US EPA ARCHIVE DOCUMENT

Vol. 61 No. 28 Friday, February 9, 1996 p 4903

40 CFR Parts 262, 264, 265, and 270

[IL-64-2-5807; FRL-5407-2]

Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: Under the authority of the Resource Conservation and Recovery Act (RCRA), as amended, the EPA has published air standards to reduce organic emissions from hazardous waste management activities (59 FR 62896, December 6, 1994). The air standards apply to owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDF) subject to RCRA subtitle C permitting requirements and to certain hazardous waste generators accumulating waste in on-site tanks and containers. This action makes clarifying amendments in the regulatory text of the final standards, corrects typographical and grammatical errors, and clarifies certain language in the preamble to the final rule.

EFFECTIVE DATE: The rule provisions clarified by this action are effective as of June 6, 1996, the effective date of the final rule.

ADDRESSES: This notice is available on the EPA's Clean-up Information Bulletin Board (CLU-IN). To access CLU-IN with a modem of up to 28,800 baud, dial (301) 589-8366. First time users will be asked to input some initial registration information. Next, select "D" (download) from the main menu. Input the file name "RCRACLAR.ZIP" to download this notice. Follow the on-line instructions to complete the download. More information about the download procedure is located in Bulletin 104; to read this type "B 104" from the main menu. For additional help with these instructions, telephone the CLU-IN help line at (301) 589-8368.

Docket. The supporting information used for this rulemaking is available for public inspection and copying in the RCRA docket. The RCRA docket numbers pertaining to this rulemaking are F-91-CESP-FFFFF, F-92-CESA-FFFFF, F-94-CESF-FFFFF, F-94-CE2A-FFFFF, and F-95-CE3A-FFFFF. The RCRA docket is located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. Hand delivery of items and review of docket materials are made at the Virginia address. The public must have an appointment to review docket materials. Appointments can be scheduled by calling the Docket Office at (703) 603-9230. The mailing address for the RCRA docket office is RCRA Information

US EPA ARCHIVE DOCUMENT

Center (5305W), U. S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline, toll-free at (800) 424-9346. For further information on the specific provisions to which this clarification refers, contact Ms. Michele Aston, Emission Standards Division (Mail Drop 13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2363.

>>>> The preamble has not been included in this file. <<<<

For the reasons set out in the preamble, title 40, chapter I, parts 262, 264, 265, 270, and 271 of the Code of Federal Regulations is amended as follows:

PART 262 -- STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

1. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912(a), 6922, 6923, 6924, 6925, 6937 and 6938, unless otherwise noted.

§ 262.34 [Amended]

2. Section 262.34(a)(1)(i) is amended by inserting a comma after "subparts I" to read "subparts I, AA, BB and CC".

PART 264 -- STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924 and 6925.

Subpart B -- General Facility Standards

4. Section 264.13 is amended by revising paragraphs (b)(8)(i) and (ii) to read as follows:

§ 264.13 General waste analysis.

* * * * *

(b) * * *

(8) * * *

US EPA ARCHIVE DOCUMENT

(i) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

(ii) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

Subpart AA -- Air Emission Standards for Process Vents

5. In § 264.1033 the second sentence of paragraph (a)(2) is revised, paragraph (k)(2) is revised, and paragraph (m) is revised to read as follows:

§ 264.1033 Standards: Closed-vent systems and control devices.

(a) * * *

(2) * * * The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this subpart for installation and startup. * * *

* * * * *

(k) * * *

(2) Closed-vent systems shall be monitored to determine compliance with this section during the initial leak detection monitoring, which shall be conducted by the date that the facility becomes subject to the provisions of this section, annually, and at other times as requested by the Regional Administrator. For the annual leak detection monitoring after the initial leak detection monitoring, the owner or operator is not required to monitor those closed-vent system components which continuously operate under negative pressure or those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

* * * * *

(m) The owner or operator using a carbon adsorption system shall document that all carbon removed that is a hazardous waste and that is removed from a carbon adsorption system used to comply with § 264.1033(g) and § 264.1033(h) is managed in one of

