UTAH WASTE MANAGEMENT AND RADIATION CONTROL BOARD

# Executive Summary

## Repeal of Rules R315-1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 16, and 50

January 14, 2016

| | |
|---|---|
| **What is the issue before the Board?** | The Board is being asked to approve Rules R315-1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 16, and 50 for publication in the Utah Bulletin and commencement of a 30-day public comment period. These rules need to be repealed as explained below. |
| **What is the historical background or context for this issue?** | In a separate action, the Board is being asked to approve, for publication in the Utah Bulletin, new hazardous waste rules. Accordingly, the current hazardous waste rules identified above must be repealed. The proposal to repeal the current rules needs public notice and an opportunity for comment. If the new hazardous waste rules to replace the current rules are approved and made effective, the repeal of the current rules will also be made effective at the same time. The repeal of the current rules will not take place until the new rules are in affect.<br><br>The changes to the rules consist only of renumbering and reformatting. This change is designed to help the reader by putting all of the rules in one place and by following the EPA numbering system, eliminating the need to reference several different documents. |
| **What is the governing statutory or regulatory citation?** | 19-6-104(3)(d) and 19-6-106 of the Utah Code Annotated provide rulemaking authority for the Board. |
| **Is Board action required?** | Yes. Board approval is needed to begin formal rulemaking. |
| **What is the Division Director's recommendation?** | The Director recommends that proposed repeal of rules R315-1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 16, and 50 be approved for publication in the Utah Bulletin for public comment. |
| **Where can more information be obtained?** | For more information, contact Ralph Bohn at (801) 536-0212. The current hazardous waste rules can be viewed at http://www.rules.utah.gov/publicat/code/r315/r315.htm |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157071
Utah Admin. Code ref. (R no.): R315-1

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Utah Hazardous Waste Definitions and References

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   Rule R315-1 will be repealed and replaced by R315-260-10 and 11, R315-261-1(c), and R315-270-2 and 6.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260, and 270.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260, and 270.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260, and 270.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260, and 270.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260, and 270.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :
19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016
B) A public hearing (optional) will be held:
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157095
Utah Admin. Code ref. (R no.): R315-2

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
General Requirements - Identification and Listing of Hazardous Waste

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-2 is repealed and is replaced by Rule R315-261 and part of R315-260.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260 and 261.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260 and 261.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260 and 261.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260 and 261.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-260 and 261.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-106, 19-6-105

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste, administrative procedures

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
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## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157096
Utah Admin. Code ref. (R no.): R315-3

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will

follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-3 is repealed and is replaced by Rule R315-270

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-270.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-270.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-270.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-270.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-270.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

## Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :
19-6-106, 19-6-105

## Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

## Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016
B) A public hearing (optional) will be held:
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

## Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

## Indexing Information

14.

Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157097
Utah Admin. Code ref. (R no.): R315-4

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Procedures for Decisionmaking

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-4 is repealed and is replaced by Rule R315-124 and R315-103

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-103 and 124.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-103 and 124.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-103 and 124.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-103 and 124.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-103 and 124.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-106, 19-6-105

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

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- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157098
Utah Admin. Code ref. (R no.): R315-5

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Hazardous Waste Generator Requirements

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-5 is repealed and is replaced by Rule R315-262.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-262.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-262.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-262.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-262.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-262.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-106, 19-6-105

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157099
Utah Admin. Code ref. (R no.): R315-6

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
Hazardous Waste Transporter Requirements

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

(●) No ( ) Yes

Rule Summary

6. Summary of the rule or change:

R315-6 is repealed and is replaced by Rule R315-263.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: (●) No ( ) Yes

There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

B) Local government:

Affected: (●) No ( ) Yes

There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-263.

C) Small businesses:

Affected: (●) No ( ) Yes

("small business" means a business employing fewer than 50 persons)

There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-263.

D) Persons other than small businesses, businesses, or local government entities:

Affected: (●) No ( ) Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-263.

Compliance Cost Information

8. Compliance costs for affected persons:

There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-263.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule is covered in the rule analysis form for rule R315-263.

B) Name and title of department head commenting on the fiscal impacts:

Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 01/06/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157101
Utah Admin. Code ref. (R no.): R315-7

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-7 is repealed and is replaced by Rule R315-265.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rules R315-265.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rules R315-265.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rules R315-265.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rules R315-265.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rules R315-265.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157102
Utah Admin. Code ref. (R no.): R315-8

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will

follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   (●) No ( ) Yes

Rule Summary

6. Summary of the rule or change:

   R315-8 is repealed and is replaced by Rule R315-264.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: (●) No ( ) Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: (●) No ( ) Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-264.

   C) Small businesses:

   Affected: (●) No ( ) Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-264.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: (●) No ( ) Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-264.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-264.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-264.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

## Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :
19-6-105, 19-6-106

## Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

## Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016
B) A public hearing (optional) will be held:
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

## Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

## Indexing Information

14.

Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157103
Utah Admin. Code ref. (R no.): R315-9

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Emergency Controls

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-9 is repealed and is replaced by Rule R315-263.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-263.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-263.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-263.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-263.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-263.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-263.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous wste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157104
Utah Admin. Code ref. (R no.): R315-12

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Administrative Procedures

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-12 is repealed and is replaced by Rule R305-7

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be no change in the activities as R315-12 only referred the reader to R305-7.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost or savings as R315-12 only referred the reader to R305-7 which has been in place for several years.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost or savings as R315-12 only referred the reader to R305-7 which has been in place for several years.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost or savings as R315-12 only referred the reader to R305-7 which has been in place for several years.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost or savings as R315-12 only referred the reader to R305-7 which has been in place for several years.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost or savings as R315-12 only referred the reader to R305-7 which has been in place for several years.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

63G-4-102, 19-1-301, 19-6-105, 63G-4-503

63G-4-201 through 205

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste, hearing, administrative proceedings, adjudicative proceedings

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

# NOTICE OF PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157105
Utah Admin. Code ref. (R no.): R315-13

## Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Title

2. Title of rule or section (catchline):
Land Disposal Restrictions

## Notice Type

3. Type of notice: Repeal

## Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-??? is repealed and is replaced by Rule R315-???.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-268.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-268.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-268.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-268.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-268.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
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- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157106
Utah Admin. Code ref. (R no.): R315-14

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will

follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-14 is repealed and is replaced by Rule R315-266.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-266.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-266.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-266.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-266.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-266.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

## Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :
19-6-105, 19-6-106

## Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
Publisher
Date Issued (mm/dd/yyyy)
Issue, or version (including partial dates)
ISBN Number
ISSN Number
Cost of Incorporated Reference
Adds, updates, removes-- SELECT ONE --

## Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)
A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016
B) A public hearing (optional) will be held:
On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

## Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

## Indexing Information

14.

Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157107
Utah Admin. Code ref. (R no.): R315-16

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
Standards for Universal Waste Management

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-16 is repealed and is replaced by Rule R315-273.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-273.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-273.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-273.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-273.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rule that will replace the repealed rule are covered in the rule analysis form for rule R315-273.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardosu waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: Date filed:
State Admin Rule Filing Key: 157108
Utah Admin. Code ref. (R no.): R315-50

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Solid and Hazardous Waste

Room no.: Second Floor
Building:
Street address 1: 195 N 1950 W
Street address 2:
City, state, zip: SALT LAKE CITY UT 84116-3097
Mailing address 1: PO BOX 144880
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-4880

Contact person(s):

| Name: | Phone: | Fax: | E-mail: | Remove: |
|---|---|---|---|---|
| Ralph Bohn | 801-536-0212 | 801-536-0222 | rbohn@utah.gov | |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
Appendices

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
The Division is renumbering and changing the format of the hazardous waste rules. The change is to help the reader of the rules by providing all of the rules in one place. The new rules will follow the numbering system used by the US EPA thus the current hazardous waste rules must be repealed when the new rules become effective.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

   ◉ No ○ Yes

Rule Summary

6. Summary of the rule or change:

   R315-50 is repealed and is replaced by Rules R315-261, 264 and 265.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

   A) State budget:

   Affected: ◉ No ○ Yes

   There will be on cost to the state as the rule is not changed but just renumbered or the changes will be absorbed in the current program.

   B) Local government:

   Affected: ◉ No ○ Yes

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-261, 264, and 265.

   C) Small businesses:

   Affected: ◉ No ○ Yes

   ("small business" means a business employing fewer than 50 persons)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-261, 264, and 265.

   D) Persons other than small businesses, businesses, or local government entities:

   Affected: ◉ No ○ Yes

   ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-261, 264, and 265.

Compliance Cost Information

8. Compliance costs for affected persons:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-261, 264, and 265.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

   There will be no cost to repeal the rule. All costs for the rules that will replace the repealed rule are covered in the rule analysis forms for rules R315-261, 264, and 265.

   B) Name and title of department head commenting on the fiscal impacts:

   Alan Matheson

Citation Information

10.

This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :

19-6-105, 19-6-106

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

| | |
|---|---|
| Official Title of Materials Incorporated (from title page) | |
| Publisher | |
| Date Issued (mm/dd/yyyy) | |
| Issue, or version (including partial dates) | |
| ISBN Number | |
| ISSN Number | |
| Cost of Incorporated Reference | |
| Adds, updates, removes | -- SELECT ONE -- |

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/02/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/09/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

hazardous waste

File Information

15. Attach an RTF document containing the text of this rule change (filename):
There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

| | | | |
|---|---|---|---|
| Agency head or designee, and title: | Scott Anderson<br>Director | Date (mm/dd/yyyy): | 01/06/2016 |

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**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-1. Utah Hazardous Waste Definitions and References.~~**

**~~R315-1-1. Definitions.~~**

~~(a) Terms used in R315-1 through R315-101 are defined in Sections 19-1-103 and 19-6-102.~~

~~(b) For R315-1 through R315-101, the terms defined in 40 CFR 260.10, 264.18(a)(2), and 279.1, 2010 ed., are adopted and incorporated by reference with the following revisions:~~

~~(1) Substitute "Director of the Division of Solid and Hazardous Waste" for "Regional Administrator" or "Administrator," except in the following cases:~~

~~(i) In the actual definitions of "Administrator" and "Regional Administrator;" and~~

~~(ii) In the definitions of "hazardous waste constituent" and "industrial furnace," "Board" shall be substituted.~~

~~(2) Insert in the definition of "existing tank system" or "existing component" the following additional phrase after "July 14, 1986," "or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of R315. A non-HSWA existing tank system or non-HSWA tank component is one which does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1."~~

~~(3) Insert in the definition of "new tank system" or "new tank component" the following additional phrase after "July 14, 1986," "or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of R315; except, however, for purposes of 40 CFR 265.193(g)(2) and 40 CFR 264.193(g)(2), a new tank system is one which construction commences after July 14, 1986. A non-HSWA new tank system or non-HSWA new tank component is one which does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1."~~

~~(c) The terms defined in 40 CFR 261.1(c), 2010 ed., are adopted and incorporated by reference.~~

~~(d) For purposes of R315-3 regarding application and permit procedures for hazardous waste facilities, the terms defined in 40 CFR 270.2, 1999 ed., are adopted and incorporated by reference with the following revisions:~~

~~(1) "Permit" means the plan approval as required by subsection 19-6-108(3)(a), or equivalent control document issued by the Director to implement the requirements of the Utah Solid and Hazardous Waste Act;~~

~~(2) "Director" or "State Director" means the Director of the Division of Solid and Hazardous Waste, and~~

~~(3) Replace existing definition of "corrective action management unit" with the definition as found in 40 CFR 260.10, 2000 ed.~~

~~(e) The definitions of "Polychlorinated biphenyl, PCB," and~~

~~"Polychlorinated item" as found in 761.3, 40 CFR, 1990 ed., are adopted and incorporated by reference.~~

~~(f) In addition, the following terms are defined as follows:~~

~~(1) "Approved hazardous waste management facility" or "approved facility" means a hazardous waste treatment, storage, or disposal facility which has received an EPA permit in accordance with federal requirements, has been approved under 19-6-108 and R315-3, or has been permitted or approved under any other EPA authorized hazardous waste state program.~~

~~(2) "Director" means the Director of the Division of Solid and Hazardous Waste.~~

~~(3) "Division" means the Division of Solid and Hazardous Waste.~~

~~(4) "Hazard class" means:~~

~~(i) The DOT hazard class identified in 49 CFR 172; and~~

~~(ii) If the DOT hazard class is "OTHER REGULATED MATERIAL," ORM, the EPA hazardous waste characteristic exhibited by the waste and identified in R315-2-9.~~

~~(5) "Monitoring" means all procedures used to systematically inspect and collect data on operational parameters of the facility or on the quality of the air, ground water, surface water, or soils.~~

~~(6) "No free liquids" as used in R315-2-4(a)(23) and R315-2-4(b)(16), means that solvent-contaminated wipes may not contain free liquids as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2, and that there is no free liquid in the container holding the wipes.~~

~~(7) "POHC's" means principle organic hazardous constituents.~~

~~(8) "Permittee" means any person who has received an approval of a hazardous waste operation plan under 19-6-108 and R315-3 or a Federal RCRA permit for a treatment, storage, or disposal facility.~~

~~(9) "Precipitation run-off" means water generated from naturally occurring storm events. If the precipitation run-off has been in contact with a waste defined in R315-2-9, it qualifies as "precipitation run-off" if the water does not exhibit any of the characteristics identified in R315-2-9. If the precipitation run-off has been in contact with a waste listed in R315-2-10 or R315-2-11, then it qualifies as "precipitation run-off" when the water has been excluded under R315-2-16. Water containing any leachate does not qualify as "precipitation run-off".~~

~~(10) "Solvent-contaminated wipe" means:~~

~~(1) A wipe that, after use or after cleaning up a spill, either:~~

~~(i) Contains one or more of the F001 through F005 solvents found in R315-2-10(e), which incorporates by reference 40 CFR 261.31 or the corresponding P- or U- listed solvents found in R315-2-11, which incorporates by reference 40 CFR 261.33;~~

~~(ii) Exhibits a hazardous characteristic found in R315-2-9(a) when that characteristic results from a solvent found in R315-2-10, which incorporates by reference 40 CFR part 261; and/or~~

~~(iii) Exhibits only the hazardous waste characteristic of ignitability found in R315-2-9(d) due to the presence of one or more solvents that are not listed in R315-2-10 which incorporates by reference 40 CFR part 261.~~

~~(2) Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at R315-2-4(a)(23) and R315-2-4(b)(16).~~

~~(11) "Spill" means the accidental discharging, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes, into or on any land or water.~~

~~(12) "Waste management area" means the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.~~

~~(13) "Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.~~

~~(g) Terms used in R315-15 are defined in sections 19-6-703 and 19-6-706(2)(b)(ii).~~

~~(h) For purposes of R315-101 regarding cleanup action and risk-based closure standards, the following terms are defined as follows:~~

~~(1) "The concentration term, C" is calculated as the 95% upper confidence limit, UCL, on the arithmetic average for normally distributed data, or as the 95% upper confidence limit on the arithmetic average for lognormally distributed data. For normally distributed data, C = Mean + t x Standard Deviation/$n^{1/2}$, where n is the number of observations, and t is Student's t distribution (at the 95% one-sided confidence level and n-1 degrees of freedom), tables of which are printed in most introductory statistics textbooks. For lognormally distributed data, C = exp (Mean of lognormal-transformed data + 0.5 x Variance of lognormal-transformed data + Standard Deviation of lognormal-transformed data x H/$(n - 1)^{1/2}$), where n is the number of observations, and H is Land's H statistic (at the 95% one-sided confidence level), tables of which are printed in advanced statistics books. For data which are not normally nor lognormally distributed, appropriate statistics, such as nonparametric confidence limits, shall be applied.~~

~~(2) "Area of contamination" means a hazardous waste management unit or an area where a release has occurred. The boundary is defined as the furthest extent where contamination from a defined source has migrated in any medium at the time the release is first identified.~~

~~(3) "Contaminate" means to render a medium polluted through the introduction of hazardous waste or hazardous constituents as identified in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII.~~

~~(4) "Hazard index" means the sum of more than one hazard quotient for multiple substances, multiple exposure pathways, or both. The Hazard Index is calculated separately for chronic, subchronic, and shorter duration exposures.~~

~~(5) "Hazard quotient" means the ratio of a single substance~~

~~exposure level over a specified time period, e.g. subchronic, to a reference dose for that substance derived from a similar exposure period.~~

~~(6) "Risk-based closure" means closure of a site where hazardous waste was managed or any medium has been contaminated by a release of hazardous waste or hazardous constituents, and where hazardous waste or hazardous constituents remain at the site in any medium at concentrations determined, under this rule, to cause minimal levels of risk to human health and the environment so as to require no further action or monitoring on the part of the responsible party nor any notice of hazardous waste management on the deed to the property.~~

~~(7) "Reasonable maximum exposure (RME)" means the highest exposure that is reasonably expected to occur at a site. The goal of RME is to combine upper-bound and mid-range exposure factors so that the result represents an exposure scenario that is both protective and reasonable; not the worst possible case.~~

~~(8) "Release" means spill or discharge of hazardous waste, hazardous constituents, or material that becomes hazardous waste when released to the environment.~~

~~(9) "Responsible party" means the owner or operator of a facility, or any other person responsible for the release of hazardous waste or hazardous constituents.~~

~~(10) "Site" means the area of contamination and any other area that could be impacted by the released contaminants, or could influence the migration of those contaminants, regardless of whether the site is owned by the responsible party.~~

~~**R315-1-2. References.**~~

~~(a) For purposes of R315-1 through R315-101, the publication references of 40 CFR 260.11, 2006 ed., are adopted and incorporated by reference.~~

~~(b) R315-1 through R315-101 incorporate by reference a number of provisions from 40 CFR. The incorporated provisions sometimes include cross-references to other sections of 40 CFR. Wherever there are sections in R315-1 through R315-101 that correspond to those cross-references, the cross-references of 40 CFR are not incorporated into R315-1 through R315-101. Instead, the corresponding sections in R315-1 through R315-101 shall apply.~~

~~Note: The following materials are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.~~

~~"APTI Course 415: Control of Gaseous Emissions,'' EPA Publication EPA-450/2-81-005, December 1981.~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: August 15, 2014**~~
~~**Notice of Continuation: July 13, 2011**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

[~~R315-2. General Requirements - Identification and Listing of Hazardous Waste.~~

~~**R315-2-1. Purpose and Scope.**~~

~~(a) This rule identifies those solid wastes which are subject to regulation as hazardous wastes under R315-3 through R315-9 and R315-13 of these rules and which are subject to the notification requirements of these rules.~~

~~(b)(1) The definition of solid waste contained in this rule applies only to wastes that also are hazardous for purposes of the rules implementing Chapter 6, Title 19. For example, it does not apply to materials such as non-hazardous scrap, paper, textiles, or rubber that are not otherwise hazardous wastes and that are recycled.~~

~~(2) This rule identifies only some of the materials which are solid wastes and hazardous wastes under the Utah Solid and Hazardous Waste Act. A material which is not defined as a solid waste in this rule, or is not a hazardous waste identified or listed in this rule, is still a solid waste and a hazardous waste for purposes of these sections if:~~

~~(i) In the case of section 19-6-109, the Director has reason to believe that the material may be a solid waste within the meaning of subsection 19-6-102(13) and a hazardous waste within the meaning of subsection 19-6-102(7) or~~

~~(ii) In the case of section 19-6-115, the material is presenting an imminent and substantial danger to human health or the environment.~~

~~**R315-2-2. Definition of Solid Waste.**~~

~~(a)(1) A solid waste is any discarded material that is not excluded by subsection R315-2-4(a) or that is not excluded by variance granted under R315-2-18 and R315-2-19.~~

~~(2) A discarded material is any material which is:~~

~~(i) Abandoned, as explained in paragraph (b) of this section; or~~

~~(ii) Recycled, as explained in paragraph (c) of this section; or~~

~~(iii) Considered inherently waste-like, as explained in paragraph (d) of this section.~~

~~(b) Materials are solid waste if they are abandoned by being;~~

~~(1) Disposed of; or~~

~~(2) Burned or incinerated; or~~

~~(3) Accumulated, stored, or treated, but not recycled, before or in lieu of being abandoned by being disposed of, burned, or incinerated.~~

~~(c) Materials are solid wastes if they are recycled - or accumulated, stored, or treated before recycling - as specified in paragraphs (c)(1) through (c)(4) of this section. Table 1 of 40 CFR 261.2, 1998 ed., is adopted and incorporated by reference, except that the heading for column 3 shall read "reclamation (Section 261.2(c)(3)) (except as provided in 261.4(a)(17) for mineral processing secondary materials)."~~

~~(1) Used in a manner constituting disposal~~

~~(i) Materials noted with "*" in column 1 of Table 1 of 40 CFR 261.2, are solid wastes when they are:~~

~~(A) Applied to or placed on the land in a manner that constitutes disposal; or~~

~~(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land, in which cases the product itself remains a solid waste.~~

~~(ii) However, commercial chemical products listed in R315-2-11 are not solid wastes if they are applied to the land and that is their ordinary manner of use.~~

~~(2) Burning for energy recovery.~~

~~(i) Materials noted with a "*" in column 2 of Table 1 of 40 CFR 261.2 are solid wastes when they are:~~

~~(A) Burned to recover energy;~~

~~(B) Used to produce a fuel or are otherwise contained in fuels, in which cases the fuel itself remains a solid waste.~~

~~(ii) However, commercial chemical products listed in R315-2-11 are not solid wastes if they are themselves fuels.~~

~~(3) Reclaimed. Materials noted with a "*" in column 3 of Table 1 of 40 CFR 261.2 are solid wastes when reclaimed, except as provided under R315-2-4(a)(17), which shall be effective on July 1, 1999. Materials noted with a "---" in column 3 of Table 1 are not solid wastes when reclaimed.~~

~~(4) Accumulated speculatively. Materials noted with a "*" in column 4 of Table 1 of 40 CFR 261.2 are solid wastes when accumulated speculatively.~~

~~(d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:~~

~~(1) Hazardous Waste Nos. F020, F021, unless used as an ingredient to make a product at the site of generation, F022, F023, F026, and F028.~~

~~(2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in R315-2-9 through R315-2-10 and R315-2-24, except for brominated material that meets the following criteria:~~

~~(i) The material must contain a bromine concentration of at least 45%; and~~

~~(ii) The material must contain less than a total of 1% of toxic organic compounds listed in 40 CFR 261 Appendix VIII; and~~

~~(iii) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).~~

~~(3) The Board will use the following criteria to add wastes to that list:~~

~~(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or~~

~~(B) The materials contain toxic constituents listed in R315-50-10 and these constituents are not ordinarily found in raw materials or products for which the materials substitute, or are found in raw materials or products in smaller concentrations, and are not used or reused during the recycling process; and~~

~~(ii) The material may pose a substantial hazard to human health~~

~~and the environment when recycled.~~

~~(e) Materials that are not solid waste when recycled.~~

~~(1) Materials are not solid wastes when they can be shown to be recycled by being:~~

~~(i) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or~~

~~(ii) Used or reused as effective substitutes for commercial products; or~~

~~(iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material shall be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land. After June 30, 1999, in cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at R315-2-4(a)(16) apply rather than this provision.~~

~~(2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process, described in paragraphs (e)(1)(i)-(iii) of this section:~~

~~(i) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or~~

~~(ii) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or~~

~~(iii) Materials accumulated speculatively; or~~

~~(iv) Materials listed in paragraphs (d)(1) and (d)(2) of this section.~~

~~(f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce rules implementing the Utah Solid and Hazardous Waste Act who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation, such as contracts showing that a second person uses the material as an ingredient in a production process, to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.~~

**~~R315-2-3. Definition of Hazardous Waste.~~**

~~(a) A solid waste as defined in section R315-2-2 is a hazardous waste if:~~

~~(1) It is not excluded from regulation as a hazardous waste under subsection R315-2-4(b); and~~

~~(2) It meets any of the following criteria:~~

~~(i) It is listed in sections R315-2-10 or R315-2-11 and has not been excluded from this section under sections R315-2-16 or R315-2-17.~~

~~(ii) It exhibits any of the characteristics of hazardous waste identified in R315-2-9. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under R315-2-4(b)(7) and any other solid waste exhibiting a~~

~~characteristic of hazardous waste under R315-2-9 is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Toxicity Characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in table I, 40 CFR 261.24, which R315-2-9(g)(2) incorporates by reference, that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.~~

~~(iii) RESERVED.~~

~~(iv) It is a mixture of solid waste and one or more hazardous wastes listed in R315-2-10 or R315-2-11 and has not been excluded from paragraph (a)(2) of this section under R315-2-16 and R315-2-17, or paragraph (f) of this section; however, the following mixtures of solid wastes and hazardous wastes listed in R315-2-10 or R315-2-11 are not hazardous wastes, except by application of paragraph (a)(2)(i) or (ii) of this section, if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act, 33 U.S.C. 1251 et seq., including wastewater at facilities which have eliminated the discharge of wastewater, and;~~

~~(A) One or more of the following spent solvents listed in R315-2-10(e), which incorporates by reference 40 CFR 261.31 - carbon tetrachloride, tetrachloroethylene, trichloroethylene - provided that the maximum total weekly usage of these solvents, other than the amounts that can be demonstrated not to be discharged to wastewater, divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 1 part per million; or~~

~~(B) One or more of the following spent solvents listed in R315-2-10(e), which incorporates by reference 40 CFR 261.31 - methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents - provided that the maximum total weekly usage of these solvents, other than the amounts that can be demonstrated not to be discharged to wastewater, divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pre-treatment system does not exceed 25 parts per million; or~~

~~(C) One of the following wastes listed in R315-2-10(f), which incorporates by reference 40 CFR 261.32, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation - heat exchanger bundle cleaning sludge from the petroleum refining industry, EPA Hazardous Waste No. K050, crude oil storage tank sediment from petroleum refining operations, EPA Hazardous Waste No. K169, clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations, EPA Hazardous Waste No. K170, spent hydrotreating catalyst, EPA Hazardous Waste No. K171, and spent hydrorefining catalyst, EPA~~

~~Hazardous Waste No. K172; or~~

~~(D) A discarded commercial chemical product, or chemical intermediate listed in R315-2-11, arising from "de minimis" losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subparagraph, "de minimis" losses include those from normal material handling operations, for example, spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials; minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or~~

~~(E) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Sections R315-2-10 or R315-2-11, which incorporates by reference 40 CFR 261 subpart D, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or~~

~~(F) One or more of the following wastes listed in R315-2-10(f), which incorporates by reference 40 CFR 261.32 - wastewaters from the production of carbamates and carbamoyl oximes, EPA Hazardous Waste No. K157 - Provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine, including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or is recovered, i.e., what is discharged or volatilized, divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or~~

~~(G) Wastewaters derived from the treatment of one or more of the following wastes listed in R315-2-10(f), which incorporates by reference 40 CFR 261.32 - organic waste, including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates, from the production of carbamates and carbamoyl oximes, EPA Hazardous Waste No. K156 - Provided, that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.~~

~~(v) Rebuttable presumption for used oil. Used oil containing more than 1000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in R315-2-10(e) and (f), which incorporates by reference 40 CFR 261 Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste, for example, by using an analytical method from SW-846, Third Edition, to show that the used~~

~~oil does not contain significant concentrations of halogenated hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII.~~

~~(A) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner, or disposed.~~

~~(B) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.~~

~~(b) A solid waste which is not excluded from regulation under paragraph (a)(1) of this section becomes a hazardous waste when any of the following events occur:~~

~~(1) In the case of a waste listed in sections R315-2-10 or R315-2-11, when the waste first meets the listing description set forth in sections R315-2-10 or R315-2-11.~~

~~(2) In the case of the mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in sections R315-2-10 or R315-2-11 is first added to the solid waste.~~

~~(3) In the case of any other waste, including a waste mixture, when the waste exhibits any of the characteristics identified in section R315-2-9.~~

~~(c) Unless and until it meets the criteria of paragraph (d) of this section:~~

~~(1) A hazardous waste will remain a hazardous waste.~~

~~(2)(i) Except as otherwise provided in paragraph (c)(2)(ii) or (f) of this section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate, but not including precipitation run-off, is a hazardous waste. However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.~~

~~(ii) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:~~

~~(A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry, SIC Codes 331 and 332.~~

~~(B) Wastes from burning any of the materials exempted from regulations by 40 CFR 261.6(a)(3)(iii) and (v). R315-2-6 incorporates by reference the requirements of 40 CFR 261.6 concerning recyclable materials.~~

~~(C)(1) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062, or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth~~

~~furnace/electric furnace combinations or industrial furnaces (as defined in 40 CFR 260.10 (6), (7), and (13) of the definition for "Industrial Furnace" which R315-1-1(b) incorporates by reference), that are disposed in solid waste landfills regulated under R315-301 through R315-320, provided that these residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste. Testing requirements shall be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues shall be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.~~

~~TABLE~~

~~Constituent Maximum for any single composite sample - TCLP (mg/l)~~

~~Generic exclusion levels for K061 and K062 nonwastewater HTMR residues~~

| | |
|---|---|
| ~~Antimony~~ | ~~0.10~~ |
| ~~Arsenic~~ | ~~0.50~~ |
| ~~Barium~~ | ~~7.6~~ |
| ~~Beryllium~~ | ~~0.010~~ |
| ~~Cadmium~~ | ~~0.050~~ |
| ~~Chromium (total)~~ | ~~0.33~~ |
| ~~Lead~~ | ~~0.15~~ |
| ~~Mercury~~ | ~~0.009~~ |
| ~~Nickel~~ | ~~1.0~~ |
| ~~Selenium~~ | ~~0.16~~ |
| ~~Silver~~ | ~~0.30~~ |
| ~~Thallium~~ | ~~0.020~~ |
| ~~Zinc~~ | ~~70~~ |

~~Generic exclusion levels for F006 nonwastewater HTMR residues~~

| | |
|---|---|
| ~~Antimony~~ | ~~0.10~~ |
| ~~Arsenic~~ | ~~0.50~~ |
| ~~Barium~~ | ~~7.6~~ |
| ~~Beryllium~~ | ~~0.010~~ |
| ~~Cadmium~~ | ~~0.050~~ |
| ~~Chromium (total)~~ | ~~0.33~~ |
| ~~Cyanide (total)(mg/kg)~~ | ~~1.8~~ |
| ~~Lead~~ | ~~0.15~~ |
| ~~Mercury~~ | ~~0.009~~ |
| ~~Nickel~~ | ~~1.0~~ |
| ~~Selenium~~ | ~~0.16~~ |
| ~~Silver~~ | ~~0.30~~ |
| ~~Thallium~~ | ~~0.020~~ |
| ~~Zinc~~ | ~~70~~ |

~~(2) A one-time notification and certification shall be placed in the facility's files and sent to the Director for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to solid waste landfills regulated under R315-301 through R315-320. The notification and certification that is placed in the generators or treaters files shall be updated if the process or operation generating the waste changes and/or if the solid waste landfill regulated under R315-301 through R315-320 receiving the waste changes. However, the generator or treater need only notify the Director on an annual basis if such changes occur. Such notification and certification should be sent to the Director by the end of the calendar year, but no later than December 31. The notification shall include the following information: The name and address of the solid waste landfill regulated under R315-301 through R315-320 receiving the waste shipments; the EPA Hazardous Waste Number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification shall be signed by an authorized representative and shall state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."~~

~~(D) Biological treatment sludge from the treatment of one of the following wastes listed in R315-2-10(f), which incorporates by reference 40 CFR 261.32 - organic waste, including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates, from the production of carbamates and carbamoyl oximes, EPA Hazardous Waste No. K156, and wastewaters from the production of carbamates and carbamoyl oximes, EPA Hazardous Waste No. K157.~~

~~(E) Catalyst inert support media separated from one of the following wastes listed in R315-2-10(f), which incorporates by reference 40 CFR 261.32, - Spent hydrotreating catalyst, EPA Hazardous Waste No. K171, and Spent hydrorefining catalyst, EPA Hazardous Waste N0. K172.~~

~~(d) Any solid waste described in paragraph (c) of this section is not a hazardous waste if it meets the following criteria:~~

~~(1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in section R315-2-9. However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of R315-13 which incorporates by reference 40 CFR 268, even if they no longer exhibit a characteristic at the point of land disposal.~~

~~(2) In the case of a waste which is a listed waste under sections R315-2-10 or R315-2-11, contains a waste listed under sections R315-2-10 or R315-2-11, or is derived from a waste listed in sections R315-2-10 or R315-2-11, it also has been excluded from paragraph (c) of this section under R315-2-16 and R315-2-17.~~

~~(e) Notwithstanding R315-2-3(a) through (d) and provided the debris as defined in R315-13, which incorporates by reference 40 CFR~~

~~268, does not exhibit a characteristic identified in R315-2-9, the following materials are not subject to regulation under R315-1, R315-2 to R315-8, R315-13, and R315-14:~~

~~(1) Hazardous debris as defined in R315-13, which incorporates by reference 40 CFR 268, that has been treated using one of the required extraction or destruction technologies specified in R315-13, which incorporates by reference 40 CFR 268.45 Table 1; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or~~

~~(2) Debris as defined in R315-13, which incorporates by reference 40 CFR 268, that the Director, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.~~

~~(f)(1) A hazardous waste that is listed in R315-2-10 or R315-2-11 solely because it exhibits one or more characteristics of ignitability as defined under R315-2-9(d), corrosivity as defined under R315-2-9(e), or reactivity as defined under R315-2-9(f) is not hazardous waste, if the waste no longer exhibits any characteristic of hazardous waste identified in R315-2-9(a), (d), (e), (f), or (g).~~

~~(2) The exclusion described in paragraph (f)(1) of this section also pertains to~~

~~(i) Any mixture of a solid waste and a hazardous waste listed in R315-2-10 and R315-2-11 solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under R315-2-3(a)(2)(iv); and,~~

~~(ii) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in R315-2-10 and R315-2-11 solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under R315-2-3(c)(2)(i).~~

~~(3) Wastes excluded from R315-2-3 are subject to R315-13-1, which incorporates by reference 40 CFR 268, (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.~~

~~(4) Any mixture of a solid waste excluded from regulation under R315-2-4(b)(7) and a hazardous waste listed in R315-2-10 and R315-2-11, which incorporates by reference 40 CFR 261 subpart D, solely because it exhibits one or more of the characteristics of ignitability, corrosivity, or reactivity as regulated under paragraph (a)(2)(iv) of this section is not a hazardous waste, if the mixture no longer exhibits any characteristic of hazardous waste identified in R315-2-9(a), (d) - (g) for which the hazardous waste listed in R315-2-10 and R315-2-11, which incorporates by reference 40 CFR 261 subpart D, was listed.~~

**~~R315-2-4. Exclusions.~~**

~~(a) MATERIALS WHICH ARE NOT SOLID WASTES.~~

~~The following materials are not solid wastes for the purpose of this rule:~~

~~(1) Domestic sewage or any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.~~

~~(2) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water~~

~~Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.~~

~~(3) Irrigation return flows.~~

~~(4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2011 et seq.~~

~~(5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.~~

~~(6) Pulping liquors, black liquor that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in R315-1-1(c), which incorporates by reference 40 CFR 261.1(c).~~

~~(7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in subsection R315-1-1(c), which incorporates by reference 40 CFR 261.1(c).~~

~~(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:~~

~~(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;~~

~~(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);~~

~~(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and~~

~~(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.~~

~~(9)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and~~

~~(ii) wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.~~

~~(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in R315-2-4(a)(9)(i) and (ii), so long as they meet all of the following conditions:~~

~~(A) The wood preserving wastewaters and spent wood preserving solutions are reused onsite at water borne plants in the production process for their original intended purpose;~~

~~(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;~~

~~(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;~~

~~(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in R315-7-28, which incorporates by reference 40 CFR 265.440 - 445, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and~~

~~(E) Prior to operating pursuant to this exclusion, the plant~~

~~owner or operator submits to the Director a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than 3 years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Director for reinstatement. The Director may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.~~

~~(10) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic (TC) specified in R315-2-9(g) when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or the tar recovery or refining processes, or mixed with coal tar.~~

~~(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.~~

~~(12)(i) Oil-bearing hazardous secondary materials, i.e., sludges, byproducts, or spent materials, that are generated at a petroleum refinery, SIC code 2911, and are inserted into the petroleum refining process, SIC code 2911 - including distillation, catalytic cracking, fractionation, gasification (as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10), or thermal cracking units, i.e., cokers, unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph, provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in R315-2-4(a)(12)(ii), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry, i.e., from sources other than petroleum refineries, are not excluded under R315-2-4. Residuals generated from processing or recycling materials excluded under this paragraph (a)(12)(i), where such materials as generated would have otherwise met a listing under R315-2-10, R315-2-11, R315-2-24, and R315-2-26, are designated as F037 listed wastes when disposed of or intended for disposal.~~

~~(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in R315-2-4(a)(12)(i). Recovered~~

~~oil is oil that has been reclaimed from secondary materials, including wastewater, generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5152.) Recovered oil does not include oil-bearing hazardous wastes listed in R315-2-10, R315-2-11, R315-2-24, and R315-2-26; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in 19-6-703(19).~~

~~(13) Excluded scrap metal, processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal, being recycled.~~

~~(14) Shredded circuit boards being recycled provided that they are:~~

~~(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and~~

~~(ii) Free of mercury switches, mercury relays, and nickel-cadmium batteries and lithium batteries.~~

~~(15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.~~

~~(16) Comparable fuels or comparable syngas fuels that meet the requirements of R315-2-26, which incorporates by reference 40 CFR 261.38.~~

~~(17) Spent materials as defined in R315-1-1(c), which incorporates by reference 40 CFR 261.1, other than hazardous wastes listed in R315-2-10, 2-11, and 2-26 (which incorporate by reference 40 CFR 261 Subpart D), and R315-2-24, generated within the primary mineral processing industry from which minerals, acids, cyanide, water or other values are recovered by mineral processing or by benefication, provided that:~~

~~(i) The spent material is legitimately recycled to recover minerals, acids, cyanide, water or other values;~~

~~(ii) The spent material is not accumulated speculatively;~~

~~(iii) Except as provided in R315-2-4(a)(17)(iv), the spent material is stored in tanks, containers, or buildings meeting the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support, except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion, and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment as defined R315-1-1(b), which incorporates by reference 40 CFR 260.10, and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If tanks or containers contain any particulate which may be subject to wind dispersal, the owner/operator must operate these units in a manner which controls fugitive dust. Tanks, containers, and buildings must be designed, constructed and operated to prevent significant releases to the environment of these materials.~~

~~(iv) The Director may make a site-specific determination, after~~

~~public review and comment, that only solid mineral processing spent materials may be placed on pads, rather than in tanks, containers, or buildings. Solid mineral processing spent materials do not contain any free liquid. The Director must affirm that pads are designed, constructed and operated to prevent significant releases of the secondary material into the environment. Pads must provide the same degree of containment afforded by the non-RCRA tanks, containers and buildings eligible for exclusion.~~

~~(A) The Director must also consider if storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, air exposure pathways are: the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway, and the possibility and extent of harm to human and environmental receptors via each exposure pathway.~~

~~(B) Pads must meet the following minimum standards: be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material, capable of withstanding physical stresses associated with placement and removal, have run on/runoff controls, be operated in a manner which controls fugitive dust, and have integrity assurance through inspections and maintenance programs.~~

~~(C) Before making a determination under this paragraph, the Director must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.~~

~~(v) The owner or operator provides notice to the Director, providing the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.~~

~~(vi) For purposes of R315-2-4(b)(7), mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.~~

~~(vii) R315-2-4(a)(16) becomes effective July 1, 1999.~~

~~(18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process, SIC code 2911, along with normal petroleum refinery process streams, provided:~~

~~(i) The oil is hazardous only because it exhibits the characteristic of ignitability, as defined in R315-2-9(d), and/or toxicity for benzene, R315-2-9(g), waste code D018; and~~

~~(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated~~

~~organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically co-located with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials, i.e., sludges, byproducts, or spent materials, including wastewater, from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.~~

~~(19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or napthenic acid unless the material is placed on the land, or accumulated speculatively as defined in R315-1-1(c), which incorporates by reference 40 CFR 261.1(c).~~

~~(20) Hazardous secondary materials used to make zinc fertilizers, provided that the conditions specified below are satisfied:~~

~~(i) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in R315-1-1(c) which incorporates by reference 40 CFR 261.1(c)(8).~~

~~(ii) Generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:~~

~~(A) Submit a one-time notice to the Director which contains the name, address and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in R315-2-4(a)(20).~~

~~(B) Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and must have a floor, walls and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose must be structurally sound and, if outdoors, must have roofs or covers that prevent contact with wind and rain. Containers used for this purpose must be kept closed except when it is necessary to add or remove material, and must be in sound condition. Containers that are stored outdoors must be managed within storage areas that:~~

~~(1) have containment structures or systems sufficiently impervious to contain leaks, spills and accumulated precipitation;~~

~~(2) provide for effective drainage and removal of leaks, spills and accumulated precipitation; and~~

~~(3) prevent run-on into the containment system.~~

~~(C) With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of R315-2-4(a)(20).~~

~~(D) Maintain at the generator's or intermediate handler's~~

~~facility for no less than three years records of all shipments of excluded hazardous secondary materials. For each shipment these records must at a minimum contain the following information:~~

~~(1) Name of the transporter and date of the shipment;~~

~~(2) Name and address of the facility that received the excluded material, and documentation confirming receipt of the shipment; and~~

~~(3) Type and quantity of excluded secondary material in each shipment.~~

~~(iii) Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:~~

~~(A) Store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in R315-2-4(a)(20)(ii)(B).~~

~~(B) Submit a one-time notification to the Director that, at a minimum, specifies the name, address and EPA ID number of the manufacturing facility, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in R315-2-4(a)(20).~~

~~(C) Maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, name of transporter and date the materials were received, the quantity received, and a brief description of the industrial process that generated the material.~~

~~(D) Submit to the Director an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial process(s) from which they were generated.~~

~~(iv) Nothing in this section preempts, overrides or otherwise negates the provision in R315-5-1.11, which incorporates by reference 40 CFR 262.11, which requires any person who generates a solid waste to determine if that waste is a hazardous waste.~~

~~(v) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in R315-2-4(a)(20)(ii)(A), and that afterward will be used only to store hazardous secondary materials excluded under this paragraph, are not subject to the closure requirements of R315-7 and R315-8.~~

~~(21) Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under R315-2-4(a)(20), provided that:~~

~~(i) The fertilizers meet the following contaminant limits:~~

~~(A) For metal contaminants:~~

~~TABLE~~

| ~~Constituent~~ | ~~Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc ppm)~~ |
|---|---|
| ~~Arsenic~~ | ~~0.3~~ |
| ~~Cadmium~~ | ~~1.4~~ |
| ~~Chromium~~ | ~~0.6~~ |

~~Lead 2.8~~
~~Mercury 0.3~~

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~~(B) For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).~~

~~(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.~~

~~(iii) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of R315-2-4(a)(21)(ii). Such records must at a minimum include:~~

~~(A) The dates and times product samples were taken, and the dates the samples were analyzed;~~

~~(B) The names and qualifications of the person(s) taking the samples;~~

~~(C) A description of the methods and equipment used to take the samples;~~

~~(D) The name and address of the laboratory facility at which analyses of the samples were performed;~~

~~(E) A description of the analytical methods used, including any cleanup and sample preparation methods; and~~

~~(F) All laboratory analytical results used to determine compliance with the contaminant limits specified in R315-2-4(a)(21).~~

~~(22) Used cathode ray tubes (CRTs)~~

~~(i) Used, intact CRTs as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in R315-1-1(c), which incorporates by reference 40 CFR 261.1(c)(8), by CRT collectors or glass processors.~~

~~(ii) Used, intact CRTs as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, are not solid wastes when exported for recycling provided that they meet the requirements of R315-2-27, which incorporates by reference 40 CFR 261.40.~~

~~(iii) Used, broken CRTs as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, are not solid wastes provided that they meet the requirements of R315-2-27, which incorporates by reference 40 CFR 261.39.~~

~~(iv) Glass removed from CRTs is not a solid waste provided that it meets the requirements of R315-2-27, which incorporates by reference 40 CFR 261.39(c).~~

~~(23) Solvent-contaminated wipes that are sent for cleaning and~~

~~reuse are not solid wastes from the point of generation, provided that~~

~~(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;~~

~~(ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;~~

~~(iii) At the point of being sent for cleaning onsite or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids as defined in section 260.10 of this chapter.~~

~~(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in R315-1 through R315-101;~~

~~(v) Generators must maintain at their site the following documentation:~~

~~(A) Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;~~

~~(B) Documentation that the 180-day accumulation time limit in R315-2-4(a)(23)(ii) is being met;~~

~~(C) Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning;~~

~~(vi) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.~~

~~(b) SOLID WASTES WHICH ARE NOT HAZARDOUS WASTES.~~

~~The following solid wastes are not hazardous wastes:~~

~~(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered, such as refuse-derived fuel or reused. "Household waste" means any material, including garbage, trash and sanitary wastes in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if the facility:~~

~~(i) Receives and burns only~~

~~(A) Household waste, from single and multiple dwellings, hotels, motels, and other residential sources and~~

~~(B) Solid waste from commercial of industrial sources that does not contain hazardous waste; and~~

~~(ii) The facility does not accept hazardous wastes and the owner or operator of the facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in the facility.~~

~~(2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:~~

~~(i) The growing and harvesting of agricultural crops.~~

~~(ii) The raising of animals, including animal manures.~~

~~(3) Mining overburden returned to the mine site.~~

~~(4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided by R315-14-7, which incorporates by reference 40 CFR 266.112, for facilities that burn or process hazardous waste.~~

~~(5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.~~

~~(6) The following additional solid wastes:~~

~~(i) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in sections R315-2-10 or R315-2-11 due to the presence of chromium, which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:~~

~~(A) The chromium in the waste is exclusively, or nearly exclusively, trivalent chromium; and~~

~~(B) The waste is generated from an industrial process which uses trivalent chromium exclusively, or nearly exclusively, and the process does not generate hexavalent chromium; and~~

~~(C) The waste is typically and frequently managed in non-oxidizing environments.~~

~~(ii) Specific wastes which meet the standard in paragraphs (b)(6)(i)(A),(B), and (C) of this section, so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic, are:~~

~~(A) Chrome blue trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.~~

~~(B) Chrome blue shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.~~

~~(C) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.~~

~~(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair/pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish;~~

~~retan/wet finish; no beamhouse; through-the-blue; and shearling.~~

~~(E) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.~~

~~(F) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.~~

~~(G) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.~~

~~(H) Wastewater treatment sludges from the production of $TiO_2$ pigment using chromium-bearing ores by the chloride process.~~

~~(7) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including coal, phosphate rock, and overburden from the mining of uranium ore, except as provided by R315-14-7, which incorporates by reference 40 CFR 266.112 for facilities that burn or process hazardous waste.~~

~~(i) For purposes of R315-2-4(b)(7) beneficiation of ores and minerals is restricted to the following activities; crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching.~~

~~(ii) For the purposes of R315-2-4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:~~

~~(A) Slag from primary copper processing;~~

~~(B) Slag from primary lead processing;~~

~~(C) Red and brown muds from bauxite refining;~~

~~(D) Phosphogypsum from phosphoric acid production;~~

~~(E) Slag from elemental phosphorus production ;~~

~~(F) Gasifier ash from coal gasification;~~

~~(G) Process wastewater from coal gasification;~~

~~(H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;~~

~~(I) Slag tailings from primary copper processing;~~

~~(J) Fluorogypsum from hydrofluoric acid production;~~

~~(K) Process wastewater from hydrofluoric acid production;~~

~~(L) Air pollution control dust/sludge from iron blast furnaces;~~

~~(M) Iron blast furnace slag;~~

~~(N) Treated residue from roasting/leaching of chrome ore;~~

~~(O) Process wastewater from primary magnesium processing by the anhydrous process;~~

~~(P) Process wastewater from phosphoric acid production;~~

~~(Q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;~~

~~(R) Basic oxygen furnace and open hearth furnace slag from carbon steel production;~~

~~(S) Chloride process waste solids from titanium tetrachloride production;~~

~~(T) Slag from primary zinc processing.~~

~~(iii) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under R315-2-4(b) if the owner or operator:~~

~~(A) Processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and,~~

~~(B) Legitimately reclaims the secondary mineral processing materials.~~

~~(8) Cement kiln dust waste, except as provided by R315-14-7, which incorporates by reference 40 CFR 266.112, for facilities that burn or process hazardous waste.~~

~~(9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.~~

~~(10) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic (TC) of R315-2-9(g), Hazardous Waste Codes D018 through D043 only, and are subject to the corrective action requirements under R311-202, which incorporates by reference 40 CFR 280.~~

~~(11) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic, Hazardous Waste Codes D018 through D043 only, in R315-2-9(e) that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until October 2, 1991. New operations involving injection wells, beginning after March 25, 1991, will qualify for this compliance date extension until January 25, 1993, only if:~~

~~(i) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and~~

~~(ii) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 and the Division of Solid and Hazardous Waste, Dept. of Environmental Quality, State of Utah, Salt Lake City, UT 84114-4880.~~

~~(12) Used chlorofluorocarbon refrigerants from totally~~

~~enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.~~

~~(13) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.~~

~~(14) Non-terne plated used oil filters that are not mixed with wastes listed in R315-2-10(e) and (f) and R315-2-11, which incorporate by reference 40 CFR 261 Subpart D, if these oil filters have been gravity hot-drained using one of the following methods:~~

~~(i) Puncturing the filter anti-drain back valve or the filter dome end and hot draining;~~

~~(ii) Hot-draining and crushing;~~

~~(iii) Dismantling and hot-draining; or~~

~~(iv) Any other equivalent hot-draining method that will remove used oil.~~

~~(15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:~~

~~(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, K178, and K181 if these wastes had been generated after the effective date of the listing;~~

~~(ii) The solid wastes described in paragraph R315-2-4(b)(15)(i) were disposed prior to the effective date of the listing;~~

~~(iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;~~

~~(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under R317-8 of the Utah Water Quality Rules.~~

~~(v) As of February 13, 2001, leachate or gas condensate derived from K169-K172 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K 178 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation, e.g., shutdown of wastewater treatment system, provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph after the emergency ends.~~

~~(16) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation provided that~~

~~(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers~~

~~must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;~~

~~(ii) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;~~

~~(iii) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids as defined in R315-1-1(e)(6).~~

~~(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in R315-1 through R315-101;~~

~~(v) Generators must maintain at their site the following documentation:~~

~~(A) Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;~~

~~(B) Documentation that the 180 day accumulation time limit in R315-4-(b)(16)(ii) is being met;~~

~~(C) Description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal;~~

~~(vi) The solvent-contaminated wipes are sent for disposal~~

~~(A) To a municipal solid waste landfill:~~

~~(1) regulated under R315-301 through R315-320~~

~~(2) is a Class I or V Landfill; and~~

~~(3) has a composite liner;~~

~~(B) or to a hazardous waste landfill regulated under R315-1 through R315-101; or~~

~~(C) To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or to a hazardous waste combustor, boiler, or industrial furnace regulated under R315-7, R315-8 or R315-14-7, which incorporates by reference 266 subpart H.~~

~~(e) HAZARDOUS WASTES WHICH ARE EXEMPTED FROM CERTAIN RULES.~~

~~A hazardous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit is not subject to these regulations or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of products or raw materials.~~

~~(d) SAMPLES~~

~~(1) Except as provided in paragraph (d)(2) of this section, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its~~

~~characteristics or compositions, is not subject to any requirements of these rules when:~~

~~(i) The sample is being transported to a laboratory for the purpose of testing;~~

~~(ii) The sample is being transported back to the sample collector after testing;~~

~~(iii) The sample is being stored by the sample collector before transport to a laboratory for testing;~~

~~(iv) The sample is being stored in a laboratory before testing;~~

~~(v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or~~

~~(vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose, for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary.~~

~~(2) In order to qualify for the exemption in paragraphs (d)(1)(i) and (ii) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:~~

~~(i) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or~~

~~(ii) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:~~

~~(A) Assure that the following information accompanies the sample:~~

~~(1) The sample collector's name, mailing address, and telephone number;~~

~~(2) The laboratory's name, mailing address, and telephone number;~~

~~(3) The quantity of the sample;~~

~~(4) The date of shipment; and~~

~~(5) A description of the sample.~~

~~(B) Package the sample so that it does not leak, spill, or vaporize from its packaging.~~

~~(3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in paragraph (d)(1) of this section.~~

~~(e) TREATABILITY STUDY SAMPLES.~~

~~(1) Except as provided in paragraph (e)(2) of this Section, a person who generates or collects samples for the purpose of conducting treatability studies as defined in section R315-1-1, which incorporates by reference the definitions of 40 CFR 260.10, are not subject to any requirement of R315-2, R315-5, and R315-6, or to the notification requirements of Section 3010 of RCRA, nor are these samples included in the quantity determinations of R315-2-5, which incorporates by reference the requirements concerning conditionally exempt small quantity generators of 40 CFR 261.5 and R315-5-3.34, which incorporates by reference the requirements concerning waste accumulation time for generators of 40 CFR 262.34(d) when:~~

~~(i) the sample is being collected and prepared for transportation by the generator or sample collector;~~

~~(ii) the sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or~~

~~(iii) the sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.~~

~~(2) The exemption in paragraph (e)(1) of this section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:~~

~~(i) The generator or sample collector uses, in "treatability studies," no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;~~

~~(ii) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste; and~~

~~(iii) the sample shall be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of paragraph A or B of this subparagraph are met;~~

~~(A) the transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or~~

~~(B) if the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information shall accompany the sample:~~

~~(1) the name, mailing address, and telephone number of the originator of the sample;~~

~~(2) the name, address, and telephone number of the facility that will perform the treatability study;~~

~~(3) the quantity of the sample;~~

~~(4) the date of shipment; and~~

~~(5) a description of the sample, including its EPA Hazardous Waste Number.~~

~~(iv) the sample is shipped to a laboratory or testing facility which is exempt under R315-2-4(f) (40 CFR 261.4(f)) or has an appropriate RCRA permit or interim status;~~

~~(v) the generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:~~

~~(A) copies of the shipping documents;~~

~~(B) a copy of the contract with the facility conducting the treatability study;~~

~~(C) documentation showing:~~

~~(1) the amount of waste shipped under this exemption;~~

~~(2) the name, address, and EPA identification number of the laboratory or testing facility that received the waste;~~

~~(3) the date the shipment was made; and~~

~~(4) whether or not unused samples and residues were returned to the generator.~~

~~(vi) the generator reports the information required under~~

~~paragraph (e)(v)(C) of this section in its biennial report.~~

~~(3) The Director may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Director may grant requests on a case-by-case basis for quantity limits in excess of those specified in paragraphs (e)(2) (i) and (ii) and (f)(4) of this section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste and 1 kg of acute hazardous waste:~~

~~(i) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, e.g., batch versus continuous, size of the unit undergoing testing, particularly in relation to scale-up considerations, the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.~~

~~(ii) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when: There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.~~

~~(iii) The additional quantities and time frames allowed in paragraph (e)(3) (i) and (ii) of this section are subject to all the provisions in paragraphs (e) (1) and (e)(2) (iii) through (vi) of this section. The generator or sample collector must apply to the Director and provide in writing the following information:~~

~~(A) The reason why the generator or sample collector requires additional time or quantity of sample for treatability study evaluation and the additional time or quantity needed;~~

~~(B) Documentation accounting for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results on each treatability study;~~

~~(C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;~~

~~(D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and~~

~~(E) Such other information that the Director considers necessary.~~

~~(f) SAMPLES UNDERGOING TREATABILITY STUDIES AT LABORATORIES AND~~

~~TESTING FACILITIES.~~

~~Samples undergoing treatability studies and the laboratory or testing facility that conducts these treatability studies, to the extent these facilities are not otherwise subject to RCRA requirements, are not subject to any requirement of this rule, R315-3 through R315-8, and R315-13, or to the notification requirements of Section 3010 of RCRA provided that the conditions of paragraphs (f)(1) through (11) of this Section are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to paragraphs (f)(1) through (11) of this section. Where a group of MTUs are located at the same site, the limitations specified in (f)(1) through (11) of this section apply to the entire group of MTUs collectively as if the group were one MTU.~~

~~(1) No less than 45 days before conducting treatability studies, the facility notifies the Director in writing that it intends to conduct treatability studies under this paragraph.~~

~~(2) The laboratory or testing facility conducting the treatability study has an EPA identification number.~~

~~(3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.~~

~~(4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials, including nonhazardous solid waste, added to "as received" hazardous waste.~~

~~(5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year, two years for treatability studies involving bioremediation, have elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.~~

~~(6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.~~

~~(7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information shall be included for each treatability study conducted:~~

~~(i) the name, address, and EPA identification number of the generator or sample collector of each waste sample;~~

~~(ii) the date the shipment was received;~~

~~(iii) the quantity of waste accepted;~~

~~(iv) the quantity of "as received" waste in storage each day;~~

~~(v) the date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;~~

~~(vi) the date the treatability study was concluded; and~~

~~(vii) the date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the EPA identification number.~~

~~(8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.~~

~~(9) The facility prepares and submits a report to the Director by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:~~

~~(i) the name, address, and EPA identification number of the facility conducting the treatability studies;~~

~~(ii) the types, by process, of treatability studies conducted;~~

~~(iii) the names and addresses of persons for whom studies have been conducted, including their EPA identification numbers;~~

~~(iv) the total quantity of waste in storage each day;~~

~~(v) the quantity and types of waste subjected to treatability studies;~~

~~(vi) when each treatability study was conducted; and~~

~~(vii) the final disposition of residues and unused sample from each treatability study.~~

~~(10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under R315-2-3 and, if so, are subject to R315-2 through R315-8, and R315-13, unless the residues and unused samples are returned to the sample originator under the exemption of paragraph (e) of this section.~~

~~(11) The facility notifies the Director by letter when the facility is no longer planning to conduct any treatability studies at the site.~~

~~(g) DREDGED MATERIAL THAT IS NOT A HAZARDOUS WASTE.~~

~~Dredged material that is subject to the requirements of a permit that has been issued under 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413) is not a hazardous waste. For this paragraph (g), the following definitions apply:~~

~~(1) The term dredged material has the same meaning as defined in 40 CFR 232.2;~~

~~(2) The term permit means:~~

~~(i) A permit issued by the U.S. Army Corps of Engineers (Corps) or the Utah State Division of Water Quality;~~

~~(ii) A permit issued by the Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or~~

~~(iii) In the case of Corps civil works projects, the administrative equivalent of the permits referred to in paragraphs~~

~~R315-2-4(g)(2)(i) and (ii), as provided for in Corps regulations.~~

**~~R315-2-5. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators.~~**

~~The requirements of 40 CFR 261.5, 2010 ed., are adopted and incorporated by reference.~~

**~~R315-2-6. Requirements for Recyclable Materials.~~**

~~The requirements of 40 CFR 261.6, 2010 ed., are adopted and incorporated by reference within this rule, except for the following changes:~~

~~(a) Paragraph 40 CFR 261.6(a)(5) shall be amended to read as follows:~~

~~Hazardous waste as identified in 40 CFR 262.80(a) that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in Section 262.58(a)(1)) for purpose of recovery is subject to the requirements of 40 CFR part 262, subpart H, if it is subject to either the Federal manifesting requirements of 40 CFR Part 262, to the universal waste management standards of 40 CFR Part 273, or to State requirements analogous to 40 CFR Part 273.~~

**~~R315-2-7. Residues of Hazardous Waste in Empty Containers.~~**

~~(a)(1) Any hazardous waste remaining in either~~

~~(i) an empty container, or~~

~~(ii) an empty inner liner removed from a container, as defined in paragraph (b) of this section, is not subject to regulation under R315-2 through R315-13.~~

~~(2) Any hazardous waste in either:~~

~~(i) a container that is not empty, or~~

~~(ii) an inner liner removed from a container that is not empty, as defined in paragraph (b) of this section, is subject to regulation under R315-2 through R315-13.~~

~~(b)(1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as acute hazardous waste listed in sections R315-2-10(e) or R315-2-11(e) is empty if:~~

~~(i) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and~~

~~(ii) No more than 2.5 centimeters, one inch, of residue remains on the bottom of the container or inner liner; or~~

