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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 14@ Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

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Article 6@ Water Quality Monitoring and Response Programs for Permitted Facilities

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Section 66264.90@ Applicability

## **66264.90 Applicability**

### **(a)**

The regulations in this article apply to owners or operators of permitted hazardous waste facilities. A surface impoundment, waste pile, land treatment unit or landfill that receives or has received hazardous waste after July 26, 1982 shall comply with the requirements of this article for purposes of detecting, characterizing, and responding to releases to groundwater, surface water or the unsaturated zone. The Department shall require an owner or operator of a surface impoundment, waste pile, land treatment unit or landfill that ceased receiving hazardous waste by July 26, 1982 to comply with the requirements of this article if the Department determines that constituents in or derived from waste placed in the surface impoundment, waste pile, land treatment unit or landfill may pose a threat to human health or the environment. A surface impoundment, waste pile, land treatment unit or landfill required to comply with the provisions of this article is hereinafter referred to as a "regulated unit."

### **(b)**

The facility permit shall contain assurances of financial responsibility for completing corrective action for all releases from any regulated unit at the facility.

### **(c)**

The regulations under this article apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations

in this article apply during the postclosure care period under section 66264.117 of article 7 of this chapter and during any compliance period under section 66264.96 unless: (1) the regulated unit has been in compliance with the water quality protection standard for a period of three consecutive years; and (2) all waste, waste residues, contaminated containment system components, contaminated subsoils and all other contaminated geologic materials are removed or decontaminated at closure.

**(1)**

the regulated unit has been in compliance with the water quality protection standard for a period of three consecutive years; and

**(2)**

all waste, waste residues, contaminated containment system components, contaminated subsoils and all other contaminated geologic materials are removed or decontaminated at closure.

**(d)**

Regulations in this article apply to miscellaneous units when necessary to comply with sections 66264.601 through 66264.603 of article 16 of this chapter.

**(e)**

The Department may replace all or part of the requirements of sections 66264.91 through 66264.100 applying to a regulated unit with alternative requirements for a water quality monitoring and response program set out in the permit where the Department determines that: (1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management unit(s) (or areas of concern) are likely to have contributed to the release; and (2) It is not necessary to apply the water quality monitoring and response program

requirements of sections 66264.91 through 66264.100 because alternative requirements will protect human health and the environment.

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**(2)**

It is not necessary to apply the water quality monitoring and response program requirements of sections 66264.91 through 66264.100 because alternative requirements will protect human health and the environment.

**(f)**

In order to apply section 66264.90(e), the owner or operator must submit a report to the Department that demonstrates that each proposed alternative to the requirements of sections 66264.91 through 66264.100 shall provide adequate protection of human health and the environment. The demonstration report shall include the rationale and all supporting data for each proposed alternative requirement. The owner or operator is not relieved of any requirement of sections 66264.91 through 66264.100 until the Department evaluates the submitted report and issues or modifies the permit.

**(g)**

If the owner or operator determines that any alternative requirement specified through section 66264.90(f) may not adequately protect human health and the environment, the owner or operator shall, within 90 days, submit an application for a permit modification to make any appropriate changes to the water quality monitoring and response program.

**(h)**

In the event that the Department determines that any alternative requirement specified through section 66264.90(f) may not adequately protect human health and the environment, the Department shall send written notification of such determination to the owner or operator by certified mail, return receipt requested. As part of the determination, the Department may require that certain requirements of sections 66264.91 through 66264.100 be reinstated in whole or part. The owner or operator shall, within 90 days after receipt of such notification by the Department, submit an application for a permit modification to make any appropriate changes to the water quality monitoring and response program.

**(i)**

The regulations in this article apply to all owners and operators subject to the requirements of Section 66270.1(c)(7), when the Department issues either a postclosure permit or an enforceable document (as defined in Section 66270.1(c)(7)) at the facility. When the Department issues an enforceable document, references in this article to "in the permit" mean "in the enforceable document."