US EPA ARCHIVE DOCUMENT

the following manners, regardless of the volatile organic concentration of that carbon:

(1) Regenerated or reactivated in a thermal treatment unit for which the owner or operator has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of subpart X of this part;

(2) Incinerated in a hazardous waste incinerator for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of subpart O of this part; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 265, subpart O; or

(3) Burned in a boiler or industrial furnace for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 266, subpart H; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

* * * * *

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

§ 264.1082 [Amended]

6. In § 264.1082 paragraph (c)(2)(iii) is amended by revising "removal rate (MR) for the process is greater" to read "removal rate (MR) for the process is equal to or greater".

7. In § 264.1082 paragraph (d) is amended by revising "that is not a hazardous waste but has an average VO concentration equal to or greater than 100 ppmw shall" to read "that is a hazardous waste shall".

§ 264.1083 [Amended]

8. In § 264.1083 paragraph (a)(1) is amended by revising "placed in waste management units" to read "placed in a waste management unit".

US EPA ARCHIVE DOCUMENT

9. In § 264.1083 paragraph (b)(1) is amended by revising "placed in waste management units" to read "placed in a waste management unit".

10. Section 264.1084 is amended by adding the following sentence to the end of paragraph (b)(4), and revising paragraph (c) to read as follows:

§ 264.1084 Standards: Tanks.

* * * * *

(b) * * *

(4) * * * To be considered a pressure tank for the purpose of compliance with this subpart, a unit must operate with no detectable emissions during filling to design capacity and the subsequent compression of the vapor headspace.

* * * * *

(c) As an alternative to complying with paragraph (b) of this section, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in paragraph (c)(2) of this section when the hazardous waste is determined to meet the conditions specified in paragraph (c)(1) of this section.

(1) All of the following conditions shall be met at all times that hazardous waste is managed in the tank under normal process operations:

(i) The hazardous waste in the tank is neither mixed, stirred, agitated, nor circulated within the tank using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

(ii) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;

(iii) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and

(iv) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in

US EPA ARCHIVE DOCUMENT

§ 264.1083(c) of this subpart is less than the following applicable value:

(A) If the tank design capacity is equal to or greater than 151 m^3, then the maximum organic vapor pressure shall be less than 5.2 kPa;

(B) If the tank design capacity is equal to or greater than 75 m^3 but less than 151 m^3, then the maximum organic vapor pressure shall be less than 27.6 kPa; or

(C) If the tank design capacity is less than 75 m^3, then the maximum organic vapor pressure shall be less than 76.6 kPa.

(2) To comply with paragraph (c)(1) of this section, the owner or operator shall design, install, operate, and maintain a cover to meet the following requirements:

(i) The cover and all cover openings (e.g. access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

(ii) Each cover opening shall be secured in a closed, sealed position (e.g. covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in paragraphs (c)(2)(iii), (f)(1), and (f)(2) of this section.

(iii) One or more pressure relief devices which vent directly to the atmosphere may be used on the cover provided that each device remains in a closed, sealed position at all times except when tank operating conditions require that the device open for the purpose of preventing physical damage or permanent deformation of the tank or cover in accordance with good engineering design practices and the equipment manufacturer's recommendations. The device must be operated to minimize organic air emissions to the atmosphere to the extent practical, in consideration of good design and safety practices for handling hazardous materials. Examples of such devices include pressure-vacuum relief valves and conservation vents. Examples of tank operating conditions that may require the pressure relief device to open are filling and emptying of the tank, and internal pressure changes caused by diurnal temperature changes.

* * * * *

§ 264.1084 [Amended]

11. Section 264.1084(e) introductory text, is amended by revising "or other closed-systems, EPA considers a drain system

US EPA ARCHIVE DOCUMENT

that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a `closed systems'" to read "or other closed systems for the transfer of hazardous waste as described in paragraph (e)(1) or (e)(2) of this section. The EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a closed system."

