



Changes Without Regulatory Effect
DTSC Reference Number: R-04-08
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1. §66264.73 was approved by OAL (file number 91-0424-01) and filed with the Secretary of State on May 24, 1991 and became effective July 1, 1991 (Register 91, No. 22). Amend §66264.73 to read as follows:

§66264.73. Operating Record.

...
(10) records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective ~~day~~ date of any land disposal restriction granted pursuant to section 66268.5 and the applicable notice required by a generator under section 66268.7(a);
...

2. §66264.147 was approved by OAL (file number 98-0903-01) and filed with the Secretary of State on October 19, 1998 and became effective November 18, 1998 (Register 98, No. 43). Amend §66264.147 to read as follows:

§66264.147. Liability Requirements.

...

(b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment as defined in section 66260.10, landfill, as defined in section 66260.10, land treatment facility as defined in section 66260.10 or disposal miscellaneous unit which is used to manage hazardous waste, or a group of such facilities, shall demonstrate to the Department financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least \$3 million per occurrence, as defined in section 66260.10, with an annual aggregate of at least \$6 million, exclusive of legal defense costs. An owner or operator who must meet the requirements of this section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences must maintain liability coverage in the amount of at least \$4 million per occurrence and \$8 million annual aggregate. This liability coverage may be demonstrated, as specified in subsections (b)(1) through (b)(7) of this section.

(1) An owner or operator may demonstrate the required liability coverage by obtaining liability insurance as specified in subsection (f) of this section.

(2) An owner or operator may meet the requirements of this section by passing a financial test or using the guarantee for liability coverage as specified in subsections (g) and (h) of this section.

(3) An owner or operator may meet the requirements of this section by obtaining a letter of credit for liability coverage as specified in subsection ~~(4)~~ (i) of this section.

...

3. §66264.192 was approved by OAL (file number 97-0724-02) and filed with the Secretary of State on July 24, 1997 and became effective July 24, 1997 (Register 97, No. 30). Amend §66264.192 to read as follows:

§66264.192. Design and Installation of New Tank Systems or Components.

...
(i)(1) Notwithstanding subsections (b) through (h) of this section, design and installation of new tank systems or components used to manage hazardous waste, and which meet the criteria specified in subsection (i)(2) of this section, are not subject to the requirements of subsections (i) through (n) of this section until January 24, 1998. The assessment specified in subsection (l) of this section shall be obtained prior to placing a new tank system in service and shall be kept on file at the facility. This assessment shall be reviewed and certified by an independent, qualified, professional engineer, registered in California, in accordance with section 66270.11(d), attesting that the tank system has sufficient structural integrity and is acceptable for the transferring, storing and treating of hazardous waste. The assessment shall be valid for a maximum period of five (5) years or the remaining service life of the tank system, as stated in the engineer's assessment, whichever is less. New tank systems that have been assessed pursuant to subsections (b) ~~through~~ through (h) of this section prior to June 1, 1995 are not required to be reassessed pursuant to subsection (l) for a period of five years from the date of the assessment or June 1, 2000, whichever is the earlier date. If changes have been made to the tank system or new components have been added to the tank system subsequent to an assessment conducted prior to June 1, 1995, the tank system shall be reassessed pursuant to subsection (l).

...
(10) all new tanks and ancillary equipment shall be tested for tightness prior to being placed in use. The results of the test(s) shall be documented in ~~the~~ this assessment. Tank system integrity or leak test requirements must be in compliance with all local requirements. Prior to conducting a tank system integrity test or leak test, contact local agency staff for local requirements.

...
(n) Replacement of identical or functionally equivalent tank system parts or components not listed in subsection (m) of this section shall be approved by the CUPA prior to replacement or changeout. If the tank system ~~parts~~ part or component is determined to be identical or functionally equivalent by the CUPA, the assessment specified in subsection (l) of this section is not required. The owner or operator shall provide the CUPA, or the Department if there is no CUPA or the CUPA requests that the Department make a determination, with the following information in writing so that a determination can be made:

4. §66264.193 was approved by OAL (file number 97-0724-02) and filed with the Secretary of State on July 24, 1997 and became effective July 24, 1997 (Register 97, No. 30). Amend §66264.193 to read as follows:

§66264.193. Containment and Detection of Releases.

...
(m) Ancillary equipment shall be provided with secondary containment as specified in subsection (f) of this section or an alternative device or devices as approved in writing by the CUPA, or the Department if there is no CUPA or if the CUPA requests that the Department make a determination, which would prevent and/or detect any release of wastes out of the tank system before such wastes could migrate to the soil, ground water, or surface water at any time during the use of the tank system. The following are examples of tank system and ancillary equipment secondary containment alternatives or options that may be proposed for review and approval by the CUPA:

- (1) traditional containment of entire system within a bermed containment area with visual and/or electronic leak detection monitoring;
- (2) troughs or pipe runs with impermeable liners that incorporate the following:
 - (A) visual monitoring during hours of operation or;
 - (B) continuous electronic leak detection monitoring for releases; or
 - (C) sumps located at low elevations with leak detection monitors.
- (3) double-walled piping with continuous interstitial monitoring or monitoring intervals located at low ~~elevation~~ elevation points along pipeline;

...