~~(iii)(A) No more than three percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size, or~~

~~(B) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.~~

~~(2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.~~

~~(3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in sections R315-2-10(e) or~~

~~R315-2-11(c) is empty if:~~

~~(i) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;~~

~~(ii) The container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or~~

~~(iii) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.~~

**~~R315-2-8. PCB Wastes Regulated under the Toxic Substance Control Act, 42 U.S.C. et seq.~~**

~~The disposal of PCB-containing dielectric fluid and electric equipment containing such fluid authorized for use and regulated under part 761 40 CFR and that are hazardous only because they fail the test for the Toxicity Characteristic, hazardous codes D018 through D043 only, are exempt from regulation under R315-2 through R315-50 and the notification requirements of section 3010 of RCRA.~~

**~~R315-2-9. Characteristics of Hazardous Waste.~~**

~~(a) GENERAL.~~

~~(1) A solid waste, as defined in section R315-2-2, which is not excluded from regulation as a hazardous waste under R315-2-4(b), is a hazardous waste if it exhibits any of the characteristics identified in this section.~~

~~(2) A hazardous waste which is identified by a characteristic in this section, is assigned every EPA Hazardous Waste Number that is applicable as set forth in this section. This number shall be used in complying with the notification requirements of section 3010 of RCRA and all applicable recordkeeping and reporting requirements under R315-3 through R315-8, and R315-13.~~

~~(3) For purposes of this section, the Director will consider a sample obtained using any of the applicable sampling methods specified in R315-50-6, or an equivalent method, to be a representative sample.~~

~~(b) CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE.~~

~~(1) The Board shall identify and define a characteristic of hazardous waste in this section only upon determining that:~~

~~(i) A solid waste that exhibits the characteristic may:~~

~~(A) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or~~

~~(B) Pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and~~

~~(ii) The characteristic can be:~~

~~(A) Measured by an available standardized test method which is reasonably within the capability of generators of solid waste or private sector laboratories that are available to serve generators of solid waste; or~~

~~(B) Reasonably detected by generators of solid waste through their knowledge of their waste.~~

~~(c) CRITERIA FOR LISTING HAZARDOUS WASTE.~~

~~(1) The Board shall list a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:~~

~~(i) It exhibits any of the characteristics of hazardous waste identified in this section.~~

~~(ii) It has been found to be fatal to humans in low doses, or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity, rat, of less than 50 milligrams per kilogram, an inhalation LC 50 toxicity, rat, of less than 50 milligrams per liter, or a dermal LD 50 toxicity, rabbit, of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible illness. Waste listed in accordance with these criteria will be designated Acute Hazardous Waste.~~

~~(iii) It contains any of the toxic constituents listed in R315-50-10 and, after considering the following factors, the Board concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:~~

~~(A) The nature of the toxicity presented by the constituent.~~

~~(B) The concentration of the constituent in the waste.~~

~~(C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in paragraph (c)(1)(iii)(G) of this section.~~

~~(D) The persistence of the constituent or any toxic degradation product of the constituent.~~

~~(E) The potential for the constituent or any toxic degradation product of the constituent to degrade into non-harmful constituents and the rate of degradation.~~

~~(F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems.~~

~~(G) The plausible types of improper management to which the waste could be subjected.~~

~~(H) The quantities of the waste generated at individual generation sites or on a regional or national basis.~~

~~(I) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent.~~

~~(J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent.~~

~~(K) Other factors as may be appropriate.~~

~~Substances will be listed on R315-50-10 only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. Wastes listed in accordance with these criteria will be designated Toxic wastes.~~

~~(2) The Board may list classes or types of solid waste as hazardous waste if they have reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in Section 19-6-102 of the Utah Solid and Hazardous Waste Act.~~

~~(3) The Board will use the criteria for listing specified in this section to establish the exclusion limits referred to in 40 CFR 261.5(c). R315-2-5 incorporates by reference the requirements of 40 CFR 261.5 concerning conditionally exempt small quantity generators.~~

~~(d) CHARACTERISTIC OF IGNITABILITY~~

~~(1) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:~~

~~(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C, 140 degrees F, as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79, or D-93-80, incorporated by reference, see section R315-1-2, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78, incorporated by reference, see section R315-1-2, or as determined by an equivalent test method approved under the procedures set forth in section R315-2-15.~~

~~(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.~~

~~(iii) It is an ignitable "compressed gas" as defined in 49 CFR 173.300(a), 1990 ed., which is adopted and incorporated by reference, and as determined by the test methods described in that regulation or equivalent test methods approved under section R315-2-15.~~

~~(iv) It is an "oxidizer" as defined in 49 CFR 173.151, 1990 ed., which is adopted and incorporated by reference.~~

~~(2) A solid waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.~~

~~(e) CHARACTERISTIC OF CORROSIVITY~~

~~(1) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:~~

~~(i) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2.~~

~~(ii) It is a liquid and corrodes steel, SAE 1020, at a rate greater than 6.35 mm, 0.250 inch, per year at a test temperature of 55 degrees C, 130 degrees F, as determined by the test method specified in NACE, National Association of Corrosion Engineers Standard TM-01-69 as standardized in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2.~~

~~(2) A solid waste that exhibits the characteristic of corrosivity has the EPA Hazardous Waste Number of D002.~~

~~(f) CHARACTERISTIC OF REACTIVITY~~

~~(1) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:~~

~~(i) It is normally unstable and readily undergoes violent change without detonating.~~

~~(ii) It reacts violently with water.~~

~~(iii) It forms potentially explosive mixtures with water.~~

~~(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.~~

~~(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.~~

~~(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.~~

~~(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.~~

~~(viii) It is a "forbidden explosive" as defined in 49 CFR 173.54, or a "Division 1.1, 1.2, or 1.3 explosive" as defined in 49 CFR 173.50 and 173.53, which are incorporated by reference.~~

~~(2) A solid waste that exhibits the characteristic of reactivity has the EPA Hazardous Waste Number of D003.~~

~~(g) TOXICITY CHARACTERISTIC~~

~~(1) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2, the extract from a representative sample of the waste contains any of the contaminants listed in Table 1 of 40 CFR 261.24 at a concentration equal to or greater than the respective value given in that Table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purposes of this paragraph.~~

~~(2) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in Table 1 of 40 CFR 261.24, which corresponds to the toxic contaminant causing it to be hazardous. Table 1 of 40 CFR 261.24, 1990 ed., is adopted and incorporated by reference.~~

**~~R315-2-10. Lists of Hazardous Wastes.~~**

~~(a) A solid waste is a hazardous waste if it is listed in this section or R315-2-11, unless it has been excluded from this list under section R315-2-16.~~

~~(b) The Board will indicate the basis for listing the classes or types of wastes listed in this section and R315-2-11 by employing one or more of the following Hazard Codes:~~

~~Ignitable Waste: (I)~~

~~Corrosive Waste: (C)~~

~~Reactive Waste: (R)~~

~~Toxicity Characteristic Waste: (E)~~

~~Acute Hazardous Waste: (H)~~

~~Toxic Waste: (T)~~

~~R315-50-9, which incorporates by reference 40 CFR 261, Appendix VII, identifies the constituent which caused the Board to list the waste as a Toxicity Characteristic Waste (E) or Toxic Waste (T) in this section and R315-2-11.~~

~~(c) Each hazardous waste listed in this section and R315-2-11, is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number shall be used to comply with R315-1 through R315-13 where description and identification of a hazardous waste is required.~~

~~(d) The following hazardous wastes listed in this section are subject to the exclusion limits for acutely hazardous wastes established in R315-2-4:~~

~~EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.~~

~~(e) The listing of hazardous wastes from non-specific sources found in 40 CFR 261.31, 2010 ed., is adopted and incorporated by reference with the following additional waste:~~

~~(1) F999 - Residues from demilitarization, treatment, and testing of nerve, military, and chemical agents CX, GA, GB, GD, H, HD, HL, HN-1, HN-2, HN-3, HT, L, T, and VX. (R,T,C,H)~~

~~(f) The listing of hazardous wastes from specific sources found in 40 CFR 261.32, 2010 ed., is adopted and incorporated by reference.~~

**~~R315-2-11. Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof.~~**

~~The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in R315-2-11" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraphs (e) or (f) of this section, which incorporate by reference, respectively, the lists of acute hazardous wastes and hazardous wastes in 40 CFR 261.33. Where a manufacturing process waste is deemed to be hazardous waste because it contains a substance listed in paragraphs (e) or (f) of this section, that waste will be listed in Section R315-2-10, which incorporates the lists of hazardous wastes in 40 CFR 261.31 and 261.32, or will be identified as a hazardous waste by the characteristics set forth in Section R315-2-9.~~

~~The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Subsection R315-2-2(a)(2)(i), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as, or a component of a fuel, distributed for use as a fuel, or burned as a fuel.~~

~~(a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, which incorporate by reference, respectively, the lists of acute hazardous wastes and hazardous wastes in 40 CFR 261.33.~~

~~(b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications,~~

~~would have the generic name listed in paragraphs (e) or (f) of this section, which incorporate by reference, respectively, the lists of acute hazardous wastes and hazardous wastes in 40 CFR 261.33.~~

~~(c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, which incorporate by reference, respectively, the lists of acute hazardous wastes and hazardous wastes in 40 CFR 261.33, unless the container is empty as defined in R315-2-7(b). Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, the Director considers the residue to be intended for discard and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.~~

~~(d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a discharge, into or on any land or water, of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, which incorporate by reference, respectively, the lists of acute hazardous wastes and hazardous wastes in 40 CFR 261.33, or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section, which incorporate by reference, respectively, the lists of acute hazardous wastes and hazardous wastes in 40 CFR 261.33. Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, the Director considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to the drum reconditioner who reconditions the drum but discards the residue.~~

~~(e) The listing of chemicals, found in 40 CFR 261.33(e), 1997 ed., is adopted and incorporated by reference, with the addition of the following waste:~~

~~(1) P999 Nerve, Military, and Chemical Agents (i.e., CX, GA, GB, GD, H, HD, HL, HN-1, HN-2, HN-3, HT, L, T, and VX.)~~

~~(f) The listing of chemicals, found in 40 CFR 261.33(f), 2010 ed., is adopted and incorporated by reference.~~

**~~R315-2-12. Inspections.~~**

~~Any duly authorized officer, employee or representative of the~~

~~Department or the Director may, at any reasonable time and upon presentation of appropriate credentials and upon providing the opportunity to have a representative of the owner, operator, or agent in charge to be present, enter upon and inspect any property, premise, or place on or at which hazardous wastes are generated, transported, stored, treated or disposed of, and may have access to and the right to copy any records relating to these wastes for the purpose of ascertaining the compliance with R315-1 through R315-101. Those persons referred to in this section may also inspect any waste and obtain samples thereof, including samples from any vehicle in which wastes are being transported or samples of any containers or labels. Any person obtaining samples shall give to the owner, operator or agent a receipt describing the sample obtained and, if requested, a portion of each sample of waste equal in volume or weight to the portion retained. If any analysis is made of those samples, a copy of the results of that analysis shall be furnished promptly to the owner, operator, or agent in charge.~~

**~~R315-2-13. Variances Authorized.~~**

~~(a) Variances will be granted by the Board only to the extent allowed under State and Federal law.~~

~~(b) The Board may consider a variance request in accordance with the standard established in section 19-6-111.(c) The Board may, at its own instance, review any variance granted during the term for which a variance was granted.~~

~~(d) A person applying for a variance shall submit the application, in writing, to the Director. The application shall provide the following:~~

~~(1) Citation of the statutory, regulatory, or permit requirement from which the variance is sought;~~

~~(2) For variances for which the Board promulgates or has promulgated specific rules, information meeting the requirements of those rules;~~

~~(3) Information demonstrating that application of or compliance with the requirement would cause undue or unreasonable hardship on the person applying for the variance;~~

~~(4) Proposed alternative requirements, if any;~~

~~(5) Information demonstrating that the variance will achieve the purpose and intent of the statutory, regulatory, or permit provision from which the variance is sought;~~

~~(6) Information demonstrating that any alternative requirement or requirements will adequately protect human health and the environment; and~~

~~(7) If no alternative requirement is proposed, information demonstrating that if the variance is granted, human health and the environment will be adequately protected.~~

~~(e) A person applying for a variance shall provide such additional information as the Board or the Director requires.~~

~~(f) Nothing in R315-2-13(d) or (e) limits the authority of the Board to grant variances in accordance with the standard established in section 19-6-111. A person applying for a variance under R315-9-2 shall provide such information described under R315-2-13(d) as the Director directs.~~

~~**R315-2-15. Petitions for Equivalent Testing or Analytical Methods.**~~

~~(a) Any person seeking to add a testing or analytical method to R315-2, R315-7, R315-8, or R315-50, which incorporates the testing and analytical methods of 40 CFR 261, may petition for a regulatory amendment under this section and R315-2-17. To be successful, the person shall demonstrate to the satisfaction of the Board that the proposed method is equal to or superior to the corresponding method prescribed in R315-2, R315-7, R315-8, or R315-50, in terms of its sensitivity, accuracy, and precision, i.e., reproducibility.~~

~~(b) Each petition shall include:~~

~~(1) The petitioner's name and address;~~

~~(2) A statement of the petitioner's interest in the proposed action;~~

~~(3) A description of the proposed action, including, where appropriate, suggested regulatory language;~~

~~(4) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information;~~

~~(5) A full description of the proposed method, including all procedural steps and equipment used in the method;~~

~~(6) A description of the types of wastes or waste matrices for which the proposed method may be used;~~

~~(7) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in R315-2, R315-7, R315-8, and R315-50;~~

~~(8) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and~~

~~(9) A description of the quality control procedures necessary to ensure the sensitivity, accuracy, and precision of the proposed method.~~

~~(c) After receiving a petition for an equivalent method, the Board may request any additional information on the proposed method which it may reasonably require to evaluate the method.~~

~~(d) The Board will consider any petitions in accordance with rulemaking procedures outlined in Section 63G-3-601.~~

~~(e) Petitioner may, alternatively, proceed under the provisions of 40 CFR 260.21 to have an alternative analytical method approved by EPA. In the event approval is granted, the petitioner shall so notify the Board and the Director and the decision of EPA will be binding upon the Board and the Director.~~

~~**R315-2-16. Petitions to Amend This Rule to Exclude a Waste Produced at a Particular Facility.**~~

~~(a) The requirements of 40 CFR 260.22, 1993 ed., as amended by 58 FR 46040, August 31, 1993, regarding petitions to exclude a waste are adopted and incorporated by reference with the following amendments:~~

~~(1) Substitute "Board" for "Administrator;"~~

~~(2) Include the following paragraphs:~~

~~(i) The Board will consider any petitions in accordance with Section 19-1-301.5.~~

~~(ii) Petitioner may, alternatively, proceed under the provisions of 40 CFR 260.22 to have a particular waste delisted by EPA.~~

~~In the event delisting is granted, the petitioner shall so notify the Board and the Director and the decision of EPA will be binding upon the Board and the Director unless, within 30 days after such notification, the Board specifically overrules the decision of EPA. In such event, the petitioner may petition the Board directly under this section for the relief sought.~~

**~~R315-2-17. Petition to Amend Rules.~~**

~~(a) It is the intent of the Board to insure the compatibility and equivalency of R315-1 through R315-101 with the regulations promulgated by EPA under the Resource Conservation and Recovery Act of 1976.~~

~~(b) Any person may petition the Board to modify or revoke any provision in R315-1 through R315-16, R315-50, R315-101, and R315-102. A petition shall be considered under the procedures outlined in 63G-3-601 and R15-2.~~

**~~R315-2-18. Variances from Classification as a Solid Waste.~~**

~~The variances from classification as a solid waste of 40 CFR 260.30, 1994 ed., as amended by 59 FR 47982, September 19, 1994, are adopted and incorporated by reference with the following amendment:~~

~~Substitute "Board" for "Regional Administrator."~~

**~~R315-2-19. Standards and Criteria for Variances from Classification as a Solid Waste.~~**

~~(a) The standards and criteria for variances from classification as a solid waste found in 40 CFR 260.31, 1994 ed., as amended by 59 FR 47982, September 19, 1994, are adopted and incorporated by reference with the following amendment:~~

~~(1) Substitute "Board" for "Regional Administrator."~~

**~~R315-2-20. Variance to be Classified as a Boiler.~~**

~~The provision for a variance to be classified as a boiler as found in 40 CFR 260.32, 1994 ed., as amended by 59 FR 47982, September 19, 1994, is adopted and incorporated by reference with the following amendment:~~

~~Substitute "Board" for "Regional Administrator."~~

**~~R315-2-21. Procedures for Variances from Classification as a Solid Waste or to be Classified as a Boiler.~~**

~~The procedures for variances from classification as a solid waste or boiler of 40 CFR 260.33, ed., as amended by 59 FR 47982, September 19, 1994, are adopted and incorporated by reference with the following amendment:~~

~~Substitute "Board" for "Regional Administrator."~~

**~~R315-2-22. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis.~~**

~~The provision regarding the regulation of certain hazardous waste recycling activities of 40 CFR 260.40, 1990 ed., is adopted and incorporated by reference with the following amendment:~~

~~Substitute "Director" for "Regional Administrator."~~

~~**R315-2-23. Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities.**~~

~~The Director shall use the following procedures when determining whether to regulate hazardous waste recycling activities described in R315-2-6, which incorporates by reference the requirements of 40 CFR 261.6 regarding recyclable materials, under the provisions of 40 CFR 261.6 (b) and (c), rather than under the provisions of 40 CFR 266.70 concerning precious metals recovery.~~

~~(a) If a generator is accumulating the waste, the Director will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of R315-5. The notice will become final within 30 days, unless the person served requests a public hearing before the Board to challenge the decision. Upon receiving such a request, the Board will hold a hearing. The Board will provide notice of the hearing to the public and allow public participation at the hearing. The Board will issue a final order after the hearing stating whether or not compliance with R315-5 is required. The order becomes effective 30 days after service of the decision unless the Board specifies a later date.~~

~~(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a hazardous waste permit in accordance with all applicable provisions of R315-3. The owner or operator of the facility must apply for a permit within no less than 60 days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the Board's decision, he may do so in his hazardous waste permit, in a public hearing held on the draft permit, or in comments filed on the draft permit, or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the Board's determination. The question of whether the Board's decision was proper will remain open for consideration during the public comment period discussed under R315-4-1.11 and in any subsequent hearing.~~

~~**R315-2-24. Deletion of Certain Hazardous Waste Codes Following Equipment Cleaning and Replacement.**~~

~~(a) Wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of paragraphs (b) and (c) of this section. These wastes may, however, continue to meet another hazardous waste listing description or may exhibit one or more of the hazardous waste characteristics.~~

~~(b) Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams, in a manner that minimizes or eliminates the escape of hazardous waste or constituents, leachate, contaminated drippage, or hazardous waste decomposition products to the ground water, surface water, or atmosphere.~~

~~(1) Generators shall do one of the following:~~

~~(i) Prepare and follow an equipment cleaning plan and clean~~

~~equipment in accordance with this section;~~

~~(ii) Prepare and follow an equipment replacement plan and replace equipment in accordance with this section; or~~

~~(iii) Document cleaning and replacement in accordance with this section, carried out after termination of use of chlorophenolic preservations.~~

~~(2) Cleaning Requirements.~~

~~(i) Prepare and sign a written equipment cleaning plan that describes:~~

~~(A) The equipment to be cleaned;~~

~~(B) How the equipment will be cleaned;~~

~~(C) The solvent to be used in cleaning;~~

~~(D) How solvent rinses will be tested; and~~

~~(E) How cleaning residues will be disposed.~~

~~(ii) Equipment must be cleaned as follows:~~

~~(A) Remove all visible residues from process equipment;~~

~~(B) Rinse process equipment with an appropriate solvent until dioxins and dibenzofurans are not detected in the final solvent rinse.~~

~~(iii) Analytical requirements.~~

~~(A) Rinses must be tested in accordance with SW-846, Method 8290.~~

~~(B) "Not detected" means at or below the lower method calibration limit (MCL) in Method 8290, Table 1.~~

~~(iv) The generator must manage all residues from the cleaning process as F032 waste.~~

~~(3) Replacement requirements.~~

~~(i) Prepare and sign a written equipment replacement plan that describes:~~

~~(A) The equipment to be replaced;~~

~~(B) How the equipment will be replaced; and~~

~~(C) How the equipment will be disposed.~~

~~(ii) The generator must manage the discarded equipment as F032 waste.~~

~~(4) Documentation requirements.~~

~~(i) Document that previous equipment cleaning and/or replacement was performed in accordance with this section and occurred after cessation of use of chlorophenolic preservatives.~~

~~(c) The generator must maintain the following records documenting the cleaning and replacement as part of the facility's operating record:~~

~~(1) The name and address of the facility;~~

~~(2) Formulations previously used and the date on which their use ceased in each process at the plant;~~

~~(3) Formulations currently used in each process at the plant;~~

~~(4) The equipment cleaning or replacement plan;~~

~~(5) The name and address of any persons who conducted the cleaning and replacement;~~

~~(6) The dates on which cleaning and replacement were accomplished;~~

~~(7) The dates of sampling and testing;~~

~~(8) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, preservation, and chain-of-custody of the samples;~~

~~(9) A description of the tests performed, the date the tests were~~

~~performed, and the results of the tests;~~

~~(10) The name and model numbers of the instrument(s) used in performing the tests;~~

~~(11) QA/QC documentation; and~~

~~(12) The following statement signed by the generator or his authorized representative:~~

~~I certify under penalty of law that all process equipment required to be cleaned or replaced under 40 CFR 261.35 was cleaned or replaced as represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment.~~

**~~R315-2-25. Requirements for Universal Waste.~~**

~~The wastes listed in this section are exempt from regulation under R315-3 through R315-14 of these rules except as specified in section R315-16 of these rules and, therefore are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under R315-16:~~

~~(a) Batteries as described in R315-16-1.2;~~

~~(b) Pesticides as described in R315-16-1.3;~~

~~(c) Mercury-containing equipment as described in R315-16-1.4; and~~

~~(d) Mercury lamps as described in R315-16-1.5.~~

**~~R315-2-26. Exclusion of Comparable Fuel and Syngas Fuel.~~**

~~The requirements of 40 CFR 261.38, 2010 ed., are adopted and incorporated by reference.~~

**~~R315-2-27. Exclusions/Exemptions.~~**

~~The requirements as found in 40 CFR subpart E, sections 261.39 through 261.41, 2007 ed., are adopted and incorporated by reference.~~

**~~KEY: hazardous waste, administrative procedures~~**
**~~Date of Enactment or Last Substantive Amendment: August 15, 2014~~**
**~~Notice of Continuation: July 13, 2011~~**
**~~Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-6-105; 19-6-106; 63G-4-201 through 205; 63G-4-503~~**

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-3. Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities.~~**

**~~R315-3-1. General Information.~~**

~~1.1 PURPOSE AND SCOPE OF THESE REGULATIONS~~

~~(a) No person shall own, construct, modify, or operate any facility for the purpose of treating, storing, or disposing of hazardous waste without first submitting, and receiving the approval of the Director for, a hazardous waste permit for that facility. However, any person owning or operating a facility on or before November 19, 1980, who has given timely notification as required by section 3010 of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C., section 6921, et seq., and who has submitted a proposed hazardous waste permit pursuant to this section and section 19-6-108 for that facility, may continue to operate that facility without violating this section until the time as the permit is approved or disapproved pursuant to this section.~~

~~(b) The Director shall review each proposed hazardous waste permit application to determine whether the application will be in accord with the provisions of these rules and section 19-6-108 and, on that basis, shall approve or disapprove the application within the applicable time period specified in section 19-6-108. If, after the receipt of plans, specifications, or other information required under this section and section 19-6-108 and within the applicable time period of section 19-6-108, the Director determines that the proposed construction, installation or establishment or any part of it will not be in accord with the requirements of this section or the applicable rules, he shall issue an order prohibiting the construction, installation or establishment of the proposal in whole or in part. The date of submission shall be deemed to be the date of all required information is provided to the Director as required by these rules.~~

~~(c) Any permit application which does not meet the requirements of these rules shall be disapproved within the applicable time period specified in section 19-6-108. If within the applicable time period specified in section 19-6-108 the Director fails to approve or disapprove the permit application or to request the submission of any additional information or modification to the application, the application shall not be deemed approved but the applicant may petition the Director for a decision or seek judicial relief requiring a decision of approval or disapproval.~~

~~(d) An application for approval of a hazardous waste permit consists of two parts, part A and part B. For an existing facility, the requirement is satisfied by submitting only part A of the application until the date the Director sets for each individual facility for submitting part B of the application, which date shall be in no case less than six months after the Director gives notice to a particular facility that it shall submit part B of the application.~~

~~(e) Owners and operators of hazardous waste management units shall have permits during the active life, including the closure period, of the unit. Owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received~~

~~waste after July 26, 1982, or that certified closure, according to R315-7-14, which incorporates by reference 40 CFR 265.115, after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal or decontamination as provided under R315-3-1.1(e)(5) and (6), or obtain an enforceable document in lieu of a post-closure permit, as provided under R315-3-1.1(e)(7). If a post-closure permit is required, the permit shall address applicable R315-8 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of R315. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under R315-3-1.1.~~

~~(1) Specific inclusions. Owners or operators of certain facilities require hazardous waste permits as well as permits under other environmental programs for certain aspects of facility operation. Hazardous waste permits are required for:~~

~~(i) Injection wells that dispose of hazardous waste, and associated surface facilities that treat, store, or dispose of hazardous waste. However, the owner or operator with a State or Federal UIC permit will be deemed to have a "permit by rule" if they comply with requirements of R315-3-6.1(a).~~

~~(ii) Treatment, storage, and disposal of hazardous waste at facilities requiring and NPDES permit. However, the owner or operator of a publicly owned treatment works receiving hazardous waste will be deemed to have a "permit by rule" if they comply with provisions of R315-3-6.1(b).~~

~~(2) Specific exclusions. The following persons are among those who are not required to obtain a permit:~~

~~(i) Generators who accumulate hazardous waste on-site for less than the time periods as provided in R315-5-3.34, which incorporates the requirements of 40 CFR 262.34.~~

~~(ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in R315-5-7.~~

~~(iii) Persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under R315-2-5, small quantity generator exemption.~~

~~(iv) Owners or operators of totally enclosed treatment facilities as defined in 40 CFR 260.10, which is incorporated by reference in R315-1-1.~~

~~(v) Owners of operators of elementary neutralization units or wastewater treatment units as defined in 40 CFR 260.10, which is incorporated by reference in R315-1-1.~~

~~(vi) Transporters storing manifested shipments of hazardous waste in containers meeting the requirements of R315-5-3.32(b) at a transfer facility for a period of ten days or less.~~

~~(vii) Persons adding absorbent material to waste in a container, as defined in 40 CFR 260.10, which is incorporated by reference in R315-1, and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container, and R315-8-2.8(b), R315-8-9.2, and R315-8-9.3 are complied with.~~

~~(viii) Universal waste handlers and universal waste transporters (as defined in R315-16-1.9) managing the wastes listed~~

~~below. These handlers are subject to regulation under R315-16.~~

~~(A) Batteries as described in R315-16-1.2;~~

~~(B) Pesticides as described in R315-16-1.3;~~

~~(C) Thermostats as described in R315-16-1.4; and~~

~~(D) Mercury lamps as described in R315-16-1.5.~~

~~(3) Further exclusions.~~

~~(i) A person is not required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations;~~

~~(A) Discharge of a hazardous waste;~~

~~(B) An imminent and substantial threat of a discharge of hazardous waste.~~

~~(C) A discharge of a material which, when discharged, becomes a hazardous waste.~~

~~(ii) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this part for those activities.~~

~~(iii) In the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.~~

~~(4) Permits for less than an entire facility. The Director may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.~~

~~(5) Closure by removal. Owners or operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under R315-7 standards shall obtain a post-closure permit unless they can demonstrate to the Director that the closure met the standards for closure by removal or decontamination in R315-8-11.5, R315-8-13.8, or R315-8-12.6, respectively. The demonstration may be made in the following ways:~~

~~(i) If the owner or operator has submitted a part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that R315-8 closure by removal standards were met. If the Director believes that R315-8 standards were met, he will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in R315-3-1.1(e)(6);~~

~~(ii) If the owner or operator has not submitted a part B permit application for a post-closure permit, the owner or operator may petition the Director for a determination that a post-closure permit is not required because the closure met the applicable R315-8 closure standards;~~

~~(A) The petition shall include data demonstrating that closure by the removal or decontamination standards of R315-8 were met.~~

~~(B) The Director shall approve or deny the petition according to the procedures outlined in R315-3-1.1(e)(6).~~

~~(6) Procedures for Closure Equivalency Determination.~~

~~(i) If a facility owner or operator seeks an equivalency demonstration under R315-3-1.1(e)(5), the Director will provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner or operator within 30 days from the date of the notice. The Director will also, in response to a request or at his own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the equivalence of the R315-7 closure to an R315-8 closure. The Director will give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.~~

~~(ii) The Director will determine whether the R315-7 closure met R315-8 closure by removal or decontamination requirements within 90 days of its receipt. If the Director finds that the closure did not meet the applicable R315-8 standards, he will provide the owner or operator with a written statement of the reasons why the closure failed to meet R315-8 standards. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving a written statement. The Director will review any additional information submitted and make a final determination within 60 days.~~

~~(iii) If the Director determines that the facility did not close in accordance with R315-8-7, which incorporates by reference 40 CFR 264.110 through 264.116, closure by removal standards, the facility is subject to post-closure permit requirements.~~

~~(7) Enforceable documents for post-closure care. At the discretion of the Director, an owner or operator may obtain, in lieu of a post-closure permit, an enforceable document imposing the requirements of R315-7-14, which incorporates by reference 40 CFR 265.121. "Enforceable document'' means an order, a permit, or other document issued by the Director that meets the requirements of 19-6-104, 19-6-112, 19-6-113, and 19-6-115, including a corrective action order issued by EPA under section 3008(h), a CERCLA remedial action, or a closure or post-closure permit.~~

~~1.4 EFFECT OF A PERMIT~~

~~(a)(1) Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with these rules, except for those requirements not included in the permit which:~~

~~(i) Become effective by statute;~~

~~(ii) Are promulgated under R315-13, which incorporates by reference 40 CFR 268, restricting the placement of hazardous wastes in or on the land;~~

~~(iii) Are promulgated under R315-8 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system requirements include double liners, CQA programs, monitoring, action leakage rates, and response action permits, and will be implemented through the procedures of R315-3-4.3, which incorporates by reference 40 CFR 270.42, Class 1 permit modifications; or~~

~~(iv) Are promulgated under R315-7-26, which incorporates by reference 40 CFR 265.1030 through 265.1035, R315-7-27, which~~

~~incorporates by reference 40 CFR 265.1050 through 265.1064 or R315-7-30, which incorporates by reference 40 CFR 265.1080 through 265.1091.~~

~~(2) A permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in R315-3-4.2 and R315-3-4.4, or the permit may be modified upon the request of the permittee as set forth in R315-3-4.3.~~

~~(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.~~

~~(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.~~

**~~R315-3-2. Permit Application.~~**

~~2.1 GENERAL APPLICATION REQUIREMENTS~~

~~(a) Permit Application. Any person who is required to have a permit, including new applicants and persons with expiring permits, shall complete, sign and submit, an application to the Director as described in R315-3-2.1 and R315-3-7. Persons currently authorized with interim status shall apply for permits when required by the Director. Persons covered by RCRA permits by rule, R315-3-6.1, need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in R315-3-6.2. Procedures for application, issuance and administration of research, development, and demonstration permits are found exclusively in R315-3-6.5.~~

~~(b) Who Applies?~~

~~When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner shall also sign the permit application.~~

~~(c) Completeness.~~

~~(1) The Director shall not issue a permit before receiving a complete application for a permit except for permit by rule, or emergency permit. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his satisfaction. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in R315-3-2.1(i). The Director may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit.~~

~~(2) The Director shall review for completeness every permit application. Each permit application submitted by a new hazardous waste management facility, should be reviewed for completeness by the Director in accordance with the applicable review periods of 19-6-108. Upon completing the review, the Director shall notify the applicant in writing whether the permit application is complete. If the permit application is incomplete, the Director shall list the information necessary to make the permit application complete. When the permit application is for an existing hazardous waste management facility, the Director shall specify in the notice of deficiency a date for submitting the necessary information. The Director shall review information submitted in response to a notice of deficiency within 30~~

~~days after receipt. The Director shall notify the applicant that the permit application is complete upon receiving this information. After the permit application is complete, the Director may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material.~~

~~(3) If an applicant fails or refuses to correct deficiencies in the permit application, the permit application may be denied and appropriate enforcement actions may be taken under the applicable provisions of the Utah Solid and Hazardous Waste Act.~~

~~(d) Existing Hazardous Waste Management Facilities and Interim Status Qualifications.~~

~~(1) Owners and operators of existing hazardous waste management facilities or of hazardous waste management facilities in existence on the effective date of statutory or regulatory amendment under Utah Solid and Hazardous Waste Act or RCRA that render the facility subject to the requirement to have a RCRA permit or State permit shall submit part A of their permit application to the Director no later than:~~

~~(i) Six months after the date of publication of rules which first require them to comply with the standards set forth in R315-7 or R315-14, or~~

~~(ii) Thirty days after the date they first become subject to the standards set forth in R315-7 or R315-14, whichever first occurs.~~

~~(iii) For generators generating greater than 100 kilograms of hazardous waste in a calendar month and treats, stores, or disposes of these wastes on-site, by March 24, 1987~~

~~For facilities which had to comply with R315-7 because they handle a waste listed in EPA's May 19, 1980, Part 261 regulations, 45 FR 33006 et seq., the deadline for submitting an application was November 19, 1980. Where other existing facilities shall begin complying with R315-7 or R315-14 at a later date because of revisions to R315-1, R315-2, R315-7, or R315-14, the Director will specify when those facilities shall submit a permit application.~~

~~(2) The Director may extend the date by which owners and operators of specified classes of existing hazardous waste management facilities shall submit Part A of their permit application if he finds that there has been substantial confusion as to whether the owners and operators of such facilities were required to file a permit application and such confusion is attributed to ambiguities in R315-1, R315-2, R315-7 or R315-14 of the regulations.~~

~~(3) The Director may by compliance order issued under 19-6-112 and 19-6-113 extend the date by which the owner and operator of an existing hazardous waste management facility must submit part A of their permit application.~~

~~(4) The owner or operator of an existing hazardous waste management facility may be required to submit part B of the permit application. Any owner or operator shall be allowed at least six months from the date of request to submit part B of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit part B of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility shall submit a part B application in accordance with the dates specified in R315-3-7.4. Any owner or operator of a land disposal facility in existence on the effective date~~

~~of statutory or regulatory amendments under R315 that render the facility subject to the requirement to have a permit, shall submit a part B application in accordance with the dates specified in R315-3-7.4.~~

~~(5) Failure to furnish a requested part B application on time, or to furnish in full the information required by the part B application, is grounds for termination of interim status under R315-3-4.4.~~

~~(e) New Hazardous Waste Management Facilities.~~

~~(1) Except as provided in R315-3-2.1(e)(3), no person shall begin physical construction of a new hazardous waste management facility without having submitted part A and part B of the application and having received a finally effective permit.~~

~~(2) An application for a permit for a new hazardous waste management facility, including both part A and part B, may be filed any time after promulgation of applicable regulations. The application shall be filed with the Regional Administrator if at the time of application the State has not received final authorization for permitting such facility; otherwise it shall be filed with the Director. Except as provided in R315-3-2.1(e)(3), all applications shall be submitted at least 180 days before physical construction is expected to commence.~~

~~(3) Notwithstanding R315-3-2.1(e)(1), a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the U.S. EPA Administrator under section (6)(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq., and any person owning or operating such a facility may, at any time after construction or operation of the facility has begun, file an application for a permit to incinerate hazardous waste authorizing the facility to incinerate waste identified or listed in these rules.~~

~~(f) Updating permit applications.~~

~~(1) If any owner or operator of a hazardous waste management facility has filed part A of a permit application and has not yet filed part B, the owner or operator shall file an amended part A application:~~

~~(i) With the Director, within six months after the promulgation of revised regulations under 40 CFR 261 listing or identifying additional hazardous wastes, if the facility is treating, storing or disposing of any of those newly listed or identified wastes.~~

~~(ii) With the Director no later than the effective date of regulatory provisions listing or designating wastes as hazardous in the State in addition to those listed or designated under the previously approved State program, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or~~

~~(iii) As necessary to comply with changes during interim status, R315-3-7.3. Revised part A applications necessary to comply with the provisions of interim status shall be filed with the Director.~~

~~(2) The owner or operator of a facility who fails to comply with the updating requirements of R315-3-2.1(f)(1) does not receive interim status as to the wastes not covered by duly filed part A applications.~~

~~(g) Reapplications. Any hazardous waste management facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless~~

~~permission for a later date has been granted by the Director. The Director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.~~

~~(h) Recordkeeping.~~

~~Applicants shall keep records of all data used to complete permit application and any supplemental information submitted under R315-3-2.4 through R315-3-2.12, for a period of at least three years from the date the application is signed.~~

~~(i) Exposure information.~~

~~(1) Any part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill shall be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, the information shall address:~~

~~(i) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;~~

~~(ii) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under R315-3-2.1(i)(1)(i); and~~

~~(iii) The potential magnitude and nature of the human exposure resulting from such releases.~~

~~(2) Owners and operators of a landfill or a surface impoundment who have already submitted a part B application shall submit the exposure information required in R315-3-2.1(i)(1).~~

~~(j) The Director may require a permittee or an applicant to submit information in order to establish permit conditions under R315-3-3.3(b)(2), and R315-3-5.1(d).~~

~~(k) If the Director concludes, based on one or more of the factors listed in R315-3-2.1(k)1 that compliance with the standards of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE, alone may not be protective of human health or the environment, the Director shall require the additional information or assessment(s) to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk resulting from both direct and indirect exposure pathways.~~

~~(1) The Director shall base the evaluation on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:~~

~~(i) site-specific considerations such as proximity to receptors, such as schools, hospitals, or other potentially sensitive receptors, unique dispersion patterns, etc.;~~

~~(ii) identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;~~

~~(iii) identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk;~~

~~(iv) identities and quantities of other off-site sources of pollutants that significantly influence interpretation of a~~

~~facility-specific risk assessment;~~

~~(v) ecological considerations, such as the proximity of a particularly sensitive ecological area;~~

~~(vi) volume and types of wastes, for example wastes containing highly toxic constituents;~~

~~(vii) other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by operation of the source;~~

~~(viii) adequacy of previously conducted risk assessment, given subsequent changes in conditions likely to affect risk; and~~

~~(ix) other factors as appropriate.~~

~~2.2 SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS~~

~~(a) Applications. All permit applications shall be signed as follows:~~

~~(1) For a corporation: by a principal executive officer of at least the level of vice-president;~~

~~(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or~~

~~(3) For a municipality, State, Federal, or other public agency; by either a principal executive officer or ranking elected official.~~

~~(b) Reports. All reports required by permits and other information requested by the Director shall be signed by a person described in R315-3-2.2(a), or by a duly authorized representative of that person. A person is a duly authorized representative only if:~~

~~(1) The authorization is made in writing by a person described in R315-3-2.2(a);~~

~~(2) The authorization specified either an individual or a position having responsibility for overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and~~

~~(3) The written authorization is submitted to the Director.~~

~~(c) Changes to authorization. If an authorization under R315-3-2.2(b) is no longer accurate because different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of R315-3-2.2(b) shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.~~

~~(d)(1) Certification. Any person signing a document under R315-3-2.2(a) or (b) shall make the following certification:~~

~~"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."~~

~~(2) For remedial action plans (RAPs) under R315-3-8, which~~

~~incorporates by reference 40 CFR 270, subpart H, if the operator certifies according to R315-3-2.2(d)(1), then the owner may choose to make the following certification instead of the certification in R315-3-2.2(d)(1):~~

~~"Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."~~

~~2.4 CONTENTS OF PART A OF THE PERMIT APPLICATION~~

~~All applicants shall provide the following information to the Director:~~

~~(a) The activities conducted by the applicant which require it to obtain a hazardous waste operation permit.~~

~~(b) Name, mailing address, and location of the facility for which the application is submitted.~~

~~(c) Up to four SIC codes which best reflect the principal products or services provided by the facility.~~

~~(d) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.~~

~~(e) The name, address, and telephone number of the owner of the facility.~~

~~(f) Whether the facility is located on Indian lands.~~

~~(g) An indication of whether the facility is new or existing and whether it is a first or revised application.~~

~~(h) For existing facilities, (1) a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and (2) photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas.~~

~~(i) A description of the processes to be used for treating, storing, or disposing of hazardous waste, and the design capacity of these items.~~

~~(j) A specification of the hazardous wastes or hazardous waste mixtures listed or designated under R315-2 to be treated, stored, or disposed at the facility, an estimate of the quantity of these wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for these wastes.~~

~~(k) A listing of all permits or construction approvals received or applied for under any of the following programs:~~

~~(1) Hazardous Waste Management program under the Utah Solid and Hazardous Waste Act or RCRA.~~

~~(2) Underground Injection Control (UIC) program under Safe Drinking Water Act (SDWA), 42 U.S.C. 300f et seq.~~

~~(3) NPDES program under Clean Water Act (CWA), 33 U.S.C. 1251 et seq.~~

~~(4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act, 42 U.S.C. 7401 et seq.~~

~~(5) Nonattainment program under the Clean Air Act.~~

~~(6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.~~

~~(7) Dredge or fill permits under section 404 of the Clean Water Act.~~

~~(8) Other relevant environmental permits, including State and Federal permits or permits.~~

~~(l) A topographic map, or other map if a topographic map is unavailable, extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within 1/4 mile of the facility property boundary.~~

~~(m) A brief description of the nature of the business.~~

~~(n) For hazardous debris, a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility.~~

~~(o) The legal description of the facility with reference to the land survey of the State of Utah.~~

~~2.5 GENERAL INFORMATION REQUIREMENTS FOR PART B~~

~~(a) Part B information requirements presented below reflect the standards promulgated in R315-8. These information requirements are necessary in order for the Director to determine compliance with the standards of R315-8. If owners and operators of hazardous waste management facilities can demonstrate that the information prescribed in part B cannot be provided to the extent required, the Director may make allowance for submission of the information on a case-by-case basis. Information required in part B shall be submitted to the Director and signed in accordance with requirements in R315-3-2.2. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. For post-closure permits, only the information specified in R315-3-2.19 is required in part B of the permit application.~~

~~(b) General information requirements. The following information is required for all hazardous waste management facilities, except as R315-8-1 provides otherwise:~~

~~(1) A general description of the facility,~~

~~(2) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with R315-8.~~

~~(3) A copy of the waste analysis plan required by R315-8-2.4, which incorporates by reference 40 CFR 264.13 (b) and, if applicable 40 CFR 264.13(c).~~

~~(4) A description of the security procedures and equipment required by R315-8-2.5, or a justification demonstrating the reasons for requesting a waiver of this requirement.~~

~~(5) A copy of the general inspection schedule required by R315-8-2.6(b). Include, where applicable, as part of the inspection~~

~~schedule, specific requirements in R315-8-9.5, R315-8-10, which incorporates by reference the specific provisions of 40 CFR 264.193(i) and 264.195, R315-8-11.3, R315-8-12.3, R315-8-13.4, R315-8-14.3, and R315-8-16, which incorporates by reference 40 CFR 264.602, R315-8-17, which incorporates by reference 40 CFR 264.1033, R315-8-18, which incorporates by reference 40 CFR 264.1052, 264.1053, and 264.1058, and R315-8-22, which incorporates by reference 40 CFR 264.1084, 264.1085, 264.1086, and 264.1088.~~

~~(6) A justification of any request for a waiver(s) of the preparedness and prevention requirements of R315-8-3.~~

~~(7) A copy of the contingency plan required by R315-8-4. Include, where applicable, as part of the contingency plan, specific requirements in R315-8-11.8 and R315-8-10, which incorporates by reference 40 CFR 264.200.~~

~~(8) A description of procedures, structures, or equipment used at the facility to:~~

~~(i) Prevent hazards in unloading operations, for example, ramps, special forklifts;~~

~~(ii) Prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding, for example, berms, dikes, trenches;~~

~~(iii) Prevent contamination of water supplies;~~

~~(iv) Mitigate effects of equipment failure and power outages;~~

~~(v) Prevent undue exposure of personnel to hazardous waste, for example, protective clothing; and~~

~~(vi) Prevent releases to the atmosphere.~~

~~(9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with R315-8-2.8 including documentation demonstrating compliance with R315-8-2.8(c).~~

~~(10) Traffic pattern, estimated volume, number, types of vehicles and control, for example, show turns across traffic lanes, and stacking lanes, if appropriate; describe access road surfacing and load bearing capacity; show traffic control signals.~~

~~(11) Facility location information:~~

~~(i) In order to determine the applicability of the seismic standard R315-8-2.9(a), the owner or operator of a new facility shall identify the political jurisdiction, e.g., county, township, or election district, in which the facility is proposed to be located. If the county or election district is not listed in R315-50-11, no further information is required to demonstrate compliance with R315-8-2.9(a).~~

~~(ii) If the facility is proposed to be located in an area listed in R315-50-11, the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided shall be of a quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted shall show that either:~~

~~(A) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault, which have displacement in Holocene time, within 3,000 feet of a facility~~

~~are present, based on data from:~~

~~(I) Published geologic studies,~~

~~(II) Aerial reconnaissance of the area within a five mile radius from the facility,~~

~~(III) An analysis of aerial photographs covering a 3,000 foot radius of the facility, and~~

~~(IV) If needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or~~

~~(B) If faults, to include lineations, which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of the portions of the facility, data shall be obtained from a subsurface exploration, trenching, of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. The trenching shall be performed in a direction that is perpendicular to known faults, which have had displacement in Holocene time, passing within 3,000 feet of the portions of the facility where treatment, storage, and disposal of hazardous waste will be conducted. The investigation shall document with supporting maps and other analyses, the location of any faults found. The Guidance Manual for the Location Standards provides greater detail on the content of each type of seismic investigation and the appropriate conditions under which each approach or a combination of approaches would be used.~~

~~(iii) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification shall indicate the source of data for the determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the 100-year flood level and any other special flooding factors, e.g., wave action, which shall be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.~~

~~Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year floodplain. However, where the FIA map excludes an area, usually areas of the floodplain less than 200 feet in width, these areas shall be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.~~

~~(iv) Owners and operators of facilities located in the 100-year floodplain shall provide the following information:~~

~~(A) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence~~

~~of a 100-year flood.~~

~~(B) Structural or other engineering studies showing the design of operational units, e.g., tanks, incinerators, and flood protection devices, e.g., floodwalls, dikes, at the facility and how these will prevent washout.~~

~~(C) If applicable, and in lieu of R315-3-2.5(b)(11)(iv)(A) and (B), a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:~~

~~(I) Timing of the movement relative to flood levels, including estimated time to move the waste, to show that the movement can be completed before floodwaters reach the facility.~~

~~(II) A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the rules under R315-3, R315-7, R315-8, and R315-14.~~

~~(III) The planned procedures, equipment, and personnel to be used and the means to ensure that the resources will be available in time for use.~~

~~(IV) The potential for accidental discharges of the waste during movement.~~

~~(v) Existing facilities NOT in compliance with R315-8-2.9(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.~~

~~(12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the hazardous waste management facility in a safe manner as required to demonstrate compliance with R315-8-2.7. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in R315-8-2.7(a)(3).~~

~~(13) A copy of the closure plan and where applicable, the post-closure plan required by R315-8-7 which incorporates by reference 40 CFR 264.112, and 264.118, and R315-8-10 which incorporates by reference 40 CFR 264.197. Include where applicable as part of the plans specific requirements in R315-8-9.9, R315-8-10, which incorporates by reference 40 CFR 264.197, R315-8-11.5, R315-8-12.6, R315-8-13.8, R315-8-14.5, R315-8-15.8, and R315-8-16, which incorporates by reference 40 CFR 264.601 and 264.603.~~

~~(14) For hazardous waste disposal units that have been closed, documentation that notices required under R315-8-7 which incorporates by reference 40 CFR 264.119, have been filed.~~

~~(15) The most recent closure cost estimate for the facility prepared in accordance with R315-8-8 which incorporates by reference 40 CFR 264.142, and a copy of the documentation required to demonstrate financial assurance under R315-8-8 which incorporates by reference 40 CFR 264.143. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the part B.~~

~~(16) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with R315-8-8, which incorporates by reference 40 CFR 264.144, plus a copy of the financial assurance mechanism adopted in compliance with R315-8-8.3 documentation required to demonstrate financial assurance under R315-8-8, which incorporates by reference 40 CFR 264.145. For a new~~

~~facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the part B.~~

~~(17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of R315-8-8, which incorporates by reference 40 CFR 264.147. For a new facility, documentation showing the amount of insurance meeting the specification of R315-8-8, which incorporates by reference 40 CFR 264.147(a), and if applicable 40 CFR 264.147(b), also incorporated by reference in R315-8-8, that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in 40 CFR 264.147(c), incorporated by reference in R315-8-8.~~

~~(18) Where appropriate, proof of coverage by a financial mechanism as required in R315-8-8, which incorporates by reference 40 CFR 264.149 and 150.~~

~~(19) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters, one inch, equal to not more than 61.0 meters, 200 feet. For large hazardous waste management facilities, the Director will allow the use of other scales on a case-by-case basis. Contours shall be shown on the map. The contour interval shall be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters, five feet, if relief is greater than 6.1 meters, 20 feet, or an interval of 0.6 meters, two feet, if relief is less than 6.1 meters, 20 feet. Owners and operators of hazardous waste management facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:~~

~~(i) Map scale and date.~~

~~(ii) 100-year floodplain area.~~

~~(iii) Surface waters including intermittent streams.~~

~~(iv) Surrounding land uses, residential, commercial, agricultural, recreational.~~

~~(v) A wind rose, i.e., prevailing windspeed and direction.~~

~~(vi) Orientation of map, north arrow.~~

~~(vii) Legal boundaries of the hazardous waste management facility site.~~

~~(viii) Access control, fences, gates.~~

~~(ix) Injection and withdrawal wells both on-site and off-site.~~

~~(x) Buildings; treatment, storage, or disposal operations; or other structures, recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.~~

~~(xi) Barriers for drainage or flood control.~~

~~(xii) Location of operational units within hazardous waste management facility site, where hazardous waste is, or will be, treated, stored, or disposed, include equipment cleanup areas.~~

~~(20) Applicants may be required to submit such information as may be necessary to enable the Director to carry out duties under State~~

~~laws and Federal laws as specified in 40 CFR 270.3.~~

~~(21) For land disposal facilities, if a case-by-case extension has been approved under R315-13, which incorporates by reference 40 CFR 268.5, or a petition has been approved under R315-13, which incorporates by reference 40 CFR 268.6, a copy of the notice of approval for the extension is required.~~

~~(22) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comment or materials submitted at the meeting, as required under R315-4-2.31(c).~~

~~(c) Additional information requirements.~~

~~The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as otherwise provided in R315-8-6.1(b).~~

~~(1) A summary of the groundwater monitoring data obtained during the interim status period under R315-7-13 where applicable.~~

~~(2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for the identification, i.e., the information obtained from hydrogeologic investigations of the facility area.~~

~~(3) On the topographic map required under R315-3-2.5(b)(19), a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined in R315-8-6.6, the proposed location of groundwater monitoring wells as required by R315-8-6.8 and, to the extent possible, the information required in R315-3-2.5(c)(2);~~

~~(4) A description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:~~

~~(i) Delineates the extent of the plume on the topographic map required under R315-3-2.5(b)(19);~~

~~(ii) Identifies the concentration of each constituent listed in R315-50-14, which incorporates by reference Appendix IX of 40 CFR 264, throughout the plume or identifies the maximum concentrations of each constituent listed in R315-50-14 in the plume.~~

~~(5) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of R315-8-6.8.~~

~~(6) If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of R315-8-6.9. This submission shall address the following items as specified under R315-8-6.9:~~

~~(i) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;~~

~~(ii) A proposed groundwater monitoring system;~~

~~(iii) Background values for each proposed monitoring parameters or constituent, or procedures to calculate the values; and~~

~~(iv) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.~~

~~(7) If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of R315-8-6.10. Except as provided in R315-8-6.9(g)(5), the owner or operator shall also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of R315-8-6.11, unless the owner or operator obtains written authorization in advance from the Director to submit a proposed permit schedule for submittal of a plan. To demonstrate compliance with R315-8-6.10, the owner or operator shall address the following items:~~

~~(i) A description of the wastes previously handled at the facility;~~

~~(ii) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;~~

~~(iii) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with R315-8-6.8 and R315-8-6.10;~~

~~(iv) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in R315-8-6.5(a) including a justification for establishing any alternate concentration limits;~~

~~(v) Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of R315-8-6.8, and~~

~~(vi) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.~~

~~(8) If hazardous constituents have been measured in the groundwater which exceed the concentration limits established under R315-8-6.5 Table 1, or if groundwater monitoring conducted at the time of permit application under R315-8-6.1 through R315-8-6.5 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of R315-8-6-11. However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the Director that alternate concentration limits will protect human health and the environment after considering the criteria listed in R315-8-6.5(b). An owner or operator who is not required to establish a corrective action program for this reason shall instead submit sufficient information to establish a compliance monitoring program which meets the requirements of R315-8-6.10 and R315-3-2.5(c)(6). To demonstrate compliance with R315-8-6.11, the owner or operator shall address, at a minimum, the following items:~~

~~(i) A characterization of the contaminated groundwater, including concentration of hazardous constituents;~~

~~(ii) The concentration limit for each hazardous constituent found in the groundwater as set forth in R315-8-6.5;~~

~~(iii) Detailed plans and engineering report describing the corrective action to be taken; and~~

~~(iv) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.~~

~~(v) The permit may contain a schedule for submittal of the information required in R315-3-2.5(c)(8)(iii) and (iv) provided the owner or operator obtains written authorization from the Director prior to submittal of the complete permit application.~~

~~(9) An intended schedule of construction shall be submitted with the permit application and will be incorporated into the permit as an approval condition. Facility permits shall be reviewed by the Director no later than 18 months from the date of permit issuance, and periodically thereafter, to determine if a program of continuous construction is proceeding. Failure to maintain a program of continuous construction may result in revocation of the permit.~~

~~(d) Information requirements for solid waste management units.~~

~~(1) The following information is required for each solid waste management unit at a facility seeking a permit:~~

~~(i) The location of the unit on the topographic map required under R315-3-2.5(b)(19);~~

~~(ii) Designation of type of unit;~~

~~(iii) General dimensions and structural description, supply any available drawings;~~

~~(iv) When the unit was operated; and~~

~~(v) Specification of all wastes that have been managed at the unit, to the extent available.~~

~~(2) The owner or operator of any facility containing one or more solid waste management units shall submit all available information pertaining to any release of hazardous wastes or hazardous constituents from the unit or units.~~

~~(3) The owner or operator shall conduct and provide the results of sampling and analysis of groundwater, land surface, and subsurface strata, surface water, or air, which may include the installation of wells, where the Director ascertains it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.~~

~~2.6 SPECIFIC PART B INFORMATION REQUIREMENTS FOR CONTAINERS~~

~~Facilities that store containers of hazardous waste, except as otherwise provided in R315-8-9.1, shall provide the following additional information:~~

~~(a) A description of the containment system to demonstrate compliance with R315-8-9.6. Show at least the following:~~

~~(1) Basic design parameters, dimensions, and materials of construction.~~

~~(2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.~~

~~(3) Capacity of the containment system relative to the number and volume of containers to be stored.~~

~~(4) Provisions for preventing or managing run-on.~~

~~(5) How accumulated liquids can be analyzed and removed to prevent overflow.~~

~~(b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with R315-8-9.6(c) including:~~

~~(1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and~~

~~(2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.~~

~~(c) Sketches, drawings, or data demonstrating compliance with R315-8-9.7, location of buffer zone and containers holding ignitable or reactive wastes, and R315-8-9.8(c), location of incompatible wastes, where applicable.~~

~~(d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with R315-8-9.8(a) and (b) and R315-8-2.8(b) and (c).~~

~~(e) Information on air emission control equipment as required in R315-3-2.18, which incorporates by reference 40 CFR 270.27.~~

~~2.7 SPECIFIC PART B INFORMATION REQUIREMENTS FOR TANK SYSTEMS~~

~~For facilities that use tanks to store or treat hazardous waste, the requirements of 40 CFR 270.16, 1996 ed., are adopted and incorporated by reference.~~

~~2.8 SPECIFIC PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS~~

~~Facilities that store, treat, or dispose of hazardous waste in surface impoundments, except as otherwise provided in R315-8-1.1, shall provide the following additional information:~~

~~(a) A list of the hazardous wastes placed or to be placed in each surface impoundment;~~

~~(b) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-2.10, R315-8-11.2, R315-8-11.9, R315-8-11.10, addressing the following items:~~

~~(1) The liner system, except for an existing portion of a surface impoundment. If an exemption from the requirement for a liner is sought as provided by R315-8-11.2(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;~~

~~(2) The double liner and leak, leachate, detection, collection, and removal system, if the surface impoundment must meet the requirements of R315-8-11.2(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by R315-8-11.2(d), (e), or (f), submit appropriate information;~~

~~(3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;~~

~~(4) The construction quality assurance, CQA, plan if required under R315-8-2.10;~~

~~(5) Proposed action leakage rate, with rationale, if required under R315-8-11.9, and response action plan, if required under~~

~~R315-8-11.10;~~

~~(6) Prevention of overtopping; and~~

~~(7) Structural integrity of dikes.~~

~~(c) A description of how each surface impoundment, including the double liner, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of R315-8-11.3(a), (b), and (d). This information should be included in the inspection plan submitted under R315-3-2.5(b)(5);~~

~~(d) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under R315-8-11.3(c). For new units, the owner or operator shall submit a statement by a qualified engineer that he will provide a certification upon completion of construction in accordance with the plans and specifications;~~

~~(e) A description of the procedure to be used for removing a surface impoundment from service, as required under R315-8-11.4(b) and (c). This information should be included in the contingency plan submitted under R315-3-2.5(b)(7);~~

~~(f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under R315-8-11.5(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how R315-8-11.5(a)(2) and (b) will be complied with. This information should be included in the closure plan, and, where applicable, the post-closure plan submitted under R315-3-2.5(b)(13);~~

~~(g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how R315-8-11.6 will be complied with;~~

~~(h) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how R315-8-11.7 will be complied with.~~

~~(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-11.8. This submission shall address the following items as specified in R315-8-11.8:~~

~~(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;~~

~~(2) The attenuative properties of underlying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or monitoring techniques.~~

~~(j) Information on air emission control equipment as required by R315-3-2.18, which incorporates by reference 40 CFR 270.27.~~

~~2.9 SPECIFIC PART B INFORMATION REQUIREMENTS FOR WASTE PILES~~

~~Facilities that store or treat hazardous waste in waste piles, except as otherwise provided in R315-8-1, shall provide the following additional information:~~

~~(a) A list of hazardous wastes placed or to be placed in each~~

~~waste pile;~~

~~(b) If an exemption is sought to R315-8-12.2 and R315-8-6 as provided by R315-8-12.1(c) or R315-8-6(b)(2), an explanation of how the standards of R315-8-12.1(c) will be complied with or detailed plans and an engineering report describing how the requirements of R315-8-6(b)(2) will be met.~~

~~(c) Detailed plans and an engineering report describing how the waste pile is or will be designed, constructed, operated and maintained to meet the requirements of R315-8-2.10, R315-8-12.2, R315-8-12.8, and R315-8-12.9, addressing the following items:~~

~~(1)(i) The liner system, except for an existing portion of a waste pile, if the waste pile must meet the requirements of R315-8-12.2(a). If an exemption from the requirement for a liner is sought as provided by R315-8-12.2(b), submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;~~

~~(ii) The double liner and leak, leachate, detection, collection, and removal system, if the waste pile must meet the requirements of R315-8-12.2(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by R315-8-12.2(d), (e), or (f), submit appropriate information;~~

~~(iii) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;~~

~~(iv) The construction quality assurance (CQA) plan if required under R315-8-2.10;~~

