

Environmental Protection Agency

§ 267.173

Is Line 6 at least equal
to Line 7? Yes
 No

[You must be able to answer Yes to both
these questions to use the financial test for
this facility.]

I hereby certify that the wording of this
letter is identical to the wording specified in
40 CFR 267.151 as such regulations were con-
stituted on the date shown immediately
below.

[Signature] _____

[Name] _____

[Title] _____

[Date] _____

[After completion, a signed copy of the form
must be sent to the permitting authority of
the state or territory where the facility(ies)
is(are) located.]

**Subpart I—Use and Management
of Containers**

**§ 267.170 Does this subpart apply to
me?**

This subpart applies to you if you
own or operate a facility that treats or
stores hazardous waste in containers
under a 40 CFR part 270 subpart J
standardized permit, except as provided
in § 267.1(b).

**§ 267.171 What standards apply to the
containers?**

Standards apply to the condition of
the containers, to the compatibility of
waste with the containers, and to the
management of the containers.

(a) Condition of containers. If a con-
tainer holding hazardous waste is not
in good condition (for example, it ex-
hibits severe rusting or apparent struc-
tural defects) or if it begins to leak,
you must either:

(1) Transfer the hazardous waste
from this container to a container that
is in good condition; or

(2) Manage the waste in some other
way that complies with the require-
ments of this part.

(b) Compatibility of waste with con-
tainers. To ensure that the ability of
the container to contain the waste is
not impaired, you must use a container
made of or lined with materials that

are compatible and will not react with
the hazardous waste to be stored.

(c) Management of containers. (1)
You must always keep a container
holding hazardous waste closed during
storage, except when you add or re-
move waste.

(2) You must never open, handle, or
store a container holding hazardous
waste in a manner that may rupture
the container or cause it to leak.

**§ 267.172 What are the inspection re-
quirements?**

At least weekly, you must inspect
areas where you store containers, look-
ing for leaking containers and for dete-
rioration of containers and the con-
tainment system caused by corrosion
or other factors.

**§ 267.173 What standards apply to the
container storage areas?**

(a) You must design and operate a
containment system for your container
storage areas according to the require-
ments in paragraph (b) of this section,
except as otherwise provided by para-
graph (c) of this section.

(b) The design and operating require-
ments for a containment system are:

(1) A base must underlie the con-
tainers that is free of cracks or gaps
and is sufficiently impervious to con-
tain leaks, spills, and accumulated pre-
cipitation until the collected material
is detected and removed.

(2) The base must be sloped or the
containment system, must be other-
wise designed and operated to drain
and remove liquids resulting from
leaks, spills, or precipitation, unless
the containers are elevated or are oth-
erwise protected from contact with ac-
cumulated liquids.

(3) The containment system must
have sufficient capacity to contain 10%
of the volume of containers, or the vol-
ume of the largest container, which-
ever is greater. This requirement does
not apply to containers that do not
contain free liquids.

(4) You must prevent run-on into the
containment system unless the collec-
tion system has sufficient excess ca-
pacity, in addition to that required in
paragraph (b)(3) of this section, to con-
tain the liquid.

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(5) You must remove any spilled or leaked waste and accumulated precipitation from the sump or collection area as promptly as is necessary to prevent overflow of the collection system.

(c) Except as provided in paragraph (d) of this section, you do not need a containment system as defined in paragraph (b) of this section for storage areas that store containers holding only wastes with no free liquids, if:

(1) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(2) The containers are elevated or are otherwise protected from contact with accumulated liquid.

(d) You must have a containment system defined by paragraph (b) of this section for storage areas that store containers holding FO20, FO21, FO22, FO23, FO26, and FO27 wastes, even if the wastes do not contain free liquids.

§ 267.174 What special requirements must I meet for ignitable or reactive waste?

You must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from your facility property line. You must also follow the general requirements for ignitable or reactive wastes that are specified in § 267.17(a).

§ 267.175 What special requirements must I meet for incompatible wastes?

(a) You must not place incompatible wastes, or incompatible wastes and materials (see appendix V to 40 CFR part 264 for examples), in the same container, unless you comply with § 267.17(b).

(b) You must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

(c) You must separate a storage container holding a hazardous waste that is incompatible with any waste or with other materials stored nearby in other containers, piles, open tanks, or surface impoundments from the other materials, or protect the containers by means of a dike, berm, wall, or other device.

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§ 267.176 What must I do when I want to stop using the containers?

You must remove all hazardous waste and hazardous waste residues from the containment system. You must decontaminate or remove remaining containers, liners, bases, and soil containing, or contaminated with, hazardous waste or hazardous waste residues.

§ 267.177 What air emission standards apply?

You must manage all hazardous waste placed in a container according to the requirements of subparts AA, BB, and CC of 40 CFR part 264. Under a standardized permit, the following control devices are permissible: Thermal vapor incinerator, catalytic vapor incinerator, flame, boiler, process heater, condenser, and carbon absorption unit.

Subpart J—Tank Systems

§ 267.190 Does this subpart apply to me?

This subpart applies to you if you own or operate a facility that treats or stores hazardous waste in above-ground or on-ground tanks under a 40 CFR part 270 subpart J standardized permit, except as provided in § 267.1(b).

(a) You do not have to meet the secondary containment requirements in § 267.195 if your tank systems do not contain free liquids and are situated inside a building with an impermeable floor. You must demonstrate the absence or presence of free liquids in the stored/treated waste, using Method 9095B (Paint Filter Liquids Test) as described in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11.

(b) You do not have to meet the secondary containment requirements of § 267.195(a) if your tank system, including sumps, as defined in 40 CFR 260.10, is part of a secondary containment system to collect or contain releases of hazardous wastes.