

§ 264.2

(9) Develop and maintain a construction quality assurance program for all surface impoundments, waste piles and landfill units that are required to comply with §§ 264.221(c) and (d), 264.251(c) and (d), and 264.301(c) and (d) at the remediation waste management site, according to the requirements of § 264.19;

(10) Develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment;

(11) Designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

(12) Develop, maintain and implement a plan to meet the requirements in paragraphs (j)(2) through (j)(6) and (j)(9) through (j)(10) of this section; and

(13) Maintain records documenting compliance with paragraphs (j)(1) through (j)(12) of this section.

[45 FR 33221, May 19, 1980, as amended at 45 FR 76075, Nov. 17, 1980; 45 FR 86968, Dec. 31, 1980; 46 FR 27480, May 20, 1981; 47 FR 8306, Feb. 25, 1982; 47 FR 32384, July 26, 1982; 48 FR 2511, Jan. 19, 1983; 48 FR 14294, Apr. 1, 1983; 50 FR 665, Jan. 4, 1985; 50 FR 28746, July 15, 1985; 52 FR 21016, June 4, 1987; 53 FR 27165, July 19, 1988; 58 FR 26424, May 3, 1993; 58 FR 29884, May 24, 1993; 59 FR 48042, Sept. 19, 1994; 60 FR 25542, May 11, 1995; 62 FR 6651, Feb. 12, 1997; 63 FR 65938, Nov. 30, 1998; 64 FR 36487, July 6, 1999; 64 FR 37638, July 12, 1999]

§ 264.2 [Reserved]

§ 264.3 Relationship to interim status standards.

A facility owner or operator who has fully complied with the requirements for interim status—as defined in section 3005(e) of RCRA and regulations under § 270.70 of this chapter—must comply with the regulations specified in part 265 of this chapter in lieu of the regulations in this part, until final administrative disposition of his permit application is made, except as provided under 40 CFR part 264 subpart S.

[*Comment:* As stated in section 3005(a) of RCRA, after the effective date of regulations under that section, i.e., parts 270 and 124 of this chapter, the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made.]

[45 FR 33221, May 19, 1980, as amended at 48 FR 14294, Apr. 1, 1983; 58 FR 8683, Feb. 16, 1993]

§ 264.4 Imminent hazard action.

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to section 7003 of RCRA.