



ADMINISTRATIVE RULES OF MONTANA

17.53.1002 EXCEPTIONS AND ADDITIONS TO ADOPTION OF FEDERAL STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

- (1) Additional hazardous wastes or wastes that may not be burned in a boiler or an industrial furnace are described in ARM 17.53.1003.
- (2) In addition to the requirements in 40 CFR 266.102 for burners of hazardous waste in boilers or industrial furnaces, ARM 17.53.1004 contains a requirement to perform background and periodic testing of soils and water.
- (3) 40 CFR 266.102(d) (3) and 40 CFR 266.103, pertaining to permits and interim status standards for burners, are not adopted and incorporated by reference. Montana does not allow interim status for boilers and industrial furnaces. In addition, the following language is exempted from the incorporation by reference of 40 CFR 266 in ARM 17.53.1001(1) to reflect that Montana does not allow interim status for boilers and industrial furnaces:
 - (a) in 40 CFR 266.100(a) , "under interim status or";
 - (b) in 40 CFR 266.100(e) , "or the interim status standards of §266.103";
 - (c) in 40 CFR 266.102(a) , "and not operating under interim status";
 - (d) in 40 CFR 266.102(b) (1) , "or, for facilities operating under interim status standards of this subpart, as a portion of the trial burn plan that may be submitted before the part B application under provisions of 40 CFR 270.66(g) of this chapter" and "not operating under the interim status standards";
 - (e) in 40 CFR 266.102(d) (4) , "new" and "(those boilers and industrial furnaces not operating under the interim status standards) ";
 - (f) in 40 CFR 266.104(e) (1) , 266.106(c) (3) , 266.106(d) (6) and 266.107(d) , "(for new facilities or an interim status facility applying for a permit) , or compliance test (for interim status facilities) "; and
 - (g) in 40 CFR 266.106(c) (5) , "or interim status controls".
- (4) 40 CFR 266.102(e) (3) (ii) , pertaining to the exemption from the particulate standards for a boiler or industrial furnace, is not adopted and incorporated by reference. The following requirement is substituted for 40 CFR 266.102(e) (3) (ii) : "In conjunction with the permit application, the department may require the owner or operator of a boiler or an industrial furnace to submit a plan that will require a cessation of the burning of hazardous waste during prolonged inversion conditions. The department shall consider the proximity of the boiler or industrial furnace to populated areas when determining the need for such a plan. The plan, if determined to be necessary by the department, must include an ambient air monitoring program to establish the

conditions under which the burning will be halted and under which it may then be resumed, unless the owner or operator provides an alternate method for determining such conditions."

- (5) In 40 CFR 266.102(e) (8) (i) (C) , pertaining to specifications for monitoring and inspections for a boiler or industrial furnace burning hazardous waste, the following is added at the end of paragraph (C) : "Stack emissions must be sampled and tested, at the owner or operator's expense, on at least an annual basis. The constituents to be tested and the conditions of the testing are established during the permit application or permit review process. The results must be compared to conditions established during the trial burn. Test results must be submitted to the department in accordance with the schedule specified in the permit."
- (6) 40 CFR 266.104(a) (3) through (5) , pertaining to standards to control organic emissions, is not adopted and incorporated by reference. Refer to additional information in ARM 17.53.1003.
- (7) 40 CFR 266.105(b) , pertaining to standards to control particulate matter, is not adopted and incorporated by reference.
- (8) 40 CFR 266.109 and 266.110, pertaining to low risk waste exemption and waiver of destruction and removal efficiency (DRE) trial burn for boilers, are not adopted and incorporated by reference.
- (9) In 40 CFR 266, Subpart P, relating to hazardous waste pharmaceuticals, all references to "biennial report" are replaced with "annual report" and all references to "biennial reporting" are replaced with "annual reporting."

Authorizing statute(s): 75-10-404, 75-10-405, MCA

Implementing statute(s): 75-10-405, 75-10-406, MCA

History: NEW, 2001 MAR p. 169, Eff. 1/26/01; AMD, 2002 MAR p. 789, Eff. 3/15/02; AMD, 2005 MAR p. 442, Eff. 4/1/05; AMD, 2022 MAR p. 693, Eff. 5/14/22.