

NEBRASKA ADMINISTRATIVE CODE

Title 128 - Department of Environmental Quality

Chapter 21 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

001 Applicability. The standards in this Chapter apply to owners and operators of all facilities which treat, store, or dispose of hazardous wastes, except as specifically provided otherwise in this Chapter or Chapters 2, 3 and 25.

001.01 This Chapter applies 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 hazardous waste permit-by-rule granted under Chapters 12 through 15.

001.02 The requirements of this Chapter do not apply to:

001.02A The owner or operator of a facility permitted, licensed or registered by DEQ to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores or disposes is excluded from regulation under Chapter 8;

001.02B The owner or operator of a facility managing recyclable materials described in Chapter 7, 002 and 003 (except to the extent that the requirements of this Chapter are referred to in Chapter 7, 007 through 011;

001.02C A generator accumulating waste on-site in compliance with Chapter 9, 006 and 009 or Chapter 10, 004 and 005;

001.02D A farmer disposing of waste pesticides from the farmer's own use in compliance with Chapter 10, 007;

001.02E The owner or operator of a totally enclosed treatment facility, as defined in Chapter 1;

001.02F The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in Chapter 1; provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Chapter 20 or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in 40 CFR 264.17(b), as incorporated by reference in Section 002 of this Chapter.

001.02G A person engaged in treatment or containment activities during immediate response to: a discharge of hazardous waste; an imminent and substantial threat of a discharge of hazardous waste; or a discharge of a material which, when discharged, becomes a hazardous waste, except:

001.02G1 A 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 Chapter;

001.02G2 An owner or operator of a facility otherwise regulated by this Chapter must comply with all applicable requirements in Sections 003 and 004 of this Chapter.

001.02H A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of Chapter 10, 003.01A at a transfer facility for a period of 10 days or less.

001.02I The combining of absorbent material and waste in a container provided that these actions occur at the time waste is first placed in the container and Chapter 16 and Chapter 9, 006.03 or Chapter 10, 004.01A1 are complied with.

001.03 The requirements of this Chapter apply to owners or operators of all facilities which treat, store or dispose hazardous waste referred to in Chapter 20.

001.04 The requirements of Sections 002, 003, and 004 of this Chapter and 40 CFR 264.101 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 RCRA permit because the facility is also treating, storing or disposing of hazardous wastes that are not remediation wastes. In these cases, Sections 002, 003, and 004 of this Chapter, and 40 CFR 264.101 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Sections 002, 003, and 004 of this Chapter, owners or operators of remediation waste management sites must:

001.04A Obtain an EPA identification number by applying to the Director using EPA Form 8700-12;

001.04B Obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes 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 this Chapter and Chapter 20, and must be kept accurate and up to date;

001.04C 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;

001.04C1 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

001.04C2 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 this Chapter;

001.04D 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;

001.04E 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 this Chapter, and on how to respond effectively to emergencies;

001.04F 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;

001.04G For remediation waste management sites subject to regulation under Sections 009 through 015 and Section 018 of this Chapter, 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 40 CFR 264.18(b);

001.04H Not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave;

001.04I Develop and maintain a construction quality assurance program for all surface impoundments, waste piles and landfill units that are required to comply with 40 CFR 264.221(c) and (d), 264.251(c) and (d), and 264.301(c) and (d) at the remediation waste management site, according to the requirements of 40 CFR 264.19;

001.04J 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 constituents which could threaten human health or the environment;

001.04K 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;

001.04L Develop, maintain and implement a plan to meet the requirements in Sections 001.04B through 001.04F and 001.04I through 001.04J of this Chapter; and

001.04M Maintain records documenting compliance with Section 001.04 of this Chapter.

001.05 A facility owner or operator who has fully complied with the requirements for interim status, as defined in Chapter 12, 003 must comply with the regulations in Chapter 22 in lieu of this Chapter, until final administrative disposition of the owner or operator's permit application is made except as provided under Section 016 of this Chapter.

001.06 Annual fees. See Chapter 24.

002 The conditions and requirements of 40 CFR 264.10 and 264.12 through 264.19 of Part 264, Subpart B, pertaining to general facility standards, are hereby adopted and incorporated herein by reference. The owner or operator must also comply with Chapter 4, 003.

003 The conditions and requirements of 40 CFR Part 264, Subpart C, 264.30 through 264.37, pertaining to preparedness and prevention, are hereby adopted and incorporated herein by reference.

004 The conditions and requirements of 40 CFR Part 264, Subpart D, 264.50 through 264.56, pertaining to contingency plans and emergency procedures, are hereby adopted and incorporated herein by reference.

