ENVIRONMENTAL GUIDANCE REGULATORY BULLETIN

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Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators

Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule

Clarification and Technical Amendments

Background

In a recent Federal Register notice (64 FR 3382, January 21, 1999) the Environmental Protection Agency (EPA) made clarifying amendments to certain regulatory text and reestablished certain regulatory provisions that were previously contained in the rules and later inadvertently removed in a November 25, 1996, rulemaking (61 FR 59932).

Since 1990, the Environmental Protection Agency (EPA) has issued a series of regulations designed to implement the mandate established by Section 3004(n) of RCRA. Section 3004(n) of RCRA requires EPA to develop standards to control organic air emissions from hazardous waste treatment, storage, and disposal facilities (TSDFs) as necessary to protect human health and the environment. These regulatory notices are as follows:

- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Process Vents, Equipment Leaks: Final Rule, 55 FR 25454, June 21, 1990.*
- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Proposed Rule, FR 33490, July 22, 1991.*
- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule, 59 FR 33490, December 6, 1994.*
- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule, Notice of Postponement of Effective Date, 60 FR 56952, November 13, 1995.*
- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule, Technical Amendment, 61 FR 4903, February 9, 1996.*
- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule, Amendments of*

Final Rule To Postpone Requirements, 61 FR 28508, June 5, 1996.

- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule, 61 FR 59932, November 25, 1996.*

- *Hazardous Waste Treatment, Storage and Disposal Facilities: Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers: Final Rule, Clarification and Technical Amendment, 62 FR 64636, December 8, 1997.*

Revisions To The Final Rule

The subject Federal Register notice is intended to make technical amendments to the regulatory text of the final 40 CFR Subparts AA and CC standards, interpret these standards, and correct typographical, printing, and grammatical errors.

Subpart B – General Facility Standards

Because they were mistakenly removed in the November 1996 Federal Register notice, the Agency is replacing references to the AA, BB, and CC standards in §§262.34(a)(1)(i) and 262.34(a)(1)(ii) as standards that must be met as conditions where a generator may accumulate hazardous waste on-site for 90 days or less without having a RCRA permit or without having interim status [p. 3383].

> *§262.34(a)(i) – In containers and the generator complies with the applicable requirements of Subparts I, AA, BB, and CC of 40 CFR Part 265; and/or (ii) In tanks and the generator complies with the applicable requirements of Subparts J, AA, BB, and CC of 40 CFR 265, except §§265.197(c) and 265.200; and/or...*

Subpart AA: Air Emission Standards for Process Vents

The definition of "equipment" contained in Subpart AA at §264.1031 is being revised to include "other connectors" in the list of components that are considered equipment under the Subpart BB Air Emission Standards for Equipment Leaks (p. 3383). When the Subpart BB rules were originally promulgated [55 FR 25454, June 21, 1990], the term "other connectors" was inadvertently left out of the equipment definition. Therefore, the EPA is amending the definition of "equipment" to correct this oversight.

> *Equipment means each value, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by this subpart [264.1031].*

The definition of "open-ended value or line" (Subpart AA at 264.1031) is being amended to replace the term "process fluid" with the words "hazardous waste" [p. 3384]. Subpart BB addresses only hazardous waste.

> *Open-ended valve or line means any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping [264.1031].*

The term "process fluid" is more ambiguous than "hazardous waste". Therefore, this change is being made to avoid any confusion regarding what constitutes an "open-ended line or value."

A definition is being added to Subpart AA for "sampling connection system". This is being done in order to clarify the difference between a "sampling connection" and an "open-ended line" which has significantly different technical requirements under the Subpart BB rules [p. 3384].

