

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

**Introduction to:**

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

**Updated October 1999**

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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 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 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 Part 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 can 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 189 chemicals currently identified as hazardous air pollutants under the Clean Air Act (CAA), a significant number are organic compounds. Exposure to these pollutants can affect neurological, respiratory, and reproductive systems.

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### 3. REGULATORY SUMMARY

EPA has the specific authority to control organic 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. 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 Part 264/265, Subparts AA and BB. These subparts address air emissions from process vents associated with certain types of hazardous waste management processes (Subpart AA) and leaks from certain types of equipment at TSDFs and large quantity generators (Subpart BB). At such facilities, owners and 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, Part 264/265, Subpart CC, regulates organic air emissions from tanks, surface impoundments, and containers located at RCRA TSDFs and large quantity generators (LQGs). 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 on an industry-specific basis. 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 Part 265 for owners and operators of interim status TSDFs, or for large quantity generators. Thus, any reference made in this module to a particular section of 40 CFR may be applied to the requirements contained in either Part 264 or 265, unless otherwise noted.

### 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 has a RCRA permit or is in interim status)
- Less than 90-day large quantity generator units.

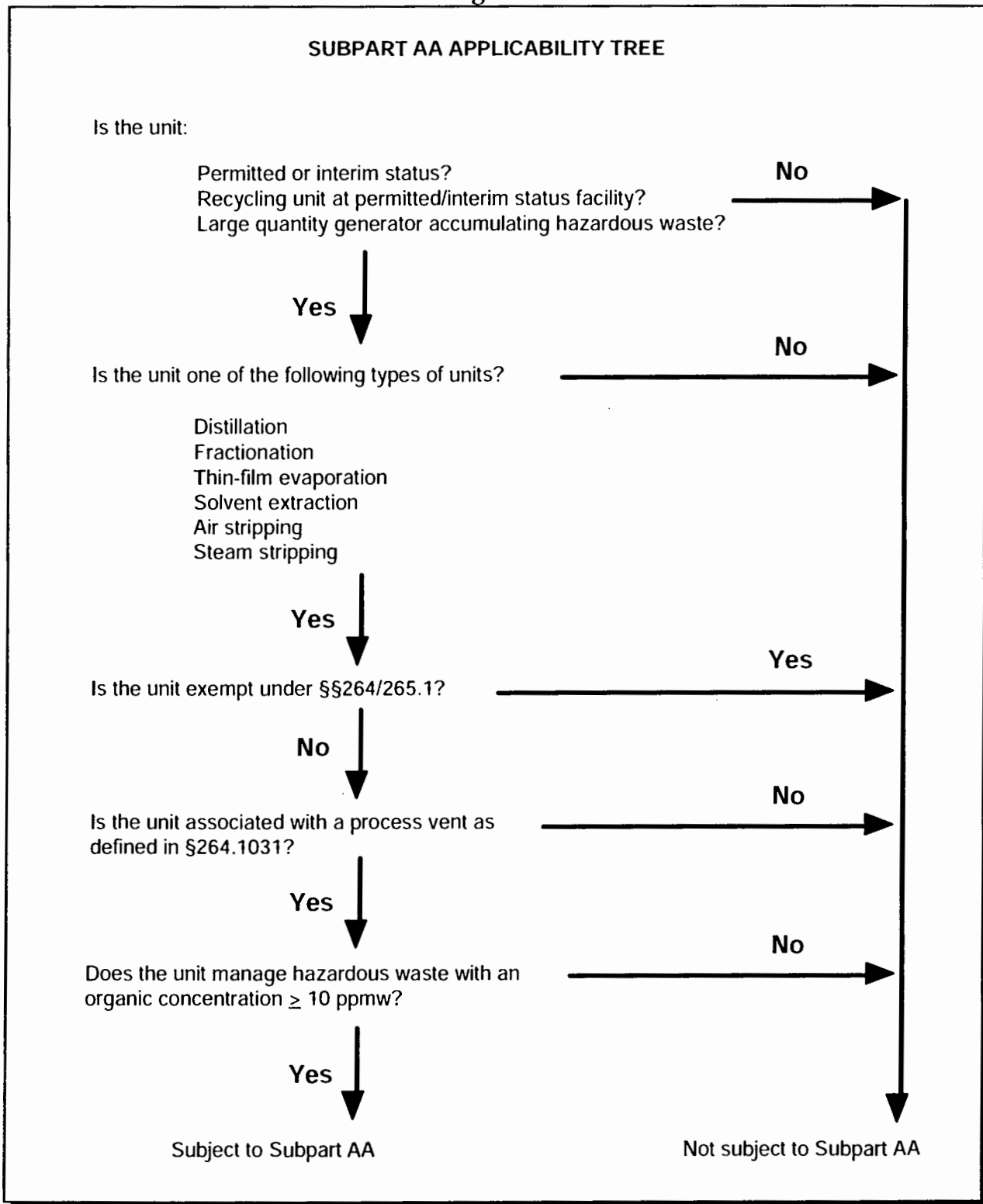
Although most recycling units are exempt from regulation under RCRA, §261.6(d) subjects certain recycling units to the Subpart AA standards. Thus, owners and operators of recycling units located at facilities that already have a RCRA permit or are operating in interim status must also comply with the applicable Subpart AA regulations.

