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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 15@ Interim Status 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 Interim Status Facilities

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Section 66265.90@ Applicability

66265.90 Applicability

(a)

The regulations in this article apply to owners or operators of facilities specified in section 66265.1(b). A surface impoundment, waste pile, land treatment unit or landfill that receives or has received hazardous waste after November 19, 1980 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 November 19, 1980 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 Department may replace all or part of the requirements of sections 66265.91 through 66265.99 applying to a regulated unit with alternative requirements for a water quality monitoring and response program set out in an approved closure or post-closure plan 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 66265.91 through 66265.99 because alternative requirements will protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of section 66264.101(a).

(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 66265.91 through 66265.99 because alternative requirements will protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of section 66264.101(a).

(c)

In order to apply section 66265.90(b), the owner or operator must submit a report to the Department that demonstrates that each proposed alternative to the requirements of sections 66265.91 through 66265.99 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 66265.91 through 66265.99 until the Department provides written approval of the submitted report.

(d)

If the owner or operator determines that any alternative requirement specified through section 66265.90(c) may not adequately protect human health and the environment, the owner or operator shall, within 90 days, submit an amended water quality sampling and analysis plan to make any appropriate changes to the water quality monitoring and response program.

(e)

In the event that the Department determines that any alternative requirement specified through section 66265.90(c) 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 66265.91 through 66265.99 be reinstated in whole or part. The owner or operator shall, within 90 days after receipt of such notification by the Department, submit an amended water quality sampling and analysis plan to make any appropriate changes to the water quality monitoring and response program.

(f)

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."