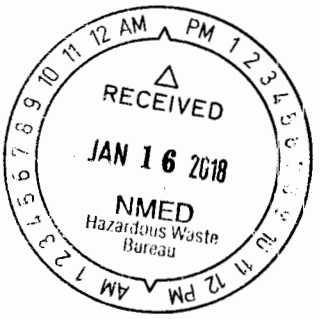
Andeavor
I-40 Exit 39
Jamestown, NM 87347

505 722 3833
andeavor.com

ENTERED andeavor



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Certified Return Receipt: #7015 1660 0001 1766 6049

January 12, 2018

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch
Waste Compliance 3 Section (6EN-H3)
1445 Ross Avenue
Dallas, TX 75202-2733

ATTN: Bill Mansfield

RE: Consent Agreement and Final Order, USEPA Docket RCRA-06-2017-0929
Request for Termination
Western Refining Southwest, Inc.

Dear Mr. Mansfield:

On July 19, 2017, a Final Order was filed with the Regional Hearing Clerk ordering Western Refining Southwest, Inc. (Western) to comply with the settlement terms of the Consent Agreement and Final Order, USEPA Docket RCRA-06-2017-0929 ("2017 CAFO"). Pursuant to Paragraph 37 of the 2017 CAFO, Western is providing written notification and certification that it has complied with all the requirements of the 2017 CAFO, including compliance with the Compliance Order and payment of the $106,260.00 civil penalty.

The 2017 CAFO requires Western to take certain actions within 180 calendar days of the effective date of the CAFO, i.e., by January 15, 2018. Each action is listed below followed by Western's status on completion.

Paragraph 30(A) - *Respondent shall certify that it has developed and implemented standard operating procedures ("SOP") addressing compliance at the Gallup Refinery with:*

i. the 90-day limit for accumulation of hazardous waste in 40 C.F.R. § 262.34(a);
ii. the provisions of 40 C.F.R. § 265.171 relating to leaking containers; and
iii. the provisions of 40 C.F.R. § 265.35 relating to adequate aisle space in a hazardous waste accumulation area.

Western Response:

Western certifies that it has developed and implemented an SOP addressing compliance at the Gallup Refinery with the 90-day limit for accumulation of hazardous waste in 40 C.F.R. §

262.34(a), provisions of 40 C.F.R. § 265.171 relating to leaking containers, and the provisions of 40 C.F.R. § 265.35 relating to adequate aisle space in a hazardous waste accumulation area. Western has prepared a RCRA Container Accumulation Environmental Work Instruction (EWI) that addresses procedures, roles, and responsibilities for managing the 90-day accumulation limit, damaged and leaking containers, and providing adequate aisle space in hazardous waste accumulation areas. A copy of the EWI is attached for your review.

In addition, lines have been painted on the concrete floor of the < 90-day accumulation area that provide for adequate aisle space to allow for the unobstructed movement of personnel and emergency equipment. Photos of the < 90-day area showing these improvements are attached for your review.

A hazardous waste container tracking form has been developed and is used as part of the weekly inspection to track the number of days each container of hazardous waste is on site (excluding satellite accumulation containers) and ensure each hazardous waste container is inspected for proper condition and aisle space.

The certification statement and signature at the end of this letter certifies compliance with Paragraph 30(A) of the 2017 CAFO.

Paragraph 30(B) - *Respondent shall certify that, to the best of its knowledge and belief, it has accurately and adequately complied with its RCRA Section 3010 Notification.*

Western Response:

Western certifies to the best of its knowledge and belief that it has accurately and adequately complied with its RCRA Section 3010 Notification. The RCRA Section 3010 Notification (Form 8700-12) submitted for Gallup Refinery lists the facility as a Large Quantity Generator (LQG) of hazardous waste. Based on the actions Western completed under Paragraph 30(A) of the CAFO as described above, and the procedures we have in place to ensure hazardous waste remains on site for less than 90 days, the LQG designation is accurate, and the facility is not a hazardous waste storage facility.

The certification statement and signature at the end of this letter certifies compliance with Paragraph 30(B) of the 2017 CAFO.

