

**SUBCHAPTER U: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE FACILITIES OPERATING UNDER A STANDARD PERMIT**

**§335.601, §335.602**

**Effective October 29, 2009**

**§335.601. Purpose, Scope, and Applicability.**

(a) The purpose of this subchapter is to establish minimum standards which define the acceptable management of hazardous waste under a standard permit.

(b) This subchapter applies to owners and operators of facilities who treat or store hazardous waste under a Subchapter U of this chapter standard permit, except as provided otherwise in 40 Code of Federal Regulations (CFR) Part 261, Subpart A.

(c) A facility owner or operator who has fully complied with the requirements for interim status - as defined in Resource Conservation Recovery Act (RCRA), §3005(e) and regulations under 40 CFR §270.70 - must also comply with the regulations specified in Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities) instead of the regulations in 40 CFR Part 270, until final administrative disposition of the standard permit application is made, except as provided under §335.152(a)(14) of this title (relating to Standards).

(d) Notwithstanding any other provisions of this subchapter, imminent hazard enforcement actions may be brought pursuant to RCRA, §7003.

Adopted October 7, 2009

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**§335.602. Standards.**

(a) The following regulations contained in 40 Code of Federal Regulations (CFR) Part 267 (including all appendices to 40 CFR Part 267) are adopted by reference as amended and adopted in the CFR through September 8, 2005 (70 Federal Register 53420) and as further amended and adopted as indicated in each paragraph of this subsection:

- (1) 40 CFR Part 267, Subpart B--General Facility Standards;
- (2) 40 CFR Part 267, Subpart C--Preparedness and Prevention;
- (3) 40 CFR Part 267, Subpart D--Contingency Plan and Emergency Procedures;
- (4) 40 CFR Part 267, Subpart E--Recordkeeping, Reporting, and Notifying;
- (5) 40 CFR Part 267, Subpart F--Releases from Solid Waste Management Units;
- (6) 40 CFR Part 267, Subpart G--Closure;
- (7) 40 CFR Part 267, Subpart I--Use and Management of Containers;

- (8) 40 CFR Part 267, Subpart J--Tank Systems;
- (9) 40 CFR Part 267, Subpart DD--Containment buildings; and
- (10) 40 CFR §267.142, concerning Cost estimate for closure.

(b) The regulations of the United States Environmental Protection Agency (EPA) that are adopted by reference in this section are adopted subject to the following changes.

(1) The term "regional administrator" is changed to the "executive director" of the Texas Commission on Environmental Quality or to the commission, consistent with the organization of the commission as set out in Texas Water Code, Chapter 5, Subchapter B.

(2) Reference to:

(A) 40 CFR Part 261 is changed to §335.504 of this title (relating to Hazardous Waste Determination);

(B) 40 CFR Part 262 is changed to Subchapter C of this chapter (relating to Standards Applicable to Generators of Hazardous Waste):

(C) 40 CFR §264.1 is changed to §335.151 of this title (relating to Purpose, Scope, and Applicability);

(D) Reference to 40 CFR Part 264, Subpart D is changed to §335.152(a)(3) of this title (relating to Standards) and §335.153 of this title (relating to Reporting of Emergency Situations by Emergency Coordinator);

(E) 40 CFR Part 264, Subpart S is changed to §335.152(a)(14) of this title;

(F) 40 CFR Part 265 is changed to Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities);

(G) 40 CFR Part 268 is changed to Subchapter O of this chapter (relating to Land Disposal Restrictions);

(H) 40 CFR Part 270, Subpart J is changed to Chapter 305, Subchapter R of this title (relating to Resource Conservation and Recovery Act Standard Permits for Storage and Treatment Units);

(I) 40 CFR §262.34 is changed to §335.69 of this title (relating to Accumulation Time);

(J) 40 CFR §264.101 is changed to §335.167 of this title (relating to Corrective Action for Solid Waste Management Units); and

(K) Reference to "standardized permit" is changed to "standard permit".

(3) 40 CFR Parts 260 - 270 means the commission's rules including, but not limited to, Chapters 50, 305, and 335 of this title (relating to Action on Applications and Other Authorizations; Consolidated Permits; and Industrial Solid Waste and Municipal Hazardous Waste, respectively), as applicable.

(c) An owner or operator of a unit that treats, stores, or disposes of hazardous waste in tanks, containers, and containment buildings authorized by a standard permit as specified in this section shall establish and maintain financial assurance in accordance with Subchapter P of this chapter (relating to Warning Signs and Contaminated Areas).

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