

**Sec. 22a-449(c)-104. Standards for owners and operators of hazardous waste treatment, storage, and disposal facilities**

**(a) Incorporation by Reference**

(1) 40 CFR 264 is incorporated by reference in its entirety except as provided in subdivision (2) of this subsection and except for the provisions of this subdivision which are not incorporated:

- (A) 40 CFR 264.1(d) (which relates to underground injection);
- (B) 40 CFR 264.1(f) (which relates to the requirements of 40 CFR 264);
- (C) 40 CFR 264.1(g)(12) (which relates to project XL for utilities in New York);
- (D) 40 CFR 264.1(i) (which relates to storage of waste military munitions);
- (E) 40 CFR 264.1(j) (which relates to the applicability of certain portions of 40 CFR 264);
- (F) 40 CFR 264.90(b) (which provides for an exemption for certain types of units for releases into the uppermost aquifer);
- (G) 40 CFR 264.90(e) (which relates to the applicability of 40 CFR 264, subpart F);
- (H) 40 CFR 264.90(f) (which relates to 40 CFR 264, subpart F alternatives);
- (I) 40 CFR 264.101(d) (which relates to the applicability of 40 CFR 264.101);
- (J) 40 CFR 264.110(c) (which relates to alternative closure requirements);
- (K) 40 CFR 264.112(b)(8) (which relates to certain closure plan requirements);
- (L) 40 CFR 264.112(c)(2)(iv) (which relates to certain closure plan changes);
- (M) 40 CFR 264.118(b)(4) (which relates to certain post-closure plan requirements);
- (N) 40 CFR 264.118(d)(2)(iv) (which relates to certain post-closure plan changes);
- (O) 40 CFR 264.140(d) (which relates to alternative financial requirements);
- (P) 40 CFR 264.149 (which relates to state-required financial mechanisms);
- (Q) 40 CFR 264.301(l) (which relates to landfills located in the state of Alabama);
- (R) 40 CFR 264.314(d)(1)& (3)  
(which relates to placing free liquids in landfills); and
- (S) 40 CFR 264.314(e) (which relates to sorbents used to treat free liquids);
- (T) 40 CFR 264.340(b) (which relates to MACT standards);
- (U) 40 CFR 264.554 (which relates to staging piles);
- (V) 40 CFR 264.1080(e), (f) and (g) (which relate to a facility in West Virginia);
- (W) 40 CFR 264, subpart EE (which relates to the storage of hazardous waste munitions and explosives).

(2) The provisions of this subdivision are incorporated by reference with the specified changes:

- (A) 40 CFR 264.1(g)(2)
  - delete “c, d, f, or g” and replace with “c, f, g and h”
- (B) 40 CFR 264.1(g)(11) introductory paragraph
  - after each occurrence of “handling” add “or transporting”
  - in the second sentence, after “handlers” add “and transporters”
  - after “273” add “and section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies”
- (C) 40 CFR 264.1(g)(11)(iii)
  - delete “and”

- (D) 40 CFR 264.1(g)(11)(iv)  
— delete the period and replace with “; and”  
— add a new paragraph (v) as follows: “(v) used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies.”
- (E) 40 CFR 264.11  
— delete “(45 FR 12746)”
- (F) 40 CFR 264.13(c)(3)  
— delete “a biodegradable sorbent to the waste in the container” and replace with “a non-biodegradable sorbent in accordance with 40 CFR 264.316(b)”
- (G) 40 CFR 264.70  
— delete “, and to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 40 CFR 266.203(a). Section 264.73(b)” and replace with “. 40 CFR 264.73(b)(9)”
- (H) 40 CFR 264.71(a)(4)  
— after “generator” add “, generator state and consignment state”
- (I) 40 CFR 264.71(b)(4)  
— after each “generator” add “, generator state and consignment state”
- (J) 40 CFR 264.73(b)(7)  
— delete “and”
- (K) 40 CFR 264.73(b)(15)  
— delete the last “and”
- (L) 40 CFR 264.73(b)(17)  
— delete the paragraph in its entirety and replace with the following: “(17) Any other information required by section 22a-449(c)-104 of the Regulations of Connecticut State Agencies to be maintained in the operating record.”
- (M) 40 CFR 264.75  
— after paragraph (j), add a new paragraph (k) as follows: “(k) Any other information which the commissioner specifies relating to the facility’s activities. The commissioner shall specify such information in writing prior to submission of the report.”
- (N) 40 CFR 264.90(a)(1)  
— delete “except as provided in paragraph (b) of this section, the” and replace with “the”
- (O) 40 CFR 264.101(a)  
— delete “from any solid waste management unit”  
— delete “at which waste was placed in the unit” and replace with “such release occurred”
- (P) 40 CFR 264.143(h)  
— delete “If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrator of all such Regions.” and replace with “If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance submitted for such facilities to any other EPA regional office or state agency regulating hazardous waste shall be submitted to the commissioner.”
- (Q) 40 CFR 264.145(f)(11)  
— delete “direct of higher-tier” and replace with “direct or higher-tier”
- (R) 40 CFR 264.145(h)

