

DRAFT PROPOSED RULES

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

SOLID AND HAZARDOUS WASTE DIVISION

HAZARDOUS WASTE MANAGEMENT

CHAPTER 3
PERMIT APPLICATIONS

2007

DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT

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Bold = State added language ^ = Federal Language deleted

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Section 1. PERMIT APPLICATION PROCEDURE

- 124.3 (a) APPLICATION SUBMISSION AND REVIEW.
- 124.3(a)(1) (i) ^ Any person who requires a permit under ^ W.S. 35-11-503(d) shall complete, sign and **provide the Director with three copies of the permit application. The application shall be organized in three-ring binders, and the information set forth in a format that conforms to the order set forth in the applicable Sections of these rules and regulations.** Applications are not required for permits by rule under Chapter 7, Section 1(a) of these rules and regulations ^.
- 124.3(a)(2) (A) The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See Sections 2(a) and 2(d) of this Chapter ^.
- 124.3(a)(3) (B) Permit applications ^ must comply with the signature and certification requirements of ^ Section 2(b) of this Chapter.
- 124.3(b) (ii) Reserved.
- 124.3(c) (iii) ^ **Each application for a State hazardous waste management facility permit should be reviewed for completeness by the Director within 60 days of receipt or an alternate date as agreed upon by the Director and the applicant.** Upon completing the review, the Director shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Director shall list the information necessary to make the application complete in a notice of deficiency (NOD), **which shall be sent promptly to the applicant.** ^ The NOD shall specify a date for submitting the necessary information. **Information submitted in response to the NOD should be reviewed for completeness within 60 days of its submission.** The Director shall notify the applicant that the application is complete ^ **when he or she determines that all information requirements have been met.** After the application is completed, the Director may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.
- 124.3(d) (iv) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under the applicable statutory provisions ^.
- 124.3(e) (v) If the Director decides that a site visit is necessary for any reason in conjunction with the processing of an

application, he or she shall notify the applicant and a date shall be scheduled.

124.3(f) (vi) The effective date of an application is the date on which the Director notifies the applicant that the application is complete as provided in Section 1(a)(iii) of this Chapter. **Upon receipt of notice that the application is complete, the applicant shall:**

(A) Provide written notice of the application to landowners with property located within a half mile of the site, using certified, return receipt requested mail.

(B) Provide such written notice to each member of the interested parties mailing list maintained by the department, the mayor of each city or town within fifty miles of the proposed facility and to the county commission and any solid waste district for the county in which the potential facility is located.

(C) Cause a notice to be published once a week for two (2) consecutive weeks in a newspaper of general circulation within the county where the applicant plans to locate the facility. The notice shall contain information about the permit application including the identity of the applicant, the proposed facility location, facility size, waste types intended for treatment, storage or disposal, method of operation, and operating life. Specific text for the notice shall be provided to the applicant by the department. The department may, at its discretion, conduct a public hearing or receive written public comment on the application submission.

(vii) Once an application is complete, the Director shall conduct a technical review of the application within 90 days of the effective date of the application or an alternate date agreed upon by the Director and the applicant.

124.3(g) (viii) Project Decision Schedule: For each application from a major new HWM 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:

124.3(g)(1) (A) Prepare a draft permit;

124.3(g)(2) (B) Give public notice;

124.3(g)(3) (C) Complete the public comment period, including any public hearing;

124.3(g)(4) (D) Issue a final permit;

124.3(g)(5) (E) **Reserved ^.** ~~{NPDES}~~

124.4 (b) **RESERVED ^.**

124.6(a) (c) DRAFT PERMITS. ^ Once an application is complete, the Director:

124.6(a) (i) Shall tentatively decide whether to prepare a draft

permit ^ or to deny the application.

124.6(b) (ii) If the Director tentatively decides to deny the permit application, he or she 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 Section 1(c) of this Chapter. See Section 1(c)(v) of this Chapter. If the Director's final decision (Section 1(l) of this Chapter) is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under Section 1(c)(iv) of this Chapter.

124.6(c) (iii) **Reserved ^.** ~~{NPDES & 404}~~

124.6(d) (iv) ^ If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:

124.6(d)(1) (A) All conditions under ^ Chapter 4, Sections 1(a) and (c) of these rules and regulations;

124.6(d)(2) (B) All compliance schedules under ^ Chapter 4, Section 1(d) of these rules and regulations;

124.6(d)(3) (C) All monitoring requirements under ^ Chapter 4, Section 1(b) of these rules and regulations ^ ; and

124.6(d)(4) (D) For:

...(i) (I) State hazardous waste management facility permits standards for treatment, storage, and/or disposal and other permit conditions under Chapter 4, Section 1(a) of these rules and regulations.

...(ii) (II) **Reserved^.** ~~{UIC}~~

...(iii) (III) **Reserved^.** ~~{PSD}~~

...(iv) (IV) **Reserved^.** ~~{404}~~

...(v) (V) **Reserved^.** ~~{NPDES}~~

124.6(e) (v) ^ All draft permits prepared ^ under Section 1(c) of this Chapter shall be accompanied by a fact sheet (Section 1(e) of this Chapter) or statement of basis (Section 1(d) of this Chapter) and shall be based on the administrative record (Section 1(f) of this Chapter), publicly noticed (Section 1(g) of this Chapter) and made available for public comment (Section 1(h) of this Chapter). The Director shall give notice of opportunity for a public hearing (Section 1(i) of this Chapter), issue a final decision (Section 1(l) of this Chapter) and respond to comments (Section 1(n) of this Chapter).^ Draft permits prepared by the State of Wyoming shall be accompanied by a fact sheet if required by Section 1(e) of this Chapter. **An appeal may be taken in accordance with Article 10 of the Act and the provisions of the Wyoming Administrative Procedures Act.**^

124.7 (d) STATEMENT OF BASIS.

(i) The Director shall prepare a statement of basis for every draft permit for which a fact sheet under Section 1(e) of this Chapter is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them, or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

124.8 (e) FACT SHEET.

124.8(a) (i) A fact sheet shall be prepared for every draft permit for a major HWM facility or activity ^ and for every draft permit which the Director finds is the subject of widespread public interest or raises major issues. 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.

124.8(b) (ii) The fact sheet shall include, when applicable:

124.8(b)(1) (A) A brief description of the type of facility or activity which is the subject of the draft permit;

124.8(b)(2) (B) 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;

124.8(b)(3) (C) **Reserved. ~~{PSD}~~**

124.8(b)(4) (D) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions; and appropriate supporting references to the administrative record required by Section 1(f) of this Chapter. ^

124.8(b)(5) (E) Reasons why any requested variances or alternatives to required standards do or do not appear justified;

124.8(b)(6) (F) A description of the procedures for reaching a final decision on the draft permit including:

...(i) (I) The beginning and ending dates of the comment period described under Section 1(g) of this Chapter and the address where comments will be received;

...(ii) (II) Procedures for requesting a hearing and the nature of that hearing; and

...(iii) (III) Any other procedures by which the public may participate in the final decision.

...(b)(7) (G) Name and telephone number of a person to contact for additional information.

124.8(b)(8) (H) **Reserved^.** ~~{NPDES}~~

124.9 (f) ADMINISTRATIVE RECORD FOR DRAFT PERMITS.

- 124.9(a) (i) The provisions of a draft permit prepared ^ under Section 1(c) of this Chapter shall be based on the administrative record as defined in Section 1(f) of this Chapter.
- 124.9(b) (ii) The administrative record for a draft permit should consist of:
- 124.9(b)(1) (A) The application, if required, and any supporting data furnished by the applicant;
- 124.9(b)(2) (B) The draft permit or notice of intent to deny the application or to terminate the permit;
- 124.9(b)(3) (C) The fact sheet or statement of basis;
- 124.9(b)(4) (D) All documents cited in the fact sheet or statement of basis; and
- 124.9(b)(5) (E) Other **non-confidential** documents contained in the supporting file for the draft permit, **e.g., memorandums of meetings and records of communications.**
- 124.9(b)(6) (F) **Reserved^.** ~~{NPDES}~~
- 124.9(c) (iii) Material readily available at the Department or published material that is generally available, and that is included in the administrative record under Sections 1(f)(ii) and (iii) of this Chapter, need not be physically included with the rest of the record as long as it is specifically referred to in the fact sheet or statement of basis.
- 124.9(d) (iv) Section 1(f) of this Chapter applies to all draft permits when public notice was given after the effective date of these rules and regulations.
- 124.10 (g) PUBLIC NOTICE.
- 124.10(a) (i) Scope:
- 124.10(a)(1) (A) The Director shall give public notice that the following actions have occurred:
- ... (i) (I) A permit application has been tentatively denied under Section 1(c)(ii) of this Chapter.
- ... (ii) (II) ^ A draft permit has been prepared under Section 1(c)(iv) of this Chapter.
- ... (iii) (III) ^ A hearing has been scheduled under Section 1(i) of this Chapter.
- ... (iv) (IV) **Reserved ^.**
- ... (v) (V) **Reserved ^.** ~~{404}~~
- ... (vi) (VI) **Reserved ^.** ~~{NPDES}~~
- 124.10(a)(2) (B) No public notice is required when a request

for permit modification, revocation and reissuance, or termination is denied under Chapter 6, Section 1(a)(ii) of these rules and regulations. Written notice of that denial shall be given to the requester and to the permittee.

- 124.10(a)(3) (C) Public notices may describe more than one permit or permit actions.
- 124.10(b) (ii) Timing ^:
- 124.10(b)(1) (A) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under Section 1(g)(i) of this Chapter ^ **shall commence within 15 days of these activities** and shall allow at least 45 days for public comment^.
- 124.10(b)(2) (B) 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.)
- 124.10(c) (iii) Methods ^: Public notice of activities described in Section 1(g)(i)(A) of this Chapter shall be given by the following methods:
- 124.10(c)(1) (A) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under Section 1(g)(iii) of this Chapter may waive his or her rights to receive notice for any classes and categories of permits);
- ... (i) (I) The applicant ^;
- ... (ii) (II) Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, 404, or sludge management permit ^ for the same facility or activity (including EPA when the draft permit is prepared by the State);
- ... (iii) (III) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources, ^ the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected States ^;
- ... (iv) (IV) **Reserved^.** ~~{NPDES/404}~~
- ... (v) (V) **Reserved^.** ~~{NPDES}~~
- ... (vi) (VI) **Reserved^.** ~~{404}~~
- ... (vii) (VII) **Reserved^.** ~~{PSD}~~
- ... (viii) (VIII) **Reserved^.** ~~{UIC}~~
- ... (ix) (IX) Persons on a mailing list developed by:
- ... (A) (1.) Including those who request in writing to be on the list;

(2.) Soliciting persons for "area lists" from participants in past permit proceedings in that area; and

...(C) (3.) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as Regional and State funded newsletters, environmental bulletins, or State law journals. (The Director may update the mailing list from time to time 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 such a request.)

(X) **The following agencies:**

...(x)(A) (1.) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

...(B) (2.) To each State agency having any authority under State law with respect to the construction or operation of such facility;

124.10(c)(2) (B) Notification requirements:

...(i) (I) Reserved^.

...(ii) (II) ^ Publication of a notice **once a week for two (2) consecutive weeks** in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations;

124.10(c)(3) (C) ^ In a manner constituting legal notice to the public under Wyoming law; and

124.10(c)(4) (D) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

124.10(d) (iv) Contents ^:

124.10(d)(1) (A) All public notices issued under Chapter 3, Section 1 or Chapter 6, Section 1 of these rules and regulations shall contain the following minimum information:

...(i) (I) Name and address of the office processing the permit action for which notice is being given;

...(ii) (II) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit; ^

...(iii) (III) A brief description of the business conducted at the facility or activity described in the permit application.^

...(iv) (IV) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the

case may be, statement of basis or fact sheet, and the application;
and

...(v) (V) A brief description of the comment procedures required by Sections 1(h) and 1(i) of this Chapter 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.