5. §66264.301 was approved by OAL (file number 95-0606-09) and filed with the Secretary of State on July 19, 1995 and became effective August 18, 1995 (Register 95, No. 29). Amend §66264.301 to read as follows:

§66264.301. Design and Operating Requirements.

...
(c) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to commence reuse after July 29, 1992 shall install two or more liners and a leachate collection and removal system above and between such liners. The requirements of this subsection shall not apply to landfill units receiving only non-RCRA hazardous waste until February 18, 1996. "Construction commences" is as ~~denied~~ defined in section 66260.10 of this chapter under "existing facility".

6. §66264.1030 was approved by OAL (file number 99-0429-01) and filed with the Secretary of State on June 11, 1999 and became effective June 11, 1999 (Register 99, No. 24). Amend §66264.1030 to read as follows:

§66264.1030. Applicability.

(a) The regulations in this article apply to owners and operators of facilities that treat, store, or dispose of RCRA hazardous wastes (except as provided in Section 66264.1).

~~(b) Except for Section 66264.1034(d) and (e), this article applies to process vents associated with distillation, fractionation, thin film evaporation, solvent extraction, or air or steam stripping operations that manage RCRA hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in:~~

- ~~(1) units that are subject to the permitting requirements of Chapter 20; or~~
- ~~(2) hazardous waste recycling units at hazardous waste management facilities otherwise subject to the federal RCRA TSDf permitting requirements of Chapter 20.~~

(b) Except for section 66264.1034, subsections (d) and (e), this article applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage RCRA 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 chapter 20, or
- (2) a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of section 66262.34(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 chapter 20, or
- (3) A unit that is exempt from permitting under the provisions of section 66262.34(a) (i.e., a “90-day” tank or container) and is not a recycling unit under the provisions of section 66261.6.

...

7. §66264.1035 was approved by OAL (file number 99-0429-01) and filed with the Secretary of State on June 11, 1999 and became effective June 11, 1999 (Register 99, No. 24). Amend §66264.1035 to read as follows:

§66264.1035. Recordkeeping Requirements.

...
(d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) of this section shall be maintained by the owner or operator for at least 3 years following the date of each occurrence, measurement, maintenance, corrective action, or record.

~~(d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(8) of this section shall be kept for three years.~~

8. §66265.12 was approved by OAL (file number 97-0709-04) and filed with the Secretary of State on August 20, 1997 and became effective August 20, 1997 (Register 97, No. 34). Amend §66265.12 to read as follows:

§66265.12. Required Notices.

(a)(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to the requirements of 40 CFR Part 262, Subpart H or this article shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document shall be maintained at the facility for at least three years.

(b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) shall inform the generator in writing that the owner or operator has the appropriate interim status for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(c)(1) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter and chapter 20 of this division. (Also see section 66270.72 of this division.)

(2) An owner's or operator's failure to notify the new owner or operator of the requirements of this chapter shall not relieve the new owner or operator of the obligation to comply with all applicable requirements.

~~(d) Within three working days of the receipt of a shipment subject to the requirements of 40 CFR Part 262, Subpart H or this article, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document shall be maintained at the facility for at least three years.~~

9. §66265.13 was approved by OAL and filed with the Secretary of State on May 24, 1991 and became effective July 1, 1991 (Register 91, No. 22). Amend §66265.13 to read as follows:

§66265.13. General Waste Analysis.

...
(c) For ~~off-site~~ off-site facilities, the waste analysis plan required in subsection (b) of this section shall also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan shall describe:

10. §66265.191 was approved by OAL (file number 97-0724-02) and filed with the Secretary of State on July 24, 1997 and became effective July 24, 1997 (Register 97, No. 30). Amend §66265.191 to read as follows:

§66265.191. Assessment of Existing Tank System's Integrity.

- . . .
- (g) The tank system assessment shall include all of the following information:
- (1) tank configuration (i.e., horizontal, vertical), and gross capacity (in gallons);
 - (2) design standard(s), if available, according to which the tank and ancillary equipment were constructed and all of the following information;
 - (A) material of construction;
 - (B) material thickness and the method used to determine the thickness;
 - (C) description of tank system piping (material, diameter);
 - (D) description of any internal and external pumps; and
 - (E) sketch or drawing of tank including dimensions.
 - (3) documented age of the tank system, if available, otherwise, an ~~estimated~~ estimate of the age based on owner or operator knowledge;

11. §66265.192 was approved by OAL (file number 97-0724-02) and filed with the Secretary of State on July 24, 1997 and became effective July 24, 1997 (Register 97, No. 30). Amend §66265.192 to read as follows:

§66265.192. Design and Installation of New Tank Systems or Components.