— delete “If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrator of all such Regions.” and replace with “If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance that is submitted for such facilities to any other EPA regional office or state agency regulating hazardous waste shall be submitted to the commissioner.”

(S) 40 CFR 264.151(g)

— in the letter entitled “Letter From Chief Financial Officer”, in the fourth line of the third paragraph delete “of “both” and replace with “or “both”

— in the letter entitled “Letter From Chief Financial Officer”, in the eighth line of the paragraph numbered “3”, delete “subpart H or” and replace with “subpart H of”

— in the letter entitled “Letter From Chief Financial Officer”, under “Alternative I” delete “\*3. Current \$ \_\_\_\_\_.” and replace with “\*3. Current liabilities \_\_\_\_\_.”

(T) 40 CFR 264.151(h)(2)

— under “Guarantee For Liability Coverage”, in the sixteenth line delete “or” and replace with “of”

— under “Guarantee For Liability Coverage”, in the twentieth line delete “264.141(h)” and replace with “264.141(h) or 265.141(h)”

— under “Certification of Valid Claim”, in the eighth line delete “or disposal facility” and replace with “or disposal facility]”

(U) 40 CFR 264.151

— add the following paragraph at the end of the section: “(o) Whenever 40 CFR 264.151 requires that owners and operators of facilities in more than one state provide notice of their financial obligations to several regional administrators or to several state agencies regulating hazardous waste, such owner or operator shall provide the required notice to both the Commissioner of Environmental Protection and to all such regional administrators or state agencies regulating hazardous waste.”

(V) 40 CFR 264.175(b)(1)

— delete “underly” and replace with “underlie”

(W) 40 CFR 264.192(d)

— after “performed” add “and the tank system shall successfully pass a test for tightness”

(X) 40 CFR 264.193(c)

— in the Note, after each “as amended” add “and chapter 446k of the Connecticut General Statutes”

(Y) 40 CFR 264.196(b)(1)

— after “demonstrates” add “to the Commissioner and the Commissioner agrees”

— at the end of the paragraph add “The owner or operator shall make all reasonable efforts to mitigate the effect of the release.”

(Z) 40 CFR 264.196(d)(1)

— delete “Regional Administrator within 24 hours of” and replace with “commissioner immediately upon”

— delete “If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement” and replace with “Any release that has been reported to the National Response Center pursuant to 40 CFR 302, shall still be reported separately to the

commissioner using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the owner or operator shall comply with all other applicable reporting or notification requirements regarding the release, including but not limited to, reporting required by section 22a-450 of the Connecticut General Statutes.”

(AA) 40 CFR 264.222(a)

— delete “shall” and replace with “may, in the commissioner’s discretion,”

(BB) 40 CFR 264.252(a)

— delete “shall” and replace with “may, in the commissioner’s discretion,”\

— delete “surface impoundment” and replace with “waste pile”

(CC) 40 CFR 264.272(a)

— after “degraded” add “or” and delete “or immobilized”

(DD) 40 CFR 264.272(c)(2)

— after “degraded” add “or” and delete “or immobilized”

(EE) 40 CFR 264.301(c)(2)

— delete “paragraphs (3)(c)(iii) and (iv)” and replace with “paragraphs (c)(3)(iii) and (iv)”

(FF) 40 CFR 264.302(a)

— delete “shall” and replace with “may, in the commissioner’s discretion,”

