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# **RCRA, Superfund & EPCRA Hotline Training Module**

**Introduction to:**

## **Air Emission Standards**

**(40 CFR Parts 264/265,  
Subparts AA, BB, and CC)**

**Updated July 1996**

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# AIR EMISSION STANDARDS

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## 1. INTRODUCTION

The Resource Conservation and Recovery Act (RCRA) requires the safe and effective management of hazardous waste from the point of generation to ultimate disposal. In 1984, as part of the Hazardous and Solid Waste Amendments (HSWA), Congress established the land disposal restrictions (LDR) which require that hazardous wastes be treated to meet specific standards prior to land disposal. These restrictions impose treatment standards on RCRA hazardous wastes to ensure that wastes are treated before they are placed on the land to minimize any future release of hazardous constituents to soil and groundwater. Some of the treatment technologies that are used to meet these standards, however, release hazardous constituents to the air during the treatment process. Thus, while treating hazardous waste prior to land disposal can protect groundwater, releases to the air can diminish this benefit by shifting the pollution from one environmental medium to another. This type of situation is called "cross-media pollution." In order to minimize the threat of this type of pollution, HSWA added §3004(n) to RCRA, granting EPA the authority to promulgate regulations for monitoring and control of air emissions resulting from RCRA hazardous waste management activities as necessary to protect human health and the environment.

This module provides a regulatory overview of the RCRA air emissions standards as they apply to hazardous waste facilities. When you complete this module, you will be able to explain the history of the RCRA air emission standards as well as the air emission controls required by the standards. Specifically, you will be able to:

- Explain the difference between the air emission standards in Parts 264/265, Subparts AA, BB, and CC
- Summarize the requirements of each of these subparts
- Identify the types of units subject to these requirements as well as specific exemptions.

Use this list of objectives to check your understanding of this topic after you complete the training session.



## 2. AIR POLLUTION OVERVIEW

The need to control organic air emissions from waste management sources stems from the adverse affects that volatile organics can have on human health and the environment. EPA estimates that approximately eight percent of the nation's volatile organic emissions are produced by hazardous waste treatment, storage, and disposal facilities (TSDFs). When establishing the RCRA air emission standards, EPA focused on two major concerns: ozone and air toxics.

### 2.1 OZONE

The effects of ozone on air quality can be both beneficial and detrimental to human health and the environment. In the presence of sunlight, organic compounds (including those emitted from waste management facilities) undergo a series of complex chemical reactions to form two by-products: ozone and aerosol. The aerosol that is formed restricts visibility and creates photochemical smog. Ozone has been proven to yield harmful effects as well. Ozone exists in both the earth's upper atmosphere (stratosphere) and the lower atmosphere (troposphere). In the stratosphere, ozone protects us from the damaging effects of the sun's radiation by acting as a filtering mechanism. In the troposphere, however, exposure to ozone has been shown to have more severe effects, including inflammation of lungs, impaired breathing, reduced breathing capacity, coughing, chest pain, and nausea.

### 2.2 AIR TOXICS

Air toxics are air pollutants that cause cancer or other adverse health effects. Sources of these pollutants include large industrial settings such as chemical plants, petroleum refineries, and power plants, as well as more diverse sources such as dry cleaners and paint manufacturers.

Of the 190 chemicals currently identified as air toxics under the Clean Air Act (CAA), a significant number are organic compounds. Exposure to air toxics affect neurological, respiratory, and reproductive systems.





### 3. REGULATORY SUMMARY

EPA has the specific authority to control air emissions at RCRA hazardous waste facilities (§3004(n)). Under this authority, EPA's approach to controlling organic air emissions is designed to significantly reduce these emissions as a class rather than controlling the emission of individual waste constituents. This means that instead of regulating organic emissions on a chemical-by-chemical basis (e.g., setting emission standards for each individual organic wastestream), EPA places emission control standards on those facilities managing wastes that contain a certain concentration of organic compounds. Thus, instead of regulating certain organic compounds, the RCRA air emission standards are established according to the type of waste management activity involved and the ways in which the emissions occur.

