

NEBRASKA ADMINISTRATIVE CODE

Title 128 - Department of Environmental Quality

Chapter 22 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

001 Applicability. This Chapter establishes interim status (as defined in Chapter 12) standards for owners and operators of hazardous waste treatment, storage, and disposal facilities that meet the requirements of Chapter 12, 003. Except as provided in 40 CFR 265.1080(b), as incorporated by reference in Section 021 of this Chapter, the standards of this Chapter and of 40 CFR 264.552, 264.553, and 264.554 as incorporated by reference in Chapter 21, 016, apply to owners and operators of facilities that treat, store or dispose hazardous waste who have fully complied with the requirements for interim status under this Title until either a permit is issued under this Title or until applicable Chapter 22 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 this Title and/or failed to file Part A of the permit application as required by this Title.

001.01 The requirements of this Chapter do not apply to:

001.01A The owner or operator of a POTW which treats or disposes of hazardous waste;

001.01B 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;

001.01C 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);

001.01D A generator accumulating waste on-site in compliance with Chapter 9, 007 through 009 or Chapter 10, 004 and 005;

001.01E A farmer disposing of waste pesticides from the farmer's own use in compliance with Chapter 10, 007;

001.01F The owner or operator of a totally enclosed treatment facility, as defined in Chapter 1;

001.01G 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 265.17(b), as incorporated by reference in Section 002 of this Chapter.

001.01H A person engaged in treatment or containment activities during immediate response to: a discharge of hazardous waste; an

imminent and substantial threat of discharge of hazardous waste; or a discharge of a material which, when discharged, becomes a hazardous waste, except:

001.01H1 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;

001.01H2 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.

001.01I A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of Chapter 9, 006.03 and Chapter 10, 003.01A at a transfer facility for a period of 10 days or less.

001.01J The combining of absorbent material and waste in a container provided that these actions occur at the time the waste is first placed in the container, Chapter 16 and Chapter 9, 006.03; and Chapter 10, 004.01A1 are complied with.

001.01K Universal waste handlers and universal waste transporters handling the wastes described in Chapter 25. These handlers are subject to regulation under Chapter 25.

001.02 The following hazardous wastes must not be managed at facilities subject to regulation under this Chapter: DEQ/EPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027, unless:

001.02A The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

001.02B The waste is stored in tanks or containers;

001.02C The waste is stored or treated in waste piles under Section 012 of this Chapter;

001.02D The waste is burned in an incinerator that is permitted pursuant to the standards and procedures in Section 015 of this Chapter; or

001.02E The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are permitted pursuant to Section 016 of this Chapter.

001.03 The requirements of this Chapter apply to owners or operators of all facilities which treat, store, or dispose hazardous wastes referred to in Chapter 20, and the Chapter 20 standards are considered material conditions or requirements under Chapter 22.

002 The conditions and requirements of 40 CFR 265.10 and 265.12 through 265.19 of Part 265, 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 265, Subpart C, 265.30 through 265.37, pertaining to preparedness and prevention, are hereby adopted and incorporated herein by reference.

004 The conditions and requirements of 40 CFR Part 265, Subpart D, 265.50 through 265.56, pertaining to contingency plans and emergency procedures, are hereby adopted and incorporated herein by reference.

005 The conditions and requirements of 40 CFR Part 265, Subpart E, 265.70 through 265.77, pertaining to the manifest system, recordkeeping and reporting, are hereby adopted and incorporated herein by reference.

006 The conditions and requirements of 40 CFR Part 265, Subpart F, 265.90 through 265.94, pertaining to groundwater monitoring, 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 Sections 006.01 through 006.05 of this Chapter.

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.

006.02 The list of parameters in 40 CFR 265.92(b)(1), as incorporated by reference in Section 006 of this Chapter, shall include volatile organic compounds (VOCs) at the discretion of the Director on a case-by-case basis. VOCs shall be analyzed in accordance with a method approved by the Director.

006.03 The groundwater monitoring plan described in 40 CFR 265.93(d)(3), as incorporated by reference in Section 006 of this Chapter, must include sampling during the initial four consecutive quarters for all analytes listed in 40 CFR 265.92(b), as incorporated by reference in Section 006 of this Chapter and as further defined in Section 006.02 of this Chapter, unless this requirement was already met under 40 CFR 265.91(a), as incorporated by reference in Section 006 of this Chapter.

