



## FACT SHEET

Division of Materials and Waste Management  
September 11, 2013

### Early Stakeholder Outreach — RCRA Subparts AA, BB & CC

*Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.*

#### What are RCRA Subparts AA, BB & CC?

Section 3004(n) was added to the Resource Conservation and Recovery Act (RCRA) as a part of the Hazardous and Solid Waste Amendments in 1984, and directed U.S. EPA to promulgate rules for the monitoring and control of organic air emissions at hazardous waste facilities. These rules, found at 40 CFR (Code of Federal Regulations) 264.1030-1090 and 265.1030-1090, are commonly referred to as RCRA Subparts AA, BB, and CC. U.S. EPA Region 5 has administered the RCRA Subparts AA, BB and CC program in Ohio since the rules were promulgated in the 1990s.

#### What changes are occurring?

Ohio EPA is preparing to adopt rules in order to assume responsibility for the RCRA Subparts AA, BB and CC program. When Ohio Senate Bill 294 became effective on September 5, 2012, Ohio EPA gained authority to adopt and implement the rules. The Ohio rules must be equivalent to the federal rules, which means that federal rule language will be modified only in order to make Ohio-specific references and to address Ohio-specific requirements. Existing Ohio EPA rules will be amended in order to address the new requirements.

New and amended rules will be presented as the "Set M" rules package, and will affect Chapters 3745-50 to 3745-279 of the Ohio Administrative Code. A list of the Set M rules will be provided later in the rulemaking process, likely when the Interested Parties draft rules are released for review.

As a condition of Ohio EPA's federally authorized state hazardous waste program, Ohio EPA must adopt equivalent rules and administer the RCRA Subparts AA, BB and CC program in Ohio. The primary change will be that Ohio EPA will take over U.S. EPA's role in permitting and conducting compliance inspections.

#### Who is regulated by these rules?

Certain hazardous waste treatment, storage and disposal facilities (TSDFs) and large quantity generators (LQGs) of hazardous waste are subject to these rules. The rules address air emissions from tanks, containers, surface impoundments, and process equipment that are used in the management of organic hazardous waste. Refer to **Table 1** for more detail.

#### How can I provide input?

Ohio EPA is seeking stakeholder input on the concept of adopting Ohio rules like the federal RCRA Subpart AA, BB, CC rules. When preparing your comments, be sure to:

- explain your views as clearly as possible;
- describe any assumptions used;
- provide any technical information and/or data used to support your views;
- explain how you arrived at your estimate for potential burdens, benefits or costs;
- provide specific examples to illustrate your views; and
- offer alternatives.

Written comments will be accepted through close of business November 12, 2013. **Please submit input to:**

Kit Arthur, Hazardous Waste Rules Coordinator  
Ohio EPA, DMWM  
P.O. Box 1049  
Columbus, OH 43216  
[kit.arthur@epa.state.oh.us](mailto:kit.arthur@epa.state.oh.us)

#### What if I have questions?

Please contact Brad Hauser at 614/644-1694 or [brad.hauser@epa.state.oh.us](mailto:brad.hauser@epa.state.oh.us) or contact Karen Hale at 614/644-2927 or [karen.hale@epa.state.oh.us](mailto:karen.hale@epa.state.oh.us).

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### What is the anticipated rulemaking schedule?

Early stakeholder input will be accepted until November 12, 2013. Interested parties will have an opportunity to comment on the draft rules that likely will be ready in the Spring of 2014. The Ohio rules are anticipated to be proposed in the Summer of 2014, and should become effective in the Fall of 2014.

### What input is the Agency seeking?

Facilities who will be subject to the Ohio version of these rules have been complying with the RCRA Subparts AA, BB and CC rules since the 1990s and have been inspected and permitted by U.S. EPA. In recognition of the fact that the Ohio EPA rules must be equivalent to the federal rules, Ohio EPA is interested in your answers to the following questions:

- How does your facility maintain compliance with the rules (e.g. employ a consultant, dedicate a specific staff position, etc.)?
- What aspects of U.S. EPA's AA, BB and CC program have or have not worked well?
- Does your facility take advantage of the 40 CFR Part 60, 61 or 63 exemptions?
- Please provide an estimate in dollars of the cost of compliance with these rules in the following categories: personnel costs, new equipment or other capital costs, operating costs, and indirect central service costs.
- Are there any considerations the Agency should take into account when developing a specific concept?
- Is there any information or data the Agency should be aware of when developing program concepts?
- Will having Ohio EPA assume this regulatory program have a positive impact on your business? Please explain how.
- Will having Ohio EPA assume this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).

## Early Stakeholder Outreach — RCRA Subparts AA, BB & CC

Table 1. General overview of RCRA Subparts AA, BB & CC rules

	Subpart AA	Subpart BB	Subpart CC
<b>Promulgated</b>	6/21/1990	6/21/1990	12/6/1994
<b>Who is regulated?</b>	TSDFs, LQGs (LQGs rarely regulated, due to recycling provisions)	TSDFs, LQGs (40 CFR 265.1(c)(7), 40 CFR 262.34)	TSDFs, LQGs
<b>What is regulated?</b>	Process vents associated with HW distillation, fractionation, thin-film evaporation, solvent extraction, or air/steam stripping operations	HW equipment (valves, flanges, pumps, etc.) not operated in vacuum service.	HW containers > .1m <sup>3</sup> (appx. 26 gal), tanks, and surface impoundments that hold waste placed in the unit on or after 12/6/1996, not undergoing closure, and not solely for on-site remedial treatment
<b>When do regulations apply?</b>	≥10 ppmw organic concentration (time-weighted annual average)	≥10% total organics (by weight) in contact/containing for ≥300 hours/calendar year	≥500 ppmw average VO concentration at point of origination
<b>Standard</b>	Reduce total organic emissions from all regulated process vents to below 3 lbs/hr and 3.1 tons/year, or reduce emissions (through control device) from all regulated process vents by 95%. Maintain documentation.	Monitor for and repair equipment leaks. LDAR (leak detection and repair). Maintain documentation.	Controls in place or sufficient VO reduction through treatment. Maintain documentation.
<b>Cross-program exemptions</b>	All process vents are operating under Clean Air Act regulation at 40 CFR 60, 61, or 63	Documentation of compliance with regulations at 40 CFR 60, 61, or 63	HWMU operating emission control under Clean Air Act regulation at 40 CFR 60, 61, or 63
<b>Misc. exemptions</b>	Closed-vent systems designated unsafe to monitor (delay in monitoring frequency)	Equipment designated unsafe or difficult to monitor (delay in monitoring frequency)	Organic peroxide production waste (special requirements). Satellite accumulation.