— delete “surface impoundment” and replace with “landfill”

(GG) 40 CFR 264.316(b)

— after “a sufficient quantity of” add “nonbiodegradable”

— delete “, determined to be nonbiodegradable in accordance with § 264.314(e),”

— at the end of the paragraph add “For purposes of this paragraph, nonbiodegradable sorbents are (i) inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller’s earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or (ii) high molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers); or (iii) mixtures of these nonbiodegradable materials. A sorbent is also nonbiodegradable if it is determined to be nonbiodegradable under any of the following tests: (i) ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or (ii) ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria; or (iii) OECD test 301B: (CO<sub>2</sub> Evolution Modified Strum Test). Nonbiodegradable sorbents do not include polymers derived from biological material or polymers specifically designed to be degradable.”

(HH) 40 CFR 264.340(c) introductory paragraph

— delete “must” and replace with “may”

(II) 40 CFR 264.340(d)

— delete “(b)(1)(i)” and replace with “(c)(1)(i)”

(JJ) 40 CFR 264.552(a)

— delete the introductory paragraph in its entirety and replace with the following: “The requirements of 40 CFR 264.552 shall apply to areas at a facility that, for purposes of implementing remedies under 40 CFR 264.101 or section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies, the commissioner designates as a corrective action management area or “CAMU”. A CAMU shall be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. The commissioner may designate one or more areas at a facility as a CAMU.

In order for the commissioner to designate an area at a facility as a CAMU, the owner or operator of the facility shall submit to the commissioner information demonstrating how the CAMU complies with the requirements of 40 CFR 264.552, including 40 CFR 264.552(c)(1) to (7), inclusive, and a proposal regarding the design, operation, and closure of the CAMU, including any post-closure requirements that, at a minimum, includes the information specified in 40 CFR 264.552(e)(1) to (4), inclusive. The owner or operator shall provide the commissioner with any additional information that the commissioner deems necessary regarding the potential designation of an area at a facility as a CAMU. A CAMU shall either be designated in a permit issued pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies or, for facilities operating under interim status, in an order issued by the commissioner.”

(KK) 40 CFR 264.552(a)(1)

— after “hazardous wastes” add “, although the Commissioner may, at his discretion, apply the land disposal restrictions in 40 CFR 268 to the placement of such wastes”

(LL) 40 CFR 264.552(a)(2)

— after “requirements” add “, although the Commissioner may, at his discretion, apply the minimum technology requirements to a CAMU”

(MM) 40 CFR 264.552(b)(2)

— delete “to that portion of the CAMU after incorporation into the CAMU” and replace with “to the entire CAMU designated by the commissioner. In addition, the commissioner may, at his discretion, apply any requirement or all the requirements of 40 CFR 264, subpart B, C, D, E, BB or CC to any regulated unit that the commissioner designates as a CAMU under 40 CFR 264.552(b)”

(NN) 40 CFR 264.552(c) introductory paragraph

— delete “designate a CAMU in accordance with the following” and replace with “utilize the following criteria in determining whether to designate a CAMU”

(OO) 40 CFR 264.552(c)(4)

— delete “, to the extent practicable”

(PP) 40 CFR 264.552(c)(5)

— delete “, when appropriate and practicable”

(QQ) 40 CFR 264.552(e)

— delete “permit or order” and replace with “permit or, for a facility operating under interim status, in an order the design, operating, closure, and, if necessary, the post-closure”

— add a new paragraph (5) as follows: “(5) Any requirement that the commissioner deems necessary to protect human health or the environment, including but not limited to,

application of financial responsibility requirements.”

(RR) 40 CFR 264.552(e)(4)(i)(B)

— delete “for areas where waste remains in place,”

— after “surface waters,” add “groundwaters”

(SS) 40 CFR 264.552(e)(4)(iii)(F)

delete “.” and replace with “;”

— add a new paragraph (G) as follows: “(G) Any other factor that the commissioner deems necessary to protect human health and the environment.”

(TT) 40 CFR 264.552(e)(4)(iv)

— delete “for areas where wastes will remain in place”

(UU) 40 CFR 264.552(g)

— after “CAMU” add “and any modification to the incorporation of or requirements regarding any such CAMU”

— at the end of the paragraph add the following: “public participation procedures equivalent to those specified in 40 CFR 270.42 shall be followed regarding the designation of a CAMU in an order and any subsequent modifications to any such order regarding a CAMU.”