~~(v) Proposed action leakage rate, with rationale, if required under R315-8-12.8, and response action plan, if required under R315-8-12.9;~~

~~(2) Control of run-on;~~

~~(3) Control of run-off;~~

~~(4) Management of collection and holding units associated with run-on and run-off control systems; and~~

~~(5) Control of wind dispersal of particulate matter, where applicable;~~

~~(d) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of R315-8-12.3(a), (b), and (c). This information shall be included in the inspection plan submitted under R315-3-2.5(b)(5);~~

~~(e) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;~~

~~(f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of R315-8-12.4 will be complied with;~~

~~(g) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how~~

~~R315-8-12.5 will be complied with;~~

~~(h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under R315-8-12.6(a). For any waste not to be removed from the waste pile upon closure, the owner or operator shall submit detailed plans and an engineering report describing how R315-8-14.5(a) and (b) will be complied with. This information should be included in the closure plan, and, where applicable, the post-closure plan submitted under R315-3-2.5(b)(13);~~

~~(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 and F027 describing how a waste pile that is not enclosed, as defined in R315-8-12.1(c) is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-12.7. This submission shall address the following items as specified in R315-8-12.7:~~

~~(1) The volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including their potential to migrate through soil or to volatilize or escape into the atmosphere;~~

~~(2) The attenuative properties of underlying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or monitoring techniques.~~

~~2.10 SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS~~

~~For facilities that incinerate hazardous waste, except as R315-8-15.1 and R315-3-2.10(e) provides otherwise, the applicant shall fulfill the requirements of R315-3-2.10(a), (b), or (c).~~

~~(a) When seeking exemption under R315-8-15.1(b) or (c) (ignitable, corrosive or reactive wastes only):~~

~~(1) Documentation that the waste is listed as a hazardous waste in R315-2-10 solely because it is ignitable, Hazard Code I, corrosive, Hazard Code C, or both; or~~

~~(2) Documentation that the waste is listed as a hazardous waste in R315-2-10 solely because it is reactive, Hazard Code R, for characteristics other than those listed in R315-2-9(f)(1)(iv) and (v), and will not be burned when other hazardous wastes are present in the combustion zone; or~~

~~(3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under R315-2-9; or~~

~~(4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in R315-2-9(f)(i), (ii), (iii), (vi), (vii), or (viii) and that it will not be burned when other hazardous wastes are present in the combustion zone; or~~

~~(b) Submit a trial burn plan or the results of the trial burn, including all required determinations, in accordance with R315-3-6.3; or~~

~~(c) In lieu of a trial burn, the applicant may submit the following information:~~

~~(1) An analysis of each waste or mixture of wastes to be burned~~

~~including:~~

~~(i) Heat value of the waste in the form and composition in which it will be burned.~~

~~(ii) Viscosity, if applicable, or description of physical form of the waste.~~

~~(iii) An identification of any hazardous organic constituents listed in R315-50-10, which incorporates by reference 40 CFR part 261 Appendix VIII, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified and the basis for their exclusion stated. The waste analysis shall rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2, or their equivalent.~~

~~(iv) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2.~~

~~(v) A quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in R315-8-15.4.~~

~~(2) A detailed engineering description of the incinerator, including:~~

~~(i) Manufacturer's name and model number of incinerator.~~

~~(ii) Type of incinerator.~~

~~(iii) Linear dimension of incinerator unit including cross sectional area of combustion chamber.~~

~~(iv) Description of auxiliary fuel system, type/feed.~~

~~(v) Capacity of prime mover.~~

~~(vi) Description of automatic waste feed cutoff system(s).~~

~~(vii) Stack gas monitoring and pollution control monitoring system.~~

~~(viii) Nozzle and burner design.~~

~~(ix) Construction materials.~~

~~(x) Location and description of temperature, pressure, and flow indicating devices and control devices.~~

~~(3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in R315-3-2.10(c)(1). This analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided.~~

~~(4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.~~

~~(5) A description of the results submitted from any previously conducted trial burn(s) including:~~

~~(i) Sampling and analysis techniques used to calculate performance standards in R315-8-15.4.~~

~~(ii) Methods and results of monitoring temperatures, waste feed rates, air feed rates, and carbon monoxide, and an appropriate indicator of combustion gas velocity, including a statement concerning the precision and accuracy of this measurement,~~

~~(6) The expected incinerator operation information to demonstrate compliance with R315-8-15.4 and R315-8-15.6 including:~~

~~(i) Expected carbon monoxide (CO) level in the stack exhaust gas.~~

~~(ii) Waste feed rate.~~

~~(iii) Combustion zone temperature.~~

~~(iv) Indication of combustion gas velocity.~~

~~(v) Expected stack gas volume, flow rate, and temperature.~~

~~(vi) Computed residence time for waste in the combustion zone.~~

~~(vii) Expected hydrochloric acid removal efficiency.~~

~~(viii) Expected fugitive emissions and their control procedures.~~

~~(ix) Proposed waste feed cut-off limits based on the identified significant operating parameters.~~

~~(7) Any supplemental information as the Director finds necessary to achieve the purposes of this paragraph.~~

~~(8) Waste analysis data, including that submitted in R315-3-2.10(c)(1), sufficient to allow the Director to specify as permit Principal Organic Hazardous Constituents (POHC's) those constituents for which destruction and removal efficiencies will be required.~~

~~(d) The Director shall approve a permit application without a trial burn if he finds that:~~

~~(1) The wastes are sufficiently similar; and~~

~~(2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify, under R315-8-15.6, operating conditions that will ensure that the performance standards in R315-8-15.4 will be met by the incinerator.~~

~~(e) When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements or demonstrates compliance with the air emission standards and limitations in R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under R307-214-2, which incorporates by reference 40 CFR 63.1207(j) and 63.1210(d)), documenting compliance with all applicable requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE), the requirements of R315-3-2.10 do not apply, except those provisions the Director determines are necessary to ensure compliance with R315-8-15.6(a) and R315-8-15.6(c) if the owner or operator elects to comply with R315-3-9.1(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Director may apply the provisions of R315-3-2.10, on a case-by-case basis, for purposes of information collection in accordance with R315-3-2.1(j), R315-3-2.1(k), R315-3-3.3(b)(2), and R315-3-3(b)(3).~~

~~2.11 SPECIFIC PART B INFORMATION REQUIREMENTS FOR LAND TREATMENT FACILITIES~~

~~Facilities that use land treatment to dispose of hazardous waste, except as otherwise provided in R315-8-1.1, shall provide the following additional information:~~

~~(a) A description of plans to conduct a treatment demonstration as required under R315-8-13.3. The description shall include the following information:~~

~~(1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;~~

~~(2) The data sources to be used to make the demonstration, e.g., literature, laboratory data, field data, or operating data;~~

~~(3) Any specific laboratory or field test that will be conducted, including:~~

~~(i) The type of test, e.g., column leaching, degradation;~~

~~(ii) Materials and methods, including analytical procedures;~~

~~(iii) Expected time for completion;~~

~~(iv) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;~~

~~(b) A description of a land treatment program, as required under R315-8-13.2. This information shall be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program shall address the following items:~~

~~(1) The wastes to be land treated;~~

~~(2) Design measures and operating practices necessary to maximize treatment in accordance with R315-8-13.4(a) including:~~

~~(i) Waste application method and rate;~~

~~(ii) Measures to control soil pH;~~

~~(iii) Enhancement of microbial or chemical reactions;~~

~~(iv) Control of moisture content.~~

~~(3) Provisions for unsaturated zone monitoring including:~~

~~(i) Sampling equipment, procedures and frequency;~~

~~(ii) Procedures for selecting sampling locations;~~

~~(iii) Analytical procedures;~~

~~(iv) Chain of custody control;~~

~~(v) Procedures for establishing background values;~~

~~(vi) Statistical methods for interpreting results;~~

~~(vii) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for the selection in R315-8-13.6(a);~~

~~(4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to R315-8-2.4, which incorporates by reference 40 CFR 264.13;~~

~~(5) The proposed dimensions of the treatment zone;~~

~~(c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of R315-8-13.4. This submission shall address the following items:~~

~~(1) Control of run-on;~~

~~(2) Collection and control of run-off;~~

~~(3) Minimization of run-off of hazardous constituents from the treatment zone;~~

~~(4) Management of collection and holding facilities associated with run-on and run-off control systems;~~

~~(5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under R315-3-2.5(b)(5).~~

~~(6) Control of wind dispersal of particulate matter, if applicable;~~

~~(d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under R315-8-13.5(a) will be conducted including:~~

~~(1) Characteristics of the food-chain crop for which the demonstration will be made;~~

~~(2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;~~

~~(3) Procedures for crop growth, sample collection, sample analysis, and data evaluation;~~

~~(4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown.~~

~~(e) If food-chain crops are to be grown, and cadmium is present in the land treated waste, a description of how the requirements of R315-8-13.5(b) will be complied with;~~

~~(f) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under R315-8-13.8(a)(8) and R315-8-13.8(c)(2). This information should be included in the closure plan, and, where applicable, the post-closure care plan submitted under R315-3-2.5(b)(13).~~

~~(g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of R315-8-13.9 will be complied with;~~

~~(h) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how R315-8-13.10 will be complied with.~~

~~(i) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-13.11. This submission shall address the following items as specified in R315-8-13.11:~~

~~(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;~~

~~(2) The attenuative properties of underlying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or monitoring techniques.~~

~~2.12 SPECIFIC PART B INFORMATION REQUIREMENTS FOR LANDFILLS~~

~~Facilities that dispose of hazardous waste in landfills, except as otherwise provided in R315-8-1.1, shall provide the following additional information:~~

~~(a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;~~

~~(b) Detailed plans and an engineering report describing how the~~

~~landfill is designed and is or will be constructed, operated, and maintained to comply with the requirements of R315-8-2.10, R315-8-14.2., R315-8-14.3, and R315-8-14.12, addressing the following items:~~

~~(1)(i) The liner system, except for an existing portion of a landfill, if the landfill must meet the requirements of R315-8-14.2(a). If an exemption from the requirement for a liner is sought as provided by R315-8-14.2(b), submit detailed plans, and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;~~

~~(ii) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of R315-8-14.2(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by R315-8-14.2(d), (e), or (f), submit appropriate information;~~

~~(iii) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;~~

~~(iv) The construction quality assurance, CQA, plan if required under R315-8-2.10;~~

~~(v) Proposed action leakage rate, with rationale, if required under R315-8-14.12, and response action plan, if required under R315-8-14.3;~~

~~(2) Control of run-on;~~

~~(3) Control of run-off;~~

~~(4) Management of collection and holding facilities associated with run-on and run-off control systems; and~~

~~(5) Control of wind dispersal of particulate matter, where applicable.~~

~~(c) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of R315-8-14.3(a), (b), and (c). This information shall be included in the inspection plan submitted under R315-3-2.5(b)(5);~~

~~(d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of R315-8-14.3(a) and (b). This information should be included in the inspection plan submitted under R315-3-2.5(b)(5).~~

~~(e) Detailed plans and engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with R315-8-14.5(a), and a description of how each landfill will be maintained and monitored after closure in accordance with R315-8-14.5(b). This information should be included in the closure and post-closure plans submitted under R315-3-2.5(b)(13).~~

~~(f) If ignitable or reactive wastes will be landfilled, an explanation of how the requirements of R315-8-14.6 will be complied with;~~

~~(g) If incompatible wastes, or incompatible wastes and~~

~~materials will be landfilled, an explanation of how R315-8-14.7 will be complied with;~~

~~(h) If bulk or non-containerized liquid waste or wastes containing free liquids is to be landfilled prior to May 8, 1985, an explanation of how the requirements of R315-8-14.8(a) will be complied with;~~

~~(i) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of R315-8-14.9 or R315-8-14.10 as applicable, will be complied with.~~

~~(j) A waste management plan for EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of R315-8-14.11. This submission shall address the following items as specified in R315-8-14.11:~~

~~(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;~~

~~(2) The attenuative properties of underlying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or monitoring techniques.~~

~~2.13 SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE~~

~~For facilities that burn hazardous wastes in boilers and industrial furnaces which R315-14-7 applies, which incorporates by reference 40 CFR subpart H, 266.100 through 266.112, the requirements of 40 CFR 270.22, 2006 ed., are adopted and incorporated by reference.~~

~~2.14 SPECIFIC PART B INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS~~

~~Facilities that treat, store or dispose of hazardous waste in miscellaneous units except as otherwise provided in R315-8-16, which incorporates by reference 40 CFR 264.600, shall provide the following additional information:~~

~~(a) A detailed description of the unit being used or proposed for use, including the following:~~

~~(1) Physical characteristics, materials of construction, and dimensions of the unit;~~

~~(2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of R315-8-16, which incorporates by reference 40 CFR 264.601 and 264.602; and~~

~~(3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of R315-8-16, which incorporates by reference 40 CFR 264.603.~~

~~(b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of R315-8-16, which incorporates by reference 40 CFR 264.601. If the applicant can demonstrate that he does not violate the environmental performance standards of~~

~~R315-8-16, which incorporates by reference 40 CFR 264.601 and the Director agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.~~

~~(c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of these exposures;~~

~~(d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data;~~

~~(e) Any additional information determined by the Director to be necessary for evaluation of compliance of the unit with the environmental performance standards of R315-8-16, which incorporates by reference 40 CFR 264.601.~~

~~2.15 SPECIFIC PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS~~

~~For facilities that have process vents to which R315-8-17 applies, which incorporates by reference 40 CFR subpart AA of 264, the requirements of 40 CFR 270.24, 2006 ed., regarding information requirements for process vents are adopted and incorporated by reference with the following exception:~~

~~Substitute "Director" for "Regional Administrator."~~

~~2.16 SPECIFIC PART B INFORMATION REQUIREMENTS FOR EQUIPMENT~~

~~For facilities that have equipment to which R315-8-18 applies, which incorporates by reference 40 CFR subpart BB of 264, the requirements of 40 CFR 270.25, 2006 ed., regarding information requirements for equipment are adopted and incorporated by reference with the following exception:~~

~~Substitute "Director" for "Regional Administrator."~~

~~2.17 SPECIFIC PART B INFORMATION REQUIREMENTS FOR DRIP PADS~~

~~For facilities that have drip pads to which R315-8-19 applies, which incorporates by reference 40 CFR subpart W, 264.570 through 264.575, the requirements of 40 CFR 270.26, 1991 ed., are adopted and incorporated by reference.~~

~~2.18 SPECIFIC PART B INFORMATION REQUIREMENTS FOR AIR EMISSION CONTROLS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS~~

~~The requirements as found in 40 CFR 270.27 1996 ed., as amended by 61 FR 59931, November 25, 1996, are adopted and incorporated by reference.~~

~~2.19 PART B INFORMATION REQUIREMENTS FOR POST-CLOSURE PERMITS~~

~~For post-closure permits, the owner or operator is required to submit only the information specified in R315-3-2.5(b)(1), (4), (5), (6), (11), (13), (14), (16), (18), (19), and R315-3-2.5(c) and (d), unless the Director determines that additional information from R315-3-2.5, R315-3-2.7, which incorporates by reference 40 CFR 270.16, R315-3-2.8, R315-3-2.9, R315-3-2.11, or R315-3-2.12 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in R315-3-1.3(e)(7).~~

~~2.20 PERMIT DENIAL~~

~~The Director may, pursuant to the procedures in R315-4, deny the permit application either in its entirety or as to the active life of a hazardous waste management facility or unit only.~~

**~~R315-3-3. Permit Conditions.~~**

~~3.1 CONDITIONS APPLICABLE TO PERMITS~~

~~The following conditions apply to all permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation of these rules shall be given in the permit.~~

~~(a) Duty to comply. The permittee shall comply with all conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration any noncompliance is authorized in an emergency permit. (See R315-3-6.2). Any plan noncompliance except under the terms of an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.~~

~~(b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.~~

~~(c) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the approved activity in order to maintain compliance with the conditions of this permit.~~

~~(d) In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out all measures as are reasonable to prevent significant adverse impact on human health or the environment.~~

~~(e) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control, and related appurtenances, which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.~~

~~(f) Permit actions. This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of R315-3-4.2 or R315-4.4 and the procedures of R315-4-1.5. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification or planned changes or anticipated noncompliance, does not stay any permit condition.~~

~~(g) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.~~

~~(h) Duty to provide information. The permittee shall furnish to the Director within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by this permit.~~

~~(i) Inspection and entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of~~

~~credentials and other documents as may be required by law, to:~~

~~(1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;~~

~~(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;~~

~~(3) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit; and~~

~~(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act, any substances or parameters at any location.~~

~~(j) Monitoring and records.~~

~~(1) Sample and measurements taken for the purpose of monitoring shall be representative of the monitored activity.~~

~~(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by R315-8-5.3, which incorporates by reference 40 CFR 264.73(b)(9), and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Director at any time. The permittee shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.~~

~~(3) Records of monitoring information shall include:~~

~~(i) The date, exact place, and time of sampling or measurements;~~

~~(ii) The individual(s) who performed the sampling or measurements;~~

~~(iii) The date(s) analyses were performed;~~

~~(iv) The individual(s) who performed the analyses;~~

~~(v) The analytical techniques or methods used; and~~

~~(vi) The results of all analyses.~~

~~(k) Signatory requirement. All applications, reports, or information submitted to the Director shall be signed and certified, see R315-3-2.2.~~

~~(l) Reporting requirements.~~

~~(1) Planned changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the approved facility.~~

~~(2) Anticipated noncompliance. The permittee shall give advance notice to the Director of any planned changes in the approved facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in R315-3-4.3, which incorporates by reference 40 CFR 270.42, until:~~

~~(i) The permittee has submitted to the Director by certified mail or hand delivery a letter signed by the permittee and a registered~~

~~professional engineer stating that the facility has been constructed or modified in compliance with the permit; and~~

~~(ii)(A) The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or~~

~~(B) Within 15 days of the date of submission of the letter in R315-3-3.1(l)(2)(i), the permittee has not received notice from the Director of the Director's intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of hazardous waste.~~

~~(3) Transfers. The permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate any other requirements as may be necessary. See R315-3-4.1.~~

~~(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.~~

~~(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.~~

~~(6) Twenty-four hour reporting. See R315-9 for Emergency Controls.~~

~~(i) The permittee shall report any noncompliance which may endanger health or the environment orally within 24 hours from the time the permittee becomes aware of the circumstances, including:~~

~~(A) Information concerning release of hazardous waste that may cause an endangerment to public drinking water supplies.~~

~~(B) Any information of a release of hazardous waste or of a fire or explosion from the hazardous waste management facility, which could threaten the environment or human health outside the facility.~~

~~(ii) The description of the occurrence and its cause shall include:~~

~~(A) Name, address, and telephone number of the owner or operator;~~

~~(B) Name, address, and telephone number of the facility;~~

~~(C) Date, time, and type of incident;~~

~~(D) Name and quantity of material(s) involved;~~

~~(E) The extent of injuries, if any;~~

~~(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and~~

~~(G) Estimated quantity and disposition of recovered material that resulted from the incident.~~

~~(iii) A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance. The Director may waive the five-day written notice requirement in favor of a written report within 15 days.~~

~~(7) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee shall submit a letter report, including a copy of the manifest, to the Director. (See R315-8-5.4)~~

~~(8) Unmanifested waste report. This report shall be submitted to the Director within 15 days of receipt of unmanifested wastes.~~

~~(9) Biennial report. A biennial report shall be submitted covering facility activities during odd numbered calendar years.~~

~~(10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under R315-3-3.1(l)(4), (5), and (6), at the time monitoring reports are submitted. The reports shall contain the information listed in R315-3-3.1(l)(6).~~

~~(11) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, he shall promptly submit all facts or information.~~

~~(m) Information repository. The Director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in R315-4-2.33(b). The information repository will be governed by the provisions in R315-4-2.33 (c) through (f).~~

~~3.2 REQUIREMENTS FOR RECORDING AND REPORTING OF MONITORING RESULTS~~

~~All permits shall specify:~~

~~(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods, including biological monitoring methods when appropriate;~~

~~(b) Required monitoring including type, intervals, and frequency sufficient yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;~~

~~(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in R315-8 and R315-14. Reporting shall be no less frequent than specified in R315-8 and R315-14.~~

~~3.3 ESTABLISHING PERMIT CONDITIONS~~

~~In addition to the conditions established, each permit shall include:~~

~~(a) A list of the wastes or classes of wastes which will be treated, stored, or disposed of at the facility, and a description of the processes to be used for treating, storing, and disposing of these hazardous wastes at the facility including the design capacities of each storage, treatment, and disposal unit. Except in the case of containers, the description shall identify the particular wastes or classes of wastes which will be treated, stored, or disposed of in particular equipment or locations, e.g., "Halogenated organics may be stored in Tank A", and "Metal hydroxide sludges may be disposed of in landfill cells B, C, and D", and~~

~~(b)(1) Each permit shall include conditions necessary to achieve compliance with the Utah Solid and Hazardous Waste Act and these rules, including each of the applicable requirements specified~~

~~in R315-7, R315-8, R315-13, which incorporates by reference 40 CFR 268, and R315-14, which incorporates by reference 40 CFR 266. In satisfying this provision, the Director may incorporate applicable requirements of R315-7, R315-8, R315-13, which incorporates by reference 40 CFR 268, and R315-14, which incorporates by reference 40 CFR 266, directly into the permit or establish other permit conditions that are based on these rules.~~

~~(2) Each permit issued under the Utah Solid and Hazardous Waste Act shall contain terms and conditions as the Director determines necessary to protect human health and the environment.~~

~~(3) If the Director determines that conditions in addition to those required under R307-214-2 which incorporates by reference, 40 CFR parts 63, subpart EEE, R315-8 or R315-14 are necessary, he shall include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.~~

~~(c) New or reissued permits, and to the extent allowed under R315-3-4.2, modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in R315-3-3.2 and R315-3-3.3.~~

~~(d) Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable requirements shall be given in the permit.~~

~~3.4 SCHEDULES OF COMPLIANCE~~

~~(a) The permit may, when appropriate, specify a schedule of compliance leading to compliance with these rules.~~

~~(1) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.~~

~~(2) Interim dates. Except as provided in R315-3-3.4(b)(1)(ii), if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.~~

~~(i) The time between interim dates shall not exceed one year.~~

~~(ii) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.~~

~~(3) Reporting. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing, of its compliance or noncompliance with the interim or final requirement, or submit progress reports if R315-3-3.4(a)(2)(ii) is applicable.~~

~~(b) Alternative schedules of permit compliance. An applicant or permittee may cease conducting regulated activities, by receiving a terminal volume of hazardous waste, and for treatment and storage facilities, closing pursuant to applicable requirements; and for disposal facilities, closing and conducting post-closure care pursuant to applicable requirement, rather than continue to operate and meet permit requirements as follows:~~

~~(1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already~~

~~been issued:~~

~~(i) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or~~

~~(ii) The permittee shall cease conducting activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.~~

~~(2) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to permit termination which will ensure timely compliance with applicable requirements.~~

~~(3) If the permittee is undecided whether to cease conducting regulated activities, the Director may issue or modify a permit to contain two schedules as follows:~~

~~(i) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;~~

~~(ii) One schedule shall lead to timely compliance with applicable requirements.~~

~~(iii) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;~~

~~(iv) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under R315-3-3.4(b)(3)(i) it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.~~

~~(4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Director, such as resolution of the board of directors of a corporation.~~

**~~R315-3-4. Changes to Permit.~~**

~~4.1 TRANSFER OF PERMITS~~

~~(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under R315-3-4.1(b) or R315-3-4.2(b)(2) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act.~~

~~(b) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the Director in accordance with R315-3-4.3, which incorporates by reference 40 CFR 270.42. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees shall also be submitted to the Director. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of R315-8-8, which incorporates by reference 40 CFR 264, subpart H, until the new owner or operator has~~

~~demonstrated that he is complying with the requirements of that subpart. The new owner or operator shall demonstrate compliance with R315-8-8, which incorporates by reference 40 CFR 264, subpart H requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with R315-8-8, which incorporates by reference 40 CFR 264, subpart H, the Director shall notify the old owner or operator that he no longer needs to comply with R315-8-8, which incorporates by reference 40 CFR 264, subpart H as of the date of demonstration.~~

~~4.2 MODIFICATION OR REVOCATION AND REISSUANCE OF PERMITS~~

~~When the Director receives any information, for example, inspects the facility, receives information submitted by the permittee as required in the permit see R315-3-3.1, receives a request for modification or revocation and reissuance under R315-4-1.5 or conducts review of the permit file, he may determine whether one or more of the causes listed in R315-3-4.2(a) and (b) for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of R315-3-4.2(c), and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See R315-4-1.5(c)(2). If cause does not exist under this section, the Director shall not modify or revoke and reissue the permit, except on request of the permittee. If a permit modification is requested by the permittee, the Director shall approve or deny the request according to the procedures of R315-3-4.3, which incorporates by reference 40 CFR 270.42. Otherwise, a draft permit shall be prepared and other procedures in R315-4 followed.~~

~~(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, and the following may be causes for revocation and reissuance as well as modification under any program when the permittee requests or agrees.~~

~~(1) Alterations. There are materials and substantial alterations or additions to the approved facility or activity which occurred after permit issuance which justifies the application of permit conditions that are different or absent in the existing permit.~~

~~(2) Information. The Director has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance, other than revised rules, guidance, or test methods, and would have justified the application of different permit conditions at the time of issuance.~~

~~(3) New statutory requirements or rules. The standards or rules on which the permit was based have been changed by statute, through promulgation of new or amended standards or rules or by judicial decision after the permit was issued.~~

~~(4) Compliance schedules. The Director determined good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.~~

~~(5) Notwithstanding any other provision in this section, when~~

~~a permit for a land disposal facility is reviewed by the Director under R315-3-5.1(d), the Director shall modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in these rules.~~

~~(b) Causes for modification or revocation and reissuance. The following are causes to modify, or, alternatively, revoke and reissue a permit;~~

~~(1) Cause exists for termination under R315-3-4.4 and the Director determines that modification or revocation and reissuance is appropriate.~~

~~(2) The Director has received notification as required in the permit, see R315-3-3.1(l)(3) of a proposed transfer of the permit.~~

~~(c) Facility siting. Suitability of the facility location may not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.~~

~~4.3 PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE~~

~~The requirements of 40 CFR 270.42, including Appendix I, 2006 ed., are adopted and incorporated by reference with the following exception;~~

~~substitute "Director" for all Federal regulation references made to "Administrator";~~

~~4.4 TERMINATION OF PERMITS~~

~~(a) The following are causes for terminating a permit during its term, or for denying a permit renewal application:~~

~~(1) Noncompliance by the permittee with any condition of the permit;~~

~~(2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or~~

~~(3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.~~

~~(b) The Director shall follow the applicable procedures in R315-4 in terminating any permit under R315-3-4.4.~~

**~~R315-3-5. Expiration and Continuation of Permits.~~**

~~5.1 DURATION OF PERMITS~~

~~(a) Hazardous waste operation permits shall be effective for a fixed term not to exceed ten years.~~

~~(b) Except as provided in R315-3-5.2, the term of a permit shall not be extended by modification beyond the maximum duration specified in R315-3-5.1.~~

~~(c) The Director may issue any permit for a duration that is less than the full allowable term under this section.~~

~~(d) Each permit for a land disposal facility shall be reviewed by the Director five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in R315-3-4.2.~~

~~5.2 CONTINUATION OF EXPIRING PERMITS~~

~~(a) The conditions of an expired permit continue in force until the effective date of a new permit if:~~

~~(1) The permittee has submitted a timely application under R315-3-2.5 and the applicable requirements of R315-3-2.5 and the applicable sections in R315-3-2.6 through R315-3-2.20, which is a complete application for a new permit; and~~

~~(2) The Director through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit, for example, when issuance is impracticable due to time or resource constraints.~~

~~(b) Effect. Permits continued under this section remain fully effective and enforceable.~~

~~(c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Director may choose to do any or all of the following:~~

~~(1) Initiate enforcement action based upon the permit which has been continued;~~

~~(2) Issue a notice of intent to deny the new permit under R315-4-1.6. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;~~

~~(3) Issue a new permit under R315-4 with appropriate conditions;~~

~~(4) Take other actions authorized by these rules.~~

~~(d) State Continuation. If the permittee has submitted a timely and complete application, including timely and adequate response to any deficiency notice, for permit under applicable State law and rules, the terms and conditions of an EPA issued RCRA permit shall continue in force until the effective date of the State's issuance or denial of a State permit.~~

~~(e) Permits which have been issued under authority of the Federal Resource Conservation and Recovery Act will be administered by the State when hazardous waste program authorization becomes effective.~~

**~~R315-3-6. Special Forms of Permits.~~**

~~6.1 PERMITS BY RULE~~

~~Notwithstanding any other provision of R315-3 and R315-4, the following shall be deemed to have an approved hazardous waste permit if the conditions listed are met:~~

~~(a) Injection wells. The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:~~

~~(1) Has a permit for underground injection issued under State or Federal law.~~

~~(2) Complies with the conditions of that permit and the requirements in R317-7, Underground Injection Control Program, for managing hazardous waste in a well.~~

~~(3) For UIC permits issued after November 8, 1984:~~

~~(i) Complies with R315-8-6.12; and~~

~~(ii) Where the UIC well is the only unit at a facility which requires a permit, complies with R315-3-2.5(d).~~

~~(b) Publicly owned treatment works. The owner or operator of a POTW which accepts hazardous waste, for treatment if the owner or operator:~~

~~(1) Has an NPDES permit;~~

~~(2) Complied with the conditions of that permit;~~

~~(3) Complies with the following rules;~~
~~(i) R315-8-2.2, Identification number;~~
~~(ii) R315-8-5.2, Use of manifest system;~~
~~(iii) R315-8-5.4, Manifest discrepancies;~~
~~(iv) R315-8-5.3, which incorporates by reference 40 CFR 264.73(a) and (b)(1), Operating record;~~
~~(v) R315-8-5.6, Biennial report;~~
~~(vi) R315-8-5.7, Unmanifested waste report; and~~
~~(vii) R315-8-6.12, For NPDES permits issued after November 8, 1984.~~
~~(4) If the waste meets all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.~~
~~6.2 EMERGENCY PERMITS~~
~~(a) Notwithstanding any other provision of R315-3 or R315-4, in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit: (1) to a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or (2) to a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.~~
~~(b) This emergency permit:~~
~~(1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;~~
~~(2) Shall not exceed 90 days in duration;~~
~~(3) Shall clearly specify the hazardous waste to be received, and the manner and location of their treatment, storage, or disposal;~~
~~(4) May be terminated by the Director at any time without process if he determines that termination is appropriate to protect human health and the environment;~~
~~(5) Shall be accompanied by a public notice published under R315-4-1.10(b) including:~~
~~(i) Name and address of the office granting the emergency authorization;~~
~~(ii) Name and location of the permitted hazardous waste management facility;~~
~~(iii) A brief description of the wastes involved;~~
~~(iv) A brief description of the action authorized and reasons for authorizing it; and~~
~~(v) Duration of the emergency permit; and~~
~~(6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of R315-3,R315-8, and R315-14.~~
~~6.3 HAZARDOUS WASTE INCINERATOR PERMITS~~
~~When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements or demonstrates compliance with the air emission standards and limitations in R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under R307-214-2, which incorporates by reference 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of R307-214-2, which incorporates by reference 40 CFR 63,~~

~~subpart EEE), the requirements of R315-3-6.3 do not apply, except those provisions the Director determines are necessary to ensure compliance with R315-8-15.6(a) and R315-8-15.6(c) if the owner or operator elects to comply with R315-3-9(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Director may apply the provisions of R315-3-6.3, on a case-by-case basis, for purposes of information collection in accordance with R315-3-2.1(j), R315-3-2.1(k), R315-3-3.3(b)(2), and R315-3-3.3(b)(3).~~

~~(a) For the purposes of determining operational readiness following completion of physical construction, the Director shall establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Director may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to R315-3-4.3, which incorporates by reference 40 CFR 270.42.~~

~~(1) Applicants shall submit a statement, with part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of R315-8-15.4 during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in R315-8-15.6.~~

~~(2) The Director will review this statement and any other relevant information submitted with part B of the permit and specify requirements for this period sufficient to meet the performance standards of R315-8-15.4 based on its engineering judgment.~~

~~(b) For the purpose of determining feasibility of compliance with the performance standards of R315-8-15.4, and of determining adequate operating conditions under R315-8-15.6, the Director shall establish conditions in the permit to a new hazardous waste incinerator to be effective during the trial burn.~~

~~(1) Applicants shall propose a trial burn plan, prepared under R315-3-6.3(b)(2) with part B of the permit application.~~

~~(2) The trial burn plan shall include the following information:~~

~~(i) An analysis of each waste or mixture of wastes to be burned which includes:~~

~~(A) Heat value of the waste in the form and composition in which it will be burned.~~

~~(B) Viscosity, if applicable, or description of physical form of the waste.~~

~~(C) An identification of any hazardous organic constituents listed in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII, which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified, and the basis for their~~

~~exclusion stated. The waste analysis shall rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11 and 270.6, see R315-1-2, or other equivalent.~~

~~(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11 and 270.6, see R315-1-2, or, their equivalent.~~

~~(ii) A detailed engineering description of the incinerator for which the permit is sought including:~~

~~(A) Manufacturer's name and model number of incinerator, if available.~~

~~(B) Type of incinerator.~~

~~(C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber.~~

~~(D) Description of the auxiliary fuel system type and feed.~~

~~(E) Capacity of prime mover.~~

~~(F) Description of automatic waste feed cut-off system(s).~~

~~(G) Stack gas monitoring and pollution control equipment.~~

~~(H) Nozzle and burner design.~~

~~(I) Construction materials.~~

~~(J) Location and description of temperature, pressure, and flow indicating and control devices.~~

~~(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations of the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.~~

~~(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the Director's decision under R315-3-6.3(b)(5).~~

~~(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator.~~

~~(vi) A description of, and planned operating conditions for, any emission control equipment which will be used.~~

~~(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction.~~

~~(viii) All other information as the Director reasonably finds necessary to determine whether to approve the trial burn plan in light of the purpose of this paragraph and the criteria in R315-3-6.3(b)(5).~~

~~(3) The Director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this paragraph.~~

~~(4) Based on the waste analysis data in the trial burn plan, the Director will specify as trial Principal Organic Hazardous~~

~~Constituents (POHCs), those constituents for which destruction and removal efficiencies shall be calculated during the trial burn. These trial POHCs will be specified by the Director based on his estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in R315-2-10, the hazardous waste organic constituent or constituents identified in R315-50-9 as the basis for listing.~~

~~(5) The Director shall approve a trial burn plan if he finds that:~~

~~(i) The trial burn is likely to determine whether the incinerator performance standard required by R315-8-15.4 can be met;~~

~~(ii) The trial burn itself will not present an imminent hazard to human health or the environment;~~

~~(iii) The trial burn will help the Director to determine operating requirements to be specified under R315-8-15.6; and~~

~~(iv) The information sought in R315-3-6.3(b)(5)(i) and (ii) cannot reasonably be developed through other means.~~

~~(6) The Director shall send a notice to all persons on the facility mailing list as set forth in R315-4-1.10(c)(1)(iv) and to the appropriate units of State and local government as set forth in R315-4-1.10(c)(1)(v) announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Director has issued such notice.~~

~~(i) This notice shall be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Division.~~

~~(ii) This notice shall contain:~~

~~(A) The name and telephone number of the applicant's contact person;~~

~~(B) The name and telephone number of the Division;~~

~~(C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and~~

~~(D) An expected time period for commencement and completion of the trial burn.~~

~~(7) During each approved trial burn, or as soon after the burn as is practicable, the applicant shall make the following determinations:~~

~~(i) A quantitative analysis of the trial POHCs in the waste feed to the incinerator.~~

~~(ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC, oxygen ($O_2$) and hydrogen chloride (HCl).~~

~~(iii) A quantitative analysis of the scrubber water, if any, ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs.~~

~~(iv) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in R315-8-15.4(a).~~

~~(v) If the HC1 emission rate exceeds 1.8 kilograms of HC1 per hour (4 pounds per hour), a computation of HC1 removal efficiency in accordance with R315-8-15.4(b).~~

~~(vi) A computation of particulate emissions in accordance with~~

~~R315-8-15.4(c).~~

~~(vii) An identification of sources of fugitive emissions and their means of control.~~

~~(viii) A measurement of average, maximum, and minimum temperatures and combustion gas velocity.~~

~~(ix) A continuous measurement of carbon monoxide (CO) in the exhaust gas.~~

~~(x) All other information as the Director may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in R315-8-15.4 and to establish the operating conditions required by R315-8-15.6 as necessary to meet that performance standard.~~

~~(8) The applicant shall submit to the Director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in R315-3-6.3(b)(7). This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Director.~~

~~(9) All data collected during any trial burn shall be submitted to the Director following the completion of the trial burn.~~

~~(10) All submissions required by this paragraph shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under R315-3-2.2.~~

~~(11) Based on the results of the trial burn, the Director shall set the operating requirements in the final permit according to R315-8-15.6. The permit modification shall proceed according to R315-3-4.3, which incorporates by reference 40 CFR 270.42.~~

~~(c) For the purpose of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Director may establish permit conditions, including but no limited to allowable waste feeds and operating conditions sufficient to meet the requirements of R315-8-15.6, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the trial burn results by the applicant, and modification of the facility permit by the Director.~~

~~(1) Applicants shall submit a statement, with part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of R315-8-15.4 during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in R315-8-15.6.~~

~~(2) The Director will review this statement and any other relevant information submitted with part B of the permit application and specify those requirements for this period most likely to meet the performance standards of R315-8-15.4 based on its engineering judgment.~~

~~(d) For the purposes of determining feasibility of compliance with the performance standards of R315-8-15.4 and of determining adequate operating conditions under R315-8-15.6, the applicant for a permit for an existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with~~

~~R315-3-2.10(b) and R315-3-6.3(b)(2) through (b)(5) and (b)(7) through (b)(10) or, instead, submit other information as specified in R315-3-2.10(c). The Director shall announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of R315-3-6.3(b)(6). The contents of the notice shall include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Division; 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 period during which the trial burn would be conducted. Applicants submitting information under R315-3-2.10(a) are exempt from compliance with R315-8-15.4 and R315-8-15.6 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application shall complete the trial burn and submit the results, specified in R315-3-6.3(b)(7), with part B of the permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant shall contact the Director to establish a later date for submission of the part B application or the trial burn results. Trial burn results shall be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with part B of the permit application, the Director will specify a time period prior to permit issuance in which the trial burn shall be conducted and the results submitted.~~

~~6.4 PERMITS FOR LAND TREATMENT DEMONSTRATIONS USING FIELD TEST OR LABORATORY ANALYSES~~

~~(a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of R315-8-13.3, the Director may issue a treatment demonstration permit. The permit shall contain only those requirements necessary to meet the standards in R315-8-13.3(c). The permit may be issued either as a treatment or disposal approval covering only the field test or laboratory analyses, or as a two-phase facility approval covering the field tests, or laboratory analyses, and design, construction, operation and maintenance of the land treatment unit.~~

~~(1) The Director may issue a two-phase facility permit if they find that, based on information submitted in part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit.~~

~~(2) If the Director finds that not enough information exists upon which they can establish permit conditions to attempt to provide for compliance with all the requirements of R315-8-13, he shall issue a treatment demonstration permit covering only the field test or laboratory analyses.~~

~~(b) If the Director finds that a phased permit may be issued, he will establish, as requirements in the first phases of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters, including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, post-demonstration cleanup~~

~~activities, and any other conditions which the Director finds may be necessary under R315-8-13.3(c). The Director will include conditions in the second phase of the facility permit to attempt to meet all R315-8-13 requirements pertaining to unit design, construction, operation, and maintenance. The Director will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the part B application.~~

~~(1) The first phase of the permit will be effective as provided in R315-4-1.15.~~

~~(2) The second phase of the permit will be effective as provided in R315-3-6.4(d).~~

~~(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he shall submit to the Director certification, signed by a person authorized to sign a permit application or report under R315-3-2.2, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting the tests or analyses. The owner or operator shall also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Director approves a later date.~~

~~(d) If the Director determines that the results of the field tests or laboratory analyses meet the requirements of R315-8-13.3, he will modify the second phase of the permit to incorporate any requirement necessary for operation of the facility in compliance with R315-8-13, based upon the results of the field tests or laboratory analyses.~~

~~(1) This permit modification may proceed under R315-3-4.3, which incorporates by reference 40 CFR 270.42, or otherwise will proceed as a modification under R315-3-4.2(a)(2). If such modifications are necessary, the second phase of the permit will become effective only after those modifications have been made.~~

~~(2) If no modification of the second phase of the permit are necessary, the Director will give notice of his final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in R315-4-1.15(b).~~

~~6.5 RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS~~

~~(a) The Director may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for any experimental activity have not been promulgated under R315-8 and R315-14. Any such permits shall include such terms and conditions as will assure protection of human health and the environment. These permits:~~

~~(1) Shall provide for the construction of these facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in R315-3-6.5(d), and~~

~~(2) Shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the~~

~~Director deems necessary for purposes of determining the efficiency and performance capabilities of the technology or process and the effects of the technology or process on human health and the environment; and~~

~~(3) Shall include all requirements as the Director deems necessary to protect human health and the environment, including, but not limited to requirements regarding monitoring, operation, financial responsibility, closure, and remedial action, and all requirements as the Director deems necessary regarding testing and providing of information to the Director with respect to the operation of the facility.~~

~~(b) For the purpose of expediting review and issuance of permit under this section, the Director may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in R315-3 and R315-4 except that there may be no modification or waiver of regulations regarding financial responsibility, including insurance, or of procedures regarding public participation.~~

~~(c) The Director may order an immediate termination of all operations at the facility at any time they determine that termination is necessary to protect human health and the environment.~~

~~(d) Any permit issued under this section may be renewed not more than three times. Each renewal shall be for a period of not more than one year.~~

~~6.6 PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE~~

~~The requirements of 40 CFR 270.66, 2006 ed., are adopted and incorporated by reference with the following exception:~~

~~"Director" means the Director of the Division of Solid and Hazardous Waste.~~

~~6.7 REMEDIAL ACTION PLANS~~

~~Remedial Action Plans (RAPs) are special forms of permits that are regulated under R315-3-8, which incorporates by reference 40 CFR 270, subpart H.~~

**~~R315-3-7. Interim Status.~~**

~~7.1 QUALIFYING FOR INTERIM STATUS~~

~~(a) Any person who owns or operates an "existing hazardous waste management facility" or a facility in existence on the effective date of statutory or regulatory amendments under the State or Federal Act that render the facility subject to the requirement to have a RCRA permit or State permit shall have interim status and shall be treated as having been issued a permit to the extent he or she has:~~

~~(1) Complied with the Federal requirements of section 3010(a) of RCRA pertaining to notification of hazardous waste activity or the notification requirements of these rules.~~

~~Comment: Some existing facilities may not be required to file a notification under section 3010(a) of RCRA. These facilities may qualify for interim status by meeting R315-3-7.1(a)(2).~~

~~(2) Complied with the requirements of 40 CFR 270.10 or R315-3-2.1 governing submission of part A applications;~~

~~(b) Failure to qualify for interim status. If the Director has reason to believe upon examination of a part A application that it fails~~

~~to meet the requirements of R315-3-2.4, the Director shall notify the owner or operator in writing of the apparent deficiency. The notice shall specify the grounds for the Director's belief that the application is deficient. The owner or operator shall have 30 days from receipt to respond to the notification and to explain or cure the alleged deficiency in his part A application. If, after the notification and opportunity for response, the Director determines that the application is deficient he may take appropriate enforcement action.~~

~~(c) R315-3-7.1(a) shall not apply to any facility which has been previously denied a permit or if authority to operate the facility under State or Federal authority has been previously terminated.~~

~~7.2 OPERATION DURING INTERIM STATUS~~

~~(a) During the interim status period the facility shall not:~~

~~(1) Treat, store, or dispose of hazardous waste not specified in part A of the permit or permit application;~~

~~(2) Employ processes not specified in part A of the permit or permit application; or~~

~~(3) Exceed the design capacities specified in part A of the permit or permit application.~~

~~(b) Interim status standards. During interim status, owners or operators shall comply with the interim status standards in R315-7.~~

~~7.3 CHANGES DURING INTERIM STATUS~~

~~(a) Except as provided in R315-3-7.3(b), the owner or operator of an interim status facility may make the following changes at the facility:~~

~~(1) Treatment, storage, or disposal of new hazardous wastes not previously identified in part A of the permit application and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the hazardous wastes on the effective date of the listing or identification if the owner or operator submits a revised part A permit application prior to treatment, storage, or disposal;~~

~~(2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised part A permit application prior to a change, along with a justification explaining the need for the change, and the Director approves the changes because:~~

~~(i) There is a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities, or~~

~~(ii) The change is necessary to comply with a Federal, State, or local requirement.~~

~~(3) Changes in the processes for the treatment, storage, or disposal of hazardous waste or addition of processes if the owner or operator submits a revised part A permit application prior to such change, along with a justification explaining the need for the change, and the Director approves the change because:~~

~~(i) The change is necessary to prevent a threat to human health and the environment because of an emergency situation, or~~

~~(ii) The change is necessary to comply with a Federal, State, or local requirement.~~

~~(4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised part A permit application no later than 90 days prior to the scheduled change. When~~

~~a transfer of operational control of a facility occurs, the old owner or operator shall comply with the requirements of R315-7-15, which incorporates by reference 40 CFR 265 subpart H, until the new owner or operator has demonstrated to the Director that he is complying with the requirements of that subpart. The new owner or operator shall demonstrate compliance with R315-7-15, which incorporates by reference 40 CFR 265 subpart H, within six months of the date of the change in ownership or operational control of the facility. Upon demonstration to the Director by the new owner or operator of compliance with R315-7-15, which incorporates by reference 40 CFR 265 subpart H, the Director shall notify the old owner or operator in writing that he no longer needs to comply with R315-7-15, which incorporates by reference 40 CFR 265 subpart H, as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility.~~

~~(5) Changes made in accordance with an interim status corrective action order issued, under 19-6-105(d), or by EPA under section 3008(h) RCRA or other Federal authority or by a court in a judicial action brought by EPA or by an authorized State. Changes under this paragraph are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.~~

~~(6) Addition of newly regulated units for the treatment, storage, or disposal of hazardous waste if the owner or operator submits a revised part A permit application on or before the date on which the unit becomes subject to the new requirements.~~

~~(b) Except as specifically allowed under this paragraph, changes listed under R315-3-7.3(a) may not be made if they amount to reconstruction of the hazardous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new hazardous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:~~

~~(1) Changes made solely for the purposes of complying with the requirements of R315-7-17, which incorporates by reference 40 CFR 265.193, for tanks and ancillary equipment.~~

~~(2) If necessary to comply with Federal, State, or local requirements, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the standards of section 3004(o) of RCRA.~~

~~(3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.~~

~~(4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.~~

~~(5) Changes necessary to comply with an interim status corrective action order issued, under subsection 19-6-105(d), or by EPA under section 3008(h) of RCRA or other Federal authority, or by a court in a judicial proceeding brought by EPA, provided that such changes are limited to the treatment, storage, or disposal of solid~~

~~waste from releases that originate within the boundary of the facility.~~

~~(6) Changes to treat or store, in tanks or containers, or containment buildings, hazardous wastes subject to land disposal restrictions imposed by R315-13, which incorporates by reference 40 CFR 268, or R315-8, provided that these changes are made solely for the purpose of complying with R315-13, which incorporates by reference 40 CFR 268, or R315-8.~~

~~(7) Addition of newly regulated units under R315-3-7.3(a)(6).~~

~~(8) Changes necessary to comply with standards under 40 CFR part 63, subpart EEE - National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors.~~

~~7.4 TERMINATION OF INTERIM STATUS~~

~~Interim status terminates when:~~

~~(a) Final administrative disposition of a permit application, except an application for a remedial action plan (RAP) under R315-3-8, which incorporates by reference 40 CFR 270, subpart H, is made.~~

~~(b) Interim status is terminated as provided in R315-3-2.1(d)(5).~~

~~(c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:~~

~~(1) The owner or operator submits a part B application for a permit for a facility prior to that date; and~~

~~(2) The owner or operator certifies that the facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.~~

~~(d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Federal Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to the permit requirement unless the owner or operator of the facility:~~

~~(1) Submits a part B application for a permit for the facility before the date 12 months after the date on which the facility first becomes subject to the permit requirement; and~~

~~(2) Certifies that the facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.~~

~~(e) For owners or operators of any land disposal unit that is granted authority to operate under R315-3-7.3(a)(1), (2) or (3), on the date 12 months after the effective date of the requirement, unless the owner or operator certifies that this unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements.~~

~~(f) For owners or operators of each incinerator facility which has achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1989, unless the owner or operator of the facility submits a part B application for a permit for an incinerator facility by November 8, 1986.~~

~~(g) For owners or operators of any facility, other than a land disposal or an incinerator facility, which has achieved interim status prior to November 8, 1984, interim status terminates on November 8,~~

~~1992, unless the owner or operator of the facility submits a part B application for a hazardous waste permit for the facility by November 8, 1988.~~

**~~R315-3-8. Remedial Action Plans (RAPs).~~**

~~The requirements of 40 CFR 270, subpart H, which includes sections 270.79 through 270.230, 2000 ed., are adopted and incorporated by reference with the following exception:~~

~~"Director" means Director of the Division of Solid and Hazardous Waste.~~

**~~R315-3-9. Integration with Maximum Achievable Control Technology (MACT) Standards.~~**

~~9.1 OPTIONS FOR INCINERATORS AND CEMENT AND LIGHTWEIGHT AGGREGATE KILNS TO MINIMIZE EMISSIONS FROM STARTUP, SHUTDOWN, AND MALFUNTION EVENTS~~

~~(a) Facilities with existing permits. (1) Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a hazardous waste-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace may request that the Director address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options when requesting removal of permit conditions that are no longer applicable according to R315-8-15.1(b) and R315-14-7, which incorporates by reference 40 CFR 266.100(b):~~

~~(i) Retain relevant permit conditions. Under this option, the Director will:~~

~~(A) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2); and~~

~~(B) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.~~

~~(ii) Revise relevant permit conditions.~~

~~(A) Under this option, the Director will:~~

~~(1) Identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history.~~

~~(2) Retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan.~~

~~(B) Changes that may significantly increase emissions.~~

~~(1) You must notify the Director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. You must notify the Director of~~

~~such changes within five days of making such changes. You must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.~~

~~(2) The Director may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:~~

~~(i) Upon permit renewal, or, if warranted;~~

~~(ii) By modifying the permit under R315-3-4.2(a) or R315-3-4.3, which incorporates by reference 40 CFR 270.42.~~

~~(iii) Remove permit conditions. Under this option:~~

~~(A) The owner or operator must document that the startup, shutdown, and malfunction plan required under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2), has been approved by the Director under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2)(ii)(B); and~~

~~(B) The Director will remove permit conditions that are no longer applicable according to R315-8-15.1(b) and R315-14-7, which incorporates by reference 40 CFR 266.100(b).~~

~~(2) Addressing permit conditions upon permit reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the Director a Notification of Compliance documenting compliance with the standards of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE, may request in the application to reissue the permit for the combustion unit that the Director control emissions from startup, shutdown, and malfunction events under any of the following options:~~

~~(i) RCRA option A.~~

~~(A) Under this option, the Director will:~~

~~(1) Include, in the permit, conditions that ensure compliance with R315-8-15.6(a) and (c) or R315-14-7, which incorporates by reference 40 CFR 266.102(e)(1) and (e)(2)(iii), to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and~~

~~(2) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.; or~~

~~(ii) RCRA option B.~~

~~(A) Under this option, the Director will:~~

~~(1) Include, in the permit conditions, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history; and~~

~~(2) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.~~

~~(B) Changes that may significantly increase emissions.~~

~~(1) You must notify the Director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of~~

~~the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. You must notify the Director of such changes within five days of making such changes. You must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.~~

~~(2) The Director may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:~~

~~(i) Upon permit renewal, or, if warranted;~~

~~(ii) By modifying the permit under R315-3-4.2(a) or R315-3-4.3, which incorporates by reference 40 CFR 270.42; or~~

~~(iii) CAA option. Under this option:~~

~~(A) The owner or operator must document that the startup, shutdown, and malfunction plan required under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2), has been approved by the Director under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2)(ii)(B); and~~

~~(B) The Director will omit from the permit conditions that are not applicable under R315-8-15.1(b) and R315-14-7, which incorporates by reference 40 CFR 266.100(b).~~

~~(b) Interim status facilities.~~

~~(1) Interim status operations. In compliance with R315-7-22 and R315-14-7, which incorporates by reference 40 CFR 266.100(b), the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of R315-7 or R315-14 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Director a Notification of Compliance documenting compliance with the standards of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE:~~

~~(i) RCRA option. Under this option, the owner or operator continues to comply with the interim status emission standards and operating requirements of R315-7 or R315-14 relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or~~

~~(ii) CAA option. Under this option, the owner or operator is exempt from the interim status standards of R315-7 or R315-14 relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written notification and documentation to the Director that the startup, shutdown, and malfunction plan required under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2), has been approved by the Director under R307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2)(ii)(B).~~

~~(2) Operations under a subsequent hazardous waste permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric~~

~~acid production furnace that is operating under the interim status standards of R315-7 or R315-14 submits a hazardous waste permit application, the owner or operator may request that the Director control emissions from startup, shutdown, and malfunction events under any of the options provided by R315-3-9(a)(2)(i), (a)(2)(ii), or (a)(2)(iii).~~

~~(c) new units that become subject to RCRA permit requirements shall control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:~~

~~(1) comply with the requirements specified in R315-307-214-2, which incorporates by reference 40 CFR 63.1206(c)(2); or~~

~~(2) request to include in the RCRA Permit, conditions that ensure emissions are minimized from startup, shutdown, and malfunction events based on review of information including the source's startup, shutdown, and malfunction plan and design. The Director will specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~
~~**Notice of Continuation: July 13, 2011**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-4. Procedures for Decisionmaking.~~**

**~~R315-4-1. General Program Requirements.~~**

~~1.3 APPLICATION FOR A PERMIT~~

~~(a) If the Director decides that a site visit is necessary for any reason in conjunction with the processing of an application, he shall notify the applicant and a reasonable date shall be scheduled.~~

~~(b) The effective date of an application is the date on which the Director notifies the applicant that the application is complete as provided in R315-3-2.1(c).~~

~~(c) For each application from a major new hazardous waste management facility, the Director shall no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Director intends to:~~

~~(1) Prepare a draft permit;~~

~~(2) Give public notice;~~

~~(3) Complete the public comment period, including any public hearing; and~~

~~(4) Issue a final permit.~~

~~1.5 MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS~~

~~(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person, including the permittee, or upon the Director's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in R315-3-4.2 or R315-3-4.4. All requests shall be in writing and shall contain facts or reasons supporting the request.~~

~~(b) If the Director decides the request is not justified, he shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the Director may be appealed to the Board under R315-12-3 by filing a Request for Agency Action pursuant to R315-12-3.1.~~

~~(c)(1) If the Director tentatively decides to modify or revoke and reissue a permit under R315-3-4.2 or R315-3-4.3, which incorporates by reference 40 CFR 270.42(c), he shall prepare a draft permit under R315-4-1.6 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the Director shall require the submission of a new application.~~

~~(2) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing permit until a new final~~

~~permit is reissued.~~

~~(3) Classes 1 and 2 modifications, as defined in R315-3-4.3, which incorporates by reference 40 CFR 270.42(a) and (b), are not subject to the requirements of this section.~~

~~(d) If the Director tentatively decides to terminate a permit under R315-3-4.4, he shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under R315-4-1.6.~~

~~1.6 DRAFT PERMIT~~

~~(a) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit or to deny the application.~~

~~(b) If the Director tentatively decides to deny the permit, he shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. If the Director's final decision is that the tentative decision to deny the permit application was incorrect, he shall withdraw the notice of intent to deny and proceed to prepare a draft permit under R315-4-1.6(c).~~

~~(c) If the Director decides to prepare a draft permit, he shall prepare a draft permit that contains the following information:~~

~~(1) All conditions under R315-3-3.1 and R315-3-3.3;~~

~~(2) All compliance schedules under R315-3-3.4;~~

~~(3) All monitoring requirements under R315-3-3.2; and~~

~~(4) Standards for treatment, storage, or disposal or all and other permit conditions under R315-3-3.1.~~

~~(d) All draft permits prepared by the Director under this section shall be publicly noticed and made available for public comment. The Director shall give notice of opportunity for a public hearing, issue a final decision, and respond to comments.~~

~~1.8 FACT SHEET REQUIRED~~

~~(a) A fact sheet shall be prepared by the Director for every draft permit. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant and, on request, to any other person.~~

~~(b) The fact sheet shall include, when applicable:~~

~~(1) A brief description of the type of facility or activity which is the subject of the draft permit.~~

~~(2) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged.~~

~~(3) A brief summary of the basis of the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references.~~

~~(4) Reasons why any requested variance or alternatives to required standards do or do not appear justified.~~

~~(5) A description of the procedures for reaching a final decision on the draft permit including:~~

~~(i) The beginning and ending dates of the comment period under R315-4-1.10 and the address where comments will be received;~~

~~(ii) Procedures for requesting a hearing and the nature of that hearing; and~~

~~(iii) Any other procedures by which the public may participate in the final decision.~~

~~(6) Name and telephone number of a person to contact for additional information.~~

~~1.10 PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD~~

~~(a) Scope.~~

~~(1) The Director shall give public notice that the following actions have occurred:~~

~~(i) The permit application has been tentatively denied under R315-4-1.6(b);~~

~~(ii) A draft permit has been prepared under R315-4-1.6(c);~~

~~(iii) A hearing has been scheduled under R315-4-1.12; or~~

~~(iv) An appeal has been granted.~~

~~(2) No public notice is required when a request for a permit modification, revocation and reissuance, or termination is denied under R315-4-1.5(b). Written notice of that denial shall be given to the requestor and to the permittee.~~

~~(3) Public notices may describe more than one permit or permit action.~~

~~(b) Timing.~~

~~(1) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application, required under R315-4-1.10(a), shall allow at least 45 days for public comment.~~

~~(2) Public notice of a public hearing shall be given at least 30 days before the hearing. Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.~~

~~(c) Methods.~~

~~Public notices of activities described in R315-4-1.10(a)(1) shall be given by the following methods:~~

~~(1) By mailing a copy of a notice to the following persons:~~

~~(i) The applicant;~~

~~(ii) Any other agency which the Director knows has issued or is required to issue a permit, for the same facility or activity including EPA;~~

~~(iii) Federal and State agencies with jurisdiction over fish, and wildlife resources, State Historic Preservation Officers, and other appropriate government authorities;~~

~~(iv) Persons on a mailing list developed by:~~

~~(A) Including those who request in writing to be on the list;~~

~~(B) Soliciting persons for area lists from participants in past permit proceedings in the area of the facility; and~~

~~(C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in regional- and state-funded newsletters, environmental bulletins, or law journals. The Director may update the mailing list by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to a request from the Director to remain on the mailing list; and~~

~~(v)(A) To any unit of local government having jurisdiction over~~

~~the area where the facility is proposed to be located;~~

~~(B) To each State agency having any authority under State law with respect to the construction or operation of the facility.~~

~~(2) Publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity and broadcast over local radio stations;~~

~~(3) In a manner constituting legal notice to the public under State law; and~~

~~(4) Any other method reasonably calculated to give actual notice of the action in question to the person potentially affected by it, including press releases or any other forum or medium to elicit public participation.~~

~~(d)(1) All public notices issued under this section shall contain the following minimum information:~~

~~(i) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;~~

~~(ii) A brief description of the business conducted at the facility or activity described in the permit application or draft permit;~~

~~(iii) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or fact sheet, and the application;~~

~~(iv) A brief description of the comment procedures required by R315-4-1.11 and R315-4-1.12, and the time and place of any hearing that will be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled and other procedures by which the public may participate in the final permit decision;~~

~~(v) Any additional information considered necessary or proper; and~~

~~(vi) Name and address of the office processing the permit action for which notice is being given.~~