§ 264.1085 [Amended]

12. In § 264.1085 paragraph (d) introductory text, is amended by revising "paragraph (b)(1)" to read "paragraph (b)".

13. In § 264.1085 paragraph (f) introductory text, is amended by revising "or other closed-systems, EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a `closed system'" to read "or other closed systems for the transfer of hazardous waste as described in paragraph (f)(1) or (f)(2) of this section. The EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a closed system."

§ 264.1086 [Amended]

14. Section 264.1086(b)(1) is amended by revising "as required by paragraph (b)(2) to read "in accordance with the requirements of paragraph (b)(2)".

15. Section 264.1086 is amended by revising paragraph (b)(2)(ii)(B), adding paragraph (b)(2)(ii)(C), revising paragraph (b)(3) and revising paragraph (c) introductory text, to read as follows:

§ 264.1086 Standards: Containers.

(b) * * *

(2) * * *

(ii) * * *

(B) The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or to direct airflow into the enclosure.

(C) The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as

US EPA ARCHIVE DOCUMENT

specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" in Appendix B of § 52.741.

* * * * *

(3) Transfer of the waste into or from a container shall be conducted in such a manner as to minimize waste exposure to the atmosphere to the extent practical, considering good engineering and safety practices for handling hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this paragraph include using a submerged-fill method to load liquids into the container; using a vapor-balancing or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; and transferring waste through a conveyance tube that is fitted to a container opening above the liquid level to splash-fill the material, and subsequently purging the conveyance tube with gas prior to removing it from the container opening.

(c) Each container opening shall be maintained in a closed, sealed position (e.g. covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to have the opening open during procedures to:

* * * * *

16. In § 264.1087 paragraph (c)(3)(ii) is revised to read as follows:

§ 264.1087 Standards: Closed-vent systems and control devices.

* * * * *

(c) * * *

(3) * * *

(ii) All carbon that is a hazardous waste and that is removed from the control device shall be managed in accordance with the requirements of § 264.1033(m) of this part, regardless of the VO concentration of the carbon.

* * * * *

17. Section 264.1088 is amended by revising paragraph (d) to read as follows:

§ 264.1088 Inspection and monitoring requirements.

US EPA ARCHIVE DOCUMENT

* * * * *

(d) Each control device used in accordance with the requirements of § 264.1087 of this subpart shall be inspected and monitored by the owner or operator in accordance with the procedures specified in § 264.1033(f)(2) and § 264.1033(i) of this part. The readings from each monitoring device required by § 264.1033(f)(2) shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures should be immediately implemented to ensure the control device is operated in compliance with the requirements of § 264.1087 of this subpart.

* * * * *

§ 264.1089 [Amended]

18. Section 264.1089(a)(1) is amended by revising "40 CFR 265.1091(c)" to read "40 CFR 265.1091(a)".

19. Section 264.1089(e) is amended by revising "§ 264.1082(c)(2)(v) or § 264.1082(c)(2)(vi)" to read § 264.1082(c)(2)(vi) or § 264.1082(c)(2)(vii)".

§ 264.1090 [Amended]

20. Section 264.1090(a) is amended by revising "reoccurrence" to read "recurrence".

21. Section 264.1090 is amended by revising the second sentence of paragraph (c) and by revising paragraph (d) to read as follows:

§ 264.1090 Reporting requirements.

(a) * * *

(c) * * * The report shall describe each occurrence during the previous 6-month period when either:

(1) A control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in § 264.1035(c)(4); or

(2) A flare is operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in § 264.1033(d).* * *

(d) A report to the Regional Administrator in accordance with the requirements of paragraph (c) of this section is not required for a 6-month period during which all control devices

US EPA ARCHIVE DOCUMENT

subject to this subpart are operated by the owner or operator such that:

(1) During no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in § 264.1035(c)(4); and

(2) No flare was operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in § 264.1033(d).

22. Section 264.1091 is amended by adding paragraph (a)(3) to read as follows:

§ 264.1091 Alternative control requirements for tanks.

(a) * * *

(3) The owner or operator may elect to comply with § 264.1084 (b)(2) or (b)(3) of this subpart using an alternative means of emission limitation as specified in 40 CFR 265.1091(a)(3).

