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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 16@ Recyclable Materials (Recyclable Hazardous Wastes)

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Article 8@ Hazardous Waste Burned in Boilers and Industrial Furnaces

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Section 66266.100@ Applicability

66266.100 Applicability

(a)

The regulations of this article apply to hazardous waste burned or processed in a boiler or industrial furnace (as defined in section 66260.10 of chapter 10) irrespective of the purpose of burning or processing except as provided by subsections (b), (c), (d), and (f) of this section. In this article, the term "burn" means burning for energy recovery or destruction, or processing for materials recovery or as an ingredient. The emissions standards of sections 66266.104, 66266.105, 66266.106, and 66266.107 apply to facilities operating under interim status or under a permit as specified in sections 66266.102 and 66266.103. This article applies to used oil except as provided in (b)(1).

(b)

The following hazardous wastes and facilities are not subject to regulation under this article: (1) Used oil that meets the requirements of Health and Safety Code section 25250.1(b); (2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery; (3) Hazardous wastes that are exempt from regulation under section 66261.4.

(1)

Used oil that meets the requirements of Health and Safety Code section 25250.1(b);

(2)

Gas recovered from hazardous or solid waste landfills when such gas is burned for

energy recovery;

(3)

Hazardous wastes that are exempt from regulation under section 66261.4.

(c)

Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this article, except for sections 66266.101 and 66266.112. Additionally, industrial furnaces exempted by this subsection are subject to regulation as miscellaneous units. (1) To be exempt from sections 66266.102 through 66266.111, an owner or operator of a metal recovery furnace or mercury recovery furnace, shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) of this section. (A) Provide a one-time written notice to the Director indicating the following: 1. The owner or operator claims exemption under this subsection; 2. The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this section; 3. The hazardous waste contains recoverable levels of metals; and 4. The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection; (B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by

reference in section 66260.11 of chapter 10 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and (C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks. (2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery: (A) The hazardous waste has a total concentration of organic compounds listed appendix VIII, of chapter 11 exceeding 500 ppm by weight, as-fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by subsection (c)(1)(C) of this section; or (B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by subsection (c)(1)(C) of this section. (3) To be exempt from sections 66266.102 through 66266.111, an owner or operator of a lead or nickel-chromium or mercury recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall provide a one-time written notice to the

Director identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1) of this section. The owner or operator shall comply with the requirements of sub-section (c)(1) of this section for those wastes claimed to be exempt under that subsection and shall comply with the requirements below for those wastes claimed to be exempt under this subsection (c)(3). (A) The hazardous wastes listed in appendices XI, XII, and XIII, Chapter 16 and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) of this section, provided that: 1. A waste listed in appendix XI of this chapter shall contain recoverable levels of lead, a waste listed in appendix XII of this chapter shall contain recoverable levels of nickel or chromium, a waste listed in appendix XIII of this chapter must contain recoverable levels of mercury and less than 500 ppm of Chapter 11, Appendix VIII organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and 2. The waste does not exhibit the Toxicity Characteristic of section 66261.24 of chapter 11 for an organic constituent; and 3. The waste is not a hazardous waste listed in Article 4 of chapter 11 because it is listed for an organic constituent as identified in appendix VII of chapter 11; and 4. The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis shall be conducted according to subsection (c)(1)(B) of this section and records to document compliance with subsection (c)(3) of this section shall be kept for at least three years. (B) The Director may decide on a case-by-case basis that the toxic organic constituents in

a material listed in appendix XI, XII or XIII of this chapter that contains a total concentration of more than 500 ppm toxic organic compounds listed in appendix VIII, of chapter 11, may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this article. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this article when burning that material. In making the hazard determination, the Director will consider the following factors: 1. The concentration and toxicity of organic constituents in the material; and 2. The level of destruction of toxic organic constituents provided by the furnace; and 3. Whether the acceptable ambient levels established in appendices IV or V of this chapter may be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

(1)

To be exempt from sections 66266.102 through 66266.111, an owner or operator of a metal recovery furnace or mercury recovery furnace, shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) of this section. (A) Provide a one-time written notice to the Director indicating the following: 1. The owner or operator claims exemption under this subsection; 2. The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this section; 3. The hazardous waste contains recoverable levels of metals; and 4. The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection; (B) Sample and analyze the hazardous waste and other feedstocks as necessary to

comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in section 66260.11 of chapter 10 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and (C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks.

(A)

Provide a one-time written notice to the Director indicating the following: 1. The owner or operator claims exemption under this subsection; 2. The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this section; 3. The hazardous waste contains recoverable levels of metals; and 4. The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;

1.

The owner or operator claims exemption under this subsection;

2.

The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this section;

3.

The hazardous waste contains recoverable levels of metals; and

4.

The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;

(B)

Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in section 66260.11 of chapter 10 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

(C)

Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal nonhazardous waste feedstocks.

(2)

A hazardous waste meeting either of the following criteria is not processed solely for metal recovery: (A) The hazardous waste has a total concentration of organic compounds listed appendix VIII, of chapter 11 exceeding 500 ppm by weight, as-fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by subsection (c)(1)(C) of this section; or (B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by subsection (c)(1)(C) of this section.

(A)

The hazardous waste has a total concentration of organic compounds listed appendix VIII, of chapter 11 exceeding 500 ppm by weight, as-fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by subsection (c)(1)(C) of this section; or

(B)

The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted shall be retained in the records required by subsection (c)(1)(C) of this section.

