§ 264.600 Applicability.

The requirements in this subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units, except as § 264.1 provides otherwise.

§ 264.601 Environmental performance standards.

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of subparts I through O and subparts AA through CC of this part, part 270, part 63 subpart EEE, and part 146 of this chapter that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

(a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the ground water or subsurface environment, considering:

1. The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
2. The hydrologic and geologic characteristics of the unit and the surrounding area;
3. The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water;
4. The quantity and direction of ground-water flow;
5. The proximity to and withdrawal rates of current and potential ground-water users;
6. The patterns of land use in the region;
7. The potential for deposition or migration of waste constituents into subsurface physical structures, and into the root zone of food-chain crops and other vegetation;
8. The potential for health risks caused by human exposure to waste constituents; and
9. The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

(b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or wetlands or on the soil surface considering:

1. The volume and physical and chemical characteristics of the waste in the unit;
2. The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
3. The hydrologic characteristics of the unit and the surrounding area, including the topography of the land around the unit;
4. The patterns of precipitation in the region;
5. The quantity, quality, and direction of ground-water flow;
6. The proximity of the unit to surface waters;
7. The current and potential uses of nearby surface waters and any water quality standards established for those surface waters;
8. The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
9. The patterns of land use in the region;
10. The potential for health risks caused by human exposure to waste constituents; and
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(11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

(c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering:
   (1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols and particulates;
   (2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
   (3) The operating characteristics of the unit;
   (4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
   (5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
   (6) The potential for health risks caused by human exposure to waste constituents; and
   (7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

§ 264.602 Monitoring, analysis, inspection, response, reporting, and corrective action.

Monitoring, testing, analytical data, inspections, response, and reporting procedures and frequencies must ensure compliance with §§264.601, 264.15, 264.33, 264.75, 264.76, 264.77, and 264.101 as well as meet any additional requirements needed to protect human health and the environment as specified in the permit.

§ 264.603 Post-closure care.

A miscellaneous unit that is a disposal unit must be maintained in a manner that complies with §264.601 during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils or ground water that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of §264.601 during post-closure care. The post-closure plan under §264.118 must specify the procedures that will be used to satisfy this requirement.

Subparts Y–Z [Reserved]

Subpart AA—Air Emission Standards for Process Vents

SOURCE: 55 FR 25494, June 21, 1990, unless otherwise noted.

§ 264.1030 Applicability.

(a) The regulations in this subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in §264.1).

(b) Except for §264.1034, paragraphs (d) and (e), this subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:
   (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or
   (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR 262.34(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or
   (3) A unit that is exempt from permitting under the provisions of 40 CFR 262.34(a) (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.

(c) For the owner and operator of a facility subject to this subpart and who received a final permit under RCRA section 3005 prior to December 6, 1996, the requirements of this subpart shall be incorporated into the permit when the permit is reissued in accordance with the requirements of 40 CFR 124.15