...(vi) (VI) For State hazardous waste management facility permits, the location of the administrative record required by Section 1(f) of this Chapter, the times at which the record will open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record.

...(vii) (VII) **Reserved** ^ . ~~{NPDES}~~

...(viii) (VIII) **Reserved** ^ . ~~{404}~~

...(ix) (IX) Any additional information considered necessary or proper.

124.10(d)(2) (B) Public notices for hearings: In addition to the general public notice described in Section 1(g)(iv)(A) of this Chapter, the public notice of a hearing under Section 1(i) of this Chapter shall contain the following information:

...(i) (I) Reference to the date of previous public notices relating to the permit;

...(ii) (II) Date, time, and place of the hearing;

...(iii) (III) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

...(iv) (IV) **Reserved** ^ . ~~{404}~~

124.10(e) (v) ^ In addition to the general public notice described in Section 1(g)(iv)(A) of this Chapter, all persons identified in Sections 1(g)(iii)(A)(I), (II), and (III) ^ of this Chapter shall be mailed a copy of the fact sheet or statement of basis, ^ and the draft permit (if any). A copy of the permit application (if any) will be available for review at the DEQ/Solid and Hazardous Waste Division office in Cheyenne, Wyoming and the nearest information repository.

124.11 (h) PUBLIC COMMENTS AND REQUESTS FOR PUBLIC HEARINGS. ^ During the public comment period provided under Section 1(g) of this Chapter, 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 Section 1(n) of this Chapter.

124.12 (i) PUBLIC HEARINGS. When hearings are held:

- 124.12(a)(1) (A) ^ The Director shall hold a public hearing under **Chapter 3 of the Department's Rules of Practice and Procedure** whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s);
- 124.12(a)(2) (B) The Director may also hold a public hearing under **Chapter 3 of the Department's Rules of Practice and Procedure**, at his or her discretion, whenever for instance, such a hearing might clarify one or more issues involved in the permit decision;
- 124.12(a)(3)(i),(ii) & (a)(4) (C) ^ The council shall hold a public hearing under **Chapter 3 of the department's Rules of Practice and Procedure** whenever written notice of opposition to a draft permit and a request for a **contested case** hearing has been received within 45 days of public notice under Section 1(g)(ii)(A) of this Chapter. Whenever possible the Director shall schedule a hearing under Section 1(i) of this Chapter at a location convenient to the nearest population center to the proposed facility **and within 20 days after the close of the public comment period unless a different schedule is deemed necessary by the council. In addition to the public notice procedures specified in Section 1(g) of this Chapter, the council or Director shall publish notice of the time, date and location of the contested case hearing in a newspaper of general circulation in the county where the applicant plans to locate the facility once a week for two (2) consecutive weeks immediately prior to the hearing.**
- 124.12(b) (D) **Reserved ^.**
- 124.12(c) (E) **The public comment period under Section 1(g)(ii)(A) of this Chapter shall be automatically extended to the close of any public hearing under Section 1(i)(A) or (i)(i)(B) of this Chapter ^.**
- 124.12(d) (F) Tape recording or written transcript of any hearing shall be made available to the public.
- 124.12(e) (G) **Reserved ^.**
- 124.13 (j) **OBLIGATION TO RAISE ISSUES AND PROVIDE INFORMATION DURING THE PUBLIC COMMENT PERIOD.** All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period ^ under Section 1(g) of this Chapter. Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting materials not already included in the administrative record available to the department as requested by the Director. (A comment period longer than **45** days may be necessary to give commenters a reasonable opportunity to comply with the requirements of Section 1(j) of this Chapter. Additional time shall

be granted under Section 1(g) of this Chapter to the extent that a commenter who requests additional time demonstrates the need for such time.)

124.14 (k) REOPENING OF THE PUBLIC COMMENT PERIOD.

124.14(a) (i) Reopening:

124.14(a)(1) (A) The Director may order the public comment period reopened if the procedures of Section 1(k) of this Chapter could expedite the decisionmaking process. When the public comment period is reopened under Section 1(k) of this Chapter, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Director's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, by a date, not less than 60 days after public notice under Section 1(k)(i)(B) of this Chapter, set by the Director. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material, set by the Director.

124.14(a)(2) (B) Public notice of any comment period under Section 1(k) of this Chapter shall identify the issues to which the requirements of Section 1(k)(i) of this Chapter shall apply.

124.14(a)(3) (C) On his or her own motion or on the request of any person, the Director may direct that the requirements of Section 1(k)(i)(A) of this Chapter shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of Section 1(k)(i)(A) of this Chapter will substantially expedite the decisionmaking process. The notice of the draft permit shall state whenever this has been done.

124.14(a)(4) (D) A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of Section 1(k) of this Chapter. Commenters may request longer comment periods and they shall be granted under Section 1(g) of this Chapter to the extent they appear necessary.

124.14(b) (ii) If any data information or arguments submitted during the public comment period, including information or arguments required under Section 1(j) of this Chapter, appear to raise substantial new questions concerning a permit, the Director may take one or more of the following actions:

124.14(b)(1) (A) Prepare a new draft permit, appropriately modified, under Section 1(c) of this Chapter;

124.14(b)(2) (B) Prepare a revised statement of basis under Section 1(d) of this Chapter, a fact sheet or revised fact sheet under Section 1(e) of this Chapter and reopen the comment period under Section 1(k) of this Chapter; or

124.14(b)(3) (C) Reopen or extend the comment period under Section 1(g) of this Chapter to give interested persons an

opportunity to comment on the information or arguments submitted.

124.14(c) (iii) Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under Section 1(g) of this Chapter shall define the scope of the reopening.

124.14(d) (iv) ^ The Director may also in the circumstances described above, elect to hold further proceedings **as provided in the department=s rules of practice and procedures**. This decision may be combined with any of the actions enumerated in Section 1(k)(ii) of this Chapter.

124.14(e) (v) Public notice of any of the above actions shall be issued under Section 1(g) of this Chapter.

124.15 (1) PERMIT ISSUANCE.

124.15(a) (i) **Within 30 days** after the close of the public comment period under Section 1(g) of this Chapter 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 Section 2(t) of this Chapter) **unless an objection has been filed with the Director in accordance with Section 1(i)(C) of this Chapter**. If an objection has been filed, and a council hearing is held, the council shall issue findings of fact and a decision on the proposed permit **within 30 days after the final hearing**. The Director shall issue or deny the final permit no later than 15 days from receipt of any findings of fact and decision of the **Environmental Quality Council**. 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 State hazardous waste management facility (HWMF) permit ^ or for contesting a decision ^ to terminate a State HWMF permit. For the purposes of Section 1(1) of this Chapter, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

124.15(b) (ii) A final permit decision (or a decision to deny a permit for the active life of a State HWMF permit or unit under Section 2(t) of this Chapter) shall become effective 30 days after the service of notice of the decision, unless:

124.15(b)(1) (A) A later effective date is specified in the decision; or

124.15(b)(2) (B) **Reserved** ^.

124.15(b)(3) (C) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

124.16 (m) **RESERVED** ^.

124.17 (n) RESPONSE TO COMMENTS.

124.17(a) (i) ^ At the time that any final permit is issued under

Section 1(1) of this Chapter, the Director shall issue a response to comments. ^ This response shall:

- 124.17(a)(1) (A) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and
- 124.17(a)(2) (B) Briefly describe and respond to all significant comments on the draft permit ^ raised during the public comment period, or during any hearing.
- 124.17(b) (ii) ^ Any documents cited in the response to comments shall be included in the administrative record for the final permit decision as defined in Section 1(o) of this Chapter. If new points are raised or new material supplied during the public comment period, the department may document its response to those matters by adding new materials to the administrative record.
- 124.17(c) (iii) ^ The response to comments shall be available to the public.
- 124.18 (o) ADMINISTRATIVE RECORD FOR FINAL PERMIT DECISIONS.
- 124.18(a) (i) The Director shall base final permit decisions under Section 1(1) of this Chapter on the administrative record defined in Section 1(o) of this Chapter.
- 124.18(b) (ii) The administrative record for any final permit decision shall consist of the administrative record for the draft permit and;
- 124.18(b)(1) (A) All comments received during the public comment period provided under Section 1(g) of this Chapter, including any extension or reopening under Section 1(k) of this Chapter;
- 124.18(b)(2) (B) The tape or transcript of any hearing(s) held under Section 1(I) of this Chapter;
- 124.18(b)(3) (C) Any written materials submitted at such a hearing;
- 124.18(b)(4) (D) The response to comments required by Section 1(n) of this Chapter and any new material placed in the record under Section 1(n) of this Chapter;
- 124.18(b)(5) (E) **Reserved** ^ . ~~[NPDES]~~
- 124.18(b)(6) (F) Other documents contained in the supporting file for the permit; and
- 124.18(b)(7) (G) The final permit.
- 124.18(c) (iii) The additional documents required under Section 1(o)(ii) of this Chapter should be added to the record as soon as possible after their receipt or publication by the department. The record shall be complete on the date the final permit is issued.
- 124.18(d) (iv) Section 1(o) of this Chapter applies to all final State HWMF permits ^ when the draft permit was subject to the

administrative record requirements of Section 1(f) of this Chapter ^.

- 124.18(e) (v) Material readily available at the department, or published materials which are generally available and which are included in the administrative record under the standards of Section 1(o) of this Chapter or Section 1(n) of this Chapter ("Response to Comments"), need not be physically included in the same file as the rest of the record as long as it is specifically referred to in the statement of basis or fact sheet or in the response to comments.
- 124.19 (p) APPEAL OF STATE HAZARDOUS WASTE MANAGEMENT FACILITY (HWMF) PERMITS. ^ **The applicant or any person adversely affected or aggrieved by any final operating permit or final permit condition may obtain judicial review by filing a petition for review within 30 days after entry of the order or other final action complained of pursuant to the provisions of the Wyoming Administrative Procedures Act.**
- 124.20 (q) COMPUTATION OF TIME.
- 124.20(a) (i) Any time period scheduled to begin on the occurrence of an act or event shall begin on the day after the act or event.
- 124.20(b) (ii) Any time period scheduled to begin before the occurrence of an act or event shall be computed so that the period ends on the day before the act or event.
- 124.20(c) (iii) If the final day of any time period falls on a weekend or legal holiday, the time period shall be extended to the next working day.
- 124.20(d) (iv) Whenever a party or interested person has the right or is required to act within a prescribed period after the service of notice or other paper upon him or her by mail, three (3) days shall be added to the prescribed time.
- 124.21 (r) **RESERVED** ^.
- 124.31 (s) PRE-APPLICATION PUBLIC MEETING AND NOTICE.
- 124.31(a) (i) Applicability. The requirements of Section 1(s) of this Chapter shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units over which DEQ has permit issuance authority. The requirements of Section 1(s) of this Chapter shall also apply to RCRA 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 Section 1(s) of this Chapter, a "significant change" is any change that would qualify as a class 3 permit modification under Chapter 6, Section 2(c) of these rules and regulations. ^ The requirements of Section 1(s) do not apply to permit modifications under Chapter 6, Section 2(c) of these rules and regulations 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.
- 124.31(b) (ii) Prior to the submission of a part B RCRA permit application for a facility, the applicant must 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.

124.31(c) (iii) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under Section 1(s)(ii) of this Chapter, and copies of any written comments or materials submitted at the meeting, to the permitting agency as a part of the part B application, in accordance with Section 2(e)(ii) of this Chapter.

