

**SUBCHAPTER R: RESOURCE CONSERVATION AND RECOVERY ACT STANDARD
PERMITS FOR STORAGE AND TREATMENT UNITS**

§§305.650 - 305.661

Effective October 29, 2009

§305.650. General.

A Resource Conservation and Recovery Act (RCRA) standard permit is a special type of permit that authorizes the owner or operator of a facility to store and/or non-thermally treat hazardous waste. It is issued under 40 Code of Federal Regulations (CFR) Part 124, Subpart G and Subpart J, concerning Procedures for Decision Making, and in this subchapter.

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§305.651. Eligibility.

(a) An owner or operator may be eligible for a standard permit if:

(1) An owner or operator generates hazardous waste and then stores or non-thermally treats the hazardous waste on site in containers, tanks, or containment buildings; or

(2) An owner or operator receives hazardous waste generated off site by a generator under the same ownership as the receiving facility, and then stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

(b) An owner or operator will be informed of eligibility when a decision is made on a permit application.

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§305.652. Applicability.

The following sections of this title apply to a standard permit:

(1) §305.42(b) of this title (relating to Application Required);

(2) §305.44 of this title (relating to Signatories to Applications);

(3) §305.45(a) of this title (relating to Contents of Application for Permit);

(4) §305.50(a)(4) of this title (relating to Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order);

(5) §305.51 of this title (relating to Revision of Applications for Hazardous Waste Permits);

(6) §305.64 of this title (relating to Transfer of Permits);

- (7) §305.65 of this title (relating to Renewal);
- (8) §305.66 of this title (relating to Permit Denial, Suspension, and Revocation);
- (9) §305.67 of this title (relating to Revocation and Suspension Upon Request or Consent); and
- (10) §305.125 of this title (relating to Standard Permit Conditions).

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§305.653. Applying for a Standard Permit.

(a) An owner or operator can apply for a standard permit by following the procedures in §39.503 of this title (relating to Application for Industrial or Hazardous Waste Facility Permit) and in this subchapter.

(b) The provisions of §39.503(f) of this title do not apply to a standard permit application unless a contested case hearing is requested by the executive director, applicant or Public Interest Counsel.

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§305.654. Information required.

The information in paragraphs (1) - (10) of this section will be the basis of a standard permit application. An owner or operator must submit the following information to the executive director when a application under §39.503 of this title (relating to Application for Industrial or Hazardous Waste Facility Permit) requesting coverage under a Resource Conservation Recovery Act standard permit is submitted:

- (1) The Part A information described in 40 Code of Federal Regulations (CFR) §270.13;
- (2) Materials required by §39.503 of this title;
- (3) Documentation of compliance with the location standards of 40 CFR §267.18 and §305.50(a)(10)(e) of this title (relating to Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order);
- (4) Information that allows the executive director to carry out obligations under other federal laws required in 40 CFR §270.3;
- (5) Solid waste management unit information required by 40 CFR §270.14(d);
- (6) A certification meeting the requirements of §305.655 of this title (relating to Certification Requirements), and an audit of the facility's compliance status with Chapter 335, Subchapter U of this title (relating to Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standard Permit) as required by §305.655 of this title;

(7) A closure plan prepared in accordance with §335.602(a)(6) of this title (relating to Standards);

(8) The most recent closure cost estimate for the facility prepared under §335.602(a)(10) of this title and a copy of the documentation required to demonstrate financial assurance under §335.602(c) of this title. For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;

(9) If managed wastes are generated off-site, the waste analysis plan; and

(10) If managed waste is generated from off-site, documentation showing that the waste generator and the off-site facility are under the same ownership.

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§305.655. Certification Requirements.

(a) A signed certification must be submitted based on an audit of the facility's compliance with Chapter 335, Subchapter U of this title (relating to Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standard Permit).

(b) The certification must read: I certify under penalty of law that:

(1) I have personally examined and am familiar with the report containing the results of an audit conducted of my facility's compliance status with Chapter 335, Subchapter U of this title, which supports this certification. Based on my inquiry of those individuals immediately responsible for conducting the audit and preparing the report, I believe that (include clause (i) or (ii) of this paragraph, whichever applies):

(A) My existing facility complies with all applicable requirements of Chapter 335, Subchapter U of this title, and will continue to comply until the expiration of the permit; or

(B) My facility has been designed, and will be constructed and operated to comply with all applicable requirements Chapter 335, Subchapter U of this title, and will continue to comply until expiration of the permit.

(2) I will make all information that I am required to maintain at my facility by §§305.656 - 305.660 of this title (relating to Information Retention; Container Information; Tank Information; Equipment Information; and Air Emissions Control Information) readily available for review by the Texas Commission on Environmental Quality and the public; and

(3) I will continue to make all information required by §§305.656 - 305.660 of this title available until the permit expires. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly violating Chapter 335, Subchapter U of this title.