- (k) The tank system assessment shall include all of the following information:
- (1) tank configuration (i.e., horizontal, vertical), material of construction, and gross capacity (in gallons);
 - (2) design standard(s), if available, according to which the tank and ancillary equipment were or will be constructed and all of the following information:
 - (A) material of construction;
 - (B) material thickness and the method used to determine the thickness;
 - (C) description of tank system piping (material, diameter);
 - (D) description of any internal and external pumps; and
 - (E) sketch or drawing of tank including dimensions.
 - (3) documented age of the tank system (if tank was previously used), if available, (otherwise, an estimate of the age);
 - (4) description and evaluation of any leak detection equipment;
 - (5) description and evaluation of any corrosion protection equipment, devices, or material;
 - (6) description and evaluation of any spill prevention or overfill equipment;
 - (7) description and evaluation of secondary containment for the tank system (secondary containment must meet minimum standards as specified in subsections (j)(1) through (j)(3) of this section) including applicable secondary containment for ancillary equipment as required in subsection 66265.193(f);
 - (8) hazardous characteristics of the waste(s) that have been or will be handled;
 - (9) prior to placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, professional engineer, registered in California, either of whom is trained and experienced in the proper installation of tank systems, shall inspect the system or component for the presence of any of the following items and document in writing the results of the inspection:
 - (A) weld cracks or breaks;
 - (B) scrapes of protective coatings;
 - (C) corrosion;
 - (D) any structural damage or inadequate construction or installation such as cracks, punctures, damaged fittings. All discrepancies shall be documented in the assessment and remedied before the tank system is placed in use.
 - (10) all new tanks and ancillary equipment shall be tested for tightness prior to being placed in use. The results of the test(s) shall be documented in ~~the~~ this assessment. Tank system integrity or leak test requirements must be in compliance with all local requirements. Prior to conducting a tank system integrity test or leak test, contact local agency staff for local requirements.

12. §66265.193 was approved by OAL (file number 97-0724-02) and filed with the Secretary of State on July 24, 1997 and became effective July 24, 1997 (Register 97, No. 30). Amend §66265.193 to read as follows:

§66265.193. Containment and Detection of Releases.

...
(l) Secondary containment for onground or aboveground generator and onsite tier (Permit-by Rule, Conditional Authorization, and Conditional Exemption), non-RCRA tank systems or tank systems otherwise exempt from permitting requirements pursuant to the federal act, shall consist of any of the devices listed in subsection (d) and satisfy the requirements of (e) of this section or consist of any device or combination of devices as approved in writing by the CUPA, or the Department if there is no CUPA or the CUPA requests that the Department ~~makes~~ make a determination, which would satisfy the following minimum requirements:

13. §66265.1050 was approved by OAL (file number 99-0429-01) and filed with the Secretary of State on June 11, 1999 and became effective June 11, 1999 (Register 99, No. 24). Amend §66265.1050 to read as follows:

§66265.1050. Applicability.

(a) The regulations in this article apply to owners and operators of facilities that treat, store, or dispose of RCRA hazardous wastes (except as provided in Section 66265.1).

(b) Except as provided in Section 66265.1064(j)(k) this article applies to equipment that contains or contacts RCRA hazardous wastes with organic concentrations of at least ten percent by weight that are managed in:

14. §66265.1101 was approved by OAL (file number 95-1215-02) and filed with the Secretary of State on January 31, 1996 and became effective January 31, 1996 (Register 96, No. 5). Amend §66265.1101 to read as follows:

§66265.1101. Design and Operating Standards.

(a) All containment buildings shall comply with the following design standards:

(1) The containment buildings shall be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements, (e.g., precipitation, wind, runoff), and to assure containment of managed wastes.

(2) The floor and containment walls of the unit, including the secondary containment system, if required under subsection (b) of this section, shall be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit shall be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes shall be chemically compatible with those wastes. The Department will consider standards established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM) in judging the structural integrity requirements of this subsection. If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria;

(A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(D); and

(B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.

(3) Incompatible hazardous wastes or ~~treatments~~ treatment reagents shall not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

...

(c) Owners or operators of all containment buildings shall:

(1) Use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum, shall

15. §66266.21 was approved by OAL (file number 97-0425-01) and filed with the Secretary of State June 9, 1997 and became effective January 1, 1998 (Register 97, No. 24). Amend §66266.21 to read as follows:

§66266.21. Requirements.

(b) Recyclable materials that are placed on the land and which meet all applicable requirements for exclusion from classification as a waste or for an exemption set forth in section 25143.2 of the Health and Safety Code (HSC), except for the requirement set forth in HSC section 25143.2(e)(2), shall not be regulated pursuant to HSC section 25143.2(e)(2) if the following requirements are met.

(1) The recyclable material shall be a non-RCRA hazardous waste.

(2) The recyclable material shall not be used as an ingredient in an industrial furnace, as defined in section 66260.10, to produce a product that is placed on the land, unless either of the following criteria are met:

(A) the industrial furnace is operating pursuant to the requirements of Article 8 of Chapter 16, "Hazardous Wastes Burned in Boilers or Industrial Furnaces," with regard to the hazardous constituents in the recyclable material (the owner or operator of the industrial furnace must also comply with all requirements of the local air quality management district or air pollution control district); or

(B) the owner or operator of the industrial furnace has a permit from the local air quality management district or air pollution control district addressing the hazardous constituents in the recyclable material (in this case, the local air quality management district or air pollution control district would have sole jurisdiction over air emissions from hazardous constituents in the recyclable material).