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 would not be subject to the standards, since the unit is exempt from Part 264/265 (§264.1(g)(6), §265.1(c)(10)).

Once the owner and operator have determined that a facility is subject to Subpart AA, they 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 the RCRA air regulations, 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 and 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 they manage wastes with an organic concentration of at least 10 parts per million by weight (ppmw). Figure 1 summarizes the applicability of the Subpart AA standards.

Figure 1





## AIR EMISSION CONTROL REQUIREMENTS

Owners and operators of facilities subject to Subpart AA must install control mechanisms that meet one of two standards presented in the regulations. Owners and 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 (1.4 kg/h) and 3.1 tons per year (2.8 Mg/y)

or

- Reduction of organic air emissions at the facility by 95 percent by weight.

These figures are based on aggregated emissions from all vents at the facility that are subject to Subpart AA. As long as the facility meets the numerical standards, owners and 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 and 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 and 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 and operators in complying with the requirements. These include vapor recovery systems, enclosed combustion devices, and flares. Owners and operators may use other types of control devices as long as the emission reduction requirements of §265.1032(a) are met.

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 and operators must also install closed-vent systems to conduct the organics 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.

### **Inspection and Monitoring**

To ensure proper operation and maintenance, owners and 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 and 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 and 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 (§265.1033(l)). 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 and operators are complying with the regulations through facility inspections and audits. Subpart AA requires owners and 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 subject to 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 and operators of permitted facilities report to the 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 and operator need not submit a report to the Regional Administrator.

### 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)
- Less than 90-day large quantity generator units

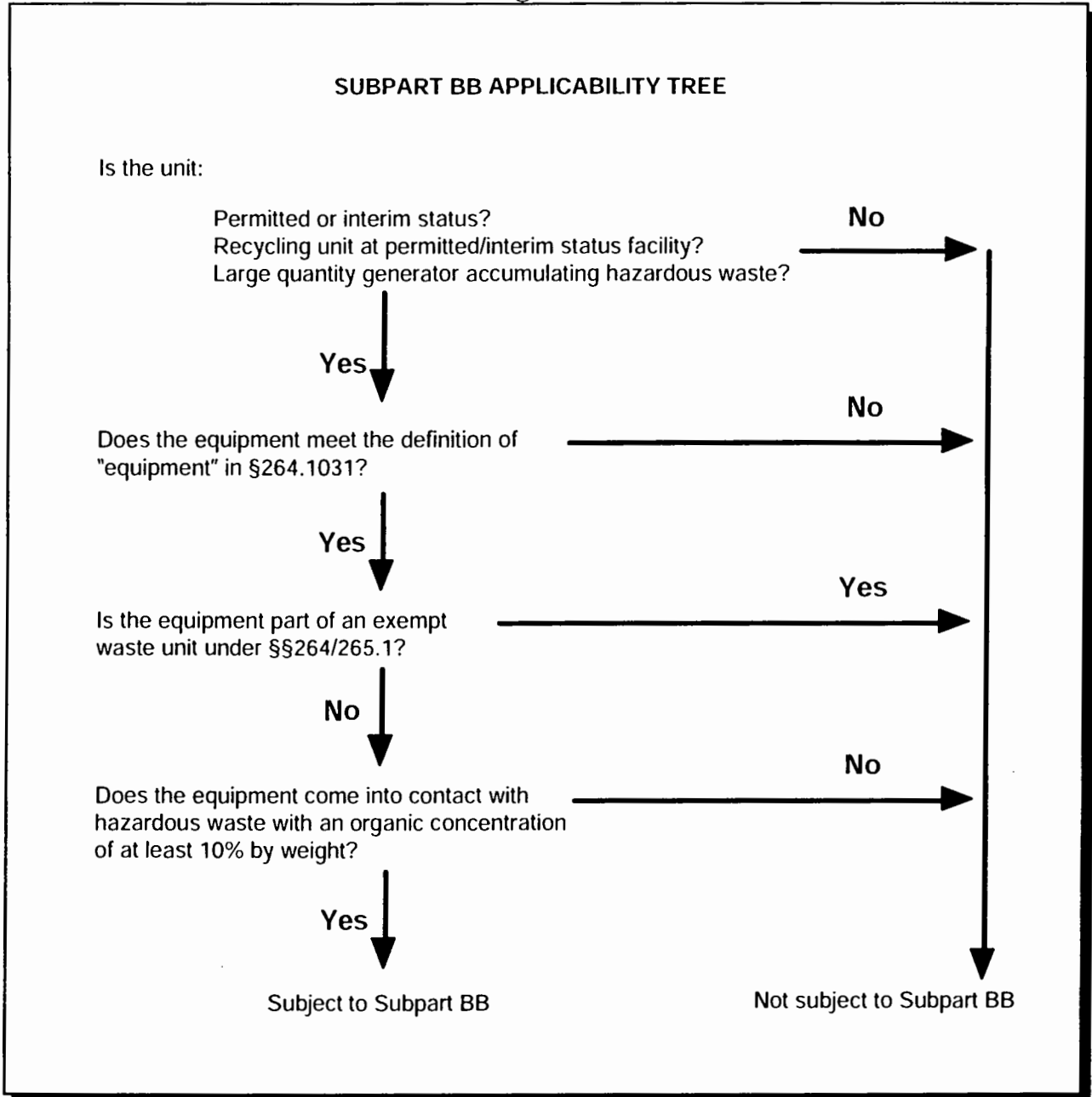
Although most recycling units are exempt from regulation under RCRA, §261.6(d) subjects certain recycling units to the Subpart BB standards. Thus, owners and operators of recycling units located at facilities that already have a RCRA permit or are operating in interim status must also comply with the applicable Subpart BB regulations.