124.31(d) (iv) The applicant must provide public notice of the pre-application meeting at least thirty (30) days prior to the meeting. The applicant must maintain, and provide to the permitting agency upon request, documentation of the notice.

124.31(d)(1) (A) The applicant shall provide public notice in all of the following forms:

...(i) (I) A newspaper advertisement. The applicant shall publish a notice, fulfilling the requirements in Section 1(s)(iv)(B) of this Chapter, 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 must be published as a display advertisement.

...(ii) (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 Section 1(s)(iv)(B) of this Chapter. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.

...(iii) (III) A broadcast media announcement. The applicant shall broadcast a notice, fulfilling the requirements in Section 1(s)(iv)(B) of this Chapter, at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the Director.

...(iv) (IV) A notice to the permitting agency. The applicant shall send a copy of the newspaper notice to the permitting agency and to the appropriate units of State and local government in accordance with Chapter 3, Section 1(g)(iii)(A)(X).

124.31(d)(2) (B) The notices required under Section 1(s)(iv)(A) of this Chapter must include:

...(I) (I) The date, time, and location of the meeting;

...(ii) (II) A brief description of the purpose of the meeting;

...(iii) (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) (IV) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in meeting; and

...(v) (V) The name, address, and telephone number of a contact person for the applicant.

124.32 (t) PUBLIC NOTICE REQUIREMENTS AT THE APPLICATION STAGE.

124.32(a) (i) Applicability. The requirements of Section 1(t) of this Chapter shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units over which DEQ has permit issuance authority. The requirements of Section 1(t) of this Chapter shall also apply to RCRA part B applications seeking renewal of permits for such units under Chapter 4, Section 2(c). ^ The requirements of Section 1(t) of this Chapter do not apply to permit modifications under Chapter 6, Section 2(c) of these rules and regulations or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

124.32(b) (ii) Notification at application submittal.

124.32(b)(1) (A) The Director shall provide public notice as set forth in Chapter 3, Section 1(g)(iii)(A)(IX) of these rules and regulations, and notice to appropriate units of State and local government as set forth in Chapter 3, Section 1(g)(iii)(A)(IX), that a part B permit application has been submitted to the ~~Agency~~ Department and is available for review.

124.32(b)(2) (B) The notice shall be published within a reasonable period of time after the application is received by the Director. The notice must include:

...(i) (I) The name and telephone number of the applicant's contact person;

...(ii) (II) The name and telephone number of the permitting agency's contact office, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;

...(iii) (III) An address to which people can write in order to be put on the facility mailing list;

...(iv) (IV) The location where copies of the permit application and any supporting documents can be viewed and copied;

...(v) (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) (VI) The date that the application was submitted.

- 124.32(c) (iii) Concurrent with the notice required under Section 1(t)(ii) of this Chapter, the Director must place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the permitting agency's office.
- 124.33 (u) INFORMATION REPOSITORY.
- 124.33(a) (i) Applicability. The requirements of Section 1(u) of this Chapter apply to all applications seeking RCRA permits for hazardous waste management units over which DEQ has permit issuance authority. ^
- 124.33(b) (ii) 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 to 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 must establish and maintain an information repository. (See Chapter 4, Section 1(a)(xiii) of these rules and regulations for similar provisions relating to the information repository during the life of a permit).
- 124.33(c) (iii) 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.
- 124.33(d) (iv) 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.
- 124.33(e) (v) 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.
- 124.33(f) (vi) 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 Section 1(u)(ii) of this Chapter.

Section 2. PERMIT APPLICATION REQUIREMENTS

- 270.10 (a) GENERAL APPLICATION REQUIREMENTS.
- 270.10(a) (i) Permit application: Any person who is required to have a permit, including new applicants and permittees with expiring permits, shall complete, sign, and submit an application to the Director as described in Section 2(a) of this Chapter and in

accordance with the time periods specified in Chapter 11, Sections 2(a) through 2(d) of these rules and regulations. Persons currently authorized with interim status shall apply for permits when required by the Director. Persons covered by permits by rule as described in Chapter 7, Section 1(a) of these rules and regulations, need not apply. Procedures for the application, issuance and administration of emergency permits and research, development and demonstration permits are also described in Chapter 7, Sections 1(b) and (f) of these rules and regulations.

270.10(b) (ii) 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 must also sign the permit application.

270.10(c) (iii) Completeness. The Director shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits. An application for a permit is complete when the Director receives an application form and any supplemental information which are completed to his or her satisfaction. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in Section 2(a)(x) of this Chapter. 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.

270.10(d) (iv) Information requirements: All applicants for State HWMF permits shall provide information set forth in Section 2(d) of this Chapter and the applicable portions of Sections 2(e) through 2(t) of this Chapter to the Director, using the application form provided by the Director.

270.10(e) (v) Existing hazardous waste management facilities and interim status qualifications:

270.10(e)(1) (A) Owners and operators of existing hazardous waste management facilities or of hazardous waste management facilities in existence on the effective date of the statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a State hazardous waste management permit **or generators generating greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treating, storing, or disposing of these wastes on-site**, must submit Part A of their permit application no later than:

...(i) (I) Six (6) months after the date of publication of regulations which first require them to comply with the standards set forth in Chapter 5 and Chapter 11, Section 1 and Sections 4 through 31 or Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations, or

...(ii) (II) Thirty (30) days after the date they first become subject to the standards set forth in Chapter 5 and Chapter 11, Section 1 and Sections 4 through 31 or Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations, whichever first occurs.

...(iii) (III) For generators generating greater than

100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and treats, stores, or disposes of these wastes on-site, by March 24, 1987.

[Note: ^ Where existing facilities must begin in complying with Chapter 5 and Chapter 11, Section 1 and Sections 4 through 31 or Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations at a later date because of revisions to Chapter 1, Sections 1(a) through 1(g) and Section 3; Chapter 2; Chapter 5; Chapter 11, Section 1 and Sections 4 through 31 and Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations, the Director will specify in the preamble to those revisions when those facilities must submit a permit application.]

270.10(e)(2) (B) The EPA Administrator may by publication in the Federal Register extend the date by which owners and operators of specified classes of existing hazardous waste management facilities must submit Part A of their permit application if he or she finds that:

...(i) (I) There has been substantial confusion as to whether the owners and operators of such facilities were required to file a permit application; and

...(ii) (II) Such confusion is attributed to ambiguities in Chapter 1, Sections 1(a) through 1(g) and Section 3; Chapter 2; Chapter 5; Chapter 11, Section 1 and Sections 4 through 31 or Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations.

270.10(e)(3) (C) The Administrator **or the Director** may, by compliance order issued under W.S. 35-11-503(d); Articles 7 and 9 of the Wyoming Environmental Quality Act; Chapter 11, Section 8(f) of these rules and regulations; or RCRA Section 3008, extend the date by which the owner and operator of an existing hazardous waste management facility must submit Part A of their permit application.

270.10(e)(4) (D) At any time after promulgation of these rules and regulations the Director may require the owner and operator of an existing hazardous waste management facility to submit Part B of their permit application. ^ Any owner or operator shall be allowed at least six (6) 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 must submit a Part B permit application in accordance with the dates specified in Chapter 11, Section 2(d) of these rules and regulations. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under this Act that render the facility subject to the requirement to have a State hazardous waste management facility permit must submit a Part B application in accordance with the dates specified in Chapter 11, Section 2(d) of these rules and regulations.

270.10(e)(5) (E) 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 Chapter 3, Section 1 and Chapter 6, Section 1(a) of

these rules and regulations.

270.10(f) (vi) New hazardous waste management facilities.

270.10(f)(1) (A) Except as provided in Section 2(a)(vi)(C) of this Chapter, no person shall begin physical construction of a new hazardous waste management facility without having submitted Parts A and B of the permit application and having received a finally effective State hazardous waste management facility permit.

270.10(f)(2) (B) An application for a permit for a new hazardous waste management facility (including both Parts A and B) may be filed any time after promulgation of those standards in Chapter 10, Sections 8 through 28 of these rules and regulations applicable to such facility. The application shall be filed with the Director ^ . Except as provided in Section 2(a)(vi)(C) of this Chapter, all applications must be submitted at least 180 days before physical construction is expected to commence.

270.10(f)(3) (C) Notwithstanding Section 2(a)(vi)(A) of this Chapter, a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Director under **Article 2 of the Act** and by the EPA Administrator under Section 6(e) of the Toxic Substances Control Act and any person owning or operating such a facility may, at any time after construction or operation of such facility has begun, file an application for a State hazardous waste management facility permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under these rules and regulations.

270.10(g) (vii) Updating permit applications.

270.10(g)(1) (A) 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) (I) **With the Director and the** EPA Regional Administrator, ^ within six (6) months after the promulgation of revised **Federal regulations promulgated under HSWA** listing or identifying additional hazardous wastes, if the facility is treating, storing, or disposing of any of those newly listed or identified wastes;

~~... (ii) (II) With the Director^, no later than the effective date of regulatory provisions listing or designating wastes as hazardous in the State of Wyoming in addition to those listed or designated under the previously approved Wyoming program, if the facility is treating, storing, or disposing of any of those newly listed or designated wastes; or~~

... (iii) (III) As necessary to comply with provisions of Chapter 11, Section 2(c) of these rules and regulations for changes during interim status^ . Revised Part A applications necessary to comply with the provisions of Chapter 11, Section 2(c) of these rules and regulations shall be filed with the Director^ .

270.10(g)(2) (B) The owner or operator of a facility who fails to comply with the updating requirements of Section 2(a)(vii)(A) of

this Chapter does not receive interim status as to the wastes not covered by duly filed Part A applications.

- 270.10(h) (viii) 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.)
- 270.10(i) (ix) Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under sections 2(a)(iv), 2(d), and 2(e) through 2(1) of this Chapter for a period of at least three (3) years from the date the application is signed.
- 270.10(j) (x) Exposure information for landfills, **incinerators, burners,** and surface impoundments:
- 270.10(j)(1) (A) ^ 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, incinerator, burner or a landfill must 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, such information must address:
- ... (i) (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) (II) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under Section 2(a)(x)(A)(I) of this Chapter above; and
- ... (iii) (III) The potential magnitude and nature of the human exposure resulting from such releases.
- 270.10(j)(2) (B) By August 8, 1985, owners and operators of a landfill or a surface impoundment who have already submitted a Part B application must submit the exposure information required in Section 2(a)(x)(A) of this Chapter.
- 270.10(k) (xi) The Director may require a permittee or an applicant to submit information in order to establish permit conditions under Chapter 4, Section 1(c)(ii)(B) and Chapter 4, Section 2(a)(iv) of these rules and regulations .
- (xii) **The Director may require that the application demonstrate compliance with specific provisions of the Wyoming Environmental Quality Act, and specific designated regulations of the Solid and Hazardous Waste Division, Water Quality Division, and Air Quality Division of the Department.**
- 270.11 (b) SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS.

