

GROUND-WATER MONITORING LIST—Continued

Common name ¹	CAS RN ²	Chemical abstracts service index name ³
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O-triethyl ester
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-
Vanadium	(Total)	Vanadium
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester
Vinyl chloride	75-01-4	Ethene, chloro-
Xylene (total)	1330-20-7	Benzene, dimethyl-
Zinc	(Total)	Zinc

¹Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

²Chemical Abstracts Service registry number. Where "Total" is entered, all species in the ground water that contain this element are included.

³CAS index names are those used in the 9th Cumulative Index.

⁴Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1), and Aroclor-1260 (CAS RN 11096-82-5).

⁵This category contains congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins, and hexachlorodibenzo-p-dioxins.

⁶This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Subpart A—General

Sec.

265.1 Purpose, scope, and applicability.

265.2-265.3 [Reserved]

265.4 Imminent hazard action.

Subpart B—General Facility Standards

265.10 Applicability.

265.11 Identification number.

265.12 Required notices.

265.13 General waste analysis.

265.14 Security.

265.15 General inspection requirements.

265.16 Personnel training.

265.17 General requirements for ignitable, reactive, or incompatible wastes.

265.18 Location standards.

265.19 Construction quality assurance program.

Subpart C—Preparedness and Prevention

265.30 Applicability.

265.31 Maintenance and operation of facility.

265.32 Required equipment.

265.33 Testing and maintenance of equipment.

265.34 Access to communications or alarm system.

265.35 Required aisle space.

265.36 [Reserved]

265.37 Arrangements with local authorities.

Subpart D—Contingency Plan and Emergency Procedures

265.50 Applicability.

265.51 Purpose and implementation of contingency plan.

265.52 Content of contingency plan.

265.53 Copies of contingency plan.

265.54 Amendment of contingency plan.

265.55 Emergency coordinator.

265.56 Emergency procedures.

Subpart E—Manifest System, Recordkeeping, and Reporting

265.70 Applicability.

265.71 Use of manifest system.

265.72 Manifest discrepancies.

265.73 Operating record.

265.74 Availability, retention, and disposition of records.

265.75 Biennial report.

265.76 Unmanifested waste report.

265.77 Additional reports.

Subpart F—Ground-Water Monitoring

265.90 Applicability.

265.91 Ground-water monitoring system.

265.92 Sampling and analysis.

265.93 Preparation, evaluation, and response.

265.94 Recordkeeping and reporting.

Subpart G—Closure and Post-Closure

265.110 Applicability.

265.111 Closure performance standard.

265.112 Closure plan; amendment of plan.

265.113 Closure; time allowed for closure.

265.114 Disposal or decontamination of equipment, structures and soils.

265.115 Certification of closure.

265.116 Survey plat.

Environmental Protection Agency

Pt. 265

- 265.117 Post-closure care and use of property.
- 265.118 Post-closure plan; amendment of plan.
- 265.119 Post-closure notices.
- 265.120 Certification of completion of post-closure care.
- 265.121 Post-closure requirements for facilities that obtain enforceable documents in lieu of post-closure permits.

Subpart H—Financial Requirements

- 265.140 Applicability.
- 265.141 Definitions of terms as used in this subpart.
- 265.142 Cost estimate for closure.
- 265.143 Financial assurance for closure.
- 265.144 Cost estimate for post-closure care.
- 265.145 Financial assurance for post-closure care.
- 265.146 Use of a mechanism for financial assurance of both closure and post-closure care.
- 265.147 Liability requirements.
- 265.148 Incapacity of owners or operators, guarantors, or financial institutions.
- 265.149 Use of State-required mechanisms.
- 265.150 State assumption of responsibility.

Subpart I—Use and Management of Containers

- 265.170 Applicability.
- 265.171 Condition of containers.
- 265.172 Compatibility of waste with container.
- 265.173 Management of containers.
- 265.174 Inspections.
- 265.175 [Reserved]
- 265.176 Special requirements for ignitable or reactive waste.
- 265.177 Special requirements for incompatible wastes.
- 265.178 Air emission standards.

Subpart J—Tank Systems

- 265.190 Applicability.
- 265.191 Assessment of existing tank system's integrity.
- 265.192 Design and installation of new tank systems or components.
- 265.193 Containment and detection of releases.
- 265.194 General operating requirements.
- 265.195 Inspections.
- 265.196 Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.
- 265.197 Closure and post-closure care.
- 265.198 Special requirements for ignitable or reactive wastes.
- 265.199 Special requirements for incompatible wastes.
- 265.200 Waste analysis and trial tests.