(3)

To be exempt from sections 66266.102 through 66266.111, an owner or operator of a lead or nickel-chromium or mercury recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall provide a one-time written notice to the Director identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1) of this section. The owner or operator shall comply with the requirements of sub-section (c)(1) of this section for those wastes claimed to be exempt under that subsection and shall comply with the requirements below for those wastes claimed to be exempt under this subsection (c)(3). (A) The hazardous wastes listed in appendices XI, XII, and XIII,

Chapter 16 and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) of this section, provided that: 1. A waste listed in appendix XI of this chapter shall contain recoverable levels of lead, a waste listed in appendix XII of this chapter shall contain recoverable levels of nickel or chromium, a waste listed in appendix XIII of this chapter must contain recoverable levels of mercury and less than 500 ppm of Chapter 11, Appendix VIII organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and 2. The waste does not exhibit the Toxicity Characteristic of section 66261.24 of chapter 11 for an organic constituent; and 3. The waste is not a hazardous waste listed in Article 4 of chapter 11 because it is listed for an organic constituent as identified in appendix VII of chapter 11; and 4. The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis shall be conducted according to subsection (c)(1)(B) of this section and records to document compliance with subsection (c)(3) of this section shall be kept for at least three years. (B) The Director may decide on a case-by-case basis that the toxic organic constituents in a material listed in appendix XI, XII or XIII of this chapter that contains a total concentration of more than 500 ppm toxic organic compounds listed in appendix VIII, of chapter 11, may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this article. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this article when burning that material. In making the hazard determination, the Director will consider the following factors: 1. The concentration and toxicity of organic constituents in the

material; and 2. The level of destruction of toxic organic constituents provided by the furnace; and 3. Whether the acceptable ambient levels established in appendices IV or V of this chapter may be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

(A)

The hazardous wastes listed in appendices XI, XII, and XIII, Chapter 16 and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) of this section, provided that: 1. A waste listed in appendix XI of this chapter shall contain recoverable levels of lead, a waste listed in appendix XII of this chapter shall contain recoverable levels of nickel or chromium, a waste listed in appendix XIII of this chapter must contain recoverable levels of mercury and less than 500 ppm of Chapter 11, Appendix VIII organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and 2. The waste does not exhibit the Toxicity Characteristic of section 66261.24 of chapter 11 for an organic constituent; and 3. The waste is not a hazardous waste listed in Article 4 of chapter 11 because it is listed for an organic constituent as identified in appendix VII of chapter 11; and 4. The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis shall be conducted according to subsection (c)(1)(B) of this section and records to document compliance with subsection (c)(3) of this section shall be kept for at least three years.

1.

A waste listed in appendix XI of this chapter shall contain recoverable levels of lead, a waste listed in appendix XII of this chapter shall contain recoverable levels of nickel or chromium, a waste listed

in appendix XIII of this chapter must contain recoverable levels of mercury and less than 500 ppm of Chapter 11, Appendix VIII organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing shall contain recoverable levels of metal; and

2.

The waste does not exhibit the Toxicity Characteristic of section 66261.24 of chapter 11 for an organic constituent; and

3.

The waste is not a hazardous waste listed in Article 4 of chapter 11 because it is listed for an organic constituent as identified in appendix VII of chapter 11; and

4.

The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis shall be conducted according to subsection (c)(1)(B) of this section and records to document compliance with subsection (c)(3) of this section shall be kept for at least three years.

(B)

The Director may decide on a case-by-case basis that the toxic organic constituents in a material listed in appendix XI, XII or XIII of this chapter that contains a total concentration of more than 500 ppm toxic organic compounds listed in appendix VIII, of chapter 11, may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this article. In that situation, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this article when burning that material. In making the hazard determination, the Director will consider the following factors: 1. The concentration and toxicity of organic constituents in the material; and 2. The level of destruction of toxic organic constituents

provided by the furnace; and 3. Whether the acceptable ambient levels established in appendices IV or V of this chapter may be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

1.

The concentration and toxicity of organic constituents in the material; and

2.

The level of destruction of toxic organic constituents provided by the furnace; and

3.

Whether the acceptable ambient levels established in appendices IV or V of this chapter may be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

(d)

The standards for direct transfer operations under section 66266.111 apply only to facilities subject to the permit standards of section 66266.102 or the interim status standards of section 66266.103.

(e)

The management standards for residues under section 66266.112 apply to any boiler or industrial furnace burning hazardous waste.

(f)

Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, irridium, osmium, rhodium, or ruthenium, or any combination of these are conditionally exempt from regulation under this article, except for section

66266.112. Additionally, industrial furnaces exempted by this subsection are subject to regulation as miscellaneous units. To be exempt from sections 66266.101 through 66266.111, an owner or operator shall: (1) Provide a one-time written notice to the Director indicating the following:(A) The owner or operator claims exemption under this subsection; (B) The hazardous waste is burned for legitimate recovery of precious metal; and (C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection; and (2) Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in section 66260.11 of chapter 11 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and (3) Maintain at the facility for at least three years records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

(1)

Provide a one-time written notice to the Director indicating the following:(A) The owner or operator claims exemption under this subsection; (B) The hazardous waste is burned for legitimate recovery of precious metal; and (C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection; and

(A)

The owner or operator claims exemption under this subsection;

(B)

The hazardous waste is burned for legitimate recovery of precious metal; and

(C)

The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection; and

(2)

Sample and analyze the hazardous waste as necessary to document that the waste is burned for recovery of economically significant amounts of precious metal using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in section 66260.11 of chapter 11 or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

(3)

Maintain at the facility for at least three years records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

(g)

The requirements for one-time notifications only apply to facilities that had not previously notified US EPA pursuant to 40 CFR 266.100 before January 1, 1996.