- 270.11(a) (i) Applications. All permit applications shall be signed as follows:
- 270.11(a)(1) (A) For a corporation: By a **principal**[^] corporate officer. For the purpose of Section 2(b) of this Chapter, a **principal**[^] corporate officer means:
- ... (i) (I) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decisionmaking functions for the corporation, or
- ... (ii) (II) The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 270.11(a)(2) (B) For a partnership or sole proprietorship; by a general partner or the proprietor, respectively; or
- 270.11(a)(3) (C) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of Section 2(b) of this Chapter, a principal executive officer of a Federal agency includes:
- ... (i) (I) The chief executive officer of the agency, or
- ... (ii) (II) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Director of DEQ).
- (D) **All applications shall be signed under oath subject to a penalty of perjury.**
- 270.11(b) (ii) Reports. All reports required by permits and other information requested by the Director shall be signed by a person described in Section 2(b)(i) of this Chapter, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 270.11(b)(1) (A) The authorization is made in writing by a person described in Section 2(b)(i) of this Chapter;
- 270.11(b)(2) (B) The authorization specifies 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
- 270.11(b)(3) (C) The written authorization is submitted to the Director.
- 270.11(c) (iii) Changes to authorization. If an authorization under Section 2(b)(ii) of this Chapter is no longer accurate because

a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section 2(b)(ii) of this Chapter must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

270.11(d)(1) (iv) Certification. Any person signing a document under Section 2(b)(i) or 2(b)(ii) of this Chapter 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~~ according to 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.

270.12 (c) CONFIDENTIALITY OF INFORMATION.

270.12(a) (i) ^ Any information submitted to the department pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the department may make the information available to the public without further notice. ^ **Upon a showing satisfactory to the Director in accordance with W.S. 35-11-1101, confidential business information will not be made available to the public.**

270.12(b) (ii) Claims of confidentiality for the name and address of any permit applicant or permittee will be denied.

270.13 (d) CONTENTS OF PART A OF THE PERMIT APPLICATION. Part A of the State hazardous waste management facility (HWMF) permit application shall include the following information:

270.13(a) (i) The activities conducted by the applicant which require it to obtain a permit under the Act.

270.13(b) (ii) Name, mailing address, and location, including latitude and longitude of the facility for which the application is submitted.

270.13(c) (iii) Up to four SIC codes which best reflect the principal products or services provided by the facility.

270.13(d) (iv) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

270.13(e) (v) The name, address, and phone number of the owner of the facility.

(vi) A listing of any civil, misdemeanor, or felony convictions within ten (10) years prior to the date of application for any violations of any local, state or federal law relating to environmental quality or criminal racketeering by the owner, or the operator, and all entities related by ownership to the applicant whether by common ownership or by a parent or subsidiary relationship, either directly or indirectly. This includes any partners in a partnership or executive officers or corporate directors in any corporation, if the owner/operator is a partnership or corporation;

270.13(f) (vii) Whether the facility is located on Indian lands.

270.13(g) (viii) An indication of whether the facility is new or existing and whether it is a first or revised application.

270.13(i) (ix) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items.

270.13(j) (x) A specification of the hazardous wastes listed or designated under Chapter 2 of these rules and regulations to be treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed annually, and a general description of the processes to be used for such wastes.

270.13(k) (xi) A listing of all permits or construction approvals received or applied for under any of the following programs:

270.13(k)(1) (A) Hazardous Waste Management program under RCRA.

270.13(k)(2) (B) UIC program under the SWDA.

270.13(k)(3) (C) NPDES program under the CWA.

270.13(k)(4) (D) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.

270.13(k)(5) (E) Nonattainment program under the Clean Air Act.

270.13(k)(6) (F) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.

270.13(k)(7) (G) **Reserved^.**

270.13(k)(8) (H) Dredge or fill permits under Section 404 of the CWA.

270.13(k)(9) (I) Other relevant environmental permits, including State permits.

270.13(l) (xii) 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 **one (1)** mile of the facility property boundary.

- 270.13(m) (xiii) A brief description of the nature of the business.
- 270.13(h) (xiv) Additional Part A information requirements for existing facilities. All Part A applications for existing facilities shall contain the following additional information:
- 270.13(h)(1) (A) A scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and
- 270.13(h)(2) (B) Photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas.
- 270.13(n) (xv) For hazardous debris, a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility.
- 270.14 (e) CONTENTS OF PART B: GENERAL REQUIREMENTS.
- 270.14(a) (i) Part B of the permit application consists of the general information requirements of Section 2(e) of this Chapter, and the specific information requirements in Sections 2(e) through 2(t) of this Chapter applicable to the facility. The Part B information requirements presented in Sections 2(e) through 2(t) reflect the standards promulgated in Chapter 10 of these rules and regulations. These information requirements are necessary in order for the department to determine compliance with the Chapter 5 and Chapter 10 standards of these rules and regulations. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B can not be provided to the extent required, the Director may make allowance for submission of such 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 Section 2(b) of this Chapter. 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 Section 2(s) of this Chapter is required in part B of the permit application.
- 270.14(b) (ii) General Part B information requirements. The following information is required for all HWM facilities, except as Chapter 10, Section 1(a) of these rules and regulations provides otherwise:
- 270.14(b)(1) (A) A general description of the facility.
- 270.14(b)(2) (B) Chemical and physical analyses of the hazardous waste 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 Chapter 5 and Chapter 10 of these rules and regulations.

270.14(b)(3) (C) A copy of the waste analysis plan required by Chapter 10, Section 2(d)(ii) of and, if applicable, Chapter 10, Section 2(d)(iii) of these rules and regulations.

270.14(b)(4) (D) A description of the security procedures and equipment required by Chapter 10, Section 2(e) of these rules and regulations, or a justification demonstrating the reasons for requesting a waiver of this requirement.

270.14(b)(5) (E) A copy of the general inspection schedule required by Chapter 10, Section 2(f)(ii) of these rules and regulations. Include, where applicable, as part of the inspection schedule, specific requirements in Chapter 10, Sections 8(e), 9(d)(ix), 9(f), 10(g), 11(e), 12(d), 13(d), 23(c), 26(d), 27(c), 27(d), 27(i), 28(e), 28(f), 28(g) and 28(i) of these rules and regulations .

270.14(b)(6) (F) A justification of any request for a waiver(s) of the preparedness and prevention requirements of Chapter 10, Section 3 of these rules and regulations.

270.14(b)(7) (G) A copy of the contingency plan required by Chapter 10, Section 4 of these rules and regulations.

[Note: Include, where applicable, as part of the contingency plan, specific requirements in Chapter 10, Section 10(h) of these rules and regulations.]

270.14(b)(8) (H) A description of procedures, structures, or equipment used at the facility to:

...(i) (I) Prevent hazards in unloading operations (for example, ramps, special forklifts);

...(ii) (II) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

...(iii) (III) Prevent contamination of water supplies;

...(iv) (IV) Mitigate effects of equipment failure and power outages;

...(v) (V) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and

...(vi) (VI) Prevent releases to the atmosphere.

270.14(b)(9) (I) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with Chapter 10, Section 2(h) of these rules and regulations, including documentation demonstrating compliance with Chapter 10, Section 2(h)(iii) of these rules and regulations.

270.14(b)(10) (J) 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).

270.14(b)(11) (K) Facility location information:

...(i) (I) **Information concerning the area in which the facility is to be located, including the political jurisdiction (e.g., county, township, or election district), sufficient to demonstrate compliance with all applicable location standards specified in Chapter 10, Section 2(i) of these rules and regulations.**

...(ii) (II) If the facility is proposed to be located in an area listed in Appendix F of Chapter 10, 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 must be of such quality to be acceptable to **professional** geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

...(ii)(A) (1.) 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:

...(1) a. Published geologic studies,

...(2) b. Aerial reconnaissance of the area within a five-mile radius from the facility.

...(3) c. An analysis of aerial photographs covering a 3,000 foot radius of the facility, and

...(4) d. If needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or

...(ii)(B) (2.) If faults (to include lineations) which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass with 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 such 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. Such 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, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults

found.

[Comment: 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) (III) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such 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.

Methods used to determine the 100-year floodplain must be approved by the Director. Information shall also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.

[Comment: 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 must 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 must 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) (IV) Owners and operators of facilities located in the 100-year floodplain must provide the following information:

...(iv)(A) (1.) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as consequence of a 100-year flood.

...(iv)(B) (2.) 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.

...(iv)(C) (3.) If applicable, and in lieu of Sections 2(a)(ii)(K)(IV)(1.) and (2.) of this Chapter, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:

...(1) a. Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility.

...(2) b. 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 Chapters 3 through 7; Chapter 10; Chapter 11; and Chapter 12, Sections 1 through 8, 19 and 20 of these rules and regulations.

...(3) c. The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use.

...(4) d. The potential for accidental discharges of the waste during movement.

...(v) (V) Existing facilities NOT in compliance with Chapter 10, Section 2(i)(ii)(B) of these rules and regulations, shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(VI) Owners and operators of all facilities shall provide a health risk assessment based on health risks associated with normal operation or failure of a hazardous waste management facility pollution control or containment system, as specified in Chapter 10, Section 2(i)(v)(F) of these rules and regulations. The normal operation or failure modes specified in Chapter 10, Section 2(i)(v)(F) of these rules and regulations shall be used. This assessment must indicate the source of data for such determination. The health risk assessment must address the following standards:

(1.) The cancer risk shall be assessed considering projected pollutant release rates and assumed target intakes during normal operation conditions specified in Chapter 10, Section 2(I)(v)(F) of these rules and regulations.

(2.) The chronic toxic effect which shall be assessed considering projected pollutant release rates and assumed target intakes during normal operation or failure conditions specified in Chapter 10, Section 2(I)(v)(F) of these rules and regulations.

(3.) The subchronic and acute toxic effect shall be assessed considering projected pollutant release rates and assumed target intakes during failure conditions specified in Chapter 10, Section 2(i)(iii) of these rules and regulations.

270.14(b)(12) (L) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the HWM facility in a safe manner as required to demonstrate compliance with Chapter 10, Section 2(g) of these rules and regulations. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in Chapter 10, Section 2(g)(i)(C) of these rules and regulations.

270.14(b)(13) (M) A copy of the closure plan and, where applicable, the post-closure plan required by Chapter 10, Sections 7(c), 7(i) and 9(h) of these rules and regulations. Include, where applicable, as part of the plans, specific requirements in Chapter 10, Sections 8(i), 9(h), 10(i), 11(i), 12(k), 13(k), 14(l), 23(b),

and 23(d) of these rules and regulations.

270.14(b)(14) (N) For hazardous waste disposal units that have been closed, documentation that notices required under Chapter 10, Section 7(j) of these rules and regulations, have been filed.

270.14(b)(15) (O) The most recent closure cost estimate for the facility prepared in accordance with Chapter 5, Section 1(c) of these rules and regulations, and a copy of the documentation required to demonstrate financial assurance under Chapter 5, Section 1(d) of these rules and regulations. 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.

270.14(b)(16) (P) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with Chapter 5, Section 1(c) of these rules and regulations, plus a copy of the documentation required to demonstrate financial assurance under Chapter 5, Section 1(d) of these rules and regulations. 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.

270.14(b)(17) (Q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of Chapter 5, Section 1(h) of these rules and regulations. For a new facility, documentation showing the amount of insurance meeting the specification of Chapter 5, Section 1(h)(i) and, if applicable, Chapter 5, Section 1(h)(ii) of these rules and regulations, 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 Chapter 5, Section 1(h)(iii) of these rules and regulations.

270.14(b)(18) (R) **Reserved.** ^

270.14(b)(19) (S) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must 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 (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 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 large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

- ...(i) (I) Map scale and date.
- ...(ii) (II) 100-year floodplain area.
- ...(iii) (III) Surface waters including intermittent streams.