(c) The certification must be signed following the requirements of §305.44(a) of this title (relating to Signatories to Applications).

(d) The certification must be based upon an audit that is conducted of the facility's compliance status with Chapter 335, Subchapter U of this title. A written audit report, signed and certified as accurate by the auditor, must be submitted to the executive director with the 40 CFR §124.202(b), concerning Notice of Intent.

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§305.656. Information Retention.

The facility must keep the following information:

- (1) A general description of the facility.
- (2) Chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these analyses must contain all the information known to treat or store the wastes properly under the requirements of Chapter 335, Subchapter U of this title (relating to Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standard Permit).
- (3) A copy of the waste analysis plan required by 40 Code of Federal Regulations (CFR) §270.13(b).
- (4) A description of the security procedures and equipment required by 40 CFR §267.14.
- (5) A copy of the general inspection schedule required by 40 CFR §267.15(b). The inspection schedule must include the applicable requirements of 40 CFR §§267.174, 267.193, 267.195, 264.1033, 264.1052, 264.1053, 264.1058, and 264.1088.
- (6) A justification of any modification of the preparedness and prevention requirements of §335.602(a)(2) of this title (relating to Standards).
- (7) A copy of the contingency plan required by §335.602(a)(3) of this title.
- (8) A description of procedures, structures, or equipment used at the facility to:
 - (A) prevent hazards in unloading operations (for example, use ramps, special forklifts);
 - (B) prevent runoff from hazardous waste handling areas to other areas of the facility or the environment, or to prevent flooding (for example, with berms, dikes, trenches);
 - (C) prevent contamination of water supplies;
 - (D) mitigate effects of equipment failure and power outages;

(E) prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and

(F) prevent releases to atmosphere.

(9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 40 CFR §267.17.

(10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes and stacking lanes; describe access road surfacing and load bearing capacity; show traffic control signals).

(11) An outline of both the introductory and continuing training programs that will be used to prepare employees to operate or maintain the facility safely as required by 40 CFR §267.16 and a brief description of how training will be designed to meet actual job tasks under 40 CFR §267.16(a)(3) requirements.

(12) A copy of the closure plan required by 40 CFR §267.112. Include, where applicable, as part of the plans, specific requirements in 40 CFR §§267.176, 267.201, and 267.1108.

(13) The most recent closure cost estimate for the facility prepared under 40 CFR §267.142 and a copy of the documentation required to demonstrate financial assurance under 40 CFR §267.143. For a new facility, the required documentation must be gathered 60 days before the initial receipt of hazardous wastes.

(14) Where applicable, a copy of the insurance policy or other documentation that complies with the liability requirements of 40 CFR §267.147. For a new facility, documentation showing the amount of insurance meeting the specification of 40 CFR §267.147(a) that is planned to be in effect before initial receipt of hazardous waste for treatment or storage.

(15) Where appropriate, proof of coverage by a state financial mechanism, as required by 40 CFR §267.149 or §267.150.

(16) A topographic map showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (one inch) equal to not more than 61.0 meters (200 feet). The map must show elevation contours. The contour interval must 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 (five feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (two feet), if relief is less than 6.1 meters (20 feet). If the facility is in a mountainous area, large contour intervals should be used to adequately show topographic profiles of facilities. The map must clearly show the following:

(A) map scale and date;

(B) 100-year flood plain area;

(C) surface waters including intermittent streams;

- (D) surrounding land uses (residential, commercial, agricultural, recreational);
- (E) a wind rose (*i.e.*, prevailing wind-speed and direction);
- (F) orientation of the map (north arrow);
- (G) legal boundaries of the facility site;
- (H) access control (fences, gates);
- (I) injection and withdrawal wells both on site and off site;
- (J) buildings; treatment, storage, or disposal operations; or other structures (recreation areas; runoff control systems; access and internal roads; storm, sanitary, and process sewerage systems; loading and unloading areas; fire control facilities, etc.);
- (K) barriers for drainage or flood control; and
- (L) location of operational units within the facility, where hazardous waste is (or will be) treated or stored. (Include equipment cleanup areas.)

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§305.657. Container Information.

If containers are used to store or treat hazardous waste, the following information must be kept at the facility:

- (1) A description of the containment system to demonstrate compliance with the container storage area provisions of 40 Code of Federal Regulations (CFR) §267.173. This description must show the following:
 - (A) basic design parameters, dimensions, and materials of construction;
 - (B) how the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
 - (C) capacity of the containment system relative to the number and volume of containers to be stored;
 - (D) provisions for preventing or managing run-on; and
 - (E) how accumulated liquids can be analyzed and removed to prevent overflow.
- (2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 40 CFR §267.173(c), including:

(A) test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(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.