(3) The recyclable material, either in its existing state or in processed products, shall not be used in agriculture as a fertilizer, soil amendment, agricultural mineral, auxiliary soil and plant substance, or animal feed.

(4) The recyclable material shall not meet the criteria for a hazardous waste set forth in this division because of:

(A) the characteristics of acute toxicity set forth in paragraphs (a)(3) through (a)(5) of section 66261.24; or

(B) constituents listed in paragraph (a)(7) of section 66261.24; or

(C) any criterion of an extremely hazardous waste as set forth in sections 66261.110 and 66261.113; or

(D) asbestos content exceeding one (1) percent by weight, as specified in section 66261.24(a)(2)(A) of this chapter.

(5) Where the recyclable material is used as an ingredient in the manufacture of a product that is placed on the land, hazardous constituents in the recyclable material whose concentrations are greater than or equal to the Soluble Threshold Limit Concentrations (STLCs) set forth in section 66261.24(a)(2)(A) shall have chemically reacted or become physically bound so as not to leach from the product containing the recyclable material.

Specifically, the hazardous constituents shall not leach out of the product in concentrations that would exceed the applicable STLC, once the effect of dilution by other ingredients (as explained below) has been taken into account.

In order to demonstrate that the hazardous constituents in the recyclable material are bound in the product so that they would not exceed the applicable STLC, even when eliminating the effect of dilution by other ingredients, the following procedures must be used.

(A) Sampling of the recyclable material and the product shall be conducted according to the sampling methods described in *Test Methods for Evaluating Solid Waste, Physical/Chemicals Physical/Chemical Methods*, SW-846, 3rd edition, U.S. Environmental Protection Agency, 1986, or one of the sampling methods listed in Appendix I, Chapter 11 of this division.

16. §66266.103 was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend §66266.103 to read as follows:

§66266.103. Interim Status Standards for Burners.

...
(6) Restrictions on burning hazardous waste that is not a fuel. Prior to certification of compliance under subsection (c) of this section, owners and operators shall not feed hazardous waste that has a heating value of less than 5,000 Btu/lb, as-generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by *bona fide* treatment; however, blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records shall be kept to document that impermissible blending has not occurred) in a boiler or industrial furnace, except that:

...
(I) Notification of the establishment of a facility mailing list whereby interested parties shall notify the ~~department~~ Department that they wish to be placed on the mailing list to receive future information and notices about this facility; and

...
(M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or Adjusted Tier I ~~metals~~ metal feed rate screening limits under section 66266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under section 66266.107(b)(1) or (e)).

...
(4) Certification of compliance. Within 90 days of ~~completing~~ completing compliance testing, the owner or operator shall certify to the Director compliance with the emissions standards of sections 66266.104(b), (c), and (e), 66266.105, 66266.106, 66266.107, and subsection (a)(5)(A)4. of this section. The certification of compliance shall include the following information:

17. §66266.104 was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend §66266.104 to read as follows:

§66266.104. Standards to Control Organic Emissions.

...
(2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in appendix IX of this chapter. Multiply the emission rates of CDD/CDF ~~e congeners~~ congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;

18. §66266.106 was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend §66266.106 to read as follows:

§66266.106. Standards to Control Metals Emissions.

...
(A) The feed rate screening limits for antimony, barium, ~~lead~~, mercury, thallium, and silver are based on either:

...
FRSL=feed rate screening ~~limits~~ limit provided by appendix I of this chapter for metal "I".

19. Chapter 16, Appendix IX was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend Chapter 16, Appendix IX to read as follows:

**Appendix IX. Methods Manual for Compliance With the BIF Regulations
Burning Hazardous Waste in Boilers and Industrial Furnaces**

...

SECTION 1.0 INTRODUCTION

This document presents required methods for demonstrating compliance with the State of California, Department of Toxic Substances Control regulations governing boilers and industrial furnaces (BIFs) burning hazardous waste (see Title 22, Chapter 16, article 8). Included in this document are:

1. Performance Specifications for Continuous Emission Monitoring (CEM) of Carbon Monoxide, Oxygen, and Hydrocarbons in Stack Gases.
2. Sampling and Analytical (S&A) Methods for Multiple Metals, Hexavalent Chromium, HCl and Chlorine, Polychlorinated Dibenzo-p-dioxins and Dibenzofurans, and Aldehydes and Ketones.
3. Procedures for Estimating the Toxicity Equivalency of Chlorinated Dibenzo-p-dioxin and Dibenzofuran Congeners.
4. Hazardous Waste Combustion Air Quality Screening Procedures (HWCAQSP).
5. Simplified Land Use Classification Procedure for Compliance with Tier I and Tier II Limits.
6. Statistical Methodology for Bevill Residue Determinations.
7. Procedures for Determining Default Values for Air Pollution Control System Removal Efficiencies.
8. Procedures for ~~determining default~~ Determining Default Values for Partitioning of Metals, Ash, and Total Chloride/Chlorine.
9. Alternate Methodology for Implementing Metals Controls.