Like the Subpart AA standards, any unit exempt from the facility standards under §§264/265.1 is not subject to the equipment leak 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 Part 264/265 (§264.1(g)(6), §265.1(c)(10)).

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

Subpart BB establishes standards for equipment leaks at hazardous waste facilities by requiring owners and operators to adopt safe management practices. These requirements are not limited to those units regulated under Subpart AA, but encompass all equipment used at any TSD or LQG. EPA defines equipment as any valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control device or system required by Subpart AA (§264.1031). Owners and operators of equipment that contains or contacts hazardous waste or hazardous waste residues with at least 10 percent organics by weight are subject to the control requirements of Subpart BB (§265.1050). Equipment that contains or contacts organic hazardous waste less than 300 hours per year are only subject to the Subpart BB identification and recordkeeping requirements (§265.1050(f)).

Figure 2



## 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 that 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 and 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 and 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 and 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, compressors are considered leaking if the sensor (required by the design standards) indicates failure of the compressor's seal system (§265.1053(f)).

Once a leak has been detected, repair must be initiated and completed within 15 days to remain in compliance with the Subpart BB standards. 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(g)).

## Recordkeeping and Reporting

The recordkeeping and reporting requirements for Subpart BB are very similar to those in Subpart AA. Owners and 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 (§265.1064).

Subpart BB also requires that owners and operators of permitted facilities report to the 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 and operator need not submit any report to the Regional Administrator.

As in Subpart AA, there are no reporting requirements for owners and 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 and operators of TSDFs that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers (§265.1080(a)). Subpart CC also applies to 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 into which hazardous waste was placed before December 6, 1996, as long as no hazardous waste is added to the units after December 6, 1996
- A container with a capacity less than or equal to 0.1 m<sup>3</sup> (approximately 26 gallons)
- A tank or surface impoundment to which the owner and operator have stopped adding hazardous waste and the owner and operator have begun implementing or completed closure pursuant to an approved closure plan (with possible exceptions for some surface impoundments)
- A tank with process vent, as defined in §264.1031
- A tank, surface impoundment, or container operating with controls in compliance with a CAA standard under 40 CFR Parts 60-62.

In addition, the following units are presently deferred from regulation under Subpart CC awaiting further study:

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

Owners and operators of TSDFs that manage hazardous waste in tanks, surface impoundments, and containers, 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 500 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, and containers that manage hazardous waste exceeding the 500 ppmw volatile organic concentration threshold must install air emission controls that will prevent the release of organic constituents. For each unit, owners and operators must install one of several control options offered in the Subpart CC requirements.

