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in the oil-water separator remains below atmospheric pressure.

(ii) The closed-vent system and control device shall be designed and operated in accordance with the requirements of §61.349 of this subpart.

(b) Each cover seal, access hatch, and all other openings shall be checked by visual inspection initially and quarterly thereafter to ensure that no cracks or gaps occur between the cover and oil-water separator wall and that access hatches and other openings are closed and gasketed properly.

(c) Except as provided in §61.350 of this subpart, when a broken seal or gasket or other problem is identified, or when detectable emissions are measured, first efforts at repair shall be made as soon as practicable, but not later than 15 calendar days after identification.


§ 61.348 Standards: Treatment processes.

(a) Except as provided in paragraph (a)(5) of this section, the owner or operator shall treat the waste stream in accordance with the following requirements:

(1) The owner or operator shall design, install, operate, and maintain a treatment process that either:

(i) Removes benzene from the waste stream to a level less than 10 parts per million by weight (ppmw) on a flow-weighted annual average basis,

(ii) Removes benzene from the waste stream by 99 percent or more on a mass basis, or

(iii) Destroys benzene in the waste stream by incinerating the waste in a combustion unit that achieves a destruction efficiency of 99 percent or greater for benzene.

(2) Each treatment process complying with paragraphs (a)(1)(i) or (a)(1)(ii) of this section shall be designed and operated in accordance with the appropriate waste management unit standards specified in §§61.343 through 61.347 of this subpart. For example, if a treatment process is a tank, then the owner or operator shall comply with §61.343 of this subpart.

(3) For the purpose of complying with the requirements specified in paragraph (a)(1)(i) of this section, the intentional or unintentional reduction in the benzene concentration of a waste stream by dilution of the waste stream with other wastes or materials is not allowed.

(4) An owner or operator may aggregate or mix together individual waste streams to create a combined waste stream for the purpose of facilitating treatment of waste to comply with the requirements of paragraph (a)(1) of this section except as provided in paragraph (a)(5) of this section.

(5) If an owner or operator aggregates or mixes any combination of process wastewater, product tank drawdown, or landfill leachate subject to §61.342(c)(1) of this subpart together with other waste streams to create a combined waste stream for the purpose of facilitating management or treatment of waste in a wastewater treatment system, then the wastewater treatment system shall be operated in accordance with paragraph (b) of this section. These provisions apply to above-ground wastewater treatment systems as well as those that are at or below ground level.

(b) Except for facilities complying with §61.342(e), the owner or operator that aggregates or mixes individual waste streams as defined in paragraph (a)(5) of this section for management and treatment in a wastewater treatment system shall comply with the following requirements:

(1) The owner or operator shall design and operate each waste management unit that comprises the wastewater treatment system in accordance with the appropriate standards specified in §§61.343 through 61.347 of this subpart.

(2) The provisions of paragraph (b)(1) of this section do not apply to any waste management unit that the owner or operator that aggregates or mixes individual waste streams as defined in paragraph (a)(5) of this section for management and treatment in a wastewater treatment system initially and, thereafter, at least once per year:

(i) The benzene content of each waste stream entering the waste management unit is less than 10 ppmw on a flow-weighted annual average basis as determined by the procedures specified in §61.355(c) of this subpart; and

