

## § 267.1

## 40 CFR Ch. I (7–1–08 Edition)

### Subpart I—Use and Management of Containers

- 267.170 Does this subpart apply to me?
- 267.171 What standards apply to the containers?
- 267.172 What are the inspection requirements?
- 267.173 What standards apply to the container storage areas?
- 267.174 What special requirements must I meet for ignitable or reactive waste?
- 267.175 What special requirements must I meet for incompatible wastes?
- 267.176 What must I do when I want to stop using the containers?
- 267.177 What air emission standards apply?

### Subpart J—Tank Systems

- 267.190 Does this subpart apply to me?
- 267.191 What are the required design and construction standards for new tank systems or components?
- 267.192 What handling and inspection procedures must I follow during installation of new tank systems?
- 267.193 What testing must I do?
- 267.194 What installation requirements must I follow?
- 267.195 What are the secondary containment requirements?
- 267.196 What are the required devices for secondary containment and what are their design, operating and installation requirements?
- 267.197 What are the requirements for ancillary equipment?
- 267.198 What are the general operating requirements for my tank systems?
- 267.199 What inspection requirements must I meet?
- 267.200 What must I do in case of a leak or a spill?
- 267.201 What must I do when I stop operating the tank system?
- 267.202 What special requirements must I meet for ignitable or reactive wastes?
- 267.203 What special requirements must I meet for incompatible wastes?
- 267.204 What air emission standards apply?

### Subparts K Through CC [Reserved]

### Subpart DD—Containment buildings

- 267.1100 Does this subpart apply to me?
- 267.1101 What design and operating standards must my containment building meet?
- 267.1102 What other requirements must I meet to prevent releases?
- 267.1103 What additional design and operating standards apply if liquids will be in my containment building?
- 267.1104 How may I obtain a waiver from secondary containment requirements?

- 267.1105 What do I do if my containment building contains areas both with and without secondary containment?
- 267.1106 What do I do if I detect a release?
- 267.1107 Can a containment building itself be considered secondary containment?
- 267.1108 What must I do when I stop operating the containment building?

AUTHORITY: 42 U.S.C. 6902, 6912(a), 6924–6926, and 6930.

SOURCE: 70 FR 53453, Sept. 8, 2005, unless otherwise noted.

### Subpart A—General

#### § 267.1 What are the purpose, scope and applicability of this part?

(a) The purpose of this part is to establish minimum national standards which define the acceptable management of hazardous waste under a 40 CFR part 270, subpart J standardized permit.

(b) This part applies to owners and operators of facilities who treat or store hazardous waste under a 40 CFR part 270, subpart J standardized permit, except as provided otherwise in 40 CFR part 261, subpart A, or 40 CFR 264.1(f) and (g).

#### § 267.2 What is the relationship to interim status standards?

If you are 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 40 CFR 270.70—you must comply with the regulations specified in 40 CFR part 265 instead of the regulations in this part, until final administrative disposition of the standardized permit application is made, except as provided under 40 CFR part 264, subpart S.

#### § 267.3 How does this part affect an imminent hazard action?

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

### Subpart B—General Facility Standards

#### § 267.10 Does this subpart apply to me?

This subpart applies to you if you own or operate a facility that treats or

## Environmental Protection Agency

## § 267.14

stores hazardous waste under a 40 CFR part 270, subpart J standardized permit, except as provided in § 267.1(b).

### § 267.11 What must I do to comply with this subpart?

To comply with this subpart, you must obtain an identification number, and follow the requirements below for waste analysis, security, inspections, training, special waste handling, and location standards.

### § 267.12 How do I obtain an identification number?

You must apply to EPA for an EPA identification number following the EPA notification procedures and using EPA form 8700-12. You may obtain information and required forms from your state hazardous waste regulatory agency or from your EPA regional office.

### § 267.13 What are my waste analysis requirements?

(a) Before you treat or store any hazardous wastes, you must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information needed to treat or store the waste to comply with this part and 40 CFR part 268.

(1) You may include data in the analysis that was developed under 40 CFR part 261, and published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

(2) You must repeat the analysis as necessary to ensure that it is accurate and up to date. At a minimum, you must repeat the analysis if the process or operation generating the hazardous wastes has changed.

(b) You must develop and follow a written waste analysis plan that describes the procedures you will follow to comply with paragraph (a) of this section. You must keep this plan at the facility. If you receive wastes generated from off-site, and are eligible for a standardized permit, you also must have submitted the waste analysis plan with the Notice of Intent. At a minimum, the plan must specify all of the following:

(1) The hazardous waste parameters that you will analyze and the rationale for selecting these parameters (that is, how analysis for these parameters will provide sufficient information on the waste's properties to comply with paragraph (a) of this section).

(2) The test methods you will use to test for these parameters.

(3) The sampling method you will use to obtain a representative sample of the waste to be analyzed. You may obtain a representative sample using either:

(i) One of the sampling methods described in appendix I of 40 CFR part 261; or

(ii) An equivalent sampling method.

(4) How frequently you will review or repeat the initial analysis of the waste to ensure that the analysis is accurate and up to date.

(5) Where applicable, the methods you will use to meet the additional waste analysis requirements for specific waste management methods as specified in 40 CFR 264.17, 264.1034(d), 264.1063(d), and 264.1083.

### § 267.14 What are my security requirements?

(a) You must prevent, and minimize the possibility for, livestock and unauthorized people from entering the active portion of your facility.

(b) Your facility must have:

(1) A 24-hour surveillance system (for example, television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the active portion of the facility; or

(2) An artificial or natural barrier (for example, a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and

(3) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (for example, an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

(c) You must post a sign at each entrance to the active portion of a facility, and at other prominent locations, in sufficient numbers to be seen from any approach to this active portion.