Additional methods referenced in article 8 of chapter 16 but not included in this document can be found in 40 CFR parts 60 and 61, and "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (SW-846).

The CEM performance specifications of section 2.0, the S&A methods of section 3.0 and the toxicity equivalency ~~procedures~~ procedure for dioxins and furans of section 4.0 are required procedures for determining compliance with BIF regulations. The CEM performance specifications and the S&A methods are interim. The finalized CEM performance specifications and methods will be published in SW-846 or 40 CFR parts 60 and 61.

...

2.1.1 Applicability and Principle

- 2.1.1.1 Applicability. These performance specifications apply to carbon monoxide

(CO) and oxygen (O₂) continuous emission monitoring systems (CEMSs) installed on incinerators, boilers, and industrial furnaces burning hazardous waste. The specifications include procedures which are intended to be used to evaluate the acceptability of the CEMS at the time of its installation ~~of~~ or whenever specified in regulations or permits. The procedures are not designed to evaluate CEMS performance over an extended period of time. The source owner or operator is responsible for the proper calibration, maintenance, and operation of the CEMS at all times.

...

2.1.2 Definitions

2.1.2.1 ~~Continuous Emissions~~ Emission Monitoring System (CEMS). A continuous monitor is one in which the sample to be analyzed passes the measurement section of the analyzer without interruption, and which evaluates the detector response to the sample at least once each 15 seconds and computes and records the results at least every 60 seconds. A CEMS consists of all the equipment used to acquire data and includes the sample extraction and transport hardware, the analyzer(s), and the data recording/processing hardware and software.

...

2.1.2.6 Response Time. The time interval between the start of a step change in the system input (e.g., ~~change~~ change of calibration gas) and time when the data recorder displays 95 percent of the final value.

...

2.1.3.1.3 Both the CO and the O₂ monitors should be installed ~~in~~ at the same general location. If this not possible, they may be installed at different locations if the effluent gases at both sample locations are not stratified and there is no in-leakage of air between sampling locations.

...

2.1.3.2.1 Select an accessible PTM measurement point at least two equivalent diameters downstream ~~for~~ from the nearest control device, the point of CO generation, or other point at which a change in the CO concentration may occur, and at least a half equivalent diameter upstream form the effluent exhaust or control device. When pollutant concentration changes are due solely to diluent leakage (e.g., air heater leakages) and CO and O₂ are simultaneously measured at the same location, one half diameter may be used in place of two equivalent diameters. The CEMS and PTM locations need not be the same.

...

2.1.10.1 A daily calibration check for each monitor. The calibration must be adjusted if the check indicates the instrument's CD exceeds the specification established in section 2.1.4.5. The gases shall be injected as close to the probe as possible to provide a check of the entire sampling system. If an alternative calibration procedure is desired (e.g., direct injections or gas cells), subject to the Director's approval, the adequacy of this alternative procedure may be demonstrated during the initial 7-day CD test. Periodic comparisons of the two procedures are suggested.

...

2.2.2.1.3 Data Recorder. That portion of the system that records a permanent record

of the measurement values. The data recorder may include automatic data ~~reproduction~~ reduction capabilities.

2.2.2.2 Instrument Measure Range. The difference between the minimum and the maximum concentration that can be measured by a specific instrument. The minimum is often stated or assumed to be zero and the range expressed only as the maximum.

...
2.2.2.10 Centroidal Area. A concentric area that is ~~geometrically~~ geometrically similar to the stack or duct cross section and is no greater than 1 percent of the ~~duct or stack or duct~~ duct cross-sectional area.

...
2.2.4 CEMS Performance and Equipment Specifications

If this method is applied to in highly explosive areas, caution and care shall be exercised in choice of equipment and installation.

...
Note: As specified in the regulations, unheated HC ~~CEMSs~~ CEMs may be considered an acceptable interim alternative monitoring technique. For additional notes, see section 2.2.10. The essential components of the measurement system are described below:

2.2.4.1.1 Sample Probe. Stainless steel, or equivalent, to collect a gas sample ~~for~~ from the centroidal area of the stack cross-section.

...
Note: Mention of trade names or specific products does not constitute an endorsement by the Department.

...
2.2.11 References

1. Measurement of Volatile Organic Compounds—~~Guidelines~~ Guideline Series. U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, EPA-450/2-78041, June 1978.

...
For the purpose of estimating the risks posed by emissions from boilers and industrial ~~furnances~~ furnaces, however, specific congeners and homologues must be measured using the specified method and then multiplied by the assigned toxicity equivalence factors (TEFs), ...