* * * * *

PART 265 -- INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

23. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

Subpart B -- General Facility Standards

24. Section 265.13 is amended by revising paragraph (b)(8)(i) and (ii) to read as follows:

§ 265.13 General waste analysis.

* * * * *

(b) * * *

(8) * * *

(i) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

US EPA ARCHIVE DOCUMENT

(ii) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

Subpart AA -- Air Emission Standards for Process Vents

25. In § 265.1033 the second sentence of paragraph (a)(2) is amended, paragraph (j)(2) is revised, and paragraph (l) is revised to read as follows:

§ 265.1033 Standards: Closed-vent systems and control devices.

* * * * *

(a) * * *

(2) * * * The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this subpart for installation and startup. * * *

* * * * *

(j) * * *

(2) Closed-vent systems shall be monitored to determine compliance with this section during the initial leak detection monitoring, which shall be conducted by the date that the facility becomes subject to the provisions of this section, annually, and at other times as requested by the Regional Administrator. For the annual leak detection monitoring after the initial leak detection monitoring, the closed-vent system components which continuously operate under negative pressure or those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

* * * * *

(l) The owner or operator using a carbon adsorption system shall document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

(1) Regenerated or reactivated in a thermal treatment unit for which the owner or operator has been issued a final permit

US EPA ARCHIVE DOCUMENT

under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 264 subpart X;

(2) Incinerated in a hazardous waste incinerator for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 264 subpart O; or

(ii) Has certified compliance with the interim status requirements of subpart O of this part; or

(3) Burned in a boiler or industrial furnace for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 266, subpart H; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

* * * * *

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

26. Section 265.1081 is amended by revising the definition of "Cover", and adding a definition for "Enclosure" to read as follows:

§ 265.1081 Definitions.

* * * * *

"Cover" means a device or system which is placed on or over a hazardous waste to create an air-tight barrier between the entire hazardous waste surface area and the space surrounding the unit, such that air emissions to the atmosphere are reduced. A cover may have openings such as access hatches, sampling ports, and gauge wells that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is installed provided that each opening is closed and sealed when not in use. Examples of covers include a fixed roof installed on a tank, a floating membrane cover installed on a surface impoundment, and a lid installed on a drum.

"Enclosure" means a structure that: (1) Surrounds a hazardous waste management unit, captures organic vapors emitted

US EPA ARCHIVE DOCUMENT

from that unit, and vents the vapors through a closed vent system to a control device; and (2) is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" in Appendix B of § 52.741.

§ 265.1081 [Amended]

27. In § 265.1081, the definition of "Waste determination" is amended by revising "determining the organic reduction efficiency" to read "the organic reduction efficiency" and the definition of "Waste stabilization process" is amended by adding the sentence "This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid." to the end of the definition.

* * * * *

§ 265.1083 [Amended]

28. In § 265.1083 paragraph (c)(2)(iii) is amended by revising "removal rate (MR) for the process is greater" to read "removal rate (MR) for the process is equal to or greater".

§ 265.1083 [Amended]

29. In § 265.1083 paragraph (d) is amended by revising "that is not a hazardous waste but has an average VO concentration equal to or greater than 100 ppmw shall" to read "that is a hazardous waste shall".

30. Section 265.1084 is amended by adding paragraph (a)(2)(iii), revising paragraph (a)(5)(iv), introductory text, revising the equation and the first definition in paragraph (a)(5)(v)(C), adding paragraph (b)(2)(iii), revising paragraph (b)(4)(iv), introductory text, revising the first sentence of paragraph (b)(6)(iii)(B), revising the definitions of Q_{aj} and C_{bj} in paragraph (b)(6)(iv), and revising the first sentence of paragraph (c)(3)(i) to read as follows:

§ 265.1084 Waste determination procedures.

(a) * * *

(2) * * *

(iii) When the hazardous waste is generated as part of a batch process that is not performed repeatedly, the owner or

US EPA ARCHIVE DOCUMENT

operator shall perform a waste determination of the VO concentration of the waste in the batch. The result of this waste determination is the average VO concentration for that waste.

