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RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT  
June 2000

**THE FOLLOWING QUESTION REPLACES QUESTION #4 OF THE MARCH 1998 MONTHLY  
HOTLINE REPORT**

**2. Frequently Asked Question on the 40 CFR Parts 264/265, Subpart CC, Air Emission  
Standards**

*Are recycling units subject to the RCRA air emissions regulations?*

Subpart CC does not apply to recycling units (i.e., units doing the actual recycling; storage units preceding recycling can be subject to Subpart CC) (61 FR 59931, 59935; November 25, 1996). However, recycling units at permitted and interim status treatment, storage, and disposal facilities (TSDF) are subject to Parts 264/265, Subparts AA and BB (62 FR 64635, 64638; December 8, 1997).

*Are listed hazardous wastes that meet applicable LDR treatment standards  
subject to Subpart CC regulations?*

Listed hazardous wastes that meet LDR treatment standards for the organics in the waste are not subject to Subpart CC regulations. Listed hazardous wastes with treatment standards that address only inorganic constituents may not benefit from this exclusion. However, listed hazardous waste containing both organic and inorganic constituents may be exempt from Subpart CC if it meets the LDR treatment standards for the organic constituents in that waste (62 FR 64635, 64643-4; December 8, 1997).

*Can hazardous waste be managed in units when the control device is not operating?*

The Subpart CC standards allow up to 240 hours per year for periods of planned routine maintenance of a control device. During this time, the hazardous waste may still be managed in the unit, even though the control device is not required to meet the performance requirements for emission reduction (61 FR 59931, 59948; November 25, 1996).

*What regulations apply to control devices on Level 1 tanks?*

Level 1 tanks that use control devices must meet the performance standards in §§264.1087 and 265.1088 (§§264.1084(g)(1)(iv) and 265.1085(g)(1)(iv)). These control devices must be one of the following: a device designed to reduce the total organic content of the inlet vapor stream by 95% by weight, an enclosed combustion device, or a flare (§§264.1087(c)(1) and 265.1088(c)(1)).

*Would a Level 2 tank which routinely vents to an incinerator meet the definition of pressure tank?*

No, a tank which routinely vents to any device or unit (other than to an emergency or safety device) would not meet the definition of a pressure tank. In order to meet the definition of a pressure tank, all openings of the tank must be equipped with closure devices that function with no detectable emissions, and the pressure tank must operate as a closed system with no venting, except to an emergency device or safety device (§§264/265.1085(h)).