The RCRA air emission standards were promulgated in phases. The first phase includes 40 CFR Parts 264/265, Subparts AA and BB. These subparts address air emissions from process vents associated with certain types of treatment processes (Subpart AA) as well as leaks from certain types of equipment at TSDFs and large quantity generators (Subpart BB). At such facilities, owners/operators are required to install control equipment and employ management practices to reduce air emissions from affected units and equipment.

Phase II of the RCRA air emission standards, Parts 264/265, Subpart CC, requires controls to be placed on tanks, surface impoundments, and containers located at RCRA waste management facilities. The last phase of the RCRA air emission standards, Phase III, is dependent on the ability of Subparts AA, BB, and CC to effectively reduce volatile organic emissions. If there is still a significant risk posed by organic air emissions, EPA will develop additional air emissions standards. Phases I and II of the RCRA air emission standards are discussed in this module.

There is no difference between the air emission standards in Part 264 and Part 265, except for reporting requirements. There are no reporting requirements under 40 CFR Part 265 for owners/operators of interim status TSDFs, or for large quantity generators. Thus, any reference made in this document to a particular section of 40 CFR may be applied to the requirements contained in either Part 264 or 265.

### 3.1 SUBPART AA

The following types of units are subject to the Subpart AA process vent standards:

- Units subject to the permitting standards of Part 270 (i.e., permitted or interim status)
- Recycling units located at hazardous waste management facilities otherwise subject to the permitting standards of Part 270 (i.e., independent of the recycling unit, the facility already has a RCRA permit or is in interim status)
- Large quantity generators (Subpart AA will not apply to large quantity generators until the October 6, 1996, effective date of Subpart CC).

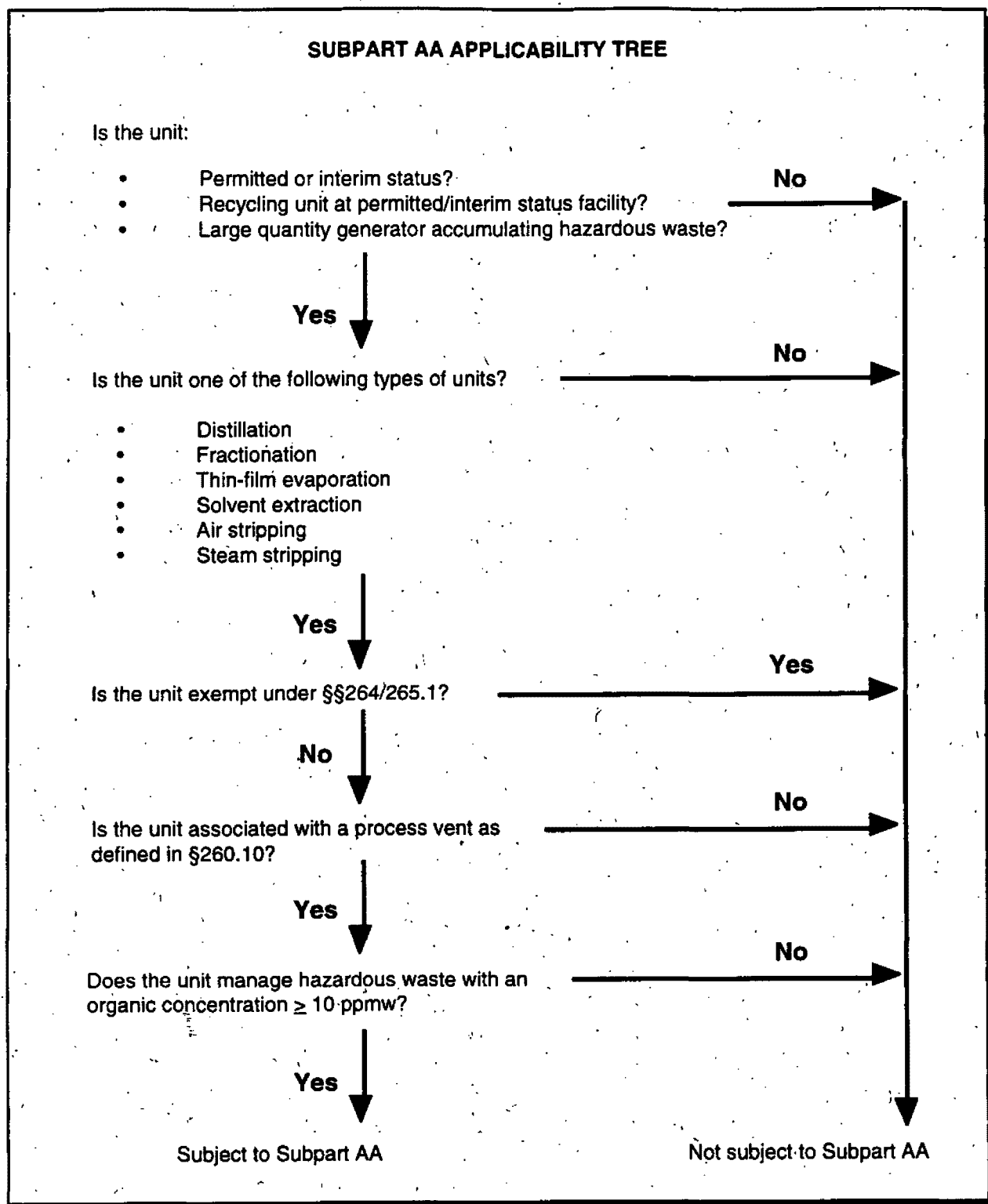
Although most recycling units are exempt from regulation under RCRA, §261.6 subjects certain recycling units to the Subpart AA standards. Thus, recycling units located at facilities that already have a RCRA permit or are operating in interim status must also comply with the Subpart AA regulations. The facility must already be subject to permitting in order for the recycling unit to be subject to Subpart AA.