- 265.201 Special requirements for generators of between 100 and 1,000 kg/mo that accumulate hazardous waste in tanks.
- 265.202 Air emission standards.

Subpart K—Surface Impoundments

- 265.220 Applicability.
- 265.221 Design and operating requirements.
- 265.222 Action leakage rate.
- 265.223 Containment system.
- 265.223 Response actions.
- 265.224 [Reserved]
- 265.225 Waste analysis and trial tests.
- 265.226 Monitoring and inspection.
- 265.227 [Reserved]
- 265.228 Closure and post-closure care.
- 265.229 Special requirements for ignitable or reactive waste.
- 265.230 Special requirements for incompatible wastes.
- 265.231 Air emission standards.

Subpart L—Waste Piles

- 265.250 Applicability.
- 265.251 Protection from wind.
- 265.252 Waste analysis.
- 265.253 Containment.
- 265.254 Design and operating requirements.
- 265.255 Action leakage rates.
- 265.256 Special requirements for ignitable or reactive waste.
- 265.257 Special requirements for incompatible wastes.
- 265.258 Closure and post-closure care.
- 265.259 Response actions.
- 265.260 Monitoring and inspection.

Subpart M—Land Treatment

- 265.270 Applicability.
- 265.271 [Reserved]
- 265.272 General operating requirements.
- 265.273 Waste analysis.
- 265.274–265.275 [Reserved]
- 265.276 Food chain crops.
- 265.277 [Reserved]
- 265.278 Unsaturated zone (zone of aeration) monitoring.
- 265.279 Recordkeeping.
- 265.280 Closure and post-closure.
- 265.281 Special requirements for ignitable or reactive waste.
- 265.282 Special requirements for incompatible wastes.

Subpart N—Landfills

- 265.300 Applicability.
- 265.301 Design and operating requirements.
- 265.302 Action leakage rate.
- 265.303 Response actions.
- 265.304 Monitoring and inspection.
- 265.305–265.308 [Reserved]
- 265.309 Surveying and recordkeeping.
- 265.310 Closure and post-closure care.
- 265.311 [Reserved]

Pt. 265

- 265.312 Special requirements for ignitable or reactive waste.
- 265.313 Special requirements for incompatible wastes.
- 265.314 Special requirements for bulk and containerized liquids.
- 265.315 Special requirements for containers.
- 265.316 Disposal of small containers of hazardous waste in overpacked drums (lab packs).

Subpart O—Incinerators

- 265.340 Applicability.
- 265.341 Waste analysis.
- 265.342–265.344 [Reserved]
- 265.345 General operating requirements.
- 265.346 [Reserved]
- 265.347 Monitoring and inspections.
- 265.348–265.350 [Reserved]
- 265.351 Closure.
- 265.352 Interim status incinerators burning particular hazardous wastes.
- 265.353–265.369 [Reserved]

Subpart P—Thermal Treatment

- 265.370 Other thermal treatment.
- 265.371–265.372 [Reserved]
- 265.373 General operating requirements.
- 265.374 [Reserved]
- 265.375 Waste analysis.
- 265.376 [Reserved]
- 265.377 Monitoring and inspections.
- 265.378–265.380 [Reserved]
- 265.381 Closure.
- 265.382 Open burning; waste explosives.
- 265.383 Interim status thermal treatment devices burning particular hazardous waste.

Subpart Q—Chemical, Physical, and Biological Treatment

- 265.400 Applicability.
- 265.401 General operating requirements.
- 265.402 Waste analysis and trial tests.
- 265.403 Inspections.
- 265.404 Closure.
- 265.405 Special requirements for ignitable or reactive waste.
- 265.406 Special requirements for incompatible wastes.

Subpart R—Underground Injection

- 265.430 Applicability.

Subparts S–V [Reserved]

Subpart W—Drip Pads

- 265.440 Applicability.
- 265.441 Assessment of existing drip pad integrity.
- 265.442 Design and installation of new drip pads.
- 265.443 Design and operating requirements.

40 CFR Ch. I (7–1–05 Edition)

- 265.444 Inspections.
- 265.445 Closure.