~~(2) Public notices of hearings. In addition to the general public notice described in R315-4-1.10(d)(1), the public notice of a hearing under R315-4-1.12, shall contain the following information:~~

~~(i) Reference to the date of previous public notices relating the permit;~~

~~(ii) Date, time, and place of the hearing;~~

~~(iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and~~

~~(e) In addition to the general public notice described in R315-4-1.10(d)(1), all persons identified in R315-4-1.10(c)(1)(i), (ii), and (iii) shall be mailed a copy of the fact sheet.~~

~~1.11 PUBLIC COMMENTS AND REQUESTS FOR PUBLIC HEARINGS~~

~~During the public comment period provided under R315-4-1.10, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in R315-4-1.17.~~

~~1.12 PUBLIC HEARINGS~~

~~(a)(1) The Director shall hold a public hearing whenever he finds, on the basis of requests, a significant degree of public~~

~~interest in a draft permit.~~

~~(2) The Director may also hold a public hearing at his discretion, whenever, for instance, a hearing might clarify one or more issues involved in the permit decision.~~

~~(3)(i) The Director shall hold a public hearing whenever he receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under R315-4-1.10(b).~~

~~(ii) Whenever possible the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility.~~

~~(4) Public notice of the hearing shall be given as specified in R315-4-1.10.~~

~~(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under R315-4-1.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.~~

~~(c) A tape recording or written transcript of the hearing shall be made available to the public.~~

~~1.15 ISSUANCE AND EFFECTIVE DATE OF PERMIT~~

~~(a) After the close of the public comment period under R315-4-1.10 on a draft permit, the Director shall issue a final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under R315-3-2.20). The Director shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a decision on a hazardous waste permit or a decision to terminate a hazardous waste permit. For the purposes of R315-4-1.15, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.~~

~~(b) A final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or unit under R315-3-2.20) shall become effective upon issuance unless:~~

~~(1) A later effective date is specified in the decision; or~~

~~(2) The permit decision is challenged under R305-7, Part 2 and a stay of the decision is granted under R315-12-8.~~

~~1.17 RESPONSE TO COMMENTS~~

~~(a) At the time that any final permit decision is issued, the Director shall issue a response to comments. This response shall:~~

~~(1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and~~

~~(2) Briefly describe and respond to all significant comments on the draft permit or permit application raised during the public comment period, or during any hearing.~~

~~(b) The response to comments shall be available to the public.~~

~~**R315-4-2. Specific Procedures Applicable to Hazardous Waste Permits.**~~

~~2.31 PRE-APPLICATION PUBLIC MEETING AND NOTICE~~

~~(a) Applicability. The requirements of this section shall~~

~~apply to all part B applications seeking initial permits for hazardous waste management units. The requirements of this section shall also apply to part B applications seeking renewal of permits for such units, where the renewal application is proposing a significant change in facility operations. For the purposes of this section, a "significant change" is any change that would qualify as a class 3 permit modification under R315-3-4.3, which incorporates by reference 40 CFR 270.42. The requirements of this section do not apply to permit modifications under R315-3-4.3, which incorporates by reference 40 CFR 270.42, or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.~~

~~(b) Prior to the submission of a part B permit for a facility, the applicant shall hold at least one meeting with the public in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.~~

~~(c) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under R315-4-2.31(b), and copies of any written comments or materials submitted at the meeting, to the Director as a part of the part B application in accordance with R315-3-2.5(b).~~

~~(d) The applicant shall provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant shall maintain, and provide to the Division upon request, documentation of the notice.~~

~~(1) The applicant shall provide public notice in all of the following forms:~~

~~(i) A newspaper advertisement. The applicant shall publish a notice, fulfilling the requirements in R315-4-2.31(d)(2), in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the Director shall instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, where the Director determines that such publication is necessary to inform the affected public. The notice shall be published as a display advertisement.~~

~~(ii) A visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in 315-4-2.31(d)(2). If the applicant places the sign on the facility property, then the sign shall be large enough to be readable from the nearest point where the public would pass by the site.~~

~~(iii) A broadcast media announcement. The applicant shall broadcast a notice, fulfilling the requirements in R315-4-2.31(d)(2), at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval from the Director.~~

~~(iv) A notice to the permitting agency. The applicant shall send a copy of the newspaper notice to the Division and local governments in accordance with R315-4-1.10(c)(1)(v).~~

~~(2) The notices required under R315-4-2.31(d)(1) shall include:~~

~~(i) The date, time, and location of the meeting;~~

~~(ii) A brief description of the purpose of the meeting;~~

~~(iii) A brief description of the facility and proposed operations, including the address or a map, e.g., a sketched or copied street map, of the facility location;~~

~~(iv) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and~~

~~(v) The name, address, and telephone number of a contact person for the applicant.~~

~~2.32 PUBLIC NOTICE REQUIREMENTS AT THE APPLICATION STAGE~~

~~(a) Applicability. The requirements of this section shall apply to all part B applications seeking initial permits for hazardous waste management units. The requirements of this section shall also apply to part B applications seeking renewal of permits for such units under R315-3-5.2(b) through (d). The requirements of this section do not apply to permit modifications under R315-3-4.3, which incorporates by reference 40 CFR 270.42, or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.~~

~~(b) Notification at application submittal.~~

~~(1) The Director shall provide public notice as set forth in R315-4-1.10(c)(1)(iv), and notice to appropriate units of State and local government as set forth in R315-4-1.10(c)(1)(v), that a part B permit application has been submitted to the Division and is available for review.~~

~~(2) The notice shall be published within a reasonable period of time after the application is received by the Director. The notice shall include:~~

~~(i) The name and telephone number of the applicant's contact person;~~

~~(ii) The name and telephone number of the Division, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;~~

~~(iii) An address to which people can write in order to be put on the facility mailing list;~~

~~(iv) The location where copies of the permit application and any supporting documents can be viewed and copied;~~

~~(v) A brief description of the facility and proposed operations, including the address or a map, e.g., a sketched or copied street map, of the facility location on the front page of the notice; and~~

~~(vi) The date that the application was submitted.~~

~~(c) Concurrent with the notice required under R315-4-2.32(b), the Director shall place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Division's office.~~

~~2.33 INFORMATION REPOSITORY~~

~~(a) Applicability. The requirements of this section shall apply to all part B applications seeking initial permits for hazardous waste management units.~~

~~(b) The Director may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the Director shall consider a variety of~~

~~factors, including: the level of public interest; the type of facility; the presence of an existing repository; and the proximity of the nearest copy of the administrative record. If the Director determines, at any time after submittal of a permit application, that there is a need for a repository, then the Director shall notify the facility that it shall establish and maintain an information repository. See R315-3-3.1(m) for similar provisions relating to the information repository during the life of a permit.~~

~~(c) The information repository shall contain all documents, reports, data, and information deemed necessary by the Director to fulfill the purposes for which the repository is established. The Director shall have the discretion to limit the contents of the repository.~~

~~(d) The information repository shall be located and maintained at a site chosen by the facility. If the Director finds the site unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Director shall specify a more appropriate site.~~

~~(e) The Director shall specify requirements for informing the public about the information repository. At a minimum, the Director shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.~~

~~(f) The facility owner/operator shall be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Director. The Director may close the repository at his or her discretion, based on the factors in R315-4-2.33(b).~~

**~~R315-4-10. Public Participation.~~**

~~In addition to hearings required under the State Administrative Procedures Act and proceedings otherwise outlined or referenced in these rules, the Director will investigate and provide written response to all citizen complaints duly submitted. In addition, the Director shall not oppose intervention in any civil or administrative proceeding by any citizen where permissive intervention may be authorized by statute, rule or regulation. The Director will publish notice of and provide at least 30 days for public comment on any proposed settlement of any enforcement action.~~

**~~R315-4-11. Commercial Hazardous Waste Facility Siting Criteria.~~**

~~(a) Applicability.~~

~~R315-4-11 applies to all permit applications for commercial facilities that have been submitted and that have not yet been approved, as well as all future applications.~~

~~(b) Land Use Compatibility and Location.~~

~~(1) Siting of commercial hazardous waste treatment, storage, and disposal facilities, including commercial hazardous waste incinerators, is prohibited within:~~

~~(i) national, state, and county parks, monuments, and recreation areas; designated wilderness and wilderness study areas; wild and scenic river areas;~~

~~(ii) ecologically and scientifically significant natural areas, including but not limited to, wildlife management areas and habitat for listed or proposed endangered species as designated pursuant to the Endangered Species Act of 1982;~~

~~(iii) 100 year floodplains, unless, for non-land based facilities only, the conditions found in subsection R315-8-2.9 are met to the satisfaction of the Director;~~

~~(iv) 200 ft. of Holocene faults;~~

~~(v) underground mines, salt domes and salt beds;~~

~~(vi) dam failure flood areas;~~

~~(vii) areas likely to be impacted by landslide, mudflow, or other earth movement;~~

~~(viii) farmlands classified or evaluated as "prime," "unique," or of "statewide importance" by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act;~~

~~(ix) areas above aquifers containing ground water which has a total dissolved solids (TDS) content of less than 500 mg/l and which does not exceed applicable ground water quality standards for any contaminant. Land disposal facilities are also prohibited above aquifers containing ground water which has a TDS content of less than 3000 mg/l and which does not exceed applicable ground water quality standards for any contaminant. Non-land-based facilities above aquifers containing ground water which has a TDS content of 500 to 3000 mg/l and all facilities above aquifers containing ground water which has a TDS content between 3000 and 10,000 mg/l are permitted only where the depth to ground water is greater than 100 ft. The applicant for the proposed facility will make the demonstration of ground water quality necessary to determine the appropriate aquifer classification;~~

~~(x) recharge zones of aquifers containing ground water which has a TDS content of less than 3000 mg/l. Land disposal facilities are also prohibited in recharge zones of aquifers containing ground water which has a TDS content of less than 10,000 mg/l;~~

~~(xi) designated drinking water source protection areas or, if no source protection area is designated, a distance to existing drinking water wells and watersheds for public water supplies of one year ground water travel time plus 1000 feet for non-land-based facilities and five years ground water travel time plus 1000 feet for land disposal facilities. This requirement does not include on-site facility operation wells. The applicant for the proposed facility will make the demonstration, acceptable to the Director, of hydraulic conductivity and other information necessary to determine the one or five year ground water travel distance as applicable. The facility operator may be required to conduct vadose zone or other near surface monitoring if determined to be necessary and appropriate by the Director;~~

~~(xii) five miles of existing permanent dwellings, residential areas, and other incompatible structures including, but not limited to, schools, churches, and historic structures;~~

~~(xiii) five miles of surface waters including intermittent streams, perennial streams, rivers, lakes, reservoirs, estuaries, and wetlands; and~~

~~(xiv) 1000 ft. of archeological sites to which adverse impacts~~

~~cannot reasonably be mitigated.~~

~~(c) Emergency Response and Transportation Safety.~~

~~(1) An assessment of the availability and adequacy of emergency services, including medical and fire response, shall be included in the permit application. The application shall also contain evidence that emergency response plans have been coordinated with local and regional emergency response personnel. The permit may be delayed or denied if these services are deemed inadequate.~~

~~(2) Trained emergency response personnel and equipment are to be retained by the facility and be capable of responding to emergencies both at the site and involving wastes being transported to and from the facility within the state. Details of the proposed emergency response capability shall be given in the permit application and will be stipulated in the permit.~~

~~(3) Proposed routes of transport within the state shall be specified in the permit application. No hazardous waste shall be transported on roads where weight restrictions for the road or any bridge on the road will be exceeded in the selected route of travel. Prime consideration in the selection of routes shall be given to roads which bypass population centers. Route selection should consider residential and non-residential populations along the route; the width, condition, and types of roads used; roadside development along the route; seasonal and climatic factors; alternate emergency access to the facility site; the type, size, and configuration of vehicles expected to be hauling to the site; transportation restrictions along the proposed routes; and the transportation means and routes available to evacuate the population at risk in the event of a major accident, including spills and fires.~~

~~(d) Exemptions.~~

~~Exemptions from the criteria of this section may be granted upon application on a case by case basis by the Solid and Hazardous Waste Control Board after an appropriate public comment period and when the Board determines that there will be no adverse impacts to public health or the environment. The Board cannot grant exemptions which would conflict with applicable regulations and restrictions of other regulatory authorities.~~

~~(e) Completeness of Application.~~

~~The permit application shall not be considered complete until the applicant demonstrates compliance with the criteria given herein.~~

~~(f) Siting Authority.~~

~~It is recognized that Titles 10 and 17 of the Utah Code give cities and counties authority for local land use planning and zoning. Nothing in these rules precludes cities and counties from establishing additional requirements as provided by applicable state and federal law.~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~
~~**Notice of Continuation: July 13, 2011**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-5. Hazardous Waste Generator Requirements.~~**

**~~R315-5-1. General.~~**

~~1.10 PURPOSE, SCOPE, AND APPLICABILITY.~~

~~(a) R315-5 establishes standards for generators of hazardous waste.~~

~~(b) R315-2-5, which incorporates by reference, 40 CFR 261.5(c) and (d), must be used to determine the applicability of provisions of R315-5 that are dependent on calculations of the quantity of hazardous waste generated per month.~~

~~(c) A generator who treats, stores, or disposes of hazardous waste on-site shall only comply with the following sections of this rule with respect to that waste: R315-5-1.11, which incorporates by reference 40 CFR 262.11, for determining whether or not he has a hazardous waste, R315-5-1.12 for obtaining an EPA identification number, R315-5-3.34 for accumulation of hazardous waste, R315-5-4.40(c) and (d) for recordkeeping, R315-5-4.43 for additional reporting, and if applicable, R315-5-7 for farmers.~~

~~(d) Any person who exports or imports hazardous waste as identified in R315-5-8, which incorporates by reference 40 CFR 262.80(a), and is subject to the manifesting requirements of R315-5, or subject to the universal waste management standards as found in R315-16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315-5-5 incorporates by reference, for recovery shall comply with R315-5-8, which incorporates by reference 40 CFR 262 subpart H.~~

~~(e) Any person who imports hazardous waste into the United States shall comply with the standards applicable to generators established in R315-5.~~

~~(f) A farmer who generates waste pesticides which are hazardous wastes and who complies with all the requirements of R315-5-7 is not required to comply with other standards in this rule or R315-3, R315-7, R315-8, or R315-13, which incorporates by reference 40 CFR 268, with respect to these pesticides.~~

~~(g) A person who generates a hazardous waste as defined by R315-2 is subject to the compliance requirements and penalties prescribed in The Utah Solid and Hazardous Waste Act if he does not comply with the requirements of this rule.~~

~~A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in R315-3, R315-7, and R315-8.~~

~~(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in R315-5.~~

~~The provisions of R315-5-3.34, which incorporates by reference 40 CFR 262.34, are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of R315-5-3.34, which incorporates by reference 40 CFR 262.34, only apply to owners or operators who are shipping hazardous waste which they generated at that facility.~~

~~A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit~~

~~requirements set forth in R315-3, R315-7, R315-8, R315-13, which incorporates by reference 40 CFR 268, and R315-14.~~

~~(i) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of R315-5-9, which incorporates by reference 40 CFR 262.200 - 262. 216, are not subject to (for purposes of this paragraph, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in 40 CFR 262.200):~~

~~(1) The requirements of R315-5-1.11 or R315-5-3.34, which incorporates by reference 40 CFR 262.34(c), for large quantity generators and small quantity generators, except as provided in R315-5-9, which incorporates by reference 40 CFR 262.200 - 216, and~~

~~(2) The conditions of R315-2-5, which incorporates by reference 40 CFR 261.5(b), for conditionally exempt small quantity generators, except as provided in R315-5-9, which incorporates by reference 40 CFR 262.200 - 216.~~

~~1.11 HAZARDOUS WASTE DETERMINATION~~

~~The requirements of 40 CFR 262.11, 1994 ed., as amended by 60 FR 25540, May 11, 1995, are adopted and incorporated by reference with the following exception:~~

~~Substitute "Director" for all federal regulation references made to "Administrator".~~

~~1.12 EPA IDENTIFICATION NUMBERS~~

~~(a) A generator shall not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Director.~~

~~(b) A generator who has not received an EPA identification number may obtain one by applying to the Director using EPA form 8700-12. Upon receiving the request the Director will assign an EPA identification number to the generator.~~

~~(c) A generator shall not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that do not have an EPA identification number.~~

~~**R315-5-2. The Manifest.**~~

~~A sample hazardous waste manifest form containing information required pursuant to these rules is found in the Appendix to 40 CFR 262. All applicable sections of each manifest shall be completely and legibly filled out.~~

~~2.20 GENERAL REQUIREMENTS~~

~~(a) A generator who transports, or offers for transportation, a hazardous waste for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility who offers for transport a rejected hazardous waste load shall prepare a Manifest OMB control number 2050-0039 on EPA form 8700-22, and, if necessary, EPA form 8700-22A, according to the instructions included in 40 CFR 262, Appendix, 2009 ed. The requirements of 40 CFR 262, Appendix, 2009 ed., are adopted and incorporated by reference with the following exception: substitute "Director of the Division of Solid and Hazardous Waste" for all federal regulation references made to "Regional Administrator."~~

~~(b) A generator shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.~~

~~(c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.~~

~~(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.~~

~~(e) These manifest requirements do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:~~

~~(1) The waste is reclaimed under a contractual agreement pursuant to which:~~

~~(i) The type of waste and frequency of shipments are specified in the agreement;~~

~~(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and~~

~~(2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.~~

~~(f) The requirements of R315-5-2 and R315-5-3.32(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding R315-6-1.10(a), the generator or transporter shall comply with the requirements for transporters set forth in R315-9-1 and R315-9-3 in the event of a discharge of hazardous waste on a public or private right-of-way.~~

~~2.21 MANIFEST TRACKING NUMBERS, MANIFEST PRINTING, AND OBTAINING MANIFESTS~~

~~The requirements of 40 CFR 262.21, 2005 ed., are adopted and incorporated by reference.~~

~~2.22 NUMBER OF COPIES~~

~~The manifest shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.~~

~~2.23 USE OF THE MANIFEST~~

~~(a) The generator shall:~~

~~(1) Sign the manifest certification by hand; and~~

~~(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and~~

~~(3) Retain one copy, in accordance with R315-5-4.40(a).~~

~~(b) The generator shall give the transporter the remaining copies of the manifest.~~

~~(c) Hazardous wastes to be shipped within Utah solely by water (bulk shipments only) require that the generator send three copies of the manifest dated and signed in accordance with this section to the owner and operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each~~

~~transporter.~~

~~(d) For rail shipments of the hazardous wastes within Utah which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:~~

~~(1) The next non-rail transporter, if any; or~~

~~(2) The designated facility if transported solely by rail; or~~

~~(3) The last rail transporter to handle the waste in the United States if exported by rail.~~

~~(e) The generator shall include on the manifest a description of the hazardous waste(s) as set forth in the regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203.~~

~~(f) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained federal authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.~~

~~(g) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility, following the procedures of R315-7-12.3(f) or R315-8-5. 4(f), the generator shall:~~

~~(1) Sign either:~~

~~(i) Item 20 of the new manifest if a new manifest is used for the returned shipment; or~~

~~(ii) Item 18c of the original manifest if the original manifest is used for the returned shipment;~~

~~(2) Provide the transporter a copy of the manifest;~~

~~(3) Within 30 days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and~~

~~(4) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.~~

~~2.27 WASTE MINIMIZATION CERTIFICATION~~

~~A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:~~

~~(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or~~

~~(b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."~~

**~~R315-5-3. Pre-Transport Requirements.~~**

~~3.30 PACKAGING~~

~~Prior to transporting or offering hazardous waste for transportation off-site, a generator shall package the waste in accordance with the Department of Transportation regulations on~~

~~packaging under 49 CFR 173, 178, and 179.~~

~~3.31 LABELING~~

~~Prior to transporting or offering hazardous waste for transportation off-site, a generator shall label each hazardous waste package in accordance with the applicable Department of Transportation regulations on hazardous materials under 49 CFR 172.~~

~~3.32 MARKING~~

~~(a) Before transporting or offering hazardous waste for transportation off-site, a generator shall mark each package of hazardous waste in accordance with the Department of Transportation regulations on hazardous materials under 49 CFR 172.~~

~~(b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304:~~

~~HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.~~

~~Generator's Name and Address~~

~~Generator's EPA Identification Number~~

~~Manifest Tracking Number~~

~~3.33 PLACARDING~~

~~Prior to transporting hazardous waste or offering hazardous waste for transporting off-site, a generator shall placard or offer the initial transporter the appropriate placards according to the Department of Transportation regulations for the movement of hazardous materials under 49 CFR 172, subpart F.~~

~~3.34 ACCUMULATION TIME~~

~~(a) These requirements as found in 40 CFR 262.34, 2010 ed., are adopted and incorporated by reference with the following addition.~~

~~(b) The notification required by 40 CFR 262.34(d)(5)(iv)(C) shall also be made to the Director or to the 24-hour answering service listed in R315-9-1(b).~~

**~~R315-5-4. Recordkeeping and Reporting.~~**

~~4.40 RECORDKEEPING~~

~~(a) A generator shall keep a copy of each manifest signed in accordance with R315-5-2.23(a) for three years or until a signed copy is received from the designated facility which received the waste. The signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.~~

~~(b) A generator shall keep a copy of each Biennial Report and Exception Report for a period of at least three years from the due date of the report.~~

~~(c) Records maintained in accordance with this section and any other records which the Director deems necessary to determine quantities and disposition of hazardous waste or other determinations, test results, or waste analyses made in accordance with R315-5-1.11, which incorporates by reference 40 CFR 262.11, shall be available for inspection by any duly authorized officer, employee or representative of the Department or the Director as provided in R315-2-12 for a period of at least three years from the date the waste was last sent to on-site~~

~~or off-site treatment, storage, or disposal facilities.~~

~~(d) The periods of retention referred to in this section are automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Director or the Director's duly appointed representative.~~

~~4.41 BIENNIAL REPORTING~~

~~(a) A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of a biennial report to the Director by March 1 of each even numbered year. The biennial report shall be submitted on EPA Form 8700-13A and must cover generator activities during the previous calendar year, and must include the following information:~~

~~(1) The EPA identification number, name, and address of the generator;~~

~~(2) The calendar year covered by the report;~~

~~(3) The EPA identification number, name, and address for each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;~~

~~(4) The name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;~~

~~(5) A description, EPA hazardous waste number, from R315-2-9, R315-2-10, or R315-2-11, DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA Identification number of each off-site facility to which waste was shipped;~~

~~(6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;~~

~~(7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available for years prior to 1984;~~

~~(8) The certification signed by the generator or authorized representative.~~

~~(b) Any generator who treats, stores, or disposes of hazardous waste on-site shall submit a biennial report covering those wastes in accordance with the provisions of R315-3, R315-7, and R315-8. Reporting for exports of hazardous waste is not required on the Biennial Report form. A separate annual report requirement is set forth in R315-5-5, which incorporates by reference 40 CFR 262.56.~~

~~4.42 EXCEPTION REPORTING~~

~~(a)(1) A generator of greater than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated treatment, storage or disposal facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.~~

~~(2) A generator of greater than 1000 kilograms of hazardous waste in a calendar month shall submit an Exception Report to the Director if he has not received a signed copy of the manifest from the owner or operator of the designated facility within 45 days of the date~~

~~the waste was accepted by the initial transporter. The Exception Report shall consist of a legible copy of the manifest for which the generator does not have confirmation of delivery and a cover letter signed by the generator or his authorized representative explaining the efforts taken by the generator to locate the hazardous waste, and the results of those efforts.~~

~~(b) A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Director. The submission to the Director need only be a hand written or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.~~

~~(c) For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of R315-8-5.4(e)(1) through (6) or R315-7-12.3(e)(1) through (6)), the generator must comply with the requirements of paragraph (a) or (b) of this section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of paragraph (a) or (b) of this section for a shipment forwarding such waste to an alternate facility by a designated facility:~~

~~(1) The copy of the manifest received by the generator must have the hand written signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility, and~~

~~(2) The 35/45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.~~

~~Note to paragraph (c): The submission to the Director need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.~~

~~4.43 ADDITIONAL REPORTING~~

~~The Director may require generators to furnish additional reports concerning the quantities and disposition of hazardous wastes identified or listed in Section R315-2-9, R315-2-10, or R315-2-11.~~

~~4.44 SPECIAL REQUIREMENTS FOR GENERATORS OF BETWEEN 100 AND 1000 KG/MO~~

~~A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is subject only to the following requirements in R315-5-4:~~

~~(a) R315-5-4.40(a), (c), and (d);~~

~~(b) R315-5-4.42(b); and~~

~~(c) R315-5-4.43.~~

**~~R315-5-5. Exports of Hazardous Waste.~~**

~~The provisions of 40 CFR 262 subpart E, 262.50 - 262.58, 2005 ed., are adopted and incorporated by reference within this rule, except for~~

~~the following changes:~~

~~(a) Other than in 40 CFR 262.53 and 262.54(e), substitute "Director of the Division of Solid and Hazardous Waste" for all references to "EPA" or "Regional Administrator".~~

~~(b) Paragraph 40 CFR 262.58(a) shall be as follows:~~

~~Any person who exports or imports hazardous waste as identified in 40 CFR 262.80(a) and is subject to the manifesting requirements of R315-5-2, or subject to the universal waste management standards as found in R315-16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315-5-5 incorporates by reference, for recovery shall comply with R315-5-8, which incorporates by reference 40 CFR 262 subpart H. The requirements of subparts E and F do not apply.~~

**~~R315-5-6. Imports of Hazardous Waste.~~**

~~The requirements of 40 CFR 262.60, 2010 ed., are adopted and incorporated by reference.~~

**~~R315-5-7. Farmers.~~**

~~A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this rule or other standards in R315-3, R315-7, R315-8, and R315-13, which incorporates by reference 40 CFR 268, for those wastes provided he triple rinses each emptied pesticide container in accordance with R315-2-7(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.~~

**~~R315-5-8. Transfrontier Shipments of Hazardous Waste for Recovery within the OECD.~~**

~~The requirements of 40 CFR 262 subpart H, 262.80 - 262.89, 1996 ed., are adopted and incorporated by reference.~~

**~~R315-5-9. Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities.~~**

~~The requirements of 40 CFR 262 subpart K, 262.200 - 262.216, 2011 ed., are adopted and incorporated by reference with the following exception: substitute "Director of the Division of Solid and Hazardous Waste" for all references made to "Regional Administrator."~~

**~~KEY: hazardous waste~~**
**~~Date of Enactment or Last Substantive Amendment: April 25, 2013~~**
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]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-6. Hazardous Waste Transporter Requirements.~~**

**~~R315-6-1. General.~~**

~~1.10 SCOPE~~

~~(a) These hazardous waste transporter requirements establish standards which apply only to persons transporting hazardous waste within the State of Utah if the transportation requires a manifest as specified under R315-5.~~

~~(b) These rules do not apply to persons that transport hazardous waste on-site if they are either a hazardous waste generator or are owners or operators of an approved hazardous waste management facility.~~

~~(c) A transporter shall also comply with R315-5, if he:~~

~~(1) Transports hazardous waste from abroad into the State;~~

~~(2) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.~~

~~(d) A transporter of hazardous waste subject to the manifesting requirements of R315-5, or subject to the waste management standards of R315-16, that is being imported from or exported to any of the countries listed in 40 CFR 262.58(a)(1), which R315-5-5 incorporates by reference, for purposes of recovery is subject to R315-6-1 and to all other relevant requirements of R315-5-8, which incorporates by reference 40 CFR 262 subpart H, including 40 CFR 262.84 for tracking documents.~~

~~1.11 IDENTIFICATION NUMBER~~

~~(a) A transporter shall not transport hazardous wastes without having received an EPA identification number from the Director.~~

~~(b) A transporter who has not received an EPA identification number may obtain one by applying to the Director using EPA form 8700-12. Upon receiving the request, the Director will assign an EPA identification number to the transporter.~~

~~1.12 TRANSFER FACILITY REQUIREMENTS~~

~~A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of R315-5-3.30 at a transfer facility for a period of ten days or less is not subject to regulation under R315-3, R315-7, R315-8, and R315-13, which incorporates by reference 40 CFR 268, with respect to the storage of those wastes.~~

**~~R315-6-2. Compliance With the Manifest System and Recordkeeping.~~**

~~2.20 THE MANIFEST SYSTEM~~

~~(a)(1) Manifest Requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a mainfest signed in accordance with the requirements of R315-5-2.23.~~

~~(2) Exports. In the case of exports other than those subject to R315-5-8, which incorporates by reference 40 CFR 262 subpart H, a transporter may not accept hazardous waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed by the generator as provided in R315-6-2.20, the transporter shall also be provided with an EPA Acknowledgment of Consent which, except for~~

~~shipments by rail, is attached to the manifest, or shipping paper for exports by water (bulk shipment). For exports of hazardous waste subject to the requirements of R315-5-8, which incorporates by reference 40 CFR 262 subpart H, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 CFR 262.84, which R315-5-8 incorporates by reference.~~

~~(b) Before transporting the hazardous waste, the transporter shall hand sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator before leaving the generator's property.~~

~~(c) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter shall ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.~~

~~(d) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:~~

~~(1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and~~

~~(2) Retain one copy of the manifest in accordance with R315-6-5; and~~

~~(3) Give the remaining copies of the manifest to the accepting transporter or designated facility.~~

~~(e) The requirements of R315-6-2.10(c), (d), and (f) do not apply to water (bulk shipment) transporters if:~~

~~(1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and~~

~~(2) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generators certification, and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and~~

~~(3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and~~

~~(4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the manifested facility; and~~

~~(5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with R315-6-2.22.~~

~~(f) For shipments involving rail transportation, the requirements of R315-6-2.20(c), (d) and (e) do not apply and the following requirements do apply:~~

~~(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:~~

~~(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;~~

~~(ii) Return a signed copy of the manifest to the non-rail transporter;~~

~~(iii) Forward at least three copies of the manifest to:~~

~~(A) The next non-rail transporter, if any; or~~

~~(B) The designated facility, if the shipment is delivered to that facility by rail; or~~

~~(C) The last rail transporter designated to handle the waste in the United States.~~

~~(iv) Retain one copy of the manifest and rail shipping paper in accordance with R315-6-2.22.~~

~~(2) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste at all times.~~

~~(3) When delivering hazardous waste to the designated facility, a rail transporter shall:~~

~~(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper, if the manifest has not been received by the facility; and~~

~~(ii) Retain a copy of the manifest or signed shipping paper in accordance with R315-6-2.22.~~

~~(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:~~

~~(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and~~

~~(ii) Retain a copy of the manifest in accordance with R315-6-2.22.~~

~~(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.~~

~~(g) Transporters who transport hazardous waste out of the United States shall:~~

~~(1) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;~~

~~(2) Retain one copy as specified in R315-6-2.22(d);~~

~~(3) Return a signed copy of the manifest to the generator; and~~

~~(4) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.~~

~~(h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms of hazardous waste in a calendar month need not comply with the requirements of R315-6-2.20 or those of R315-6-2.22 provided that:~~

~~(1) The waste is being transported pursuant to a reclamation agreement as provided for in R315-5-2.20(e);~~

~~(2) The transporter records, on a log or shipping paper, the following information for each shipment:~~

~~(i) The name, address, and U.S. EPA Identification Number of the generator of the waste;~~

~~(ii) The quantity of waste accepted;~~

~~(iii) All DOT-required shipping information;~~

~~(iv) The date the waste is accepted; and~~

~~(3) The transporter carries this record when transporting waste to the reclamation facility; and~~

~~(4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.~~

~~(i) A transporter shall not transport hazardous waste not properly labeled or hazardous waste containers which are leaking or~~

~~appear to be damaged, since those packages become the transporter's responsibility during transport.~~

~~2.21 COMPLIANCE WITH THE MANIFEST~~

~~(a) The transporter shall deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:~~

~~(1) The designated facility listed on the manifest; or~~

~~(2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or~~

~~(3) The next designated transporter; or~~

~~(4) The place outside the United States designated by the generator.~~

~~(b)(1) If the hazardous waste cannot be delivered in accordance with R315-6-2.21(a) because of an emergency condition other than rejection of the waste by the designated facility, then the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.~~

~~(2) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter shall obtain the following:~~

~~(i) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with R315-6-2.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter shall obtain a new manifest to accompany the shipment, and the new manifest shall include all of the information required in R315-8-5.4(e)(1) through (6) or (f)(1) through (6) or R315-7-12.3(e)(1) through (6) or (f)(1) through (6).~~

~~(ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment shall be delivered. The transporter shall retain a copy of the manifest in accordance with R315-6-2.22, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter shall obtain a new manifest for the shipment and comply with R315-8-5.4(e)(1) through (6) or R315-7-12.3(e)(1) through (6).~~

~~2.22 RECORDKEEPING~~

~~(a) A transporter of hazardous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter of the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.~~

~~(b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter shall retain a copy of the shipping paper containing all the information required in R315-6-2.20(e)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.~~

~~(c) For shipments of hazardous waste by rail within the United States:~~

~~(1) The initial rail transporter shall keep a copy of the manifest and shipping paper with all the information required in R315-6-2.20(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and~~

~~(2) The final rail transporter shall keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.~~

~~(d) A transporter who transports hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.~~

~~(e) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Director.~~

**~~R315-6-10. Emergency Controls.~~**

~~Transporters shall comply with R315-9 in the event of a discharge of hazardous waste.~~

**~~R315-6-11. Compliance with Department of Transportation Regulations.~~**

~~Transporters of hazardous waste shall comply with the following pertinent regulations of the U.S. Department of Transportation governing the transportation of hazardous materials for both interstate and intrastate shipments:~~

~~(a) 49 CFR 171, General Information Regulations and Definitions;~~

~~(b) 49 CFR 172, Hazardous Materials Table and Hazardous Material Communications Regulations;~~

~~(c) 49 CFR 173, Shippers - General Requirements for Shipments and Packaging;~~

~~(d) 49 CFR 174, Carriage by Rail;~~

~~(e) 49 CFR 175, Carriage by Aircraft;~~

~~(f) 49 CFR 176, Carriage by Vessel;~~

~~(g) 49 CFR 177, Carriage by Public Highway;~~

~~(h) 49 CFR 178, Shipping Container Specification; and~~

~~(i) 49 CFR 179, Specifications for Tank Cars.~~

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**[~~R315-7. Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities.~~**

**~~R315-7-8. General Interim Status Requirements.~~**

~~8.1 PURPOSE, SCOPE, APPLICABILITY~~

~~(a) The purpose of R315-7 is to establish minimum State of Utah standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.~~

~~(b) Except as provided in R315-7-30, which incorporates by reference 40 CFR 265.1080(b), the standards of R315-7 and of R315-8-21, which incorporates by reference 40 CFR 264.552 through 264.554, apply to owners and operators of facilities that treat, store, or dispose of hazardous waste who have fully complied with the requirements of interim status under State or Federal requirements and R315-3-2.1 until either a permit is issued under R315-3 or until applicable R315-7 closure and post-closure responsibilities are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA or failed to file part A of the permit application as required by R315-3-2.1(d) and (f). These standards apply to all treatment, storage, and disposal of hazardous waste at these facilities after the effective date of these rules, except as specifically provided otherwise in R315-7 or R315-2.~~

~~(c) The requirements of R315-7 do not apply to the following:~~

~~(1) The owner or operator of a POTW with respect to the treatment or storage of hazardous wastes which are delivered to the POTW;~~

~~(2) The owner or operator of a facility approved by the State of Utah to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under R315-7 by R315-2-5;~~

~~(3) The owner or operator of a facility managing recyclable materials described in 40 CFR 261.6(a)(2), (3), and (4), which is incorporated by reference in R315-2-6, except to the extent that they are referred to in R315-15 or R315-14-2, which incorporates by reference 40 CFR subpart D, R315-14-5, which incorporates by reference 40 CFR 266 subpart F, and R315-14-6, which incorporates by reference 40 CFR 266 subpart G;~~

~~(4) A generator accumulating hazardous waste on-site in compliance with R315-5-3.34, which incorporates by reference 40 CFR 262.34, except to the extent the requirements are included in R315-5-3.34, which incorporates by reference 40 CFR 262.34;~~

~~(5) A farmer disposing of waste pesticides from his own use in compliance with R315-5-7;~~

~~(6) The owner or operator of a totally enclosed treatment facility, as defined in R315-1;~~

~~(7) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes, other than~~

~~the D001 High TOC Subcategory defined in the Table of Treatment Standards for Hazardous Wastes in 40 CFR 268.40 as incorporated by reference at R315-13, or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in R315-7-9.8(b);~~

~~(8) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of R315-5-3.30 at a transfer facility for a period of ten days or less;~~

~~(9)(i) Except as provided in R315-7-8(c)(9)(i), a person engaged in treatment or containment activities during immediate response to any of the following situations:~~

~~(A) A discharge of a hazardous waste;~~

~~(B) An imminent and substantial threat of a discharge of a hazardous waste;~~

~~(C) A discharge of a material which, when discharged, becomes a hazardous waste.~~

~~(ii) An owner or operator of a facility otherwise regulated by this section shall comply with all applicable requirements of R315-7-10 and R315-7-11.~~

~~(iii) Any person who is covered by R315-7-8(c)(9)(i) and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of R315-7 and of R315-3 for those activities.~~

~~(iv) In the case of an explosives or munitions emergency response, if a State or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.~~

~~(10) The addition of absorbent material to waste in a container, as defined in R315-1, or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and R315-7-9.8(b), R315-7-16.2 and R315-7-16.3 are complied with;~~

~~(11) Universal waste handlers and universal waste transporters (as defined in R315-16-1.9) handling the wastes listed below. These handlers are subject to regulation under section R315-16, when handling the below listed universal wastes:~~

~~(i) Batteries as described in R315-16-1.2;~~

~~(ii) Pesticides as described in R315-16-1.3;~~

~~(iii) Mercury-containing equipment as described in R315-16-1.4; and~~

~~(iv) Mercury lamps as described in R315-16-1.5.~~

~~(d) Notwithstanding any other provisions of these rules enforcement actions may be brought pursuant to R315-2-14 or Section 19-6-115 Utah Solid and Hazardous Waste Act.~~

~~(e) The following hazardous wastes shall not be managed at facilities subject to regulation under R315-7.~~

~~(1) EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 unless:~~

~~(i) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;~~

~~(ii) The waste is stored in tanks or containers;~~

~~(iii) The waste is stored or treated in waste piles that meet the requirements of R315-8-12.1(c) as well as all other applicable requirements of R315-8-12;~~

~~(iv) The waste is burned in incinerators that are certified pursuant to the standard and procedures in R315-7-22.6; or~~

~~(v) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in R315-7-23.7.~~

~~(f) The requirements of this rule apply to owners or operators of all facilities which treat, store, or dispose of hazardous waste referred to in R315-13, which incorporates by reference 40 CFR 268, and the R315-13 standards are considered material conditions or requirements of the R315-7 interim status standards.~~

**~~R315-7-9. General Facility Standards.~~**

~~9.1 APPLICABILITY~~

~~The rules in this section apply to the owners and operators of all hazardous waste management facilities, except as provided otherwise in R315-7-8.1.~~

~~9.2 IDENTIFICATION NUMBER~~

~~Every facility owner or operator shall apply for an EPA identification number in accordance with Section 3010 of RCRA. Facility owners or operators who did not obtain an EPA Identification Number for their facilities through the notification process shall obtain one. Information on obtaining this number can be acquired by contacting the Utah Division of Solid and Hazardous Waste Management.~~

~~9.3 REQUIRED NOTICES~~

~~(a)(1) An owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Director in writing at least four weeks in advance of the expected date of arrival of these shipments at the facility. A notice of subsequent shipments of the same waste from the same foreign sources is not required.~~

~~(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to R315-5-15, which incorporates by reference 40 CFR 262, subpart H, shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Division of Solid and Hazardous Waste, P.O. Box 144880, Salt Lake City, Utah, 84114-4880; Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., 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 must be maintained at the facility for at least three years.~~

~~(b) 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 R315-7 and R315-3. An owner's or operator's failure to notify the new owner or operator of the requirements of R315-7 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.~~

~~9.4 GENERAL WASTE ANALYSIS~~

~~The requirements of 40 CFR 265.13, 1996 ed., are adopted and incorporated by reference.~~

~~9.5 SECURITY~~

~~(a) A facility owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of his facility; unless~~

~~(1) Physical contact with the waste, structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and~~

~~(2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of R315-7.~~

~~(b) Unless exempt under R315-7-9.5(a)(1) and (a)(2), facilities shall have;~~

~~(1) A 24-hour surveillance system, e.g., television monitoring or surveillance by guards or facility personnel, which continuously monitors and controls entry onto the active portion of the facility; or~~

~~(2)(i) An artificial or natural barrier or both, e.g. a fence in good repair or a cliff, which completely surrounds the active portion of the facility; and~~

~~(ii) A means to control entry at all times through the gates or other entrances to the active portion of the facility, e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility.~~

~~The requirements of R315-7-9.5(b) are satisfied if the facility or plant within which the active portion is located itself has a surveillance system or a barrier and a means to control entry which complies with the requirements of R315-7-9.5(b)(1) and (2).~~

~~(c) Unless exempt under R315-7-9.5(a)(1) and (a)(2), a sign with the legend, "Danger -Unauthorized Personnel Keep Out", shall be posted at each entrance to the active portion of a facility and at other locations, in sufficient numbers to be seen from any approach to the active portion. The legend shall be written in English and any other language predominant in the area surrounding the facility and shall be legible from a distance of at least twenty-five feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion is potentially dangerous.~~

~~Owners or operators are encouraged to also describe on the sign the type of hazard, e.g., hazardous waste, flammable wastes, etc., contained within the active portion of the facility. See R315-7-14.7(b) for discussion of security requirements at disposal facilities during the post-closure care period.~~

~~9.6 GENERAL INSPECTION REQUIREMENTS~~

~~(a) Facility owners or operators shall inspect their facilities for malfunctions and deterioration, operator errors, and discharges, which may be causing or may lead to (1) release of hazardous waste constituents to the environment or (2) a threat to human health. These inspections shall be conducted frequently enough to identify problems in time to correct them before they harm human health or the environment.~~

~~(b)(1) Facility owners or operators shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment, e.g., dikes and sump pumps, that are important to preventing, detecting, or responding to environmental or human health hazards.~~

~~(2) The schedule shall be kept at the facility.~~

~~(3) The schedule shall identify the types of problems, e.g., malfunctions or deterioration, which are to be looked for during the inspection, e.g., inoperative sump pump, leaking fitting, eroding dike, etc.~~

~~(4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas shall be inspected daily when in use. At a minimum, the inspection schedule shall include the items and frequencies called for in R315-7-16.5, R315-7-17, which incorporates by reference 40 CFR 265.190 - 265.201, R315-7-18.5, R315-7-19.12, R315-7-20.5, R315-7-21.12, R315-7-22.4, R315-7-23.4, R315-7-24.4, R315-7-26, which incorporates by reference 40 CFR 265.1033, R315-7-27, which incorporates by reference 40 CFR 265.1052, 265.1053, and 265.1058 and R315-7-30, which incorporates by reference 40 CFR 265.1084 through 265.1090.~~

~~(c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.~~

~~(d) The owner or operator shall keep records of inspections in an inspection log or summary. These records shall be retained for at least three years. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs made or remedial actions taken.~~

~~9.7 PERSONNEL TRAINING~~

~~(a)(1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of R315-7, and that includes all the elements described in R315-7-9.7(d)(3).~~

~~(2) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction supplementing the facility personnel's existing job knowledge, which~~

~~teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.~~

~~(3) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, but not necessarily limited to, the following, where applicable:~~

~~(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;~~

~~(ii) Key parameters for automatic waste feed cut-off systems;~~

~~(iii) Communications or alarm systems or both;~~

~~(iv) Response to fires or explosions;~~

~~(v) Response to groundwater contamination incidents; and~~

~~(vi) Shutdown of operations.~~

~~(b) Facility personnel shall successfully complete the program required in R315-7-9.7(a) within six months after the effective date of these rules or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these rules shall not work in unsupervised positions until they have completed the training requirements of R315-7-9.7(a).~~

~~(c) Facility personnel shall take part in an annual review of their initial training in R315-7-9.7(a).~~

~~(d) Owners or operators of facilities shall maintain the following documents and records at their facilities and make them available to the Director or the Director's duly appointed representative upon request:~~

~~(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;~~

~~(2) A written job description for each position listed under R315-7-9.7(d)(1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications and duties of facility personnel assigned to each position;~~

~~(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under R315-7-9.7(d)(1); and~~

~~(4) Records that document that the training or job experience required under paragraphs R315-7-9.7(a), (b), and (c) has been given to, and completed by, facility personnel.~~

~~(e) Training records on current personnel shall be maintained until closure of the facility; training records on former employees shall be maintained for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.~~

~~9.8 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES~~

~~(a) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or~~

~~reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, static, electrical, or mechanical, spontaneous ignition, e.g., from heat-producing chemical reactions, and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flames to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.~~

~~(b) Where specifically required by R315-7, the treatment, storage, or disposal of ignitable or reactive waste and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, shall be conducted so that it does not:~~

~~(1) Generate uncontrolled extreme heat or pressure, fire or explosion, or violent reaction;~~

~~(2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;~~

~~(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;~~

~~(4) Damage the structural integrity of the device or facility containing the waste; or~~

~~(5) Through other like means threaten human health or the environment.~~

~~9.9 LOCATION STANDARDS~~

~~The placement of any hazardous waste in a salt dome, salt bed formation, underground mine or cave is prohibited, except for the Department of Energy Waste Isolation Pilot Project in New Mexico.~~

~~9.10 CONSTRUCTION QUALITY ASSURANCE PROGRAM~~

~~(a) CQA program. (1) A construction quality assurance, CQA, program is required for all surface impoundment, waste pile, and landfill units that are required to comply with R315-7-18.9(a), R315-7-19.9, and R315-7-21.10(a). The program shall ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program shall be developed and implemented under the direction of a CQA officer who is a registered professional engineer.~~

~~(2) The CQA program shall address the following physical components, where applicable:~~

~~(i) Foundations;~~

~~(ii) Dikes;~~

~~(iii) Low-permeability soil liners;~~

~~(iv) Geomembranes, flexible membrane liners;~~

~~(v) Leachate collection and removal systems and leak detection systems; and~~

~~(vi) Final cover systems.~~

~~(b) Written CQA plan. Before construction begins on a unit subject to the CQA program under R315-7-9.10(a), the owner or operator shall develop a written CQA plan. The plan shall identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan shall include:~~

~~(1) Identification of applicable units, and a description of how they will be constructed.~~

~~(2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.~~

~~(3) A description of inspection and sampling activities for all unit components identified in R315-7-9.10(a)(2), including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description shall cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under R315-7-12.4.~~

~~(c) Contents of program. (1) The CQA program shall include observations, inspections, tests, and measurements sufficient to ensure:~~

~~(i) Structural stability and integrity of all components of the unit identified in R315-7-9.10(a)(2);~~

~~(ii) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components, e.g., pipes, according to design specifications;~~

~~(iii) Conformity of all materials used with design and other material specifications under R315-8-11.2, R315-8-12.2, and R315-8-14.2.~~

~~(2) The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of R315-8-11.2(c)(1), R315-8-12.2(c)(1), and R315-8-14.2(c)(1) in the field. Compliance with the hydraulic conductivity requirements shall be verified by using in-situ testing on the constructed test fill. The test fill requirement is waived where data are sufficient to show that a constructed soil liner meets the hydraulic conductivity requirements of R315-8-11.2(c)(1), R315-8-12.2(c)(1), and R315-8-14.2(c)(1) in the field.~~

~~(d) Certification. The owner or operator of units subject to R315-7-9.10 shall submit to the Director by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the CQA plan has been successfully carried out and that the unit meets the requirements of R315-8-11.2(a), R315-8-12.2, or R315-8-14.2(a). The owner or operator may receive waste in the unit after 30 days from the Director's receipt of the CQA certification unless the Director determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the CQA officer's certification shall be furnished to the Director upon request.~~

**~~R315-7-10. Preparedness and Prevention.~~**

~~10.1 APPLICABILITY~~

~~The rules in this section apply to the owners and operators of all hazardous waste management facilities, except as provided otherwise in R315-7-8.1.~~

~~10.2 MAINTENANCE AND OPERATION OF FACILITY~~

~~Facilities shall be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.~~

~~10.3 REQUIRED EQUIPMENT~~

~~All facilities shall be equipped with the following, unless there are no hazards posed by waste handled at the facility which could require a particular kind of equipment specified below:~~

~~(a) An internal communications or alarm system capable of providing immediate emergency instruction, voice or signal, to facility employees;~~

~~(b) A device capable of summoning external emergency assistance from law enforcement agencies, fire departments or state or local emergency response teams, such as a telephone, immediately available at the scene of operations, or a hand-held two way radio;~~

~~(c) Portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, discharge control equipment, and decontamination equipment; and~~

~~(d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.~~

~~10.4 TESTING AND MAINTENANCE OF EQUIPMENT~~

~~All facility communications or alarm systems, fire protection equipment, safety equipment, discharge control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.~~

~~10.5 ACCESS TO COMMUNICATIONS OR ALARM SYSTEM~~

~~(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all employees involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless a device is not required under R315-7-10.3.~~

~~(b) If there is just one employee on the premises while the facility is operating, he shall have immediate access to a device capable of summoning external emergency assistance, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, unless a device is not required under R315-7-10.3.~~

~~10.6 REQUIRED AISLE SPACE~~

~~The facility owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, discharge control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.~~

~~10.7 ARRANGEMENTS WITH LOCAL AUTHORITIES~~

~~(a) The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:~~

~~(1) Arrangements to familiarize law enforcement agencies, fire~~

~~departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to the roads inside the facility, and possible evacuation routes;~~

~~(2) Where more than one law enforcement agency and fire department might respond to an emergency, agreements designating primary emergency authority to a specific law enforcement agency and a specific fire department, and agreements with any others to provide support to the primary emergency authority;~~

~~(3) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and~~

~~(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.~~

~~(b) Where state or local authorities decline to enter into these arrangements, the owner or operator shall document the refusal in the operating record.~~

**~~R315-7-11. Contingency Plan and Emergency Procedures.~~**

~~11.1 APPLICABILITY~~

~~The rules in this section apply to the owners and operators of all hazardous waste management facilities, except as provided otherwise in R315-7-8.1.~~

~~11.2 PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN~~

~~(a) Each owner or operator shall have a contingency plan for his facility designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to air, soil, or surface water.~~

~~(b) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten the environment or human health.~~

~~11.3 CONTENT OF CONTINGENCY PLAN~~

~~(a) The contingency plan shall describe the actions facility personnel shall take to comply with R315-7-11.2 and R315-7-11.7 in response to fires, explosions, or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.~~

~~(b) If a facility owner or operator already has prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions sufficient to comply with the requirements of R315-7.~~

~~(c) The plan shall describe arrangements agreed to by local law enforcement agencies, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services, in accordance with R315-7-10.7.~~

~~(d) The plan shall list names, addresses, phone numbers, office and home, of all persons qualified to act as facility emergency coordinator, see R315-7-11.6, and this list shall be kept up-to-date.~~

~~Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.~~

~~(e) The plan shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, discharge control equipment, communications and alarm systems, internal and external, and decontamination equipment, where this equipment is required. This list shall be kept up-to-date. In addition, the plan shall include the location and physical description of each item on the list, and a brief outline of its capabilities.~~

~~(f) The plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes, in cases where the primary routes could be blocked by discharges of hazardous waste or fires.~~

~~11.4 COPIES OF CONTINGENCY PLAN~~

~~A copy of the contingency plan and all revisions to the plan shall be:~~

~~(a) Maintained at the facility;~~

~~(b) Made available to the Director or the Director's duly appointed representative upon request; and~~

~~(c) Submitted to all local law enforcement agencies, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.~~

~~11.5 AMENDMENT OF CONTINGENCY PLAN~~

~~The contingency plan shall be reviewed, and immediately amended, if necessary, under any of the following circumstances:~~

~~(a) Revisions to applicable regulations;~~

~~(b) Failure of the plan in an emergency;~~

~~(c) Changes in the facility design, construction, operation, maintenance, or other circumstances that materially increase the potential for discharges of hazardous waste or hazardous waste constituents, or change the response necessary in an emergency;~~

~~(d) Changes in the list of emergency coordinators; or~~

~~(e) Changes in the list of emergency equipment.~~

~~11.6 EMERGENCY COORDINATOR~~

~~At all times, there shall be at least one employee either on the facility premises or on call, i.e., available to respond to an emergency by reaching the facility within a short period of time, with the responsibility for coordinating all emergency response measures. This facility emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location of all records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in R315-7-11.7. Applicable responsibilities for the emergency coordinator vary depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.~~

~~11.7 EMERGENCY PROCEDURES~~

~~(a) Whenever there is an imminent or actual emergency situation,~~

~~the emergency coordinator, or his designee when the emergency coordinator is on call, shall immediately:~~

~~(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and~~

~~(2) Notify appropriate state or local agencies with designated response roles whenever their assistance is needed.~~

~~(b) In the event of a discharge, fire, or explosion, the facility's emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any discharged materials. He may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.~~

~~(c) Concurrently, the facility's emergency coordinator shall immediately assess possible hazards to the environment or human health that may result from the discharge, fire, or explosion. This assessment shall consider both direct and indirect effects of the discharge, fire, or explosion, e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions.~~

~~(d) If the emergency coordinator determines that the facility has had a discharge, fire, or explosion which could threaten human health or the environment, outside the facility, he shall report his findings as follows:~~

~~(1) If his assessment indicates that evacuation of local areas may be advisable, he shall immediately notify appropriate local authorities. He shall be available to assist appropriate officials in making the decision whether local areas should be evacuated; and~~

~~(2) He shall immediately notify both the Utah State Department of Environmental Quality as specified in R315-9 and the government officials designated as the on-scene coordinator for that geographical area, or the National Response Center, 800/424-8802. The report shall include:~~

~~(i) Name and telephone number of reporter;~~

~~(ii) Name and address of facility;~~

~~(iii) Time and type of incident, e.g., discharge, fire;~~

~~(iv) Name and quantity of material(s) involved, to the extent available;~~

~~(v) The extent of injuries, if any; and~~

~~(vi) The possible hazards to human health, or the environment, outside the facility.~~

~~(e) During an emergency, the facility's emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and discharges do not occur, recur, or spread to other hazardous waste at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing discharged waste, and removing or isolating containers.~~

~~(f) If the facility stops operations in response to a discharge, fire, or explosion, the facility's emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.~~

~~(g) Immediately after an emergency, the facility's emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other~~

~~material that results from a discharge, fire, or explosion at the facility.~~

~~Unless the owner or operator can demonstrate, in accordance with R315-2-3(c) or (d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements in R315-4, R315-5, R315-7, and R315-8.~~

~~(h) The facility's emergency coordinator shall ensure that, in the affected area(s) of the facility:~~

~~(1) No waste that may be incompatible with the discharged material is treated, stored, or disposed of until cleanup procedures are completed; and~~

~~(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.~~

~~(i) The facility owner or operator shall notify the Director and other appropriate state and local authorities, that the facility is in compliance with R315-7-11.7(h) before operations are resumed in the affected area(s) of the facility.~~

~~(j) The facility owner or operator shall record in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he shall submit a written report on the incident to the Director. The report shall include:~~

~~(1) Name, address, and telephone number of the owner or operator;~~

~~(2) Name, address, and telephone number of the facility;~~

~~(3) Date, time, and type of incident, e.g., fire, discharge;~~

~~(4) Name and quantity of material(s) involved;~~

~~(5) The extent of injuries, if any;~~

~~(6) An assessment of actual or potential hazards to the environment or human health, where this is applicable; and~~

~~(7) Estimated quantity and disposition of recovered material that resulted from the incident.~~

**~~R315-7-12. Manifest System, Recordkeeping, and Reporting.~~**

~~12.1 APPLICABILITY~~

~~The rules in R315-7-12 apply to owners and operators of both on-site and off-site facilities, except as provided otherwise in R315-7-8.1. R315-7-12.2, R315-7-12.3, and R315-7-12.7 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 40 CFR 266.203(a).~~

~~12.2 USE OF MANIFEST SYSTEM~~

~~(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or his agent, shall sign and date the manifest as indicated in R315-7-12.2(a)(2) to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.~~

~~(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or his agent shall:~~

~~(i) Sign and date, by hand, each copy of the manifest;~~

~~(ii) Note any significant discrepancies in the manifest, as defined in R315-7-12.3, on each copy of the manifest;~~

~~(iii) Immediately give the transporter at least one copy of the manifest;~~

~~(iv) Within 30 days of delivery, send a copy of the manifest to the generator; and~~

~~(v) Retain at the facility a copy of each manifest for at least three years from the date of delivery.~~

~~(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following addresses within 30 days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460 and Utah Division of Solid and Hazardous Waste, P O Box 144880, Salt Lake City, Utah 84114-4880.~~

~~(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures) the owner or operator, or his agent, shall:~~

~~(1) Sign and date each copy of the manifest or shipping paper, if the manifest has not been received, to certify that the hazardous waste covered by the manifest or shipping paper was received;~~

~~(2) Note any significant discrepancies, as defined in R315-7-12.3(a), in the manifest or shipping paper, if the manifest has not been received, on each copy of the manifest or shipping paper;~~

~~(3) Immediately give the rail or water, bulk shipment, transporter at least one copy of the manifest or shipping paper, if the manifest has not been received;~~

~~(4) Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; and~~

~~(5) Retain at the facility a copy of the manifest and shipping paper, if signed in lieu of the manifest at the time of delivery for at least three years from the date of delivery.~~

~~(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of R315-5.~~

~~The provisions of R315-5-9.1 are applicable to the on-site accumulation of hazardous wastes by generators and only apply to owners or operators who are shipping hazardous waste which they generated at that facility.~~

~~(d) Within three working days of the receipt of a shipment subject to R315-5-15, which incorporates by reference 40 CFR 262 subpart H, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Division of Solid and Hazardous Waste, P.O. Box 144880, Salt Lake City, Utah, 84114-4880; Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency,~~

~~401 M St., SW., Washington, DC 20460; and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.~~

~~(e) A facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.~~

~~12.3 MANIFEST DISCREPANCIES~~

~~(a) Manifest discrepancies are:~~

~~(1) Significant discrepancies as defined by R315-7-12.3(b) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;~~

~~(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept; or~~

~~(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in R315-2-7(b).~~

~~(b) Significant discrepancies in quantity are: For bulk waste, variations greater than ten percent in weight; for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

~~(c) Upon discovering a significant discrepancies in quantity or type, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter, e.g., with telephone conversations. If the discrepancy is not resolved within 15 days of receipt of the waste, the owner or operator shall immediately submit to the Director a letter describing the discrepancy, and attempts to reconcile it, including a copy of the manifest or shipping paper at issue.~~

~~(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in R315-2-7(b), the facility shall consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.~~

~~(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under R315-7-12.3, it must ensure that either the delivering transporter retains custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under R315-7-12.3(e) or (f).~~

~~(e) Except as provided in R315-7-12.3(e)(7), for full or partial load rejections and residues that are to be sent off-site to an~~

~~alternate facility, the facility is required to prepare a new manifest in accordance with R315-5-2.20(a) and the following instructions:~~

~~(1) Write the generator's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.~~

~~(2) Write the name of the alternate designated facility and the facility's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.~~

~~(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.~~

~~(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).~~

~~(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.~~

~~(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.~~

~~(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with R315-7-12.3(e)(1), (2), (3), (4), (5), and (6).~~

~~(f) Except as provided in R315-7-12.3(f)(7), for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with R315-5-2.20(a) and the following instructions:~~

~~(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest.~~

~~(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.~~

~~(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.~~

~~(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block~~

~~of the old manifest (Item 18a).~~

~~(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.~~

~~(6) Sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.~~

~~(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with R315-7-12.3(f)(1), (2), (3), (4), (5), (6), and (8).~~

~~(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in R315-5-4.42(a)(1).~~

~~(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set for in R315-2-7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.~~