Any unit exempt from the facility standards under §§264/265.1 is not subject to the process vent standards of Subpart AA. For example, a wastewater treatment unit that otherwise meets the applicability criteria of Subpart AA is not subject to the standards, since the unit is exempt from Parts 264/265.

Once an owner/operator has determined that a facility is subject to Subpart AA, the owner/operator must consider additional applicability criteria to determine whether the facility is subject to the air emission control requirements.

Subpart AA applies to six specific types of units that have associated process vents: steam strippers, distillation units, fractionation units, thin-film evaporation units, solvent extraction units, and air strippers. For purposes of this Subpart, a process vent is any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank associated with one of the six specific types of units (§264.1031). Owners/operators at affected facilities that have process vents associated with one of these types of units will be required to meet the standards of Subpart AA if the wastes they are managing have an organic concentration of at least 10 parts per million by weight (ppmw). Figure 1 summarizes the applicability of the Subpart AA standards. If the preceding criteria are met, the owner/operator must install air emission controls as discussed in the next section of the module.

Figure 1



## AIR EMISSION CONTROL REQUIREMENTS

Owners/operators of facilities subject to Subpart AA must install control mechanisms that meet one of two standards presented in the regulations. Owners/operators may reduce or destroy the organics in the wastestream to meet either of the following conditions (§265.1032(a)):

- Reduction of organic air emissions from vents covered by the standards to both 3.0 pounds per hour and 3.1 tons per year

or

- Reduction of organic air emissions by 95 percent by weight.

These figures are based on aggregated emissions from all vents at the facility that are subject to these standards. As long as the facility meets the total numerical standards, owners/operators have the flexibility of reducing some units by a large amount and others by a lesser amount or not at all. This allows owners/operators to evaluate all alternatives available and achieve the most cost-effective means of complying with the standards.

## CLOSED-VENT SYSTEMS AND CONTROL DEVICES

In order to meet the air emission standards discussed above, Subpart AA requires owners/operators to install and operate control devices on affected units at the facility in order to remove or destroy organics in its emissions. EPA does not specify the type of control device that must be used to achieve these standards; however, individual performance requirements for some types of devices that may be used are presented in the regulations to assist owners/operators in complying with the requirements. These include vapor recovery systems, enclosed combustion devices, and flares. Owners/operators may use other types of control devices as long as the emission reduction requirements of §265.1032(a) are met. Owners/operators choosing an alternate method of control must develop criteria indicating proper operation and maintenance of the device to ensure compliance with the standards.