006.04 A person may cease determinations under 40 CFR 265.93(d)(7)(ii), as incorporated by reference in Section 006 of this Chapter, only if the facility is operating under an approved Post Closure Plan, in accordance with 40 CFR Part 265, Subpart G, as incorporated by reference in Section 007 of this Chapter.

006.05 Analyses done under 40 CFR 265.93(d)(4), as incorporated by reference in Section 006 of this Chapter, must be reported to the Director under 40 CFR 265.94(b)(2), as incorporated by reference in Section 006 of this Chapter, within 45 days following the end of the quarter in which the sample was taken.

007 The conditions and requirements of 40 CFR Part 265, Subpart G, 265.110 through 265.121, pertaining to closure and post-closure, are hereby adopted and incorporated herein by reference.

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008 The conditions and requirements of 40 CFR Part 265, Subpart H, 265.140 through 265.150, pertaining to financial requirements, are hereby adopted and incorporated herein by reference.

009 The conditions and requirements of 40 CFR Part 265, Subpart I, 265.170 through 265.178, pertaining to the use and management of containers, are hereby adopted and incorporated herein by reference.

010 The conditions and requirements of 40 CFR Part 265, Subpart J, 265.190 through 265.200, and 265.202, pertaining to tank systems, are hereby adopted and incorporated herein by reference.

011 The conditions and requirements of 40 CFR Part 265, Subpart K, 265.220 through 265.231, pertaining to subsurface impoundments, are hereby adopted and incorporated herein by reference.

012 The conditions and requirements of 40 CFR Part 265, Subpart L, 265.250 through 265.260, pertaining to waste piles, are hereby adopted and incorporated herein by reference.

013 The conditions and requirements of 40 CFR Part 265, Subpart M, 265.270 through 265.282, pertaining to land treatment, are hereby adopted and incorporated herein by reference.

014 The conditions and requirements of 40 CFR Part 265, Subpart N, 265.300 through 265.316, pertaining to landfills, are hereby adopted and incorporated herein by reference.

015 The conditions and requirements of 40 CFR Part 265, Subpart O, 265.340 through 265.352, pertaining to incinerators, are hereby adopted and incorporated herein by reference.

016 The conditions and requirements of 40 CFR Part 265, Subpart P, 265.370 through 265.383, pertaining to thermal treatment, are hereby adopted and incorporated herein by reference.

017 The conditions and requirements of 40 CFR Part 265, Subpart Q, 265.400 through 265.406, pertaining to chemical, physical, and biological treatment, are hereby adopted and incorporated herein by reference.

018 The conditions and requirements of 40 CFR Part 265, Subpart W, 265.440 through 265.445, pertaining to drip pads, are hereby adopted and Incorporated herein by reference.

019 The conditions and requirements of 40 CFR Part 265, Subpart AA, 265.1030 through 265.1035, 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 265, Subpart BB, 265.1050 through 265.1064, 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 265, Subpart CC, 265.1080 through 265.1091, pertaining to air emission standards for tanks, surface impoundments, and containers, are hereby adopted and incorporated herein by reference.

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022 The conditions and requirements of 40 CFR Part 265, Subpart DD, 265.1100 through 265.1102, pertaining to containment buildings, are hereby adopted and incorporated herein by reference.

023 The conditions and requirements of 40 CFR Part 265, Appendix I, pertaining to recordkeeping instructions, are hereby adopted and incorporated herein by reference.

024 The conditions and requirements of 40 CFR Part 265, Appendix III, pertaining to interim primary drinking water standards, are hereby adopted and incorporated herein by reference.

025 The conditions and requirements of 40 CFR Part 265, Appendix IV, pertaining to tests for significance, are hereby adopted and incorporated herein by reference.

026 The conditions and requirements of 40 CFR Part 265, Appendix V, pertaining to examples of potentially incompatible waste, are hereby adopted and incorporated herein by reference.

027 The conditions and requirements of 40 CFR Part 265, Appendix VI, pertaining to compounds with Henry's Law constant less than 0.1 Y/X, are hereby adopted and incorporated herein by reference.

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

Legal Citation: Title 128, Chapter 22,  
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