* * * * *

(5) * * *

(iv) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in paragraph (a)(5)(iii) of this section:

* * * * *

(v) * * *

(C) * * *

$$\overline{C} = \frac{1}{Q_T} X \sum_{j=1}^{m} (Q_j X C_j)$$

where:

$\overline{C}$ = Average VO concentration of the hazardous waste, at the point of waste origination, ppmw.

* * * * *

(b) * * *

(2) * * *

(iii) When the hazardous waste is treated by a batch process that is not performed repeatedly, the owner or operator shall perform a waste determination for the treated waste in the batch. The result of this waste determination is the average VO concentration for that waste.

* * * * *

(4) * * *

(iv) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in paragraph (b)(4)(iii) of this section:

* * * * *

US EPA ARCHIVE DOCUMENT

(6) * * *

(iii) * * *

(B) The VO concentration of each hazardous waste stream entering the process (C_b) during the run shall be measured in accordance with the requirements of paragraph (a)(5)(iv) of this section. * * *

(iv) * * *

Q_{aj} = Mass quantity of hazardous waste exiting process during run "j", kg/hr. * * *

C_{bj} = Measured VO concentration of hazardous waste entering process during run "j" as determined in accordance with the requirements of § 265.1084(a)(5)(iv), ppmw.

* * * * *

(c) * * *

(3) * * *

(i) Unless otherwise specified in the methods referenced in paragraphs (c)(3)(ii) (A) through (E) of this section, a sufficient number of samples, but no less than three samples, shall be collected to represent the waste contained in the tank.* * *

* * * * *

31. Section 265.1085 is amended by adding the following sentence to the end of paragraph (b)(4) and revising paragraph (c) to read as follows:

§ 265.1085 Standards: Tanks.

* * * * *

(b) * * *

(4) * * * To be considered a pressure tank for the purpose of compliance with this subpart, a unit must operate with no detectable emissions during filling to design capacity and the subsequent compression of the vapor headspace.

(c) As an alternative to complying with paragraph (b) of this section, an owner or operator may place hazardous waste in a

US EPA ARCHIVE DOCUMENT

tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in paragraph (c)(2) of this section when the hazardous waste is determined to meet the conditions specified in paragraph (c)(1) of this section.

(1) All of the following conditions shall be met at all times that hazardous waste is managed in the tank, during normal process operations:

(i) The hazardous waste in the tank is neither mixed, stirred, agitated, nor circulated within the tank using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

(ii) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;

(iii) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and

(iv) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in § 265.1084(c) of this subpart is less than the following applicable value:

(A) If the tank design capacity is equal to or greater than 151 m^3, then the maximum organic vapor pressure shall be less than 5.2 kPa;

(B) If the tank design capacity is equal to or greater than 75 m^3 but less than 151 m^3, then the maximum organic vapor pressure shall be less than 27.6 kPa; or

(C) If the tank design capacity is less than 75 m^3, then the maximum organic vapor pressure shall be less than 76.6 kPa.

(2) To comply with paragraph (c)(1) of this section, the owner or operator shall design, install, operate, and maintain a cover to meet the following requirements:

(i) The cover and all cover openings (e.g. access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

US EPA ARCHIVE DOCUMENT

(ii) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in paragraphs (c)(2)(iii), (f)(1), and (f)(2) of this section.

(iii) One or more pressure relief devices which vent directly to the atmosphere may be used on the cover provided that each device remains in a closed, sealed position at all times except when tank operating conditions require that the device open for the purpose of preventing physical damage or permanent deformation of the tank or cover in accordance with good engineering design practices and manufacturers recommendations. The device must be operated to minimize organic air emissions to the atmosphere to the extent practical, in consideration of good design and safety practices for handling hazardous materials. Examples of such devices include pressure-vacuum relief valves and conservation vents. Examples of tank operating conditions that may require the pressure relief device to open are filling and emptying of the tank, and internal pressure changes caused by diurnal temperature changes.