As mentioned above, it is not necessary for every affected unit at the facility to be equipped with a control device. The emission standards in §265.1032(a) are imposed on a facility-wide basis; thus, if installing control devices on half of the affected units at the facility is sufficient to bring organic emissions below the allowable levels, any remaining units at the facility that are subject to Subpart AA may continue to operate with no control devices.

In addition to control devices, owners/operators must also install closed-vent systems that will conduct the hazardous waste in the unit to the control device. A closed-vent system is a system that is not open to the atmosphere and that is composed of piping and connections that transport gas or vapor from a piece or pieces of equipment to a control device (§264.1031). These systems must be designed

and operated with no detectable emissions, and periodically inspected and monitored for emissions as discussed in the next section.

### **Inspection and Monitoring**

To ensure proper operation and maintenance, owners/operators must monitor and inspect each closed-vent system and control device used to comply with Subpart AA (§265.1033(f)). Each control device must be inspected and monitored at least once each operating day to ensure proper operation. As with the control device standards, monitoring requirements are given for certain types of control devices that are specified in the regulations. Owners/operators using control devices other than those specifically mentioned must develop documentation indicating proper operation and maintenance of the control device and demonstrating that performance standards are being met (§265.1033(i)).

If, at any time, inspection of the control device indicates that there is a problem with the operation of the unit (i.e., failure to achieve the required organic destruction rate) owners/operators must immediately implement corrective measures necessary to return the control device to proper operation (§265.1033(f)(3)).

Closed-vent systems used to comply with Subpart AA must be monitored annually or more often if requested by the EPA Regional Administrator. Any detectable emissions must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

### **Recordkeeping and Reporting**

The RCRA air emission standards are meant to be self-implementing. Consequently, EPA does not play an active role in ensuring that facilities are in compliance with the regulations on a day-to-day basis. Instead, the Agency verifies that owners/operators are complying with the regulations through facility inspections and audits. Subpart AA requires owners/operators to keep detailed records in the facility's operating log to demonstrate compliance with the standards. Design documentation and monitoring, operating, and inspection information for each unit used to comply with the Subpart AA standards must be kept up-to-date and in the facility's operating log for at least three years.

Subpart AA also requires that, every six months, owners/operators report to their Regional Administrator any instances during that time period when a control device exceeded or operated outside of its design specifications (as indicated by monitoring activities) for a period longer than 24 hours without being corrected (§264.1036). The report must indicate the duration of each exceedance and any corrective measures taken to remedy the situation. If during the six-month period no exceedances occur at the facility, the owner/operator need not submit a report to the Regional Administrator.

Remember that the Subpart AA requirements for permitted facilities and interim status facilities are identical, except for the reporting requirements. There are no reporting requirements for owners/operators of interim status facilities, or for large quantity generators subject to Subpart AA.

### 3.2 SUBPART BB

The following types of units are subject to the Subpart BB equipment leak standards:

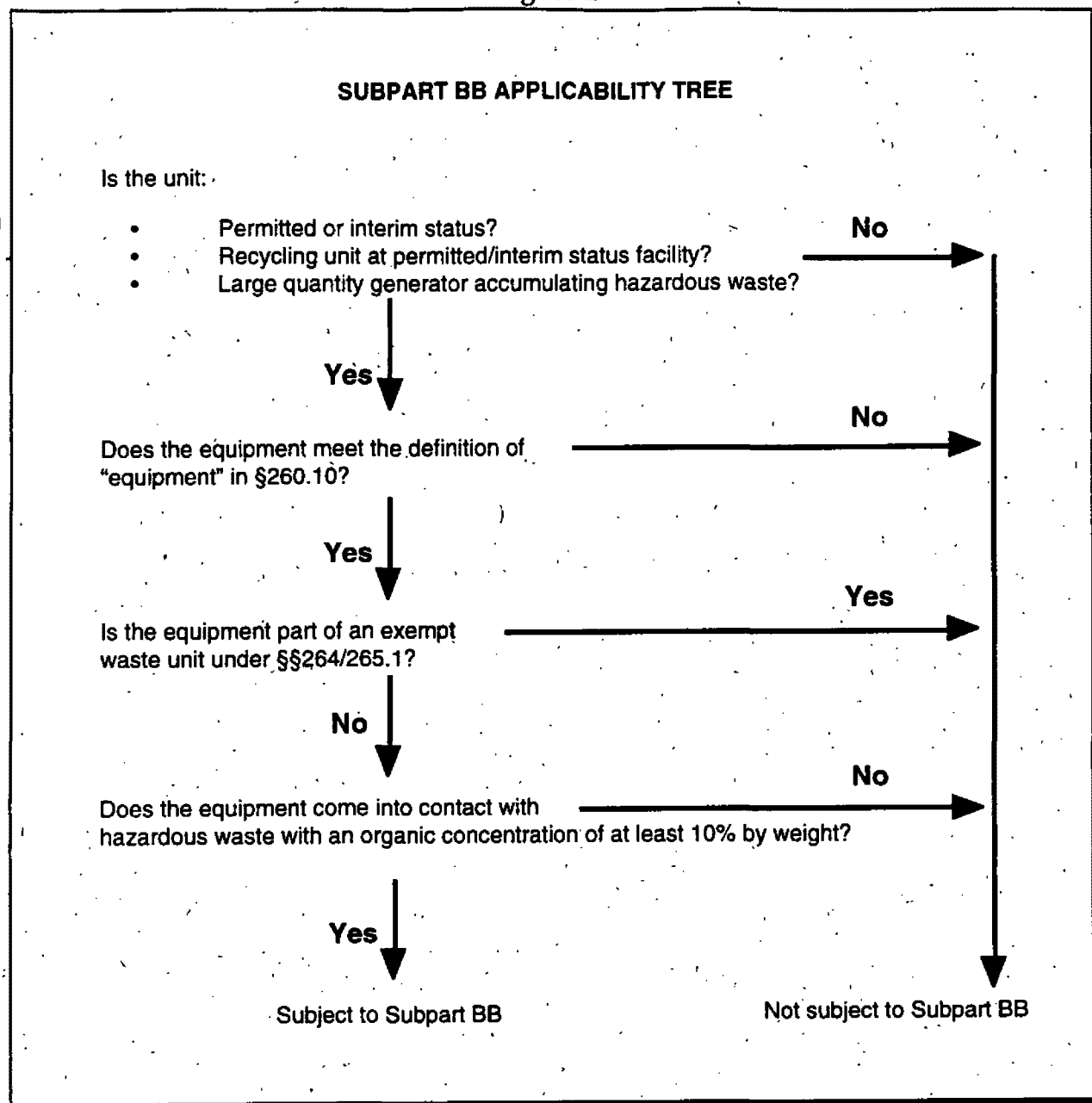
- Units subject to the permitting standards of Part 270 (i.e., permitted or interim status)
- Recycling units located at hazardous waste management facilities otherwise subject to the permitting standards of Part 270 (i.e., independent of the recycling unit, the facility already has a RCRA permit or is in interim status)
- Units owned or operated by large quantity generators (Subpart BB will not apply to large quantity generators until the October 6, 1996, effective date of Subpart CC).

Although most recycling units are exempt from regulation under RCRA, §261.6 subjects certain recycling units to the Subpart BB standards. Thus, recycling units located at facilities that already have a RCRA permit or are operating in interim status must also comply with the Subpart BB regulations. It is important to note that the facility must already be subject to permitting in order for the recycling unit to be subject to Subpart BB.

Like the Subpart AA standards, any unit exempt from the facility standards under §§264/265.1 is not subject to the process vent standards of Subpart BB. For example, a wastewater treatment unit that otherwise meets the applicability criteria of Subpart BB is not subject to the standards, since the unit is exempt from Parts 264/265.

Figure 2 summarizes the applicability of the Subpart BB standards. Once an owner/operator determines that a facility is subject to Subpart BB, the owner/operator must consider additional applicability criteria to determine whether the facility is subject to the air emission control requirements.

