

operating limits for each type of waste feed (40 CFR §264.345(b)), control of fugitive emissions (40 CFR §264.345(d)), and monitoring and inspection requirements (40 CFR §264.347). A permit writer may require a trial burn for such thermal treatment units if the permit applicant cannot convincingly demonstrate in the risk assessment a lack of environmental effects.

### **3.2.7 RCRA Organic Air Emission Standards**

#### **3.2.7.1 Subpart AA - Process Vents**

Subpart AA applies to process vents that may be associated with units that manage hazardous waste having concentrations of organic constituents of at least 10 parts per million by weight (ppmw). Applicants for Subpart X permits for carbon regeneration units and thermal desorption units must comply with the requirements of Subpart AA if the units are fitted with process vents like those described in Subpart AA. According to 40 CFR §264.1032, the owner or operator of a facility that has process vents associated with air or steam stripping operations that manage hazardous wastes having concentrations of organics of at least 10 ppmw must either (1) reduce total organic emissions from all affected process vents at the facility to a level below 1.4 kg/hr or (2) reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 percent by weight. If the owner or operator installs a closed-vent system and control device to comply with provisions of 40 CFR §264.1032(a), the device must meet the requirements governing closed-vent systems and control devices specified in 40 CFR §264.1033.

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 25454](#), 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.