CA

66265.1083 Standards: General

(a)

This section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this article.

(b)

The owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with standards specified in sections 66265.1085 through 66265.1088 as applicable to the hazardous waste management unit, except as provided for in subsection (c) of this section.

(c)

A tank, surface impoundment, or container is exempt from standards specified in sections 66265.1085 through 66265.1088 as applicable, provided that the waste management unit is one of the following: (1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in section 66265.1084(a) of this article. The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit. (2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste

management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions: (A) A process that removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (Ct) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in section 66265.1084(b). (B) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in section 66265.1084(b). (C) A process that removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in section 66265.1084(b). (D) A biological process that destroys or degrades the organics contained in the hazardous waste, such that either of the following conditions is met: 1. The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (Rbio) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in

section 66265.1084(b). 2. The total actual organic mass biodegradation rate (MRbio) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in section 66265.1084(b). (E) A process that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions: 1. From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units which use air emission controls in accordance with the standards specified in sections 66265.1085 through 66265.1088 as applicable to the waste management unit. 2. From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR--National Emission Standards for Individual Drain Systems to be a closed system. 3. The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in section 66265.1084(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in section 66265.1084(b). (F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the

organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in sections 66265.1084(b) and 66265.1084(a), respectively. (G) A hazardous waste incinerator for which the owner or operator has either: 1. Been issued a final permit under chapter 20 which implements the requirements of chapter 14, article 15; or 2. Has designed and operates the incinerator in accordance with the interim status requirements of chapter 15, article 15 of this division. (H) A boiler or industrial furnace for which the owner or operator has either: 1. Been issued a final permit under chapter 20 which implements the requirements of chapter 16, article 8, or 2. Has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of chapter 16, article 8 of this division. (I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration: 1. If Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR part 60, appendix A, or a value of 25 ppmw, whichever is less. 2. If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which

can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3] at 25 degrees Celsius. (3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this section. (4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit either: (A) Meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in chapter 18--Land Disposal Restrictions under Table "Treatment Standards for Hazardous Waste" in section 66268.40; or (B) The organic hazardous constituents in the waste have been treated by the treatment technology established by the Department for the waste in section 66268.42(a), or have been removed or destroyed by an equivalent method of treatment approved by the Department pursuant to section 66268.42(b). (5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met: (A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61, subpart FF--National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year; (B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and (C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or

operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

(1)

A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in section 66265.1084(a) of this article. The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

(2)

A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions: (A) A process that removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (Ct) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in section 66265.1084(b). (B) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be

determined using the procedures specified in section 66265.1084(b). (C) A process that removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in section 66265.1084(b). (D) A biological process that destroys or degrades the organics contained in the hazardous waste, such that either of the following conditions is met: 1. The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (Rbio) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in section 66265.1084(b). 2. The total actual organic mass biodegradation rate (MRbio) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in section 66265.1084(b). (E) A process that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions: 1. From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units which use air emission controls in accordance with the standards specified in sections 66265.1085 through 66265.1088 as applicable to the waste management unit. 2. From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the

atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR--National Emission Standards for Individual Drain Systems to be a closed system. 3. The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in section 66265.1084(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in section 66265.1084(b). (F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in sections 66265.1084(b) and 66265.1084(a), respectively. (G) A hazardous waste incinerator for which the owner or operator has either: 1. Been issued a final permit under chapter 20 which implements the requirements of chapter 14, article 15; or 2. Has designed and operates the incinerator in accordance with the interim status requirements of chapter 15, article 15 of this division. (H) A boiler or industrial furnace for which the owner or operator has either: 1. Been issued a final permit under chapter 20 which implements the requirements of chapter 16, article 8, or 2. Has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of chapter 16, article 8 of this division. (I) For the purpose of determining the performance of an

organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration: 1. If Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR part 60, appendix A, or a value of 25 ppmw, whichever is less. 2. If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3] at 25 degrees Celsius.

(A)

A process that removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (Ct) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in section 66265.1084(b).

(B)

A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in section 66265.1084(b).

(C)

A process that removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in section 66265.1084(b).

(D)

A biological process that destroys or degrades the organics contained in the hazardous waste, such that either of the following conditions is met: 1. The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (Rbio) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in section 66265.1084(b). 2. The total actual organic mass biodegradation rate (MRbio) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in section 66265.1084(b).

1.

The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (Rbio) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in section 66265.1084(b).

2.

The total actual organic mass biodegradation rate (MRbio) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in section 66265.1084(b).

(E)

A process that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions: 1. From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units which use air emission controls in accordance with the standards specified in sections 66265.1085 through 66265.1088 as applicable to the waste management unit. 2. From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR--National Emission Standards for Individual Drain Systems to be a closed system. 3. The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in section 66265.1084(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in section 66265.1084(b).

1.

From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units which use air emission controls in accordance with the standards specified in sections 66265.1085 through 66265.1088 as applicable to the waste management unit.