005 The conditions and requirements of 40 CFR Part 264, Subpart E, 264.70 through 264.77, pertaining to the manifest system, recordkeeping and reporting, are hereby adopted and incorporated herein by reference.

006 The conditions and requirements of 40 CFR 264.90 through 264.101, of Part 264, Subpart F, pertaining to releases from solid waste management units, are hereby adopted and incorporated herein by reference. An owner or operator subject to the requirements of Subpart F must also comply with the additional requirements of Section 006.01.

006.01 Groundwater monitoring wells must be designed in accordance with the standards in "ASTM Standard Practice for Design and Installation of Ground Water Monitoring Wells in Aquifers," ASTM Standard D 5092-90, which is referenced in Chapter 1 and EPA 600/4-89/034 Handbook of Suggested Practices for the Design and Installation of Groundwater Monitoring Wells. Any groundwater monitoring well to be placed in a stratigraphic unit composed of loessal sediment must be designed and sampled in a manner approved by the Department intended to minimize turbidity in samples taken from the well.

007 The conditions and requirements of 40 CFR Part 264, Subpart G, 264.110 through 264.120, pertaining to closure and post-closure, are hereby adopted and incorporated herein by reference.

008 The conditions and requirements of 40 CFR Part 264, Subpart H, 264.140 through 264.151, pertaining to financial requirements, are hereby adopted and incorporated herein by reference.

009 The conditions and requirements of 40 CFR Part 264, Subpart I, 264.170 through 264.179, pertaining to the use and management of containers, are hereby adopted and incorporated herein by reference.

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010 The conditions and requirements of 40 CFR Part 264, Subpart J, 264.190 through 264.200 , pertaining to tank systems, are hereby adopted and incorporated herein by reference.

011 The conditions and requirements of 40 CFR Part 264, Subpart K, 264.220 through 264.232 , pertaining to surface impoundments, are hereby adopted and incorporated herein by reference.

012 The conditions and requirements of 40 CFR Part 264, Subpart L, 264.250 through 264.259, pertaining to waste piles, are hereby adopted and incorporated herein by reference.

013 The conditions and requirements of 40 CFR Part 264, Subpart M, 264.270 through 264.283, pertaining to land treatment, are hereby adopted and incorporated herein by reference.

014 The conditions and requirements of 40 CFR Part 264, Subpart N, 264.300 through 264.317, pertaining to landfills, are hereby adopted and incorporated herein by reference.

015 The conditions and requirements of 40 CFR Part 264, Subpart O, 264.340 through 264.351, pertaining to incinerators, are hereby adopted and incorporated herein by reference.

016 The conditions and requirements of 40 CFR Part 264, Subpart S, 264.550 through 264.555, pertaining to special provisions for cleanup, are hereby adopted and incorporated herein by reference.

017 The conditions and requirements of 40 CFR Part 264, Subpart W, 264.570 through 264.575, pertaining to drip pads, are hereby adopted and incorporated herein by reference.

018 The conditions and requirements of 40 CFR Part 264, Subpart X, 264.600 through 264.603, pertaining to miscellaneous units, are hereby adopted and incorporated herein by reference.

019 The conditions and requirements of 40 CFR Part 264, Subpart AA, 264.1030 through 264.1036, pertaining to air emission standards for process vents, are hereby adopted and incorporated herein by reference.

020 The conditions and requirements of 40 CFR Part 264, Subpart BB, 264.1050 through 264.1065, pertaining to air emission standards for equipment leaks, are hereby adopted and incorporated herein by reference.

021 The conditions and requirements of 40 CFR Part 264, Subpart CC, 264.1080 through 264.1091, pertaining to air emission standards for tanks, surface impoundments, and containers, are hereby adopted and incorporated herein by reference.

022 The conditions and requirements of 40 CFR Part 264, Subpart DD, 264.1100 through 264.1102, pertaining to containment buildings, are hereby adopted and incorporated herein by reference.

023 The conditions and requirements of 40 CFR Part 264, Appendix I, pertaining to recordkeeping instructions, are hereby adopted and incorporated herein by reference.

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024 The conditions and requirements of 40 CFR Part 264, Appendix IV, pertaining to the Cochran's approximation to the Behrens-Fisher Student's T-test, are hereby adopted and incorporated herein by reference.

025 The conditions and requirements of 40 CFR Part 264, Appendix V, pertaining to examples of potentially incompatible waste, are hereby adopted and incorporated herein by reference.

026 The conditions and requirements of 40 CFR Part 264, Appendix IX, pertaining to the groundwater monitoring list of constituents, are hereby adopted and incorporated herein by reference.

Enabling Legislation: Neb. Rev. Stat. §81-1505(13)

Legal Citation: Title 128, Chapter 21,  
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