### **Tanks**

The Subpart CC regulations require owners and operators of TSDFs and LQGs to control organic air emissions from tanks managing hazardous waste with an average volatile organic concentration of greater than or equal to 500 ppmw. There are two regulatory classes of tanks, Level 1 and Level 2. Level 1 tanks are those tanks that meet maximum vapor pressure limits based on design capacity, are not heated above the temperature at which the maximum vapor pressure was determined, and are not units in which stabilization is conducted. Level 2 tanks are those tanks that either do not meet the Level 1 tank criteria, or that the owner and operator have chosen to not operate using Level 1 tank criteria.

A Level 1 tank must be operated with a fixed roof that forms a continuous barrier over all hazardous waste stored in the tank. All openings in the fixed roof must be connected to either a closure device or a closed-vent system connected to a control device (§265.1085(c)).

Level 2 tanks have several different options for compliance with the Subpart CC standards. They may be equipped with either a fixed roof and an internal floating roof, an external floating roof, or a cover vented through a closed-vent system to a control

device. Level 2 tanks may also be pressure tanks that are operated in a closed system, with no detectable emissions at any time. Finally, Level 2 tanks may be located inside a permanent total enclosure that is vented through a closed-vent system to an enclosed combustion device (§265.1085(d)).

## Surface Impoundments

Owners and operators of surface impoundments subject to Subpart CC have two regulatory compliance options. First, the owner or operator may 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. Second, the owner or operator may install and operate a floating membrane cover. All openings in this cover must be equipped with a closure device (§265.1086).

## Containers

The Subpart CC regulations require owners and operators of TSDFs and LQGs to control organic air emissions from containers managing hazardous waste with an average volatile organic concentration of greater than or equal to 500 ppmw. There are three regulatory categories of containers, Level 1, Level 2, and Level 3. Level 1 containers are all containers that have a design capacity between 0.1 m<sup>3</sup> and 0.46 m<sup>3</sup> (approximately 26 gallons and 119 gallons respectively), and containers with a design capacity greater than 0.46 m<sup>3</sup> that are not in light material service (§§265.1087(b)(1)(i) and (ii)). Level 2 containers have a design capacity greater than 0.46 m<sup>3</sup> and operate in light material service (§265.1087(b)(1)(iii)). The third category, Level 3, consists of all containers with a design capacity greater than 0.1 m<sup>3</sup> that must remain uncovered for waste stabilization (§265.1087(b)(2)). Containers with a design capacity less than or equal to 0.1 m<sup>3</sup> are exempt from Subpart CC regulation (§265.1080(b)(2)).

Level 1 containers have three compliance options under the Subpart CC regulations. The first option is to meet all applicable Department of Transportation (DOT) packaging requirements under 49 CFR Parts 173, 178, 179, and 180. The other Level 1 container compliance options are to employ a cover or other closure device, or to cover the waste in the container with an organic-vapor suppressing barrier, such as a foam (§265.1087(c)).

Level 2 containers may also meet DOT packaging standards in order to comply with the Subpart CC air emission requirements. A second option is to demonstrate that the container operates with no detectable organic emissions as determined by Method 21 of Part 60, Appendix A. For a Level 2 container attached to a truck, trailer, or rail car, a third option is to demonstrate, using Method 27 of Part 60, Appendix A, that the unit is organic vapor-tight (§265.1087(d)).



Level 3 container emissions must be either vented directly through a closed-vent system to a control device, or vented inside an enclosure through a closed-vent system to a control device (§265.1087(e)).

## **CLOSED-VENT SYSTEMS AND CONTROL DEVICES**

Under several of the control options for tanks, surface impoundments, and containers, owners and 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 and operators must comply with the standards for closed-vent systems and control devices in Part 264/265, Subpart AA.

## **INSPECTION AND MONITORING**

Owners and operators of tanks, surface impoundments, and containers must visually inspect and monitor each cover and cover opening, control-vent system, and control device. The regulations provide for limited inspection requirements for certain types of units operating under specific conditions. For some covers and control devices, owners and operators must also demonstrate compliance with the air emissions standards through specified test methods. All owners and 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 and 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 and 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 and 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 and operators of interim status units, or for large quantity generators.

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## 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). On December 6, 1994, EPA amended §270.4 to require that owners and 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, reissued, or a class 3 permit modification is conducted (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 under RCRA. 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. One example of this was the addition of the Subpart CC exemption for facilities operating controls in compliance with a CAA standard (§265.1080(b)(7)).

### 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.