

|-&gt;

Title 22@ Social Security

|-&gt;

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

|-&gt;

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

|-&gt;

Article 28.5@ Air Emission Standards for Tanks, Surface Impoundments, and Containers

|-&gt;

Section 66264.1080@ Applicability

## **66264.1080 Applicability**

### **(a)**

The requirements of this article apply to owners and operators of all facilities that treat, store, or dispose of RCRA hazardous waste in tanks, surface impoundments, or containers subject to either articles 9, 10, or 11 except as section 66264.1 and subsection (b) of this section provide otherwise.

### **(b)**

The requirements of this article do not apply to the following waste management units at the facility: (1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996. (2) A container that has a design capacity less than or equal to 0.1 m<sup>3</sup>. (3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan. (4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan. (5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities, or

similar Federal or State authorities. (6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act. (7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this subsection, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of section 66264.1084(i), except as provided in section 66264.1082(c)(5). (8) A tank that has a process vent as defined in section 66260.10.

**(1)**

A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

**(2)**

A container that has a design capacity less than or equal to 0.1 m<sup>3</sup>.

**(3)**

A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

**(4)**

A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

**(5)**

A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities, or similar Federal or State authorities.

**(6)**

A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act.

**(7)**

A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this subsection, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of section 66264.1084(i), except as provided in section 66264.1082(c)(5).

**(8)**

A tank that has a process vent as defined in section 66260.10.

**(c)**

For the owner and operator of a facility subject to this article who received a final permit under RCRA section 3005 prior to December 6, 1996, the requirements of this article shall be incorporated into the permit when the permit is reissued in accordance with the requirements of 40 CFR 124.15 or reviewed in accordance with the requirements of section 66270.50(d) of this division. Until such date when the permit is reissued in accordance with the requirements of 40 CFR

124.15 or reviewed in accordance with the requirements of section 66270.50(d), the owner and operator is subject to the requirements of chapter 15, article 28.5.

**(d)**

The requirements of this article, except for the recordkeeping requirements specified in section 66264.1089(i) are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions: (1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical. (2) The owner or operator prepares documentation, in accordance with the requirements of section 66264.1089(i) of this article, explaining why an undue safety hazard would be created if air emission controls specified in sections 66264.1084 through 66264.1087 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this section. (3) The owner or operator notifies the Department in writing that hazardous waste

generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this section. The notification shall state the name and address of the facility, and be signed and dated by an authorized representative of the facility owner or operator.

**(1)**

The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

**(2)**

The owner or operator prepares documentation, in accordance with the requirements of section 66264.1089(i) of this article, explaining why an undue safety hazard would be created if air emission controls specified in sections 66264.1084 through 66264.1087 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this section.

**(3)**

The owner or operator notifies the Department in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the

conditions of subsection (d)(1) of this section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this section. The notification shall state the name and address of the facility, and be signed and dated by an authorized representative of the facility owner or operator.