

§266.101

an owner or operator must provide a one-time notice to the Director identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under this paragraph. The notice also must state that the waste burned has a total concentration of non-metal compounds listed in part 261, appendix VIII, of this chapter of less than 500 ppm by weight, as fired and as provided in paragraph (d)(2)(i) of this section, or is listed in appendix XI to this part 266.

[56 FR 7208, Feb. 21, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §266.100, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§266.101 Management prior to burning.

(a) *Generators.* Generators of hazardous waste that is burned in a boiler or industrial furnace are subject to part 262 of this chapter.

(b) *Transporters.* Transporters of hazardous waste that is burned in a boiler or industrial furnace are subject to part 263 of this chapter.

(c) *Storage and treatment facilities.* (1) Owners and operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provisions of parts 264, 265, 267 and 270 of this chapter, except as provided by paragraph (c)(2) of this section. These standards apply to storage and treatment by the burner as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, *etc.*) between the generator and the burner.

(2) Owners and operators of facilities that burn, in an onsite boiler or industrial furnace exempt from regulation under the small quantity burner provisions of §266.108, hazardous waste that they generate are exempt from the regulations of parts 264, 265, 267 and 270 of this chapter applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the boiler or industrial furnace in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regula-

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tion as prescribed in paragraph (c)(1) of this section.

[56 FR 7208, Feb. 21, 1991, as amended at 57 FR 38564, Aug. 25, 1992; 64 FR 53075, Sept. 30, 1999; 75 FR 13007, Mar. 18, 2010]

§266.102 Permit standards for burners.

(a) *Applicability*—(1) *General.* Owners and operators of boilers and industrial furnaces burning hazardous waste and not operating under interim status must comply with the requirements of this section and §§270.22 and 270.66 of this chapter, unless exempt under the small quantity burner exemption of §266.108.

(2) *Applicability of part 264 standards.* Owners and operators of boilers and industrial furnaces that burn hazardous waste are subject to the following provisions of part 264 of this chapter, except as provided otherwise by this subpart:

- (i) In subpart A (General), 264.4;
- (ii) In subpart B (General facility standards), §§264.11–264.18;
- (iii) In subpart C (Preparedness and prevention), §§264.31–264.37;
- (iv) In subpart D (Contingency plan and emergency procedures), §§264.51–264.56;
- (v) In subpart E (Manifest system, recordkeeping, and reporting), the applicable provisions of §§264.71–264.77;
- (vi) In subpart F (Releases from Solid Waste Management Units), §§264.90 and 264.101;
- (vii) In subpart G (Closure and post-closure), §§264.111–264.115;
- (viii) In subpart H (Financial requirements), §§264.141, 264.142, 264.143, and 264.147–264.151, except that States and the Federal government are exempt from the requirements of subpart H; and
- (ix) Subpart BB (Air emission standards for equipment leaks), except §§264.1050(a).

(b) *Hazardous waste analysis.* (1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in appendix VIII of part 261 of this chapter that may reasonably be expected to be in the