white label with red or black lettering, or a black label with white lettering, and must be placed on the side or sides an area or areas of the tank that face the direction from which the tank is normally accessed. As an example, the label could be placed on the front of the tank if it backs up to a structure or on at least two visible areas of the tank if it does not back up to a structure. The lettering must meet the following requirements:

(I) For tanks with a capacity of less than 500 gallons, the lettering must be a minimum of 2 inches in height.

(II) For tanks with a capacity of between 500 and 1000 gallons, the lettering must be a minimum of 3 inches in height.

(III) For tanks larger than 1000 gallons, the lettering must be a minimum of 4 inches in height.

B. Comply with the 2012 Edition of the National Fire Protection Association Standard NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response to identify the hazards of the tank contents. The 2012 edition of NFPA 704 is hereby incorporated by reference without any subsequent amendments or additions, and is published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA, 02169-7471.

## **OPTION 2: Tanks must be labeled in accordance with NFPA 704 standard only**

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2. In addition to labeling requirements for tanks used to accumulate hazardous waste in accordance with the requirements of 40 CFR 262.34(a)(3) and (d)(4), generators must also comply with the 2012 Edition of the National Fire Protection Association Standard NFPA 704: Standard System for the Identification of the Hazards of Materials for Emergency Response to identify the hazards of the tank contents. The 2012 edition of NFPA 704 is hereby incorporated by reference without any subsequent amendments or additions, and is published by the National Fire Protection Association, 1 Battery March Park, Quincy, MA, 02169-7471.