

US EPA ARCHIVE DOCUMENT

## Revision Checklist 154 Summary

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

**Checklist Title:** Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers

**Reference:** 59 FR 62896-62953, 60 FR 26828-26829, 60 FR 50426-50430, 60 FR 56952-56954, 61 FR 4903-4916, 61 FR 28508-28511, and 61 FR 59932-59997

**Promulgation Date:** December 6, 1994; May 19, 1995; September 29, 1995; November 13, 1995; February 9, 1996; June 5, 1996; and November 25, 1996

**Effective Date:** December 6, 1996

**Cluster:** RCRA Cluster VII

**Provision Type:** HSWA

**Linkage:** Revision Checklists 79, 87, 163 and 177

**Optional:** No

**Summary:** These rules complete the second phase of EPA's regulatory development to implement the Congressional directive under RCRA §3004(n) to promulgate RCRA air standards that control organic emissions. The first phase (Revision Checklists 79 and 87) addressed controlling organic emissions vented from certain hazardous waste treatment processes (i.e., distillation, fractionation, thin-film evaporation, solvent extraction, steam stripping, and air stripping), as well as from leaks in certain ancillary equipment used for hazardous waste management processes.

On December 6, 1994, EPA promulgated air standards that will further reduce organic emissions from hazardous waste management activities. (These standards are known colloquially as the "subpart CC standards" due to their inclusion in subpart CC of Parts 264 and 265.) The December 6, 1994 rule contains air standards to reduce organic emissions from tanks, surface impoundments, containers and miscellaneous units managing particular types of hazardous waste. In addition, the December 6, 1994 final rule establishes a new EPA reference test method (Method 25E) to determine the organic vapor pressure of a waste. The December 6, 1994 rule added air emission control requirements for hazardous waste generators accumulating waste on-site in RCRA permit-exempt tanks and containers as per the requirements at 262.34. The initial effective date for the subpart CC standards was June 5, 1995.

On May 19, 1995, EPA published a notice of postponed effective date. The effective date of the December 6, 1994 final rule was postponed until December 6, 1995.

On September 29, 1995, EPA issued a stay subject to conditions for air standards applicable to TSDFs. The stay is applicable to tanks and containers used for the management of certain hazardous wastes generated by organic peroxide manufacturing processes. Certain organic peroxide

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manufacturing wastes are inherently unstable and cannot safely be confined in closed units or systems. EPA believes that the administrative stay for this waste is needed, because the promulgated regulations could (in limited circumstances) make it more dangerous to manage the waste. Therefore, this stay is not optional.

On November 13, 1995, EPA further postponed the effective date of the subpart CC requirements. The effective date of December 6, 1995 was postponed until June 6, 1996.

On February 9, 1996, EPA published clarifying amendments in the regulatory text of the final standards, corrected typographical and grammatical errors, and clarified certain language in the preamble to the December 6, 1994 final rule.

The June 5, 1996, Federal Register article postponed the effective date of the December 6, 1994 final rule for a third time. The effective date was postponed until October 6, 1996.

On November 25, 1996, EPA amended and clarified the regulatory text of the final standards, clarified certain language in the preamble to the December 6, 1994 final rule, and in doing so provided additional options for compliance that give owners and operators increased flexibility in meeting the requirements of the rules while still providing sufficient controls to be protective of human health and the environment. In addition, the rule suspended the applicability and implementation of subpart CC of Parts 264 and 265 from October 6, 1996 to December 6, 1996.

On December 8, 1997, EPA published a final set of technical amendments to the rules. The preamble to those amendments also interprets certain provisions of the rule. These subpart CC rule technical amendments became effective as of December 8, 1997. The technical amendments are not incorporated into the attached checklist, but will be in a future checklist.

**State Authorization:** This rule is placed in RCRA Cluster VII based on the promulgation date of the most recent of the amendments, excluding the December 8, 1997 technical amendments. The State modification deadline is July 1, 1998 (or July 1, 1999, if a State statutory change is necessary). All changes go into effect in all states on December 6, 1996, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available. Interim authorization expires January 1, 2003.

The State Revision Application must include applicable regulations, AG statement addendum, Revision Checklist 154, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional Office.

**Attorney General's Statement Entry:** The following entry should be placed at Subsection XV (W) in the Model Revision Attorney General's Statement.

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W. State statutes and regulations provide for organic air emission standards for tanks, surface impoundments and containers and provide that air emission control requirements be added to the permit terms and provisions specified for miscellaneous units as specified in Revision Checklist 154.

Federal Authority: RCRA § 3004(n); 40 CFR 60 Appendix A, 260, 261, 262, 264, 265, and 270 as amended December 6, 1994 (59 FR 62896); May 19, 1995 (60 FR 26828); September 29, 1995 (60 FR 50426); November 13, 1995 (60 FR 56952); February 9, 1996 (61 FR 4903); June 5, 1996 (61 FR 28508); and November 25, 1996 (61 FR 59932)

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

**Incorporation by Reference:**

EPA strongly encourages States to adopt the Subpart CC requirements as reflected on this consolidated revision checklist. States incorporating the Federal regulations by reference should be aware that five of the seven rules for the Subpart CC standards were promulgated after June 30, 1995.

States choosing to incorporate the Federal regulations through June 30, 1995, should add the September 29, 1995 rule; the November 13, 1995 rule; the February 9, 1996 rule; the June 5, 1996 rule; and the November 25, 1996 rule to their incorporation by reference in order to completely adopt Revision Checklist 154.

If the State incorporates the Federal regulations through June 30, 1996, only the last of the rules for the Subpart CC standards (the November 25, 1996 final rule) need be added to the incorporation by reference in order to completely adopt Revision Checklist 154.

Note that the provisions at 265.1083(c)(4)(ii), which were added by the November 5, 1996 rule, reference §268.42(b) which is not delegable to States. Thus, a State should not replace the reference to EPA approval under §268.42(b) with its analogous State terms when adopting or incorporating by reference these provisions.

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