1. Using ~~method~~ method 23, determine the concentrations of 2, 7, 3, 8-congeners of various PCDDs and PCDFs in the sample.
2. Multiply the congener concentrations in the sample by the TEF listed in ~~table~~ Table 4.0-1 to express the congener concentrations in terms of 2, 3, 7, 8-TCDD equivalent. Note that congeners not chlorinated at 2, 3, 7, and 8 positions have a zero toxicity factor in this table.

...
Sampling calculations are provided in US EPA document No. EPA/625/3-89/016, March 1989, which can be obtained from the US ~~EPS~~ EPA, ORD Publications Office, Cincinnati, Ohio (Phone no. 513-569-7562).

...

FOOTNOTE: ¹Interim Procedures for Estimating Risks Associated with Exposures to Mixtures of ~~Chlorinated~~ Chlorinated Dibenso-p-Dioxins and Dibenzofurans (CDDs and CDFs) 1989 Update EPA/625/3-89/016, March 1989.

...
If any of these criteria are met or the Director determines that this procedure is not appropriate, then detailed site-specific modeling or modeling using the "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources," EPA -450/4-88-010, Office of Air Quality Planning and Standards, August 1988, is required. Detailed site-specific dispersion modeling must conform to the US EPA "Guidance ~~of~~ on Air Quality Models (Revised)", EPA 450/2-78-027R, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, July 1986. This document provides guidance on both the proper selection and regulatory application of air quality models.

...
FOOTNOTE: ⁵The delineation of urban and rural areas, can be difficult for the residential-type areas listed in Table 5.0-3. The degree of resolution in Table 5.0-3 for residential areas often cannot be identified without conducting site area inspections. This process can require extensive analysis, which, for many applications, can be greatly streamlined without sacrificing confidence in selecting the appropriate urban or rural classification. The fundamental simplifying assumption is based on the premise that many applications will have clear-cut urban/rural designations, i.e., most will be in rural settings that can be definitely definitively characterized through a review of aerial photographs, zoning maps, or U.S. Geological Survey topographical maps.

...
(C) Determine maximum average annual dispersion coefficient. The maximum average annual dispersion coefficient is determined by multiplying the maximum hourly dispersion coefficient (Step 7(A)) by its corresponding annual/hourly ~~ratio~~ ratio (Step 7(B)).

...
This procedure assesses the environmental impacts from each stack and then sums the results to estimate total impacts. This option is conceptually the same as the basic approach (Steps 1 through 9) and does not involve complex calculations. However, it is more time-consuming and is recommended only if the ~~back~~ basic approach fails to meet the risk criteria. The procedure is outlined below.

...
(D) ~~Complete~~ Compute the TAESH and select generic source numbers (four sources located in nonflat terrain).

1. ~~Compare~~ Compute the TAESH for all remaining stacks using the following equation:

$$HE - TR = TAESH$$

6.2 Simplified Land Use Process

The land use approach considers four primary land use types: industrial (I), commercial (C), residential (R), and agricultural (A). Within These primary classes, subclasses are identified, as shown in table 6.0-1. The goal is to estimate the percentage of

the area within a 3-km radius that is urban type and the percentage that is rural type. Industrial and commercial areas are classified as urban; agricultural areas are classified as rural.

The delineation of urban and rural areas, however, can be more difficult for the residential type areas shown in table 6.0-1. The degree of resolution shown in table 6.0-1 for residential areas often cannot be identified without conducting site area inspections and/or referring to zoning maps. This process can require extensive analysis, which, for many applications, can be greatly streamlined without sacrificing confidence in selecting the appropriate urban or rural classification.

...
7.1 Comparison of Waste-derived Residue with Normal Residue

To be eligible for the Bevill exclusion from the definition of hazardous waste under section 66266.112(b)(1), waste-derived residue must not contain Appendix VIII, Chapter 11, constituents that could reasonably be attributable to the hazardous waste (toxic constituents) at concentrations significantly higher than in residue generated without burning or processing hazardous waste (normal residue). Concentrations of toxic constituents in normal residue are determined based on analysis of a minimum of 10 samples representing a minimum of 10 days of operation. The statistically-derived concentrations in normal residue are determined as the upper tolerance limit (95% confidence with a 95% proportion of the sample distribution) of the normal residue concentrations. The upper tolerance limit is to be determined as described in Section 7.2 below. If changes in raw materials or fuels could lower the statistically-derived concentrations of toxic constituents of concern, the statistically-derived baseline must be re-established for any such mode of operation with the new raw material or fuel.

Concentrations of toxic constituents in waste-derived residue are determined based on the analysis of one or more samples collected over a compositing period of not more than 24 hours. Multiple samples of the waste-derived residue may be analyzed or subsamples may be composited for analysis, provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize the waste-derived residue generated over a 24-hour period, the arithmetic mean of the ~~concentration~~ concentrations must be used as the waste-derived concentration for each constituent.