(VV) 40 CFR 264.552(h)

— after “decisions.” add “In addition, the designation of a CAMU does not affect an owner or operator’s requirement to comply with all applicable state requirements, including but not limited to, compliance with sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies.”

(WW) 40 CFR 264.553(a)

— delete the introductory paragraph in its entirety and replace with the following: “The requirements of 40 CFR 264.553 shall apply to the designation by the commissioner, for purposes of implementing remedies under 40 CFR 264.101 or section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies, of alternative requirements for temporary tanks or container storage areas used for treatment or storage of remediation wastes. Such alternative requirements may replace the requirements otherwise applicable to any such tank or container storage area. Any such temporary tank or container storage area used for treatment or storage of remediation waste must, however, be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated.

In order for the commissioner to designate alternative requirements for a temporary tank or container storage area used for treatment or storage of remediation wastes, the owner or operator of any such tank or container storage area shall submit to the commissioner a detailed plan demonstrating how proposed alternative requirements comply with the requirements of 40 CFR 264.553, and a proposal regarding the design, operation, and closure of any such tank or container storage area, including any post-closure requirements that, at a minimum, addresses the items in 40 CFR 264.553(c). The owner or operator shall provide the commissioner with any additional information that the commissioner deems necessary regarding the potential designation of alternative requirements for any such temporary tank or container storage area. The alternative requirements for a temporary tank or container storage area used for treatment or storage of remediation wastes shall be



designated either in a permit issued pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies or, for facilities operating under interim status, in an order issued by the commissioner.”

(XX) 40 CFR 264.553(c)(7)

— delete the “.” and replace with “; and”

— add a new paragraph (8) as follows: “(8) Any other factor that the commissioner deems necessary to protect human health and the environment.”

(YY) 40 CFR 264.553(d)

— after “permit or” add “, for a facility operating under interim status, in the”

— delete “and closure” and replace with “, closure and, if necessary, post-closure”

— after the last sentence add: “The commissioner may specify any condition that the commissioner deems necessary to protect human health or the environment regarding a temporary unit, including, but not limited to, application of financial responsibility requirements.”

(ZZ) 40 CFR 264.553(e)

— after “permit or” add “, for a facility operating under interim status, in the”

(AAA) 40 CFR 264.553(f)

— add a new sentence before the introductory paragraph as follows: “Public participation procedures equivalent to those specified in 40 CFR 270.42 shall be followed regarding the commissioner’s designation, in an order, of alternative requirements, or any subsequent modification to any such requirements, for a temporary tank or container storage area used for treatment or storage of remediation waste pursuant to 40 CFR 264.553.”

— after the second occurrence of “temporary unit” add “or the modification of any alternative requirement designated by the commissioner”

(BBB) 40 CFR 264.570(a)

— delete the entire paragraph and replace with the following: “(a) The requirements of this subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, or surface water run-off to an associated collection system.

(1) For drip pads used for the management of wastes specified in 40 CFR 261.31 as F032:

(i) existing drip pads are those constructed before December 6, 1990 and those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990; and

(ii) the requirement at 40 CFR 264.573(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992, except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

(2) For drip pads used for management of hazardous wastes other than hazardous waste specified in 40 CFR 261.31 as F032:

(i) existing drips pads are those constructed before October 31, 2001 and those for which the owner or operator has a design and has entered into binding financial or other agreement for construction prior to October 31, 2001. All other drip pads are new drip pads; and

(ii) the requirement at 40 CFR 264.573(b)(3) to install a leak collection system applies

only to those drip pads that are constructed October 31, 2001, except for those drip pads constructed after October 31, 2001 for which the owner or operator has a design and has entered into binding financial or other agreement for construction prior to October 31, 2001.”

