

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Sub-Chapter 8

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of Hazardous Waste Treatment, Storage,  
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## Sub-Chapter 8

Standards for Owners and Operators of  
Hazardous Waste Treatment, Storage, and Disposal Facilities

17.53.801 ADOPTION OF FEDERAL STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES (40 CFR 264) (1) Except as provided otherwise in ARM 17.53.802, the department hereby adopts and incorporates by reference 40 CFR 264, pertaining to standards for owners and operators of hazardous waste treatment, storage and disposal facilities. (History: 75-10-404, 75-10-405, 17-10-406, MCA; IMP, 75-10-405, 75-10-406, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

17.53.802 EXCEPTIONS AND ADDITIONS TO ADOPTION OF FEDERAL STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES (1) "The purpose of this rule is to establish minimum standards that define the acceptable management of hazardous waste at state permitted facilities." is substituted for 40 CFR 264.1(a), pertaining to the scope of federal standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities.

(2) 40 CFR 264.1(d), pertaining to underground injection, is not adopted and incorporated by reference and is replaced by the requirements in ARM 17.53.102(3).

(3) The requirements in 40 CFR 264.1(g)(1), pertaining to exclusions from the requirements of 40 CFR 264, are replaced with: "The standards set forth in this subchapter do not apply to owners or operators of solid waste management systems licensed by the department pursuant to ARM Title 17, chapter 50, subchapter 5, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by the requirements for conditionally exempt small quantity generators in 40 CFR 261.5 as incorporated by reference in ARM 17.53.501(1)."

(4) In 40 CFR 264.12(a)(1), pertaining to required notices, the reference to "Regional Administrator" is retained.

(5) ARM 17.53.803 is substituted for 40 CFR 264.75, pertaining to biennial reports, and all references to "biennial report" in 40 CFR 264 are replaced with "annual report."

(6) In 40 CFR 264.143(h) and 264.145(h), pertaining to financial assurance and cost estimate for closure and post-closure, the language "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained by the director and submitted to the director of the environmental agency in each of the states within which the other facilities are located. If a facility is located in an unauthorized state, the evidence must be submitted to the appropriate regional administrator." is substituted for "If the facilities covered by the mechanism are in more than one region, identical evidence of financial assurance must be submitted to and maintained with the regional administrators of all such regions."

(7) 40 CFR 264.149 and 264.150, pertaining to use of state required mechanisms and state assumption of responsibility, are not adopted and incorporated by reference.

(8) In 40 CFR 264.151, the language pertaining to the filing of financial instruments with the regional administrators of the various regions in which the owners or operators have facilities applies to the filing of financial instruments with the directors of the environmental agencies of the various states in which the owners or operators have facilities, or the regional administrator of the appropriate region if a particular state is unauthorized.

(9) In 40 CFR 264.191(a), pertaining to tank integrity assessments, "January 12, 1988 for HSWA tanks, and March 15, 1991, for non-HSWA tanks" is substituted for "January 12, 1988".

(10) In 40 CFR 264.191(c), "July 14, 1986, for HSWA tanks, and March 15, 1991, for non-HSWA tanks, must conduct this assessment within 12 months after the date that the waste becomes a state regulated hazardous waste" is substituted for "July 14, 1986, must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste".

(11) In 40 CFR 264.193(a)(2), pertaining to the compliance date for providing secondary containment for tanks, "within two years after January 12, 1987, for HSWA tanks, and within two years after March 15, 1991, for non-HSWA tanks" is substituted for "within two years after January 12, 1987".

(12) In 40 CFR 264.193(a)(3), pertaining to the compliance date for providing secondary containment for tanks, "within two years after January 12, 1987, for HSWA tanks, and within two years after March 15, 1991, for non-HSWA tanks" is substituted for "within two years after January 12, 1987".

(13) In 40 CFR 264.193(a)(4), "within eight years after January 12, 1987, for HSWA tanks, and within eight years after March 15, 1991, for non-HSWA tanks" is substituted for "within eight years of January 12, 1987"; and "within two years after January 12, 1991," is substituted for "within two years after January 12, 1987".