Paragraph 30(C) - *Respondent shall certify that it has assessed the applicability of the requirements of 40 CFR Part 265, Subpart CC ("Subpart CC") to the containers in the less than 90-day hazardous waste storage area referenced in paragraphs 13 and 29 of this Consent Agreement and, to the extent Subpart CC requirements are applicable to such containers, Respondent shall develop and implement a SOP addressing compliance with Subpart CC for such containers.*

Western Response:

Western certifies that it has assessed the applicability of the requirements of Subpart CC to the containers in the less than 90-day hazardous waste storage area referenced in paragraphs 12 and 29 of the 2017 CAFO. Accordingly, Western has prepared a RCRA Subpart CC EWI that

addresses procedures, roles, and responsibilities for maintaining compliance with Subpart CC air emission requirements. A copy of the EWI is attached for your review.

The certification statement and signature at the end of this letter certifies compliance with Paragraph 30(C) of the 2017 CAFO.

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

In accordance with Section IV, Paragraph 30 of the 2017 CAFO, Western Refining Southwest, Inc. certifies it has fully complied with all the terms of the 2017 CAFO, including compliance with the Compliance Order and payment of the civil penalty. Therefore, pursuant to Paragraph 37, Western respectfully requests that the 2017 CAFO be terminated.

If you have any questions regarding Western's responses, please do not hesitate to contact Janelle Vestal of my staff at (505) 726-9721.

Sincerely,

Dan Statile
Vice President, Gallup Refinery

cc:

J. Kieling NMENV HWB
L. King EPA Region 6

Enclosures

Purpose

The purpose of this Environmental Work Instruction (EWI) is to ensure proper management of hazardous waste containers to:

- Maintain adequate aisle space for access and emergency response,
- Accumulate hazardous waste < 90 days, and
- Ensure containers are in good condition (and define response to leaking or damaged containers).

Objective

This EWI applies to all containers holding hazardous waste; however, only the provisions addressing container condition apply to satellite accumulation containers.

Safety Equipment

N/A

Environmental Considerations

N/A

Reference Material

Weekly Waste Inspection Forms and Instructions

Hazardous Waste Container Inventory/Inspection Log

Definitions

There are no specific definitions applicable to this procedure.

Precautions / Prerequisites

N/A

****Procedure Starts on Next Page****

Procedure

Step/Action

1. **WASTE GENERATION AND MOVEMENT TO <90-DAY AREA**

Upon generating a hazardous waste, the Waste Generator (operations, maintenance, contractors, lab, etc.) will label the container with a hazardous waste label identifying the contents and accumulation start date. Immediately contact the Environmental Department or Maintenance to have containers moved to the <90-day hazardous waste storage area.

When moving containers to the <90-day area Maintenance or Waste Contractor shall:

- Verify each container is labeled with the contents and a start date
- Check that the container is closed, in good condition, and not leaking. If containers are not in good condition, follow the damaged container procedure below.
- Place drums in the <90-day area in rows of single pallets (4 drums to a pallet) with at least 3 feet between each pallet to maintain space for access and emergency response.
- Ensure roll-off bins or other containers in the <90-day area have enough aisle space that they can be reached with a forklift and moved in an emergency.

Environmental Engineer – Waste or Environmental Technician will perform weekly waste container inspections and update the inventory of hazardous waste containers and take the following steps, if necessary:

1. If containers are stored without adequate aisle space for access and emergency response, contact the Waste Contractor or Maintenance Department to move containers.
2. If damaged or leaking containers are observed:
   - If safe to do so, place spill absorbents or containment around the damaged or leaking container until the contents can be transferred.
   - If a leak of hazardous waste has reached the environment (soil, water), initiate the Emergency Action Plan to respond, cleanup, and provide any required notifications about the release.
   - Contact the Waste Contractor or Maintenance Department to transfer the container to a DOT-overpack drum or transfer the waste to a new container.
3. The container inventory sheet tracks the number of days each container is on site. **Contact the waste vendor to schedule waste pick-ups prior to 90 days from the accumulation start date.**

Environmental Technician will maintain an adequate supply of DOT-overpack drums in the fenced area immediately north of the <90-day storage area.

2. **PROCEDURES FOR DAMAGED CONTAINERS**

The following are expectations for hazardous waste containers:

Procedure

Step/Action

Procedure *(Continued)*

- Each container must be compatible with the contents (no free liquids in cardboard cubic yard boxes, no acidic wastes in unlined steel containers, etc.).
- Containers must not have any leakage.
- Containers must be in good condition (i.e., no deep creases or dents and no severe rust or corrosion).
- Containers must have adequate strength and integrity to contain the waste.
- Liquid hazardous waste should be in a closed-head drum with the bung gaskets in good condition and the bungs sealed.

