

9VAC20-170-70. Design, operation and maintenance of containers.

A. All transportation of solid waste or regulated medical waste on state waters shall be in containers meeting the specifications and standards specified in this section.

B. Each container must meet the following:

1. Each container shall be watertight and shall be designed, constructed, loaded, operated, secured and maintained so as to prevent the escape of wastes, liquids, and odors and to prevent the loss or spillage of wastes in the event of an accident.

2. Each container shall be stacked no higher on barges than allowable under federal law, and shall be secured to the barges to prevent accidents during transportation, loading and unloading.

3. Each container shall be completely enclosed, rigid, and constructed of nonpermeable material.

4. Each container shall meet all applicable U.S. Department of Transportation specifications.

5. Waste that is rocks, brick, cement block, uncontaminated dirt, broken concrete or road pavement and contains no paper, vegetative waste, wallboard or wood waste may be contained in covered barges without other containerization and the barge itself shall be considered the container if the following requirements are met:

a. The barge shall fully comply with all other requirements of this section, 9VAC20-170-70, except subdivisions D1, D2 and D3 a, and subsection E of this section.

b. The waste shall be free of municipal waste, sludge, hazardous waste, regulated medical waste, radiological waste, putrescible waste, ash, waste that gives off gases or objectionable odors, petroleum products, industrial chemicals, industrial waste, or any waste that causes a nuisance.

C. Each container shall be identified on a manifest in accordance with 9VAC20-170-100 and be accompanied by a current certificate from the owner of the container that it has been tested and found to be watertight in accordance with the requirements of this part.

~~D. Each container shall be tested and certified by a delegated approval authority to be in compliance with the requirements of this subsection. A delegated approval authority shall be an approval authority delegated by the U.S. Coast Guard in accordance with 49 CFR Parts 450 through 453 (defined in 49 CFR 450.3). Each container shall be certified for special service by a Delegated Approval Authority approved by the U. S. Coast Guard in accordance with 49 CFR Parts 450 through 453 as having met the requirements for the approval of prototype containers described in Sections 1.5 and 1.17.2 of the Rules for Certification of Cargo Containers, 1998, American Bureau of Shipping, including a special container prototype test as follows: a minimum internal head of three inches of water shall be applied to all sides, seams, bottom and top of the container for at least 15 minutes on each side, seam, bottom and top, during which the container shall remain free from the escape of water.~~ Delegated approval authority certification shall also include, at least, the following items.

1. Each container shall be certified and bear a plate (CSC plate) showing certification of compliance with the International Convention for Safe Containers standards for ocean shipping containers (1972 (CSC), 1996 Edition).

2. Each container shall be certified as meeting the American Bureau of Shipping's general specifications (see Section 6 of the Rules for Certification of Cargo Containers, 1987, American Bureau of Shipping), including weathertightness for general service. Each container shall have affixed to it in a visible and accessible location a decal including the ABS general service emblem, special service emblem, a notice and date of certification, and the names, addresses and telephone numbers of the person performing the test and the owner of the container.

3. Each container shall be certified as having passed the following test when it is placed in service and at least once every six months thereafter while it remains in service:

a. Each container shall have a minimum internal head of 24 inches of water applied to the container in an upright position for at least 15 minutes during which the container shall remain free from the ~~penetration~~ escape of water. All wastewater and contaminated water resulting from this test procedure shall be disposed of in compliance with the applicable regulations of the State Water Control Board.

b. Each container shall be visually inspected for damage on all sides, plus the top and bottom and must have no visible holes, gaps or structural damage affecting its integrity or performance.

E. Each container shall have affixed to it in a visible and accessible location: (i) a decal including the ABS general service emblem, a notice and date of certification, and the name and address and telephone numbers of the person performing the test and the owner of the container, (ii) a CSC plate showing compliance with the International Convention for Safe Container Standards as prescribed in this section, (iii) the delegated approval authority certification for compliance with the provisions set forth in subsection D of this

section, including a notice and date of certification and the names, addresses and telephone numbers of the persons performing the task and the owner of the container, and (iv) a special service emblem.

F. Owners of all containers shall keep a record of testing of each container for, at least, the preceding three years and provide copies of those records to persons who lease or handle the container. Such records shall be available to the department for inspection at the receiving facility.

G. Following each unloading of solid waste from a container, each container shall be visually inspected, as practical, at the solid waste management facility immediately upon unloading for damage on all sides, plus top and bottom, and shall have no visible holes, gaps, or structural damage affecting its integrity or performance.

~~G~~H. Notwithstanding the foregoing, during transportation, holding and storage operations or in the event of an accident, the (i) entry of liquids into a container; (ii) escape, loss or spillage of wastes or liquids from a container; or (iii) escape of odors from a container shall be a violation of this chapter.

Certified True and Accurate: _____
David K. Paylor, Director
Department of Environmental Quality

Date: _____