2.

From the point of waste origination through the point where the hazardous waste enters the

treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR--National Emission Standards for Individual Drain Systems to be a closed system.

3.

The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in section 66265.1084(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in section 66265.1084(b).

(F)

A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in sections 66265.1084(b) and 66265.1084(a), respectively.

(G)

A hazardous waste incinerator for which the owner or operator has either: 1. Been issued a final permit under chapter 20 which implements the requirements of chapter 14, article 15; or 2. Has designed and operates the incinerator in accordance with the interim status requirements of chapter 15, article 15 of this division.

1.

Been issued a final permit under chapter 20 which implements the requirements of chapter 14, article 15; or

2.

Has designed and operates the incinerator in accordance with the interim status requirements of chapter 15, article 15 of this division.

(H)

A boiler or industrial furnace for which the owner or operator has either: 1. Been issued a final permit under chapter 20 which implements the requirements of chapter 16, article 8, or 2. Has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of chapter 16, article 8 of this division.

1.

Been issued a final permit under chapter 20 which implements the requirements of chapter 16, article 8, or

2.

Has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of chapter 16, article 8 of this division.

(I)

For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration: 1. If Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR part 60, appendix A, or a value of 25 ppmw, whichever is less. 2. If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1

mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3] at 25 degrees Celsius.

1.

If Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR part 60, appendix A, or a value of 25 ppmw, whichever is less.

2.

If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3] at 25 degrees Celsius.

(3)

A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this section.

(4)

A tank, surface impoundment, or container for which all hazardous waste placed in the unit either: (A) Meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in chapter 18--Land Disposal Restrictions under Table "Treatment Standards for Hazardous Waste" in section 66268.40; or (B) The organic hazardous constituents in the waste have been treated by the treatment technology established by the Department for the waste in section 66268.42(a), or have been removed or destroyed by an equivalent method of treatment approved by the Department pursuant to section 66268.42(b).

(A)

Meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in chapter 18--Land Disposal Restrictions under Table

"Treatment Standards for Hazardous Waste" in section 66268.40; or

(B)

The organic hazardous constituents in the waste have been treated by the treatment technology established by the Department for the waste in section 66268.42(a), or have been removed or destroyed by an equivalent method of treatment approved by the Department pursuant to section 66268.42(b).

(5)

A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met: (A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61, subpart FF--National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year; (B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and (C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

(A)

The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61,

subpart FF--National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year;

(B)

The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

(C)

The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

(d)

The Department may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of this section as follows: (1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of section 66265.1084(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of section 66265.1084(b). (2) In performing a waste determination pursuant to subsection (d)(1) of this section, the sample

preparation and analysis shall be conducted as follows: (A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this section. (B) If the Department determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Department may choose an appropriate method. (3) In a case when the owner or operator is requested to perform the waste determination, the Department may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis. (4) In a case when the results of the waste determination performed or requested by the Department do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this section shall be used to establish compliance with the requirements of this article. (5) In a case when the owner or operator has used an averaging period greater than 1 hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Department may elect to establish compliance with this article by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a 1-hour period as follows: (A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of section 66265.1084(a). (B) Results of the waste determination performed or requested by the Department showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this article except in a case as

provided for in subsection (d)(5)(C) of this section. (C) For the case when the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than 1 hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of section 66265.1084(a) and section 66265.1090 shall be considered by the Department together with the results of the waste determination performed or requested by the Department in establishing compliance with this article.

(1)

The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of section 66265.1084(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of section 66265.1084(b).

(2)

In performing a waste determination pursuant to subsection (d)(1) of this section, the sample preparation and analysis shall be conducted as follows: (A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this section. (B) If the Department determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Department

may choose an appropriate method.

(A)

In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this section.

(B)

If the Department determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Department may choose an appropriate method.

(3)

In a case when the owner or operator is requested to perform the waste determination, the Department may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

(4)

In a case when the results of the waste determination performed or requested by the Department do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this section shall be used to establish compliance with the requirements of this article.

(5)

In a case when the owner or operator has used an averaging period greater than 1 hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Department may elect to establish compliance with this article by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a 1-hour period as follows: (A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the

requirements of section 66265.1084(a). (B) Results of the waste determination performed or requested by the Department showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this article except in a case as provided for in subsection (d)(5)(C) of this section. (C) For the case when the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than 1 hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of section 66265.1084(a) and section 66265.1090 shall be considered by the Department together with the results of the waste determination performed or requested by the Department in establishing compliance with this article.

(A)

The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of section 66265.1084(a).

(B)

Results of the waste determination performed or requested by the Department showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this article except in a case as provided for in subsection (d)(5)(C) of this section.

(C)

For the case when the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than 1 hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of section 66265.1084(a) and section 66265.1090 shall be considered by the Department together with the results of the waste determination performed or requested by the Department in establishing compliance with this article.