- ...(iv) (IV) Surrounding land uses (residential, commercial, agricultural, recreational).
 - ...(v) (V) A **representative** wind rose (i.e., prevailing wind-speed and direction).
 - ...(vi) (VI) Orientation of the map (north arrow).
 - ...(vii) (VII) Legal boundaries of the HWM facility site.
 - ...(viii) (VIII) Access control (fences, gates).
 - ...(ix) (IX) Injection and withdrawal wells both on-site and off-site.
 - ...(x) (X) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.)
 - ...(xi) (XI) Barriers for drainage or flood control.
 - ...(xii) (XII) Location of operational units within the hazardous waste management facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas).
- 270.14(b)(20) (T) Applicants may be required to submit such information as may be necessary to enable the Director to carry out his or her duties under **other aspects of the Wyoming Environmental Quality Act** and other Federal laws as required in Chapter 1, Section 1(j) of these rules and regulations.
- 270.14(b)(21) (U) For land disposal facilities, if a case-by-case extension has been approved under Chapter 13, Section 1(e) of these rules and regulations or a petition has been approved under Chapter 13, Section 1(f) of these rules and regulations, a copy of the notice of approval for the extension or petition is required.
- 270.14(b)(22) (V) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under Section 1(s)(iii) of this Chapter.
- 270.14(c) (iii) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in Chapter 10, Section 6(a)(ii) of these rules and regulations:
- 270.14(c)(1) (A) A summary of the ground-water monitoring data obtained during the interim status period under Chapter 11, Sections 8(a) through (e) of these rules and regulations, where applicable.
- 270.14(c)(2) (B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground-water flow direction and rate, and the basis for

such identification (i.e., the information obtained from hydrogeologic investigations of the facility area).

270.14(c)(3) (C) On the topographic map required under Section 2(e)(ii)(S) of this Chapter, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under Chapter 10, Section 6(f) of these rules and regulations, the proposed location of ground-water monitoring wells as required under Chapter 10, Section 6(h) of these rules and regulations, and, to the extent possible, the information required in Section 2(e)(iii)(B) of this Chapter.

270.14(c)(4) (D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

...(i) (I) Delineates the extent of the plume on the topographic map required under Section 2(e)(ii)(S) of this Chapter;

...(ii) (II) Identifies the concentration of each Chapter 10, Appendix I, constituent throughout the plume or identifies the maximum concentrations of each Chapter 10, Appendix I constituent in the plume.

270.14(c)(5) (E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of Chapter 10, Section 6(h) of these rules and regulations.

270.14(c)(6) (F) If the presence of hazardous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of Chapter 10, Section 6(i) of these rules and regulations. This submission must address the following items specified under Chapter 10, Section 6(i) of these rules and regulations:

...(i) (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 ground water;

...(ii) (II) A proposed ground-water monitoring system;

...(iii) (III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

...(iv) (IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground-water monitoring data.

270.14(c)(7) (G) If the presence of hazardous constituents has been detected in the ground water at the point of compliance at the time of the permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a

compliance monitoring program which meets the requirements of Chapter 10, Section 6(j) of these rules and regulations. ^ The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of Chapter 10, Section 6(k) of these rules and regulations, unless the owner or operator obtains written authorization in advance from the Director to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with Chapter 10, Section 6(j) of these rules and regulations, the owner or operator must address the following items:

- ...(i) (I) A description of the wastes previously handled at the facility;
 - ...(ii) (II) A characterization of the contaminated ground water, including concentrations of hazardous constituents;
 - ...(iii) (III) A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with Chapter 10, Section 6(h) and (j) of these rules and regulations;
 - ...(iv) (IV) Proposed concentration limits for each hazardous constituent, based on the criteria set forth in Chapter 10, Section 6(e)(I), including a justification for establishing any alternate concentration limits;
 - ...(v) (V) Detailed plans and an engineering report describing the proposed ground-water monitoring system, in accordance with the requirements of Chapter 10, Section 6(h) of these rules and regulations; and
 - ...(vi) (VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground-water monitoring data.
- 270.14(c)(8) (H) If hazardous constituents have been measured in the ground water which exceed the concentration limits established under Chapter 10, Section 6(e) Table 1 of these rules and regulations, or if ground water monitoring conducted at the time of permit application under Chapter 11, Sections 8(a) through (e) of these rules and regulations at the waste boundary indicates the presence of hazardous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of Chapter 10, Section 6(k) of these rules and regulations. However, an owner or operator is not required to submit information to establish a corrective action program if he or she demonstrates to the Director that alternate concentration limits will protect human health and the environment after considering the criteria listed in Chapter 10, Section 6(e)(ii) of these rules and regulations. An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of Chapter 10, Section 6(j) and Section 2(e)(iii)(F) of this Chapter. To demonstrate compliance with Chapter 10, Section 6(k) of these rules and regulations, the owner or operator must address, at a minimum, the following items:
- ...(i) (I) A characterization of the contaminated

ground water, including concentrations of hazardous constituents;

- ...(ii) (II) The concentration limit for each hazardous constituent found in the ground water as set forth in Chapter 10, Section 6(e) of these rules and regulations;
- ...(iii) (III) Detailed plans and an engineering report describing the corrective action to be taken; and
- ...(iv) (IV) A description of how the ground-water monitoring program will demonstrate the adequacy of the corrective action.
- ...(v) (V) The permit may contain a schedule for submittal of the information required in Sections 2(e)(iii)(H)(III) and (IV) of this Chapter above, provided the owner or operator obtains written authorization from the Director prior to submittal of the permit application.

270.14(d) (iv) Information requirements for waste material management units:

270.14(d)(1) (A) The following information is required for each waste material management unit at a facility seeking a permit:

- ...(i) (I) The location of the unit on the topographic map required under Section 2(e)(ii)(S) of this Chapter.
- ...(ii) (II) Designation of type of unit.
- ...(iii) (III) General dimensions and structural description (supply any available drawings).
- ...(iv) (IV) When the unit was operated.
- ...(v) (V) Specification of all wastes that have been managed at the unit, to the extent available.

270.14(d)(2) (B) The owner or operator of any facility containing one or more waste material management units must submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.

270.14(d)(3) (C) The owner/operator must 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 state Hazardous Waste Facility Assessment that will determine if a more complete investigation is necessary.

270.15 (f) SPECIFIC PART B INFORMATION REQUIREMENTS FOR CONTAINERS. Except as otherwise provided in Chapter 10, Section 8(a) of these rules and regulations, owners or operators of facilities that store containers of hazardous waste must provide the following additional information:

270.15(a) (i) A description of the containment system to demonstrate compliance with Chapter 10, Section 8(f) of these rules and regulations. Show at least the following:

- 270.15(a)(1) (A) Basic design parameters, dimensions, and materials of construction.
- 270.15(a)(2) (B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.
- 270.15(a)(3) (C) Capacity of the containment system relative to the number and volume of containers to be stored.
- 270.15(a)(4) (D) Provisions for preventing or managing run-on.
- 270.15(a)(5) (E) How accumulated liquids can be analyzed and removed to prevent overflow.
- 270.15(b) (ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with Chapter 10, Section 8(f)(iii) of these rules and regulations, including:
- 270.15(b)(1) (A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
- 270.15(b)(2) (B) 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.
- 270.15(c) (iii) Sketches, drawings, or data demonstrating compliance with Chapter 10, Section 8(g) of these rules and regulations (location of buffer zone and containers holding ignitable or reactive wastes) and Chapter 10, Section 8(h)(iii) of these rules and regulations (location of incompatible wastes), where applicable.
- 270.15(d) (iv) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with Chapter 10, Sections 8(h)(i) and (ii), and Chapter 10, Sections 2(h)(ii) and (iii) of these rules and regulations.
- 270.15(e) (v) Information on air emission control equipment as required by Section \pm 2(r) of this Chapter.
- 270.16 (g) SPECIFIC PART B INFORMATION REQUIREMENTS FOR TANK SYSTEMS. Except as otherwise provided in Chapter 10, Section 9(a) of these rules and regulations, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:
- 270.16(a) (i) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under Chapter 10, Sections 9(b) and (c) of these rules and regulations;
- 270.16(b) (ii) Dimensions and capacity of each tank;
- 270.16(c) (iii) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

- 270.16(d) (iv) A diagram of piping, instrumentation, and process flow for each tank system;
- 270.16(e) (v) A description of materials and equipment used to provide external corrosion protection, as required under Chapter 10, Section 9(c)(i)(C)(II) of these rules and regulations.
- 270.16(f) (vi) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with Chapter 10, Sections 9(c)(ii), (iii), (iv) and (v) of these rules and regulations;
- 270.16(g) (vii) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of Chapter 10, Sections 9(d), (i), (ii), (iii), (iv), (v), and (vi) of these rules and regulations;
- 270.16(h) (viii) For tank systems for which a variance from the requirements of Chapter 10, Section 9(d) of these rules and regulations, is sought (as provided by Chapter 10, Section 9(d)(vii)):
- 270.16(h)(1) (A) 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 waste or hazardous constituents into the ground water or surface water during the life of the facility, or
- 270.16(h)(2) (B) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.
- 270.16(i) (ix) Description of controls and practices to prevent spills and overflows, as required under Chapter 10, Section 9(e)(ii) of these rules and regulations; and
- 270.16(j) (x) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of Chapter 10, Sections 9(i) and (j) of these rules and regulations.
- 270.16(k) (xi) Information on air emission control equipment as required by Section ~~1~~ 2(r) of this Chapter.
- 270.17 (h) SPECIFIC PART B INFORMATION REQUIREMENTS FOR SURFACE IMPOUNDMENTS. Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations of these rules and regulations, owners and operators of facilities that store, treat or dispose of hazardous waste in surface impoundments must provide the following additional information:
- 270.17(a) (i) A list of the hazardous wastes placed or to be placed in each surface impoundment;
- 270.17(b) (ii) 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 Chapter 10, Section 2(1), and Sections 10(b), (c), and (d) of these rules and regulations, addressing the following items:

- 270.17(b)(1) (A) 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 Chapter 10, Section 10(b)(ii) of these rules and regulations, 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 ground water or surface water at any future time;
- 270.17(b)(2) (B) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of Chapter 10, Section 10(b)(iii) of these rules and regulations. 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 Chapter 10, Section 10(b)(iv), (v), or (vi) of these rules and regulations, submit appropriate information;
- 270.17(b)(3) (C) 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;
- 270.17(b)(4) (D) The construction quality assurance (CQA) plan if required under Chapter 10, Section 2(1) of these rules and regulations.
- 270.17(b)(5) (E) Proposed action leakage rate, with rationale, if required under Chapter 10, Section 10(c) of these rules and regulations, and response action plan, if required under Chapter 10, Section 10(d) of these rules and regulations;
- 270.17(b)(6) (F) Prevention of overtopping; and
- 270.17(b)(7) (G) Structural integrity of dikes;
- 270.17(c) (iii) A description of how each surface impoundment, including the double liner system, leak detection system, cover system and appurtenances for control of overtopping, will be inspected in order to meet the requirements of Chapter 10, Section 10(g)(i), (ii), and (iv) of these rules and regulations. This information must be included in the inspection plan submitted under Section 2(e)(ii)(E) of this Chapter.
- 270.17(d) (iv) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under Chapter 10, Section 10(g)(iii) of these rules and regulations. For new units, the owner or operator must submit a statement by a qualified engineer that he or she will provide such a certification upon completion of construction in accordance with the plans and specifications;

- 270.17(e) (v) A description of the procedure to be used for removing a surface impoundment from service, as required under Chapter 10, Sections 10(h)(ii) and (iii) of these rules and regulations. This information should be included in the contingency plan submitted under Section 2(e)(ii)(G) of this Chapter;
- 270.17(f) (vi) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under, Section 10(i)(i)(A) of these rules and regulations. For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how Chapter 10, Sections 10(i)(i)(B) and (ii) of these rules and regulations will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 2(e)(ii)(M) of this Chapter;
- 270.17(g) (vii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how Chapter 10, Section 10(j) of these rules and regulations, will be complied with;
- 270.17(h) (viii) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how Chapter 10, Section 10(k) of these rules and regulations, will be complied with.
- 270.17(i) (ix) 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 Chapter 10, Section 10(l) of these rules and regulations. This submission must address the following items as specified in Chapter 10, Section 10(l) of these rules and regulations:
- 270.17(i)(1) (A) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
- 270.17(i)(2) (B) The attenuative properties of underlying and surrounding soils or other materials;
- 270.17(i)(3) (C) The mobilizing properties of other materials co-disposed with these wastes; and
- 270.17(i)(4) (D) The effectiveness of additional treatment, design, or monitoring techniques.
- 270.17(j) (x) ~~Specific Part B information requirements for surface impoundments.~~ Information on air emission control equipment as required in Chapter 3, Section 2(r) of these rules and regulations.
- 270.18 (i) SPECIFIC PART B INFORMATION REQUIREMENTS FOR WASTE PILES. Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations, owners and operators of facilities that store or treat hazardous waste in waste piles must provide the following additional information:
- 270.18(a) (i) A list of hazardous wastes placed or to be placed

in each waste pile;

270.18(b) (ii) If an exemption is sought to Chapter 10, Section 11(b) and Chapter 10, Section 6, as provided by Chapter 10, Section 11(a)(iii) or Chapter 10, Section 6(a)(ii)(B) an explanation of how the standards of Chapter 10, Section 11(a)(iii) will be complied with or detailed plans and an engineering report describing how the requirements of Chapter 10, Section 6(a)(ii)(B) of these rules and regulations will be met.

