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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 66264.708@ Corrective Action Program

## **66264.708 Corrective Action Program**

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

### **(a)**

The owner or operator shall take corrective action to ensure that regulated units are in compliance with the environmental protection standard under section 66264.702. 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)**

The owner or operator shall implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the

monitoring points established under section 66264.705 by removing the hazardous waste constituents or treating them in place or providing other effective measures. The permit will specify the specific measures that will be taken.

**(c)**

The owner or operator shall begin corrective action within a reasonable time period after the environmental protection standard is exceeded. The Department will specify that time period in the facility permit. If a facility permit includes a corrective action program under this section in addition to a compliance monitoring program under section 66264.707, the permit will specify when the corrective action will begin, and such a requirement will operate in lieu of section 66264.707(c)(2).

**(d)**

In conjunction with a corrective action program established under this section, the owner or operator shall establish and implement an environmental monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under section 66264.707 and shall be as effective as that program in determining compliance with the environmental protection standard under section 66264.702 and in determining the success of a corrective action program under subsection (e) of this section.

**(e)**

In addition to the other requirements of this section, the owner or operator shall conduct a corrective action program to remove or treat in place any hazardous constituents under section 66264.703 of this article that have caused, or could cause, the environmental protection standard to be exceeded, or take other

action specified by the Department to reduce the concentration of hazardous constituents under section 66264.703 to levels below their respective concentration limits specified pursuant to this chapter, and to prevent subsequent exceedance of those levels by hazardous waste remaining at the regulated unit. The permit will specify the measures to be taken. (1) Corrective action measures under this subsection shall be initiated and completed within a reasonable period of time considering the extent of contamination. (2) Corrective action measures under this subsection may be terminated once the concentration of hazardous constituents under section 66264.703 is reduced to levels below their respective concentration limits under section 66264.704, and it is not likely that hazardous waste remaining at the regulated unit will cause a concentration limit under section 66264.704 to be exceeded.

**(1)**

Corrective action measures under this subsection shall be initiated and completed within a reasonable period of time considering the extent of contamination.

**(2)**

Corrective action measures under this subsection may be terminated once the concentration of hazardous constituents under section 66264.703 is reduced to levels below their respective concentration limits under section 66264.704, and it is not likely that hazardous waste remaining at the regulated unit will cause a concentration limit under section 66264.704 to be exceeded.

**(f)**

The owner or operator shall continue corrective action measures as necessary to ensure that the environmental protection standard is not exceeded. If the owner or operator is conducting corrective action under this section at the end of the post-closure care period or at the end of any compliance period established under

section 66264.96 of article 6, the owner or operator shall continue that corrective action for as long as necessary to achieve compliance with the environmental protection standard under section 66264.702. The owner or operator may terminate corrective action measures under this section taken beyond the end of the postclosure care period or any compliance period established under section 66264.96 of article 6 if the owner or operator demonstrates, to the satisfaction of the Department, based on data from the environmental monitoring program under subsection (d) of this section, that the environmental protection standard of section 66264.702 has not been exceeded during the last three consecutive years.

**(g)**

The owner or operator shall report in writing to the Department on the effectiveness of the corrective action program established under this section. The owner or operator shall submit these reports semiannually.

**(h)**

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