

|-&gt;

Title 22@ Social Security

|-&gt;

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

|-&gt;

Chapter 20@ The Hazardous Waste Permit Program

|-&gt;

Article 7@ Interim Status

|-&gt;

Section 66270.72@ Changes During Interim Status

## **66270.72 Changes During Interim Status**

### **(a)**

Except as provided in subsection (b) of this section, the owner or operator of an interim status facility may make the following changes at a facility: (1) transfer, treatment, storage, or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to transfer, treat, store or dispose of the hazardous wastes on the effective date of the listing or identification) if the owner or operator submits and receives Department approval of a revised Part A permit application prior to such transfer, treatment, storage or disposal; (2) increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Department approves the change because: (A) there is a lack of available transfer, treatment, storage, or disposal capacity at other hazardous waste management facilities, or (B) the change is necessary to comply with a Federal, State, or local requirement; (3) changes in the processes for the transfer, treatment, storage, or disposal of hazardous waste or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Department approves the change because: (A) the change is necessary to prevent a threat to human health and the

environment because of an emergency situation, or (B) the change is necessary to comply with a Federal, State, or local requirement; (4) changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of chapter 15, article 8 (Financial Requirements) of this division, until the new owner or operator has demonstrated to the Department compliance with the requirements of that article. The new owner or operator shall demonstrate compliance with article 8 requirements within six months of the date of the change in the ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with article 8, the Department shall notify the old owner or operator in writing that it no longer needs to comply with article 8 as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility; (5) changes made in accordance with an interim status corrective action order issued by the USEPA under 42 U.S.C. section 6928(h) or other Federal authority, by the Department under article 8, commencing with section 25180, of chapter 6.5 of division 20 of the Health and Safety Code, or by a court in a judicial action brought by the USEPA or by the Department. Changes under this subsection are limited to the transfer, treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility. (6) Addition of newly regulated units for the treatment, storage, or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

**(1)**

transfer, treatment, storage, or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to transfer, treat, store or dispose of the hazardous wastes on the effective date of the listing or identification) if the owner or operator submits and receives Department approval of a revised Part A permit application prior to such transfer, treatment, storage or disposal;

**(2)**

increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Department approves the change because: (A) there is a lack of available transfer, treatment, storage, or disposal capacity at other hazardous waste management facilities, or (B) the change is necessary to comply with a Federal, State, or local requirement;

**(A)**

there is a lack of available transfer, treatment, storage, or disposal capacity at other hazardous waste management facilities, or

**(B)**

the change is necessary to comply with a Federal, State, or local requirement;

**(3)**

changes in the processes for the transfer, treatment, storage, or disposal of hazardous waste or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Department approves the change because: (A) the change is necessary to prevent a threat to human health and the environment because of an emergency situation, or (B) the change is necessary to comply with a Federal, State,

or local requirement;

**(A)**

the change is necessary to prevent a threat to human health and the environment because of an emergency situation, or

**(B)**

the change is necessary to comply with a Federal, State, or local requirement;

**(4)**

changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of chapter 15, article 8 (Financial Requirements) of this division, until the new owner or operator has demonstrated to the Department compliance with the requirements of that article. The new owner or operator shall demonstrate compliance with article 8 requirements within six months of the date of the change in the ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with article 8, the Department shall notify the old owner or operator in writing that it no longer needs to comply with article 8 as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility;

**(5)**

changes made in accordance with an interim status corrective action order issued by the USEPA under 42 U.S.C. section 6928(h) or other Federal authority, by the Department under article 8, commencing with section 25180, of chapter 6.5 of division 20 of the Health and Safety Code, or by a court in a judicial action brought by the USEPA or by the Department. Changes under this subsection are limited to the transfer,

treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

**(6)**

Addition of newly regulated units for the treatment, storage, or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

**(b)**

Except as specifically allowed under this subsection, changes listed under subsection (a) of this section shall not be made if they amount to reconstruction of the hazardous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new hazardous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction: (1) changes made solely for the purposes of complying with the requirements of section 66265.193 for tanks and ancillary equipment; (2) if necessary to comply with Federal, State, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of 42 U.S.C. section 6924(o); (3) changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been transferred, treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification; (4) changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan; (5) changes necessary to comply with an interim status corrective action order issued by the USEPA under 42 U.S.C. section 6928(h) or other Federal authority, by the Department under article 8, commencing with

section 25180, of chapter 6.5 of division 20 of the Health and Safety Code, or by a court in a judicial proceeding brought by the USEPA or the Department, provided that such changes are limited to transfer, treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility; (6) changes to transfer, treat or store, in tanks, containers, or containment buildings, hazardous wastes subject to land disposal restrictions imposed by chapter 18 of this division or 42 U.S.C. section 6924, provided that such changes are made solely for the purpose of complying with chapter 18 of this division or 42 U.S.C. section 6924. (7) Addition of newly regulated units under subsection (a)(6) of this section.

**(1)**

changes made solely for the purposes of complying with the requirements of section 66265.193 for tanks and ancillary equipment;

**(2)**

if necessary to comply with Federal, State, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of 42 U.S.C. section 6924(o);

**(3)**

changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been transferred, treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification;

**(4)**

changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan;

**(5)**

changes necessary to comply with an interim status corrective action order issued by the USEPA under 42 U.S.C. section 6928(h) or other Federal authority, by the Department under article 8, commencing with section 25180, of chapter 6.5 of division 20 of the Health and Safety Code, or by a court in a judicial proceeding brought by the USEPA or the Department, provided that such changes are limited to transfer, treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility;

**(6)**

changes to transfer, treat or store, in tanks, containers, or containment buildings, hazardous wastes subject to land disposal restrictions imposed by chapter 18 of this division or 42 U.S.C. section 6924, provided that such changes are made solely for the purpose of complying with chapter 18 of this division or 42 U.S.C. section 6924.

**(7)**

Addition of newly regulated units under subsection (a)(6) of this section.