Figure 2



Subpart BB establishes standards for equipment leaks at hazardous waste facilities by requiring owners/operators to adopt safe management practices. These requirements are not limited to those units, process vents, and control equipment regulated under Subpart AA, but encompass all equipment used at any TSDF. EPA defines equipment as any valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange, and any other control device or system required by Subparts AA, BB, or CC (§264.1031). Owners/operators with equipment associated with any hazardous waste at a facility that contains at least 10 percent organics by weight are subject to the control requirements of Subpart BB (§265.1050).

### **Equipment Leak Control Requirements**

The techniques used to control emissions from equipment leaks under Subpart BB combine equipment standards with inspection and monitoring requirements to ensure compliance with the standards. Specific requirements for each type of equipment are given in the regulations. These requirements consist of design and operating standards for each category of equipment. The standards also specify the type and frequency of all inspection and monitoring activities required. All of these requirements vary, depending on the piece of equipment at the facility. For example, §265.1053 provides the control standards for compressors. According to this section, each compressor must be equipped with a seal system that includes a barrier fluid which will prevent organic emissions from leaking to the atmosphere. Specifications are given in the regulations for the compressor seal system and the standards each component must meet. In addition, each barrier fluid must have a sensor that will detect failure of the system. Owners/operators must also establish an inspection and monitoring program as described below.

By requiring certain work practices to be established, EPA is able to ensure that owners/operators are operating the equipment at the facility in a manner that will reduce or eliminate the probability of an equipment leak. Subpart BB achieves this by requiring owner/operators to establish specific leak detection and repair (LDAR) programs. LDAR programs require leak detection monitoring and/or inspection by a specific instrument, by visual means, or by sense of smell, depending on the type of equipment being used at the facility. What constitutes a leak for purposes of Subpart BB will depend on the type of equipment being used. For example, pumps are considered to be leaking with an instrument reading of more than 10,000 ppm, while compressors are considered leaking if the sensor (required by the design standards) indicates failure of the compressor's seal system.

Once a leak has been detected, repair must be initiated and completed within a specified time frame to remain in compliance with the Subpart BB standards. Again, the time frame by which owners/operators must have repairs completed depends on the type of equipment. As with the previous example, the compressor standards may be used to illustrate LDAR program implementation. Each sensor used on the compressor system must be checked daily to ensure that it is



functioning properly. If the sensor does indicate a leak, it must be repaired as soon as practicable, but no later than 15 days after the leak was first detected (§265.1053).

### **Recordkeeping and Reporting**

The recordkeeping and reporting requirements for Subpart BB are very similar to those in Subpart AA. Owners/operators must keep detailed records in the facility's operating log sufficient to demonstrate compliance with the standards. Such information includes design documentation and monitoring, operating, and inspection information for each piece of equipment affected by Subpart BB. These records must be kept up-to-date and in the facility's operating log for at least three years.

Subpart BB also requires that owners/operators report to their Regional Administrator every six months, indicating any instances during that time period when the control device exceeded or operated outside of its design specifications (as indicated by monitoring activities) for longer than 24 hours without being corrected (§264.1065). The reports must indicate dates, duration, cause, and any corrective measures that were taken to remedy the situation. If, during the six-month period, no exceedances occur at the facility, the owner/operator need not submit any report to the Regional Administrator.

As in Subpart AA, there are no reporting requirements for owners/operators of interim status facilities, or for large quantity generators subject to Subpart BB.

### **3.3 SUBPART CC**

The requirements of Subpart CC apply to owners/operators that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers (§265.1080(a)). Subpart CC also applies to miscellaneous units and large quantity generators accumulating waste in tanks and containers. Units exempt under §§264/265.1 are not subject to these air emission control requirements. In addition, the following units are specifically exempt from the air emissions control standards:

- A waste management unit that holds hazardous waste placed in it before October 6, 1996, as long as no hazardous waste is added to the units after October 6, 1996
- A container with a capacity less than or equal to 0.1m<sup>3</sup> (approximately 26 gallons)
- A tank or surface impoundment to which an owner/operator has stopped adding hazardous waste and the owner/operator has begun implementing or completed closure pursuant to an approved closure plan (with possible exceptions for some surface impoundments)

- A waste management unit used solely to manage hazardous waste under corrective action, CERCLA, or another federal or state remediation authority
- A waste management unit used solely to manage radioactive mixed waste.