In addition, hazardous waste containers must be kept closed when not adding or removing waste, and incompatible wastes must be segregated.

For waste containers that do not meet the above expectations, Maintenance or Waste Contractor shall transfer the waste to a new container or place the container in a DOT-overpack drum:

- Verify adequate emergency response equipment is in the area (spill response materials, fire extinguisher).
- Don proper PPE.
- Transfer waste to a new container or drums into overpacks in an area provided with secondary containment, and in a manner that prevents splashing or spilling waste.
- Label the new container with a hazardous waste label with the contents and the original accumulation start date.
- Contact the environmental department to properly dispose of the old container (ensure it does not get reused).

****End of Procedure****

Responsibilities

Refer to procedure.

Field of Application

This procedure applies to all Employees and Contractors generating and handling hazardous waste containers.

Record Retention

N/A

Training

New Employees and Contractors will be trained on this procedure as applicable. Refresher training will occur on an annual basis.

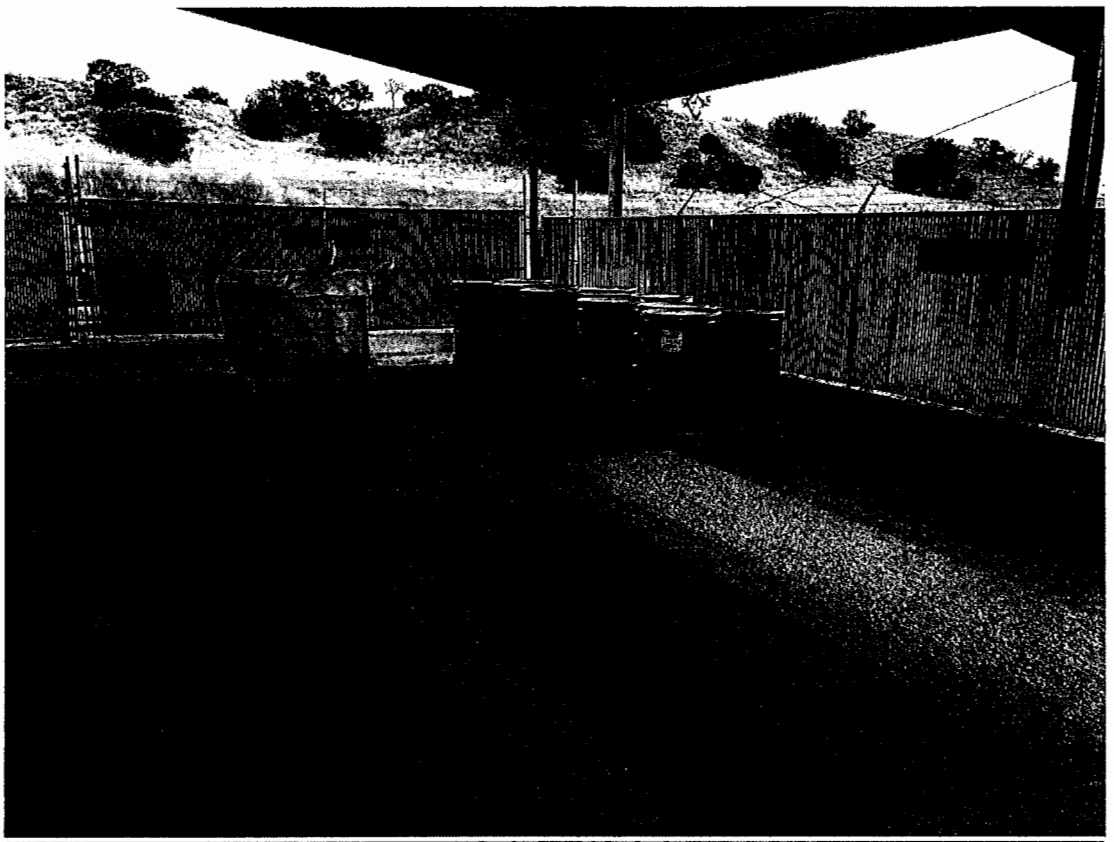
Forms and Attachments

N/A

Summary of Revisions

No changes specified in the current Revision of this Procedure.