* * * * *

§ 265.1086 [Amended]

32. Section 265.1086(d) is amended by revising "paragraph (b)(1)" to read "paragraph (b)".

§ 265.1087 [Amended]

33. Section 265.1087(b)(1) is amended by revising "as required by paragraph (b)(2)" to read "in accordance with the requirements of paragraph (b)(2)".

34. Section 265.1087 is amended by revising paragraph (b)(2)(ii)(B), adding paragraph (b)(2)(ii)(C), revising paragraph (b)(3) and revising paragraph (c), introductory text, to read as follows:

§ 265.1087 Standards: Containers.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

US EPA ARCHIVE DOCUMENT

(B) The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or to direct airflow into the enclosure.

(C) The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent of Temporary Total Enclosure" in Appendix B of Section 52.741.

* * * * *

(3) Transfer of the waste into or from a container shall be conducted in such a manner as to minimize waste exposure to the atmosphere to the extent practical, considering good engineering and safety practices for handling hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this paragraph include using a submerged-fill method to load liquids into the container; using a vapor-balancing or a vapor-recover system to collect and control the vapors displaced from the container during filling operations; and transferring waste through a conveyance tube that is fitted to a container opening above the liquid level to splash-fill the material, and subsequently purging the conveyance tube with gas prior to removing it from the container opening.

(c) Each container opening shall be maintained in a closed, sealed position (e.g. covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to have the opening open during procedures to:

* * * * *

35. In § 265.1088 paragraph (c)(3)(ii) is revised to read as follows:

§ 265.1088 Standards: Closed-vent systems and control devices.

* * * * *

(c) * * *

(3) * * *

(ii) All carbon that is a hazardous waste and that is removed from the control device shall be managed in accordance with the requirements of § 264.1033(m) of this part, regardless of the VO concentration of the carbon.

US EPA ARCHIVE DOCUMENT

* * * * *

36. In § 265.1089 paragraph (d) is revised to read as follows:

§ 265.1089 Inspection and monitoring requirements.

* * * * *

(d) Each control device used in accordance with the requirements of § 265.1088 of this subpart shall be inspected and monitored by the owner or operator in accordance with the procedures specified in § 265.1033(f)(2). The readings from each monitoring device required by § 265.1033(f)(2) shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures should be immediately implemented to ensure the control device is operated in compliance with the requirements of § 265.1088 of this subpart.

* * * * *

§ 265.1090 [Amended]

37. Section 265.1090(a)(1) is amended by revising "as listed in § 265.1091(c)" to read "as listed in § 265.1091(a)".

§ 265.1090 [Amended]

38. Section 265.1090(e) is amended by revising "in accordance with § 265.1083(c)(2)(vi) or § 265.1083(c)(2)(v)" to read "in accordance with § 265.1083(c)(2)(vi) or § 265.1083(c)(2)(vii)".

39. In § 265.1091 paragraph (a)(1)(i) is revised to read as follows:

§ 265.1091 Alternative tank control requirements.

(a) * * *

(1) * * *

(i) The fixed roof shall comply with the requirements of § 265.1085(d)(1) of this subpart. The internal floating roof shall rest or float on the waste surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof. The internal floating roof shall be floating on the waste surface at all times, except during initial fill and during those intervals when the tank is completely emptied or subsequently

US EPA ARCHIVE DOCUMENT

emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be as continuous as possible, based on the amount of waste and the nature of the waste handling operation, and shall be accomplished as rapidly as possible.

* * * * *

PART 270 -- EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE MANAGEMENT PROGRAM

40. The authority citation for Part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6925, 6927, 6939, and 6974.

Subpart B -- Permit Application

§ 270.27 [Amended]

41. Section 270.27(a)(1) is amended by revising "as listed in § 265.1091(c)" to read "as listed in § 265.1091(a)".

§ 270.27 [Amended]

42. Section 270.27(a)(3) is amended by revising "the specification listed in § 265.1087(b)(2)(ii)" to read "the specifications listed in § 264.1086(b)(2)(ii)."

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