Owners/operators of TSDFs that manage hazardous waste in tanks, surface impoundments, containers, and miscellaneous units as well as large quantity generators accumulating hazardous waste in tanks and containers must install air emission controls only if these units manage waste that exceeds an average volatile organic concentration of 100 ppmw. Units managing wastes with organics that have been removed or destroyed according to specific standards established in the regulations are not subject to these control requirements. The Subpart CC standards outline specific procedures and equations for making these determinations (§265.1084).

## AIR EMISSION CONTROL REQUIREMENTS

Tanks, surface impoundments, containers, and miscellaneous units that manage hazardous waste exceeding the 100 ppmw volatile organic concentration threshold must install air emission controls that will prevent the release of organic constituents. For each unit, owners/operators must install one of several control options offered in the Subpart CC requirements.

### Tanks

Owners/operators storing hazardous waste in tanks subject to Subpart CC must place their waste into one of the following units (§265.1085):

- Tank equipped with a cover (fixed roof) vented to a control device
- Tank equipped with a fixed roof and an internal floating roof
- Tank equipped with an external floating roof
- Pressure tank designed to operate as a closed system with no detectable emissions at all times.

Under certain conditions, specified in the rule, owners/operators may also place the waste in a tank equipped with only a fixed roof.

### Surface Impoundments

Owners/operators of surface impoundments subject to Subpart CC must install a cover (e.g., an air-supported structure or a rigid cover) that is vented through a closed-vent system to a control device. Specific design requirements for the cover, closed-vent system, and control device are provided in the regulations (§265.1086).

## Containers

Owners/operators of containers subject to Subpart CC must comply with one of the following standards (§265.1087):

- Container must be equipped with a vapor leak-tight cover

or

- Container must have a design capacity less than or equal to 0.46m<sup>3</sup> (approximately 119 gallons) that is equipped with a cover that complies with all applicable DOT regulations under 49 CFR Part 178

or

- Container must be attached to or form part of any truck, trailer, or railcar, and must have demonstrated organic-vapor tightness within the preceding 12 months.

Each container must be maintained in a closed, sealed position at all times except when necessary to add or remove waste, inspect or repair equipment located inside the container, or vent gases or vapors to a control device.

## SAFETY DEVICES

Owners/operators of tanks, surface impoundments, and containers may use a safety device on their covers, closed-vent systems, or control devices in order to vent organic emissions directly to the atmosphere. Under Subpart CC, such venting is allowed only under limited circumstances, such as an unplanned event. The air emissions standards also specify the conditions with which safety devices must comply.

## CLOSED-VENT SYSTEMS AND CONTROL DEVICES

Under several of the control options for tanks, surface impoundments, and containers, owners/operators are required to install a closed-vent system connected to a control device in order to safely vent gases, fumes, and vapors emanating from the waste management unit. As part of the unit-specific requirements, owners/operators must comply with the standards for closed-vent systems and control devices in Parts 264/265, Subpart AA.

## INSPECTION AND MONITORING

Owners/operators of tanks, surface impoundments, and containers must visually inspect and monitor each cover and cover opening, control-vent system, and control device (§265.1089). The regulations provide for limited inspection requirements for certain types of units operating under specific conditions. For

some covers and control devices, owners/operators must also demonstrate compliance with the air emissions standards through specified test methods. All owners/operators subject to these requirements must develop and implement a written plan and schedule detailing how all inspection and monitoring activities will be implemented at their particular facility.

## RECORDKEEPING AND REPORTING

Owners/operators managing hazardous waste in tanks, surface impoundments, and containers must record and maintain documentation certifying that the tank covers, floating membrane covers, container closures, closed-vent systems, and control devices meet required design and operating standards (§265.1090). Owners/operators must also maintain records of all tests used to comply with the air emissions standards, visual inspections and monitoring, organic vapor determinations, and other documentation demonstrating compliance with the Subpart CC standards.

Owners/operators of permitted units are required to report instances of noncompliance with the tank, surface impoundment, container, and control device standards to the EPA Regional Administrator (§264.1090). There are no reporting requirements for owners/operators of interim status units, or for large quantity generators.