Sample connection system means an assembly of equipment within a process or waste management unit used during periods of representative operation to take samples of the process or waste fluid. Equipment used to take non-routine grab samples ***is not*** *considered a sampling connection system [264.1031].*

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

Applicability

The Agency is amending paragraph (b)(5) of §264.1080 and §265.1080 to clarify that waste management units that are used solely for on-site treatment or storage of hazardous waste that is "placed in the unit" as a result of implementing Federally required remedial activities are exempt from Subpart CC. In previous rulemakings, EPA indicated the hazardous waste "must be generated as a result of implementing federally required remedial activities." It has been determined the word "generate" [40 CFR 260.10] carries a particular legal context which was not intended to be strictly applied in §264.1080. Therefore, the word "generated" is being replaced to prevent any misinterpretation of the requirements.

(b)(5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar Federal or State authorities [p. 3384].

Waste Determination

The EPA is amending paragraphs (a)(1)(i) of §264.1083 to add new paragraphs (i) and (ii) that affect the requirements for when an owner or operator must make a determination of the volatile organic (VO) concentration in a waste stream. These new paragraphs reestablish previous requirements for determining VO concentration for hazardous waste placed in a waste management unit exempted from using Subpart CC air emission controls because the waste had a VO concentration at the point of waste origination less than the action level of 500ppmw [p. 3384].

These amendments are necessary because, in expanding and reorganizing waste determination procedures [61 FR 59932, November 25, 1996], EPA inadvertently removed the requirements in paragraphs 265.1084(a)(2) and (3) and in 265.1084(a)(5)(ii), respectively, that discussed when a determination of VO concentrations is required. Under the restored language, the owner or operator must:

- Perform an initial determination of the average VO concentration in the hazardous waste stream **before** the first time any portion of the waste is placed in a waste management unit exempted from Subpart CC air emission controls under the action level criteria [p. 3384].

- Determine (following the initial VO determination) the VO concentration for each averaging period that a hazardous waste is managed in the unit. This determination should be current, up-to-date, and should be made for each waste stream managed in a waste management unit exempted from Subpart CC air emission controls under the action level criteria. Furthermore, this determination must reflect the VO concentration of the waste currently managed in the unit over the time frame covered by the specified averaging period [p. 3385].

- Perform a new determination of the hazardous waste's VO concentration whenever changes to the source generating the waste stream are reasonably likely to

cause the average VO concentrations of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration action level or limits [p. 3385].

- Collect, within a one-hour period, all waste samples for a particular waste determination. Collect and record sufficient information on the waste quantity and operating conditions relative to the waste samples [p. 3385].

- Conduct several waste determinations (consisting of four or more samples each) to determine the average VO concentration in a waste stream generated by a process with large seasonal variations in waste quantity, or fluctuations in ambient temperature. Each of the four samples are to be collected in the one-hour sampling period specified above [p. 3385].

- Adjust, for all individual chemical constituents, individual test data measured by a method other than Method 25D to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D [p. 3386].

Tanks

Paragraph (h)(3) in §§264.1084 and 265.1085 is being amended to allow owners and operators that elect to use a pressure tank, to control air emissions under Subpart CC, to purge the inert materials from the pressure tank as is required in normal operations (i.e., good engineering practices) for this type tank system. Whenever hazardous waste is in a pressure tank, the tank must operate as a closed system that does not vent to the atmosphere. Furthermore, the purge system must be routed to a closed vent system and control device designed and operated in accordance with the Subpart CC requirements for closed vent systems and control devices. A tank operating in this manner is technically meeting the alternative requirements for tanks using Tank Level 2 controls specified in §§264.1083(d)(3) and 265.1083(d)(3). [p. 3386]

Containers

In the November 1996 Federal Register notice, EPA inadvertently left out transfer requirements for Level 3 container standards. These requirements are essentially the same as those for Level 2 containers.

> *§Section 264.1084/265.1087(e)(6) – Transfer of hazardous waste in or out of a container using Container Level 3 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Any of the following container loading procedures meet these requirements: A submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or vapor recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of the container through which the hazardous waste is filled and subsequently the line is purged before removing it from the container opening [p. 3389].*

For More Information

Questions regarding the information contained in this regulatory bulletin, or the RCRA Subpart CC air emissions standards in general should be directed to Jerry Coalgate at (202) 586-6075, fax (202) 586-3915, or e-mail: *jerry.coalgate@eh.doe.gov*.