...
SECTION 8.0 PROCEDURES FOR DETERMINING DEFAULT VALUES FOR AIR POLLUTION CONTROL SYSTEM REMOVAL EFFICIENCIES

...
Typically, BIFs have combustion zone temperatures high enough to vaporize any hazardous metal at concentrations sufficient to exceed risk-based emission limits. For this reason, the default assumption is that there are no nonvolatile metals. Tables 8.1-2 and 8.1-3 are used to determine whether metals are classified as "volatile" or "very volatile" depending on the temperature entering the APCS, the thermal input, and whether the waste is ~~chlorinated~~ chlorinated or ~~nonchlorinated~~ nonchlorinated.

- ...
• For HAFs and for BIFs with a total feed stream chlorine/hydrogen ~~ratio~~ ratio >0.95,

the default partitioning factor is 100 percent Cl_2 .

...

10.4 Overview

The flowchart for implementing the method is shown in Figure 10.4-1. The general procedure is as follows:

- Follow the certification of precompliance procedures described in subsection 10.6 (to comply with section 66266.103(b)).
- For each metal of concern, perform a series of tests to establish the relationship (enrichment factor) between the concentration of emitted metal and the metal concentration in the collected kiln dust.
- Use the demonstrated enrichment factor, in combination with the Tier III (or Tier II) metal emission limit and the most stringent applicable particulate emission limit, to calculate the "violation" and "conservative" dust metal concentration limits. Include this information with the ~~certificate~~ certification of compliance under section 66266.103(c).

...

- The remainder of the tests need not be conducted under full compliance test conditions; however, the facility must operate at its compliance test production rate, and it must burn hazardous waste during these tests such that the feedrate of each metal for pumpable and total hazardous wastes is at ~~least~~ least 25% of the feedrate during compliance testing. If these criteria, and those discussed below, are not met for any parameter during a test, then either the test is not valid for determining enrichment factors under this method, or the compliance limits for ~~the parameters that parameter~~ must be established based on these test conditions rather than on the compliance test conditions.

...

(7) Conduct a statistical test to determine if the enrichment factors measured in the quarterly verification ~~test~~ tests have increased significantly from the enrichment factors determined in the tests conducted in Step 2. The enrichment factors have increased significantly if all three of the following criteria are met:

...

- Four exceedances of any single metal is in any 60-day period is not allowed.
- This determination should ~~not~~ be made daily, beginning on the first day of daily monitoring. For example, if four exceedances of any single metal occur in the first four days of daily monitoring, do not wait until the end of the 60-day period; refer immediately to Step 11.

20. Chapter 16, Appendix XII was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend Chapter 16, Appendix XII to read as follows:

APPENDIX XII-NICKEL OR CHROMIUM-BEARING MATERIALS THAT MAY BE PROCESSED IN EXEMPT NICKEL-CHROMIUM RECOVERY FURNACES

A. Exempt Nickel or Chromium-Bearing Materials when Generated by Manufacturers or Users of Nickel,

...

Filter cake from ~~nickel-cadmium~~ nickel-chromium alloy pickling operations¹

...

21. Chapter 16, Appendix XIII was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend Chapter 16, Appendix XIII to read as follows:

**APPENDIX XIII -- MERCURY BEARING WASTES THAT MAY BE PROCESSED IN
EXEMPT MERCURY RECOVERY UNITS**

These are exempt mercury-bearing materials with less than 500 ppm of Chapter 11, appendix VIII organic constituents when generated by manufacturers or users of mercury or mercury products.

~~Active~~ Activated carbon

...

22. §66270.22 was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend §66270.22 to read as follows:

§66270.22. Specific Part B Information Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste.

...
(D) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by section ~~66266.106 (b)(e)~~ 66266.106(b)(3) through (b)(5) of chapter 16;

...
(5) Waiver of trial burn for HCl and Cl₂. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by section 66266.107 (b)(1) and ~~(3)~~ (e) of chapter 16 that control emissions of hydrogen chloride (HCl) and chlorine gas (Cl₂) without requiring a trial burn, the owner or operator shall submit:
...

23. §66270.42.5 was approved by OAL (file number 02-0228-02) and filed with the Secretary of State on April 4, 2002 and became effective May 4, 2002 (Register 2002, No. 14). Amend §66270.42.5 to read as follows:

§66270.42.5. Permit Modifications for Non-RCRA Activities.

...
(4) changes in frequency ~~of~~ or content of inspection schedules that provide for less frequent or less thorough inspections;

24. §66270.66 was approved by OAL (file number 96-0524-02) and filed with the Secretary of State on July 1, 1996 and became effective July 31, 1996 (Register 96, No. 27). Amend §66270.66 to read as follows:

§66270.66 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste.

...
(B) An ~~appropriate~~ approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," US EPA publication SW-846, Third Edition incorporated by reference in section 66260.11, or other equivalent.

(1) For facilities applying for RCRA permits, the Director must announce his or her intention to approve of the trial burn plan in accordance with the timing and distribution requirements of paragraph (d)(6) of this section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the permitting agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time ~~periods~~ period during which the trial burn would be conducted.

25. §67450.13 was approved by OAL (file number 00-0229-03) and filed with the Secretary of State on April 11, 2000 and became effective April 11, 2000 (Register 2000, No. 15). Amend §67450.13 to read as follows:

§67450.13. Financial Assurance for Closure of Transportable Treatment Units and Fixed Treatment Units Which Are Authorized Under Permit by Rule and Generators Who Are Authorized Under Conditional Authorization.