~~12.4 OPERATING RECORD~~

~~The requirements as found in 40 CFR 265.73, 1997 ed., as amended by 62 FR 64636, December 8, 1997, are adopted and incorporated by reference.~~

~~12.5 AVAILABILITY, RETENTION, AND DISPOSITION OF RECORDS~~

~~(a) All records, including plans, required under R315-7 shall be furnished upon written request, and made available at all reasonable times for inspection.~~

~~(b) The retention period for all records required under R315-7 is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.~~

~~(c) A copy of records of waste disposal locations required to be maintained under R315-7-12.4, which incorporates by reference 40 CFR 265.73, shall be turned over to the Director and the local land authority upon closure of the facility, see R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120.~~

~~12.6 BIENNIAL REPORT~~

~~Owners or operators of facilities that treat, store, or dispose of hazardous waste shall prepare and submit a single copy of a biennial~~

~~report to the Director by March 1 of each even numbered year. The biennial report shall be submitted on EPA form 8700-13B. The biennial report shall cover facility activities during the previous calendar year and shall include the following information:~~

~~(a) The EPA identification number, name, and address of the facility;~~

~~(b) The calendar year covered by the report;~~

~~(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which a hazardous waste was received during the year; for imported shipments, the name and address of the foreign generator shall be given;~~

~~(d) A description and the quantity of each hazardous waste received by the facility during the year. For off-site facilities, this information shall be listed by EPA identification number of each generator;~~

~~(e) The method(s) of treatment, storage, or disposal for each hazardous waste;~~

~~(f) Monitoring data, where required under R315-7-13.5(a)(2)(ii) and (iii) and (b)(2) where required;~~

~~(g) The most recent closure cost estimate under R315-7-15, which incorporates by reference 40 CFR 265.140 - 265.150, and for disposal facilities, the most recent post-closure cost estimate under R315-7-15, which incorporates by reference 40 CFR 265.144;~~

~~(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;~~

~~(i) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available for the years prior to 1984; and~~

~~(j) The certification signed by the owner or operator of the facility or his authorized representative.~~

~~12.7 UNMAINFESTED WASTE REPORT~~

~~(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in R315-6-2.20(e), and if the waste is not excluded from the manifest requirements of R315, then the owner or operator shall prepare and submit a single copy of a report to the Director within 15 days after receiving the waste. These reports shall be designated "Unmanifested Waste Report" and include the following information:~~

~~(1) The EPA identification number, name, and address of the facility;~~

~~(2) The date the facility received the waste;~~

~~(3) The EPA identification number, name, and address of the generator and the transporter, if available;~~

~~(4) A description and the quantity of each unmanifested hazardous waste the facility received;~~

~~(5) The method of treatment, storage, or disposal for each hazardous waste;~~

~~(6) The certification signed by the owner or operator of the facility or his authorized representative; and~~

~~(7) A brief explanation of why the waste was unmanifested, if known.~~

~~12.8 ADDITIONAL REPORTS~~

~~In addition to the biennial and unmanifested waste reporting requirements described in R315-7-12.6, and R315-7-12.7, a facility owner or operator shall also report to the Director:~~

~~(a) Discharges, fires, and explosions as specified in R315-7-11.7(j);~~

~~(b) Groundwater contamination and monitoring data as specified in R315-7-13.4 and R315-7-13.5;~~

~~(c) Facility closure as specified in R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120;~~

~~(d) Upon its request, all information as the Director may deem necessary to determine compliance with the requirements of R315-7;~~

~~(e) As otherwise required by R315-7-26, which incorporates by reference 40 CFR 265.1030 - 265.1035, R315-7-27, which incorporate by reference 40 CFR 265 265.1050 - 265.1064 and R315-7-30, which incorporates by reference 40 CFR 265.1080 - 265.1091.~~

**~~R315-7-13. Groundwater Monitoring.~~**

~~13.1 APPLICABILITY~~

~~(a) The owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste shall implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as R315-7-8.1 and R315-7-13.1(c) provide otherwise.~~

~~(b) Except as R315-7-13.1(c) and (d) provide otherwise, the owner or operator shall install, operate, and maintain a groundwater monitoring system which meets the requirements of R315-7-13.2, and shall comply with R315-7-13.3 - R315-7-13.5. This groundwater monitoring program shall be carried out during the active life of the facility, and for disposal facilities, during the post-closure care period as well.~~

~~(c) All or part of the groundwater monitoring sampling and analysis requirements of this section may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells, domestic, industrial, or agricultural, or to surface water. This demonstration shall be in writing, and shall be kept at the facility. This demonstration shall be certified by a qualified geologist or geotechnical engineer and shall establish the following:~~

~~(1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer, by an evaluation of:~~

~~(i) A water balance of precipitation, evapotranspiration, run-off, and infiltration; and~~

~~(ii) Unsaturated zone characteristics, i.e., geologic materials, physical properties, and depth to groundwater; and~~

~~(2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water, by an evaluation of:~~

~~(i) Saturated zone characteristics, i.e., geologic materials, physical properties, and rate of groundwater flow; and~~

~~(ii) The proximity of the facility to water supply wells or surface water.~~

~~(d) If an owner or operator assumes, or knows, that groundwater monitoring of indicator parameters in accordance with R315-7-13.2 and R315-7-13.3 would show statistically significant increases, or decreases in the case of pH, when evaluated under R315-7-13.4(b), he may install, operate, and maintain an alternate groundwater monitoring system, other than the one described in R315-7-13.2 and R315-7-13.3. If the owner or operator decides to use an alternate groundwater monitoring system he shall:~~

~~(1) Submit to the Director a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of R315-7-13.4(d)(3) for an alternate groundwater monitoring system;~~

~~(2) Initiate the determinations specified in R315-7-13.4(d)(4);~~

~~(3) Prepare and submit a written report in accordance with R315-7-13.4(d)(5);~~

~~(4) Continue to make the determinations specified in R315-7-13.4(d)(4) on a quarterly basis until final closure of the facility; and~~

~~(5) Comply with the recordkeeping and reporting requirements in R315-7-13.5(d).~~

~~(e) The groundwater monitoring requirements of this section may be waived with respect to any surface impoundment that (1) is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristics under R315-2-9 or are listed as hazardous wastes in R315-2-10 only for this reason, and (2) contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must be established, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.~~

~~(f) The Director may replace all or part of the requirements of R315-7-13 applying to a regulated unit, as defined in R315-8-6, with alternative requirements developed for groundwater monitoring set out in an approved closure or post-closure plan or in an enforceable document, as defined in R315-3-1.1(e)(7), where the Director determines that:~~

~~(1) A regulated unit is situated among solid waste management units, or areas of concern, a release has occurred, and both the regulated unit and one or more solid waste management unit(s), or areas of concern, are likely to have contributed to the release; and~~

~~(2) It is not necessary to apply the requirements of R315-7-13 because the alternative requirements will protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of R315-8-6.12(a).~~

~~13.2 GROUNDWATER MONITORING SYSTEM~~

~~(a) A groundwater monitoring system shall be capable of yielding groundwater samples for analysis and shall consist of:~~

~~(1) Monitoring wells, at least one, installed hydraulically upgradient, i.e., in the direction of increasing static head from the limit of the waste management area. Their number, locations, and depths shall be sufficient to yield groundwater samples that are:~~

~~(i) Representative of background groundwater quality in the uppermost aquifer near the facility; and~~

~~(ii) Not affected by the facility.~~

~~(2) Monitoring wells, at least three, installed hydraulically downgradient, i.e., in the direction of decreasing static head, at the limit of the waste management area. Their number, locations, and depths shall ensure that they immediately detect any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.~~

~~(3) The facility owner or operator may demonstrate that an alternate hydraulically downgradient monitoring well location will meet the criteria outlined below. The demonstration must be in writing and kept at the facility. The demonstration must be certified by a qualified ground-water scientist and establish that:~~

~~(i) An existing physical obstacle prevents monitoring well installation at the hydraulically downgradient limit of the waste management area; and~~

~~(ii) The selected alternate downgradient location is as close to the limit of the waste management area as practical; and~~

~~(iii) The location ensures detection that, given the alternate location, is as early as possible of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.~~

~~(iv) Lateral expansion, new, or replacement units are not eligible for an alternate downgradient location under this paragraph.~~

~~(b) Separate monitoring systems for each waste management component of the facility are not required provided that provisions for sampling upgradient and downgradient water quality will detect any discharge from the waste management area.~~

~~(1) In the case of a facility consisting of only one surface impoundment, landfill, or land treatment area, the waste management area is described by the waste boundary perimeter.~~

~~(2) In the case of a facility consisting of more than one surface impoundment, landfill, or land treatment area, the waste management area is described by an imaginary boundary line which circumscribes the several waste management components.~~

~~(c) All monitoring wells shall be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing shall be screened or perforated, and packed with gravel or sand where necessary to enable sample collection at depths where appropriate aquifer flow zones exist. The annular space, i.e., the space between the bore hole and well casing above the sampling depth shall be sealed with a suitable material, e.g., cement grout or bentonite slurry, to prevent contamination of samples and the ground water.~~

~~13.3 SAMPLING AND ANALYSIS~~

~~(a) The owner or operator shall obtain and analyze samples from the installed groundwater monitoring system. The owner or operator~~

~~shall develop and follow a groundwater sampling and analysis plan. He shall keep this plan at the facility. The plan shall include procedures and techniques for:~~

~~(1) Sample collection;~~

~~(2) Sample preservation and shipment;~~

~~(3) Analytical procedures; and~~

~~(4) Chain of custody control.~~

~~See "Procedures Manual for Groundwater Monitoring at Solid Waste Disposal Facilities," EPA-530/SW-611, August 1977 and "Methods for Chemical Analysis of Water and Wastes," EPA-600/4-79-020, March 1979 for discussions of sampling and analysis procedures.~~

~~(b) The owner or operator shall determine the concentration or value of the following parameters in groundwater samples in accordance with R315-7-13.3(c) and (d):~~

~~(1) Parameters characterizing the suitability of the groundwater as a drinking water supply, as specified in R315-50-3, which incorporates by reference 40 CFR 265, Appendix III.~~

~~(2) Parameters establishing groundwater quality:~~

~~(i) Chloride~~

~~(ii) Iron~~

~~(iii) Manganese~~

~~(iv) Phenols~~

~~(v) Sodium~~

~~(vi) Sulfate~~

~~These parameters are to be used as a basis for comparison in the event a groundwater quality assessment is required under R315-7-13.4(d).~~

~~(3) Parameters used as indicators of groundwater contamination:~~

~~(i) pH~~

~~(ii) Specific Conductance~~

~~(iii) Total Organic Carbon~~

~~(iv) Total Organic Halogen~~

~~(c)(1) For all monitoring wells, the owner or operator shall establish initial background concentrations or values of all parameters specified in R315-7-13.3(b). He shall do this quarterly for one year.~~

~~(2) For each of the indicator parameters specified in R315-7-13.3(b)(3), at least four replicate measurements shall be obtained for each sample and the initial background arithmetic mean and variance shall be determined by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.~~

~~(d) After the first year, all monitoring wells shall be sampled and the samples analyzed with the following frequencies:~~

~~(1) Samples collected to establish groundwater quality shall be obtained and analyzed for the parameters specified in R315-7-13.3(b)(2) at least annually.~~

~~(2) Samples collected to indicate groundwater contamination shall be obtained and analyzed for the parameters specified in R315-7-13.3(b)(3) at least semiannually.~~

~~(e) Elevation of the groundwater surface at each monitoring well shall be determined each time a sample is obtained.~~

~~13.4 PREPARATION, EVALUATION, AND RESPONSE~~

~~(a) The owner or operator shall prepare an outline of a groundwater quality assessment program. The outline shall describe a more comprehensive groundwater monitoring program, than that described in R315-7-13.2 and R315-7-13.3, capable of determining:~~

~~(1) Whether hazardous waste or hazardous waste constituents have entered the groundwater;~~

~~(2) The rate and extent of migration of hazardous waste or hazardous waste constituents in the groundwater; and~~

~~(3) The concentrations of hazardous waste or hazardous waste constituents in the groundwater.~~

~~(b) For each indicator parameter specified in R315-7-13.3(b)(3), the owner or operator shall calculate the arithmetic mean and variance, based on at least four replicate measurements on each sample, for each well monitored in accordance with R315-7-13.3(d)(2) and compare these results with its initial background arithmetic mean. The comparison shall consider individually each of the wells in the monitoring system, and shall use the Students t-test at the 0.01 level of significance, see R315-50-4, to determine statistically significant increases, and decreases, in the case of pH, over initial background.~~

~~(c)(1) If the comparisons for the upgradient wells made under R315-7-13.4(b) show a significant increase, or pH decrease, the owner or operator shall submit this information in accordance with R315-7-13.5(a)(2)(ii).~~

~~(2) If the comparisons for downgradient wells made under R315-7-13.4(b) show a significant increase, or pH decrease, the owner or operator shall then immediately obtain additional groundwater samples from those downgradient wells where a significant difference was detected, split the samples in two, and expeditiously obtain analyses of all additional samples to determine whether the significant difference was a result of laboratory error.~~

~~(d)(1) If the analyses performed under R315-7-13.4(c)(2) confirm the significant increase, or pH decrease, the owner or operator shall provide written notice to the Director--within seven days of the date of the confirmation--that the facility may be affecting groundwater quality.~~

~~(2) Within 15 days after the notification under R315-7-13.4(d)(1), the owner or operator shall develop and submit to the Director a specific plan, based on the outline required under R315-7-13.4(a) and certified by a qualified geologist or geotechnical engineer, for a groundwater quality assessment program at the facility.~~

~~(3) The plan to be submitted under R315-7-13.1(d)(1) or R315-7-13.4(d)(2) shall specify:~~

~~(i) The number, location, and depth of wells;~~

~~(ii) Sampling and analytical methods for those hazardous wastes or hazardous waste constituents in the facility;~~

~~(iii) Evaluation procedures, including any use of previously-gathered groundwater quality information; and~~

~~(iv) A schedule of implementation.~~

~~(4) The owner or operator shall implement the groundwater quality assessment plan which satisfies the requirements of R315-7-13.4(d)(3), and, at a minimum, determine:~~

~~(i) The rate and extent of migration of the hazardous waste or hazardous waste constituents in the groundwater; and~~

~~(ii) The concentrations of the hazardous waste or hazardous waste constituents in the groundwater.~~

~~(5) The owner or operator shall make his first determination under R315-7-13.4(d)(4) as soon as technically feasible, and, within 15 days after that determination submit to the Director a written report containing an assessment of the groundwater quality.~~

~~(6) If the owner or operator determines, based on the results of the first determination under R315-7-13.4(d)(4), that no hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he may reinstate the indicator evaluation program described in R315-7-13.3 and R315-7-13.4(b). If the owner or operator reinstates the indicator evaluation program, he shall so notify the Director in the report submitted under R315-7-13.4(d)(5).~~

~~(7) If the owner or operator determines, based on the first determination under R315-7-13.4(d)(4), that hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he:~~

~~(i) Must continue to make the determinations required under R315-7-13.4(d)(4) on a quarterly basis until final closure of the facility, if the groundwater quality assessment plan was implemented prior to final closure of the facility; or~~

~~(ii) May cease to make the determinations required under R315-7-13.4(d)(4), if the groundwater quality assessment plan was implemented during the post-closure care period.~~

~~(e) Notwithstanding any other provision of R315-7-13, any groundwater quality assessment to satisfy the requirements of R315-7-13.4(d)(4) which is initiated prior to final closure of the facility shall be completed and reported in accordance with R315-7-13.4(d)(5).~~

~~(f) Unless the groundwater is monitored to satisfy the requirements of R315-7-13.4(d)(4), at least annually the owner or operator shall evaluate the data on groundwater surface elevations obtained under R315-7-13.3(e) to determine whether the requirements under R315-7-13.2(a) for locating the monitoring wells continues to be satisfied. If the evaluation shows that R315-7-13.2(a) is no longer satisfied, the owner or operator shall immediately modify the number, location, or depth of the monitoring wells to bring the groundwater monitoring system into compliance with this requirement.~~

~~13.5 RECORDKEEPING AND REPORTING~~

~~(a) Unless the groundwater is monitored to satisfy the requirements of R315-7-13.4(d)(4), the owner or operator shall:~~

~~(1) Keep records of the analyses required in R315-7-13.3(c) and (d), the associated groundwater surface elevations required in R315-7-13.3(e), and the evaluations required in R315-7-13.4(b) throughout the active life of the facility, and, for disposal facilities, throughout the post-closure care period as well; and~~

~~(2) Report the following groundwater monitoring information to the Director:~~

~~(i) During the first year when initial background concentrations are being established for the facility: concentrations or values of the parameters listed in R315-7-13.3(b)(1)~~

~~for each groundwater monitoring well within 15 days after completing each quarterly analysis. The owner or operator shall separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum contaminant levels listed in 40 CFR 265, Appendix III.~~

~~(ii) Annually: concentrations or values of the parameters listed in R315-7-13.3(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under R315-7-13.4(b). The owner or operator shall separately identify any significant differences from initial background found in the upgradient wells, in accordance with R315-7-13.4(c)(1). During the active life of the facility, this information shall be submitted no later than March 1 following each calendar year.~~

~~(iii) No later than March 1 following each calendar year: results of the evaluation of groundwater surface elevations under R315-7-13.4(f), and a description of the response to that evaluation, where applicable.~~

~~(b) If the groundwater is monitored to satisfy the requirements of R315-7-13.4(d)(4), the owner or operator shall:~~

~~(1) Keep records of the analyses and evaluations specified in the plan, which satisfies the requirements of R315-7-13.4(d)(3), throughout the active life of the facility, and, for disposal facilities, throughout the post-closure care period as well; and~~

~~(2) Annually, until final closure of the facility, submit to the Director a report containing the results of his groundwater quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This report shall be submitted no later than March 1, following each calendar year.~~

**~~R315-7-14. Closure and Post-Closure.~~**

~~The requirements as found in 40 CFR 265 subpart G (265.110 - 265.121), 1998 ed., as amended by 63 FR 56710, October 22, 1998, are adopted and incorporated by reference with the following exceptions:~~

~~(a) Substitute "Director" for all references to "Administrator" or "Regional Administrator".~~

~~(b) Substitute the word "appointee" for "employee."~~

~~(c) Substitute "Director" for "Agency."~~

~~(d) Substitute 19-6 for references to RCRA.~~

**~~R315-7-15. Financial Requirements.~~**

~~The requirements as found in 40 CFR 265 subpart H (265.140 - 265.150), 1998 ed., as amended by 63 FR 56710, October 22, 1998, are adopted and incorporated by reference with the following exceptions:~~

~~(a) substitute "Director of the Division of Solid and Hazardous Waste" for all references to "Administrator" or "Regional Administrator."~~

~~(b) substitute "Director" for all references to "Agency" or "EPA".~~

~~(c) substitute "The Utah Solid and Hazardous Waste Act" for all references to "the Resource Conservation and Recovery Act" or "RCRA."~~

~~**R315-7-16. Use and Management of Containers.**~~

~~16.1 APPLICABILITY~~

~~The rules in this section apply to the owners or operators of all hazardous waste management facilities that store containers of hazardous waste, except as provided otherwise in R315-7-8.1.~~

~~16.2 CONDITION OF CONTAINERS~~

~~The container holding hazardous waste shall be in good condition and shall not leak. If a container is not in good condition, or if it begins to leak, the owner or operator shall transfer the hazardous waste from the container to a storage container that is in good condition, or manage the waste in another fashion which complies with the requirements of R315-7.~~

~~16.3 COMPATIBILITY OF WASTE WITH CONTAINER~~

~~Owners or operators shall use containers made of or lined with materials which will not react with, and are otherwise compatible with, the waste to be stored, so that the ability of the container to contain the waste is not impaired.~~

~~16.4 MANAGEMENT OF CONTAINERS~~

~~(a) A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.~~

~~(b) A container holding hazardous waste shall not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.~~

~~Reuse of containers is also governed by the U.S. Department of Transportation regulations, including those set forth in 49 CFR 173.28.~~

~~16.5 INSPECTIONS~~

~~In addition to the inspections required by R315-7-9.6, the owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. See R315-7-16.2 for remedial action required if deterioration or leaks are detected.~~

~~16.6 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~Containers holding ignitable or reactive waste shall be located more than 15 meters, 50 feet, from the facility's property line.~~

~~See R315-7-9.8 for additional requirements.~~

~~16.7 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE~~

~~(a) Incompatible wastes or incompatible wastes and materials, see 40 CFR 265, Appendix V for examples, shall not be placed in the same container, unless R315-79.8(b) is complied with.~~

~~(b) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material, see 40 CFR 265, Appendix V for examples, unless R315-7-9.8(b) is complied with.~~

~~(c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, open tanks, piles, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. The purpose of this is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous wastes or hazardous constituents which could result from the mixing of incompatible materials.~~

~~16.8 AIR EMISSION STANDARDS~~

~~The owner or operator shall manage all hazardous waste placed in~~

~~a container in accordance with the applicable requirements of R315-7-26, which incorporates by reference 40 CFR subpart AA, R315-7-27, which incorporates by reference 40 CFR subpart BB, and R315-7-30, which incorporates by reference 40 CFR subpart CC.~~

**~~R315-7-17. Tanks.~~**

~~The requirements as found in 40 CFR 265 subpart J, 265.190-265.202, 1996 ed., as amended by 61 FR 59931, November 25, 1996, are adopted and incorporated by reference with the following exceptions:~~

~~(a) Substitute "Director of the Division of Solid and Hazardous Waste" for all references to "Regional Administrator" found in 40 CFR 265 subpart J with the exception of 40 CFR 265.193(g) and (h)(5), which will replace "Regional Administrator" with "Director".~~

~~(b) Add, following January 12, 1988, in 40 CFR 265.191(a), "or by December 16, 1988, for non-HSWA existing tank systems."~~

~~(c) Replace 40 CFR 265.193(a)(2) to (4) with the following corresponding paragraphs:~~

~~(1) For all HSWA existing tank systems used to store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1987, or within two years after December 16, 1988, for non-HSWA existing tank systems;~~

~~(2) For those HSWA existing tank systems of known and documented age, within two years after January 12, 1987, or within two years after December 16, 1988, for non-HSWA existing tank systems, or when the tank system has reached 15 years of age, whichever comes later;~~

~~(3) For those HSWA existing tank systems for which the age cannot be documented, within eight years of January 12, 1987, or within eight years of December 16, 1988, for non-HSWA existing tank systems; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, or within two years of December 16, 1988, for non-HSWA existing tank systems, whichever comes later; and~~

~~(d) Add, following the last January 12, 1987, in 40 CFR 265.193(a)(5), "or December 16, 1988, for non-HSWA tank systems."~~

**~~R315-7-18. Surface Impoundments.~~**

~~18.1 APPLICABILITY~~

~~The rules in this section apply to the owners and operators of facilities that use surface impoundments for the treatment, storage, or disposal of hazardous waste, except as provided otherwise in R315-7-8.1.~~

~~18.2 ACTION LEAKAGE RATE~~

~~(a) The owner or operator of surface impoundment units subject to R315-7-18.9(a) must submit a proposed action leakage rate to the Director when submitting the notice required under R315-7-18.9(b). Within 60 days of receipt of the notification, the Director will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Director before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator.~~

~~(b) The Director shall approve an action leakage rate for surface impoundment units subject to R315-7-18.9(a). The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.~~

~~(c) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly or monthly flow rate from the monitoring data obtained under R315-7-18.5(b), to an average daily flow rate, gallons per acre per day, for each sump. Unless the Director approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period, and if the unit closes in accordance with R315-7-18.6, which incorporates by reference 40 CFR 265.228(a)(2), monthly during the post-closure care period when monthly monitoring is required under R315-7-18.5(b).~~

~~18.3 CONTAINMENT SYSTEM~~

~~All earthen dikes shall have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve their structural integrity.~~

~~18.4 WASTE ANALYSIS AND TRIAL TESTS~~

~~In addition to the waste analyses required by R315-7-9.4, which incorporates by reference 40 CFR 265.13, whenever a surface impoundment is used to:~~

~~(1) Chemically treat a hazardous waste which is substantially different from waste previously treated in that impoundment; or~~

~~(2) Chemically treat hazardous waste with a substantially different process than any previously used in that impoundment; the owner or operator shall, before treating the different waste or using the different process:~~

~~(i) Conduct waste analyses and trial treatment tests, e.g., bench scale or pilot plant scale tests; or~~

~~(ii) Obtain written, documented information on similar treatment of similar waste under similar operating conditions; to show that this treatment will comply with R315-7-9.8(b).~~

~~The owner or operator shall record the results from each waste analysis and trial test in the operating record of the facility, see R315-7-12.4, which incorporates by reference 40 CFR 265.73.~~

~~18.5 MONITORING AND INSPECTIONS~~

~~(a) The owner or operator shall inspect:~~

~~(1) The freeboard level at least once each operating day to ensure compliance with R315-7-18.2, and~~

~~(2) The surface impoundment, including dikes and vegetation surrounding the dike, at least once a week to detect any leads, deterioration, or failures in the impoundment.~~

~~(b)(1) An owner or operator required to have a leak detection~~

~~system under R315-7-18.9(a) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.~~

~~(2) After the final cover is installed, the amount of liquids removed from each leak detection system sump shall be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps shall be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps shall be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator shall return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.~~

~~(3) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Director based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump. The timing for submission and approval of the proposed "pump operating level" will be in accordance with R315-7-18.2(a).~~

~~The owner or operator shall remedy any deterioration or malfunction he finds.~~

~~18.6 CLOSURE AND POST-CLOSURE~~

~~The requirements as found in 40 CFR 265.228, 1992 ed., are adopted and incorporated by reference.~~

~~18.7 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~Ignitable or reactive waste shall not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, and:~~

~~(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) and (f); and~~

~~(2) R315-7-9.8(b) is complied with; or~~

~~(b)(1) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and~~

~~(2) Maintain and monitor the leak detection system in accordance with R315-8-11.2(c)(2)(iv) and (3) and R315-7-18.5(b) and comply with all other applicable leak detection system requirements of R315-7;~~

~~(3) The owner or operator obtains a certification from a qualified chemist or engineer that, to the best of his knowledge and opinion, the design features or operating plans of the facility will prevent ignition or reaction; and~~

~~(4) The certification and the basis for it are maintained at the facility; or~~

~~(c) The surface impoundment is used solely for emergencies.~~

~~18.8 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~Incompatible wastes or incompatible wastes and materials, see 40~~

~~CFR 265, Appendix V for examples, shall not be placed in the same surface impoundment, unless they will not generate heat, fumes, fires, or explosive reactions that could damage the structural integrity of the impoundment, or otherwise threaten human health or the environment.~~

~~18.9 DESIGN REQUIREMENTS~~

~~(a) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with R315-7-18.9(c), unless exempted under R315-7-18.9(d), (e), or (f). "Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, under "existing facility."~~

~~(b) The owner or operator of each unit referred to in paragraph (a) of this section shall notify the Director at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a part B application within six months of the receipt of the notice.~~

~~(c) The owner or operator of any replacement surface impoundment unit is exempt from R315-7-18.9(a) if:~~

~~(1) The existing unit was constructed in compliance with the design standards of Section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and~~

~~(2) There is no reason to believe that the liner is not functioning as designed.~~

~~(d) The double liner requirement set forth in R315-7-18.9(a) may be waived by the Director for any monofill, if;~~

~~(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and these wastes do not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristic in R315-2-9(g) with EPA Hazardous Waste Numbers D004 through D017; and~~

~~(2)(i)(A) The monofill has at least one liner for which there is no evidence that the liner is leaking. For the purposes of this paragraph the term "liner" means a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater, or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of R315-7-18.9(a) on the basis of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of the impoundment the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable given the specific site conditions and the nature and extent of contamination. If all contaminated soil is not removed or decontaminated, the owner or operator of the impoundment~~

~~must comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action.~~

~~(B) The monofill is located more than one-quarter mile from an underground source of drinking water, as that term is defined in 40 CFR; 144.3; and~~

~~(C) The monofill is in compliance with applicable groundwater monitoring requirements for facilities with permits; or~~

~~(ii) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.~~

~~(e) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of R315-7-18.9(a) and in good faith compliance with R315-7-18.9(a) and with guidance documents governing liners and leachate collection systems under R315-7-18.9(a), no liner or leachate collection system which is different from that which was so installed pursuant to R315-7-18.9(a) will be required for the unit by the Director when issuing the first permit to the facility, except that the Director will not be precluded from requiring installation of a new liner when the Director has reason to believe that any liner installed pursuant to the requirements of R315-7-18.9(a) is leaking.~~

~~(f) A surface impoundment shall maintain enough freeboard to prevent overtopping of the dike by overfilling, wave action, or a storm. Except as provided in R315-7-18.2(b), there shall be at least 60 centimeters, two feet, of freeboard.~~

~~(g) A freeboard level less than 60 centimeters, two feet, shall be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of his knowledge and opinion, prevent overtopping of the dike. The certification, along with written identification of alternate design features or operating plans preventing overtopping, shall be maintained at the facility.~~

~~(h) Surface impoundments that are newly subject to R315-7-18 due to the promulgation of additional listings or characteristics for the identification of hazardous waste must be in compliance with R315-7-18.9(a), (c) and (d) not later than 48 months after the promulgation of the additional listing or characteristic. This compliance period shall not be cut short as the result of the promulgation of land disposal prohibitions under R315-13, which incorporates by Reference 40 CFR 268, or the granting of an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, within this 48-month period.~~

~~18.10 RESPONSE ACTIONS~~

~~(a) The owner or operator of surface impoundment units subject to R315-7-18.9(a) shall submit a response action plan to the Director when submitting the proposed action leakage rate under R315-7-18.2. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in R315-7-18.10(b).~~

~~(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:~~

~~(1) Notify the Director in writing of the exceedence within~~

~~seven days of the determination;~~

~~(2) Submit a preliminary written assessment to the Director within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;~~

~~(3) Determine to the extent practicable the location, size, and cause of any leak;~~

~~(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;~~

~~(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and~~

~~(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Director the results of the analyses specified in R315-7-18.10(b)(3)-(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the Director a report summarizing the results of any remedial actions taken and actions planned.~~

~~(c) To make the leak and/or remediation determinations in R315-7-18.10(b)(3)-(5), the owner or operator shall:~~

~~(1)(i) Assess the source of liquids and amounts of liquids by source,~~

~~(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and~~

~~(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or~~

~~(2) Document why such assessments are not needed.~~

~~18.11 AIR EMISSION STANDARDS~~

~~The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the applicable requirements of R315-7-27, which incorporates by reference 40 CFR subpart BB, and R315-7-30, which incorporates by reference 40 CFR subpart CC.~~

**~~R315-7-19. Waste Piles.~~**

~~19.1 APPLICABILITY~~

~~The rules in this section apply to the owners and operators of facilities that treat or store hazardous waste in piles, except as provided otherwise in R315-7-8.1. Alternatively, a pile of hazardous waste may be managed as a landfill under R315-7-21.~~

~~19.2 PROTECTION FROM WIND~~

~~The owners or operators of a pile containing hazardous waste which could be subject to dispersal by wind shall cover or otherwise manage the pile so that the wind dispersal is controlled.~~

~~19.3 WASTE ANALYSIS~~

~~In addition to the waste analyses required by R315-7-9.4, owners or operators shall analyze a representative sample from each incoming shipment of waste before adding the waste to any existing pile, unless the only wastes the facility receives which are amenable to piling are compatible with each other, or the waste received is compatible with~~

~~the waste in the pile to which it is to be added. The analysis conducted shall be capable of differentiating between the types of hazardous waste which are placed in piles, so that mixing of incompatible waste does not inadvertently occur. The analysis shall include a visual comparison of color and texture. The results of these analyses shall be placed in the operating record.~~

~~19.4 CONTAINMENT~~

~~If leachate or run-off from a pile is a hazardous waste, then either:~~

~~(a)(1) The pile shall be placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage;~~

~~(2) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm;~~

~~(3) The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and~~

~~(4) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously to maintain design capacity of the system; or~~

~~(b)(1) The pile shall be protected from precipitation and run-on by some other means; and~~

~~(2) No liquids or wastes containing free liquids may be placed in the pile.~~

~~19.5 SPECIAL REQUIREMENTS FOR IGNITABLE WASTE~~

~~Ignitable waste shall not be placed in a pile unless the waste and waste pile satisfy all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, and:~~

~~(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable waste under R315-2-9(d), and complies with R315-7-9.8; or~~

~~(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to react.~~

~~19.6 REQUIREMENTS FOR REACTIVE WASTE~~

~~Reactive waste shall not be placed in a pile unless the waste and pile satisfy all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, and:~~

~~(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of reactive waste under R315-2-9(f) and complies with R315-7-9.8; or~~

~~(b) The waste is managed in such a way that it is protected from any material or condition which may cause it to react.~~

~~19.7 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTE~~

~~(a) Incompatible waste, or incompatible wastes and materials, see 40 CFR 265, Appendix V for examples, shall not be placed in the same pile unless, R315-7-9.8(b) is complied with.~~

~~(b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. The purpose of this is to prevent gaseous emissions, fires, explosions,~~

~~leaching or other discharge of hazardous waste or hazardous waste constituents which could result from the contact or mixing of incompatible wastes or materials.~~

~~(c) Hazardous waste shall not be piled on the same area where incompatible wastes or materials were previously piled, unless that area has been decontaminated sufficiently to ensure compliance with R315-7-9.8(b).~~

~~19.8 CLOSURE AND POST-CLOSURE CARE~~

~~(a) At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components, liners, etc., contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless R315-2-3(d) applies; or~~

~~(b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in R315-7-19.8(a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he shall close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills, R315-7-21.4.~~

~~19.9 DESIGN AND OPERATING REQUIREMENTS~~

~~The owner or operator of each new waste pile on which construction commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each such replacement of an existing waste pile 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, and operate the leachate collection and removal systems, in accordance with R315-8-12.2(c), unless exempted under R315-8-12.2(d), (e), or (f); and must comply with the procedures of R315-7-18.9(b). "Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, under "existing facility".~~

~~19.10 ACTION LEAKAGE RATES~~

~~(a) The owner or operator of waste pile units subject to R315-7-19.9 shall submit a proposed action leakage rate to the Director when submitting the notice required under R315-7-19.9. Within 60 days of receipt of the notification, the Director will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Director before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator.~~

~~(b) The Director shall approve an action leakage rate for surface impoundment units subject to R315-7-19.9. The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage~~

~~rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.~~

~~(c) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly flow rate from the monitoring data obtained under R315-7-19.12, to an average daily flow rate, gallons per acre per day, for each sump. Unless the Director approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period.~~

~~19.11 RESPONSE ACTIONS~~

~~(a) The owner or operator of waste pile units subject to R315-7-19.9 shall submit a response action plan to the Director when submitting the proposed action leakage rate under R315-7-19.10. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in R315-7-19.11(b).~~

~~(b) If the flow rate into the leak determination system exceeds the action leakage rate for any sump, the owner or operator shall:~~

~~(1) Notify the Director in writing of the exceedence within seven days of the determination;~~

~~(2) Submit a preliminary written assessment to the Director within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;~~

~~(3) Determine to the extent practicable the location, size, and cause of any leak;~~

~~(4) Determine whether waste receipts should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;~~

~~(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and~~

~~(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Director the results of the analyses specified in R315-7-19.11(b)(3)-(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Director a report summarizing the results of any remedial actions taken and actions planned.~~

~~(c) To make the leak and/or remediation determinations in R315-7-19.11(b)(3)-(5), the owner or operator shall:~~

~~(1)(i) Assess the source of liquids and amounts of liquids by source,~~

~~(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and~~

~~(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or~~

~~(2) Document why such assessments are not needed.~~

~~19.12 MONITORING AND INSPECTION~~

~~An owner or operator required to have a leak detection system~~

~~under R315-7-19.9 shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.~~

**~~R315-7-20. Land Treatment.~~**

~~20.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of hazardous waste land treatment facilities, except as provided otherwise in R315-7-8.1.~~

~~20.2 GENERAL OPERATING REQUIREMENTS~~

~~(a) Hazardous waste shall not be placed in or on a land treatment facility unless the waste can be made less hazardous or non-hazardous by degradation, transformation, or immobilization processes occurring in or on the soil.~~

~~(b) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portions of the facility during peak discharge from at least a 25-year storm.~~

~~(c) The owner or operator shall design, construct, operate, and maintain a run-off management system capable of collecting and controlling a water volume at least equivalent to a 24-hour, 25-year storm.~~

~~(d) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.~~

~~(e) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator shall manage the unit to control wind dispersal.~~

~~20.3 WASTE ANALYSIS~~

~~In addition to the waste analyses required by R315-7-9.4, before placing a hazardous waste in or on a land treatment facility, the owner or operator shall:~~

~~(a) Determine the concentration in the waste of any substances which equal or exceed the maximum concentrations contained in Table 1 of 40 CFR 261.24, that cause a waste to exhibit the Toxicity Characteristic;~~

~~(b) For any waste listed in R315-2, determine the concentration of any substances which caused the waste to be listed as a hazardous waste; and~~

~~(c) If food chain crops are grown, determine the concentrations in the waste of each of the following constituents: arsenic, cadmium, lead, and mercury, unless the owner or operator has written documented data that show that the constituent is not present;~~

~~R315-50-9, which incorporates by reference 40 CFR 261, Appendix VII, specifies the substances for which a waste is listed as a hazardous waste. As required by R315-7-9.4, the waste analysis plan shall include analyses needed to comply with R315-7-20.8 and R315-7-20.9. As required by R315-7-12.4, the owner or operator shall place the results from each waste analysis, or the documented information, in the operating record of the facility.~~

~~20.4 FOOD CHAIN CROPS~~

~~(a) An owner or operator of a hazardous waste land treatment~~

~~facility on which food chain crops are being grown, or have been grown and will be grown in the future, shall notify the Director. The growth of food chain crops at a facility which has never before been used for this purpose is a significant change in process under R315-3. Owners or operators of these land treatment facilities who propose to grow food chain crops shall comply with R315-3.~~

~~(b)(1) Food chain crops shall not be grown on the treated area of a hazardous waste land treatment facility unless the owner or operator can demonstrate, based on field testing, that any arsenic, lead, mercury, or other constituents identified under R315-7-20.3(b):~~

~~(i) Will not be transferred to the food portion of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals, e.g., by grazing; or~~

~~(ii) Will not occur in greater concentrations in the crops grown on the land treatment facility than in the same crops grown on untreated soils under similar conditions in the same region.~~

~~(2) The information necessary to make the demonstration required by R315-7-20.4(b)(1) shall be kept at the facility and shall, at a minimum:~~

~~(i) Be based on tests for the specific waste and application rates being used at the facility; and~~

~~(ii) Include descriptions of crop and soil characteristics, sample selection criteria, sample size determination, analytical methods and statistical procedures.~~

~~(c) Food chain crops shall not be grown on a land treatment facility receiving waste that contains cadmium unless all requirements of R315-7-20.4(c)(1)(i) through (iii) or all requirements of R315-7-20.4(c)(2)(i) through (iv) are met.~~

~~(1)(i) The pH of the waste and soil mixture is 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentration of 2. mg/kg, dry weight, or less.~~

~~(ii) The annual application of cadmium from waste does not exceed 0.5 kilograms per hectare (kg/ha) on land use for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate does not exceed:~~

~~TABLE~~

| ~~Time Period~~ | ~~Annual Cd Application Rate (kg/ha)~~ |
|---|---|
| ~~Present to June 30, 1984~~ | ~~2.0~~ |
| ~~July 1, 1984 to December 31, 1986~~ | ~~1.25~~ |
| ~~Beginning January 1, 1987~~ | ~~0.5~~ |

~~(iii) The cumulative application of cadmium from waste does not exceed the levels in either paragraph (A) or (B) below:~~

~~(A)~~

~~TABLE~~

| Soil cation exchange capacity (meq/100g) | MAXIMUM CUMULATIVE APPLICATION (kg/ha) Background soil pH less than 6.5 | Background soil pH greater than 6.5 |
|---|---|---|
| Less than 5 | 5 | 5 |
| 5-15 | 5 | 10 |
| Greater than 15 | 5 | 20 |

(B) For soils with a background pH of less than 6.5, the cumulative cadmium application rate does not exceed the levels below: Provided, that the pH of the waste and soil mixture is adjusted to and maintained at 6.5 or greater whenever food chain crops are grown.

TABLE

| Soil cation exchange capacity (meq/100g) | Maximum cumulative application (kg/ha) |
|---|---|
| Less than 5 | 5 |
| 5 to 15 | 10 |
| Greater than 15 | 20 |

(2)(i) The only food chain crop produced is animal feed.

(ii) The pH of the waste and soil mixture is 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level is maintained whenever food chain crops are grown.

(iii) There is a facility operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The facility operating plan describes the measure to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses.

(iv) Future property owners are notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops shall not be grown, except in compliance with R315-7-20.7(c)(2).

As required by R315-7-12.4, which incorporates by reference 40 CFR 265.73, if an owner or operator grows food chain crops on his land treatment facility, he shall place the information developed in this section in the operating record of the facility.

20.5 UNSATURATED ZONE, ZONE OF AERATION, MONITORING

(a) The owner or operator shall have in writing, and shall implement, an unsaturated zone monitoring plan which is designed to:

(1) Detect the vertical migration of hazardous waste and hazardous waste constituents under the active portion of the land treatment facility; and

(2) Provide information on the background concentrations of the hazardous waste and hazardous waste constituents in similar but

~~untreated soils nearby; this background monitoring shall be conducted before or in conjunction with the monitoring required under R315-7-20.5(a)(1).~~

~~(b) The unsaturated zone monitoring plan shall include, at a minimum:~~

~~(1) Soil monitoring using soil cores; and~~

~~(2) Soil-pore water monitoring using devices such as lysimeters.~~

~~(c) To comply with R315-7-20.5(a)(1), the owner or operator shall demonstrate in his unsaturated zone monitoring plan that:~~

~~(1) The depth at which soil and soil-pore water samples are to be taken is below the depth to which the waste is incorporated into the soil;~~

~~(2) The number of soil and soil-pore water samples to be taken is based on the variability of:~~

~~(i) The hazardous waste constituents, as identified in R315-7-20.3(a) and (b), in the waste and in the soil; and~~

~~(ii) The soil type(s); and~~

~~(3) The frequency and timing of soil and soil-pore water sampling is based on the frequency, time, and rate of waste application, proximity to groundwater, and soil permeability.~~

~~(d) The owner or operator shall keep at the facility his unsaturated zone monitoring plan, and the rationale used in developing this plan.~~

~~(e) The owner or operator shall analyze the soil and soil-pore water samples for the hazardous waste constituents that were found in the waste during the waste analysis under R315-7-20.3(a) and (b).~~

~~All data and information developed by the owner or operator under this section shall be placed in the operating record of the facility.~~

~~20.6 RECORDKEEPING~~

~~The owner or operator of a land treatment facility shall keep records of the application dates, application rates, quantities, and location of each hazardous waste placed in the facility, in the operating record required in R315-7-12.4, which incorporates by reference 40 CFR 265.73.~~

~~20.7 CLOSURE AND POST-CLOSURE CARE~~

~~(a) In the closure and post-closure plan under R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120, the owner or operator shall address the following objectives and indicate how they will be achieved:~~

~~(1) Control of the migration of hazardous waste and hazardous waste constituents from the treated area into the groundwater;~~

~~(2) Control of the release of contaminated run-off from the facility into surface water;~~

~~(3) Control of the release of airborne particulate contaminants caused by wind erosion; and~~

~~(4) Compliance with R315-7-20.4 concerning the growth of food-chain crops.~~

~~(b) The owner or operator shall consider at least the following factors in addressing the closure and post-closure care objectives of R315-7-20.7(a):~~

~~(1) Type and amount of hazardous waste and hazardous waste constituents applied to the land treatment facility;~~

~~(2) The mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;~~

~~(3) Site location, topography, and surrounding land use, with respect to the potential effects of pollutant migration, e.g., proximity to groundwater, surface water and drinking water sources;~~

~~(4) Climate, including amount, frequency, and pH of precipitation;~~

~~(5) Geological and soil profiles and surface and subsurface hydrology of the site, and soil characteristics, including cation exchange capacity, total organic carbon, and pH;~~

~~(6) Unsaturated zone monitoring information obtained under R315-7-20.5; and~~

~~(7) Type, concentration, and depth of migration of hazardous waste constituents in the soil as compared to their background concentrations.~~

~~(c) The owner or operator shall consider at least the following methods in addressing the closure and post-closure care objectives of R315-7-20.7(a):~~

~~(1) Removal of contaminated soils;~~

~~(2) Placement of a final cover, considering:~~

~~(i) Functions of the cover, e.g., infiltration control, erosion and run-off control and wind erosion control; and~~

~~(ii) Characteristics of the cover, including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover; and~~

~~(3) Monitoring of groundwater.~~

~~(d) In addition to the requirements of R315-7-14 which incorporates by reference 40 CFR 265.110 - 265.120, during the closure period the owner or operator of a land treatment facility shall:~~

~~(1) Continue unsaturated zone monitoring in a manner and frequency specified in the closure plan, except that soil pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone;~~

~~(2) Maintain the run-on control system required under R315-7-20.2(b);~~

~~(3) Maintain the run-off management system required under R315-7-20.2(c); and~~

~~(4) Control wind dispersal of particulate matter which may be subject to wind dispersal.~~

~~(e) For the purpose of complying with R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120, when closure is completed the owner or operator may submit to the Director, certification both by the owner or operator and by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specification in the approved closure plan.~~

~~(f) In addition to the requirement of R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120, during the post-closure care period the owner or operator of a land treatment unit shall:~~

~~(1) Continue soil-core monitoring by collecting and analyzing samples in a manner and frequency specified in the post-closure plan;~~

~~(2) Restrict access to the unit as appropriate for its~~

~~post-closure use;~~

~~(3) Ensure that growth of food chain crops complies with R315-7-20.4; and~~

~~(4) Control wind dispersal of hazardous waste.~~

~~20.8 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~The owner or operator shall not apply ignitable or reactive waste to the treatment zone unless the waste and treatment zone meet all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, and:~~

~~(a) The waste is immediately incorporated into the soil so that:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) and (f) and~~

~~(2) R315-7-9.8(b) is complied with; or~~

~~(b) That waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.~~

~~20.9 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~Incompatible wastes, or incompatible wastes and materials, see 40 CFR 265, Appendix V for examples, shall not be placed in the same land treatment area, unless R315-7-9.8(b) is complied with.~~

**~~R315-7-21. Landfills.~~**

~~21.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as R315-7-8.1 provides otherwise. A waste pile used as a disposal facility is a landfill and is governed by this section.~~

~~21.2 DESIGN AND OPERATING REQUIREMENTS~~

~~(a) 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 must install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, in accordance with R315-8-14.2(d), (e), or (f). "Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, under "existing facility".~~

~~(b) The owner or operator of each unit referred to in R315-7-21.2(a) shall notify the Director at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice shall file a part B application within six months of the receipt of the notice.~~

~~(c) The owner or operator of any replacement landfill unit is exempt from R315-7-21.2(a) if:~~

~~(1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and~~

~~(2) There is no reason to believe that the liner is not functioning as designed.~~

~~(d) The double liner requirement set forth in R315-7-21.2(a) may be waived by the Director for any monofill, if:~~

~~(1) The monofill contains only hazardous wastes from foundry~~

~~furnace emission controls or metal casting molding sand, and the waste does not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristic in R315-2-9(g), with EPA Hazardous Waste Number D004 through D017; and~~

~~(2)(i)(A) The monofill has at least one liner for which there is no evidence that the liner is leaking;~~

~~(B) The monofill is located more than one-quarter mile from an underground source of drinking water, as that term is defined in 40 CFR 144.3; and~~

~~(C) The monofill is in compliance with applicable groundwater monitoring requirements for facilities with permits; or~~

~~(ii) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituents into groundwater or surface water at any future time.~~

~~(e) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of R315-7-21.2(a) and in good faith compliance with R315-7-21.2(a) and with guidance documents governing liners and leachate collection systems under R315-7-21.2(a), no liner or leachate collection system which is different from that which was so installed pursuant to R315-7-21.2(a) will be required for the unit by the Director when issuing the first permit to the facility, except that the Director will not be precluded from requiring installation of a new liner when the Director has reason to believe that any liner installed pursuant to the requirements of R315-7-21.10(a) is leaking.~~

~~(f) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.~~

~~(g) The owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.~~

~~(h) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.~~

~~(i) The owner or operator of a landfill containing hazardous waste which is subject to dispersal by wind shall cover or otherwise manage the landfill so that wind dispersal of the hazardous waste is controlled.~~

~~As required by R315-7-9.4, which incorporates by reference 40 CFR 265.13, the waste analysis plan shall include analysis needed to comply with R315-7-21.5 and R315-7-21.6. As required by R315-7-12.4, which incorporates by reference 40 CFR 265.73, the owner or operator shall place the results of these analyses in the operating record.~~

~~21.3 SURVEYING AND RECORDKEEPING~~

~~The owner or operator of a landfill shall maintain the following items in the operating record required in R315-7-12.4, which incorporates by reference 40 CFR 265.73:~~

~~(a) On a map, the exact location and dimension, including depth, of each cell with respect to permanently surveyed benchmarks; and~~

~~(b) The contents of each cell and the approximate location of~~

~~each hazardous waste type within each cell.~~

~~21.4 CLOSURE AND POST-CLOSURE CARE~~

~~(a) At final closure of the landfill or upon closure of any cell, the owner or operator shall cover the landfill or cell with a final cover designed and constructed to:~~

~~(1) Provide long-term minimization of migration of liquids through the closed landfill;~~

~~(2) Function with minimum maintenance;~~

~~(3) Promote drainage and minimize erosion or abrasion of the cover;~~

~~(4) Accommodate settling and subsidence so that the cover's integrity is maintained; and~~

~~(5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.~~

~~(b) After final closure, the owner or operator shall comply with all post-closure requirements contained in R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120, including maintenance and monitoring throughout the post-closure care period. The owner or operator shall:~~

~~(1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events.~~

~~(2) Maintain and monitor the leak detection system in accordance with R315-8-14.2(c)(3)(iv) and (4) and R315-7-21.12(b), and comply with all other applicable leak detection system requirements of R315-7;~~

~~(3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of R315-7-13;~~

~~(4) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and~~

~~(5) Protect and maintain surveyed benchmarks used in complying with R315-7-21.3.~~

~~21.5 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~(a) Except as provided in R315-7-21.5(b) and in 7.21.9, ignitable or reactive waste shall not be placed in a landfill, unless the waste and landfill meet all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, and:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) and (f).~~

~~(2) Section R315-7-9.8 is complied with.~~

~~(b) Except for prohibited wastes which remain subject to treatment standards in R315-13, which incorporates by reference 40 CFR 268 subpart D, ignitable wastes in containers may be landfilled without meeting the requirements of R315-7-21.5(a), provided that the wastes are disposed of in a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes shall be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; shall be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and shall not be disposed of in cells that contain or will contain other wastes which may generate~~

~~heat sufficient to cause ignition of the waste.~~

~~21.6 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~Incompatible wastes, or incompatible wastes and materials, see 40 CFR 265, Appendix V for examples, shall not be placed in the same landfill cell, unless R315-7-9.8(b) is complied with.~~

~~21.7 SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS~~

~~(a) Bulk or non-containerized liquid waste or waste containing free liquids may be placed in a landfill prior to May 8, 1985, only if;~~

~~(1) The landfill has a liner and leachate collection and removal system that meets the requirements of R315-8-14.2(a); or~~

~~(2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized chemically or physically, e.g., by mixing with a sorbent solid, so that free liquids are no longer present.~~

~~(b) Effective May 8, 1985, the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited.~~

~~(c) Containers holding free liquids must not be placed in a landfill unless:~~

~~(1) All free-standing liquid~~

~~(i) has been removed by decanting, or other methods,~~

~~(ii) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or~~

~~(iii) had been otherwise eliminated; or~~

~~(2) The container is very small, such as an ampule; or~~

~~(3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or~~

~~(4) The container is a lab pack as defined in R315-7-21.8 and is disposed of in accordance with R315-7-21.9.~~

~~(d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095, Paint Filter Liquids Test as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." EPA Publication No. SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2.~~

~~(e) The date of compliance with R315-7-21.7(a) is November 19, 1981. The date for compliance with R315-7-21.7(c) is March 22, 1982.~~

~~(f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in R315-7-21.7(f)(1); materials that pass one of the tests in R315-7-21.7(f)(2); or materials that are determined by EPA to be nonbiodegradable through the R315-2-16, which incorporates by reference 40 CFR 260.22, petition process.~~

~~(1) Nonbiodegradable sorbents.~~

~~(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, polysobutylene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers. This does not include polymers derived from biological material or polymers specifically designed to be degradable; or~~

~~(iii) Mixtures of these nonbiodegradable materials.~~

~~(2) Tests for nonbiodegradable sorbents.~~

~~(i) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or~~

~~(ii) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria.~~

~~(iii) The sorbent material is determined to be non-biodegradable under OECD test 301B, CO2 Evolution, Modified Sturm Test.~~

~~(g) Effective November 8, 1985, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of the landfill demonstrates to the Director that;~~

~~(1) The only reasonably available alternative to the placement in the landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain hazardous waste; and~~

~~(2) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water, as that term is defined in 40 CFR 144.3.~~

~~21.8 SPECIAL REQUIREMENTS FOR CONTAINERS~~

~~Unless they are very small, such as an ampule, containers must be either:~~

~~(a) At least 90 percent full when placed in the landfill; or~~

~~(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.~~

~~21.9 DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS, LAB PACKS~~

~~Small containers of hazardous waste in overpacked drums, lab packs may be placed in a landfill if the following requirements are met:~~

~~(a) Hazardous waste shall be packaged in non-leaking inside containers. The inside containers shall be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers shall be tightly and securely sealed. The inside containers shall be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations, 49 CFR parts 173, 178, and 179, if those regulations specify particular inside container for the waste.~~

~~(b) The inside container shall be overpacked in an open head DOT specification metal shipping container, 49 CFR parts 178 and 179, of no more than 416-liter, 110 gallon, capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be~~

~~nonbiodegradable in accordance with R315-7-21.7(f), to completely sorb all of the liquid contents of the inside containers. The metal outer container shall be full after it has been packed with inside containers and sorbent material.~~

~~(c) The sorbent material used shall not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with R315-7-9.8(b).~~

~~(d) Incompatible wastes, as defined in R315-1 shall not be placed in the same outside container.~~

~~(e) Reactive waste, other than cyanide or sulfide-bearing waste as defined in R315-2-9(f)(v) shall be treated or rendered non-reactive prior to packaging in accordance with R315-7-21.9(a) through (d). Cyanide and sulfide-bearing reactive waste may be packaged in accordance with R315-7-21.9(a) through (d) without first being treated or rendered non-reactive.~~

~~(f) Such disposal is in compliance with the requirements of R315-13, which incorporates by reference 40 CFR 268. Persons who incinerate lab packs according to the requirements in 40 CFR 268.42(c)(1) may use fiber drums in place of metal outer containers. The fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements in R315-7-21.9(b).~~

~~21.10 ACTION LEAKAGE RATE~~

~~(a) The owner or operator of landfill units subject to R315-7-21.2(a) shall submit a proposed action leakage rate to the Director when submitting the notice required under R315-7-21.2(b). Within 60 days of receipt of the notification, the Director will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Director before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator.~~

~~(b) The Director shall approve an action leakage rate for surface impoundment units subject to R315-7-21.2(a). The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.~~

~~(c) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly or monthly flow rate from the monitoring data obtained under R315-7-21.12 to an average daily flow rate, gallons per acre per day, for each sump. Unless the Director approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period, and monthly during the post-closure care period when monthly monitoring is required under R315-7-21.12(b).~~

~~21.11 RESPONSE ACTIONS~~

~~(a) The owner or operator of landfill units subject to R315-7-21.2(a) shall submit a response action plan to the Director when submitting the proposed action leakage rate under R315-7-21.10. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in R315-7-21.11(b).~~

~~(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:~~

~~(1) Notify the Director in writing of the exceedence within seven days of the determination;~~

~~(2) Submit a preliminary written assessment to the Director within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;~~

~~(3) Determine to the extent practicable the location, size, and cause of any leak;~~

~~(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;~~

~~(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and~~

~~(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Director the results of the analyses specified in R315-7-21.11(b)(3)-(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Director a report summarizing the results of any remedial actions taken and actions planned.~~

~~(c) To make the leak and/or remediation determinations in R315-7-21.11(b)(3)-(5), the owner or operator shall:~~

~~(1)(i) Assess the source of liquids and amounts of liquids by source,~~

~~(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and~~

~~(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or~~

~~(2) Document why such assessments are not needed.~~

~~21.12 MONITORING AND INSPECTION~~

~~(a) An owner or operator required to have a leak detection system under R315-7-21.2(a) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.~~

~~(b) After the final cover is installed, the amount of liquids removed from each leak detection system sump shall be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps shall be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps shall be recorded at least~~

~~semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator shall return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.~~

~~(c) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Director based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump. The timing for submission and approval of the proposed "pump operating level" will be in accordance with R315-7-21.10(a).~~

**~~R315-7-22. Incinerators.~~**

~~22.1 INCINERATORS APPLICABILITY~~

~~(a) R315-7-22 applies to owners or operators of facilities that incinerate hazardous waste, except as R315-7-8.1 provides otherwise.~~

~~(b) Integration of the MACT standards.~~

~~(1) Except as provided by R315-7-22.1(b)(2) and (3), the standards of R315-7 no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under R307-214-2, which incorporates by reference 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with the requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE.~~

~~(2) The following requirements continue to apply even where the owner or operator has demonstrated compliance with the MACT requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE: R315-7-22.5 (closure) and the applicable requirements of R315-7-8 through R315-7-15 , R315-7-27, and R315-7-30.~~

~~(3) R315-7-22.2 generally prohibiting burning of hazardous waste during startup and shutdown remains in effect if you elect to comply with R315-3-9(b)(1)(i) to minimize emissions of toxic compounds from startup and shutdown.~~

~~(c) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of R315-7-22, except R315-7-22.5, Closure, provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII, and the documentation is retained at the facility, if the waste to be burned is:~~

~~(1) Listed as a hazardous waste in R315-2-10 and R315-2-11, solely because it is ignitable, Hazard Code I, corrosive, Hazard Code C, or both; or~~

~~(2) Listed as a hazardous waste in R315-2-10 and R315-2-11, solely because it is reactive, Hazard Code R, for characteristics other than those listed in R315-2-9(b), and will not be burned when other hazardous wastes are present in the combustion zone; or~~

~~(3) A hazardous waste solely because it possesses the~~

~~characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under R315-2-9, or~~

~~(4) A hazardous waste solely because it possesses the reactivity characteristics described by R315-2-9(f)(i), (ii), (iii), (vi), (vii), or (viii), and will not be burned when other hazardous wastes are present in the combustion zone.~~

~~22.2 GENERAL OPERATING REQUIREMENTS~~

~~During start-up and shut-down of an incinerator, the owner or operator shall not feed hazardous waste unless the incinerator is at steady state, normal, conditions of operation, including steady state operating temperature and air flow.~~

~~22.3 WASTE ANALYSIS~~

~~In addition to the waste analyses required by R315-7-9.4, which incorporates by reference 40 CFR 265.13, the owner or operator shall sufficiently analyze any waste which he has not previously burned in his incinerator to enable him to establish steady state, normal, operating conditions, including waste and auxiliary fuel feed and air flow, and to determine the type of pollutants which might be emitted. At a minimum, the analysis shall determine:~~

~~(a) Heating value of the waste;~~

~~(b) Halogen content and sulfur content in the waste; and~~

~~(c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.~~

~~As required by R315-7-12.4, which incorporates by reference 40 CFR 265.73, the owner or operator shall place the results from each waste analysis, or the documented information, in the operating record of the facility.~~

~~22.4 MONITORING AND INSPECTIONS~~

~~The owner or operator shall conduct, at a minimum, the following monitoring and inspections when incinerating hazardous waste:~~