Subparts X–Z [Reserved]

Subpart AA—Air Emission Standards for Process Vents

- 265.1030 Applicability.
- 265.1031 Definitions.
- 265.1032 Standards: Process vents.
- 265.1033 Standards: Closed-vent systems and control devices.
- 265.1034 Test methods and procedures.
- 265.1035 Recordkeeping requirements.
- 265.1036–265.1049 [Reserved]

Subpart BB—Air Emission Standards for Equipment Leaks

- 265.1050 Applicability.
- 265.1051 Definitions.
- 265.1052 Standards: Pumps in light liquid service.
- 265.1053 Standards: Compressors.
- 265.1054 Standards: Pressure relief devices in gas/vapor service.
- 265.1055 Standards: Sampling connection systems.
- 265.1056 Standards: Open-ended valves or lines.
- 265.1057 Standards: Valves in gas/vapor service or in light liquid service.
- 265.1058 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors.
- 265.1059 Standards: Delay of repair.
- 265.1060 Standards: Closed-vent systems and control devices.
- 265.1061 Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak.
- 265.1062 Alternative standards for valves in gas/vapor service or in light liquid service: skip period leak detection and repair.
- 265.1063 Test methods and procedures.
- 265.1064 Recordkeeping requirements.
- 265.1065–265.1079 [Reserved]

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

- 265.1080 Applicability.
- 265.1081 Definitions.
- 265.1082 Schedule for implementation of air emission standards.
- 265.1083 Standards: General.
- 265.1084 Waste determination procedures.
- 265.1085 Standards: Tanks.
- 265.1086 Standards: Surface impoundments.
- 265.1087 Standards: Containers.
- 265.1088 Standards: Closed-vent systems and control devices.

Environmental Protection Agency

§ 265.1

- 265.1089 Inspection and monitoring requirements.
- 265.1090 Recordkeeping requirements.
- 265.1091 [Reserved]

Subpart DD—Containment Buildings

- 265.1100 Applicability.
- 265.1101 Design and operating standards.
- 265.1102 Closure and post-closure care.
- 265.1103–265.1110 [Reserved]

Subpart EE—Hazardous Waste Munitions and Explosives Storage

- 265.1200 Applicability.
- 265.1201 Design and operating standards.
- 265.1202 Closure and post-closure care.
- APPENDIX I TO PART 265—RECORDKEEPING INSTRUCTIONS
- APPENDIX II TO PART 265 [RESERVED]
- APPENDIX III TO PART 265—EPA INTERIM PRIMARY DRINKING WATER STANDARDS
- APPENDIX IV TO PART 265—TESTS FOR SIGNIFICANCE
- APPENDIX V TO PART 265—EXAMPLES OF POTENTIALLY INCOMPATIBLE WASTE
- APPENDIX VI TO PART 265—COMPOUNDS WITH HENRY'S LAW CONSTANT LESS THAN 0.1 Y/X

AUTHORITY: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936, and 6937, unless otherwise noted.

EFFECTIVE DATE NOTE: At 70 FR 10823, Mar. 4, 2005, the authority citation for part 265 was revised, effective Sept. 6, 2005. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936, and 6937, unless otherwise noted.

SOURCE: 45 FR 33232, May 19, 1980, unless otherwise noted.

Subpart A—General

§ 265.1 Purpose, scope, and applicability.

(a) The purpose of this part is to establish minimum national standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(b) Except as provided in § 265.1080(b), the standards of this part, and of 40 CFR 264.552, 264.553, and 264.554, apply to owners and operators of facilities that treat, store or dispose of hazardous waste who have fully complied

with the requirements for interim status under section 3005(e) of RCRA and § 270.10 of this chapter until either a permit is issued under section 3005 of RCRA or until applicable part 265 closure and post-closure responsibilities are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980 who have failed to provide timely notification as required by section 3010(a) of RCRA and/or failed to file Part A of the permit application as required by 40 CFR 270.10 (e) and (g). These standards apply to all treatment, storage and disposal of hazardous waste at these facilities after the effective date of these regulations, except as specifically provided otherwise in this part or part 261 of this chapter.

[*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 and 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 that meets certain conditions, until final administrative disposition of the owner's and operator's permit application is made.]

(c) The requirements of this part do not apply to:

(1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act;

[*Comment:* These part 265 regulations do apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in paragraph (b) of this section.]

(2) [Reserved]

(3) The owner or operator of a POTW which treats, stores, or disposes of hazardous waste;

[*Comment:* The owner or operator of a facility under paragraphs (c)(1) through (3) of this section is subject to the requirements of part 264 of this chapter to the extent they are included in a permit by rule granted to such a person under part 122 of this chapter, or are required by § 144.14 of this chapter.]