(CCC) 40 CFR 264.570(c)(1)(iv)

— delete “Federal” and replace with “state of Connecticut”

(DDD) 40 CFR 264.573(a)(4)(i)

— delete “§ 264.572(a) instead of § 264.572(b)” and replace with “40 CFR 264.572(b) instead of 40 CFR 264.572(a)”

(EEE) 40 CFR 264.573(b)

— delete “§ 264.572(b) instead of § 264.572(a)” and replace with “40 CFR 264.572(a) instead of 40 CFR 264.572(b)”

(FFF) 40 CFR 264.601 introductory text

— after “provisions as” add “the commissioner deems necessary”

— delete “are appropriate” and replace with “the commissioner deems necessary”

(GGG) 40 CFR 264.1030(c)

— delete “under § 124.15 or reviewed under § 270.50”

(HHH) 40 CFR 264.1033(I) introductory paragraph

— delete “by implementing the following requirements”

(III) 40 CFR 264.1033(I)(1)

— delete “in accordance with the following requirements” and replace with “to ensure proper operation and maintenance of such system. At a minimum, such monitoring and inspection shall include compliance with the following requirements”

(JJJ) 40 CFR 264.1033(I)(1)(ii)(A)

— in the second sentence delete “following any” and replace with “each”

(KKK) 40 CFR 264.1033(1)(2)

— delete “in accordance with the following requirements” and replace with “to ensure proper operation and maintenance of such system. At a minimum, such monitoring and inspection shall include compliance with the following requirements”

(LLL) 40 CFR 264.1034(f)

— after “knowledge of the waste,” add “the owner or operator shall, within thirty days, or another time period approved by the commissioner in writing, implement”

— delete “may be used” and replace with “or another approach that the commissioner approves in writing”

(MMM) 40 CFR 264.1050(c)

— delete “under § 124.15 or reviewed under § 270.50”

(NNN) 40 CFR 264.1063(f)

— after “weight,” add “the owner or operator shall comply with”

— delete “can be used” and replace with “or another approach that the commissioner approves in writing”

(OOO) 40 CFR 264.1080(b)(3)

— after “plan” add “, provided the owner or operator has complied with or remains in compliance with the closure plan approved by the commissioner”

(PPP) 40 CFR 264.1080(b)(4)



— after “plan” add “, provided the owner or operator has complied with or remains in compliance with the closure plan approved by the commissioner”

(QQQ) 40 CFR 264.1080(b)(7)

— delete “in accordance with” and replace with “in compliance with”

(RRR) 40 CFR 264.1080(c)

— delete the paragraph in its entirety and replace with the following “(c) Notwithstanding 40 CFR 264.1080(a), the requirements of 40 CFR 265, subpart CC shall apply to a hazardous waste management unit that would otherwise be subject to the requirements of 40 CFR 264, subpart CC provided:

(1) the owner or operator of the facility was issued a permit by the commissioner, pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, prior to December 6, 1996;

(2) the permit issued by the commissioner included the unit that would otherwise be subject to 40 CFR 264, subpart CC; and

(3) the permit itself does not require compliance with the requirements of 40 CFR 264, subpart CC.

Provided, and only if, all three of these conditions are satisfied, the requirements of 40 CFR 265, subpart CC shall apply until any permit described in 40 CFR 264.1080(c) is renewed. The requirements of 40 CFR 264, subpart CC shall apply if and when any permit described in 40 CFR 264.1080(c) is renewed.”

(SSS) 40 CFR 264.1080(d) introductory paragraph

— delete “are administratively stayed for” and replace with “shall not apply to”

— delete “when” and replace with “provided”

— delete “meets” and replace with “has complied with and remains in compliance with”

(TTT) 40 CFR 264.1080(d)(1)

— after “identifies” add “, in writing as part of documentation prepared and maintained pursuant to 40 CFR 264.1089(i),”

(UUU) 40 CFR 264.1080(d)(3)

— after “the facility owner or operator” add “and shall note that documentation prepared in compliance with 40 CFR 264.1080(d)(2) and 264.1089(i) shall be made available if requested by the commissioner”

(VVV) 40 CFR 264.1081

— delete “the Act,”

(WWW) 40 CFR 264.1082(b)

— delete “each hazardous waste management unit” and replace with “each tank, surface impoundment, and container”

(XXX) 40 CFR 264.1082(c)(2)

— after “has been reduced” add “or destroyed”

(YYY) 40 CFR 264.1082(c)(2)(vii)

— delete “has either”

(ZZZ) 40 CFR 264.1082(c)(2)(vii)(A)

