

## Chapter 2 - Applicability

### **What is the purpose of the OSWRO NESHAP?**

The National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (OSWRO) are a set of rules promulgated under 40 CFR part 63. These rules provide for the control of hazardous air pollutants (HAP) emissions from selected waste management and recovery operations that are not subject to federal air standards under other subparts in Part 63.

For a list of HAP regulated by this rule, see Table 1 of Appendix A of this document.

### **What are the applicable rule citations in 40 CFR Part 63?**

The applicability, general standards, compliance requirements, test methods and procedures, reporting, recordkeeping, and some unit-specific air emission control requirements are specified in 40 CFR Part 63 Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations. In addition, Subpart DD cross-references the following other subparts in Part 63 for the air emissions control requirements to be applied to specific types of affected sources.

- Subpart OO – National Emission Standards for Tanks-Level 1
- Subpart PP – National Emission Standards for Containers
- Subpart QQ – National Emission Standards for Surface Impoundments
- Subpart RR – National Emission Standards for Individual Drain Systems
- Subpart VV – National Emission Standards for Oil-Water Separators and Organic-Water Separators

**How can I determine if my facility is subject to the rule?**

This chapter will help you determine if your facility is subject to the National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations in 40 CFR part 63.

The OSWRO NESHAP is applicable if a facility meets **all** 3 of the following conditions. If any one of these conditions does not apply to the facility, then you are not subject to the rule.

*Your facility is a **major source** if there are plant-wide emissions or your potential to emit is more than 10 tons per year for a single HAP or more than 25 tons per year for multiple HAP.*

Condition 1 - The facility is a "**major source**" of HAP emissions as defined in General Provisions to 40 CFR Part 63.

Condition 2 - "**Off-site material**" is shipped or transferred to the plant site. An "off-site material" is specified in the rule as a material that meets **all** of the following criteria:

1. The material is one of the following as defined in rule:
  - **Waste** as defined consistent with other NESHAP with the exception of certain specific types of wastes listed in the rule.
  - **Used oil** - any oil refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities. (Same definition of "used oil" by RCRA in 40 CFR 279.1)
  - **Used solvent** - a mixture of aliphatic hydrocarbons or a mixture of one and two ring aromatic hydrocarbons that has been used as a solvent and as a result of such use is contaminated by physical or chemical impurities.

2. The waste, used oil, or used solvent is not generated at the facility but is instead shipped or transferred to the facility from another location.
3. The waste, used oil, or used solvent contains one or more of the specific organic chemical compounds, isomers, and mixtures listed in Table 1 in Appendix A of this document.

Condition 3 -

The “off-site material” is managed at the facility in a waste management operation or recovery operation listed below.

- RCRA hazardous waste management operation regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under 40 CFR parts 264 or 265.
- RCRA hazardous wastewater treatment operation exempted from air emission control requirements under 40 CFR parts 264 or 265.
- Non-hazardous wastewater treatment operation where this operation is the predominate function conducted at the plant site **and** the plant site is **not** a publicly-owned treatment works.
- RCRA-exempt hazardous waste recycling facility.
- Used solvent recovery operation.
- Used oil recovery operation.

The following questions will help you determine if your facility meets **all** three of these conditions and is subject to this rule.

1. Is your facility a "major source" of HAP emissions?

**Yes?** Go to Question 2

**No?** Stop, your facility is not subject to 40 CFR 63 subpart DD.

2. Do you handle any of the following waste management operations or recovery operations? Does your facility...

- 2a. Manage RCRA hazardous waste with any subject to the RCRA permitting requirements under either 40 CFR part 264 or 40 CFR part 265?

**Yes?** Go to Question 3.

**No?** Continue with Question 2b.

- 2b. Manage RCRA hazardous waste in a wastewater treatment operation exempt from the RCRA permitting requirements by the provisions in 40 CFR 264.1(g)(6) or 40 CFR 265.1(c)(10)?

**Yes?** Go to Question 3.

**No?** Continue with Question 2c.

- 2c. Recycle or reprocess RCRA hazardous waste in a recovery operation that is exempt from the RCRA permitting requirements by the provisions in 40 CFR 264.1(g)(2) or 40 CFR 265.1(c)(6)?

**Yes?** Go to Question 3.

**No?** Continue with Question 2d.

- 2d. Predominately treat wastewaters that are not RCRA hazardous wastes, while not being owned by a "state" as defined by Clean Water Act section 502(3) or a "municipality" as defined by Clean Water Act section 502(4)?

**Yes?** Go to Question 3.

**No?** Continue with Question 2e.

*“Waste” means a material generated from industrial, commercial, mining, or agricultural operations or from community activities, and this material is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated before being discarded or discharged [see 40 CFR 63.681].*

*“Used solvent” means a mixture of aliphatic hydrocarbons or a mixture of one and two ring aromatic hydrocarbons used as a solvent and because of such use it is contaminated by physical or chemical impurities [see 40 CFR 63.681].*

*“Used oil” means any oil refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities*

2e. Recycle or reprocess “used solvent” in a recovery operation that is not part of a chemical, petroleum, or other manufacturing process already using air emission controls to comply with another subpart of 40 CFR part 63?

**Yes?** Go to Question 3.

**No?** Continue with Question 2f.

2f. Re-refine or reprocess “used oil” in a recovery operation that is subject to 40 CFR 279 subpart F - Standards for Used Oil Processors and Refiners?

**Yes?** Go to Question 3.

**No?** Stop. If you’ve answered no to all questions 2a through 2f your facility is not subject to 40 CFR 63 subpart DD.

3. Are any of the materials listed in Questions 3a through 3c **shipped or transferred** to your facility from **other facilities** (i.e. not generated at your facility)? For the purpose of subpart DD all of the following can be considered off-site material. For a list of materials which are not considered off-site waste for the purpose of subpart DD see Table 2.1.

3a. Is **waste** shipped or transferred to your facility?

**Yes?** Go to Question 4.

**No?** Continue with Question 3b.

3b. Is **used solvent** shipped or transferred to your facility?

**Yes?** Go to Question 4.

**No?** Continue with Question 3c.

3c. Is **used oil** shipped or transferred to your facility?

**Yes?** Go to Question 4.

**No?** Stop. If you’ve answered No to all questions 3a through 3c then your facility is not subject to 40 CFR 63 subpart DD

4. Do any of the materials (waste, used oil, or used solvent) being shipped or transferred to your facility contain Hazardous Air Pollutants (HAP) from the list in Table 1 of Appendix A?

**Yes?** Go to Question 5.

**No?** Stop. Your facility is not subject to 40 CFR 63 subpart DD.

5. Is your facility a “major source” of HAP emissions?  
**[Note: At this time if you have not already done so, you must determine whether your facility is a “major source” of HAP emissions (see Question 1).**

**Yes?** Then your facility is subject to 40 CFR 63 subpart DD.

**No?** Stop, your facility is not subject to 40 CFR 63 subpart DD.