(ii) The total annual benzene quantity contained in all waste streams
managed or treated in exempt waste management units comprising the fa-
cility wastewater treatment systems is less than 1 Mg/yr (1.1 ton/yr). For this
determination, total annual benzene quantity shall be calculated as follows:
(A) The total annual benzene quan-
tity shall be calculated as the sum of
the individual benzene quantities de-
termined at each location where a
waste stream first enters an exempt
waste management unit. The benzene
quantity discharged from an exempt
waste management unit shall not be
included in this calculation.
(B) The annual benzene quantity in a
waste stream managed or treated in an
enhanced biodegradation unit shall not
be included in the calculation of the
total annual benzene quantity, if the
enhanced biodegradation unit is the
first exempt unit in which the waste is
managed or treated. A unit shall be
considered enhanced biodegradation if
it is a suspended-growth process that
generates biomass, uses recycled bio-
mass, and periodically removes bio-
mass from the process. An enhanced
biodegradation unit typically operates
at a food-to-microorganism ratio in the
range of 0.05 to 1.0 kg of biological oxy-
gen demand per kg of biomass per day,
a mixed liquor suspended solids ratio in
the range of 1 to 8 grams per liter (0.008
to 0.7 pounds per liter), and a residence
time in the range of 3 to 36 hours.
(c) The owner and operator shall
demonstrate that each treatment proc-
cess or wastewater treatment system
unit, except as provided in paragraph
(d) of this section, achieves the appro-
priate conditions specified in para-
graphs (a) or (b) of this section in ac-
cordance with the following require-
ments:
(1) Engineering calculations in ac-
cordance with requirements specified
in §61.356(e) of this subpart; or
(2) Performance tests conducted
using the test methods and procedures
that meet the requirements specified in
§61.355 of this subpart.
(d) A treatment process or waste
stream is in compliance with the re-
quirements of this subpart and exempt
from the requirements of paragraph (c)
of this section provided that the owner
or operator documents that the treat-
ment process or waste stream is in
compliance with other regulatory re-
quirements as follows:
(1) The treatment process is a haz-
ardous waste incinerator for which the
owner or operator has been issued a
final permit under 40 CFR part 270 and
complies with the requirements of 40
CFR part 264, subpart O;
(2) The treatment process is an indus-
trial furnace or boiler burning haz-
ardous waste for energy recovery for
which the owner or operator has been
issued a final permit under 40 CFR part
270 and complies with the require-
ments of 40 CFR part 266, subpart D;
(3) The waste stream is treated by a
means or to a level that meets benzene-
specific treatment standards in accord-
ance with the Land Disposal Restric-
tions under 40 CFR part 268, and the
treatment process is designed and oper-
ated with a closed-vent system and
control device meeting the require-
ments of §61.349 of this subpart;
(4) The waste stream is treated by a
means or to a level that meets benzene-
specific effluent limitations or per-
formance standards in accordance with
the Effluent Guidelines and Standards
under 40 CFR parts 401–464, and the
treatment process is designed and oper-
ated with a closed-vent system and
control device meeting the require-
ments of §61.349 of this subpart; or
(5) The waste stream is discharged to
an underground injection well for
which the owner or operator has been
issued a final permit under 40 CFR part
270 and complies with the require-
ments of 40 CFR part 122.
(e) Except as specified in paragraph
(e)(3) of this section, if the treatment
process or wastewater treatment sys-
tem unit has any openings (e.g., access
doors, hatches, etc.), all such openings
shall be sealed (e.g., gasketed, latched,
etc.) and kept closed at all times when
waste is being treated, except during
inspection and maintenance.
(1) Each seal, access door, and all
other openings shall be checked by vis-
ual inspections initially and quarterly
thereafter to ensure that no cracks or
gaps occur and that openings are closed
and gasketed properly.
(2) Except as provided in §61.350 of
this subpart, when a broken seal or
gasket or other problem is identified,
first efforts at repair shall be made as
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soon as practicable, but not later than 15 calendar days after identification.

(3) If the cover and closed-vent system operate such that the treatment process and wastewater treatment system unit are maintained at a pressure less than atmospheric pressure, the owner or operator may operate the system with an opening that is not sealed and kept closed at all times if the following conditions are met:

(i) The purpose of the opening is to provide dilution air to reduce the explosion hazard;

(ii) The opening is designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in §61.355(h) and

(iii) The pressure is monitored continuously to ensure that the pressure in the treatment process and wastewater treatment system unit remain below atmospheric pressure.

(f) Except for treatment processes complying with paragraph (d) of this section, the Administrator may request at any time an owner or operator demonstrate that a treatment process or wastewater treatment system unit meets the applicable requirements specified in paragraphs (a) or (b) of this section by conducting a performance test using the test methods and procedures as required in §61.355 of this subpart.

(g) The owner or operator of a treatment process or wastewater treatment system unit that is used to comply with the provisions of this section shall monitor the unit in accordance with the applicable requirements in §61.354 of this subpart.


§ 61.349 Standards: Closed-vent systems and control devices.

(a) For each closed-vent system and control device used to comply with standards in accordance with §§61.343 through 61.348 of this subpart, the owner or operator shall properly design, install, operate, and maintain the closed-vent system and control device in accordance with the following requirements:

(i) The closed-vent system shall:

(A) Be designed to operate with no detectable emissions as indicated by an instrument reading of less than 500 ppmv above background, as determined initially and thereafter at least once per year by the methods specified in §61.355(h) of this subpart.

(B) Vent systems that contain any bypass line that could divert the vent stream away from a control device used to comply with the provisions of this subpart shall install, maintain, and operate according to the manufacturer’s specifications a flow indicator that provides a record of vent stream flow away from the control device at least once every 15 minutes, except as provided in paragraph (a)(1)(ii)(B) of this section.

(A) The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

(B) Where the bypass line valve is secured in the closed position with a car-seal or a lock-and-key type configuration, a flow indicator is not required.

(iii) All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(iv) For each closed-vent system complying with paragraph (a) of this section, one or more devices which vent directly to the atmosphere may be used on the closed-vent system provided each device remains in a closed, sealed position during normal operations except when the device needs to open to prevent physical damage or permanent deformation of the closed-vent system resulting from malfunction of the unit in accordance with good engineering and safety practices for handling flammable, explosive, or other hazardous materials.

(2) The control device shall be designed and operated in accordance with the following conditions:

(i) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) shall meet one of the following conditions:

(A) Reduce the organic emissions vented to it by 95 weight percent or greater;