— delete “Been issued a final permit” and replace with “has a currently valid and effective permit issued by the commissioner”

(AAAA) 40 CFR 264.1082(c)(2)(viii)

- delete “has either”
- (BBBB) 40 CFR 264.1082(c)(2)(viii)(A)
  - delete “Been issued a final permit” and replace with “has a currently valid and effective permit issued by the commissioner”
- (CCCC) 40 CFR 264.1082(c)(5)(i)
  - after “Waste Operations” add “and all applicable state air pollution control requirements”
- (DDDD) 40 CFR 264.1082(c)(5)(iii)
  - after “appendix B” add “and all applicable state air pollution control requirements”
  - after the second occurrence of “Total Enclosure” add “in 40 CFR 52.741, appendix B”
- (EEEE) 40 CFR 264.1082(d)(2)(ii)
  - after “appropriate method” add “and the owner or operator shall perform a waste determination using the method specified by the commissioner”
- (FFFF) 40 CFR 264.1083(a)(1)(i)
  - delete “An initial” and replace with “An owner or operator shall perform an initial”
  - delete each occurrence of “shall be made”
  - after “thereafter” add “an owner or operator shall perform”
- (GGGG) 40 CFR 264.1083(a)(1)(ii)
  - delete “Perform” add “An owner or operator shall perform”
- (HHHH) 40 CFR 264.1083(b)(1)(i)
  - delete “An initial” and replace with “An owner or operator shall perform an initial”
  - delete “shall be made”
  - after “thereafter” add “an owner or operator shall”
- (IIII) 40 CFR 264.1083(b)(1)(ii)
  - delete “Perform” and replace with “An owner or operator shall perform”
- (JJJJ) 40 CFR 264.1084(c)
  - delete “meet” and replace with “comply with”
- (KKKK) 40 CFR 264.1084(c)(1)
  - delete “a hazardous waste” and replace with “each hazardous waste”
- (LLLL) 40 CFR 264.1084(c)(2)
  - delete “designed to meet” and replace with “that meets”
- (MMMM) 40 CFR 264.1084(c)(2)(i)
  - delete “be designed to”
- (NNNN) 40 CFR 264.1084(c)(2)(ii)
  - after “installed” add “and maintained”
- (OOOO) 40 CFR 264.1084(e)
  - delete “meet” and replace with “comply with”
- (PPPP) 40 CFR 264.1084(f)
  - delete “meet” and replace with “comply with”
- (QQQQ) 40 CFR 264.1084(f)(1)
  - delete “design the external floating roof in accordance with” and replace with “ensure that an external floating roof meets”
- (RRRR) 40 CFR 264.1084(f)(1)(i)

- delete “be designed to”
- (SSSS) 40 CFR 264.1084(f)(1)(ii)(A)
- delete “the metallic shoe seal shall be designed so that one end extends” and replace with “one end of the metallic shoe seal shall extend”
- delete “other end extends” and replace with “other end shall extend”
- (TTTT) 40 CFR 264.1084(g)
- delete “meet” and replace with “comply with”
- (UUUU) 40 CFR 264.1084(g)(3)(iii)
- delete “perform the inspections” and replace with “inspect the air emission control equipment”
- (VVVV) 40 CFR 264.1084(h)
- delete “meet” and replace with “comply with”
- (WWWW) 40 CFR 264.1084(h)(1)
- delete “be designed not to” and replace with “not”
- (XXXX) 40 CFR 264.1084(h)(3)
- delete “or the following conditions as” and replace with “condition
- (YYYY) 40 CFR 264.1084(i)
- delete “meet” and replace with “comply with”
- (ZZZZ) 40 CFR 264.1084(i)(1)
- after “appendix B” add “and all applicable state air pollution control requirements”
- after the second reference to “Total Enclosure” add “under 40 CFR 52.741, Appendix B”
- (AAAAA) 40 CFR 264.1084(1) introductory paragraph
- delete “subpart” and replace with “40 CFR 264.1084”
- (BBBBB) 40 CFR 264.1084(l)(1)(ii)
- delete “the procedures specified in the applicable section of this subpart” and replace with “the applicable procedures in 40 CFR 264.1084”
- at the end of the paragraph add the following: “This written plan and schedule and the results of all inspections shall be maintained in the facility operating record.”
- (CCCCC) 40 CFR 264.1085(b)
- delete “the surface impoundment” and replace with “each surface impoundment subject to this section”
- after “installing” add “, maintaining”
- (DDDDD) 40 CFR 264.1085(c)
- delete “meet” and replace with “comply with”
- (EEEE) 40 CFR 264.1085(c)(1)
- delete “designed to meet the following specifications” and replace with “that complies with the following requirements”
- (FFFFF) 40 CFR 264.1085(c)(1)(i)
- delete “be designed to”
- (GGGGG) 40 CFR 264.1085(c)(3)(ii)
- delete “perform the inspections” and replace with “inspect the floating membrane cover and its closure devices”
- (HHHHH) 40 CFR 264.1085(d)