Photos of Improvements to <90-Day Area



Drum - Number	HAZ OR NON-HAZ	Container Type	DATE WASTE GENERATED	Days	WASTE NAME
0754	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0755	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0757	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0759	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0758	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0760	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0756	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0753	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0770	HAZ	Drum	12/14/2017	26	X-Ray Chemcials
0771	HAZ	Drum	12/14/2017	26	X-Ray Chemcials
	HAZ	Pallet Box	12/14/2017	26	Lab Trash
ACT2057	HAZ	Roll-Off	11/20/2017	50	NHT Filters
0766	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0767	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0751	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0749	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0764	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0762	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0752	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0750	HAZ	Drum	12/14/2017	26	Vacuum Truck Sludge
0740	HAZ	Drum	11/17/2017	53	Petroleum Additive
0729	HAZ	Drum	11/17/2017	53	Petroleum Additive
0741	HAZ	Drum	11/17/2017	53	Petroleum Additive
ACT2084	HAZ	Roll-Off	11/3/2017	67	WWTP Filters
ACT2056	HAZ	Roll-Off	11/20/2017	50	WWTP Filters
#	HAZ	Roll-Off	11/7/2017	63	WWTP Filters
#	HAZ	Roll-Off	12/30/2017	10	WWTP Filters
2069	HAZ	Roll-Off	1/3/2018	6	WWTP Filters

List Additional Containers Identified During Weekly Inspection (add pages as needed):

Deficiency/Corrective Action Notes (add pages as needed):

andeavor	RCRA Subpart CC Hazardous Waste Container Emission Controls	
Facility: **Andeavor - Gallup**	**SAF-ENV-1546** **Safety** Approved By: Vestal, Janelle	Revision Date: **01-10-2018**
Unit: **60 Environmental**		Revision: **1.0 Candidate 001**

Purpose

The purpose of this Environmental Procedure is to control Volatile Organic Compound (VOC) emissions from hazardous waste containers pursuant to 40 CFR 265 Subpart CC (Air Emission Standards for Tanks, Surface Impoundments and Containers).

Objective

Protect the environment and comply with all applicable regulations.

Safety Equipment

N/A

Environmental Considerations

See Procedure section.

Reference Material

- 40 CFR 265 Subpart CC (Air Emission Standards for Tanks, Surface Impoundments and Containers)
- EPA Region 4, RCRA Subpart CC: Questions and Answers. 31 August 2000.

Definitions

There are no definitions applicable to this procedure.

Precautions / Prerequisites

N/A

****Procedure Starts on Next Page****

Procedure

Step/Action

1. **WASTE DETERMINATION**

1.1. **Environmental Engineer - Waste:** Determine the average VO concentration of hazardous waste streams by either:

a. Using the waste determination and documentation procedures in Attachment 2, or

b. Assume the average VO concentration is greater than or equal to 500 ppmw.

1.2. **Environmental Engineer - Waste:** For waste containers greater than 119 gallons potentially containing waste in "Light Material Service," review and document that the waste does not meet the "Light Material Service" definition, or manage the containers to the Level 2 emission control requirements.

1.3. "Light Material Service" means greater than or equal to 20% total weight of materials with a vapor pressure >0.3 kPa at 20°C, such as Benzene, Cumene, Toluene, n-Hexane, Xylene, 2,2,4 Trimethylpentane. Wastes that could potentially meet this definition include:

a. Certain solvents or aerosol can contents (typically stored in 55-gallon drums),

b. Gasoline tank bottoms

1.4. **Environmental Engineer - Waste:** Maintain documentation of waste determinations.

1.5. No waste stabilization may occur in hazardous waste containers subject to Subpart CC. If waste stabilization occurs, the container would be subject to Level 3 emissions controls.

1.6. If absorbent material is to be added to a waste subject to Subpart CC, it must be added before or at the time waste is placed in the container (i.e., layered). No mixing is to occur in the container.

2. **REQUIREMENTS FOR LEVEL 1 CONTAINER CONTROL**

2.1. Level 1 Emission Control requirements apply to the following hazardous waste streams (unless the container meets one of the exemptions listed in the Field of Application section):

a. Heat Exchanger Bundle Cleaning Sludge

b. Sewer Cleanout (Primary Sludge)

c. Tank Bottoms from Listed Waste sources (Crude and Slurry Oil tank sediment generated during a cleanout or TAR)

d. Spent Catalysts

e. Any other hazardous waste not shown to have an average VO concentration of <500 ppmw.

2.2. See Attachment 2 for waste determination procedures.

Procedure

Step/Action

Procedure *(Continued)*

2.3. **Waste Generator (operations, maintenance, contractors, lab, etc.):** Contact the Environmental Department prior to generating hazardous waste to determine the appropriate container and label to use. Place hazardous waste into the appropriate container, and keep the container closed when not adding waste. When complete, move the container to a 90-day storage area or contact the Environmental Department for further instructions.

