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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 17@ Environmental Monitoring and Response Programs for Air, Soil, and Soil-Pore Gas for Permitted Facilities

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Section 66264.707@ Compliance Monitoring Program

66264.707 Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this article shall, at a minimum, discharge the following responsibilities.

(a)

The owner or operator shall perform monitoring the Department specifies to determine whether regulated units are in compliance with the environmental protection standard under section 66264.702, or to determine the vertical and horizontal extent to which a constituent of hazardous waste has migrated from a regulated unit. The Department will specify the environmental protection standard in the facility permit, including: (1) a list of the hazardous constituents identified under section 66264.703; (2) concentration limits under section 66264.704 for each of those hazardous constituents; and (3) the monitoring points under section 66264.705.

(1)

a list of the hazardous constituents identified under section 66264.703;

(2)

concentration limits under section 66264.704 for each of those hazardous constituents; and

(3)

the monitoring points under section 66264.705.

(b)

If stipulated by the Department, the owner or operator shall determine the concentration of hazardous constituents in the unsaturated zone or in the air. The owner or operator shall express the concentration at each sampling station in a form necessary for the determination of increases. The owner or operator shall submit data obtained from monitoring to the Department within 30 days after it is obtained.

(c)

If the owner or operator determines that the environmental protection standard is being exceeded at any monitoring point established under section 66264.705 or any other type and location of sampling station, the owner or operator shall: (1) notify the Department of this finding in writing within seven days of the determination. The notification shall indicate what concentration limits have been exceeded; (2) submit to the Department an application for a permit modification to establish a corrective action program meeting the requirements of section 66264.708 within 180 days of the determination, or within 90 days if an engineering feasibility study has been previously submitted to the Department. The application shall, at a minimum, include the following information: (A) a detailed description of corrective actions that will achieve compliance with the environmental protection standard specified in the permit under subsection (a) of this section; (B) a plan for an environmental monitoring program that will demonstrate the effectiveness of the corrective action to the satisfaction of the Department. Such a monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

(1)

notify the Department of this finding in writing within seven days of the determination.

The notification shall indicate what concentration limits have been exceeded;

(2)

submit to the Department an application for a permit modification to establish a corrective action program meeting the requirements of section 66264.708 within 180 days of the determination, or within 90 days if an engineering feasibility study has been previously submitted to the Department. The application shall, at a minimum, include the following information: (A) a detailed description of corrective actions that will achieve compliance with the environmental protection standard specified in the permit under subsection (a) of this section; (B) a plan for an environmental monitoring program that will demonstrate the effectiveness of the corrective action to the satisfaction of the Department. Such a monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

(A)

a detailed description of corrective actions that will achieve compliance with the environmental protection standard specified in the permit under subsection (a) of this section;

(B)

a plan for an environmental monitoring program that will demonstrate the effectiveness of the corrective action to the satisfaction of the Department. Such a monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.

(d)

If the owner or operator determines that the environmental protection standard is being exceeded at any monitoring point established under section 66264.705, the owner or operator may demonstrate that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this

subsection in addition to, or in lieu of, submitting a permit modification application under subsection (c)(2) of this section, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in subsection (c)(2) of this section unless the demonstration made under this subsection shows to the satisfaction of the Department that a source other than a regulated unit caused the increase or that the increase resulted from error in sampling, analysis or evaluation. In making a demonstration under this subsection, the owner or operator shall: (1) notify the Department in writing within seven days of the determination that the owner or operator intends to make a demonstration under this subsection; (2) within 90 days of the determination, submit a report to the Department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standard resulted from error in sampling, analysis or evaluation; (3) within 90 days of the determination, submit to the Department an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; (4) continue to monitor in accord with the compliance monitoring program established under this section.

(1)

notify the Department in writing within seven days of the determination that the owner or operator intends to make a demonstration under this subsection;

(2)

within 90 days of the determination, submit a report to the Department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standard resulted from error in sampling, analysis or evaluation;

(3)

within 90 days of the determination, submit to the Department an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility;

(4)

continue to monitor in accord with the compliance monitoring program established under this section.

(e)

If the owner or operator determines that the compliance monitoring program does not satisfy the requirements of this section, the owner or operator shall, within 90 days of the determination, submit an application for a permit modification to make any appropriate changes to the program.

(f)

The owner or operator shall assure the Department that monitoring and corrective action measures are taken as necessary to achieve compliance with the environmental protection standard under section 66264.702 as specified in the permit or in an order issued by the Department.

(g)

When the Department has determined that a constituent of hazardous waste has migrated from a regulated unit, the Department shall require the owner or operator to obtain samples of soil from specified depths and locations, and to chemically analyze such samples as necessary to determine the distances and depths through which constituents of hazardous waste have migrated from the regulated unit.