(4) A person who treats, stores, or disposes of hazardous waste in a State with a RCRA hazardous waste program authorized under subpart A or B of part

§ 265.1

40 CFR Ch. I (7-1-05 Edition)

271 of this chapter, except that the requirements of this part will continue to apply:

(i) As stated in paragraph (c)(2) of this section, if the authorized State RCRA program does not cover disposal of hazardous waste by means of underground injection; or

(ii) To a person who treats, stores, or disposes of hazardous waste in a State authorized under subpart A or B of part 271 of this chapter if the State has not been authorized to carry out the requirements and prohibitions applicable to the treatment, storage, or disposal of hazardous waste at his facility which are imposed pursuant to the Hazardous and Solid Waste Act Amendments of 1984. The requirements and prohibitions that are applicable until a State receives authorization to carry them out include all Federal program requirements identified in § 271.1(j);

(5) The owner or operator of a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this part by § 261.5 of this chapter;

(6) The owner or operator of a facility managing recyclable materials described in § 261.6 (a)(2), (3), and (4) of this chapter (except to the extent they are referred to in part 279 or subparts C, D, F, or G of part 266 of this chapter).

(7) A generator accumulating waste on-site in compliance with § 262.34 of this chapter, except to the extent the requirements are included in § 262.34 of this chapter;

(8) A farmer disposing of waste pesticides from his own use in compliance with § 262.70 of this chapter; or

(9) The owner or operator of a totally enclosed treatment facility, as defined in § 260.10.

(10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in § 260.10 of this chapter, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in § 268.40 of this chapter, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to re-

move the characteristic before land disposal, the owner/operator must comply with the requirements set out in § 265.17(b).

(11)(i) Except as provided in paragraph (c)(11)(ii) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

(A) A discharge of a hazardous waste;

(B) An imminent and substantial threat of a discharge of a hazardous waste;

(C) A discharge of a material which, when discharged, becomes a hazardous waste.

(D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 40 CFR 260.10.

(ii) An owner or operator of a facility otherwise regulated by this part must comply with all applicable requirements of subparts C and D.

(iii) Any person who is covered by paragraph (c)(11)(i) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this part and parts 122 through 124 of this chapter for those activities.

(iv) In the case of an explosives or munitions emergency response, if a Federal, State, Tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible

Environmental Protection Agency

§ 265.12

persons responding, the type and description of material addressed, and its disposition.

(12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30 at a transfer facility for a period of ten days or less.

(13) The addition of absorbent material to waste in a container (as defined in §260.10 of this chapter) or the addition of waste to the absorbent material in a container provided that these actions occur at the time waste is first placed in the containers; and §§265.17(b), 265.171, and 265.172 are complied with.

(14) Universal waste handlers and universal waste transporters (as defined in 40 CFR 260.10) handling the wastes listed below. These handlers are subject to regulation under 40 CFR part 273, when handling the below listed universal wastes.

(i) Batteries as described in 40 CFR 273.2;

(ii) Pesticides as described in §273.3 of this chapter;

(iii) Thermostats as described in §273.4 of this chapter; and

(iv) Lamps as described in §273.5 of this chapter.

(15) A New York State Utility central collection facility consolidating hazardous waste in accordance with 40 CFR 262.90.

(d) The following hazardous wastes must not be managed at facilities subject to regulation under this part.

(1) EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, or FO27 unless:

(i) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

(ii) The waste is stored in tanks or containers;

(iii) The waste is stored or treated in waste piles that meet the requirements of §264.250(c) as well as all other applicable requirements of subpart L of this part;

(iv) The waste is burned in incinerators that are certified pursuant to the standards and procedures in §265.352; or

(v) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that

are certified pursuant to the standards and procedures in §265.383.

(e) The requirements of this part apply to owners or operators of all facilities which treat, store or dispose of hazardous waste referred to in 40 CFR part 268, and the 40 CFR part 268 standards are considered material conditions or requirements of the part 265 interim status standards.

(f) Section 266.205 of this chapter identifies when the requirements of this part apply to the storage of military munitions classified as solid waste under §266.202 of this chapter. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 40 CFR parts 260 through 270.

[45 FR 33232, May 19, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §265.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§§ 265.2–265.3 [Reserved]

§ 265.4 Imminent hazard action.

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

Subpart B—General Facility Standards

§ 265.10 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as §265.1 provides otherwise.

§ 265.11 Identification number.

Every facility owner or operator must apply to EPA for an EPA identification number in accordance with the EPA notification procedures (45 FR 12746).

§ 265.12 Required notices.

(a)(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in