(14) In 40 CFR 264.193(a)(5), "January 12, 1987, for HSWA tanks, and March 15, 1991, for non-HSWA tanks, within the time intervals required in paragraphs (a)(1) through (a)(4) of this section, except that the date that a material becomes a state regulated hazardous waste must be used in place of January 12, 1987, for HSWA tanks, and March 15, 1991, for non-HSWA tanks." is substituted for "January 12, 1987, within the time intervals required in paragraphs (a)(1) through (a)(4) of this section, except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987."

(15) In 40 CFR 264.221(e)(2)(i)(B), 264.301(e)(2)(i)(B), and 264.314(f)(2), pertaining to the definition of the term "underground source of drinking water", "40 CFR 270.2" is substituted for "144.3 of this chapter".

(16) In 40 CFR 264.221(e)(2)(i)(C) and 264.301(e)(2)(i)(C), pertaining to design and operating requirements for surface impoundments, "final state permits under Title 17, chapter 53, subchapter 12" is substituted for "permits under RCRA Section 3005(c)" and "permits under RCRA 3005(c)", respectively. All language referring to permitting under RCRA section 3005 or 3005(c) found in 40 CFR 264, incorporated by reference in ARM 17.53.801(1), is also replaced with "final state permits under subchapter 12".

(17) 40 CFR 264.301(l), pertaining to design and operating requirements for landfills, is not adopted and incorporated by reference.

(18) In 40 CFR 264.316(b), pertaining to lab packs, "(49 CFR Part 178)" is substituted for "(49 CFR Parts 178 and 179)".

(19) In 40 CFR 264.570(a), pertaining to drip pads, "December 6, 1990 for HSWA drop pads, and September 25, 1992 for non-HSWA drip pads" is substituted for "December 6, 1990".

(20) In 40 CFR 264.570(a), "December 24, 1992 for HSWA drip pads, and September 25, 1992 for non-HSWA drip pads" is substituted for "December 24, 1992".

(21) In 40 CFR 264.1030(c), "40 CFR 124.5" is substituted for "40 CFR 124.15".

(22) In 40 CFR 264.1050(c), "40 CFR 124.5" is substituted for "40 CFR 124.15".

(23) In 40 CFR 264.1080(c), "40 CFR 124.5" is substituted for "40 CFR 124.15".

(24) In 40 CFR 264.1082(c)(4)(ii), pertaining to treated organic hazardous constituents in waste, the second occurrence of "EPA" is retained. (History: 75-10-404, 75-10-405, 75-10-406, MCA; IMP, 75-10-405, 75-10-406, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

17.53.803 ANNUAL REPORT FROM FACILITIES (1) The owner or operator of a permitted hazardous waste management facility (75-10-406, MCA) or a facility under a corrective action order (75-10-425, MCA) shall prepare and submit an annual report to the department, on forms obtained from the department, by March 1 of each year. The annual report must cover facility activities during the previous calendar year and must include the following information:

(a) the EPA identification number, name, and address of the facility;

(b) the calendar year covered by the report;

(c) for off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year. For imported shipments, the report must state the name and address of the foreign generator;

(d) a description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

(e) the method of treatment, storage and disposal for each hazardous waste;

(f) the most recent cost estimate for:

(i) closure under 40 CFR 264.142;

(ii) post-closure for disposal facilities under 40 CFR 264.144; and

(iii) corrective action under 40 CFR 264.101 and the applicable Montana hazardous waste permit;

(g) for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of hazardous waste generated;

(h) for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of hazardous waste actually achieved during the year in comparison to previous years; and

(i) a certification made in accordance with 40 CFR 270.11 and signed and dated by the owner or operator of the facility or an authorized representative. (History: 75-10-204, 75-10-405, MCA; IMP, 75-10-204, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2005 MAR p. 442, Eff. 4/1/05.)

