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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 66264.700@ Applicability to Permitted Facilities

66264.700 Applicability to Permitted Facilities

(a)

The regulations in this article apply to owners and operators of permitted facilities that treat, store, recycle or dispose of hazardous waste. The owner or operator shall satisfy the requirements of this article for all wastes (or constituents thereof) contained in any regulated unit that receives hazardous waste after February 2, 1985. Any waste or waste constituent migrating beyond the regulated unit, as determined by monitoring at any monitoring point for air or soil-pore gas established in accordance with section 66264.705, is assumed to originate from a regulated unit unless the owner or operator demonstrates to the satisfaction of the Department that such waste or waste constituent originated from another source.

(b)

The owner or operator is not subject to regulation under this article if the Department finds, pursuant to section 66264.280(d), that the treatment zone of a land treatment unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of section 66264.278 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the active life of the unit. An exemption under this subsection can only relieve an owner or

operator of responsibility to meet the requirements of this article during the post-closure care period.

(c)

The owner or operator is not subject to regulation under this article if the owner or operator demonstrates to the satisfaction of the Department that hazardous waste will not migrate from a regulated unit during the active life of the unit (including the closure period) and the post-closure care period specified under section 66264.117. The demonstration that liquid will not migrate shall be certified by an independent certified engineering geologist or civil engineer registered in California. The demonstration that gas or airborne solids will not migrate shall be certified by a scientist, or engineer registered in California, qualified to make such a demonstration. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(d)

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: (1) do not apply if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure; or (2) apply during the post closure care period under section 66264.117 of article 7 of this chapter and during any compliance period under section 66264.96 of article 6 of this chapter.

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(2)

apply during the post closure care period under section 66264.117 of article 7 of this chapter and during any compliance period under section 66264.96 of article 6 of this chapter.