

ENVIRONMENTAL QUALITY

CHAPTER 53

HAZARDOUS WASTE

Sub-Chapter 10

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Sub-Chapter 10

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

17.53.1001 ADOPTION OF FEDERAL STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES (40 CFR 266) (1) Except as provided otherwise in ARM 17.53.1002, the department hereby adopts and incorporates by reference 40 CFR 266, pertaining to standards for management of specific hazardous wastes and specific types of hazardous waste management facilities. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

17.53.1002 EXCEPTIONS AND ADDITIONS TO ADOPTION OF FEDERAL STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

(1) Additional hazardous wastes or wastes that may not be burned in a boiler or an industrial furnace are described in ARM 17.53.1003.

(2) In addition to the requirements in 40 CFR 266.102 for burners of hazardous waste in boilers or industrial furnaces, ARM 17.53.1004 contains a requirement to perform background and periodic testing of soils and water.

(3) 40 CFR 266.102(d)(3) and 40 CFR 266.103, pertaining to permits and interim status standards for burners, are not adopted and incorporated by reference. Montana does not allow interim status for boilers and industrial furnaces. In addition, the following language is exempted from the incorporation by reference of 40 CFR 266 in ARM 17.53.1001(1) to reflect that Montana does not allow interim status for boilers and industrial furnaces:

(a) in 40 CFR 266.100(a), "under interim status or";

(b) in 40 CFR 266.100(e), "or the interim status standards of §266.103";

(c) in 40 CFR 266.102(a), "and not operating under interim status";

(d) in 40 CFR 266.102(b)(1), "or, for facilities operating under interim status standards of this subpart, as a portion of the trial burn plan that may be submitted before the part B application under provisions of 40 CFR 270.66(g) of this chapter" and "not operating under the interim status standards";

(e) in 40 CFR 266.102(d)(4), "new" and "(those boilers and industrial furnaces not operating under the interim status standards)";

(f) in 40 CFR 266.104(e)(1), 266.106(c)(3), 266.106(d)(6) and 266.107(d), "(for new facilities or an interim status facility applying for a permit), or compliance test (for interim status facilities)"; and

(g) in 40 CFR 266.106(c)(5), "or interim status controls".

(4) 40 CFR 266.102(e)(3)(ii), pertaining to the exemption from the particulate standards for a boiler or industrial furnace, is not adopted and incorporated by reference. The following requirement is substituted for 40 CFR 266.102(e)(3)(ii): "In conjunction with the permit application, the department may require the owner or operator of a boiler or an industrial furnace to submit a plan that will require a cessation of the burning of hazardous waste during prolonged inversion conditions. The department shall consider the proximity of the boiler or industrial furnace to populated areas when determining the need for such a plan. The plan, if determined to be necessary by the department, must include an ambient air monitoring program to establish the conditions under which the burning will be halted and under which it may then be resumed, unless the owner or operator provides an alternate method for determining such conditions."

(5) In 40 CFR 266.102(e)(8)(i)(C), pertaining to specifications for monitoring and inspections for a boiler or industrial furnace burning hazardous waste, the following is added at the end of paragraph (C): "Stack emissions must be sampled and tested, at the owner or operator's expense, on at least an annual basis. The constituents to be tested and the conditions of the testing are established during the permit application or permit review process. The results must be compared to conditions established during the trial burn. Test results must be submitted to the department in accordance with the schedule specified in the permit."

(6) 40 CFR 266.104(a)(3) through (5), pertaining to standards to control organic emissions, is not adopted and incorporated by reference. Refer to additional information in ARM 17.53.1003.

(7) 40 CFR 266.105(b), pertaining to standards to control particulate matter, is not adopted and incorporated by reference.

(8) 40 CFR 266.109 and 266.110, pertaining to low risk waste exemption and waiver of destruction and removal efficiency (DRE) trial burn for boilers, are not adopted and incorporated by reference. (History: 75-10-404, 75-10-405, 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.)

17.53.1003 HAZARDOUS WASTES OR WASTES WHICH MAY NOT BE BURNED IN A BOILER OR INDUSTRIAL FURNACE (1) The following hazardous wastes or wastes derived from any of the following wastes may not be burned in a boiler or industrial furnace: Materials identified with EPA hazardous waste numbers D017, D037, D041, D042, F020, F021, F022, F023, F026, F027, F028, F032, and K001 (containing pentachlorophenol). (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

17.53.1004 BACKGROUND AND PERIODIC TESTING OF SOILS, SURFACE WATERS AND AQUIFERS (1) The owners and operators of boilers and industrial furnaces burning hazardous waste shall perform background and periodic testing of soils, surface waters and aquifers.

(2) Soils must be sampled and analyzed for total metals and pH, or other constituents as determined by the department, from surface locations that are predominantly downwind of the stack or facility. The number of samples and locations is determined during the permit application or permit review process. Background samples must be tested prior to burning hazardous waste. Soil samples must be taken on an annual basis. The results of the annual sampling must be compared to the background results.

(3) Surface waters must be sampled and analyzed for total metals and pH, or other constituents as determined by the department, from surface locations that are predominantly downstream from the stack or facility. This requirement does not apply if there are no streams, rivers, lakes or wetlands within 1 mile of the boiler or industrial furnace. The number of samples and locations is determined during the permit application or permit review process. Background samples must be tested prior to burning hazardous waste. Surface water samples must be taken on an annual basis. The results of the annual sampling must be compared to the background results.

(4) Groundwater from the uppermost aquifer underlying the property must be sampled and analyzed for total metals and pH, or other constituents as determined by the department, if it is determined during the permit application or permit review process that aquifer testing is warranted. This determination must be made by the department based, in part, on review of the Part B application regarding known geologic and hydrogeologic conditions underlying the site, including use of the aquifer. If required, the number of samples and locations is determined during the permit review process. Background samples must be tested prior to burning hazardous waste. Groundwater must be sampled on an annual basis. The results of the annual sampling must be compared to the background results.

(5) Sampling and analysis must be in conformance with procedures described in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods. The statistical methodology is the same employed for Bevill residue determinations as described in 40 CFR 266, Appendix IX. That is, the annual samples (taken after hazardous wastes are burned) must be compared to background samples for the constituents of concern. The 95% confidence interval in relation to the mean of the background levels must be used in the comparison of the annual and background samples. The concentration of a constituent in the annual sample is not considered to be significantly higher than in the background sample if the concentration does not exceed the upper limit of the 95% confidence interval in relation to the mean that was established for the background level.

(6) The results of the sampling and analysis program for soils, surface waters and aquifers are evaluated at the time of permit application or permit review. The department shall use the results to evaluate the possibility of interference from sources other than the boiler or industrial furnace. If the department determines that statistically increased contamination from the facility is apparent, then the department may require additional testing, restrict the feed rates of certain hazardous wastes, deny reissuance of the permit or revoke the permit. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 2001 MAR p. 169, Eff. 1/26/01.)