270.18(c) (iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of Chapter 10, Sections 2(1) and 11(b) through 11(d) of these rules and regulations, addressing the following items:

270.18(c)(1) (A) Detailed plans and an engineering report must address the following items:

270.18(c)(1)(i) (I) The liner system (except for an existing portion of a pile), if the waste pile must meet the requirements of Chapter 10, Section 11(b)(i) of these rules and regulations. If an exemption from the requirement for a liner is sought as provided in Chapter 10, Section 11(b)(ii) of these rules and regulations, the owner or operator must submit detailed plans, and engineering and hydrogeologic reports, as applicable, 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) (II) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of Chapter 10, Section 11(b)(iii) of these rules and regulations. 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 Chapter 10, Section 11(b)(iv), (v), or (vi) of these rules and regulations, submit appropriate information;

...(iii) (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) (IV) The construction quality assurance (CQA) plan if required under Chapter 10, Section 2(1) of these rules and regulations;

...(v) (V) Proposed action leakage rate, with rationale, if required under Chapter 10, Section 11(c) of these rules and regulations, and response action plan, if required under Chapter 10, Section 11(d) of these rules and regulations;

270.18(c)(2) (B) Control of run-on;

270.18(c)(3) (C) Control of run-off;

- 270.18(c)(4) (D) Management of collection and holding units associated with run-on and run-off control systems; and
- 270.18(c)(5) (E) Control of wind dispersal of particulate matter, where applicable;
- 270.18(d) (iv) 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 Chapter 10, Section 11(e)(i), (ii), and (iii) of these rules and regulations. This information should be included in the inspection plan submitted under Section 2(e)(ii)(E) of this Chapter.
- 270.18(e) (v) 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;
- 270.18(f) (vi) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of Chapter 10, Section 11(g) of these rules and regulations, will be complied with;
- 270.18(g) (vii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how Chapter 10, Section 11(h) of these rules and regulations, will be complied with;
- 270.18(h) (viii) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under Chapter 10, Section 11(i)(i) of these rules and regulations. For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how Chapter 10, Section 13(k)(i) and (ii) of these rules and regulations will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 2(e)(ii)(M) of this Chapter.
- 270.18(i) (ix) 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 Chapter 10, Section 11(a)(iii)) is or will be designed, constructed, operated, and maintained to meet the requirements of Chapter 10, Section 11(j) of these rules and regulations. This submission must address the following items as specified in Chapter 10, Section 11(j) of these rules and regulations:
- 270.18(i)(1) (A) 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;
- 270.18(i)(2) (B) The attenuative properties of underlying and surrounding soils or other materials;
- 270.18(i)(3) (C) The mobilizing properties of other materials co-disposed with these wastes; and
- 270.18(i)(4) (D) The effectiveness of additional treatment,

design, or monitoring techniques.

- 270.19 (j) SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS. Except as Chapter 10, Section 14(a) of these rules and regulations, provides otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Section 2(j)(i), (ii), or (iii) of this Chapter.
- 270.19(a) (i) When seeking an exemption under Chapter 10, Section 14(a)(ii) or (iii) of these rules and regulations (ignitable, corrosive, or reactive wastes only):
- 270.19(a)(1) (A) Documentation that the waste is listed as a hazardous waste in Chapter 2, Section 4 of these rules and regulations, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or
- 270.19(a)(2) (B) Documentation that the waste is listed as a hazardous waste in Chapter 2, Section 4 of these rules and regulations, solely because it is reactive (Hazard Code R) for characteristics other than those listed in Chapter 2, Section 3(d)(i)(D) and (E) of these rules and regulations, and will not be burned when other hazardous wastes are present in the combustion zone; or
- 270.19(a)(3) (C) 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 waste under Chapter 2, Section 3, of these rules and regulations; or
- 270.19(a)(4) (D) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in Chapter 2, Section 3(d)(i)(A), (B), (C), (F), (G), or (H) of these rules and regulations, and that it will not be burned when other hazardous wastes are present in the combustion zone; or
- 270.19(b) (ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Chapter 7, Section 1(c) of these rules and regulations, or
- 270.19(c) (iii) In lieu of a trial burn, the applicant may submit the following information:
- 270.19(c)(1) (A) An analysis of each waste or mixture of wastes to be burned including:
- ... (i) (I) Heat value of the waste in the form and composition in which it will be burned.
- ... (ii) (II) Viscosity (if applicable), or description of physical form of the waste.
- ... (iii) (III) An identification of any hazardous organic constituents listed in Chapter 2, Appendix H, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Chapter 2, Appendix H, which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis

for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA Publication SW-846 (incorporated by reference in Chapter 1, Section 1(g) of these rules and regulations).

...(iv) (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 Evaluating Solid Waste, Physical/Chemical Methods" EPA Publication SW-846 (incorporated by reference in Chapter 1, Section 1(g) of these rules and regulations).

...(v) (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 standards in Chapter 10, Section 14(d) of these rules and regulations.

270.19(c)(2) (B) A detailed engineering description of the incinerator, including:

...(i) (I) Manufacturer's name and model number of incinerator.

...(ii) (II) Type of incinerator.

...(iii) (III) Linear dimension of incinerator unit including cross sectional area of combustion chamber.

...(iv) (IV) Description of auxiliary fuel system (type/feed).

...(v) (V) Capacity of prime mover.

...(vi) (VI) Description of automatic waste feed cutoff system(s).

...(vii) (VII) Stack gas monitoring and pollution control monitoring system.

...(viii) (VIII) Nozzle and burner design.

...(ix) (IX) Construction materials.

...(x) (X) Location and description of temperature, pressure, and flow indicating devices and control devices.

270.19(c)(3) (C) 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 Section 2(j)(iii)(A) of this Chapter. 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.

270.19(c)(4) (D) The design and operating conditions of the

incinerator unit to be used, compared with that for which comparative burn data are available.

270.19(c)(5) (E) A description of the results submitted from any previously conducted trial burn(s) including:

...(i) (I) Sampling and analysis techniques used to calculate performance standards in Chapter 10, Section 14(d) of these rules and regulations,

...(ii) (II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement),

270.19(c)(6) (F) The expected incinerator operation information to demonstrate compliance with Chapter 10, Sections 14(d) and 14(f) of these rules and regulations including:

...(i) (I) Expected carbon monoxide (CO) level in the stack exhaust gas.

...(ii) (II) Waste feed rate.

...(iii) (III) Combustion zone temperature.

...(iv) (IV) Indication of combustion gas velocity.

...(v) (V) Expected stack gas volume, flow rate, and temperature.

...(vi) (VI) Computed residence time for waste in the combustion zone.

...(vii) (VII) Expected hydrochloric acid removal efficiency.

...(viii) (VIII) Expected fugitive emissions and their control procedures.

...(ix) (IX) Proposed waste feed cut-off limits based on the identified significant operating parameters.

270.19(c)(7) (G) Such supplemental information as the Director finds necessary to achieve the purposes of Section 2(j)(iii) of this Chapter.

270.19(c)(8) (H) Waste analysis data, including that submitted in Section 2(j)(iii)(A) of this Chapter, sufficient to allow the Director to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.

270.19(d) (iv) The Director shall approve a permit application without a trial burn if he or she finds that:

270.19(d)(1) (A) The wastes are sufficiently similar; and

270.19(d)(2) (B) The incinerator units are sufficiently

similar, and the data from other trial burns are adequate to specify (under Chapter 10, Section 14(f) of these rules and regulations) operating conditions that will ensure that the performance standards in Chapter 10, Section 14(d) of these rules and regulations will be met by the incinerator.

270.20 (k) SPECIFIC PART B INFORMATION REQUIREMENTS FOR LAND TREATMENT FACILITIES. Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations, owners and operators of facilities that use land treatment to dispose of hazardous waste must provide the following additional information:

270.20(a) (i) A description of plans to conduct a treatment demonstration as required under Chapter 10, Section 12(c) of these rules and regulations. The description must include the following information;

270.20(a)(1) (A) The wastes for which the demonstration will be made and the potential hazardous constituents in the waste;

270.20(a)(2) (B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

270.20(a)(3) (C) Any specific laboratory or field test that will be conducted, including:

...(i) (I) The type of test (e.g., column leaching, degradation);

...(ii) (II) Materials and methods, including analytical procedures;

...(iii) (III) Expected time for completion;

...(iv) (IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.

270.20(b) (ii) A description of a land treatment program, as required under Chapter 10, Section 12(b) of these rules and regulations. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

270.20(b)(1) (A) The wastes to be land treated;

270.20(b)(2) (B) Design measures and operating practices necessary to maximize treatment in accordance with Chapter 10, Section 12(d)(i) of these rules and regulations, including:

...(i) (I) Waste application method and rate;

...(ii) (II) Measures to control soil pH;

...(iii) (III) Enhancement of microbial or chemical reactions;

- ... (iv) (IV) Control of moisture content;
- 270.20(b)(3) (C) Provisions for unsaturated zone monitoring,
including:
 - ... (i) (I) Sampling equipment, procedures, and
frequency;
 - ... (ii) (II) Procedures for selecting sampling
locations;
 - ... (iii) (III) Analytical procedures;
 - ... (iv) (IV) Chain of custody control;
 - ... (v) (V) Procedures for establishing background
values;
 - ... (vi) (VI) Statistical methods for interpreting
results;
 - ... (vii) (VII) The justification for any hazardous
constituents recommended for selection as principal hazardous
constituents, in accordance with the criteria for such selection in
Chapter 10, Section 12(i)(i) of these rules and regulations;
- 270.20(b)(4) (D) 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 Chapter 10, Section
2(d) of these rules and regulations;
- 270.20(b)(5) (E) The proposed dimensions of the treatment
zone;
- 270.20(c) (iii) A description of how the unit is or will be
designed, constructed, operated, and maintained in order to meet the
requirements of Chapter 10, Section 12(d) of these rules and
regulations. This submission must address the following items:
 - 270.20(c)(1) (A) Control of run-on;
 - 270.20(c)(2) (B) Collection and control of run-off;
 - 270.20(c)(3) (C) Minimization of run-off of hazardous
constituents from the treatment zone;
 - 270.20(c)(4) (D) Management of collection and holding
facilities associated with run-on and run-off control systems;
 - 270.20(c)(5) (E) Periodic inspection of the unit. This
information should be included in the inspection plan submitted under
Section 2(e)(ii)(E) of this Chapter;
 - 270.20(c)(6) (F) Control of wind dispersal of particulate
matter, if applicable;
- 270.20(d) (iv) 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 Chapter 10, Section 12(g)(i) of these

rules and regulations, will be conducted including:

