

3.0 SUBPART X REQUIREMENTS

This section discusses the general requirements for Subpart X units under 40 CFR Part 264. In addition, a discussion regarding other requirements which may be applicable to Subpart X units is provided.

3.1 Requirements Under 40 CFR Part 264

Subpart X does not specify minimum technology requirements or monitoring requirements for miscellaneous units. Subpart X specifies an environmental performance standard that must be met through conformance with appropriate design, operating, and monitoring requirements. The performance-based standard addresses the prevention of releases that exceed the environmental performance standard to (a) groundwater and the subsurface environment; (b) surface soil, surface water, or wetlands; and (c) air. The applicant must demonstrate that the environmental performance standards will be met during and after the active life of the unit by meeting information requirements specified in 40 CFR §270.23.

Subpart X requires that an environmental assessment and risk assessment be performed to meet the information requirements outlined above. For each assessment, different levels may be needed, depending on the findings of the initial or screening assessments. If the findings indicate little or no negative environmental effect or likelihood of release, the permit applicant may submit the initial findings in an attempt to satisfy the information requirements.

However, for many types of Subpart X units, particularly mechanical units such as shredders, crushers and filter presses, an environmental assessment may not be necessary. This is especially true in cases where the unit is fully enclosed in a containment structure such as a building. The applicant must be able to justify that an environmental assessment is unnecessary. To do this, the applicant must provide all design and operating information necessary to support their claim that an environmental assessment is not required. The permit writer must be able to assess whether adequate safeguards are

Additional information regarding the Subpart X regulations and determining whether or not they apply is outlined in the [Subpart X Overview](#) and [Big Issues](#) presentations from the February 2002 EPA Region 4 RCRA Miscellaneous Units Permitting and Compliance Training.

engineered into the system. Additionally, the permit writer may specify design and operating conditions considered appropriate for the technology and site, to ensure that the unit will not impact any environmental media.