~~(a) Existing instruments which relate to combustion and emission control shall be monitored at least every 15 minutes. Appropriate corrections to maintain steady state combustion conditions shall be made immediately either automatically or by the operator. Instruments which relate to combustion and emission control would normally include those measuring waste feed, auxiliary fuel feed, air flow, incinerator temperature, scrubber flow, scrubber pH, and relevant level controls.~~

~~(b) The complete incinerator and associated equipment, pumps, valves, conveyors, pipes, etc., shall be inspected at least daily for leaks, spills and fugitive emissions, and all emergency shutdown controls and system alarms shall be checked to assure proper operation.~~

~~22.5 CLOSURE~~

~~At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues, including but not limited to ash, scrubber waters, and scrubber sludges from the incinerator. At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with R315-2-1, that any solid waste removed from his incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of these rules.~~

~~22.6 INTERIM STATUS INCINERATORS BURNING PARTICULAR HAZARDOUS WASTES~~

~~(a) Owners or operators of incinerators subject to R315-7-22 may burn EPA Hazardous Wastes F020, F021, F022, F023, F026, or F027 if they receive a certification from the Director that they can meet the performance standards of R315-8-15 when they burn these wastes.~~

~~(b) The following standards and procedures will be used in determining whether to certify an incinerator:~~

~~(1) The owner of operator will submit an application to the Director containing applicable information in R315-3 demonstrating that the incinerator can meet the performance standards in R315-8-15 when they burn these wastes.~~

~~(2) The Director will issue a tentative decision as to whether the incinerator can meet the performance standards in R315-8-15. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the jurisdiction where the incinerator is located. The Director will accept comment on the tentative decision for 60 days. The Director also may hold a public hearing upon request or at their discretion.~~

~~(3) After the close of the public comment period, the Director will issue a decision whether or not to certify the incinerator.~~

**~~R315-7-23. Thermal Treatment.~~**

~~23.1 THERMAL TREATMENT~~

~~The rules in this section apply to owners or operators of facilities that thermally treat hazardous waste in devices other than enclosed devices using controlled flame combustion, except as R315-7-8.1 provides otherwise. Thermal treatment in enclosed devices using controlled flame combustion is subject to the requirements of R315-7-22 if the unit is an incinerator, and R315-14-7, which incorporates by reference 40 CFR 266, subpart H, if the unit is a boiler or an industrial furnace as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10.~~

~~23.2 GENERAL OPERATING REQUIREMENTS~~

~~Before adding hazardous waste, the owner or operator shall bring his thermal treatment process to steady state, normal, conditions of operation--including steady state operating temperature--using auxiliary fuel or other means, unless the process is a non-continuous, batch, thermal treatment process which requires a complete thermal cycle to treat a discrete quantity of hazardous waste.~~

~~23.3 WASTE ANALYSIS~~

~~In addition to the waste analyses required by R315-7-9.4, which incorporates by reference 40 CFR 265.13, the owner or operator shall sufficiently analyze any waste which he has not previously treated in his thermal treatment process to enable him to establish steady state, normal, or in other appropriate, for a non-continuous process, operating conditions, including waste and auxiliary fuel feed, and to determine the type of pollutants which might be emitted. At a minimum, the analysis shall determine:~~

~~(a) Heating value of the waste;~~

~~(b) Halogen content and sulfur content in the waste; and~~

~~(c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the~~

~~element is not present. The owner or operator shall place the results from each waste analysis, or the documented information, in the operating record of the facility.~~

~~23.4 MONITORING AND INSPECTIONS~~

~~The owner or operator shall conduct, at a minimum, the following monitoring and inspections when thermally treating hazardous waste:~~

~~(a) Existing instruments which relate to temperature and emission control, if an emission control device is present, shall be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions shall be made immediately either automatically or by the operator. Instruments which relate to temperature and emission control would normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature, and relevant process flow and level controls.~~

~~(b) The stack plume, emissions, where present, shall be observed visually at least hourly for normal appearance, color and opacity. The operator shall immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.~~

~~(c) The complete thermal treatment process and associated equipment, pumps, valves, conveyor, pipes, etc., shall be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shutdown controls and system alarms shall be checked to assure proper operation.~~

~~23.5 CLOSURE~~

~~At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues, including, but not limited to, ash from thermal treatment process or equipment.~~

~~At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with R315-2-1, that any solid waste removed from his thermal treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of these rules.~~

~~23.6 OPEN BURNING; WASTE EXPLOSIVES~~

~~Open burning of hazardous waste is prohibited except for the open burning and detonation of waste explosives. Waste explosives include waste which has the potential to detonate and bulk military propellants which cannot safely be disposed of through other modes of treatment. Detonation is an explosion in which chemical transformation passes through the material faster than the speed of sound, 0.33 kilometers/second at sea level. Owners or operators choosing to open burn or detonate waste explosives shall do so in accordance with the following table and in a manner that does not threaten human health or the environment:~~

~~TABLE~~

| ~~Pounds of Waste Explosives or Propellants~~ | ~~Minimum Distance from Open Burning or Detonation to the Property of Others~~ |
|---|---|

| | |
|---|---|
| ~~0 - 100~~ | ~~204 meters (670 feet)~~ |
| ~~101 - 1,000~~ | ~~380 meters (1,250 feet)~~ |
| ~~1,001 - 10,000~~ | ~~530 meters (1,730 feet)~~ |
| ~~10,001 - 30,000~~ | ~~690 meters (2,260 feet)~~ |

~~23.7 INTERIM STATUS THERMAL TREATMENT DEVICES BURNING PARTICULAR HAZARDOUS WASTE~~

~~(a) Owners or operators of thermal treatment devices subject to R315-23 may burn EPA Hazardous Wastes F020, F021, F022, F023, F026, or F027 if they receive a certification from the Director that they can meet the performance standards of R315-8-15 when they burn these wastes.~~

~~(b) The following standards and procedures will be used in determining whether to certify a thermal treatment unit:~~

~~(1) The owner or operator will submit an application to the Director containing the applicable information in R315-3 demonstrating that the thermal treatment unit can meet the performance standard in R315-8-15 when they burn these wastes.~~

~~(2) The Director will issue a tentative decision as to whether the thermal treatment unit can meet the performance standards in R315-8-15. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the jurisdiction where the thermal treatment device is located. The Director will accept comment on the tentative decision for 60 days. The Director also may hold a public hearing upon request or at their discretion.~~

~~(3) After the close of the public comment period, the Director will issue a decision whether or not to certify the thermal treatment unit.~~

**~~R315-7-24. Chemical, Physical, and Biological Treatment.~~**

~~24.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of facilities which treat hazardous wastes by chemical, physical, or biological methods in other than tanks, surface impoundments, and land treatment facilities, except as R315-7-8.1 provides otherwise. Chemical, physical, and biological treatment of hazardous waste in tanks, surface impoundments, and land treatment facilities shall be conducted in accordance with R315-7-17, which incorporates by reference 40 CFR 265.190 - 265.201, R315-7-18, and R315-7-20, respectively.~~

~~24.2 GENERAL OPERATING REQUIREMENTS~~

~~(a) Chemical, physical, or biological treatment of hazardous waste shall comply with R315-7-9.8(b).~~

~~(b) Hazardous wastes or treatment reagents shall not be placed in the treatment process or equipment if they could cause the treatment process to rupture, leak, corrode, or otherwise fail before the end of its intended life.~~

~~(c) Where hazardous waste is continuously fed into a treatment process or equipment, the process or equipment shall be equipped with a means to stop this inflow, e.g., a waste feed cut-off system or bypass system to a standby containment device. These systems are intended to be used in the event of a malfunction in the treatment process or equipment.~~

~~24.3 WASTE ANALYSIS AND TRIAL TESTS~~

~~(a) In addition to the waste analysis required by R315-7-9.4, which incorporates by reference 40 CFR 265.13, whenever:~~

~~(1) A hazardous waste which is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment, or~~

~~(2) A substantially different process than any previously used at the facility is to be used to chemically treat hazardous waste;~~

~~The owner or operator shall, before treating the different waste or using the different process or equipment:~~

~~(i) Conduct waste analyses and trial treatment tests, e.g., bench scale or pilot plant scale tests; or~~

~~(ii) Obtain written, documented information on similar treatment of similar waste under similar operating conditions; to show that this proposed treatment will meet all applicable requirements of R315-7-24.2(a) and (b).~~

~~The owner or operator shall place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.~~

~~24.4 INSPECTIONS~~

~~The owner or operator of a treatment facility shall inspect, where present:~~

~~(a) Discharge control and safety equipment, e.g., waste feed cut-off systems, bypass systems, drainage systems, and pressure relief systems, at least once each operating day, to ensure that it is in good working order;~~

~~(b) Data gathered from monitoring equipment, e.g., pressure and temperature gauges, at least once each operating day, to ensure that the treatment process or equipment is being operated according to its design.~~

~~(c) The construction materials of the treatment process or equipment, at least weekly, to detect corrosion or leaking of fixtures or seams, and~~

~~(d) The construction materials of, and the area immediately surrounding, discharge confinement structures, e.g., dikes, at least weekly, to detect erosion or obvious signs of leakage, e.g., wet spots or dead vegetation.~~

~~24.5 CLOSURE~~

~~At closure, all hazardous waste and hazardous waste residues shall be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with R315-2-1, that any solid waste removed from his treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of these rules.~~

~~24.6 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~(a) Ignitable or reactive waste shall not be placed in a treatment process or equipment unless:~~

~~(1) The waste is treated, rendered, or mixed before or immediately after placement in the treatment process or equipment so that;~~

~~(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) and (f), and~~

~~(ii) R315-7-9.8(b) is complied with; or~~

~~(2) The waste is treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react.~~

~~24.7 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~(a) Incompatible wastes, or incompatible wastes and materials, see 40 CFR 265, Appendix V for examples, shall not be placed in the same treatment process or equipment, unless R315-7-9.8(b) is complied with.~~

~~(b) Hazardous waste shall not be placed in unwashed treatment equipment which previously held an incompatible waste or material, unless R315-7-9.8(b) is complied with.~~

**~~R315-7-25. Underground Injection.~~**

~~25.1 APPLICABILITY~~

~~Except as R315-7-8.1 provides otherwise:~~

~~(a) The owner or operator of a facility which disposes of hazardous waste by underground injection is excluded from the requirements of R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120 and R315-7-15, which incorporates by reference 40 CFR 265.140 - 265.150.~~

~~(b) The requirements of this section apply to owners and operators of wells used to dispose of hazardous waste which are classified as Class I under 40 CFR 144.6(a) and which are classified as Class IV under 40 CFR 144.6(d).~~

**~~R315-7-26. Air Emission Standards for Process Vents.~~**

~~The requirements of 40 CFR subpart AA sections 265.1030 through 265.1035, 1997 ed., as amended by 62 FR 64636, December 8, 1997, are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator."~~

**~~R315-7-27. Air Emission Standards for Equipment Leaks.~~**

~~The requirements of 40 CFR subpart BB sections 265.1050 through 265.1064, 2004 ed., are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator."~~

**~~R315-7-28. Drip Pads.~~**

~~The requirements of 40 CFR subpart W sections 265.440 through 265.445, 1996 ed., are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator".~~

~~(2) Add, following December 6, 1990, in 40 CFR 264.570(a), "for all HSWA drip pads or January 31, 1992 for all non-HSWA drip pads."~~

~~(3) Add, following December 24, 1992, in 40 CFR 570(a), "for all HSWA drip pads or July 30, 1993 for all non-HSWA drip pads."~~

~~**R315-7-29. Containment Buildings.**~~

~~The requirements of subpart DD sections 265.1100 through 265.1102, as found in 57 FR 37194, August 18, 1992, are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director of the Division of Solid and Hazardous Waste" for all federal regulation references made to "Regional Administrator."~~

~~**R315-7-30. Air Emission Standards for Tanks, Surface Impoundments, and Containers.**~~

~~The requirements as found in 40 CFR subpart CC, sections 265.1080 through 265.1091, 1998 ed., as amended by as amended by 64 FR 3382, January 21, 1999, are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator."~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~
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~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-8.~~** ~~Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.~~

**~~R315-8-1. Purpose, Scope and Applicability.~~**

~~(a) The purpose of R315-8 is to establish minimum State of Utah standards which define the acceptable management of hazardous waste.~~

~~(b) The standards in R315-8 apply to owners and operators of all facilities which treat, store, or dispose of hazardous waste, except as specifically provided otherwise in R315-8 or R315-2.~~

~~(c) The requirements of R315-8 apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued under the Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act only to the extent they are required by R315-3. R315-8 applies to the above-ground treatment or storage of hazardous waste before it is injected underground.~~

~~(d) The requirements of R315-8 apply to the owner or operator of a POTW which treats, stores, or disposes of hazardous waste only to the extent they are included in a RCRA permit by rule granted to such a person under R315-3.~~

~~(e) The requirements of R315-8 do not apply to:~~

~~(1) The owner or operator of a state approved facility managing municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under R315-2-5, conditionally exempt small quantity generator exemption;~~

~~(2) A generator accumulating waste on-site in compliance with R315-5-3.34, which incorporates by reference 40 CFR 262.34;~~

~~(3) A farmer disposing of waste pesticides from his own use in compliance with R315-5-7;~~

~~(4) The owner or operator of a totally enclosed treatment facility. A totally enclosed treatment facility is a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment;~~

~~(5) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of R315-5-3.30 at a transfer facility for a period of ten days or less;~~

~~(6)(i) Except as provided in R315-8-1(e)(6)(ii), a person engaged in treatment or containment activities during immediate response to any of the following situations:~~

~~(A) A discharge of a hazardous waste;~~

~~(B) An imminent and substantial threat of a discharge of hazardous waste; and~~

~~(C) A discharge of a material which, when discharged, becomes a hazardous waste.~~

~~(ii) An owner or operator of a facility otherwise regulated by R315-8 shall comply with all applicable requirements of R315-8-3 and R315-8-4.~~

~~(iii) Any person who is covered by R315-8-1(e)(6)(i), and who~~

~~continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of R315-8 and R315-3 for those activities.~~

~~(iv) In the case of an explosives or munitions emergency response, if a State or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.~~

~~(7) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes, other than the D001 High TOC Subcategory defined in R315-13, which incorporates by reference 40 CFR 268.40, or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator shall comply with the requirements set out in R315-8-2.8(b);~~

~~(8) The addition of absorbent material to waste in a container, as defined in R315-1, or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and R315-8-2.8(b), R315-8-9.2, and R315-8-9.3 are complied with;~~

~~(9) The owner or operator of a facility managing recyclable materials described in R315-2-6, which incorporates by reference 40 CFR 261.6, except to the extent that they are referred to in R315-15 or R315-14-2, which incorporates by reference 40 CFR 266 subpart C, R315-14-5, which incorporates by reference 40 CFR 266 subpart F, R315-14-6, which incorporates by reference 40 CFR 266 subpart G, and R315-14-7, which incorporates by reference 40 CFR 266 subpart H; and~~

~~(10) Universal waste handlers and universal waste transporters (as defined in R315-16-1.9), handling the wastes listed below. These handlers are subject to regulation under R315-16, when handling the below listed universal wastes:~~

~~(i) Batteries as described in R315-16-1.2;~~

~~(ii) Pesticides as described in R315-16-1.3;~~

~~(iii) Mercury-containing equipment as described in R315-16-1.4; and~~

~~(iv) Mercury lamps as described in R315-16-1.5.~~

~~(f) The requirements of this rule apply to owners or operators of all facilities which treat, store, or dispose of hazardous waste referred to in R315-13, which incorporates by reference 40 CFR 268.~~

~~(g) The requirements of R315-8-2 through 8-4 and R315-8-6.12 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional hazardous waste permit because the facility is also treating, storing or disposing of hazardous wastes that are~~

~~not remediation wastes. In these cases, R315-8-2 through 8-4 and R315-8-6.12 do apply to the facility subject to the traditional hazardous waste permit). Instead of the requirements of R315-8-2 through 8-4, owners or operators of remediation waste management sites must:~~

~~(1) Obtain an EPA identification number by applying to the Division of Solid and Hazardous Waste using EPA Form 8700-12;~~

~~(2) Obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation waste to be managed at the site. At a minimum, the analysis must contain all of the information which must be known to treat, store, or dispose of the waste according to R315-13, which incorporates by reference 40 CFR 268, and R315-8, and must be kept accurate and up to date;~~

~~(3) Prevent people who are unaware of the danger from entering, and minimize the possibility for unauthorized people or livestock to enter onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate to the Director that:~~

~~(i) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and~~

~~(ii) Disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site, will not cause a violation of the requirements of R315-8;~~

~~(4) Inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately;~~

~~(5) Provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of R315-8, and on how to respond effectively to emergencies;~~

~~(6) Take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and prevent threats to human health and the environment from ignitable, reactive and incompatible waste;~~

~~(7) For remediation waste management sites subject to regulation under R315-8-9 through 8-15, and R315-8-16, which incorporates by reference 40 CFR 264.600 – 603, the owner/operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner/operator can meet the demonstration of R315-8-2.9(b);~~

~~(8) Not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave;~~

~~(9) Develop and maintain a construction quality assurance program for all surface impoundments, waste piles and landfill units~~

~~that are required to comply with R315-8-11.2(c) and (d), R315-8-12.2(c) and (d), and R315-8-14.2(c) and (d) at the remediation waste management site, according to the requirements of R315-8-2.10;~~

~~(10) Develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment;~~

~~(11) Designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;~~

~~(12) Develop, maintain and implement a plan to meet the requirements in R315-8-1(g)(2) through (g)(6) and R315-8-1(g)(9) through (g)(10); and~~

~~(13) Maintain records documenting compliance with R315-8-1(g)(1) through (g)(12).~~

~~1.1 RELATIONSHIP TO INTERIM STATUS STANDARDS~~

~~A facility owner or operator who has fully complied with the requirements for interim status--as defined in section 3005(e) of the Federal RCRA Act and regulations under R315-3-7.1 shall comply with the regulations specified in R315-7 in lieu of R315-8, until final administrative disposition of his permit application is made, except as provided under R315-8-21, which incorporates by reference 40 CFR 264.552 and 264.553.~~

**~~R315-8-2. General Facility Standards.~~**

~~2.1 APPLICABILITY~~

~~(a) The rules in this section apply to the owners or operators of all hazardous waste management facilities, except as provided otherwise in R315-8-1(e).~~

~~(b) R315-8-2.9(b) applies only to facilities subject to regulation under R315-8-9 through R315-8-15 and R315-8-16, which incorporates by reference 40 CFR 264.600 - 264.603.~~

~~2.2 IDENTIFICATION NUMBER~~

~~Every facility owner or operator shall obtain an EPA identification number by applying to the Director using EPA form 8700-12. Information on obtaining this number can be acquired by contacting the Utah Division of Solid and Hazardous Waste.~~

~~2.3 REQUIRED NOTICES~~

~~(a)(1) An owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Director in writing at least four weeks in advance of the expected date of arrival of these shipments at the facility. A 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 R315-5-8, which incorporates by reference 40 CFR 262, subpart H, shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Division of Solid and Hazardous Waste, P.O. Box 144880, Salt Lake City, Utah, 84114-4880; Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., 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) An owner or operator of a facility that receives hazardous waste from off-site, except when the owner or operator is also the generator, shall inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. A copy of this written notice shall be retained by the owner or operator as part of the operating record of waste received.~~

~~(c) 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 R315-8 and R315-3. An owner's or operator's failure to notify the new owner or operator of the requirements of R315-8 in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.~~

~~2.4 GENERAL WASTE ANALYSIS~~

~~The requirements as found in 40 CFR 264.13, 1996 ed., are adopted and incorporated by reference.~~

~~2.5 SECURITY~~

~~(a) A facility owner or operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of his facility, unless he can demonstrate to the Director that:~~

~~(1) Physical contact with the waste structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and~~

~~(2) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of R315-8-2.5.~~

~~An owner or operator who wishes to make the demonstration referred to above shall do so with the part B permit application.~~

~~(b) Unless the owner or operator has made a successful demonstration under R315-8-2.5(a)(1) and (a)(2), a facility shall have:~~

~~(1) A 24-hour surveillance system, e.g., television monitoring~~

~~or surveillance by guards or facility personnel, which continuously monitors and controls entry onto the active portion of the facility; or~~

~~(2)(i) An artificial or natural barrier, e.g., a fence in good repair or a fence combined with a cliff, which completely surrounds the active portion of the facility; and~~

~~(ii) A means to control entry at all times, through gates or other entrances to the active portion of the facility, e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility. The requirements of R315-8-2.5(b) are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, which complies with the requirements of R315-8-2.5(b)(1) or (2).~~

~~(c) Unless the owner or operator has made a successful demonstration under R315-8-2.5(a)(1) and (a)(2), a sign with the legend, "Danger - Unauthorized Personnel Keep Out", shall be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to the active portion. The legend shall be written in English and in any other language predominant in the area surrounding the facility and shall be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion is potentially dangerous. Owners or operators are encouraged to also describe in the sign the type of hazard, e.g., hazardous waste, flammable wastes, etc. contained within the active portion of the facility. See R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, for discussion of security requirements during the post-closure care period.~~

~~2.6 GENERAL INSPECTION REQUIREMENTS~~

~~(a) Facility owners or operators shall inspect their facilities for malfunctions and deterioration, operator errors, and discharges, which may be causing or may lead to release of hazardous waste constituents to the environment or pose a threat to human health. These inspections shall be conducted frequently enough to identify problems in time to take corrective action before they harm human health or the environment.~~

~~(b)(1) Facility owners or operators shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment, such as dikes and sump pumps, that are important to preventing, detecting, or responding to environmental or human health hazards.~~

~~(2) The schedule shall be kept at the facility.~~

~~(3) The schedule shall identify the types of problems, e.g., malfunctions or deterioration, which are to be looked for during the inspection, for example, inoperative sump pump, leaking fitting, eroding dike, etc.~~

~~(4) The frequency of the inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental~~

~~or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when they are in use. At a minimum, the inspection schedule shall include the items and frequencies called for in R315-8-9.5, R315-8-10, which incorporates by reference 40 CFR 264.190 - 264.199, R315-8-11.3, R315-8-12.3, R315-8-13.6, R315-8-14.3, R315-8-15.7, R315-8-16, which incorporates by reference 40 CFR 264.600 - 264.603, R315-8-17, which incorporates by reference 40 CFR 264.1030 - 264.1036, R315-8-18, which incorporates by reference 40 CFR 264.1050 - 264.1065, and R315-8-22, which incorporates by reference 40 CFR 264.1083 through 264.1089.~~

~~(c) The owner or operator shall make any repairs, or take other remedial action, on a time schedule which ensures that any deterioration or malfunction discovered does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.~~

~~(d) The owner or operator shall keep records of inspections in an inspection log or summary. These records shall be retained for at least three years. At a minimum, these records shall include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs made or remedial actions taken.~~

~~2.7 PERSONNEL TRAINING~~

~~(a)(1) Facility personnel shall successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this section and that includes all the elements described in the document required under R315-8-2.7(d)(3).~~

~~(2) This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation relevant to the position in which they are employed.~~

~~(3) At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, but not necessarily limited to, the following, where applicable:~~

~~(i) Procedures for inspection, use, repair, and replacement of facility emergency and monitoring equipment;~~

~~(ii) Communications or alarm systems;~~

~~(iii) Key parameters for automatic waste feed cut-off systems;~~

~~(iv) Response to fires or explosions;~~

~~(v) Response to groundwater contamination incidents; and~~

~~(vi) Shutdown of operations.~~

~~(b) Facility personnel shall successfully complete the program required in R315-8-2.7(a) within six months after the effective date of these rules or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these rules shall not work in unsupervised positions until they have completed the training requirements of R315-8-2.7(a).~~

~~(c) Facility personnel shall take part in an annual review of~~

~~their initial training in both contingency procedures and the hazardous waste management procedures relevant to the positions in which they are employed.~~

~~(d) Owners or operators of facilities shall maintain the following documents and records and make them available upon request:~~

~~(1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;~~

~~(2) A written job description for each position listed under R315-8-2.7(d)(1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications and duties of employees assigned to each position;~~

~~(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under R315-8-2.7(d)(1);~~

~~(4) Records that document that the training or job experience required under R315-8-2.7(a), (b), and (c) has been given to, and completed by, facility personnel.~~

~~(e) Training records on current employees shall be maintained until closure of the facility; training records on former employees shall be retained for at least three years from the date the employee last worked at the facility. Employee training records may accompany personnel transferred within the same company.~~

~~2.8 GENERAL REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES~~

~~(a) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive wastes. These waste shall be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, static, electrical, or mechanical, spontaneous ignition, e.g., from heat-producing chemical reactions, and radiant heat. While ignitable or reactive waste is being handled, the owner or operator shall confine smoking and open flame to specially designated locations. "No Smoking" signs shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.~~

~~(b) Where specifically required by other sections of R315-8, the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, shall take precautions to prevent reactions which:~~

~~(1) Generate extreme heat or pressure, fire or explosion, or violent reactions;~~

~~(2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;~~

~~(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;~~

~~(4) Damage the structural integrity of the device or facility;~~

~~(5) Through other like means threaten human health or the environment.~~

~~(c) When required to comply with R315-8-2.8, the owner or~~

~~operator shall document that compliance. This documentation may be based on references to published scientific or engineering literature, date from trial tests, e.g., bench scale or pilot scale tests, waste analyses as specified in R315-8-2.4, which incorporates by reference 40 CFR 264.13, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.~~

~~2.9 LOCATION STANDARDS~~

~~(a) Seismic considerations.~~

~~(1) Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted shall not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time. For definition of terms used in this section see R315-1. Procedures for demonstrating compliance with this standard in part B of the permit application are specified in R315-3 specifically in R315-3-2.5. Facilities which are located in political jurisdictions other than those listed in R315-50-11 are assumed to be in compliance with this requirement.~~

~~(b) Floodplains.~~

~~(1) A facility located in a 100-year floodplain shall be designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can demonstrate to the Director's satisfaction that:~~

~~(i) Procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to flood waters; or~~

~~(ii) For existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:~~

~~(A) The volume and physical and chemical characteristics of the waste in the facility;~~

~~(B) The concentration of hazardous constituents that would potentially affect surface waters as a result of washout;~~

~~(C) The impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and~~

~~(D) The impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout. The location where wastes are moved shall be a facility which is either permitted by EPA or has a permit in accordance with R315-3.~~

~~(2) As used in R315-8-2.9(b)(1):~~

~~(i) "100-year floodplain" means any land area which is subject to a one percent or greater chance of flooding in any given year from any source;~~

~~(ii) "Washout" means the movement of hazardous waste from the active portion of the facility as a result of flooding;~~

~~(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.~~

~~(c) Salt dome formations, salt bed formations, underground mines and caves.~~

~~The placement of any non-containerized or bulk liquid hazardous wastes in any salt dome formation, salt bed formation, underground mine~~

~~or cave is prohibited, except for the Department of Energy Waste Isolation Pilot Project in New Mexico.~~

~~2.10 CONSTRUCTION QUALITY ASSURANCE PROGRAM~~

~~(a) CQA program. (1) A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with R315-8-11.2(c) and (d), R315-8-12.2(c) and (d), and R315-8-14.2(c) and (d). The program shall ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program shall be developed and implemented under the direction of a CQA officer who is a registered professional engineer.~~

~~(2) The CQA program shall address the following physical components, where applicable:~~

~~(i) Foundations;~~

~~(ii) Dikes;~~

~~(iii) Low-permeability soil liners;~~

~~(iv) Geomembranes, flexible membrane liners;~~

~~(v) Leachate collection and removal systems and leak detection systems; and~~

~~(vi) Final cover systems.~~

~~(b) Written CQA plan. The owner or operator of units subject to the CQA program under R315-8-2.10(a) shall develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan shall include:~~

~~(1) Identification of applicable units, and a description of how they will be constructed.~~

~~(2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.~~

~~(3) A description of inspection and sampling activities for all unit components identified in R315-8-2.10(a)(2), including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description shall cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under R315-8-5.3.~~

~~(c) Contents of program. (1) The CQA program shall include observations, inspections, tests, and measurements sufficient to ensure:~~

~~(i) Structural stability and integrity of all components of the unit identified in R315-8-2.10(a)(2);~~

~~(ii) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components, e.g., pipes, according to design specifications;~~

~~(iii) Conformity of all materials used with design and other material specifications under R315-8-11.2, R315-8-12.2, and R315-8-14.2.~~

~~(2) The CQA program shall include test fills for compacted soil~~

~~liners, using the same compaction methods as in the full scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of R315-8-11.2(c)(1)(i)(B), R315-8-12.2(c)(1)(i)(B), and R315-8-14.2(c)(1)(i)(B) in the field. Compliance with the hydraulic conductivity requirements shall be verified by using in-situ testing on the constructed test fill. The Director may accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of R315-8-11.2(c)(1)(i)(B), R315-8-12.2(c)(1)(i)(B), and R315-8-14.2(c)(1)(i)(B) in the field.~~

~~(d) Certification. Waste shall not be received in a unit subject to R315-8-2.10 until the owner or operator has submitted to the Director by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of R315-8-11.2(c) or (d), R315-8-12.2(c) or (d), or R315-8-14.2(c) or (d); and the procedure in R315-3-3.1(l)(2)(ii) has been completed. Documentation supporting the CQA officer's certification shall be furnished to the Director upon request.~~

**~~R315-8-3. Preparedness and Prevention.~~**

~~3.1 APPLICABILITY~~

~~The regulations in this section apply to the owners or operators of all hazardous waste management facilities, except as provided otherwise in R315-8-1.~~

~~3.2 DESIGN AND OPERATION OF FACILITY~~

~~Facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten the environment or human health.~~

~~3.3 REQUIRED EQUIPMENT~~

~~All facilities shall be equipped with the following, unless it can be demonstrated to the Director that there are no hazards at the facility which could require a particular kind of equipment specified below:~~

~~(a) An internal communications or alarm system capable of providing immediate emergency instruction, voice or signal, to facility employees;~~

~~(b) A device capable of summoning external emergency assistance from local law enforcement agencies, fire departments, or State or local emergency response teams, such as a telephone, immediately available at the scene of operations, or a hand-held two-way radio;~~

~~(c) Portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, discharge control equipment, and decontamination equipment; and~~

~~(d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems. This demonstration shall be made with the part B permit application.~~

~~3.4 TESTING AND MAINTENANCE OF EQUIPMENT~~

~~All facility communications or alarm systems, fire protection equipment, safety equipment, discharge control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency.~~

~~3.5 ACCESS TO COMMUNICATIONS OR ALARM SYSTEM~~

~~(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all employees involved in the operation shall have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Director has ruled that this type of a device is not required under R315-8-3.3.~~

~~(b) If there is just one employee on the premises while the facility is operating, he shall have immediate access to a device capable of summoning external emergency assistance, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, unless the Director has ruled that this type of a device is not required under R315-8-3.3.~~

~~3.6 REQUIRED AISLE SPACE~~

~~The facility owner or operator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, discharge control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the Director that aisle space is not needed for any of these purposes. This demonstration shall be made with the part B permit application.~~

~~3.7 ARRANGEMENTS WITH LOCAL AUTHORITIES~~

~~(a) The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:~~

~~(1) Arrangements to familiarize law enforcement agencies, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;~~

~~(2) Where more than one law enforcement agency and fire department might respond to an emergency, agreements designating primary emergency authority to a specific law enforcement agency and a specific fire department, and agreements with any others to provide support to the primary emergency authority;~~

~~(3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and~~

~~(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.~~

~~(b) Where State or local authorities decline to enter into these arrangements, the owner or operator shall document the refusal in the operating record.~~

**~~R315-8-4. Contingency Plan and Emergency Procedures.~~**

~~4.1 APPLICABILITY~~

~~The regulations in this section apply to the owners and operators of all hazardous waste management facilities, except as provided otherwise in R315-8-1(e).~~

~~4.2 PURPOSE AND IMPLEMENTATION OF CONTINGENCY PLAN~~

~~(a) Each owner or operator shall have a contingency plan for his facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water.~~

~~(b) The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or discharge of hazardous waste or hazardous waste constituents which could threaten the environment or human health.~~

~~4.3 CONTENT OF CONTINGENCY PLAN~~

~~(a) The plan shall describe the actions facility personnel shall take to comply with R315-8-4.2 and R315-8-4.7 in response to fires, explosions or any unplanned sudden or non-sudden discharge of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. If a facility owner or operator already has prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions sufficient to comply with the requirements of this section.~~

~~(b) The plan shall describe arrangements agreed to by local law enforcement agencies, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services pursuant to R315-8-3.7.~~

~~(c) The plan shall list names, addresses and phone numbers, office and home, of all persons qualified to act as facility emergency coordinator, see R315-8-4.6, and this list shall be kept up-to-date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they assume responsibility as alternates. For new facilities, this information shall be supplied to the Director before operations begin rather than at the time of submission of the plan.~~

~~(d) The plan shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, discharge control equipment, communications and alarm systems, internal and external, and decontamination equipment, where this equipment is required. This list shall be kept up-to-date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.~~

~~(e) The plan shall include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes, in cases where the primary routes could be blocked by discharges of hazardous waste or fires.~~

~~4.4 COPIES OF A CONTINGENCY PLAN~~

~~A copy of the contingency plan and all revisions to the plan shall~~

~~be:~~

~~(a) Maintained at the facility;~~

~~(b) Made available upon request; and~~

~~(c) Submitted to all local law enforcement agencies, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.~~

~~The contingency plan shall be submitted to the Director with part B of the permit application under R315-3 and after modification or approval will become a condition of any permit issued.~~

~~4.5 AMENDMENT OF CONTINGENCY PLAN~~

~~The contingency plan shall be reviewed, and immediately amended, if necessary, under any of the following circumstances:~~

~~(a) Revisions to the facility permit;~~

~~(b) Failure of the plan in an emergency;~~

~~(c) Changes in the facility design, construction, operation, maintenance, or other circumstances that materially increase the potential for fires, explosions, or discharges of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;~~

~~(d) Changes in the list of emergency coordinators; or~~

~~(e) Changes in the list of emergency equipment.~~

~~4.6 EMERGENCY COORDINATOR~~

~~At all times there shall be at least one employee either present on the facility premises or on call, i.e., available to respond to an emergency by reaching the facility within a short time period, with the responsibility for coordinating all emergency response measures. This facility emergency coordinator shall be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of manifests and all other records within the facility, and the facility layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in R315-8-4.7. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.~~

~~4.7 EMERGENCY PROCEDURES~~

~~(a) Whenever there is an imminent or actual emergency situation, the facility's emergency coordinator, or his designee when the emergency coordinator is on call, shall immediately:~~

~~(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and~~

~~(2) Notify appropriate State or local agencies with designated response roles whenever their assistance is needed.~~

~~(b) In the event of a discharge, fire, or explosion, the facility's emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any discharged materials. He may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.~~

~~(c) Concurrently, the facility's emergency coordinator shall assess possible hazards to the environment or human health that may result from the discharge, fire, or explosion. This assessment shall~~

~~consider both direct and indirect effects of the discharge, fire, or explosion, e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off or hazardous groundwater infiltration from water or chemical agents used to control fire and heat-induced explosions.~~

~~(d) The facility's emergency coordinator shall immediately report his assessment that the facility has had a discharge, fire, or explosion which could threaten human health, or the environment, outside the facility, as follows:~~

~~(1) If his assessment indicates that evacuation of local areas may be advisable, he shall immediately notify appropriate local authorities. He shall be available to assist appropriate officials in making the decision whether local areas should be evacuated; and~~

~~(2) He shall immediately notify both the Utah State Department of Environmental Quality as specified in R315-9 and the government official designated as the on-scene coordinator for that geographical area, in the applicable regional contingency plan, or the National Response Center (800/424-8802). The report shall include:~~

~~(i) Name and telephone number of reporter;~~

~~(ii) Name and address of facility;~~

~~(iii) Time and type of incident, e.g., discharge, fire;~~

~~(iv) Name and quantity of material(s) involved, to the extent available;~~

~~(v) The extent of injuries, if any; and~~

~~(vi) The possible hazards to human health, or the environment, outside the facility.~~

~~(e) During an emergency, the facility's emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and discharges do not occur, recur, or spread to other hazardous waste at the facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing discharged waste, and removing or isolating containers.~~

~~(f) If the facility stops operations in response to a discharge, fire, or explosion, the facility's emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.~~

~~(g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a discharge, fire, or explosion at the facility. The recovered material shall be handled and managed as a hazardous waste unless it is analyzed and determined not to be, using the procedures specified in R315-2.~~

~~(h) The facility's emergency coordinator shall ensure that, in the affected area(s) of the facility:~~

~~(1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and~~

~~(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.~~

~~(i) The facility owner or operator shall notify the Director and other appropriate State and local authorities, that the facility is in compliance with R315-8-4.7(h) before operations are resumed in the~~

~~affected area(s) of the facility.~~

~~(j) The facility owner or operator shall record in the operating record the time, date, and nature of any incident that requires implementing the contingency plan. Within 15 days after the incident, he shall submit a written report on the emergency to the Director. The report shall include:~~

~~(1) Name, address, and telephone number of the owner or operator;~~

~~(2) Name, address, and telephone number of the facility;~~

~~(3) Date, time, and type of incident, e.g., fire, discharge;~~

~~(4) Name and quantity of material(s) involved;~~

~~(5) The extent of injuries, if any;~~

~~(6) An assessment of actual or potential hazards to the environment or human health, where this is applicable; and~~

~~(7) Estimated quantity and disposition of recovered material that resulted from the incident.~~

**~~R315-8-5. Manifest System, Recordkeeping, and Reporting.~~**

~~5.1 APPLICABILITY~~

~~The rules in R315-8-5 apply to owners and operators of both on-site and off-site facilities, except as provided otherwise in R315-8-1. R315-8-5.2, R315-8-5.4, and R315-8-5.7 do not apply to owners and operators of on-site facilities that do not receive hazardous waste from off-site sources, nor to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 40 CFR 266.203(a). R315-8-5.3, which incorporates by reference 40 CFR 264.73(b) only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated.~~

~~5.2 USE OF MANIFEST SYSTEM~~

~~(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, shall sign and date the manifest as indicated in R315-8-5.2(a)(2) to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.~~

~~(2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator or his agent shall:~~

~~(i) Sign and date, by hand, each copy of the manifest;~~

~~(ii) Note any discrepancies in the manifest, as defined in R315-8-5.4(a), on each copy of the manifest;~~

~~(iii) Immediately give the transporter at least one copy of the signed manifest;~~

~~(iv) Within 30 days of the delivery, send a copy of the manifest to the generator; and~~

~~(v) Retain at the facility a copy of each manifest for at least three years from the date of delivery.~~

~~(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following addresses within 30 days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200~~

~~Pennsylvania Avenue, NW., Washington DC 20460 and Utah Division of Solid and Hazardous Waste, P O Box 144880, Salt Lake City, Utah 84114-4880.~~

~~(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, shall:~~

~~(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;~~

~~(2) Note any significant discrepancies, as defined in R315-8-5.4(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.~~

~~Comment: The Agency does not intend that the owner or operator of a facility whose procedures under R315-8-2.4, which incorporates by reference 40 CFR 264.13(c), include waste analysis shall perform that analysis before signing the shipping paper and giving it to the transporter. R315-8-5.4(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.~~

~~(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);~~

~~(4) Within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; and~~

~~Comment: R315-5-2.23(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).~~

~~(5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.~~

~~(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of R315-5.~~

~~Comment: The provisions of R315-5-3.34, which incorporates by reference 40 CFR 262.34, are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of R315-5-3.34, which incorporates by reference 40 CFR 262.34, only apply to owners or operators who are shipping hazardous waste which they generated at that facility.~~

~~(d) Within three working days of the receipt of a shipment subject to R315 -5-8, which incorporates by reference 40 CFR 262, subpart H, 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 St., SW., Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.~~

~~(c) A facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.~~

~~5.3 OPERATING RECORD~~

~~The requirements as found in 40 CFR 264.73, 2000 ed., are adopted and incorporated by reference.~~

~~5.4 MANIFEST DISCREPANCIES~~

~~(a) Manifest discrepancies are:~~

~~(1) Significant discrepancies (as defined by R315-8-5.4(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;~~

~~(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept; or~~

~~(3) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in R315-2-7(b).~~

~~(b) Significant discrepancies in quantity are: for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload; for bulk waste, variations greater than 10 percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.~~

~~(c) Upon discovering a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter, e.g., with telephone conversations. If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Director a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~

~~(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in R315-2-7(b), the facility shall consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within 60 days of the rejection or the container residue identification.~~

~~(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under R315-8-5.4, it must ensure that either the delivering transporter retains custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under R315-8-5.4(e) or (f).~~

~~(e) Except as provided in R315-8-5.4(e)(7), for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with R315-5-2.20(a) and the following instructions:~~

~~(1) Write the generator's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.~~

~~(2) Write the name of the alternate designated facility and the facility's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.~~

~~(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.~~

~~(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).~~

~~(5) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.~~

~~(6) Sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.~~

~~(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with R315-8-5.4(e)(1), (2), (3), (4), (5), and (6).~~

~~(f) Except as provided in R315-8-5.4(f)(7), for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with R315-5-2.20(a) and the following instructions:~~

~~(1) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest.~~

~~(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.~~

~~(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.~~

~~(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).~~

~~(5) Write the DOT description for the rejected load or the~~

~~residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.~~

~~(6) Sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked, and labeled and is in proper condition for transportation.~~

~~(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with R315-8-5.4(f)(1), (2), (3), (4), (5), (6), and (8).~~

~~(8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in R315-5-4.42(a)(1).~~

~~(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in R315-2-7(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.~~

~~5.5 AVAILABILITY, RETENTION, AND DISPOSITION OF RECORDS~~

~~(a) Records of waste disposal locations and quantities required to be maintained under R315-8-5.3, which incorporates by reference 40 CFR 264.73(b)(2) shall be submitted to the Director and local land authority upon closure of the facility.~~

~~(b) The retention period for all records required under this section is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.~~

~~(c) All records, including plans, required under R315-8 shall be furnished upon request, and made available at all reasonable times for inspection.~~

~~5.6 BIENNIAL REPORT~~

~~Owners or operators of facilities that treat, store, or dispose of hazardous waste shall prepare and submit a single copy of an biennial report to the Director by March 1 of each even numbered year. The biennial report shall be submitted on EPA form 8700-13B. The biennial report shall cover facility activities during the previous calendar year and shall include the following information:~~

~~(a) The EPA identification number, name, and address of the facility;~~

~~(b) The calendar year covered by the report;~~

~~(c) For off-site facilities, the EPA identification number of each hazardous waste generator from which a hazardous waste was received during the year; for imported shipments, the name and address of the foreign generator shall be given in the report;~~

~~(d) A description and the quantity of each hazardous waste received by the facility during the year. For off-site facilities, this information shall be listed by EPA identification number of each generator;~~

~~(e) The method(s) of treatment, storage, or disposal for each hazardous waste; and~~

~~(f) The most recent closure cost estimate under R315-8-8, which incorporates by reference 40 CFR 264. 140 - 264.151, and for disposal facilities, the most recent post-closure cost estimate under R315-8-8, which incorporates by reference 40 CFR 264.140 - 264.151; and~~

~~(g) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;~~

~~(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent the information is available for the years prior to 1984;~~

~~(i) The certification signed by the owner or operator of the facility or his authorized representative.~~

~~5.7 UNMANIFESTED WASTE REPORT~~

~~(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in R315-6-2.20(e)(2), and if the waste is not excluded from the manifest requirement of R315, then the owner or operator shall prepare and submit a letter to the Director within 15 days of the receipt of the waste. The unmanifested waste report shall include the following information:~~

~~(1) The EPA identification number, name, and address of the facility;~~

~~(2) The date of receipt of the waste;~~

~~(3) The EPA identification number, name and address of the generator and the transporter, if available;~~

~~(4) A description and the quantity of each unmanifested hazardous waste the facility received;~~

~~(5) The method of treatment, storage, or disposal for each hazardous waste;~~

~~(6) The certification signed by the owner or operator of the facility or his authorized representative; and~~

~~(7) A brief explanation of why the waste was unmanifested, if known.~~

~~5.8 ADDITIONAL REPORTS~~

~~In addition to the biennial and unmanifested waste reporting requirements described in R315-8-5.6 and R315-8, a facility owner operator shall also report the following to the Director:~~

~~(a) Discharges, fires, and explosions as specified in R315-8-4.7(j);~~

~~(b) Upon its request, all information as the Director may deem necessary to determine compliance with the requirements of R315-8;~~

~~(c) Facility closure as specified in R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120; and~~

~~(d) As otherwise required in R315-8-6, R315-8-11, R315-8-12, R315-8-13, R315-8-14, R315-8-17, which incorporates by reference 40 CFR 264-1030 - 264.1036, R315-8-18, which incorporates by reference 40 CFR 264.1050 - 264.1065, and R315-8-22, which incorporates by reference 40 CFR 264.1080 - 264.1090.~~

**~~R315-8-6. Groundwater Protection.~~**

~~6.1 APPLICABILITY~~

~~(a)(1) Except as provided in R315-8-6.1(b), R315-8-6 applies to owners or operators of facilities that treat, store or dispose of hazardous waste. The owner or operator shall satisfy the requirements identified in R315-8-6.1(a)(2) for all wastes, or constituents thereof, contained in solid waste management units at the facility, regardless of the time at which waste was placed in the units.~~

~~(2) All solid waste management units shall comply with the requirements in R315-8-6.12. A surface impoundment, waste pile, and land treatment unit or landfill that receives hazardous waste after July 26, 1982, hereinafter referred to as a "regulated unit", shall comply with the requirements of R315-8-6.2 through R315-8-6.11 in lieu of R315-8-6.12 for purposes of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of R315-8-6.12 apply to regulated units.~~

~~(3) Groundwater monitoring shall be required at non-land disposal facilities as determined to be necessary and appropriate by the Director.~~

~~(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under R315-8-6 if:~~

~~(1) The owner or operator is exempted under R315-8-1(e) or~~

~~(2) He operates a unit which the Director finds:~~

~~(i) Is an engineered structure.~~

~~(ii) Does not receive or contain liquid waste or waste containing free liquid.~~

~~(iii) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off.~~

~~(iv) Has both inner and outer layers of containment enclosing the waste.~~

~~(v) Has a leak detection system built into each containment layer.~~

~~(vi) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods, and~~

~~(vii) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.~~

~~(3) The Director finds pursuant to R315-8-13.11(d) that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of R315-8-13.9 has not shown a~~

~~statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this subpart during the post-closure care period; or~~

~~(4) The Director finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit, including the closure period and the post-closure care period specified under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120. This demonstration shall be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration.~~

~~(5) He designs and operates a waste pile in compliance with R315-8-12.1(c).~~

~~(c) The regulations under this section apply during the active life of the regulated unit, including the closure period. After closure of the regulated unit, the regulations in this section:~~

~~(1) Do not apply if the waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;~~

~~(2) Apply during the post-closure care period under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264-120, if the owner or operator is conducting a detection monitoring program under R315-8-6.9;~~

~~(3) Apply during the compliance period under R315-8-6.7 the owner is conducting a compliance monitoring program under R315-8-6.10 or a corrective action program under R315-8-6.11.~~

~~(d) Requirements in this section may apply to miscellaneous units when necessary to comply with R315-8-24, which incorporates by reference 40 CFR 264.601 - 264.603.~~

~~(e) The regulations of R315-8-6 apply to all owners and operators subject to the requirements of R315-3-1.1(e)(7), when the Director issues either a post-closure permit or an enforceable document, as defined in R315-3-1.1(e)(7), at the facility. When the Director issues an enforceable document, references in R315-8-6 to "in the permit" mean "in the enforceable document."~~

~~(f) The Director may replace all or part of the requirements of R315-8-6.2 through R315-8-6.11 applying to a regulated unit with alternative requirements for groundwater monitoring and corrective action for releases to groundwater set out in the permit, or in an enforceable document, as defined in R315-3-1.1(e)(7) where the Director determines that:~~

~~(1) The regulated unit is situated among solid waste management units, or areas of concern, a release has occurred, and both the regulated unit and one or more solid waste management unit(s), or areas of concern, are likely to have contributed to the release; and~~

~~(2) It is not necessary to apply the groundwater monitoring and corrective action requirements of R315-8-6.2 through R315-8-6.11 because alternative requirements will protect human health and the environment.~~

~~6.2 REQUIRED PROGRAMS~~

~~(a) Owners and operators subject to this section shall conduct a monitoring and response program as follows:~~

~~(1) Whenever hazardous constituents under R315-8-6.4, from a regulated unit are detected at the compliance point under R315-8-6.6, the owner or operator shall institute a compliance monitoring program under R315-8-6.10. Detected is defined as statistically significant evidence of contamination as described in R315-8-6.9(f);~~

~~(2) Whenever the groundwater protection standard under R315-8-6.3, is exceeded, the owner or operator shall institute a corrective action program under R315-8-6.11. "Exceeded" is defined as statistically significant evidence of increased contamination as described in R315-8-6.10(d);~~

~~(3) Whenever hazardous constituents under R315-8-6.4, from a regulated unit exceed concentration limits under R315-8-6.5 in groundwater between the compliance point under R315-8-6.6 and the downgradient facility property boundary, the owner or operator shall institute a corrective action program under R315-8-6.11; or~~

~~(4) In all other cases, the owner or operator shall institute a detection monitoring program under R315-8-6.9.~~

~~(b) The Director will specify in the facility permit the specific elements of the monitoring and response program. The Director may include one or more of the programs identified in R315-8-6.2(a) in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Director will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate this type of a program could be taken.~~

~~6.3 GROUNDWATER PROTECTION STANDARD~~

~~The owner or operator shall comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under R315-8-6.4 that are detected in the groundwater from a regulated unit do not exceed the concentration limits under R315-8-6.5 in the uppermost aquifer underlaying the waste management area beyond the point of compliance under R315-8-6.6 during the compliance period under R315-8-6.7. The Director will establish this groundwater protection standard in the facility permit when hazardous constituents have been detected in the groundwater.~~

~~6.4 HAZARDOUS CONSTITUENTS~~

~~(a) The Director will specify in the facility permit the hazardous constituents to which the groundwater protection standard of R315-8-6.3 applies. Hazardous constituents are constituents identified in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII, that have been detected in groundwater in the uppermost aquifer underlaying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Director has excluded them under paragraph 8.6.4(b).~~

~~(b) The Director will exclude an R315-50-10 constituent from the list of hazardous constituents specified in the facility permit if he finds that the constituent is not capable of posing a substantial~~

~~present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Director will consider the following:~~

~~(1) Potential adverse effects on groundwater quality, considering:~~

~~(i) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;~~

~~(ii) The hydrogeological characteristics of the facility and surrounding land;~~

~~(iii) The quantity of groundwater and the direction of groundwater flow;~~

~~(iv) The proximity and withdrawal rates of groundwater users;~~

~~(v) The current and future uses of groundwater in the area;~~

~~(vi) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;~~

~~(vii) The potential for health risks caused by human exposure to waste constituents;~~

~~(viii) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;~~

~~(ix) The persistence and permanence of the potential adverse effects; and~~

~~(2) Potential adverse effects on hydraulically-connected surface water quality, considering:~~

~~(i) The volume and physical and chemical characteristics of the waste in the regulated unit;~~

~~(ii) The hydrogeological characteristics of the facility and surrounding land;~~

~~(iii) The quantity and quality of groundwater and the direction of groundwater flow;~~

~~(iv) The patterns of rainfall in the region;~~

~~(v) The proximity of the regulated unit to surface waters;~~

~~(vi) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;~~

~~(vii) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;~~

~~(viii) The potential for health risks caused by human exposure to waste constituents;~~

~~(ix) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and~~

~~(x) The persistence and permanence of the potential adverse effects.~~

~~(c) In making any determination under R315-8-6.4(b) about the use of groundwater in the area around the facility, the Director will consider any identification of underground sources of drinking water.~~

~~6.5 CONCENTRATION LIMITS~~

~~(a) The Director will specify in the facility permit concentration limits in the groundwater for hazardous constituents established under R315-8-6.4. The concentration of a hazardous constituent:~~

~~(1) Shall not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit;~~

~~or~~

~~(2) For any of the constituents listed in Table 1, shall not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or~~

~~TABLE 1~~

~~Maximum Concentration of Constituents for Groundwater Protection~~

| ~~CONSTITUENT~~ | | ~~MAXIMUM CONCENTRATION(1)~~ |
|---|---|---|
| ~~Arsenic~~ | | ~~0.05~~ |
| ~~Barium~~ | | ~~1.0~~ |
| ~~Cadmium~~ | | ~~0.01~~ |
| ~~Chromium~~ | | ~~0.05~~ |
| ~~Lead~~ | | ~~0.05~~ |
| ~~Mercury~~ | | ~~0.002~~ |
| ~~Selenium~~ | | ~~0.01~~ |
| ~~Silver~~ | | ~~0.05~~ |
| ~~Endrin~~ | ~~(1,2,3,4,10,10-hexachloro-1, 7-epoxy-1,4,4a,5,6,7,8, 9a-octahydro-1, 4-endo, endo-5,8-dimethano naphthalene)~~ | ~~0.0002~~ |
| ~~Lindane~~ | ~~(1,2,3,4,5,6,-hexachlorocyclohexane, gamma isomer)~~ | ~~0.004~~ |
| ~~Methoxychlor~~ | ~~(1,1,1-Trichloro-2,2-bis (p-methoxyphenylethane)~~ | ~~0.1~~ |
| ~~Toxaphene~~ | ~~(C10H10C18, Technical chlorinated camphene, 67-69 percent chlorine)~~ | ~~0.005~~ |
| ~~2,4-D~~ | ~~(2,4-Dichlorophenoxyacetic acid)~~ | ~~0.1~~ |
| ~~2,4,5-TP Silvex~~ | ~~(2,4,5-Trichlorophenoxypropionic acid)~~ | ~~0.01~~ |

~~(1)Milligrams per liter~~

~~(3) Shall not exceed an alternate limit established by the Director under R315-8-6.5(b).~~

~~(b) The Director will establish an alternate concentration limit for a hazardous constituent if they find that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the Director will consider the following factors:~~

~~(1) Potential adverse effects on groundwater quality, considering:~~

~~(i) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;~~

~~(ii) The hydrogeological characteristics of the facility and surrounding land;~~

~~(iii) The quantity of groundwater and the direction of groundwater flow;~~

~~(iv) The proximity and withdrawal rates of groundwater users;~~

~~(v) The current and future uses of groundwater in the area;~~

~~(vi) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;~~

~~(vii) The potential for health risks caused by human exposure to waste constituents;~~

~~(viii) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;~~

~~(ix) The persistence and permanence of the potential adverse effects; and~~

~~(2) Potential adverse effects on hydraulically connected surface water quality, considering:~~

~~(i) The volume and physical and chemical characteristics of the waste in the regulated unit;~~

~~(ii) The hydrogeological characteristics of the facility and surrounding land;~~

~~(iii) The quantity and quality of groundwater, and the direction of groundwater flow;~~

~~(iv) The patterns of rainfall in the region;~~

~~(v) The proximity of the regulated unit to surface waters;~~

~~(vi) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;~~

~~(vii) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;~~

~~(viii) The potential for health risks caused by human exposure to waste constituents;~~

~~(ix) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and~~

~~(x) The persistence and permanence of the potential adverse effects.~~

~~(c) In making any determination under R315-8-6.5(b) about the use of groundwater in the area around the facility the Director will consider any identification of underground sources of drinking water.~~

~~6.6 POINT OF COMPLIANCE~~

~~(a) The Director will specify in the facility permit the point of compliance at which the groundwater protection standard of R315-8-6.3 applies and at which monitoring shall be conducted. The~~

~~point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlaying the regulated units.~~

~~(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.~~

~~(1) The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit.~~

~~(2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.~~

~~6.7 COMPLIANCE PERIOD~~

~~(a) The Director will specify in the facility permit the compliance period during which the groundwater protection standard of R315-8-6.3 applies. The compliance period is the number of years equal to the active life of the waste management area, including any waste management activity prior to permit and the closure period.~~

~~(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of R315-8-6.9.~~

~~(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in R315-8-6.7(a), the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of R315-8-6.3 has not been exceeded for a period of three consecutive years.~~

~~6.8 GENERAL GROUNDWATER MONITORING REQUIREMENTS~~

~~The owner or operator shall comply with the following requirements for any groundwater monitoring program developed to satisfy R315-8-6.9, R315-8-6.10, or R315-8-6.11:~~

~~(a) The groundwater monitoring system shall consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that:~~

~~(1) Represent the quality of background water that has not been affected by leakage from a regulated unit;~~

~~(i) A determination of background quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:~~

~~(A) hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; and~~

~~(B) Sampling at other wells will provide an indication of background groundwater quality that is representative or more representative than that provided by the upgradient wells;~~

~~(2) represent the quality of groundwater passing the point of compliance; and~~

~~(3) allow for the detection of contamination when hazardous waste or hazardous constituents have migrated from the waste management area to the uppermost aquifer.~~

~~(b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable detection and measurement at the compliance point of hazardous constituents from the regulated units~~

~~that have entered the groundwater in the uppermost aquifer.~~

~~(c) All monitoring wells shall be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing shall be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space, i.e., the space between the bore hole and well casing, above the sampling depth shall be sealed to prevent contamination of samples and the groundwater.~~

~~(d) The groundwater monitoring program shall include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program shall include procedures and techniques for:~~

~~(1) Sample collection;~~

~~(2) Sample preservation and shipment;~~

~~(3) Analytical procedures; and~~

~~(4) Chain of custody control.~~

~~(e) The groundwater monitoring program shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.~~

~~(f) The groundwater monitoring program shall include a determination of the groundwater surface elevation each time groundwater is sampled.~~

~~(g) In detection monitoring or where appropriate in compliance monitoring, data on each hazardous constituent specified in the permit will be collected from background wells and wells at the compliance point. The number and kinds of samples collected to establish background shall be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size should be as large as necessary to ensure with reasonable confidence that a contaminant release to groundwater from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which shall be specified in the unit permit upon approval by the Director. This sampling procedure should be:~~

~~(1) a sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity, and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or~~

~~(2) an alternate sampling procedure proposed by the owner or operator and approved by the Director.~~

~~(h) The owner or operator will specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent, upon approval by the Director, will be specified in the unit permit. The statistical test chosen shall be conducted separately for each hazardous constituent in each well. Where practical quantification limits, pql's, are used in any of the following statistical procedures to comply with R315-8-6.8(i)(5), the pql shall be proposed by the owner or operator and approved by the Director. Use of any of the following statistical~~

~~methods shall be protective of human health and the environment and shall comply with the performance standards outlined in R315-8-6.8(i).~~

~~(1) a parametric analysis of variance, ANOVA, followed by multiple comparisons procedures to identify statistical significant evidence of contamination. The method shall include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent;~~

~~(2) an analysis of variance, ANOVA, based on ranks followed by multiple comparisons procedures to identify statistical significant evidence of contamination. The method shall include estimation and testing of the contrasts between compliance well's median and the background median levels for each constituent;~~

~~(3) a tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit;~~

~~(4) a control chart approach that gives control limits for each constituent;~~

~~(5) another statistical test method submitted by the owner or operator and approved by the Director.~~

~~(i) Any statistical method chosen under R315-8-6.8(h) for specification in the unit permit shall comply with the following performance standards, as appropriate:~~

~~(1) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.~~

~~(2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons shall be maintained. This performance standard does not apply to tolerance intervals, predictions intervals or control charts.~~

~~(3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be proposed by the owner or operator and approved by the Director if he finds it to be protective of human health and the environment.~~

~~(4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval shall contain, shall be proposed by the owner or operator and approved by the Director if he finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background~~

~~data base, the data distribution, and the range of the concentration values for each constituent of concern.~~

~~(5) The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit, pql, approved by the Director under R315-8-6.8(h) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.~~

~~(6) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.~~

~~(j) Groundwater monitoring data collected in accordance with R315-8-6.8(g) including actual levels of constituents shall be maintained in the facility operating record. The Director will specify in the permit when the data shall be submitted for review.~~

~~6.9 DETECTION MONITORING PROGRAM~~

~~An owner or operator required to establish a detection monitoring program under this section shall, at a minimum, discharge the following responsibilities:~~

