



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: PA03

Category: NESHAP
EPA Office:
Date: 03/06/1992
Title: Unopened Containers
Recipient: Kuhn, Scott
Author: Lucas, Robert B.

Subparts: Part 61, FF, Benzene Waste Operations

References: 61.340
61.342(e)(2)
61.345
61.345(a)(1)(i)
61.355(a)

Abstract:

Does the amount of benzene in unopened waste containers count in the determination of total annual benzene quantity?

Benzene in all waste counts towards the TAB. However, covered containers are in compliance pending annual monitoring of no detectable emissions.

Letter:

March 6, 1992

Mr. Scott Kuhn
Corporate Compliance Manager
Laidlaw Environmental Services, Inc.
P.O. Box 210799
Columbia, SC 29221

Dear Mr. Kuhn:

I am writing in response to your letter of November 18, 1991 in which you requested clarification on the applicability of the benzene waste operations NESHAP (40 CFR Part 61, Subpart FF) to storage and transfer facilities. Your questions concerned the application of the NESHAP to containers that are not opened at storage/transfer facilities. Your specific questions and my responses are presented below:

Question: Are containers which are not opened at the facility required to be counted as part of the total annual benzene quantity from facility waste determination (61.355(a))?

Response: The benzene in all wastes received from petroleum refineries, chemical plants, and coke by-product plants should be included in the determination of total annual benzene quantity (TAB) for the facility. If the facility's TAB is equal to or greater than 10 megagrams per year (Mg/yr), then all waste management units at the facility in which these wastes are managed are subject to the control requirements of the rule. The management of wastes in covered containers as you described would be in compliance with the standards for containers (.61.345), provided that annual monitoring was done to demonstrate no detectable emissions as specified in 61.345(a)(1)(i).

Question: Are these containers subject to the container standards of 61.345?

Response: A container at a transfer/storage facility would be subject to the control requirements in 61.345 if either of the following conditions exists: 1) the facility has a TAB equal to or greater than 10 Mg/yr based on the wastes received from petroleum refineries, chemical plants, and coke by-product plants and the waste in the container does not qualify for any of the exemptions in the rule; or 2) the generator of the waste notifies your facility that the waste must be controlled to meet Subpart FF as required by 61.342(e)(2) if a generator ships offsite a waste that would have had to be controlled at the generator site.

Please note that these responses represent the opinion of my office based on the general information supplied in your letter. Final determinations on the applicability of Subpart FF to facilities in South Carolina should be obtained from the EPA Region IV Office in Atlanta.

Sincerely yours,

Robert B. Lucas
Chemicals and Petroleum Branch

cc: Daniel Couturier (EN-341W)
K.C. Hustvedt (MD-13)