## 4. SPECIAL ISSUES

Several complex issues impact the applicability of the RCRA air emissions standards.

### 4.1 PERMIT-AS-A-SHIELD

Most rulemakings do not require facilities with final permits to immediately comply with regulations promulgated after final permit issuance. This provision is commonly known as "permit-as-a-shield" (§270.4). The December 6, 1994, Federal Register amended §270.4 to require that owners/operators of TSDFs that have been issued final permits prior to October 6, 1996, comply with the air emission standards under Part 265, Subparts AA, BB, and CC, until the facility's permit is reviewed or reissued (59 FR 62896, 62920).

### 4.2 INTERFACE WITH CLEAN AIR ACT

Although the control of air emissions is typically an issue addressed under CAA, RCRA §3004(n) gives EPA the specific authority to address air emissions from hazardous waste management sources. The RCRA air emission standards are designed to complement, rather than duplicate, regulations under the CAA. Although it is possible for facilities to be subject to both the CAA and the RCRA air emission standards, RCRA §1006(b) directs EPA to coordinate all provisions of RCRA with the appropriate provisions of other environmental laws. In order to prevent regulatory duplication, EPA will, to the maximum extent practicable, consider all other environmental laws when promulgating regulations under both CAA and RCRA. For example, the Agency has requested public comment on a proposed CAA standard for waste management activities to further address how applicable RCRA air emission requirements should be incorporated into these CAA rules for waste and recovery operations.

### 4.3 APPLICABILITY OF SUBPARTS AA AND BB TO LARGE QUANTITY GENERATORS

Prior to promulgation of Subpart CC, large quantity generators were not subject to existing air emission standards for process vents and equipment leaks under Subparts AA and BB. Given the significant organic emissions from tanks and containers used for hazardous waste accumulation at these facilities, EPA determined that it was necessary to subject large quantity generators to all of the RCRA air emission standards. As a result, when the Subpart CC standards were promulgated on December 6, 1994, the Agency amended §262.34 to add a

requirement that large quantity generators accumulating hazardous waste in tanks and containers also comply with the air emission standards of Subparts AA, BB and CC. The rule makes this provision a condition that large quantity generators must comply with to maintain permit-exempt status under RCRA.

## 5. REGULATORY DEVELOPMENTS

Some of the RCRA air emissions control requirements are newly promulgated, and the regulatory program is still evolving. Keep in mind the following forward-looking points.

### 5.1 SUBPART CC DELAY OF EFFECTIVE DATE

As promulgated in the December 6, 1994, Federal Register, the effective date of the Subpart CC standards was originally June 5, 1995 (59 FR 62896). Due to various implementational difficulties, this effective date has been extended three times. Currently, the effective date for the Subpart CC air emissions standards is October 6, 1996. This new effective date applies to all units affected by the rule, including tanks and containers used by large quantity generators as accumulation units.

### 5.2 SUBPART CC CLARIFICATION NOTICE

On February 9, 1996, EPA published a clarification notice to the Subpart CC final rule (61 FR 4903). It amended the regulatory text of the final standards for clarification, and corrected typographical and grammatical errors. Among other things, this notice clarified definitions and addressed waste determination procedures, the unit specific Subpart CC standards, inspection and monitoring requirements, and the use of conservation vents on hazardous waste tanks.

### 5.3 SUBPART CC REGULATORY REVISIONS

In addition to the Subpart CC clarification notice, EPA expects to promulgate regulatory revisions to the final Subpart CC standards. This notice will contain changes to the codified standards in 40 CFR Parts 264/265, Subpart CC, in response to the various implementational difficulties that have become apparent since promulgation of the final rule. These changes may result in compliance options previously unavailable to owners/operators subject to Subpart CC. The regulatory revisions are expected to be published in late 1996.

### 5.4 PHASE III OF THE RCRA AIR EMISSION STANDARDS

EPA will promulgate Phase III of the RCRA air emission standards as necessary to protect human health and the environment through either regulations or clarification. Currently, there are no ongoing plans for Phase III, but further action may be taken in the future.