- 270.20(d)(1) (A) Characteristics of the food-chain crop for which the demonstration will be made.
- 270.20(d)(2) (B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;
- 270.20(d)(3) (C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;
- 270.20(d)(4) (D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;
- 270.20(e) (v) If food-chain crops are to be grown, and cadmium is present in the land-treated waste, a description of how the requirements of Chapter 10, Section 12(g)(ii) of these rules and regulations, will be complied with;
- (vi) A description of final cover to be placed over the plot in accordance with requirements of Chapter 10, Section 12(k)(vii) of these rules and regulations;**
- 270.20(f) (vii) 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 Chapter 10, Section 12(k)(i)(H) and (k)(iii)(B) of these rules and regulations. This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 2(e)(ii)(M) of this Chapter;
- 270.20(g) (viii) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of Chapter 10, Section 12(l) of these rules and regulations, will be complied with;
- 270.20(h) (ix) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how Chapter 10, Section 12(m) of these rules and regulations, will be complied with.
- 270.20(i) (x) 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 Chapter 10, Section 12(n) of these rules and regulations. This submission must address the following items as specified in Chapter 10, Section 12(n) of these rules and regulations:
- 270.20(i)(1) (A) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
- 270.20(i)(2) (B) The attenuative properties of underlying and surrounding soils or other materials;
- 270.20(i)(3) (C) The mobilizing properties of other materials

co-disposed with these wastes; and

270.20(i)(4) (D) The effectiveness of additional treatment, design, or monitoring techniques.

270.21 (1) SPECIFIC PART B INFORMATION REQUIREMENTS FOR LANDFILLS. Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations, owners and operators of facilities that dispose of hazardous waste in landfills must provide the following additional information:

270.21(a) (i) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

270.21(b) (ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of Chapter 10, Section 2(1), and Sections 13(b), (c), and (d) of these rules and regulations:

(A) Detailed plans and an engineering report must address the following items:

270.21(b)(1)(i) (I) The liner system **and leachate collection and removal system** (except for an existing portion of a landfill), if the landfill must meet the requirements of Chapter 10, Section 13(b)(i) of these rules and regulations. If an exemption from the requirement for a liner, is sought as provided by Chapter 10, Section 13(b)(ii) of these rules and regulations, the owner or operator must 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 constituent into the ground water or surface water at any future time;

...(ii) (II) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of Chapter 10, Section 13(b)(iii) of these rules and regulations. 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 Chapter 10, Section 13(b)(iv), (v), or (vi) of these rules and regulations, submit appropriate information;

...(iii) (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) (IV) The construction quality assurance (CQA) plan if required under Chapter 10, Section 1(l) of these rules and regulations;

...(v) (V) Proposed action leakage rate, with rationale, if required under Chapter 10, Section 13(c) of these rules and regulations, and response action plan, if required under Chapter 10, Section 13(d) of these rules and regulations;

- 270.21(b)(2) (B) Control of run-on;
- 270.21(b)(3) (C) Control of run-off;
- 270.21(b)(4) (D) Management of collection and holding facilities associated with run-on and run-off control systems; and
- 270.21(b)(5) (E) Control of wind dispersal of particulate matter, where applicable;
- 270.21(c) (iii) 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 Chapter 10, Sections 13(d)(i), (ii), and (iii) of these rules and regulations. This information must be included in the inspection plan submitted under Section 2(e)(ii)(E) of this Chapter;
- 270.21(d) (iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of Chapter 10, Sections 13(d)(i) and (ii) of these rules and regulations. This information should be included in the inspection plan submitted under Section 2(e)(ii)(E) of this Chapter.
- 270.21(e) (v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with Chapter 10, Section 13(k)(i) of these rules and regulations, and a description of how each landfill will be maintained and monitored after closure in accordance with Chapter 10, Section 13(k)(ii) of these rules and regulations. This information should be included in the closure and post-closure plans submitted under Section 2(e)(ii)(M) of this Chapter.
- 270.21(f) (vi) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of Chapter 10, Section 13(m) of these rules and regulations, will be complied with;
- 270.21(g) (vii) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how Chapter 10, Section 13(n) of these rules and regulations, will be complied with;
- 270.21(h) (viii) 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 Chapter 10, Section 13(o)(i) of these rules and regulations will be complied with;
- 270.21(i) (ix) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of Chapter 10, Section 13(p) or 13(q) of these rules and regulations, as applicable, will be complied with.
- 270.21(j) (x) 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 Chapter 10, Section 13(r) of these rules and regulations. This submission must address the following items as specified in Chapter 10, Section 13(r):
- 270.21(j)(1) (A) The volume, physical, and chemical

characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

270.21(j)(2) (B) The attenuative properties of underlying and surrounding soils or other materials;

270.21(j)(3) (C) The mobilizing properties of other materials co-disposed with these wastes; and

270.21(j)(4) (D) The effectiveness of additional treatment, design, or monitoring techniques.

270.22 (m) SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE.

270.22(a) (i) Trial burns

270.22(a)(1) (A) General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by Chapter 12, Section 8(e) of these rules and regulations, standards to control particulate matter provided by Chapter 12, Section 8(f) of these rules and regulations, standards to control metals emissions provided by Chapter 12, Section 8(g) of these rules and regulations, or standards to control hydrogen chloride or chlorine gas emissions provided by Chapter 12, Section 8(h) of these rules and regulations must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Chapter 7, Section 1(g) of these rules and regulations.

...(i) (I) A trial burn to demonstrate conformance with a particular emission standard may be waived under provisions of Chapter 12, Sections 8(e) through (h) of these rules and regulations and Sections 2(m)(i)(B) through (E) of this Chapter; and

...(ii) (II) The owner or operator may submit data in lieu of a trial burn, as prescribed in Section 2(m)(i)(F) of this Chapter.

270.22(a)(2) (B) Waiver of trial burn for DRE.

...(i) (I) Boilers operated under special operating requirements. When seeking to be permitted under Chapter 12, Section 8(e)(i)(D) and Section 8(k) of these rules and regulations that automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by Chapter 12, Section 8(k) of these rules and regulations.

...(ii) (II) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by Chapter 12, Section 8(e)(i)(E) and Section 8(j)(i) of these rules and regulations that waive the DRE trial burn, the owner or operator must submit:

...(ii)(A) (1.) Documentation that the device is operated in conformance with the requirements of Chapter 12, Section 8(j)(i)(A) of these rules and regulations.

- ...(ii)(B) (2.) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Chapter 2, Appendix H of these rules and regulations, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (incorporated by reference, see Chapter 1, Section 1(g)(i)(L) of these rules and regulations).
- ...(ii)(C) (3.) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in Section 2(m)(i)(B)(II)(2.) of this Chapter using procedures provided by Chapter 12, Section 8(j)(i)(B)(II) of these rules and regulations.
- ...(ii)(D) (4.) Results of emissions dispersion modeling for emissions identified in Section 2(m)(i)(B)(II)(3.) of this Chapter using modeling procedures prescribed by Chapter 12, Section 8(g)(viii) of these rules and regulations. The Director will review the emission modeling conducted by the applicant to determine conformance with these procedures. The Director will either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- ...(ii)(E) (5.) Documentation that the maximum annual average ground level concentration of each constituent identified in Section 2(m)(i)(B)(II)(2.) of this Chapter quantified in conformance with Section 2(m)(i)(B)(II)(4.) of this Chapter does not exceed the allowable ambient level established in Chapter 12, Appendices D or E of ~~of~~ these rules and regulations. The acceptable ambient concentration for emitted constituents for which a specific Reference Air Concentration has not been established in Appendix D or Risk-Specific Dose has not been established in Appendix E is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D.
- 270.22(a)(3) (C) Waiver of trial burn for metals: When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by Chapter 12, Sections 8(g)(ii) and (iii) of these rules and regulations that control metals emissions without requiring a trial burn, the owner or operator must submit:
- ...(i) (I) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- ...(ii) (II) Documentation of the concentration of each metal controlled by Chapter 12, Section 8(g)(ii) or (v) of these rules and regulations in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
- ...(iii) (III) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by Chapter 12, Section 8(g)(ii) or (v) of these rules and regulations will not be exceeded during the averaging period provided by that Section;

- ... (iv) (IV) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by Chapter 12, Sections 8(g)(ii)(C) through (E) of these rules and regulations;
 - ... (v) (V) Documentation of compliance with the provisions of Chapter 12, Section 8(g)(ii)(F) of these rules and regulations, if applicable, for facilities with multiple stacks;
 - ... (vi) (VI) Documentation that the facility does not fail the criteria provided by Chapter 12, Section 8(g)(ii)(G) of these rules and regulations for eligibility to comply with the screening limits; and
 - ... (vii) (VII) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.
- 270.22(a)(4) (D) Waiver of trial burn for particulate matter: When seeking to be permitted under the low risk waste provisions of Chapter 12, Section 8(j)(ii) of these rules and regulations which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with Sections 2(m)(i)(B)(II) and 2(m)(i)(C) of this Chapter.
- 270.22(a)(5) (E) Waiver of trial burn for HCl and Cl₂. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by Chapter 12, Section 8(h)(ii)(A) and 8(h)(v) of these rules and regulations that control emissions of hydrogen chloride (HCl) and chlorine gas (Cl₂) without requiring a trial burn, the owner or operator must submit:
- ... (i) (I) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - ... (ii) (II) Documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of total chloride and chlorine;
 - ... (iii) (III) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by Chapter 12, Section 8(h)(ii)(A) or 8(h)(v) of these rules and regulations will not be exceeded during the averaging period provided by that Section;
 - ... (iv) (IV) Documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by Chapter 12, Section 8(h)(ii)(C) of these rules and regulations;
 - ... (v) (V) Documentation of compliance with the provisions of Chapter 12, Section 8(h)(ii)(D) of these rules and regulations, if applicable, for facilities with multiple stacks;

- ... (vi) (VI) Documentation that the facility does not fail the criteria provided by Chapter 12, Section 8(h)(ii)(C) of these rules and regulations for eligibility to comply with the screening limits; and
- ... (vii) (VII) Proposed sampling and analysis plan for total chloride and chlorine for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 270.22(a)(6) (F) Data in lieu of trial burn: The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Chapter 12, Sections 8(e) through (h) and Chapter 7, Section 1(g) of these rules and regulations by providing the information ^ from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Chapter 7, Section 1(g) of these rules and regulations must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Director shall approve a permit application without a trial burn if he or she finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under Chapter 12, Section 8(c) of these rules and regulations) operating conditions that will ensure conformance with Chapter 12, Section 8(c)(iii) of these rules and regulations. In addition, the following information shall be submitted:
 - ... (i) (I) For a waiver from any trial burn:
 - ... (i)(A) (1.) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;
 - ... (i)(B) (2.) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
 - ... (i)(C) (3.) Such supplemental information as the Director finds necessary to achieve the purposes of Section 2(m)(i) of this Chapter.
 - ... (ii) (II) For a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in Chapter 12, Section 8(e)(i) of these rules and regulations. This analysis should specify the constituents in Chapter 2, Appendix H of these rules and regulations, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.
- 270.22(b) (ii) Alternative HC limit for industrial furnaces with organic matter in raw materials: Owners and operators of industrial furnaces requesting an alternative HC limit under Chapter 12, Section

8(e)(vi) of these rules and regulations shall submit the following information at a minimum:

- 270.22(b)(1) (A) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
- 270.22(b)(2) (B) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
- 270.22(b)(3) (C) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;
- 270.22(b)(4) (D) Trial burn plan to:
- ...(i) (I) Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
 - ...(ii) (II) Identify the types and concentrations of organic compounds listed in Appendix H, Chapter 2 of these rules and regulations, that are emitted when burning hazardous waste in conformance with procedures prescribed by the Director;
- 270.22(b)(5) (E) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
- 270.22(b)(6) (F) Such other information as the Director finds necessary to achieve the purposes of Section 2(m)(ii) of this Chapter.
- 270.22(c) (iii) Alternative metals implementation approach: When seeking to be permitted under an alternative metals implementation approach under Chapter 12, Section 8(g)(vi) of these rules and regulations, the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of Chapter 12, Section 8(g)(iii) or (iv) of these rules and regulations and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the Director finds necessary to achieve the purposes of this paragraph.
- 270.22(d) (iv) Automatic waste feed cutoff system: Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- 270.22(e) (v) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in Chapter 12, Section 8(1) of these rules and regulations) directly to the boiler or industrial furnace

shall submit information supporting conformance with the standards for direct transfer provided by Chapter 12, Section 8(1) of these rules and regulations.