- delete “meet” and replace with “comply with”
- (IIIII) 40 CFR 264.1085(d)(1)(i)
- delete “be designed to”
- (JJJJ) 40 CFR 264.1085(d)(1)(ii)
- delete each occurrence of “be designed to”
- (KKKKK) 40 CFR 264.1085(d)(3)(iii)
- delete “perform the inspections” and replace with “inspect the air emission control equipment”
- (LLLLL) 40 CFR 264.1085(g)
- delete “subpart” and replace with “40 CFR 264.1085”
- (MMMMM) 40 CFR 264.1085(g)(2)
- delete “the procedures specified in the applicable section of this subpart” and replace with “the applicable procedures in 40 CFR 264.1085”
- at the end of the paragraph add the following: “This written plan and schedule and the results of all inspections shall be maintained in the facility operating record.”
- (NNNNN) 40 CFR 264.1086(c)(4)(iii)
- after “removed from the container and” add “placed in a container that complies with the requirements of 40 CFR 264.1086.”
- delete the third occurrence of “the container” and replace with “The defective container”
- (OOOOO) 40 CFR 264.1086(d)(4)(iii)
- after “removed from the container and” add “placed in a container that complies with the requirements of 40 CFR 264.1086.”
- delete the third occurrence of “the container” and replace with “The defective container”
- (PPPPP) 40 CFR 264.1086(e)(2)
- delete “meet” and replace with “comply with”
- (QQQQQ) 40 CFR 264.1086(e)(2)(i)
- after “appendix B” add “and any applicable state air pollution control requirements”
- after the second occurrence of “Total Enclosure” add “under 40 CFR 52.741, appendix B”
- (RRRRR) 40 CFR 264.1086(e)(4)
- delete “subpart” and replace with “40 CFR 264.1086”
- (SSSSS) 40 CFR 264.1086(g)(1)
- delete “Each potential” and replace with “For purposes of determining whether a container operates with no detectable emissions, the owner or operator shall check each potential”
- delete “, shall be checked”
- (TTTTT) 40 CFR 264.1086(g)(2)
- delete “The test shall be performed” and replace with “In determining whether a container operates with no detectable emissions, the owner or operator shall perform the test”
- (UUUUU) 40 CFR 264.1086(h)
- delete “Procedure for determining a container to be” and replace with “In determining

whether a container is”

— after “section” add “, the following shall apply”

(VVVVV) 40 CFR 264.1087(b)

— delete “The closed-vent system shall meet” and replace with “The owner or operator of a closed-vent system shall comply with”

(WWWWW) 40 CFR 264.1087(b)(1)

— delete “meets” and replace with “complies with”

(XXXXX) 40 CFR 264.1087(c)

— at the beginning of the paragraph add the following: “Except as is provided for in 40 CFR 264.1087(c)(2), a control device shall comply with the applicable specifications and requirements in 40 CFR 264.1087(c)(1)(i) to (iii), inclusive, at all times when gases, vapors or fumes are vented from the waste management unit through the closed vent system to the control device.”

— delete “The control device shall meet” and replace with “The owner or operator of a control device shall comply with”

(YYYYY) 40 CFR 264.1087(c)(2)(vi)

— delete “operate the closed-vent system such that” and replace with “not allow”

— delete “are not actively vented” and replace with “to be vented”

(ZZZZZ) 40 CFR 264.1087(c)(3)(ii)

— at the beginning of the paragraph add the following: “The owner or operator shall determine whether carbon removed from a control device is a hazardous waste in accordance with 40 CFR 262.11.”