...
(c) Alternative Financial Mechanisms for Closure Costs.

(1)(i)(A) The FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization may establish financial assurance for closure by means of a financial mechanism other than those specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section provided that, prior to its use, the mechanism has been submitted to and approved by a CUPA or the authorized agency. The mechanism shall be at least equivalent to the financial mechanisms specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. A CUPA or the authorized agency, shall respond in writing within sixty (60) days of receipt and shall evaluate the equivalency of a mechanism principally in terms of:

(A) 1. Certainty of the availability of the funds for the required closure activities; and

(B) 2. The amount of funds that will be made available. A CUPA or the authorized agency, shall also consider other factors deemed to be appropriate, and shall require the owner or operator, or a Conditionally Authorized generator to submit additional information as is deemed necessary to make the determination.

(ii) (B) The TTU owner or operator may establish financial assurance for closure by means of a financial mechanism other than those specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section provided that, prior to its use, the mechanism has been submitted to and approved by the Department. The mechanism shall be at least equivalent to the financial mechanisms specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. The Department shall respond in writing within sixty (60) days of receipt and shall evaluate the equivalency of a mechanism principally in terms of:

(A) 1. Certainty of the availability of the funds for the required closure activities; and

(B) 2. The amount of funds that will be made available.

(2) The owner or operator, or a Conditionally Authorized generator shall submit to a CUPA or the authorized agency, the proposed mechanism together with a letter requesting that the proposed mechanism be considered acceptable for meeting the requirements of this section. The submission shall include the following information:

(A) Name, address and telephone number of issuing institution; and

(B) Hazardous waste facility identification number, name, address and closure cost estimate for each TTU, FTU facility or a generator who is operating pursuant to Conditional Authorization intended to be covered by the proposed mechanism; and

(C) The amount of funds for closure to be assumed for each TTU, FTU facility or a

generator who is operating pursuant to Conditional Authorization intended to be covered by the proposed mechanism; and

(D) The terms of the proposed mechanism (period covered, renewal/extension, cancellation).

(3) The CUPA or the authorized agency, shall respond in writing to the FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization of the determination made regarding the acceptability of the proposed mechanism in lieu of the financial mechanisms specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. This written request shall be provided within sixty (60) days.

(4) If a proposed mechanism is found acceptable, the FTU owner or operator, operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization shall submit a fully executed financial assurance document to the CUPA or the authorized agency. The document shall contain original signatures and shall be accompanied by a formal certification of acknowledgment. The TTU owner or operator, shall submit a fully executed financial assurance document to the Department.

(5) If a proposed mechanism is found acceptable, except for the amount of the funds, the TTU owner or operator, FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization shall either increase the amount of mechanisms or obtain other financial assurance mechanisms as specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. The amount of the funds available through the combination of mechanisms shall at least equal the current closure cost estimate.

(6) If a proposed mechanism is found acceptable by the CUPA, or the authorized agency, the FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization may request permission to fund the financial mechanism over a period not to exceed five (5) years as part of the request for an alternative mechanism described in subsection (c)(1) of this section.

26. §68010 was approved by OAL (file number 98-0821-04) and filed with the Secretary of State on October 5, 1998 and became effective November 4, 1998 (Register 98, No. 41). Amend §68010 to read as follows:

§68010. Technology Eligibility Criteria.

A hazardous waste environmental technology is eligible for certification by the Department if the technology (1) does not pose a significant potential hazard to human health and safety or to the environment if operated in compliance with specified conditions, and (2) the technology relates to hazardous waste. Hazardous waste incineration technologies are excluded from eligibility for certification.

27. §68050 was approved by OAL (file number 98-0821-04) and filed with the Secretary of State on April 11, 2000 and became effective April 11, 2000 (Register 2000, No. 15). Amend §68050 to read as follows:

§68050. Certification Procedures.

(a) The Department shall use the following procedures to determine if a certification should be granted or denied. The Department shall:

(1) Review the certification application and any other pertinent information to make a preliminary determination whether or not the proposed technology is eligible for certification as a hazardous waste environmental technology pursuant to section 68010, and shall notify the applicant of its decision. If rejected as ineligible, the Department shall provide the applicant the reasons ~~of~~ for the rejection.

28. §68090 was approved by OAL (file number 98-0821-04) and filed with the Secretary of State on April 11, 2000 and became effective April 11, 2000 (Register 2000, No. 15). Amend §68090 to read as follows:

§68090. Certification Reference.

(a) The holder of a valid hazardous waste environmental technology certification is authorized to use the certification seal (Registered Service Mark Number 046720) and shall cite the technology certification number and date of issuance in conjunction with the certification seal whenever it is used.

(b) When providing information on the certification to an interested party, the holder of a hazardous waste environmental technology certification shall at a minimum provide the full ~~test~~ text of the final certification decision as published in the California Regulatory Notice Register.