~~(a) The owner or operator shall monitor for indicator parameters, e.g., specific conductance, pH, total organic carbon, or total organic halogen, waste constituents, or reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Director will specify the parameters or constituents to be monitored in the facility permit after considering the following factors:~~

~~(1) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;~~

~~(2) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;~~

~~(3) The detectability of indicator parameters, waste constituents, and reaction products in groundwater; and~~

~~(4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.~~

~~(b) The owner or operator shall install a groundwater monitoring system at the compliance point as specified under R315-8-6.6. The groundwater monitoring system shall comply with R315-8-6.8(a)(2), (b), and (c).~~

~~(c) The owner or operator shall conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit pursuant to R315-8-6.9(a) in accordance with R315-8-6.9(g). The owner or operator shall maintain a record of groundwater analytical data as measured and in a form necessary for the determination of statistical significance under R315-8-6.8(h).~~

~~(d) The Director will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit under R315-8-6.9(a) in accordance with R315-8-6.8(g). A sequence of at~~

~~least four samples from each well, background and compliance wells, shall be collected at least semiannually during detection monitoring.~~

~~(e) The owner or operator shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.~~

~~(f) The owner or operator shall determine whether there is statistically significant evidence of contamination for any chemical parameter of hazardous constituent specified in the permit pursuant to R315-8-6.9(a) at a frequency specified under R315-8-6.9(d).~~

~~(1) In determining whether statistically significant evidence of contamination exists, the owner or operator shall use the method specified in the permit under R315-8-6.8(h). This method shall compare data collected at the compliance point to the background groundwater quality data.~~

~~(2) The owner or operator shall determine whether there is statistically significant evidence of contamination at each monitoring well as the compliance point within a reasonable period of time after completion of sampling. The Director will specify in the facility permit what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.~~

~~(g) If the owner or operator determines pursuant to R315-8-6.9(f) that there is statistically significant evidence of contamination for chemical parameters of hazardous constituents specified pursuant to R315-8-6.9(a) at any monitoring well at the compliance point, he shall:~~

~~(1) notify the Director of this finding in writing within seven days. The notification shall indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination;~~

~~(2) immediately sample the groundwater in all monitoring wells and determine whether constituents in the list of R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, are present, and if so, in what concentration;~~

~~(3) for any R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, compounds found in the analysis pursuant to R315-8-6.9(g)(2), the owner or operator may resample within one month and repeat the analysis for these compounds detected. If the results for the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds found pursuant to R315-8-6.9(g)(2), the hazardous constituents found during this initial R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, analysis will form the basis for compliance monitoring;~~

~~(4) within 90 days, submit to the Director an application for a permit modification to establish a compliance monitoring program meeting the requirements of R315-8-6.10. The application shall include the following information;~~

~~(i) an identification of the concentration of any R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, constituent detected in the groundwater at each monitoring well at the compliance point;~~

~~(ii) any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of R315-8-6.10;~~

~~(iii) any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of R315-8-6.10;~~

~~(iv) for each hazardous constituent detected at the compliance point, a proposed concentration limit under R315-8-6.10(a)(1) or (2), or a notice of intent to seek an alternate concentration limit under R315-8-6.5(b); and~~

~~(5) within 180 days, submit to the Director:~~

~~(i) all data necessary to justify an alternate concentration limit sought under R315-8-6.5(b); and~~

~~(ii) an engineering feasibility plan for a corrective action program necessary to meet the requirement of R315-8-6.11, unless:~~

~~(A) all hazardous constituents identified under R315-8-6.9(g)(2) are listed in R315-8-6.5, Table 1 and their concentrations do not exceed their respective values given in that table; or~~

~~(B) the owner or operator has sought an alternate concentration limit under R315-8-6.5(b) for every hazardous constituent identified under R315-8-6.9(g)(2).~~

~~(6) If the owner or operator determines, pursuant to R315-8-6.9(f), that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to R315-8-6.9(a) at any monitoring well at the compliance point, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. The owner or operator may make a demonstration under R315-8-6.9(g)(6) in addition to, or in lieu of, submitting a permit modification application under R315-8-6.9(g)(4); however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in R315-8-6.9(g)(4) unless the demonstration made under R315-8-6.9(g)(6) successfully shows that a source other than the regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under R315-8-6.9(g)(6), the owner or operator shall:~~

~~(i) notify the Director in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this paragraph;~~

~~(ii) within 90 days, submit a report to the Director which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;~~

~~(iii) within 90 days, submit to the Director an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and~~

~~(iv) continue to monitor in accordance with the detection monitoring program established under R315-8-6.9.~~

~~(h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he shall, within 90 days, submit an application for a permit~~

~~modification to make any appropriate changes to the program.~~

~~6.10 COMPLIANCE MONITORING PROGRAM~~

~~An owner or operator required to establish a compliance monitoring program under this section shall, at a minimum, discharge the following responsibilities:~~

~~(a) The owner or operator shall monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under R315-8-6.3. The Director will specify the groundwater protection standard in the facility permit including:~~

~~(1) A list of the hazardous constituents identified under R315-8-6.4;~~

~~(2) Concentration limits under R315-8-6.5 for each of those hazardous constituents;~~

~~(3) The compliance point under R315-8-6.6;~~

~~(4) The compliance period under R315-8-6.7.~~

~~(b) The owner or operator shall install a groundwater monitoring system at the compliance point as specified under R315-8-6.6. The groundwater monitoring system shall comply with R315-8-6.8(a)(2), (b) and (c).~~

~~(c) The Director will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with R315-8-6.8(g) and (h).~~

~~(1) The owner or operator shall conduct a sampling program for each chemical parameter or hazardous waste constituent in accordance with R315-8-6.8(g).~~

~~(2) The owner or operator shall record groundwater analytical data as measured and in form necessary for the determination of statistical significance under R315-8-6.8(h) for the compliance period of the facility.~~

~~(d) The owner or operator shall determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to R315-8-6.10(a), at a frequency specified under R315-8-6.10(f).~~

~~(1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator shall use the method specified in the permit under R315-8-6.5. The method shall compare data collected at the compliance point to a concentration limit developed in accordance with R315-8-6.8(h).~~

~~(2) The owner or operator shall determine whether there is statistically significant evidence of increase contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The Director will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.~~

~~(e) The owner or operator shall determine the groundwater flow rate and direction in the uppermost aquifer at least annually.~~

~~(f) The Director will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with R315-8-6.8(g).~~

~~(g) The owner or operator shall analyze samples from all monitoring wells at the compliance point for all constituents contained in R315-50-14, which incorporates by reference 40 CFR, Appendix IX, at least annually to determine whether additional hazardous constituents are present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in R315-8-6.9(f). If the owner or operator finds R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, constituents in the groundwater that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the R315-50-14, which incorporates by reference 40 CFR 264, Appendix IX, analysis. If the second analysis confirms the presence of new constituents, the owner or operator shall report the concentration of these additional constituents to the Director within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he shall report the concentrations of these additional constituents to the Director within seven days after completion of the initial analysis and add them to the monitoring list.~~

~~(h) If the owner or operator determines pursuant to R315-8-6.10(d) that any concentration limits under R315-8-6.5 are being exceeded at any monitoring well at the point of compliance he shall:~~

~~(1) Notify the Director of this finding in writing within seven days. The notification shall indicate which concentration limits have been exceeded;~~

~~(2) Submit to the Director an application for a permit modification to establish a corrective action program meeting the requirements of R315-8-6.11, within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Director under R315-8-6.9(h)(5). The application shall at a minimum include the following information:~~

~~(i) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under R315-8-6.10(a); and~~

~~(ii) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. The groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of this section.~~

~~(i) If the owner or operator determines, pursuant to R315-8-6.10(d), that the groundwater concentration limits under R315-8-6.10 are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the groundwater. In making a demonstration under R315-8-6.10(i), the owner or operator shall:~~

~~(1) Notify the Director in writing within seven days that he intends to make a demonstration under R315-8-6.10(i);~~

~~(2) Within 90 days, submit a report to the Director which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;~~

~~(3) Within 90 days, submit to the Director an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and~~

~~(4) Continue to monitor in accord with the compliance monitoring program established under this section.~~

~~(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he shall within 90 days, submit an application for a permit modification to make any appropriate changes to the program.~~

~~6.11 CORRECTIVE ACTION PROGRAM~~

~~An owner or operator required to establish a corrective action program under this section shall, at a minimum, discharge the following responsibilities:~~

~~(a) The owner or operator shall take corrective action to ensure that regulated units are in compliance with the groundwater protection standard under R315-8-6.3. The Director will specify the groundwater protection standard in the facility permit, including:~~

~~(1) A list of hazardous constituents identified under R315-8-6.4;~~

~~(2) Concentration limits under R315-8-6.5 for each of those hazardous constituents;~~

~~(3) The compliance point under R315-8-6.6; and~~

~~(4) The compliance period under R315-8-6.7.~~

~~(b) The owner or operator shall implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that will be taken.~~

~~(c) The owner or operator shall begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Director will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and the requirement will operate in lieu of R315-8-6.10(i)(2).~~

~~(d) In conjunction with a corrective action program, the owner or operator shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. The monitoring program may be based on the requirements for a compliance monitoring program under R315-8-6.10 and shall be as effective as that program in determining compliance with the groundwater protection standard under R315-8-6.3 and in determining the success of a corrective action program under R315-8-6.11(e), where appropriate.~~

~~(e) In addition to the other requirements of this section, the owner or operator shall conduct a corrective action program to remove or treat in place any hazardous constituents under R315-8-6.4 that exceed concentration limits under R315-8-6.5 in groundwater:~~

~~(1) between the compliance point under R315-8-6.6 and the downgradient facility property boundary; and~~

~~(2) beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Director that, despite the~~

~~owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake the action. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address the releases will be determined on a case-by-case basis.~~

~~(3) Corrective action measures under R315-8-6.11(e) shall be initiated and completed within a reasonable period of time considering the extent of contamination.~~

~~(4) Corrective action measures under this paragraph may be terminated once the concentration of hazardous constituents under R315-8-6.4 is reduced to levels below their respective concentration limits under R315-8-6.5.~~

~~(f) The owner or operator shall continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he shall continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area, including the closure period if he can demonstrate, based on data from the groundwater monitoring program under R315-8-6.11(d), that the groundwater protection standard of R315-8-6.3 has not been exceeded for a period of three consecutive years.~~

~~(g) The owner or operator shall report in writing to the Director on the effectiveness of the corrective action program. The owner or operator shall submit these reports semi-annually.~~

~~(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he shall within 90 days, submit an application for a permit modification to the program.~~

~~6.12 CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS~~

~~(a) The owner or operator of a facility seeking a permit for the treatment, storage or disposal of hazardous waste shall institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in the unit.~~

~~(b) Corrective action will be specified in the permit in accordance with R315-8-6-12 and R315-8-21, which incorporates by reference 40 CFR 264.552 and 264.553. The permit will contain schedules of compliance for the corrective action, where such corrective action cannot be completed prior to issuance of the permit, and assurances of financial responsibility for completing the corrective action.~~

~~(c) The owner or operator shall implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Director that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake the actions. The~~

~~owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address the releases will be determined on a case-by-case basis. Assurances of financial responsibility for corrective action shall be provided.~~

~~(d) This does not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.~~

**~~R315-8-7. Closure and Post Closure.~~**

~~The requirements as found in 40 CFR subpart G, 264.110 - 264.120, 1998 ed., as amended by 63 FR 56710, October 22, 1998, are incorporated by reference with the following exceptions:~~

~~(a) substitute "Director" for all references made to "Regional Administrator".~~

~~(b) substitute R315-3 for all general reference made to 40 CFR 124 and 270.~~

~~(c) substitute "The Utah Solid and Hazardous Waste Act" for all references made to the "Resource Conservation and Recovery Act" or "RCRA."~~

**~~R315-8-8. Financial Requirements.~~**

~~The requirements as found in 40 CFR subpart H, 264.140 - 264.151, 1998 ed., as amended by 63 FR 56710, October 22, 1998, are incorporated by reference with the following exceptions:~~

~~(a) substitute "Director" for all references to "Administrator" or "Regional Administrator".~~

~~(b) substitute " Director " for all references to "Agency" or "EPA."~~

~~(c) substitute "The Utah Solid and Hazardous Waste Act" for all references to the "Resource Conservation and Recovery Act" or "RCRA."~~

**~~R315-8-9. Use and Management of Containers.~~**

~~9.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as provided otherwise in R315-8-1.~~

~~Under R315-2-7 and R315-2-11, if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in R315-2-7. In that event, management of the container is exempt from the requirements of this section.~~

~~9.2 CONDITION OF CONTAINERS~~

~~If a container holding hazardous waste is not in good condition, e.g., severe rusting, apparent structural defects, or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this section.~~

~~9.3 COMPATIBILITY OF WASTE WITH CONTAINERS~~

~~The owner or operator shall use a container made of or lined with materials which will not react with, and are otherwise compatible with,~~

~~the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.~~

~~9.4 MANAGEMENT OF CONTAINERS~~

~~(a) A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste.~~

~~(b) A container holding hazardous waste shall not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.~~

~~Reuse of containers in transportation is governed by U.S. Department of Transportation regulations including those set forth in 49 CFR 173.28.~~

~~9.5 INSPECTIONS~~

~~At least weekly, the owner or operator shall inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. See R315-8-2.6(c) and R315-8-9.2 for remedial action required if deterioration or leaks are detected.~~

~~9.6 CONTAINMENT~~

~~(a) Container storage areas shall have a containment system that is designed and operated in accordance with R315-8-9.6(b), except as otherwise provided by R315-8-9.6(c).~~

~~(b) A containment system shall be designed and operated as follows:~~

~~(1) A base shall underlay the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;~~

~~(2) The base shall be sloped or the containment system shall be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;~~

~~(3) The containment system shall have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;~~

~~(4) Run-on into the containment system shall be prevented unless the collection system has sufficient excess capacity in addition to that required in R315-8-9.6(b)(3) to contain any run-on which might enter the system; and~~

~~(5) Spilled or leaked waste and accumulated precipitation shall be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.~~

~~If the collected material is a hazardous waste under R315-2, it shall be managed as a hazardous waste in accordance with all applicable requirements of these rules. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of section 402 of the Clean Water Act, as amended.~~

~~(c) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by R315-8-9.6(b), except as provided by R315-8-9.6(d) or provided that:~~

~~(1) The storage area is sloped or is otherwise designed and~~

~~operated to drain and remove liquid resulting from precipitation, or~~

~~(2) The containers are elevated or are otherwise protected from contact with accumulated liquid.~~

~~(d) Storage areas that store containers holding the wastes listed below that do not contain free liquids shall have a containment system defined by R315-8-9.6(b):~~

~~(1) F020, F021, F022, F023, F026, and F027.~~

~~9.7 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~Containers holding ignitable or reactive waste shall be located at least 15 meters, 50 feet, from the facility's property line. See R315-8-2.8(a) for additional requirements.~~

~~9.8 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~(a) Incompatible wastes, or incompatible wastes and materials, see 40 CFR 264, Appendix V for examples, shall not be placed in the same container, unless R315-8-2.8(b) is complied with.~~

~~(b) Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material. As required by R315-8-2.4, which incorporates by reference 40 CFR 264.13, the waste analysis plan shall include analyses needed to comply with R315-8-9.8(b). Also R315-8-2.8(c) requires waste analyses, trial tests or other documentation to assure compliance with R315-8-2.8(b). As required by R315-8-5.3, which incorporates by reference 40 CFR 264.73, the owner or operator shall place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.~~

~~(c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. The purpose of this section is to prevent fires, explosions, gaseous emission, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials if containers break or leak.~~

~~9.9 CLOSURE~~

~~At closure, all hazardous waste and hazardous waste residues shall be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues shall be decontaminated or removed.~~

~~At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with R315-2-3(d) that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of these rules.~~

~~9.10 AIR EMISSION STANDARDS~~

~~The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of R315-8-17, which incorporates by reference 40 CFR subpart AA, R315-8-18, which incorporates by reference 40 CFR subpart BB, and R315-8-22, which incorporates by reference 40 CFR subpart CC.~~

**~~R315-8-10. Tanks.~~**

~~The requirements as found in 40 CFR 264, subpart J, 264.190 - 264.200, 1996 ed., as amended by 61 FR 59931, November 25, 1996, are adopted and incorporated by reference with the following exceptions:~~

~~(a) Substitute "Director" for all references to "Administrator" or "Regional Administrator" found in subpart J except paragraph 264.193(g) which should have "Regional Administrator" replaced by "Director ".~~

~~(b) Add, following January 12, 1988, in 40 CFR 265.191(a), "or by December 16, 1988 for non-HSWA existing tank systems."~~

~~(c) Replace 40 CFR 265.193(a)(2) to (4) with the following corresponding paragraphs:~~

~~(1) For all HSWA existing tank systems used to store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1987, or within two years after December 16, 1988 for non-HSWA existing tank systems;~~

~~(2) For those HSWA existing tank systems of known and documented age, within two years after January 12, 1987, or within two years after December 16, 1988 for non-HSWA existing tank systems, or when the tank system has reached 15 years of age, whichever comes later;~~

~~(3) For those HSWA existing tank systems for which the age cannot be documented, within eight years of January 12, 1987, or within eight years of December 16, 1988 for non-HSWA existing tank systems; but if the age of the facility is greater than seven years, secondary containment shall be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, or within two years of December 16, 1988 for non-HSWA existing tank systems, whichever comes later; and~~

~~(d) Add, following the last January 12, 1987, in 40 CFR 265-193(a)(5), "or December 16, 1988 for non-HSWA tank systems."~~

**~~R315-8-11. Surface Impoundments.~~**

~~11.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste except as provided otherwise in R315-8-1.~~

~~11.2 DESIGN AND OPERATING REQUIREMENTS~~

~~(a) Any surface impoundment that is not covered by R315-8-11.2(f) or R315-7-18.9 shall have a liner for all portions of the impoundment, except for existing portions of such impoundments. The liner shall be designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or groundwater or surface water at any time during the active life, including the closure period, of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner, but not into the adjacent subsurface soil or groundwater or surface water, during the active life of the facility, provided that the impoundment is closed in accordance with R315-8-11.5(a)(1). For impoundments that will be closed in accordance with R315-8-11.5(a)(2), the liner shall be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner shall be:~~

~~(1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure~~

~~due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;~~

~~(2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and~~

~~(3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.~~

~~(b) The owner or operator will be exempted from the requirements of R315-8-11.2(a) if the Director finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents, see R315-8-6.4, into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Director will consider:~~

~~(1) The nature and quantity of the wastes;~~

~~(2) The proposed alternate design and operation;~~

~~(3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and~~

~~(4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.~~

~~(c) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992 and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992 shall install two or more liners and a leachate collection and removal system between such liners. "Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, under "existing facility".~~

~~(1)(i) The liner system shall include:~~

~~(A) A top liner designed and constructed of materials, e.g., a geomembrane, to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and~~

~~(B) A composite bottom liner, consisting of at least two components. The upper component shall be designed and constructed of materials, e.g., a geomembrane, to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component shall be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component shall be constructed of at least three feet, 91 cm, of compacted soil material with a hydraulic conductivity of no more than 1 x 10/$^{-7}$/cm/sec.~~

~~(ii) The liners shall comply with R315-8-11.2(a)(1)-(3).~~

~~(2) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system shall be capable of~~

~~detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:~~

~~(i) Constructed with a bottom slope of one percent or more;~~

~~(ii) Constructed of granular drainage materials with a hydraulic conductivity of 1 x $10^{-1}$/cm/sec or more and a thickness of 12 inches, 30.5 cm, or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3 x $10^{-4}$/$m^2$sec or more;~~

~~(iii) Constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;~~

~~(iv) Designed and operated to minimize clogging during the active life and post-closure care period; and~~

~~(v) Constructed with sumps and liquid removal methods, e.g., pumps, of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit shall have its own sump(s). The design of each sump and removal system shall provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.~~

~~(3) The owner or operator shall collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.~~

~~(4) The owner or operator of a leak detection system that is not located completely above the seasonal high water table shall demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.~~

~~(d) The Director may approve alternative design or operating practices to those specified in R315-8-11.2(c) if the owner or operator demonstrates to the Director that such design and operating practices, together with location characteristics:~~

~~(1) Will prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal system specified in R315-8-11.2(c); and~~

~~(2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.~~

~~(e) The double liner requirement set forth in R315-8-11.2(f) may be waived by the Director for any monofill, if:~~

~~(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and the wastes do not contain constituents which would render the wastes hazardous for reasons other than the EP toxicity characteristics, and~~

~~(2)(i)(A) The monofill has at least one liner for which there is no evidence that the liner is leaking. For the purposes of this paragraph, the term "liner" means a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil,~~

~~groundwater, or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of R315-8-11.2(c) on the basis of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of the impoundment, the owner or operator shall remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable given the specific site conditions and the nature and extent of contamination. If all contaminated soil is not removed or decontaminated, the owner or operator of the impoundment will comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action:~~

~~(B) The monofill is located more than one-quarter mile from an underground source of drinking water, as that term is defined in 40 CFR 144.3; and~~

~~(C) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with a permit; or~~

~~(ii) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.~~

~~(f) The owner or operator of any replacement surface impoundment unit is exempt from R315-8-11.2(c) if:~~

~~(1) The existing unit was constructed in compliance with the design standards of sections 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and~~

~~(2) There is no reason to believe that the liner is not functioning as designed.~~

~~(g) A surface impoundment shall be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.~~

~~(h) A surface impoundment shall have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent massive failure to the dikes. In ensuring structural integrity, it shall not be presumed that the liner system will function without leakage during the active life of the unit.~~

~~(i) The Director will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.~~

~~11.3 MONITORING AND INSPECTION~~

~~(a) During construction and installation, liners, except in the case of existing portions of surface impoundments exempt from R315-8-11.2(a), and cover systems, e.g., membranes, sheets, or coatings, shall be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:~~

~~(1) Synthetic liners and covers shall be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and~~

~~(2) Soil-based and admixed liners and covers shall be inspected for imperfections including lenses, cracks, channels, root holes, or~~

~~other structural non-uniformities that may cause an increase in the permeability of the liner or cover.~~

~~(b) While a surface impoundment is in operation, it shall be inspected weekly and after storms to detect evidence of any of the following:~~

~~(1) Deterioration, malfunctions, or improper operation of overtopping control systems;~~

~~(2) Sudden drops in the level of the impoundment's contents; and~~

~~(3) Severe erosion or other signs of deterioration in dikes or other containment devices.~~

~~(c) Prior to the issuance of a permit and after any extended period of time, at least six months, during which the impoundment was not in service, the owner or operator shall obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification shall establish, in particular, that the dike:~~

~~(1) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and~~

~~(2) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.~~

~~(d)(1) An owner or operator required to have a leak detection system under R315-8-11.2(c) or (d) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.~~

~~(2) After the final cover is installed, the amount of liquids removed from each leak detection system sump shall be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps shall be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps shall be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator shall return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.~~

~~(3) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Director based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.~~

~~11.4 EMERGENCY REPAIRS; CONTINGENCY PLANS~~

~~(a) A surface impoundment shall be removed from service in accordance with R315-8-11.4(b) when:~~

~~(1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment; or~~

~~(2) The dike leaks.~~

~~(b) When a surface impoundment shall be removed from service as required by R315-8-11.4(a), the owner or operator shall:~~

~~(1) Immediately shut off the flow or stop the addition of wastes into the impoundment;~~

~~(2) Immediately contain any surface leakage which has occurred or is occurring;~~

~~(3) Immediately stop the leak;~~

~~(4) Take any necessary steps to stop or prevent catastrophic failure;~~

~~(5) If a leak cannot be stopped by any other means, empty the impoundment; and~~

~~(6) Notify the Director of the problem in writing within seven days after detecting the problem.~~

~~(c) As part of the contingency plan required in R315-8-4, the owner or operator shall specify a procedure for complying with the requirements of R315-8-11.4(b).~~

~~(d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:~~

~~(1) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity shall be recertified in accordance with R315-8-11.3(c).~~

~~(2) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:~~

~~(i) For any existing portion of the impoundment, a liner shall be installed in compliance with R315-8-11.2(a), and~~

~~(ii) For any other portion of the impoundment, the repaired liner system shall be certified by a qualified engineer as meeting the design specifications approved in the permit.~~

~~(e) A surface impoundment that has been removed from service in accordance with the requirements in this section and that is not being repaired shall be closed in accordance with the provisions of R315-8-11.5.~~

~~11.5 CLOSURE AND POST-CLOSURE CARE~~

~~(a) At closure, the owner or operator shall:~~

~~(1) Remove or decontaminate all waste residues, contaminated containment system components, liners, etc., contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous wastes unless R315-2-3(d) applies; or~~

~~(2)(i) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;~~

~~(ii) Stabilize remaining wastes to a bearing capacity sufficient to support final cover; and~~

~~(iii) Cover the surface impoundment with a final cover designed and constructed to:~~

~~(A) Provide long-term minimization of the migration of liquids through the closed impoundment;~~

~~(B) Function with minimum maintenance;~~

~~(C) Promote drainage and minimize erosion or abrasion of the final cover;~~

~~(D) Accommodate settling and subsidence so that the cover's integrity is maintained; and~~

~~(E) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.~~

~~(b) If some waste residues or contaminated materials are left in place at final closure, the owner or operator shall comply with all~~

~~post-closure requirements contained in R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, including maintenance and monitoring throughout the post-closure care period, specified in the permit under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120. The owner or operator shall:~~

~~(1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;~~

~~(2) Maintain and monitor the leak detection system in accordance with R315-8-11.2(c)(2)(iv) and (3) and R315-8-11.3(d), and comply with all other applicable leak detection system requirements of this part;~~

~~(3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of R315-8-6; and~~

~~(4) Prevent run-on and run-off from eroding or otherwise damaging the final cover.~~

~~(c)(1) If an owner or operator plans to close a surface impoundment in accordance with R315-8-11.5(a)(1), and the impoundment does not comply with the liner requirements of R315-8-11.2(a) and is not exempt from them in accordance with R315-8-11.2(b), then:~~

~~(i) The closure plan for the impoundment under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, shall include both a plan for complying with R315-8-11.5(a)(1) and a contingent plan for complying with R315-8-11.5(a)(2) in case not all contaminated subsoils can be practicably removed at closure; and~~

~~(ii) The owner or operator shall prepare a contingent post-closure plan under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, for complying with R315-8-11.5(b) in case not all contaminated subsoils can be practicably removed at closure.~~

~~(2) The cost estimates calculated under R315-8-8, which incorporates by reference 40 CFR 264.140 - 264.151, for closure and post-closure care of an impoundment subject to this paragraph shall include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under R315-8-11.5(a)(1).~~

~~11.6 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~Ignitable or reactive waste shall not be placed in a surface impoundment unless the waste and impoundment satisfy all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, R315-50-12, which incorporates by reference 40 CFR 268 Appendix I, and R315-50-13, which incorporates by reference 40 CFR 268 Appendix II, and:~~

~~(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) and (f), and~~

~~(2) R315-8-2.8(b) is complied with; or~~

~~(b) The waste is managed in a way that it is protected from any material or conditions which may cause it to ignite or react; or~~

~~(c) The surface impoundment is used solely for emergencies.~~

~~11.7 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~Incompatible wastes, or incompatible wastes and materials, see 40 CFR 264, Appendix V for examples, shall not be placed in the same~~

~~surface impoundment, unless R315-8-2.8(b) is complied with.~~

~~11.8 SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE F020, F021, F022, F023, F026, AND F027~~

~~(a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 shall not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the Director pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of these rules. The factors to be considered are:~~

~~(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere:~~

~~(2) The attenuative properties of underlaying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or monitoring techniques.~~

~~(b) The Director may determine that additional design, operating, and monitoring requirements are necessary for surface impoundments managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to protect human health and the environment.~~

~~11.9 ACTION LEAKAGE RATE~~

~~(a) The Director shall approve an action leakage rate for surface impoundment units subject to R315-8-11.2(c) or (d). The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.~~

~~(b) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly or monthly flow rate from the monitoring data obtained under R315-8-11.3(d) to an average daily flow rate, gallons per acre per day, for each sump. Unless the Director approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period, and if the unit is closed in accordance with R315-8-11.5(b), monthly during the post-closure care period when monthly monitoring is required under R315-8-11.3(d).~~

~~11.10 RESPONSE ACTIONS~~

~~(a) The owner or operator of surface impoundment units subject to R315-8-11.2(c) or (d) shall have an approved response action plan before receipt of waste. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At~~

~~a minimum, the response action plan shall describe the actions specified in R315-8-11.10(b).~~

~~(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:~~

~~(1) Notify the Director in writing of the exceedance within seven days of the determination;~~

~~(2) Submit a preliminary written assessment to the Director within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;~~

~~(3) Determine to the extent practicable the location, size, and cause of any leak;~~

~~(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;~~

~~(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and~~

~~(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Director the results of the analyses specified in R315-8-11.10(b)(3)-(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Director a report summarizing the results of any remedial actions taken and actions planned.~~

~~(c) To make the leak and remediation determinations in R315-8-11.10(b)(3)-(5), the owner or operator shall:~~

~~(1)(i) Assess the source of liquids and amounts of liquids by source;~~

~~(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and~~

~~(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or~~

~~(2) Document why such assessments are not needed.~~

~~11.11 AIR EMISSION STANDARDS~~

~~The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the applicable requirements of R315-8-18, which incorporates by reference 40 CFR subpart BB, and R315-8-22, which incorporates by reference 40 CFR subpart CC.~~

**~~R315-8-12. Waste Piles.~~**

~~12.1 APPLICABILITY~~

~~(a) The rules in this section apply to owners and operators of facilities that store or treat hazardous waste in piles, except as provided otherwise in R315-8-1.~~

~~(b) The rules in this section do not apply to owners or operators of waste piles that are closed with wastes left in place. These waste piles are subject to the rules under R315-8-14, Landfills.~~

~~(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation~~

~~under R315-8-12.2 or R315-8-6, provided that:~~

~~(1) Liquids or materials containing free liquids are not placed in the pile;~~

~~(2) The pile is protected from surface water run-on or groundwater run-on by the structure or in some other manner;~~

~~(3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and~~

~~(4) The pile will not generate leachate through decomposition or other reactions.~~

~~12.2 DESIGN AND OPERATING REQUIREMENTS~~

~~(a) A waste pile, except for an existing portion of a waste pile, shall have:~~

~~(1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life, including the closure period, of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself, but not into the adjacent subsurface soil or groundwater or surface water, during the active life of the facility. The liner shall be:~~

~~(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;~~

~~(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and~~

~~(iii) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and~~

~~(2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The Director will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm, one foot. The leachate collection and removal system shall be:~~

~~(i) Constructed of materials that are:~~

~~(A) Chemically resistant to the waste managed in the pile and the leachate expected to be generated; and~~

~~(B) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and~~

~~(ii) Designed and operated to function without clogging through the scheduled closure of the waste pile.~~

~~(b) The owner or operator will be exempted from the requirements of R315-8-12.2(a) if the Director finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents, see R315-8-6.4, into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Director will consider:~~

~~(1) The nature and quantity of the wastes;~~

~~(2) The proposed alternate design and operation;~~

~~(3) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and groundwater or surface water; and~~

~~(4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.~~

~~(c) The owner or operator of each new waste pile unit on which construction commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each replacement of an existing waste pile 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. "Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10 under "existing facility".~~

~~(1)(i) The liner system shall include:~~

~~(A) A top liner designed and constructed of materials, e.g., a geomembrane, to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and~~

~~(B) A composite bottom liner, consisting of at least two components. The upper component shall be designed and constructed of materials, e.g., a geomembrane, to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component shall be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component shall be constructed of at least three feet, 91 cm, of compacted soil material with a hydraulic conductivity of no more than $1 \times 10^{-7}$ cm/sec.~~

~~(ii) The liners shall comply with R315-8-12.2(a)(1)(i), (ii), and (iii).~~

~~(2) The leachate collection and removal system immediately above the top liner shall be designed, constructed, operated, and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The Director will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm, one foot. The leachate collection and removal system shall comply with R315-8-12.2(c)(3)(iii) and (iv).~~

~~(3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system shall be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:~~

~~(i) Constructed with a bottom slope of one percent or more;~~

~~(ii) Constructed of granular drainage materials with a hydraulic conductivity of $1 \times 10^{-2}$ cm/sec or more and a thickness of~~

~~12 inches, 30.5 cm, or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3 x $10^{-5}$ $m^2$/sec or more:~~

~~(iii) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the waste pile;~~

~~(iv) Designed and operated to minimize clogging during the active life and post-closure care period; and~~

~~(v) Constructed with sumps and liquid removal methods, e.g., pumps, of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit shall have its own sump(s). The design of each sump and removal system shall provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.~~

~~(4) The owner or operator shall collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.~~

~~(5) The owner or operator of a leak detection system that is not located completely above the seasonal high water table shall demonstrate that the operation of the leak detection system will not be adversely affected by the presence of groundwater.~~

~~(d) The Director may approve alternative design or operating practices to those specified in R315-8-12.2(c) if the owner or operator demonstrates to the Director that such design and operating practices, together with location characteristics:~~

~~(1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in R315-8-12.2(c); and~~

~~(2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.~~

~~(e) R315-8-12.2(c) does not apply to monofills that are granted a waiver by the Director in accordance with R315-8-11.2(h).~~

~~(f) The owner or operator of any replacement waste pile unit is exempt from R315-8-12.2(c) if:~~

~~(1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and~~

~~(2) There is no reason to believe that the liner is not functioning as designed.~~

~~(g) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.~~

~~(h) The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.~~

~~(i) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.~~

~~(j) If the pile contains any particulate matter which may be~~

~~subject to wind dispersal, the owner or operator shall cover or otherwise manage the pile to control wind dispersal.~~

~~(k) The Director will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.~~

~~12.3 MONITORING AND INSPECTION~~

~~(a) During construction or installation, liners, except in the case of existing portions of piles exempt from R315-8-12.2(a), and cover systems, e.g., membranes, sheets, or coatings, shall be inspected for uniformity, damage, and imperfections, e.g., holes, cracks, thin spots, or foreign materials. Immediately after construction or installation:~~

~~(1) Synthetic liners and covers shall be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and~~

~~(2) Soil-based and admixed liners and covers shall be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.~~

~~(b) While a waste pile is in operation, it shall be inspected weekly and after storms to detect evidence of any of the following:~~

~~(1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;~~

~~(2) Proper functioning of wind dispersal control systems, where present; and~~

~~(3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.~~

~~(c) An owner or operator required to have a leak detection system under R315-8-12.2(c) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.~~

~~12.4 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~Ignitable or reactive waste shall not be placed in a waste pile unless the waste and waste pile satisfy all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, R315-50-12, which incorporates by reference 40 CFR 268 Appendix I, and R315-50-13, which incorporates by reference 40 CFR 268 Appendix II, and:~~

~~(a) The waste is treated, rendered, or mixed before or immediately after placement in the pile so that:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) or (f); and~~

~~(2) R315-8-2.8(b) is complied with; or~~

~~(b) The waste is managed in a way that it is protected from any material or condition which may cause it to ignite or react.~~

~~12.5 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~(a) Incompatible wastes, or incompatible wastes and materials shall not be placed in the same pile, unless R315-8-2.8(b) is complied with.~~

~~(b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in containers, other piles, open tanks, or surface impoundments shall be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device.~~

~~(c) Hazardous waste shall not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with R315-8-2.8(b).~~

~~12.6 CLOSURE AND POST-CLOSURE CARE~~

~~(a) At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system compoundments, liners, etc., contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless R315-2-3(d) applies.~~

~~(b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in R315-8-12.6(a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he shall close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills, R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120.~~

~~(c)(1) The owner or operator of a waste pile that does not comply with the liner requirements of R315-8-12.2(a)(1), and is not exempt from them in accordance with R315-8-12.1(c) or R315-8-12.2(b) shall:~~

~~(i) Include in the closure plan for the pile under R315-8-7.3 both a plan for complying with R315-8-12.6(a) and a contingent plan for complying with R315-8-12.6(b) in case not all contaminated subsoils can be practicably removed at closure; and~~

~~(ii) Prepare a contingent post-closure plan under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, for complying with R315-8-12.6(b) in case not all contaminated subsoils can be practicably removed at closure.~~

~~(2) The cost estimates calculated under R315-8-8, which incorporates by reference 40 CFR 264.140 - 264.151, for closure and post-closure care of a pile subject to this paragraph shall include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under R315-8-12.6(a).~~

~~12.7 SPECIAL REQUIREMENTS FOR HAZARDOUS WASTES F020, F021, F022, F023, F026, AND F027~~

~~(a) Hazardous Wastes F020, F021, F022, F023, F026 and F027 shall not be placed in waste piles that are not enclosed, as defined in R315-8-12.1(c), unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the Director pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of these rules. The factors to be considered are:~~

~~(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere:~~

~~(2) The attenuative properties of underlaying and surrounding soils or other materials:~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or~~

~~monitoring techniques.~~

~~(b) The Director may determine that additional design, operating, and monitoring requirements are necessary for piles managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to protect human health and the environment.~~

~~12.8 ACTION LEAKAGE RATE~~

~~(a) The Director shall approve an action leakage rate for surface impoundment units subject to R315-8-12.2(c) or (d). The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.~~

~~(b) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly flow rate from the monitoring data obtained under R315-8-12.3(c), to an average daily flow rate, gallons per acre per day, for each sump. Unless the Director approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period.~~

~~12.9 RESPONSE ACTIONS~~

~~(a) The owner or operator of waste pile units subject to R315-8-12.2(c) or (d) shall have an approved response action plan before receipt of waste. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in R315-8-12.9(b).~~

~~(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:~~

~~(1) Notify the Director in writing of the exceedance within seven days of the determination;~~

~~(2) Submit a preliminary written assessment to the Director within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;~~

~~(3) Determine to the extent practicable the location, size, and cause of any leak;~~

~~(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;~~

~~(5) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and~~

~~(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Director the results of~~

~~the analyses specified in R315-8-12.9(b)(3), (4), and (5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Director a report summarizing the results of any remedial actions taken and actions planned.~~

~~(c) To make the leak and/or remediation determinations in R315-8-12.9(b)(3), (4), and (5), the owner or operator shall:~~

~~(1)(i) Assess the source of liquids and amounts of liquids by source;~~

~~(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and~~

~~(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or~~

~~(2) Document why such assessments are not needed.~~

**R315-8-13. ~~Land Treatment.~~**

~~13.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of facilities that treat or dispose of hazardous waste in land treatment units, except as provided otherwise in R315-8-1.~~

~~13.2 TREATMENT PROGRAM~~

~~(a) An owner or operator subject to this section shall establish a land treatment program that is designed to ensure that hazardous constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The Director will specify in the facility permit the elements of the treatment program, including:~~

~~(1) The wastes that are capable of being treated at the unit based on demonstration under R315-8-13.3;~~

~~(2) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with R315-8-13.4(a); and~~

~~(3) Unsaturated zone monitoring provisions meeting the requirements of R315-8-13.6.~~

~~(b) The Director will specify in the facility permit the hazardous constituents that shall be degraded, transformed, or immobilized under this section. Hazardous constituents are constituents identified in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.~~

~~(c) The Director will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below and including the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of hazardous constituents. The maximum depth of the treatment zone shall be:~~

~~(1) No more than 1.5 meters, five feet, from the initial soil surface; and~~

~~(2) More than 1 meter, three feet, above the seasonal high water table.~~

~~13.3 TREATMENT DEMONSTRATION~~

~~(a) For each waste that will be applied to the treatment zone, the owner or operator shall demonstrate, prior to application of the waste, that hazardous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.~~

~~(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under R315-8-13.3(a), he shall obtain a treatment or disposal permit under R315-3-6.4. The Director will specify in this plan the testing, analytical, design, and operating requirements, including the duration of the tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure and clean-up activities necessary to meet the requirements in R315-8-13.3(c).~~

~~(c) Any field test or laboratory analysis conducted in order to make a demonstration under R315-8-13.3(a) shall:~~

~~(1) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:~~

~~(i) The characteristics of the waste, including the presence of R315-50-10 constituents, which incorporates by reference 40 CFR 261, Appendix VIII;~~

~~(ii) The climate in the area;~~

~~(iii) The topography of the surrounding area;~~

~~(iv) The characteristics of the soil in the treatment zone, including depth; and~~

~~(v) The operating practices to be used at the unit.~~

~~(2) Be able to show that hazardous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and~~

~~(3) Be conducted in a manner that protects human health and the environment considering;~~

~~(i) The characteristics of the waste to be tested;~~

~~(ii) The operating and monitoring measures taken during the course of the test;~~

~~(iii) The duration of the test;~~

~~(iv) The volume of the waste used in the test;~~

~~(v) In the case of field tests, the potential for migration of hazardous constituents to groundwater or surface water.~~

~~13.4 DESIGN AND OPERATING REQUIREMENTS~~

~~The Director will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this section.~~

~~(a) The owner or operator shall design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of hazardous constituents in the treatment zone. The owner or operator shall design, construct, operate, and maintain the unit in accord with all design and operating conditions that were used in the treatment demonstration under R315-8-13.3. At a minimum, the Director will specify the following in the facility plan:~~

~~(1) The rate and method of waste application to the treatment zone;~~

~~(2) Measures to control soil pH;~~

~~(3) Measures to enhance microbial or chemical reactions, e.g., fertilization, tilling; and~~

~~(4) Measures to control the moisture content of the treatment zone.~~

~~(b) The owner or operator shall design, construct, operate, and maintain the treatment zone to minimize run-off of hazardous constituents during the active life of the land treatment unit.~~

~~(c) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a 25-year storm.~~

~~(d) The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.~~

~~(e) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.~~

~~(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator shall manage the unit to control wind dispersal.~~

~~(g) The owner or operator shall inspect the unit weekly and after storms to detect evidence of:~~

~~(1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and~~

~~(2) Improper functioning of wind dispersal control measures.~~

~~13.5 FOOD-CHAIN CROPS~~

~~The Director may allow the growth of food-chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this section. The Director will specify in the facility plan the specific food-chain crops which may be grown.~~

~~(a)(1) The owner or operator shall demonstrate that there is no substantial risk to human health caused by the growth of the crops in or on the treatment zone by demonstrating, prior to the planting of the crops, that hazardous constituents other than cadmium:~~

~~(i) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food-chain animals, e.g., by grazing; or~~

~~(ii) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.~~

~~(2) The owner or operator shall make the demonstration required under this paragraph prior to the planting of crops at the facility for all constituents identified in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.~~

~~(3) In making a demonstration under this paragraph, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and shall:~~

~~(i) Base the demonstration on conditions similar to those~~

~~present in the treatment zone, including soil characteristics, e.g., pH, cation exchange capacity, specific wastes, application rates, application methods, and crops to be grown; and~~

~~(ii) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.~~

~~(4) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration required under this paragraph, he shall obtain a permit for conducting these activities.~~

~~(b) The owner or operator shall comply with the following conditions if cadmium is contained in wastes applied to the treatment zone:~~

~~(1)(i) The pH of the waste and soil mixture shall be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of two mg/kg, dry weight, or less;~~

~~(ii) The annual application of cadmium from waste shall not exceed 0.5 kilograms per hectare, kg/ha, on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food-chain crops, and annual cadmium application rate shall not exceed:~~

~~TABLE~~

| ~~Time Period~~ | ~~Annual Cd Application Rate (kilograms per hectare)~~ |
|---|---|
| ~~Present to June 30, 1984~~ | ~~2.0~~ |
| ~~July 1, 1984 to December 31, 1986~~ | ~~1.25~~ |
| ~~Beginning January 1, 1987~~ | ~~0.5~~ |

~~(iii) The cumulative application of cadmium from waste shall not exceed five kg/ha if the waste and soil mixture has a pH less than 6.5; and~~

~~(iv) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste shall not exceed: five kg/ha if soil cation exchange capacity (CEC) is less than five meq/100g; 10 kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or~~

~~(2)(i) Animal feed shall be the only food-chain crop produced;~~

~~(ii) The pH of the waste and soil mixture shall be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level shall be maintained whenever food-chain crops are grown;~~

~~(iii) There shall be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan shall describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food-chain, which may result from alternative land uses; and~~

~~(iv) Future property owners shall be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food-chain~~

~~crops shall not be grown except in compliance with R315-8-13.5(b)(2).~~

~~13.6 UNSATURATED ZONE MONITORING~~

~~An owner or operator subject to this section shall establish an unsaturated zone monitoring program to discharge the following responsibilities:~~

~~(a) The owner or operator shall monitor the soil and soil-pore liquid to determine whether hazardous constituents migrate out of the treatment zone.~~

~~(1) The Director will specify the hazardous constituents to be monitored in the facility plan. The hazardous constituents to be monitored are those specified under R315-8-13.2(b).~~

~~(2) The Director may require monitoring for principal hazardous constituents (PHCs) in lieu of the constituents specified under R315-8-13.2(b). PHCs are hazardous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The Director will establish PHCs if the Director finds, based on the waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PHCs will assure treatment to at least equivalent levels for the other hazardous constituents in the waste.~~

~~(b) The owner or operator shall install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system shall consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that;~~

~~(1) Represent the quality of background soil-pore liquid and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and~~

~~(2) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.~~

~~(c) The owner or operator shall establish a background value for each hazardous constituent to be monitored under R315-8-13.6(a). The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.~~

~~(1) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.~~

~~(2) Background soil-pore liquid values shall be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.~~

~~(3) The owner or operator shall express all background values in a form necessary for the determination of statistically significant increases under R315-8-13.6(f).~~

~~(4) In taking samples used in the determination of all background values, the owner or operator shall use an unsaturated zone monitoring system that complies with R315-8-13.6(b)(1).~~

~~(d) The owner or operator shall conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The Director will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil~~

~~permeability. The owner or operator shall express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under R315-8-13.6(f).~~

~~(e) The owner or operator shall use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator shall implement procedures and techniques for:~~

~~(1) Sample collection;~~

~~(2) Sample preservation and shipment;~~

~~(3) Analytical procedures; and~~

~~(4) Chain of custody control.~~

~~(f) The owner or operator shall determine whether there is a statistically significant change over background values for any hazardous constituent to be monitored under R315-8-13.6(a) below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under R315-8-13.6(d).~~

~~(1) In determining whether a statistically significant increase has occurred, the owner or operator shall compare the value of each constituent, as determined under R315-8-13.6(d), to the background value for that constituent according to the statistical procedure specified in the facility plan under this paragraph.~~

~~(2) The owner or operator shall determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The Director will specify that time period in the facility plan after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.~~

~~(3) The owner or operator shall determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The Director will specify a statistical procedure in the facility plan that he finds:~~

~~(i) Is appropriate for the distribution of the data used to establish background values; and~~

~~(ii) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.~~

~~(g) If the owner or operator determines, pursuant to R315-8-13.6(f), that there is a statistically significant increase of hazardous constituents below the treatment zone he shall:~~

~~(1) Notify the Director of this finding in writing within seven days. The notification shall indicate what constituents have shown statistically significant increases.~~

~~(2) Within 90 days, submit to the Director an application for permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.~~

~~(h) If the owner or operator determines, pursuant to~~

~~R315-8-13.6(f), that there is a statistically significant increase of hazardous constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis or evaluation. While the owner or operator may make a demonstration under this paragraph in addition to, or in lieu of, submitting a permit modification application under R315-8-13.6(g)(2), he is not relieved of the requirement to submit a plan modification application within the time specified in R315-8-13.6(g)(2) unless the demonstration made under this paragraph successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this paragraph, the owner or operator shall:~~

~~(1) Notify the Director or its duly authorized representative in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a determination under this paragraph;~~

~~(2) Within 90 days, submit a report to the Director demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;~~

~~(3) Within 90 days, submit to the Director an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and~~

~~(4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this section.~~

~~13.7 RECORDKEEPING~~

~~The owner or operator shall include hazardous waste application dates, rates, and amounts in the operating record required under R315-8-5.3, which incorporates by reference 40 CFR 264.73.~~

~~13.8 CLOSURE AND POST-CLOSURE CARE~~

~~(a) During the closure period the owner or operator shall:~~

~~(1) Continue all operations, including pH control, necessary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone as required under R315-8-13.4(a), except to the extent such measures are inconsistent with R315-8-13.8(a)(8);~~

~~(2) Continue all operations in the treatment zone to minimize run-off of hazardous constituents as required under R315-8-13.4(b);~~

~~(3) Maintain the run-on control system required under R315-8-13.4(c);~~

~~(4) Maintain the run-off management system required under R315-8-13.4(d);~~

~~(5) Control wind dispersal of hazardous waste if required under R315-8-13.4(f);~~

~~(6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under R315-8-13.5;~~

~~(7) Continue unsaturated zone monitoring in compliance with R315-8-13.6 except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and~~

~~(8) Establish a vegetative cover on the portion of the facility being closed at a time that the cover will not substantially impede degradation, transformation, or immobilization of hazardous~~

~~constituents in the treatment zone. The vegetative cover shall be capable of maintaining growth without extensive maintenance.~~

~~(b) For the purpose of complying with R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, when closure is completed the owner or operator may submit to the Director certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.~~

~~(c) During the post-closure care period the owner or operator shall:~~

~~(1) Continue all operations, including pH control necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that these measures are consistent with other post-closure care activities;~~

~~(2) Maintain a vegetative cover over closed portions of the facility;~~

~~(3) Maintain the run-on control system required under R315-8-13.4(c);~~

~~(4) Maintain the run-off management system required under R315-8-13.4(d);~~

~~(5) Control wind dispersal of hazardous waste if required under R315-8-13.4(f);~~

~~(6) Continue to comply with any prohibitions or conditions concerning growth of food-chain crops under R315-8-13.5; and~~

~~(7) Continue unsaturated zone monitoring in compliance with R315-8-13.6, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone.~~

~~(d) The owner or operator is not subject to regulation under R315-8-13.8(a)(8) and (c) if the Director finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in R315-8-13.8(d)(3). The owner or operator may submit such a demonstration to the Director at any time during the closure or post-closure care periods. For the purposes of this paragraph:~~

~~(1) The owner or operator shall establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility plan under R315-8-13.2(b).~~

~~(i) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.~~

~~(ii) The owner or operator shall express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under R315-8-13.8(d)(3).~~

~~(2) In taking samples used in the determination of background and treatment zone values, the owner or operator shall take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.~~

~~(3) In determining whether a statistically significant increase has occurred, the owner or operator shall compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator shall use a statistical procedure that:~~

~~(i) Is appropriate for the distribution of the data used to establish background values; and~~

~~(ii) Provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.~~

~~(e) The owner or operator is not subject to regulation under section R315-8-6 if the Director finds that the owner or operator satisfies R315-8-13.8(d) and if unsaturated zone monitoring under R315-8-13.6 indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.~~

~~13.9 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~The owner or operator shall not apply ignitable or reactive waste to the treatment zone unless the waste and the treatment zone meet all applicable requirements of R315-13, R315-50-12, and R315-50-13, which incorporate by reference 40 CFR 268, and:~~

~~(a) The waste is immediately incorporated into the soil so that:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) or (f); and~~

~~(2) Section R315-8-2.8(b) is complied with; or~~

~~(b) The waste is managed in a way that it is protected from any material or conditions which may cause it to ignite or react.~~

~~13.10 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~The owner or operator shall not place incompatible wastes, or incompatible wastes and materials, see 40 CFR 264, Appendix V for examples, in or on the same treatment zone, unless R315-8-2.8(b) is complied with.~~

~~13.11 SPECIAL REQUIREMENTS FOR HAZARDOUS WASTES F020, F021, F022, F023, F026, F027~~

~~(a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 shall not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the Director pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements of these rules. The factors to be considered are:~~

~~(1) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;~~

~~(2) The attenuative properties of underlaying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or~~

~~monitoring techniques.~~

~~(b) The Director may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing hazardous waste F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to protect human health and the environment.~~

**~~R315-8-14. Landfills.~~**

~~14.1 APPLICABILITY~~

~~The rules in this section apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as R315-8-1 provides otherwise.~~

~~14.2 DESIGN AND OPERATING REQUIREMENTS~~

~~(a) Any landfill that is not covered by R315-8-14.2(c) or R315-7-21.2(a) shall have a liner system for all portions of the landfill, except for existing portions of the landfill. The liner system shall have:~~

~~(1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water at any time during the active life, including the closure period, of the landfill. The liner shall be constructed of material that prevents wastes from passing into the liner during the active life of the facility. The liner shall be:~~

~~(i) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients, including static head and external hydrogeologic forces, physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;~~

~~(ii) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and~~

~~(iii) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and~~

~~(2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The Director will specify design and operating conditions in the permit to ensure that the leachate depth at any point on the liner system, does not exceed 30 cm, one foot. The leachate collection and removal system shall be:~~

~~(i) Constructed of materials that are:~~

~~(A) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and~~

~~(B) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and~~

~~(ii) Designed and operated to function without clogging through the scheduled closure of the landfill.~~

~~(b) The owner or operator will be exempted from the requirements of R315-8-14.2(a) if the Director finds, based on a demonstration by the owner or operator, that alternative design and operating~~

~~practices, together with location characteristics, will prevent the migration of any hazardous constituents, see R315-8-6.4, into the groundwater or surface water at any future time. In deciding whether to grant an exemption, the Director will consider:~~

~~(1) The nature and quantity of the wastes;~~

~~(2) The proposed alternate design and operation;~~

~~(3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and groundwater or surface water; and~~

~~(4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.~~

~~(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. "Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, under "existing facility."~~

~~(1)(i) The liner system shall include:~~

~~(A) A top liner designed and constructed of materials, e.g., a geomembrane, to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and~~

~~(B) A composite bottom liner, consisting of at least two components. The upper component shall be designed and constructed of materials, e.g., a geomembrane, to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component shall be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component shall be constructed of at least three feet, 91 cm, of compacted soil material with a hydraulic conductivity of no more than $1 \times 10^{-7}$ cm/sec.~~

~~(ii) The liners shall comply with R315-8-14.2(a)(1)(i), (ii), and (iii).~~

~~(2) The leachate collection and removal system immediately above the top liner shall be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The Director will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm, one foot. The leachate collection and removal system shall comply with R315-8-14.2(c)(3)(iii) and (iv).~~

~~(3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system shall be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is,~~

~~at a minimum:~~

~~(i) Constructed with a bottom slope of one percent or more;~~

~~(ii) Constructed of granular drainage materials with a hydraulic conductivity of 1 x $10^{-2}$ cm/sec or more and a thickness of 12 inches, 30.5 cm, or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3 x $10^{-5}$ $m^2$/sec or more;~~

~~(iii) Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;~~

~~(iv) Designed and operated to minimize clogging during the active life and post-closure care period; and~~

~~(v) Constructed with sumps and liquid removal methods, e.g., pumps, of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit shall have its own sump(s). The design of each sump and removal system shall provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.~~

~~(4) The owner or operator shall collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.~~

~~(5) The owner or operator of a leak detection system that is not located completely above the seasonal high water table shall demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.~~

~~(d) The Director may approve alternative design or operating practices to those specified in R315-8-14.2(c) if the owner or operator demonstrates to the Director that such design and operating practices, together with location characteristics:~~

~~(1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in R315-8-14.2(c); and~~

~~(2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.~~

~~(e) The double liner requirement set forth in R315-8-14.2(h) may be waived by the Director for any monofill, if:~~

~~(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and the wastes do not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristics in R315-2-9(g) and EPA Hazardous Waste Numbers D004 through D017; and~~

~~(2)(i)(A) The monofill has at least one liner for which there is no evidence that the liner is leaking:~~

~~(B) The monofill is located more than one-quarter mile from an underground source of drinking water, as that term is defined in 40 CFR 144.3; and~~

~~(C) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with permit; or~~

~~(ii) The owner or operator demonstrates that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface~~

~~water at any future time.~~

~~(f) The owner or operator of any replacement landfill unit is exempt from R315-8-14.2(c) if:~~

~~(1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and~~

~~(2) There is no reason to believe that the liner is not functioning as designed.~~

~~(g) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.~~

~~(h) The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.~~

~~(i) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.~~

~~(j) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator shall cover or otherwise manage the landfill to control wind dispersal.~~

~~(k) The Director will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.~~

~~14.3 MONITORING AND INSPECTION~~

~~(a) During construction or installation, liners, except in the case of existing portions of landfills exempt from R315-8-14.2(a), and cover systems, e.g., membranes, sheets, or coatings, shall be inspected for uniformity, damage, and imperfections, e.g., holes, cracks, thin spots, or foreign materials. Immediately after construction or installation:~~

~~(1) Synthetic liners and covers shall be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and~~

~~(2) Soil-based and admixed liners and covers shall be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.~~

~~(b) While a landfill is in operation, it shall be inspected weekly and after storms to detect evidence of any of the following:~~

~~(1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;~~

~~(2) Proper functioning of wind dispersal control systems, where present; and~~

~~(3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.~~

~~(c)(1) An owner or operator required to have a leak detection system under R315-8-14.2(c) or (d) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.~~

~~(2) After the final cover is installed, the amount of liquids removed from each leak detection system sump shall be recorded at least~~

~~monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps shall be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps shall be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator shall return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.~~

~~(3) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Director based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.~~

~~14.4 SURVEYING AND RECORDKEEPING~~

~~The owner or operator of a landfill shall maintain the following items in the operating record required under R315-8-5.3, which incorporates by reference 40 CFR 264.73:~~

~~(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed bench marks; and~~

~~(b) The contents of each cell and the approximate location of each hazardous waste type within each cell.~~

~~14.5 CLOSURE AND POST-CLOSURE CARE~~

~~(a) At final closure of the landfill or upon closure of any cell, the owner or operator shall cover the landfill or cell with a final cover designed and constructed to:~~

~~(1) Provide long-term minimization of migration of liquids through the closed landfill;~~

~~(2) Function with minimum maintenance;~~

~~(3) Promote drainage and minimize erosion or abrasion of the cover;~~

~~(4) Accommodate settling and subsidence so that the cover's integrity is maintained; and~~

~~(5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.~~

~~(b) After final closure, the owner or operator shall comply with all post-closure requirements contained under R315-8-9.9 and R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120, including maintenance and monitoring throughout the post-closure care period, specified in the permit, under R315-8-7, which incorporates by reference 40 CFR 264.110 - 264.120. The owner or operator shall:~~

~~(1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;~~

~~(2) Continue to operate the leachate collection and removal system until leachate is no longer detected;~~

~~(3) Maintain and monitor the leak detection system in accordance with R315-8-14.2(c)(3)(iv) and (4) and R315-8-14.3(c), and comply with all other applicable leak detection system requirements of R315-8;~~

~~(4) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of these rules;~~

~~(5) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and~~

~~(6) Protect and maintain surveyed bench marks used in complying with R315-8-14.4.~~

~~14.6 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE~~

~~(a) Except as provided in R315-8-14.6(b), and in R315-8-14.10, ignitable or reactive waste shall not be placed in a landfill, unless the waste and landfill meet all applicable requirements of R315-13, R315-50-12, and R315-50-13, which incorporate by reference 40 CFR 268, and:~~

~~(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) or (f); and~~

~~(2) R315-8-2.8(b) is complied with.~~

~~(b) Except for prohibited wastes which remain subject to treatment standards in R315-13, which incorporates by reference 40 CFR 268 subpart D, ignitable wastes in containers may be landfilled without meeting the requirements of R315-8-14.6(a), provided that the wastes are disposed of in a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes shall be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; shall be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and shall not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.~~

~~14.7 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES~~

~~Incompatible wastes, or incompatible wastes and materials shall not be placed in the same landfill cell, unless R315-8-2.8(b) is complied with.~~

~~14.8 SPECIAL REQUIREMENTS FOR LIQUID WASTE~~

~~(a) Bulk or non-containerized liquid waste or waste containing free liquids may be placed in a landfill, prior to May 8, 1985, if:~~

~~(1) The landfill has a liner and leachate collection and removal system that meet the requirements of R315-8-14.2(a); or~~

~~(2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically, e.g., by mixing with a sorbent solid, so that free liquids are no longer present.~~

~~(b) Effective May 8, 1985, the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited.~~