(AAAAAA) 40 CFR 264.1087(c)(6)

— after “design analysis” add “as specified in 40 CFR 264.1087(c)(5)(iv), then such design analysis cannot be used to demonstrate compliance with the requirements of 40 CFR 264.1087 and within sixty (60) days of being notified of such disagreement, the owner or operator shall perform a performance test as specified in 40 CFR 264.1087(c)(5)(iii).”

— delete “then the disagreement shall be resolved using the” and replace with “The”

— after “section” add “shall be used to determine compliance with 40 CFR 264.1087”

(BBBBBB) 40 CFR 264.1088(b)

— after “40 CFR 264.15” add “, including recording inspections in accordance with 40 CFR 264.15(d)”

(CCCCC) 40 CFR 264.1089(a)

— delete “a minimum of three years” and replace with “the facility until closure of the facility”

— in the third sentence delete “operating record until the” and replace with “operating record for a minimum of three years after any”

(DDDDDD) 40 CFR 264.1089(b)(1)(ii)(A)

— after “conducted” add “, the name of the inspector and a notation of any observations made during the inspection”

(EEEEEE) 40 CFR 264.1089(b)(2)(i)

— after “collected,” add “the name of the person taking the samples, a description of the sampling methodology,”

(FFFFFF) 40 CFR 264.1089(b)(2)(iii)(B)

— after “performed,” add “the name of the person taking the measurements, a description of the device(s) used to take the measurements,”

(GGGGGG) 40 CFR 264.1089(c)(3)(i)

— after “conducted” add “, the name of the inspector and a notation of any observations made during the inspection”

(HHHHHH) 40 CFR 264.1089(i) introductory paragraph

— after “shall be provided” add “in the facility operating record”

(IIIIII) 40 CFR 264.1090(a)

— delete “when hazardous waste is placed in the waste management unit in” and replace with “of”

— in the third sentence after “written report” add “to the Commissioner”

— after “becomes aware” add “or should have become aware”

— after “contain the” add “the facility’s”

(JJJJJJ) 40 CFR 264.1090(b)

— delete “when hazardous waste is managed in a tank in” and replace with “of”

— in the second sentence after “written report” add “to the Commissioner”

— after “becomes aware” add “or should have become aware”

— after “contain the” add “the facility’s”

(KKKKKK) 40 CFR 264.1090(c)

— delete “excepted” and replace with “except”

— delete “The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in § 264.1035(c)(4) or when a flare is operated with visible emissions as defined in § 264.1033(d).”

— after “The written report shall include the” add “the facility’s”

(3) In addition to the provisions incorporated by reference in subdivisions (1) and (2) of this subsection, the provisions in subsections (b) to (e), inclusive, of this section shall apply.

**(b) Cost Estimates for Closure**

The owner or operator of a facility shall submit to the Commissioner the original cost-estimates for closure and post-closure care and all subsequent adjustments to the cost-estimates within thirty days of their completion in accordance with 40 CFR 264.142 and 40 CFR 264.144.

**(c) Tank Systems**

As soon as waste begins to accumulate in a tank or tank system, the owner or operator shall clearly label the tank or the tank system, whichever would be more conspicuous, with “Hazardous Waste” and other words which clearly identify the contents of the tank or tank system, such as “flammable”, “acid”, “alkaline”, “cyanide”, “reactive”, “explosive”, “halogenated solvent” or the chemical name. If it is not possible to label the tank or tank system so that the label is conspicuous, then the area adjacent to the tank or tank system shall be labeled as prescribed in this subsection so that the identification of the contents of the tank is clearly visible for inspection.

**(d) Underground Injection**

Treatment, storage, or disposal of hazardous waste by underground injection is prohibited.

**(e) Management of Containers**



The owner or operator of a hazardous waste facility using containers to store hazardous waste, shall ensure that each container storing hazardous waste is labeled or marked clearly with the words "Hazardous Waste" and other words that identify the contents of the container such as "flammable", "acid", "alkaline", "cyanide", "reactive", "explosive", "halogenated solvent" or the chemical name.

(Effective July 17, 1990; Amended October 31, 2001; Amended June 27, 2002; Amended September 10, 2002)