

exposure. After the toxics become airborne and then fall back to the earth, they are taken up by crops, animals and fish that are consumed by humans. Toxics enter the body through these routes and are accumulated over time and they have the potential to become highly concentrated in human fatty tissue and breast milk.

## 2.4 Other EPA Air Rules

*Additional information regarding the interrelationship between the RCRA Air Emission regulations and the CAA can be found in [CAA and RCRA Overlap Provisions in Subparts AA, BB, and CC of 40 CFR Parts 264 and 264](#)*

Because the RCRA air emissions standards promulgated in Subparts AA, BB and CC apply to some of the same emissions sources that are subject to regulations established pursuant to the Clean Air Act (CAA), the potential exists for some overlap between the RCRA air rules and the CAA rules. In recognition of this potential overlap, Section 1006(b) of the Resource Conservation and Recovery Act (RCRA) requires that air standards issued under RCRA be consistent with and not duplicative of CAA standards. Similarly, the CAA voices a strong preference for consistency of CAA standards and RCRA standards. As a result, EPA has added a provision in the RCRA air rules that exempts any hazardous waste management unit from the RCRA rules that the owner or operator certifies is equipped with and operating air emission controls in accordance with an applicable CAA regulation codified in 40 CFR Part 60, Part 61, or Part 63. In order to provide environmental managers with a good understanding of these air regulations so they are able to determine if this exemption applies to their facility, each of these different type of air rules is discussed below.

Regulations codified in 40 CFR Part 60 are referred to as New Source Performance Standards (NSPS) and are promulgated under the authority of Section 111 of the CAA. These emission standards regulate pollutants for which EPA has established National Ambient Air Quality Standards (NAAQS). These pollutants include particulate matter, sulfur dioxide, nitrogen dioxide, ozone, carbon monoxide, and lead and are referred to as “criteria pollutants.” Because ozone is formed from volatile organic compounds (VOCs) interacting with sunlight and nitrogen dioxide, VOC emissions are regulated in order to reduce ambient levels of ozone.

NSPS have been developed for over 50 source categories and apply to any facility in a regulated source category that is a new or modified facility. These NSPS require that any new or modified source apply the best demonstrated technology prior to construction or modification. Although attainment of the NAAQS is to be accomplished principally through control



measures adopted by States, the emissions reductions obtained from the NSPS assist in the attainment and maintenance of the NAAQS in those areas in which such sources are located.

*The Code of Federal Regulations (CFR) Parts, 60, 61 and 63 can be accessed via the internet at <http://www.epa.gov/epacfr40/chapt-I.info/chi-toc.htm>*

Examples of NSPS that regulate sources that could also be subject to the air rules promulgated under RCRA include the NSPS for VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes (40 CFR Part 60, Subpart RRR), the NSPS for VOC Emissions from SOCMI Distillation Operations (40 CFR Part 60, Subpart NNN), the NSPS for VOC Emissions from SOCMI Air Oxidation Unit Processes (40 CFR Part 60, Subpart III), and the NSPS for Equipment Leaks of VOC in SOCMI (40 CFR Part 60, Subpart VV).

Regulations codified in 40 CFR Part 61 are referred to as National Emission Standards for Hazardous Air Pollutants (NESHAPs) and are promulgated under Section 112 of the CAA. Section 112 requires EPA to establish emission standards for hazardous air pollutants at the level which in EPA's judgement provides an ample margin of safety to protect the public from the health effects of the hazardous air pollutants. A hazardous air pollutant is defined as an air pollutant for which no NAAQS is applicable and which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. To date, EPA has promulgated NESHAPs for only seven pollutants (asbestos, arsenic, beryllium, benzene, mercury, vinyl chloride, and radon) from a variety of different source categories.

NESHAPs apply to new, modified and existing sources. Examples of NESHAPs that regulate sources that could also be subject to the air rules promulgated under RCRA include the NESHAP for Equipment Leaks (40 CFR Part 61, Subpart V), and the NESHAP for Benzene Waste Operations (40 CFR Part 61, Subpart FF).

EPA's record in developing NESHAPs stemmed from the fact that it is very difficult to establish what level of control represents an ample margin of safety. Congress addressed this issue in the Clean Air Act Amendments of 1990 (CAAA) by listing 189 hazardous air pollutants and requiring EPA to develop a list of source categories which emit these pollutants. EPA must promulgate emissions standards for all these source categories such that 25 percent are regulated within two years of the CAAA; an additional 25 percent within four years, an additional 25 percent within seven years and the remaining

## **RCRA SUBPARTS AA, BB AND CC REGULATIONS BODY OF KNOWLEDGE**

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source categories within 10 years of promulgation of the CAAA. The standards that have been developed to regulate these source categories are also referred to as NESHAPs. However, these NESHAPs are codified in 40 CFR Part 63 and are based upon the maximum degree of emissions reductions in new and existing sources. The control technology that represents the maximum degree of emissions reductions for new and existing sources is commonly referred to as Maximum Achievable Control Technology (MACT). Hence, these Part 63 NESHAPs are referred to as MACT standards.