~~(c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test shall be used: Method 9095, Paint Filter Liquids Test, as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." EPA Publication No. SW-846 as incorporated by reference in 40 CFR 260.11, see R315-1-2.~~

~~(d) Containers holding free liquids shall not be placed in a landfill unless:~~

~~(1) All free-standing liquid:~~

~~(i) Has been removed by decanting, or other methods;~~

~~(ii) Has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or~~

~~(iii) Has been otherwise eliminated; or~~

~~(2) The container is very small, such as an ampule; or~~

~~(3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or~~

~~(4) The container is a lab pack as defined in R315-8-14.10, and is disposed of in accordance with R315-8-14.10.~~

~~(e) Sorbents used to treat free liquids to be disposed of in landfills shall be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in R315-8-14.8(e)(1); materials that pass one of the tests in R315-8-14.8(e)(2); or materials that are determined by EPA to be nonbiodegradable through the R315-2-16, which incorporates by reference 40 CFR 260.22, petition process.~~

~~(1) Nonbiodegradable sorbents.~~

~~(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). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or~~

~~(iii) Mixtures of these nonbiodegradable materials.~~

~~(2) Tests for nonbiodegradable sorbents.~~

~~(i) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or~~

~~(ii) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria; or~~

~~(iii) The sorbent material is determined to be non-biodegradable under the Organization for Economic Cooperation and Development (OECD) test 301B, $CO_2$ Evolution, Modified Sturm Test.~~

~~(f) Effective November 8, 1985, the landfill placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of the landfill demonstrates to the Director that;~~

~~(1) The only reasonably available alternative to the placement in the landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains or may reasonably be anticipated to contain, hazardous waste; and~~

~~(2) Placement in the owner or operator's landfill will not present a risk of contamination of any underground source of drinking water, as that term is defined in 40 CFR 144.3.~~

~~14.9 SPECIAL REQUIREMENTS FOR CONTAINERS~~

~~Unless they are very small, such as an ampule, containers shall be either:~~

~~(a) At least 90 percent full when placed in the landfill; or~~

~~(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.~~

~~14.10 DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS, LAB PACKS~~

~~Small containers of hazardous waste in overpacked drums, lab packs, may be placed in a landfill if the following requirements are met:~~

~~(a) Hazardous waste shall be packaged in non-leaking inside containers. The inside containers shall be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers shall be tightly and securely sealed. The inside containers shall be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations, 49 CFR parts 173, 178, and 179, if those regulations specify a particular inside container for the waste.~~

~~(b) The inside containers shall be overpacked in an open head DOT - specification metal shipping container, 49 CFR parts 178 and 179, of no more than 416-liter, 110 gallon, capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with R315-8-14.8(e), to completely sorb all of the liquid contents of the inside containers. The metal outer container shall be full after it has been packed with inside containers and sorbent material.~~

~~(c) The sorbent material used shall not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers in accordance with R315-8-2.8(b).~~

~~(d) Incompatible wastes, as defined in R315-1 shall not be placed in the same outside container.~~

~~(e) Reactive wastes, other than cyanide or sulfide bearing wastes as defined in R315-2-9(f)(v) shall be treated or rendered non-reactive prior to packaging in accordance with R315-8-14.10(a) through (d). Cyanide and sulfide bearing reactive waste may be packed in accordance with R315-8-14.10(a) through (d) without first being treated or rendered non-reactive.~~

~~(f) The disposal is in compliance with the requirements of R315-13, R315-50-12, and R315-50-13, which incorporate by reference 40 CFR 268. Persons who incinerate lab packs according to the requirements in R315-13, which incorporates by reference 40 CFR 268.42(c)(1), may use fiber drums in place of metal outer containers. Such fiber drums shall meet the DOT specification in 49 CFR 173.12 and be overpacked according to the requirements in R315-8-14.10(b).~~

~~14.11 SPECIAL REQUIREMENTS FOR HAZARDOUS WASTES F020, F021, F022, F023, F026, AND F027~~

~~(a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 shall not be placed in a landfill unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the Director pursuant to the standards set out in this paragraph, and in accord with all other applicable requirements. The~~

~~factors to be considered are:~~

~~(1) The volume, physical and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;~~

~~(2) The attenuative properties of underlaying and surrounding soils or other materials;~~

~~(3) The mobilizing properties of other materials co-disposed with these wastes; and~~

~~(4) The effectiveness of additional treatment, design, or monitoring requirements.~~

~~(b) The Director may determine that additional design, operating and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to protect human health and the environment.~~

~~14.12 ACTION LEAKAGE RATE~~

~~(a) The Director shall approve an action leakage rate for surface impoundment units subject to R315-8-14.2(c) or (d). The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.~~

~~(b) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly or monthly flow rate from the monitoring data obtained under R315-8-14.3(c), to an average daily flow rate, gallons per acre per day, for each sump. Unless the Director approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period, and monthly during the post-closure care period when monthly monitoring is required under R315-8-14.3(c).~~

~~14.13 RESPONSE ACTIONS~~

~~(a) The owner or operator of landfill units subject to R315-8-14.2(c) or (d) shall have an approved response action plan before receipt of waste. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in R315-8-14.13(b).~~

~~(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:~~

~~(1) Notify the Director in writing of the exceedence within seven days of the determination;~~

~~(2) Submit a preliminary written assessment to the Director within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;~~

~~(3) Determine to the extent practicable the location, size, and cause of any leak;~~

~~(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;~~

~~(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and~~

~~(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Director the results of the analyses specified in R315-8-14.13(b)(3)-(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Director a report summarizing the results of any remedial actions taken and actions planned.~~

~~(c) To make the leak and/or remediation determinations in R315-8-14.13(b)(3)-(5), the owner or operator shall:~~

~~(1)(i) Assess the source of liquids and amounts of liquids by source;~~

~~(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and~~

~~(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or~~

~~(2) Document why such assessments are not needed.~~

**~~R315-8-15. Incinerators.~~**

~~15.1 APPLICABILITY~~

~~(a) The rules in this section apply to owners or operators of facilities that incinerate hazardous waste, as defined in 40 CFR 260.10, except as R315-8-1 provides otherwise.~~

~~(b) Integration of the MACT standards.~~

~~(1) Except as provided by R315-8-15.1(b)(2), through R315-8-15.1(b)(5) the standards of R315-8 do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE, by conducting a comprehensive performance test and submitting to the Director a Notification of Compliance under R307-214-2, which incorporates by reference 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with the requirements of R307-214-2, which incorporates by reference 40 CFR 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, hazardous waste permit conditions that were based on the standards of R315-8 will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.~~

~~(2) The MACT standards do not replace the closure requirements of R315-8-15.8 or the applicable requirements of R315-8-1 through R315-8-8, R315-8-18, which incorporates by reference 40 CFR 264~~

~~subpart BB, and R315-8-22, which incorporates by reference 40 CFR 264 subpart CC.~~

~~(3) The particulate matter standard of R315-8-15.4(b) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of R307-214-2, which incorporates by reference 40 CFR 63.1206(b)(14) and 63.1219(e).~~

~~(4) The following requirements remain in effect for startup, shutdown, and malfunction events if you elect to comply with R315-3-9(a)(1)(i) to minimize emissions of toxic compounds from these events:~~

~~(i) R315-8-15.6(a) requiring that an incinerator operate in accordance with operating requirements specified in the permit; and~~

~~(ii) R315-8-15.6(c) requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.~~

~~(5) The particulate matter standard of R315-8-15.4(b) remains in effect for incinerators that elect to comply with the alternative to the articulate matter standard of R307-214-2(39), which incorporates by reference 40 CFR 63.1206(b)(14) and 63.1219(e).~~

~~(c) After consideration of the waste analysis included with part B of the permit application, the Director, in establishing the permit conditions, shall exempt the applicant from all requirements of this section except R315-8-15.2, Waste Analysis and R315-8-15.8, Closure,~~

~~(1) If the Director finds that the waste to be burned is:~~

~~(i) Listed as a hazardous waste in R315-2-10 or R315-2-11 solely because it is ignitable, Hazard Code I, corrosive Hazard Code C, or both; or~~

~~(ii) Listed as a hazardous waste in R315-2-10 or R315-2-11 solely because it is reactive, Hazard Code R, for characteristics other than those listed in R315-2-9(f)(1)(iv) and (v), and will not be burned when other hazardous wastes are present in the combustion zone; or~~

~~(iii) A hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the test for characteristics of hazardous wastes under R315-2-9, or~~

~~(iv) A hazardous waste solely because it possesses any of the reactivity characteristics described by R315-2-9(f)(1)(i), (ii), (iii), (vi), (vii), and (viii) and will not be burned when other hazardous wastes are present in the combustion zone; and~~

~~(2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, which could reasonably be expected to be in the waste.~~

~~(d) If the waste to be burned is one which is described by R315-8-15.1(c)(1)(i), (ii), (iii), or (iv) and contains insignificant concentrations of the hazardous constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, then the Director may, in establishing permit conditions, exempt the applicant from all requirements of this section except R315-8-15.2, Waste analysis and R315-8-15.8, Closure, after consideration of the waste analysis included with part B of the permit application, unless the Director finds that the waste will pose a threat to human health and~~

~~the environment when burned in an incinerator.~~

~~(c) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of R315-3-6.3.~~

~~15.2 WASTE ANALYSIS~~

~~(a) As a portion of the trial burn plan required by R315-3-6.3 or with part B of the permit the owner or operator shall have included an analysis of the waste feed sufficient to provide all information required by R315-3-6.3(b) or R315-3-2.10. Owners or operators of new hazardous waste incinerators shall provide the information required by R315-3-6.3(c) or R315-3-2.10 to the greatest extent possible.~~

~~(b) Throughout normal operation the owner or operator shall conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit, R315-8-15.6.~~

~~15.3 PRINCIPAL ORGANIC HAZARDOUS CONSTITUENTS (POHCS)~~

~~(a) Principal Organic Hazardous Constituents (POHCs) in the waste feed shall be treated to the extent required by the performance standard of R315-8-15.4.~~

~~(b)(1) One or more POHCs will be specified in the facility's permit, from among these constituents listed in R315-50-10, which incorporates by reference 40 CFR 261 Appendix VIII, for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with part B of the permit. Organic constituents which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.~~

~~(2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified R315-3-6.3 for obtaining trial burn permits.~~

~~15.4 PERFORMANCE STANDARDS~~

~~An incinerator burning hazardous waste shall be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under R315-8-15.6, it will meet the following performance standards:~~

~~(a)(1) An incinerator burning hazardous waste shall achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated, R315-8-15.3, in its permit for each waste feed. DRE is determined for each POHC from the following equation:~~

~~$DRE = (W_{in} - W_{out}) / W_{in} \times 100\%$~~

~~Where:~~

~~$W_{in}$ = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and~~

~~$W_{out}$ = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.~~

~~(2) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kilograms per hour, 4 pounds per hour, of hydrogen chloride (HC1) shall control HC1 emissions so that the rate of emission is no greater than the larger of either 1.8 kilograms per~~

~~hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.~~

~~(b) An incinerator burning hazardous waste shall not emit particulate matter in excess of 180 milligrams per dry standard cubic meter, 0.08 grains per dry standard cubic foot, when corrected for the amount of oxygen in the stack gas according to the formula:~~

~~$P_e = P_m$ x 14 / (21-Y)~~

~~When $P_e$ is correct concentration of particulate matter, $P_m$ is the measured concentration of particulate matter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, as presented in 40 CFR 60 Appendix A Method 3. This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the Director will select an appropriate correction procedure, to be specified in the facility permit.~~

~~(c) For purposes of permit enforcement, compliance with the operating requirements specified in the permit under R315-8-15.6 will be regarded as compliance with this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of this section may be "information" justifying modification, revocation, or reissuance of a permit under R315-3-4.2.~~

~~(d) An incinerator burning hazardous wastes F020, F021, F022, F023, F026, or F027 shall achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) designated, under R315-8-15.3, in its permit. This performance shall be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in R315-8-15.4(a)(1). In addition, the owner or operator of the incinerator shall notify the Director of his intent to incinerate hazardous wastes F020, F021, F022, F023, F026, or F027.~~

~~15.5 HAZARDOUS WASTE INCINERATOR PERMITS~~

~~(a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under 8.15.6., except:~~

~~(1) In approved trial burns, R315-3-6.3, or~~

~~(2) Under exemptions created by R315-8-15.1.~~

~~(b) Other hazardous wastes may be burned after operating conditions have been specified in a new permit or a permit modification, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with part B of a permit under R315-3-2.10.~~

~~(c) The permit for a new hazardous waste incinerator shall establish appropriate conditions for each of the applicable requirements of this section including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of R315-8-15.6, sufficient to comply with the following standards:~~

~~(1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish~~

~~operating conditions required in R315-8-15.5(c)(2), not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements shall be those most likely to ensure compliance with the performance standards in R315-8-15.4 based on the Director's engineering judgement. The Director may extend the duration of this period once for up to 720 additional hours when good cause for the extension is demonstrated by the applicant;~~

~~(2) For the duration of the trial burn, the operating requirements shall be sufficient to demonstrate compliance with the performance standards of R315-8-15.4 and shall be in accordance with the approved trial burn plan;~~

~~(3) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Director, the operating requirements shall be those most likely to ensure compliance with the performance standards of R315-8-15.4 based on the Director's engineering judgement.~~

~~(4) For the remaining duration of the permit, the operating requirements shall be those demonstrated, in a trial burn or by alternative data specified in R315-3-2.10(c), as sufficient to ensure compliance with the performance standards of R315-8-15.4.~~

~~15.6 OPERATING REQUIREMENTS~~

~~(a) An incinerator shall be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated, in a trial burn or in alternative data as specified in R315-8-15.5(b), and included with part B of a facility's permit to be sufficient to comply with the performance standards of R315-8-15.4.~~

~~(b) Each set of operating requirements will specify the composition of the waste feed, including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirements of R315-8-15.4, to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:~~

~~(1) Carbon monoxide (CO) level in the stack exhaust gas;~~

~~(2) Waste feed rate;~~

~~(3) Combustion temperature;~~

~~(4) An appropriate indicator of combustion gas velocity;~~

~~(5) Allowable variations in incinerator system design or operating procedures; and~~

~~(6) Any other operating requirements as are necessary to ensure that the performance standards of R315-8-15.4 are met.~~

~~(c) During start-up and shut-down of an incinerator, hazardous waste, except wastes exempted in accordance with R315-8-15.1, shall not be fed into the incinerator unless the incinerator is operating within the conditions of operation, temperature, air feed rate, etc., specified in the permit.~~

~~(d) Fugitive emissions from the combustion zone shall be controlled by:~~

~~(1) Keeping the combustion zone totally sealed against fugitive~~

~~emissions; or~~

~~(2) Maintaining a combustion zone pressure lower than atmospheric pressure; or~~

~~(3) An alternative means of control demonstrated, with part B of the permit to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.~~

~~(e) An incinerator shall be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under R315-8-15.6(a).~~

~~(f) An incinerator shall cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.~~

~~15.7 MONITORING AND INSPECTIONS~~

~~(a) The owner or operator shall conduct, as a minimum, the following monitoring while incinerating hazardous waste:~~

~~(1) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit shall be monitored on a continuous basis.~~

~~(2) Carbon monoxide (CO) shall be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere.~~

~~(3) Upon request by the Director, sampling and analysis of the waste and exhaust emissions shall be conducted to verify that the operating requirements established in the permit achieve the performance standards of R315-8-15.4.~~

~~(b) The incinerator and associated equipment, pumps, valves, conveyors, pipes, etc., shall be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions, and signs of tampering.~~

~~(c) The emergency waste feed cutoff system and associated alarms shall be tested at least weekly to verify operability, unless the applicant demonstrates to the Director that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing shall be conducted at least monthly.~~

~~(d) This monitoring and inspection data shall be recorded and the records shall be placed in the operating record required by R315-8-5.3, which incorporates by reference 264.73.~~

~~15.8 CLOSURE~~

~~At closure the owner or operator shall remove all hazardous waste and hazardous waste residues, including, but not limited to, ash, scrubber waters, and scrubber sludges, from the incinerator site.~~

~~At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with R315-2-3(d), that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with applicable requirements. R315-4 - R315-9.~~

**~~R315-8-16. Miscellaneous Units.~~**

~~The requirements as found in 40 CFR 264, subpart X, which includes sections 264.600 through 264.603, 2000 ed., are adopted and incorporated by reference.~~

~~**R315-8-17. Air Emission Standards for Process Vents.**~~

~~The requirements as found in 40 CFR subpart AA sections 264.1030 through 264.1036, 1998 ed., as amended by 64 FR 3382, January 21, 1999, are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director " for all federal regulation references made to "Regional Administrator".~~

~~**R315-8-18. Air Emission Standards for Equipment Leaks.**~~

~~The requirements as found in 40 CFR subpart BB sections 264.1050 through 264.1065, 2004 ed., are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director " for all federal regulation references made to "Regional Administrator."~~

~~**R315-8-19. Drip Pads.**~~

~~The requirements as found in 40 CFR subpart W sections 264.570 through 264.575, 1996 ed., are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator".~~

~~(2) Add, following December 6, 1990, in 40 CFR 264.570(a), "for all HSWA drip pads or July 30, 1993 for all non-HSWA drip pads."~~

~~(3) Add, following December 24, 1992, in 40 CFR 570(a), "for all HSWA drip pads or July 30, 1993 for all non-HSWA drip pads."~~

~~**R315-8-20. Containment Buildings.**~~

~~The requirements of subpart DD sections 264.1100 through 264.1110, as found in 57 FR 37194, August 18, 1992, are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator."~~

~~**R315-8-21. Corrective Action for Solid Waste Management Units.**~~

~~The requirements of 40 CFR 264, subpart S, which includes sections 264.550 through 264.555, 2010 ed., are adopted and incorporated by reference with the following exception:~~

~~substitute "Director" for all federal regulation references made to "Regional Administrator."~~

~~**R315-8-22. Air Emission Standards for Tanks, Surface Impoundments, and Containers.**~~

~~The requirements as found in 40 CFR subpart CC, sections 264.1080 through 264.1091, 1998 ed., as amended by 64 FR 3382, January 21, 1999, are adopted and incorporated by reference with the following exception:~~

~~(1) substitute "Director" for all federal regulation references made to "Regional Administrator."~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~
~~**Notice of Continuation: July 13, 2011**~~

~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-9. Emergency Controls.~~**

**~~R315-9-1. Immediate Action.~~**

~~In the event of a spill of hazardous waste or material which, when spilled, becomes hazardous waste, the person responsible for the material at the time of the spill shall immediately:~~

~~(a) Take appropriate action to minimize the threat to human health and the environment.~~

~~(b) Notify the Utah State Department of Environmental Quality, 24-hour Answering Service, 801-536-4123 if the following spill quantities are exceeded:~~

~~(1) One kilogram of material listed in paragraph R315-2-10(e), which includes F999 and incorporates by reference 40 CFR 261.31, and which is an acute hazardous waste identified with a hazard code of (H), or in R315-2-11(e), which incorporates by reference 40 CFR 261.33(e). Notify for a spill of a lesser quantity if there is a potential threat to human health or the environment; or~~

~~(2) One hundred kilograms of hazardous waste or material which, when spilled, becomes hazardous waste, other than that listed in R315-2-11(e), which incorporates by reference 40 CFR 261.33(e). Notify for a spill of a lesser quantity if there is a potential threat to human health or the environment.~~

~~(c) Provide the following information when reporting the spill:~~

~~(1) Name, phone number, and address of person responsible for the spill.~~

~~(2) Name, title, and phone number of individual reporting.~~

~~(3) Time and date of spill.~~

~~(4) Location of spill - as specific as possible including nearest town, city, highway or waterway.~~

~~(5) Description contained on the manifest and the amount of material spilled.~~

~~(6) Cause of spill.~~

~~(7) Emergency action taken to minimize the threat to human health and the environment.~~

~~(d) An air, rail, highway, or water transporter who has discharged hazardous waste shall:~~

~~(1) Give notice, if required by 49 CFR 171.15 to the National Response Center, 800-424-8802 or 202-426-2675; and~~

~~(2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.~~

~~(e) A water, bulk shipment, transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.~~

**~~R315-9-2. Emergency Control Variance.~~**

~~If a spill of hazardous waste requires immediate removal to protect human health or the environment, as determined by the Director, a variance may be granted by the Director to the manifest and recordkeeping requirements of these rules until the spilled material~~

~~and any residue or contaminated soil, water or other material resulting from the spill no longer presents an immediate hazard to human health or the environment, as determined by the Director.~~

**~~R315-9-3. Spill Clean-up.~~**

~~The person responsible for the material at the time of the spill shall clean up all the spilled material and any residue or contaminated media or other material resulting from the spill or take action as may be required by the Director so that the spilled material, residue, or contaminated media no longer presents a hazard to human health or the environment as defined in R315-101. The cleanup or other required actions shall be at the expense of the person responsible for the spill. If the person responsible for the spill fails to take the required action, the Department may take action and bill the responsible person.~~

**~~R315-9-4. Reporting.~~**

~~Within 15 days after any spill of hazardous waste or material which, when spilled, becomes hazardous waste, and is reported under R315-9-1(b), the person responsible for the material at the time of the spill shall submit to the Director a written report which contains the following information:~~

~~(a) The person's name, address, and telephone number;~~

~~(b) Date, time, location, and nature of the incident;~~

~~(c) Name and quantity of material(s) involved;~~

~~(d) The extent of injuries, if any;~~

~~(e) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and~~

~~(f) The estimated quantity and disposition of recovered material that resulted from the incident.~~

**~~KEY: hazardous waste~~**
**~~Date of Enactment or Last Substantive Amendment: April 25, 2013~~**
**~~Notice of Continuation: July 13, 2011~~**
**~~Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106~~**

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-12. Administrative Procedures.~~**

**~~R315-12-1. Administrative Procedures.~~**

~~Administrative proceedings under the following acts are governed by Rule R305-7:~~

~~(a) Title 19, Chapter 6, Part 1 (Solid and Hazardous Waste Act);~~

~~(b) Title 19, Chapter 6, Part 6 (Lead Acid Battery Disposal);~~

~~(c) Title 19, Chapter 6, Part 7 (Used Oil Management Act);~~

~~(d) Tile 19-6, Part 8 (Waste Tire Recycling); and~~

~~(e) Title 19, Chapter 6, Part 10 (Mercury Switch Removal Act).~~

~~**KEY: hazardous waste, administrative proceedings, hearing, adjudicative proceedings**~~

~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~

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~~**Authorizing, and Implemented or Interpreted Law: 19-1-301; 19-6-105; 63G-4-102; 63G-4-201 through 205; 63G-4-503**~~

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**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-13.~~** ~~Land Disposal Restrictions.~~

**~~R315-13-1. Land Disposal Restrictions.~~**

~~The requirements as found in 40 CFR 268, 2001 ed., as amended by 65 FR 67068, November 8, 2000; 65 FR 81373, December 26, 2000; 66 FR 27266, May 16, 2001; 66 FR 58258, November 20, 2001; 67 FR 17119, April 9, 2002; 67 FR 62618, October 7, 2002; 67 FR 48393, July 24, 2002; 70 FR 9138, February 24, 2005; 70 FR 45508, August 5, 2005; 75 FR 12989, March 18, 2010; 75 FR 31716, June 4, 2010; and 75 FR 78918, December 17, 2010, are adopted and incorporated by reference including Appendices III, IV, VI, VII, VIII, IX, and XI, with the exclusion of Sections 268.5, 268.6, 268.42(b), and 268.44(a) - (g) and with the following exceptions:~~

~~(a) Substitute "Director" for all federal regulation references made to "Administrator" or "Regional Administrator" except for 40 CFR 268.40(b).~~

~~(b) All references made to "EPA Hazardous Waste Number" will include P999, and F999.~~

~~(c) Substitute Utah Code Annotated, Title 19, Chapter 6 for all references to RCRA.~~

**~~KEY: hazardous waste~~**

**~~Date of Enactment or Last Substantive Amendment: April 25, 2013~~**

**~~Notice of Continuation: July 13, 2011~~**

**~~Authorizing, and Implemented or Interpreted Law: 19-6-106; 19-6-105~~**

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-14.~~** ~~Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.~~

**~~R315-14-1. General Requirements.~~**

~~(a) Purpose, Scope, and Applicability.~~

~~(1) The purpose of R315-14 is to establish minimum State standards which define the acceptable management of certain hazardous wastes and the acceptable practices for certain kinds of hazardous waste management facilities.~~

~~(2) R315-14 applies, in lieu of the requirements of R315-8 or R315-7, to the owners and operators of eligible hazardous waste management facilities.~~

**~~R315-14-2. Recyclable Materials Used in a Manner Constituting Disposal.~~**

~~(a) The requirements regarding recyclable materials used in a manner constituting disposal of 40 CFR 266.20 to 266.23, inclusive, 2003 ed., are adopted and incorporated by reference.~~

**~~R315-14-3. Reserved.~~**

~~Reserved.~~

**~~R315-14-4. Reserved.~~**

~~Reserved.~~

**~~R315-14-5. Recyclable Materials Utilized for Precious Metal Recovery.~~**

~~The requirements regarding recyclable materials utilized for precious metal recovery of 40 CFR 266.70, 1996 ed., are adopted and incorporated by reference.~~

**~~R315-14-6. Spent Lead-Acid Batteries Being Reclaimed.~~**

~~The requirements regarding spent lead-acid batteries being reclaimed of 40 CFR 266.80, 1998 ed., as amended by 63 FR 71225, December 24, 1998, are adopted and incorporated by reference.~~

**~~R315-14-7. Hazardous Waste Burned in Boilers and Industrial Furnaces.~~**

~~The requirements as found in 40 CFR 266, Subpart H, 266.100 - 266.112, 2008 ed., are adopted and incorporated by reference.~~

**~~R315-14-8. Military Munitions.~~**

~~For purposes of 19-6-102(18)(a), a used or fired military munition is a solid waste, and, therefore, is potentially subject to corrective action authorities under 19-6-105(1)(d), 19-6-112, and RCRA 3008(h), or imminent and substantial endangerment authorities under 19-6-115 if the munition lands off-range and is not promptly rendered safe or retrieved or both. Any imminent and substantial threats associated with any remaining material shall be addressed. If remedial action is infeasible, the operator of the range shall maintain a record of the event for as long as any threat remains. The record shall include the type of munition and its location, to the extent the~~

~~location is known.~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: January 13, 2012**~~
~~**Notice of Continuation: July 13, 2011**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

]

**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-16. Standards for Universal Waste Management.~~**

**~~R315-16-1.General.~~**

~~1.1 SCOPE~~

~~(a) This rule establishes requirements for managing the following:~~

~~(1) Batteries as described in section 1.2;~~

~~(2) Pesticides as described in section 1.3;~~

~~(3) Mercury-containing equipment as described in section 1.4; and~~

~~(4) Mercury-containing lamps as described in section 1.5.~~

~~(b) This rule provides an alternative set of management standards in lieu of regulation under R315-1 through R315-101.~~

~~1.2 APPLICABILITY - BATTERIES~~

~~(a) Batteries covered under R315-16.~~

~~(1) The requirements of this rule apply to persons managing batteries, as described in section 1.9, except those listed in paragraph (b) of this section.~~

~~(2) Spent lead-acid batteries which are not managed under 40 CFR part 266, subpart G, as incorporated by reference at R315-14-6, are subject to management under this rule.~~

~~(b) Batteries not covered under R315-16. The requirements of this rule do not apply to persons managing the following batteries:~~

~~(1) Spent lead-acid batteries that are managed under R315-14-6.~~

~~(2) Batteries, as described in section 1.9, that are not yet wastes under R315-2, including those that do not meet the criteria for waste generation in paragraph (c) of this section.~~

~~(3) Batteries, as described in section 1.9, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in R315-2-9.~~

~~(c) Generation of waste batteries.~~

~~(1) A used battery becomes a waste on the date it is discarded, e.g., when sent for reclamation.~~

~~(2) An unused battery becomes a waste on the date the handler decides to discard it.~~

~~1.3 APPLICABILITY - PESTICIDES~~

~~(a) Pesticides covered under R315-16. The requirements of this rule apply to persons managing pesticides, as described in section 1.9, meeting the following conditions, except those listed in paragraph (b) of this section:~~

~~(1) Recalled pesticides that are:~~

~~(i) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or~~

~~(ii) Stocks of a suspended or canceled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.~~

~~(2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.~~

~~(b) Pesticides not covered under R315-16. The requirements of~~

~~this rule do not apply to persons managing the following pesticides:~~

~~(1) Recalled pesticides described in paragraph (a)(1) of this section, and unused pesticide products described in paragraph (a)(2) of this section, that are managed by farmers in compliance with R315-5-7. R315-5-7 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with R315-2-7(b)(3);~~

~~(2) Pesticides not meeting the conditions set forth in paragraph (a) of this section. These pesticides must be managed in compliance with the hazardous waste regulations in R315-1 through R315-101;~~

~~(3) Pesticides that are not wastes under R315-2 , including those that do not meet the criteria for waste generation in paragraph (c) of this section or those that are not wastes as described in paragraph (d) of this section; and~~

~~(4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in R315-2-10 or if it exhibits one or more of the characteristics identified in R315-2-9.~~

~~(c) When a pesticide becomes a waste.~~

~~(1) A recalled pesticide described in paragraph (a)(1) of this section becomes a waste on the first date on which both of the following conditions apply:~~

~~(i) The generator of the recalled pesticide agrees to participate in the recall; and~~

~~(ii) The person conducting the recall decides to discard, e.g., burn the pesticide for energy recovery.~~

~~(2) An unused pesticide product described in paragraph (a)(2) of this section becomes a waste on the date the generator decides to discard it.~~

~~(d) Pesticides that are not wastes. The following pesticides are not wastes:~~

~~(1) Recalled pesticides described in paragraph (a)(1) of this section, provided that the person conducting the recall:~~

~~(i) Has not made a decision to discard, e.g., burn for energy recovery, the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under R315-2-2; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including R315-16. This pesticide remains subject to the requirements of FIFRA; or~~

~~(ii) Has made a decision to use a management option that, under R315-2-2, does not cause the pesticide to be a solid waste, i.e., the selected option is use, other than use constituting disposal, or reuse, other than burning for energy recovery or reclamation. Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including R315-16. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.~~

~~(2) Unused pesticide products described in paragraph (a)(2) of this section, if the generator of the unused pesticide product has not decided to discard, them, e.g., burn for energy recovery. These pesticides remain subject to the requirements of FIFRA.~~

~~1.4 APPLICABILITY -- MERCURY-CONTAINING EQUIPMENT~~

~~(a) Mercury-containing equipment covered under R315-16. The requirements of this section apply to persons managing mercury-containing equipment, as described in section 1.9, except those listed in paragraph (b) of this section.~~

~~(b) Mercury-containing equipment not covered under R315-16. The requirements of this section do not apply to persons managing the following mercury-containing equipment:~~

~~(1) Mercury-containing equipment that are not yet wastes under R315-2. Paragraph (c) of this section describes when mercury-containing equipment become wastes.~~

~~(2) Mercury-containing equipment that are not hazardous waste. A Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in R315-2-9.~~

~~(c) Generation of waste mercury-containing equipment.~~

~~(1) Used mercury-containing equipment becomes a waste on the date it is discarded, e.g., sent for reclamation.~~

~~(2) Used mercury-containing equipment becomes a waste on the date the handler decides to discard it.~~

~~1.5 APPLICABILITY - LAMPS~~

~~(a) Lamps covered under R315-16. The requirements of this section apply to persons managing lamps, as described in section 1.9, except those listed in paragraph (b) of this section.~~

~~(b) Lamps not covered under R315-16. The requirements of R315-16 do not apply to persons managing the following lamps:~~

~~(1) Lamps that are not yet wastes under R315-2 as provided in paragraph (c) of this section.~~

~~(2) Lamps, that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in R315-2-9(a) and (d) - (g).~~

~~(c) Generation of waste lamps.~~

~~(1) A used lamp becomes a waste on the date it is discarded, e.g., sent for reclamation.~~

~~(2) An unused lamp becomes a waste on the date the handler decides to discard it.~~

~~1.8 APPLICABILITY - HOUSEHOLD AND CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE~~

~~(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this section:~~

~~(1) Household wastes that are exempt under R315-2-4 and are also of the same type as the universal wastes defined in section 1.9; or~~

~~(2) Conditionally exempt small quantity generator wastes that are exempt under R315-2-5 and are also of the same type as the universal wastes defined in section 1.9.~~

~~(b) Persons who commingle the wastes described in paragraphs (a)(1) and (a)(2) of this section together with universal waste regulated under this rule must manage the commingled waste under the requirements of this rule.~~

~~1.9 DEFINITIONS~~

~~(a) "Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections, electrical and mechanical, as may be needed to allow~~

~~the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.~~

~~(b) "Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in sections 16-2.4(a) and (c) and sections 16-3.4(a) and (c). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.~~

~~(c) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136-136y.~~

~~(d) "Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in R315-2 of this rule, or whose act first causes a hazardous waste to become subject to regulation.~~

~~(e) "Lamp," also referred to as "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.~~

~~(f) "Large Quantity Handler of Universal Waste" means a universal waste handler, as defined in this section, who accumulates 5,000 kilograms or more total of universal waste, batteries, pesticides, lamps, or mercury-containing equipment, calculated collectively, at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.~~

~~(g) "Mercury-containing equipment" means a device or part of a device, including thermostats, but excluding batteries and lamps, that contains elemental mercury integral to its function.~~

~~(h) "On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.~~

~~(i) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:~~

~~(1) Is a new animal drug under FFDCA section 201(w), or~~

~~(2) Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or~~

~~(3) Is an animal feed under FFDCA section 201(x) that bears or contains any substances described by paragraph (1) or (2) of this section.~~

~~(j) "Small Quantity Handler of Universal Waste" means a universal waste handler, as defined in this section, who does not~~

~~accumulate 5,000 kilograms or more total of universal waste, batteries, pesticides, lamps, or mercury-containing equipment, calculated collectively, at any time.~~

~~(k) "Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of sections 16-2.4(c)(2) or 16-3.4(c)(2).~~

~~(l) "Universal Waste" means any of the following hazardous wastes that are subject to the universal waste requirements of R315-16:~~

~~(1) Batteries as described in section 16-1.2;~~

~~(2) Pesticides as described in section 16-1.3;~~

~~(3) Mercury-containing equipment as described in section 16-1.4; and~~

~~(4) Lamps as described in section 16-1.5.~~

~~(m) "Universal Waste Handler":~~

~~(1) Means:~~

~~(i) A generator, as defined in this section, of universal waste; or~~

~~(ii) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.~~

~~(2) Does not mean:~~

~~(i) A person who treats, except under the provisions of sections 16-2.4(a) or (c), or 16-3.4(a) or (c), disposes of, or recycles universal waste; or~~

~~(ii) A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.~~

~~(n) "Universal Waste Transfer Facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.~~

~~(o) "Universal Waste Transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.~~

**~~R315-16-2. Standards for Small Quantity Handlers of Universal Waste.~~**

~~2.1 APPLICABILITY~~

~~This section applies to small quantity handlers of universal waste as defined in section 16-1.9.~~

~~2.2 PROHIBITIONS~~

~~A small quantity handler of universal waste is:~~

~~(a) Prohibited from disposing of universal waste; and~~

~~(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 16-2.8; or by managing specific wastes as provided in section 16-2.4.~~

~~2.3 NOTIFICATION~~

~~A small quantity handler of universal waste is not required to notify the Division of universal waste handling activities.~~

~~2.4 WASTE MANAGEMENT~~

~~(a) Universal waste batteries. A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed, except that cells may be opened to remove electrolyte but must be immediately closed after removal:~~

~~(i) Sorting batteries by type;~~

~~(ii) Mixing battery types in one container;~~

~~(iii) Discharging batteries so as to remove the electric charge;~~

~~(iv) Regenerating used batteries;~~

~~(v) Disassembling batteries or battery packs into individual batteries or cells;~~

~~(vi) Removing batteries from consumer products; or~~

~~(vii) Removing electrolyte from batteries.~~

~~(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste, e.g., battery pack materials, discarded consumer products, as a result of the activities listed above, must determine whether the electrolyte or other solid waste exhibit a characteristic of hazardous waste identified in R315-2-9.~~

~~(i) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of R315-1 through R315-101. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to R315-5.~~

~~(ii) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~(b) Universal waste pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:~~

~~(1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or~~

~~(2) A container that does not meet the requirements of paragraph (b)(1) of this section, provided that the unacceptable container is overpacked in a container that does meet the requirements of paragraph (b)(1) of this section; or~~

~~(3) Except for 40 CFR 265.197(c), 265.200, and 265.201, a tank~~

~~that meets the requirements of R315-7-17, which incorporates 40 CFR part 265, subpart J by reference; or~~

~~(4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(c) Mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.~~

~~(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:~~

~~(i) Removes the ampules in a manner designed to prevent breakage of the ampules;~~

~~(ii) Removes ampules only over or in a containment device, e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage;~~

~~(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34, as incorporated by reference at R315-5-3.34;~~

~~(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34, as incorporated by reference at R315-5-3.34;~~

~~(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;~~

~~(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;~~

~~(vii) Stores removed ampules in closed, non-leaking containers that are in good condition;~~

~~(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and~~

~~(3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:~~

~~(i) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and~~

~~(ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and~~

~~(4)(i) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in 40 CFR part 261, subpart C:~~

~~(A) Mercury or clean-up residues resulting from spills or leaks and/or~~

~~(B) Other solid waste generated as a result of the removal of mercury-containing ampules or housings ( e.g. , the remaining mercury-containing device).~~

~~(ii) If the mercury, residues, and/or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 40 CFR parts 260 through 272. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with 40 CFR part 262.~~

~~(iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~(d) Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.~~

~~2.5 LABELING/MARKING~~

~~A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:~~

~~(a) Universal waste batteries, i.e., each battery, or a container in which the batteries are contained, must be labeled or marked clearly with the following phrase: "Universal Waste Battery" or "Universal Waste Batteries";~~

~~(b) A container, or multiple container package unit, tank, transport vehicle or vessel in which recalled universal waste pesticides as described in section 16-1.3(a)(1) are contained must be~~

~~labeled or marked clearly with:~~

~~(1) The label that was on or accompanied the product as sold or distributed; and~~

~~(2) The words "Universal Waste Pesticide" or "Universal Waste Pesticides";~~

~~(c) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in section 16-1.3(a)(2) are contained must be labeled or marked clearly with:~~

~~(1)(i) The label that was on the product when purchased, if still legible;~~

~~(ii) If using the labels described in paragraph (c)(1)(i) of this section is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;~~

~~(iii) If using the labels described in paragraphs (c)(1) (i) and (ii) of this section is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and~~

~~(2) The words "Universal Waste-Pesticide" or "Universal Waste Pesticides."~~

~~(d)(1) Universal waste mercury-containing equipment (i.e., each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."~~

~~(2) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostat(s)," "Waste Mercury-Containing Thermostat(s)," or Used Mercury Thermostat(s)."~~

~~(e) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."~~

~~2.6 ACCUMULATION TIME LIMITS~~

~~(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (b) of this section are met.~~

~~(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.~~

~~(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:~~

~~(1) Placing the universal waste in a container and marking or~~

~~labeling the container with the earliest date that any universal waste in the container became a waste or was received;~~

~~(2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;~~

~~(3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;~~

~~(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;~~

~~(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or~~

~~(6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.~~

~~2.7 EMPLOYEE TRAINING~~

~~A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type, or types of universal waste handled at the facility.~~

~~2.8 RESPONSE TO RELEASES~~

~~(a) A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.~~

~~(b) A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of R315-1 through R315-101. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with R315-5.~~

~~2.9 OFF-SITE SHIPMENTS~~

~~(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.~~

~~(b) If a small quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of section 16-4 of this rule while transporting the universal waste.~~

~~(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR parts 171 through 180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;~~

~~(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.~~

~~(e) If a small quantity handler of universal waste sends a~~

~~shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:~~

~~(1) Receive the waste back when notified that the shipment has been rejected, or~~

~~(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.~~

~~(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:~~

~~(1) Send the shipment back to the originating handler, or~~

~~(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.~~

~~(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Division of Solid and Hazardous Waste of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Division will provide instructions for managing the hazardous waste.~~

~~(h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~2.10 TRACKING UNIVERSAL WASTE SHIPMENTS~~

~~A small quantity handler of universal waste is not required to keep records of shipments of universal waste.~~

~~2.11 EXPORTS~~

~~A small quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in R315-5-5, which incorporates by reference 40 CFR 262.58(a)(1), in which case the handler is subject to the requirements of R315-5-8, which incorporates by reference 40 CFR 262 subpart H, must:~~

~~(a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4) and (6), 262.53(b), and 262.57, as incorporated by reference at R315-5-5;~~

~~(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 CFR part 262 subpart E, as incorporated by reference at R315-5-5; and~~

~~(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.~~

~~2.12 TESTING REQUIREMENTS~~

~~A determination of whether or not mercury-containing lamps are hazardous waste shall be performed by a Utah certified laboratory using the Toxicity Characteristic Leaching Procedure according to:~~

~~(a) R315-50-7, which incorporates the requirements of 40 CFR 261, Appendix II, 1993 ed.; and~~

~~(b) the Science Applications International Corporation report, "Analytical Results of Mercury in Fluorescent Lamps," section 6.0,~~

~~"Summary Guidelines for the Extraction of Fluorescent Lamps," 1992, prepared for the U.S. Environmental Protection Agency, which is adopted and incorporated by reference.~~

**~~R315-16-3. Standards for Large Quantity Handlers of Universal Waste.~~**

~~3.1 APPLICABILITY~~

~~This section applies to large quantity handlers of universal waste as defined in section 16-1.9.~~

~~3.2 PROHIBITIONS~~

~~A large quantity handler of universal waste is:~~

~~(a) Prohibited from disposing of universal waste; and~~

~~(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 16-3.8; or by managing specific wastes as provided in section 16-3.4.~~

~~3.3 NOTIFICATION~~

~~(a)(1) Except as provided in paragraphs (a)(2) and (3) of this section, a large quantity handler of universal waste must have sent written notification of universal waste management to the Director, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.~~

~~(2) A large quantity handler of universal waste who has already notified the Division of his hazardous waste management activities and has received an EPA Identification Number is not required to renotify under this section.~~

~~(3) A large quantity handler of universal waste who manages recalled universal waste pesticides as described in section 16-1.3(a)(1) and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides under this section.~~

~~(b) This notification must include:~~

~~(1) The universal waste handler's name and mailing address;~~

~~(2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;~~

~~(3) The address or physical location of the universal waste management activities;~~

~~(4) A list of all of the types of universal waste managed by the handler, (e.g., batteries, pesticides, mercury-containing equipment, lamps) and;~~

~~(5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.~~

~~3.4 WASTE MANAGEMENT~~

~~(a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed, except that cells may be opened to remove electrolyte but must be immediately closed after removal:~~

~~(i) Sorting batteries by type;~~

~~(ii) Mixing battery types in one container;~~

~~(iii) Discharging batteries so as to remove the electric charge;~~

~~(iv) Regenerating used batteries;~~

~~(v) Disassembling batteries or battery packs into individual batteries or cells;~~

~~(vi) Removing batteries from consumer products; or~~

~~(vii) Removing electrolyte from batteries.~~

~~(3) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste, e.g., battery pack materials, discarded consumer products as a result of the activities listed above, must determine whether the electrolyte or other solid waste, or both, exhibits a characteristic of hazardous waste identified in R315-2-9.~~

~~(i) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of R315-1 through R315-101. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to R315-5.~~

~~(ii) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~(b) Universal waste pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:~~

~~(1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or~~

~~(2) A container that does not meet the requirements of paragraph (b)(1) of this section, provided that the unacceptable container is overpacked in a container that does meet the requirements of paragraph (b)(1) of this section; or~~

~~(3) A tank that meets the requirements of R315-7-17, which incorporates by reference 40 CFR part 265 subpart J, excluding the requirements of 40 CFR 265.197(c), 265.200, and 265.201; or~~

~~(4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(c) Mercury-containing equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A large quantity handler of universal waste must contain any universal waste mercury-containing equipment with non-contained~~

~~elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonable designed to prevent the escape of mercury into the environment by volatilization or any other means.~~

~~(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:~~

~~(i) Removes the ampules in a manner designed to prevent breakage of the ampules;~~

~~(ii) Removes ampules only over or in a containment device, (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);~~

~~(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of R315-5-3.34;~~

~~(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of R315-5-3.34;~~

~~(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;~~

~~(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;~~

~~(vii) Stores removed ampules in closed, non-leaking containers that are in good condition;~~

~~(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and~~

~~(3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:~~

~~(i) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and~~

~~(ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and~~

~~(4)(i) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in 40 CFR part 261, subpart C:~~

~~(A) Mercury or clean-up residues resulting from spills or leaks and/or~~

~~(B) Other solid waste generated as a result of the removal of mercury-containing ampules or housings ( e.g. , the remaining~~

~~mercury-containing device).~~

~~(ii) If the mercury, residues, and/or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 40 CFR parts 260 through 272. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with 40 CFR part 262.~~

~~(iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~(d) Lamps. A large quantity handler of universal waste shall manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:~~

~~(1) A large quantity handler of universal waste shall contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages shall remain closed and shall lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.~~

~~(2) A large quantity handler of universal waste shall immediately clean up and place in a container any lamp that is broken and shall place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers shall be closed, structurally sound, compatible with the contents of the lamps and shall lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.~~

~~3.5 LABELING/MARKING~~

~~A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:~~

~~(a) Universal waste batteries, i.e., each battery, or a container or tank in which the batteries are contained, must be labeled or marked clearly with the following phrase: "Universal Waste Battery" or "Universal Waste Batteries";~~

~~(b) A container, or multiple container package unit, tank, transport vehicle or vessel in which recalled universal waste pesticides as described in R315-16-1-3(a)(1) are contained must be labeled or marked clearly with:~~

~~(1) The label that was on or accompanied the product as sold or distributed; and~~

~~(2) The words "Universal Waste Pesticide" or "Universal Waste Pesticides";~~

~~(c) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in R315-16-1-3(a)(2) are contained must be labeled or marked clearly with:~~

~~(1)(i) The label that was on the product when purchased, if still legible;~~

~~(ii) If using the labels described in paragraph (c)(1)(i) of this section is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;~~

~~(iii) If using the labels described in paragraphs (c)(1)(i) and~~

~~(1)(ii) of this section is not feasible, another label prescribed or designated by the pesticide collection program; and~~

~~(2) The words "Universal Waste Pesticide" or "Universal Waste Pesticides".~~

~~(d)(1) Mercury-containing equipment ( i.e. , each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste -- Mercury Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."~~

~~(2) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste -- Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."~~

~~(e) Each lamp or a container or package in which such lamps are contained shall be labeled or marked clearly with any one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."~~

~~3.6 ACCUMULATION TIME LIMITS~~

~~(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (b) of this section are met.~~

~~(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.~~

~~(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:~~

~~(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;~~

~~(2) Marking or labeling the individual item of universal waste, e.g., each battery, lamp, or thermostat with the date it became a waste or was received;~~

~~(3) Maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;~~

~~(4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;~~

~~(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or~~

~~(6) Any other method which clearly demonstrates the length of~~

~~time that the universal waste has been accumulated from the date it becomes a waste or is received.~~

~~3.7 EMPLOYEE TRAINING~~

~~A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.~~

~~3.8 RESPONSE TO RELEASES~~

~~(a) A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.~~

~~(b) A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of R315-1 through R315-101. The handler is considered the generator of the material resulting from the release, and is subject to R315-5.~~

~~3.9 OFF-SITE SHIPMENTS~~

~~(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.~~

~~(b) If a large quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of section 16-4 while transporting the universal waste.~~

~~(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR parts 172 through 180;~~

~~(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.~~

~~(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:~~

~~(1) Receive the waste back when notified that the shipment has been rejected, or~~

~~(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.~~

~~(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:~~

~~(1) Send the shipment back to the originating handler, or~~

~~(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.~~

~~(g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Division of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Division will provide instructions for managing the hazardous waste.~~

~~(h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.~~

~~3.10 TRACKING UNIVERSAL WASTE SHIPMENTS~~

~~(a) Receipt of shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:~~

~~(1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;~~

~~(2) The quantity of each type of universal waste received, e.g., batteries, pesticides, lamps, or thermostats;~~

~~(3) The date of receipt of the shipment of universal waste.~~

~~(b) Shipments off-site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:~~

~~(1) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;~~

~~(2) The quantity of each type of universal waste sent, e.g., batteries, pesticides, thermostats, or lamps;~~

~~(3) The date the shipment of universal waste left the facility.~~

~~(c) Record retention.~~

~~(1) A large quantity handler of universal waste must retain the records described in paragraph (a) of this section for at least three years from the date of receipt of a shipment of universal waste.~~

~~(2) A large quantity handler of universal waste must retain the records described in paragraph (b) of this section for at least three years from the date a shipment of universal waste left the facility.~~

~~3.11 EXPORTS~~

~~A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in R315-5-5, which incorporates by reference 40 CFR 262.58(a)(1), in which case the handler is subject to the requirements of R315-5-8, which incorporates by reference 40 CFR 262 subpart H, must:~~

~~(a) Comply with the requirements applicable to a primary exporter in R315-5-5;~~

~~(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in subpart E of 40 CFR, part 262, as incorporated~~

~~by reference at R315-5-5; and~~

~~(c) Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.~~

~~3.12 TESTING REQUIREMENTS~~

~~A determination of whether or not mercury-containing lamps are hazardous waste shall be performed by a Utah certified laboratory using the Toxicity Characteristic Leaching Procedure according to:~~

~~(a) R315-50-7, which incorporates the requirements of 40 CFR 261, Appendix II, 1993 ed.; and~~

~~(b) the Science Applications International Corporation report, "Analytical Results of Mercury in Fluorescent Lamps," section 6.0, "Summary Guidelines for the Extraction of Fluorescent Lamps," which is adopted and incorporated by reference.~~

**~~R315-16-4. Standards for Universal Waste Transporters.~~**

~~4.1 APPLICABILITY~~

~~This section applies to universal waste transporters, as defined in R315-16-1.9.~~

~~4.2 PROHIBITIONS~~

~~A universal waste transporter is:~~

~~(a) Prohibited from disposing of universal waste; and~~

~~(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in section 16-4.5.~~

~~4.3 WASTE MANAGEMENT~~

~~(a) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR part 262. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.~~

~~(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste, shipments do not require a manifest under 40 CFR 262, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.", nor may the hazardous material's proper shipping name be modified by adding the word "waste."~~

~~4.4 ACCUMULATION TIME LIMITS~~

~~(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.~~

~~(b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of sections 16-2 or 16-3 of this rule while storing the universal waste.~~

~~4.5 RESPONSE TO RELEASES~~

~~(a) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.~~

~~(b) A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it~~

~~is subject to all applicable requirements of R315-1 through R315-101. If the waste is determined to be a hazardous waste, the transporter is subject to R315-5.~~

~~4.6 OFF-SITE SHIPMENTS~~

~~(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.~~

~~(b) If the universal waste being shipped off-site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR part 172.~~

~~4.7 EXPORTS~~

~~A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in R315-5-5, which incorporates by reference 40 CFR 262.58(a)(1), in which case the transporter is subject to the requirements of R315-5-8, which incorporates by reference 40 CFR 262 subpart H, may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:~~

~~(a) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and~~

~~(b) The shipment is delivered to the facility designated by the person initiating the shipment.~~

**~~R315-16-5. Standards for Destination Facilities.~~**

~~5.1 APPLICABILITY~~

~~(a) The owner or operator of a destination facility as defined in section 16-1.9 is subject to all applicable requirements of R315-3, R315-7, R315-8, R315-13, R315-14, and the notification requirement under section 3010 of RCRA.~~

~~(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with 40 CFR 261.6(c)(2), as incorporated by reference at R315-2-6.~~

~~5.2 OFF-SITE SHIPMENTS~~

~~(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.~~

~~(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:~~

~~(1) Send the shipment back to the original shipper, or~~

~~(2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.~~

~~(c) If the a owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste,~~

~~the owner or operator of the destination facility must immediately notify the appropriate regional EPA office of the illegal shipment, and provide the name, address, and phone number of the shipper. The Division will provide instructions for managing the hazardous waste.~~

~~(d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.~~

~~5.3 TRACKING UNIVERSAL WASTE SHIPMENTS.~~

~~(a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:~~

~~(1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;~~

~~(2) The quantity of each type of universal waste received, e.g., batteries, pesticides, thermostats, or lamps;~~

~~(3) The date of receipt of the shipment of universal waste.~~

~~(b) The owner or operator of a destination facility must retain the records described in paragraph (a) of this section for at least three years from the date of receipt of a shipment of universal waste.~~

**~~R315-16-6. Import Requirements.~~**

~~Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this rule, immediately after the waste enters the United States, as indicated in paragraphs (a) through (c) of this section:~~

~~(a) A universal waste transporter is subject to the universal waste transporter requirements of section 16-4 of this rule.~~

~~(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of sections 16-2 or 16-3, as applicable.~~

~~(c) An owner or operator of a destination facility is subject to the destination facility requirements of section 16-5 of this rule.~~

~~(d) Persons managing universal waste that is imported from an OECD country as specified in R315-5-5, which incorporates by reference 40 CFR 262,58(a)(1), are subject to paragraphs (a) through (c) of this section, in addition to the requirements of R315-5-8, which incorporates by reference 40 CFR 262, subpart H.~~

**~~R315-16-7. Petitions to Include Other Wastes Under R315-16.~~**

~~7.1 GENERAL~~

~~(a) Any person seeking to add a hazardous waste or a category of hazardous waste to R315-16 may petition for a regulatory amendment under this section and R315-2.~~

~~(b) To be successful, the petitioner must demonstrate to the satisfaction of the Director that regulation under the universal waste regulations of R315-16 is: appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program.~~

~~The petition must include the information required by R315-2-17(b). The petition should also address as many of the factors listed in R315-16-7.2 as are appropriate for the waste or waste category addressed in the petition.~~

~~(c) The Director will evaluate petitions using the factors listed in R315-16-7.2. The Director will grant or deny a petition using the factors listed in section 16-7-2. The decision will be based on the weight of evidence showing that regulation under R315-16 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the hazardous waste program.~~

~~(d) The Director may request additional information needed to evaluate the merits of the petition.~~

~~7.2 FACTORS FOR PETITIONS TO INCLUDE OTHER WASTES UNDER R315-16~~

~~(a) The waste or category of waste, as generated by a wide variety of generators, is listed in R315-2-10, 2-11, and 2-26 (which incorporate by reference 40 CFR 261 Subpart D), and R315-2-24, or if not listed, a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in R315-2-9. When a characteristic waste is added to the universal waste regulations of R315-16 by using a generic name to identify the waste category, e.g., batteries, the definition of universal waste in section 16-1.9 will be amended to include only the hazardous waste portion of the waste category, e.g., hazardous waste batteries. Thus, only the portion of the waste stream that does exhibit one or more characteristics, i.e., is hazardous waste, is subject to the universal waste regulations of R315-16;~~

~~(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments, including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities;~~

~~(c) The waste or category of waste is generated by a large number of generators, e.g., more than 1,000 nationally, and is frequently generated in relatively small quantities by each generator;~~

~~(d) Systems to be used for collecting the waste or category of waste, including packaging, marking, and labeling practices, would ensure close stewardship of the waste;~~

~~(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner, e.g., waste management requirements appropriate to be added to R315-16, sections 2.4, 3.4, and 4.3; and applicable Department of Transportation requirements would be protective of human health and the environment during accumulation and transport;~~

~~(f) Regulation of the waste or category of waste under R315-16 will increase the likelihood that the waste will be diverted from non-hazardous waste management systems, e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, and municipal sewer or stormwater systems, to recycling, treatment, or disposal in compliance with Utah Code Annotated 19-6.~~

~~(g) Regulation of the waste or category of waste under R315-16 will improve implementation of and compliance with the hazardous waste regulatory program; and~~
~~(h) Such other factors as may be appropriate.~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~
~~**Notice of Continuation: November 18, 2014**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106**~~

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**R315. Environmental Quality, Solid and Hazardous Waste.**

**[~~R315-50. Appendices.~~**

**~~R315-50-1. Reserved.~~**

~~Reserved.~~

**~~R315-50-2. Recordkeeping Instructions.~~**

~~The recordkeeping requirements of 40 CFR 264, Appendix I, and 265, Appendix I, 1993 ed., as amended by 59 FR 13891, March 24, 1994, are adopted and incorporated by reference.~~

**~~R315-50-3. EPA Interim Primary Drinking Water Standards.~~**

~~The interim primary drinking water standards of 40 CFR 265, Appendix III, 1991 ed., are adopted and incorporated by reference.~~

**~~R315-50-4. Tests for Significance.~~**

~~The requirements of 40 CFR 264 and 265, Appendix IV, 1991 ed., are adopted and incorporated by reference.~~

**~~R315-50-5. Examples of Potentially Incompatible Waste.~~**

~~The requirements of 40 CFR 264, Appendix V, and 265, Appendix V, 1991 ed., are adopted and incorporated by reference.~~

**~~R315-50-6. Representative Sampling Methods.~~**

~~The requirements of 40 CFR 261, Appendix I, 1991 ed., are adopted and incorporated by reference with the following exception:~~

~~Substitute "Director" for all references to "Agency".~~

**~~R315-50-7. Toxicity Characteristic Leaching Procedure (TCLP).~~**

~~The requirements of 40 CFR 261, Appendix II, 1993 ed., as amended by 58 FR 46040, August 31, 1993, are adopted and incorporated by reference.~~

**~~R315-50-8. Chemical Analysis Test Methods.~~**

~~The requirements of 40 CFR 261, Appendix III, 1993 ed., as amended by 58 FR 46040, August 31, 1993, are adopted and incorporated by reference.~~

**~~R315-50-9. Basis for Listing Hazardous Wastes.~~**

~~The requirements of 40 CFR 261, Appendix VII, 2010 ed., are adopted and incorporated by reference, with the following addition:~~

~~1. F999 - CX, GA, GB, GD, H, HD, HL, HN-1, HN-2, HN-3, HT, L, T, and VX.~~

**~~R315-50-10. Hazardous Constituents.~~**

~~The requirements of 40 CFR 261, Appendix VIII, 2002 ed., as amended by FR 70 9138, February 24, 2005, are adopted and incorporated by reference.~~

**~~R315-50-11. Political Jurisdiction in Which Compliance with R315-8-2.9(a) Must be Demonstrated Within the State of Utah.~~**

~~Beaver~~

~~Box Elder~~
~~Cache~~
~~Carbon~~
~~Daggett~~
~~Davis~~
~~Duchesne~~
~~Emery~~
~~Garfield~~
~~Grand~~
~~Iron~~
~~Juab~~
~~Kane~~
~~Millard~~
~~Morgan~~
~~Piute~~
~~Rich~~
~~Salt Lake~~
~~San Juan~~
~~Sanpete~~
~~Sevier~~
~~Summit~~
~~Tooele~~
~~Uintah~~
~~Utah~~
~~Wasatch~~
~~Washington~~
~~Wayne~~
~~Weber~~

~~**R315-50-12. Reserved.**~~
~~Reserved.~~

~~**R315-50-13. Reserved.**~~
~~Reserved.~~

~~**R315-50-14. Ground Water Monitoring List.**~~
~~The requirements of 40 CFR 264, Appendix IX, Groundwater Monitoring List, 1997 ed., are adopted and incorporated by reference.~~

~~**R315-50-15. Reserved.**~~
~~Reserved.~~

~~**R315-50-16. Appendices to 40 CFR 266.**~~
~~The requirements of 40 CFR 266, Appendices I - IX and XI - XIII, 2000 ed., are adopted and incorporated by reference.~~

~~**R315-50-17. Compounds With Henry's Law Constant.**~~
~~The requirements of Appendix VI of 40 CFR 265, Compounds with Henry's Law Constant, 1997 ed., as amended by 62 FR 64636, December 8, 1997, are adopted and incorporated by reference.~~

~~**KEY: hazardous waste**~~
~~**Date of Enactment or Last Substantive Amendment: April 25, 2013**~~

~~**Notice of Continuation: July 13, 2011**~~
~~**Authorizing, and Implemented or Interpreted Law: 19-6-106; 19-6-108; 19-6-105**~~

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