



U.S. Environmental Protection Agency

Applicability Determination Index

Control Number: Z000006

Category: NESHAP
EPA Office: Region 4
Date: 09/28/2000
Title: Treatment and Control Requirements for TSD Facilities
Recipient: Carl Richardson
Author: R. Douglas Neeley

Subparts: Part 61, FF, Benzene Waste Operations

References: 61.340
61.342

Abstract:

Q: Although the annual quantity of benzene managed at a treatment, storage, and disposal (TSD) facility does not exceed 10 Mg, the TSD facility receives waste from facilities described in Sec. 61.340 which do generate an annual quantity of benzene greater than 10 Mg and are subject to Subpart FF. Will the treatment requirements in Sec. 61.342(c)(1)(i) and the control requirements in Sec. 61.342(c)(1)(ii) apply to the TSD facility?

A: Yes. A TSD facility is subject to the treatment and control requirements in Sec. 61.342(c)(1)(i) and (ii) if the total annual benzene (TAB) quantity received on-site is greater than or equal to 10 Mg per year, or if the TSD facility receives waste from any facility listed in Sec. 61.340(a) whose TAB exceeds 10 Mg.

Letter:

September 28, 2000

4APT-ARB

Mr. Carl W. Richardson, P.E.
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

SUBJ: National Emission Standards for Hazardous Air Pollutants, Subpart FF

Dear Mr. Richardson:

We have received your September 8, 2000, letter requesting an applicability determination regarding National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart FF (National Emission Standard for Benzene Waste Operations). In particular, clarification has been requested concerning the treatment and control requirements specified in Sec. 61.342(c)(1)(i) and (ii) as they relate to the Safety-Kleen Systems, Inc., treatment, storage, and disposal (TSD) facility in Holly Hill, South Carolina. The letter indicates that the annual quantity of benzene managed at the Safety-Kleen TSD facility does not exceed 10 Mg. However, the TSD facility receives waste from facilities described in Sec. 61.340 which do generate an annual quantity of benzene greater than 10 Mg and are subject to Subpart FF. Safety-Kleen contends that both the treatment requirements of Sec. 61.342(c)(1)(i) and the control requirements of Sec. 61.342(c)(1)(ii) apply to its facility if either the total annual benzene (TAB) received on-site exceeds 10 Mg/yr or if the facility receives waste from a generator whose TAB exceeds 10 Mg. Based on our review of the regulation, we concur that the requirements of Subpart FF specified in Sec. 61.342(c)(1)(i) and (ii) are applicable to the Safety-Kleen facility. A TSD facility will be subject to Subpart FF if the TAB quantity received on-site is greater than or equal to 10 Mg per year, or if the TSD facility receives waste from any facility listed in Sec. 61.340(a) whose TAB exceeds 10 Mg.

As indicated in Sec. 61.340(a), the Subpart FF regulation applies to owners and operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. The regulation at Sec. 61.340(b) indicates that Subpart FF also applies to owners and operators of hazardous waste treatment, storage, and disposal facilities that treat, store, or dispose of hazardous waste generated by any facility list in Sec. 61.340(a). A "facility" is defined in Sec. 61.341 as all process units and product tanks that generate waste within a stationary source, and all waste management units that are used for waste treatment, storage, or disposal within a stationary source. As stated in Sec. 61.342 (Standards, General), an owner or operator of a facility at which the TAB quantity from facility waste is less than 10 Mg per year shall be exempt from the requirements of Sec. 61.342(b) and (c).

Clarification is provided in Sec. 61.342(f) concerning the requirements for facilities which transfer waste to TSD facilities and the requirements for TSD facilities. As indicated in Sec. 61.342(f), instead of treating the waste onsite a facility owner or operator may comply with the treatment requirements in Sec. 61.342(c)(1)(i) by transferring the waste offsite to another facility where the waste is treated in accordance with Sec. 61.342(c)(1)(i). The facility owner transferring the waste must still comply with the control requirements specified in Secs. 61.343 through 61.347 for each waste management unit that receives or manages the waste prior to shipment of the waste offsite (Sec. 61.342(f)(1)). The facility owner transferring the waste must also include with each offsite waste shipment a notice stating that the waste contains benzene which is required to be managed and treated in accordance with the provisions of Subpart FF (Sec. 61.342(f)(2)). Therefore, a TSD facility which accepts waste from a Sec. 61.340(a) facility which has a TAB quantity of greater than or equal to 10 Mg must meet the same treatment and control requirements under Subpart FF which the Sec. 61.340(a) facility would be required to meet. This applies even if the TSD facility itself has a TAB quantity of less than 10 Mg. The Subpart FF regulation does not exempt TSD facilities from any requirements of the regulation, including Sec. 61.342(c)(1)(ii) which requires compliance with the control requirements of Secs. 61.343 through 61.347. If a TSD facility receives waste from Sec. 61.340(a) facilities which have TAB quantities of less than 10 Mg, the TSD facility would be required to calculate its own TAB to determine if it is greater than or equal to 10 Mg. If the TSD has a TAB of 10 Mg or greater, it will be required to comply with the Subpart FF treatment and control requirements.

If there are any questions regarding this letter, please contact Keith Goff of the EPA Region 4 staff at (404)562-9137.

Sincerely,

R. Douglas Neeley
Chief
Air and Radiation Technology Branch Air, Pesticides and Toxics Management Division