- 270.22(f) (vi) Residues. Owners and operators that claim that their residues are excluded from regulation under the provisions of Chapter 12, Section 8(m) of these rules and regulations must submit information adequate to demonstrate conformance with those provisions.
- 270.23 (n) SPECIFIC PART B INFORMATION REQUIREMENTS FOR MISCELLANEOUS UNITS. Except as otherwise provided in Chapter 10, Section 23(a) of these rules and regulations, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units must provide the following additional information:
- 270.23(a) (i) A detailed description of the unit being used or proposed for use, including the following:
- 270.23(a)(1) (A) Physical characteristics, materials of construction, and dimensions of the unit;
- 270.23(a)(2) (B) 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 Chapter 10, Sections 23(b) and (c) of these rules and regulations; and
- 270.23(a)(3) (C) For disposal units, a detailed description of the plans to comply with the post-closure requirements of Chapter 10, Section 23(d) of these rules and regulations.
- 270.23(b) (ii) 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 Chapter 10, Section 23(b) of these rules and regulations. If the applicant can demonstrate that he or she does not violate the environmental performance standards of Chapter 10, Section 23(b) and the Director agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.
- 270.23(c) (iii) 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 such exposures.
- 270.23(d) (iv) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.
- 270.23(e) (v) Any additional information determined by the Director to be necessary for evaluation of compliance of the unit with the environmental performance standards of Chapter 10, Section 23(b) of these rules and regulations.
- 270.24 (o) SPECIFIC PART B INFORMATION REQUIREMENTS FOR PROCESS VENTS. Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations, owners and operators of facilities that

have process vents to which Chapter 10, Section 26 of these rules and regulations applies must provide the following additional information:

270.24(a) (i) For facilities that cannot install a closed-vent system and control device to comply with the provisions Chapter 10, Section 26 of these rules and regulations on the effective date that the facility becomes subject to the provisions of Chapter 10, Section 26 or Chapter 11, Section 28 of these rules and regulations, an implementation schedule as specified in Chapter 10, Section 26(d)(i)(B) of these rules and regulations.

270.24(b) (ii) Documentation of compliance with the process vent standards in Chapter 10, Section 26(c) of these rules and regulations, including:

270.24(b)(1) (A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

270.24(b)(2) (B) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur.

270.24(b)(3) (C) Information and data used to determine whether or not a process vent is subject to the requirements of Chapter 10, Section 26(c) of these rules and regulations.

270.24(c) (iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of Chapter 10, Section 26(c) of these rules and regulations, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in Chapter 10, Section 26(f)(ii)(C) of these rules and regulations.

270.24(d) (iv) Documentation of compliance with Chapter 10, Section 26(d) of these rules and regulations, including:

270.24(d)(1) (A) A list of all information references and sources used in preparing the documentation.

270.24(d)(2) (B) Records, including the dates, of each compliance test required by Chapter 10, Section 26(d)(xi) of these rules and regulations.

270.24(d)(3) (C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the

appropriate Sections of "APTI Course 415: Control of Gaseous Emissions" (incorporated by reference as specified in Chapter 1, Section 1(g)(i)(L) of these rules and regulations) or other engineering texts acceptable to the Director that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in Chapter 10, Section 26(f)(ii)(D)(III) of these rules and regulations.

- 270.24(d)(4) (D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
- 270.24(d)(5) (E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of Chapter 10, Section 26(c)(i) of these rules and regulations for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.
- 270.25 (p) SPECIFIC PART B INFORMATION REQUIREMENTS FOR EQUIPMENT. Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations, owners and operators of facilities that have equipment to which Chapter 10, Section 27 of these rules and regulations applies must provide the following additional information:
- 270.25(a) (i) For each piece of equipment to which Chapter 10, Section 27 of these rules and regulations applies:
- 270.25(a)(1) (A) Equipment identification number and hazardous waste management unit identification.
- 270.25(a)(2) (B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
- 270.25(a)(3) (C) Type of equipment (e.g., a pump or pipeline valve).
- 270.25(a)(4) (D) Percent by weight total organics in the hazardous waste stream at the equipment.
- 270.25(a)(5) (E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
- 270.25(a)(6) (F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 270.25(b) (ii) For facilities that cannot install a closed-vent system and control device to comply with the provisions of Chapter 10, Section 27 of these rules and regulations on the effective date that the facility becomes subject to the provisions of Chapter 10, Section 27 or Chapter 11, Section 29 of these rules and regulations, an implementation schedule as specified in Chapter 10, Section

26(d)(i)(B) of these rules and regulations.

- 270.25(c) (iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in Chapter 10, Section 26(f)(ii)(C) of these rules and regulations.
- 270.25(d) (iv) Documentation that demonstrates compliance with the equipment standards in Chapter 10, Sections 27(c) to (j) of these rules and regulations. This documentation shall contain the records required under Chapter 10, Section 27(o) of these rules and regulations. The Director may request further documentation before deciding if compliance has been demonstrated.
- 270.25(e) (v) Documentation to demonstrate compliance with Chapter 10, Section 27(k) of these rules and regulations shall include the following information:
- 270.25(e)(1) (A) A list of all information references and sources used in preparing the documentation.
- 270.25(e)(2) (B) Records, including the dates, of each compliance test required by Chapter 10, Section 26(d)(x) of these rules and regulations.
- 270.25(e)(3) (C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate Sections of "ATPI Course 415: Control of Gaseous Emissions" (incorporated by reference as specified in Chapter 1, Section 1(g)(i)(L) of these rules and regulations) or other engineering texts acceptable to the Director that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in Chapter 10, Section 26(f)(ii)(D)(III) of these rules and regulations.
- 270.25(e)(4) (D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur.
- 270.25(e)(5) (E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.
- 270.26 (q) SPECIFIC PART B INFORMATION REQUIREMENTS FOR DRIP PADS. Except as otherwise provided by Chapter 10, Section 1(a) of these rules and regulations, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:
- 270.26(a) (i) A list of hazardous wastes placed or to be placed on each drip pad.

- 270.26(b) (ii) If an exemption is sought to Chapter 10, Section 6 of these rules and regulations, as provided by Chapter 10, Section 6(a), detailed plans and an engineering report describing how the requirements of Chapter 10, Section 6(a)(ii)(B) of these rules and regulations will be met.
- 270.26(c) (iii) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of Chapter 10, Section 22(d) of these rules and regulations, including the as-built drawings and specifications. This submission must address the following items as specified in Chapter 10, Section 22(b) of these rules and regulations:
- 270.26(c)(1) (A) The design characteristics of the drip pad;
- 270.26(c)(2) (B) The liner system;
- 270.26(c)(3) (C) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;
- 270.26(c)(4) (D) Practices designed to maintain drip pads;
- 270.26(c)(5) (E) The associated collection system;
- 270.26(c)(6) (F) Control of run-on to the drip pad;
- 270.26(c)(7) (G) Control of run-off from the drip pad;
- 270.26(c)(8) (H) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;
- 270.26(c)(9) (I) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.
- 270.26(c)(10) (J) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;
- 270.26(c)(11) (K) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;
- 270.26(c)(12) (L) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

- 270.26(c)(13) (M) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals.
- 270.26(c)(14) (N) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of Chapter 10, Section 22(d) of these rules and regulations. This information should be included in the inspection plan submitted under Section 2(e)(ii)(E) of this Chapter.
- 270.26(c)(15) (O) A certification signed by an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of Chapter 10, Sections 22(d)(i) through (vi) of this Chapter.
- 270.26(c)(16) (P) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under Chapter 10, Section 22(f)(i) of these rules and regulations. For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how Chapter 10, Section 13(k)(i) and (ii) of these rules and regulations will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under Section 2(e)(ii)(M) of this Chapter.
- 270.27 (r) SPECIFIC PART B INFORMATION REQUIREMENTS FOR AIR EMISSION CONTROLS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS.
- 270.27(a) (i) Except as otherwise provided in Chapter 10, Section 1(a) of these rules and regulations, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of Chapter 10, Section 28 of these rules and regulation shall provide the following additional information:
- 270.27(a)(1) (A) Documentation for each floating roof cover installed on a tank subject to Chapter 10, Section 28(e)(iv)(A) or (B) of these rules and regulations that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in Chapter 10, Section 28(e)(v)(A) or Chapter 10, Section 28(e)(vi)(A) of these rules and regulations.
- 270.27(a)(2) (B) Identification of each container area subject to the requirements of Chapter 10, Section 28 of these rules and regulations and certification by the owner or operator that the requirements of this Section are met.
- 270.27(a)(3) (C) Documentation for each enclosure used to control air pollutant emissions from tanks or containers in accordance with the requirements of Chapter 10, Section 28(e)(iv)(E) or Chapter 10, Section 28(g)(v)(A)(II) of these rules and regulations that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under [40 CFR 52.741],

appendix B.

270.27(a)(4) (D) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Chapter 10, Section 28(f)(iii) of these rules and regulations that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Chapter 10, Section 28(f)(iii)(A) of these rules and regulations.

270.27(a)(5) (E) Documentation for each closed-vent system and control device installed in accordance with the requirements of Chapter 10, Section 28(h) of these rules and regulations that includes design and performance information as specified in Section 2(o)(iii) and (iv) of this Chapter.

270.27(a)(6) (F) An emission monitoring plan for both Method 21 in [40 CFR part 60], appendix A and control device monitoring methods. This plan shall include the following information: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

270.27(a)(7) (G) When an owner or operator of a facility subject to Chapter 11, Section 30 of these rules and regulations ~~[40 CFR part 265, subpart CC]~~ cannot comply with Chapter 10, Section 28 of these rules and regulations by the date of permit issuance, the schedule of implementation required under Chapter 11, Section 30(c) of these rules and regulations.

270.28 (s) ~~Reserved~~. 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 Sections 2(e)(ii)(A), (D), (E), (F), (K), (M), (N), (P), and (S) and Sections 2(e)(iii) and (iv) of this Chapter, unless the Director determines that additional information from Sections 2(e), (g), (h), (i), (k) and (l) of this Chapter 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 Chapter 1, Section 1(h)(iii)(G) of these rules and regulations.

270.29 (t) PERMIT DENIAL. The Director may, pursuant to the procedures of Chapter 3, Section 1 and Chapter 6, Section 1 of these rules and regulations, deny the permit application either in its entirety or to the active life of a hazardous waste management facility or unit only.