§ 264.1083 Waste determination procedures.

(a) Waste determination procedure to determine average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

(1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of §264.1082(c)(1) of this subpart from using air emission controls in accordance with standards specified in §264.1084 through §264.1087 of this subpart, as applicable to the waste management unit.

(i) An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the hazardous waste stream is placed in the exempt waste management unit, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

(ii) Perform a new waste determination whenever changes to the source generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level such that the applicable treatment conditions specified in §264.1082(c)(2) of this subpart are not achieved.

(b) Waste determination procedures for treated hazardous waste.

(1) An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in waste management units exempted under the provisions of §264.1082(c)(2)(i) through (c)(2)(vi) of this subpart from using air emission controls in accordance with standards specified in §§264.1084 through 264.1087 of this subpart, as applicable to the waste management unit.

(i) An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

(ii) Perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level such that the applicable treatment conditions specified in §264.1082(c)(2) of this subpart are not achieved.

(2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 40 CFR 265.1084 (b)(2) through (b)(9), as applicable to the treated hazardous waste.

(c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

(1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in §264.1084(c) of this subpart.

(2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 40 CFR 265.1084 (c)(2) through (c)(4).

(d) The procedure for determining no detectable organic emissions for the purpose of complying with this subpart...
shall be conducted in accordance with
the procedures specified in 40 CFR
265.1084(d).

[61 FR 59954, Nov. 25, 1996, as amended at 62
FR 64658, Dec. 8, 1997; 64 FR 3389, Jan. 21,
1999]

§ 264.1084 Standards: Tanks.

(a) The provisions of this section
apply to the control of air pollutant
emissions from tanks for which
§ 264.1082(b) of this subpart references
the use of this section for such air
emission control.

(b) The owner or operator shall con-
trol air pollutant emissions from each
tank subject to this section in accord-
ance with the following requirements
as applicable:

(1) For a tank that manages haz-
ardous waste that meets all of the con-
ditions specified in paragraphs (b)(1)(i)
through (b)(1)(iii) of this section, the
owner or operator shall control air pol-
lutant emissions from the tank in ac-
cordance with the Tank Level 1 con-
trols specified in paragraph (c) of this
section or the Tank Level 2 controls
specified in paragraph (d) of this sec-
tion.

(i) The hazardous waste in the tank
has a maximum organic vapor pressure
which is less than the maximum or-
ganic vapor pressure limit for the
tank’s design capacity category as fol-
lows:

(A) For a tank design capacity equal
to or greater than 151 m³, the max-
imum organic vapor pressure limit for
the tank is 5.2 kPa.

(B) For a tank design capacity equal
to or greater than 75 m³ but less than
151 m³, the maximum organic vapor
pressure limit for the tank is 27.6 kPa.

(C) For a tank design capacity less
than 75 m³, the maximum organic
vapor pressure limit for the tank is 76.6
kPa.

(ii) The hazardous waste in the tank
is not heated by the owner or operator
to a temperature that is greater than
the temperature at which the max-
imum organic vapor pressure of the
hazardous waste is determined for the
purpose of complying with paragraph
(b)(1)(i) of this section.

(iii) The hazardous waste in the tank
is not treated by the owner or operator
using a waste stabilization process, as
defined in 40 CFR 265.1081.

(2) For a tank that manages haz-
ardous waste that does not meet all of
the conditions specified in paragraphs
(b)(1)(i) through (b)(1)(iii) of this sec-
tion, the owner or operator shall con-
trol air pollutant emissions from the
tank by using Tank Level 2 controls in
accordance with the requirements of
paragraph (d) of this section. Examples
of tanks required to use Tank Level 2
controls include: A tank used for a
waste stabilization process; and a tank
for which the hazardous waste in the
tank has a maximum organic vapor
pressure that is equal to or greater
than the maximum organic vapor pres-
sure limit for the tank’s design capacity
category as specified in paragraph
(b)(1)(i) of this section.

(c) Owners and operators controlling
air pollutant emissions from a tank
using Tank Level 1 controls shall meet
the requirements specified in para-
tgraphs (c)(1) through (c)(4) of this sec-
tion:

(1) The owner or operator shall deter-
mine the maximum organic vapor pres-
sure for a hazardous waste to be man-
aged in the tank using Tank Level 1
controls before the first time the haz-
ardous waste is placed in the tank. The
maximum organic vapor pressure shall
be determined using the procedures
specified in § 264.1083(c) of this subpart.

(ii) The hazardous waste in the tank
is not heated by the owner or operator
to a temperature that is greater than
the temperature at which the maximum
organic vapor pressure of the hazardous
waste is determined for the purpose of
complying with paragraph (b)(1)(i) of this
section.

(iii) The hazardous waste in the tank
is not treated by the owner or operator
using a waste stabilization process, as
defined in 40 CFR 265.1081.

(2) The tank shall be equipped with a
fixed roof designed to meet the fol-
lowing specifications:

(i) The fixed roof and its closure de-
vices shall be designed to form a con-
tinuous barrier over the entire surface
area of the hazardous waste in the
tank. The fixed roof may be a separate
cover installed on an open-top
tank or may be an integral part of the