(3) Sketches, drawings, or data demonstrating compliance with 40 CFR §267.174 (location of buffer zone (15 meters or 50 feet) and containers holding ignitable or reactive wastes) and 40 CFR §267.175(c) (location of incompatible wastes in relation to each other), where applicable.

(4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 40 CFR §267.175(a) and (b) and §267.17(b) and (c).

(5) Information on air emission control equipment as required by 40 CFR §270.315.

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§305.658. Tank Information.

If tanks are used to store or treat hazardous waste, the following information must be kept at the facility:

(1) A written assessment that is reviewed and certified by a Texas licensed professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required under 40 Code of Federal Regulations (CFR) §267.191 and §267.192;

(2) Dimensions and capacity of each tank;

(3) Description of feed systems, safety cutoff, bypass systems, and pressure controls (*e.g.*, vents);

(4) A diagram of piping, instrumentation, and process flow for each tank system;

(5) A description of materials and equipment used to provide external corrosion protection, as required under 40 CFR §267.191;

(6) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with 40 CFR §267.192 and §267.194;

(7) 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 40 CFR §267.195 and §267.196;

(8) Description of controls and practices to prevent spills and overflows, as required under 40 CFR §267.198;

(9) 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 40 CFR §267.202 and §267.203; and

(10) Information on air emission control equipment as required by 40 CFR §270.315.

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§305.659. Equipment Information.

If the facility has equipment to which 40 Code of Federal Regulations (CFR) Part 264, Subpart BB applies, the following information must be kept at the facility:

(1) For each piece of equipment to which 40 CFR Part 264, Subpart BB applies:

(A) equipment identification number and hazardous waste management unit identification;

(B) approximate locations within the facility (*e.g.*, identify the hazardous waste management unit on a facility plot plan);

(C) type of equipment (*e.g.*, a pump or a pipeline valve);

(D) percent by weight of total organics in the hazardous waste stream at the equipment;

(E) hazardous waste state at the equipment (*e.g.*, gas/vapor or liquid); and

(F) method of compliance with the standard (*e.g.*, monthly leak detection and repair, or equipped with dual mechanical seals).

(2) For facilities that cannot install a closed-vent system and control device to comply with 40 CFR Part 264, Subpart BB on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 40 CFR §264.1033(a)(2).

(3) Documentation that demonstrates compliance with the equipment standards in 40 CFR §264.1052 and §264.1059. This documentation must contain the records required under 40 CFR §264.1064.

(4) Documentation to demonstrate compliance with 40 CFR §264.1060 must include the following information:

(A) a list of all information references and sources used in preparing the documentation;

(B) records, including the dates, of each compliance test required by 40 CFR §264.1033(j);

(C) a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "Course 415: Control of Gaseous Emissions" (incorporated by reference as specified in 40 CFR §260.11) or other engineering texts acceptable to the executive director that present basic control device design information. The design analysis must address the vent stream characteristics and control device operation parameters as specified in 40 CFR §264.1035(b)(4)(iii);

(D) a statement signed and dated 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; and

(E) a statement signed and dated certifying that the control device is designed to operate at an efficiency of 95% by weight or greater.

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§305.660. Air Emissions Control Information.

If an owner or operator has air emission control equipment subject to 40 Code of Federal Regulations (CFR) Part 264, Subpart CC, the following information must be kept at the facility:

(1) Documentation for each floating roof cover installed on a tank subject to 40 CFR §264.1084(d)(1) or (2) that includes information prepared or the cover manufacturer/vendor provided describing the cover design, and certification that the cover meets applicable design specifications listed in 40 CFR §264.1084(e)(1) or (f)(1).

(2) Identification of each container area subject to the requirements of 40 CFR Part 264, Subpart CC and certification that the requirements of this subpart are met.

(3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers under requirements of 40 CFR §264.1084(d)(5) or §264.1086(e)(1)(ii). Records must be included for the most recent set of calculations and measurements performed 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.

(4) Documentation for each closed-vent system and control device installed under requirements of 40 CFR §264.1087 that includes design and performance information as specified in 40 CFR §270.24 (c) and (d).

(5) An emission monitoring plan for both Method 21 in 40 CFR Part 60, Appendix A and control device monitoring methods. The following information must be included in the plan: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedences, and procedures for mitigating noncompliances.

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§305.661. Modifying a Standard Permit.

A Resource Conservation and Recovery Act standard permit can be modified by following the procedures found in 40 Code of Federal Regulations §124.211 - §124.214 and §305.69 of this title (relating to Solid Waste Permit Modification at the Request of the Permittee).

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