

corrective action that was taken. If no control devices exceeded or operated outside of the requirements of the Subpart AA standards, no report is necessary.

3.6 Implementation Issues Associated with the Subpart AA Regulations

To view the “[Overview of the Subpart AA, BB and CC Regulations](#)” presentation from the EPA Region 4 RCRA Organic Air Emission Standards Permit and Compliance Training.

Test your knowledge of the Subpart AA regulations using the [Subpart AA Case Study](#).

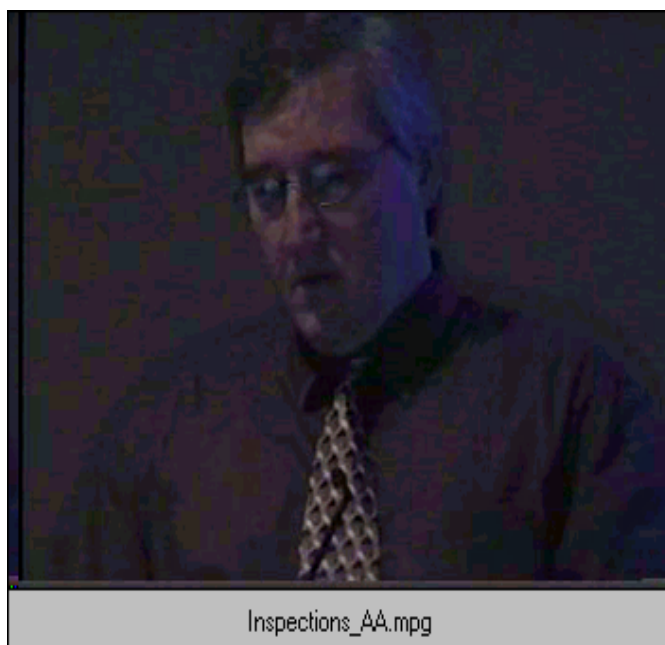
Subpart AA applies specifically to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air/steam stripping operations subject to a permit. Because of the recycling provisions, operations such as the distillation of hazardous waste at generator facilities are generally exempt from permitting, with the practical effect that Subpart AA is generally only applicable at TSD facilities. While the applicability of Subpart AA is limited, it is important to note that subsequent requirements of Subparts BB and CC refer back to the control device standards of Subpart AA.

One of the issues that has arisen in recent years is the issue of whether groundwater treatment units are subject to the RCRA organic air emission standards. Many believe that air strippers fall under the wastewater treatment unit exemption outlined in 40 CFR §264.1(g)(6). The June 21, 1990 preamble to the RCRA Subpart AA & BB Rule does make reference to wastewater treatment tanks as defined under 40 CFR § 260.10 being excluded from applicability to these two Subparts. But, this is not the case when remediating groundwater in air stripping operations. 40 CFR §260.10 defines wastewater treatment units as receiving or treating an influent wastewater that is classified as hazardous waste as defined in 40 CFR §261.3. However, 40 CFR §261.3 does not address environmental media such as groundwater. Environmental media are not solid wastes. The Agency’s position is that mixtures of environmental media and listed hazardous wastes must be managed **as if** they were hazardous wastes, an interpretation other words referred to as the “contained-in” policy and upheld in Federal court (ref. *Chemical Waste Management Inc. v. U.S. EPA*, 869 F.2d 1526; D.C. Cir. 1989). In summary, groundwater is not a hazardous waste and does not meet the criteria of 40 CFR §261.3. Thus, an air stripper treating groundwater contaminated with volatile organic compounds does not meet the definition of a wastewater treatment unit as mentioned in the 1990 preamble to the Subpart AA & BB Rule and is not excluded from applicability to the RCRA Organic Air Emission Standards. In accordance with the “Contained-in Policy”, a corrective action unit treating groundwater contaminated with a listed hazardous waste should be addressed as a hazardous waste management unit - not as a wastewater treatment unit.

By statute, air emissions (as well as other environmental media releases) from units managing hazardous wastes with interim status, are subject to corrective action under 3008(h) authority. The statute requires environmental media contamination resulting from waste management be addressed to protect human health and the environment. Subpart AA & BB were promulgated under HSWA authority mandated by Section 3004(n) of the Solid Waste Disposal Act (refer to the June 21, 1990 FR 25456, Section III, C. Air Standards Under RCRA Section 3004(n)). Section 3004(n) requires the monitoring and control of air emissions at units treating, storing or disposing of hazardous wastes as necessary to protect human health and the environment.

Conducting inspections for Subpart AA and identifying violations can also be a complicated process. To conduct a proper inspection, it is critical that a pre-inspection file review is conducted. An inspector should have a clear understanding of the processes expected to be encountered at the facility, and what actions the facility has taken in order to comply with the regulations. To ensure that all requirements are addressed during the inspection, a facility-specific checklist should be developed and used as a guide. A model [Subpart AA Inspection Checklist](#) has been developed which may be used as a starting point. Additional information regarding conducting inspections for Subpart AA and building an enforcement case are provided in the [Subpart AA Case Study](#) presented at the EPA Region 4 RCRA Organic Air Emissions Permit and Compliance Training held in March 2002.

To view a video concerning the keys to conducting a Subpart AA inspection click on the highlighted text - [Inspections_AA.mpg](#)



4.0 SUBPART BB STANDARDS

Additional information regarding the Subpart BB standards is provided in the “[Bathing in BB](#)” presentation from the March 2002 EPA Region 4 RCRA Organic Air Emission Standards Permit and Compliance Training.

RCRA Section 1006(b) requires that RCRA standards be consistent but not duplicative of Clean Air Act standards. Equipment operated with air emission controls in accordance with Clean Air Act requirements under [40 CFR Parts 60 \(www.epa.gov/docs/epacfr40/chapt-I.info/60tc.html\)](http://www.epa.gov/docs/epacfr40/chapt-I.info/60tc.html), [61 \(www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr61_00.html\)](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr61_00.html), [63 \(www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr63_00.html\)](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr63_00.html), are exempt from Subpart BB requirements. Subpart BB standards apply to equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight. There are specific monitoring and reporting requirements based on the type of equipment. However applicable equipment that contains or contacts hazardous waste for less than 300 hours per calendar year is excluded from the inspection and monitoring requirements of these standards. Closed-vent systems and control devices subject to Subpart BB standards must comply with all applicable Subpart AA standards. Any closed-vent systems and control devices utilized must comply with Subpart AA design, operating, monitoring, and reporting requirements.