2.4. **Environmental Engineer - Waste or Environmental Technician:** Determine the correct container to use to meet Level 1 emission controls, and provide that information to the waste generator. Level 1 emission controls may be met through the use of:

a. Approved DOT container that is kept closed: Such as a 55-gallon drum, CHEP bin, or intermediate bulk container (IBC tote).

b. A container equipped with a cover and closure devices that form a continuous barrier over the container openings: Such as roll-offs with suitably secured tarps, closed vacuum bins, or baker or frac tanks with all hatches closed and secured and pressure relief valves maintained in the closed position.

c. An open top container with an organic vapor suppressing barrier (this method is not used at Gallup Refinery).

Note

Roll-off bins with retractable solid covers typically do not meet the requirement for no visible gaps or open spaces. If a roll-off bin is used for waste subject to Subpart CC, and the roll-off has a solid cover that leaves a visible gap, the options for managing it are as follows:

- Follow the attachment 2 waste determination procedures to determine that the waste has an average VO concentration of <500 ppmw (i.e., is not subject to Subpart CC), or
- Follow the procedures for Level 2 emission controls below.

2.5. Level 1 Emission Controls include the use of DOT approved drums with lids, DOT approved roll-offs with secured tarps and DOT approved Flow bins. Frac Tanks (Fixed Roof) used for storing hazardous waste are equipped with pressure relief valves maintained in the closed position. All containers must remain closed except when 1) transferring hazardous waste in or out of the containers, 2) sampling or equipment access and 3) batch transferring waste (Upon completion, the container must be closed within 15 minutes unless RCRA empty (<1 in. material) or if the person performing the unloading leaves the immediate vicinity of the container).

2.6. **Environmental Technician:** Perform weekly inspections of containers subject the Level 1 controls to verify:

a. There are no defects in seals between the cover (i.e., lid, tarp, etc.) and the body of the container, or any other visible cracks, holes, gaps, or other open spaces into the interior of the container.

b. Containers are kept closed at all times waste is not being added or removed.

Procedure

Step/Action

Procedure *(Continued)*

3. **REQUIREMENTS FOR LEVEL 2 CONTAINER CONTROL**

3.1. Level 2 Emission Control requirements apply to the following hazardous waste streams (unless the container meets one of the exemptions listed in the Scope section):

a. Containers greater than 119 gallons that are in "Light Material Service" (see description under section 3.1).

b. Containers that do not meet the Level 1 emission control requirements (such as hard-topped roll-offs with a visible gap between the container and lid).

3.2. See Attachment 2 for waste determination procedures.

3.3. **Waste Generator (operations, maintenance, contractors, lab, etc.):** Contact the Environmental Department prior to generating hazardous waste to determine the appropriate container and label to use. Place hazardous waste into the appropriate container, and keep the container closed when not adding waste. When complete, move the container to a 90-day storage area or contact the Environmental Department for further instructions.

3.4. **Environmental Engineer - Waste or Environmental Technician:** Determine the correct container to use to meet Level 2 emission controls, and provide that information to the waste generator. Level 2 emission controls may be met through the use of:

a. Approved DOT container that is kept closed: Such as a 55-gallon drum, CHEP bin, or intermediate bulk container (IBC tote).

b. A container operated with no detectible organic emissions as testing using Method 21 of 40 CFR Part 60: This may be met using a closed container that is verified to have no detectible emissions per the instructions below.

c. A demonstrated vapor-tight container (this method is not used at Gallup Refinery).

3.5. Level 2 Emission Controls include the use of DOT approved drums with lids, DOT approved roll-offs with tarp and DOT approved Flow bins. For non-DOT approved containers such as Frac Tanks (Fixed Roof) used for storing hazardous waste onsite, the containers must operate with NO DETECTABLE EMISSIONS (Method 21 (FID) concentration less than 500 ppm). If a frac tank is being used onsite to store hazardous waste "in light material service" follow steps 3.6-3.9 below and utilize the attached form to record results.

3.6. **Environmental Technician:** Perform weekly inspections of containers subject to the Level 2 controls to verify:

a. There are no defects in seals between the cover (i.e., lid, tarp, etc.) and the body of the container, or any other visible cracks, holes, gaps, or other open spaces into the interior of the container.

Procedure

Step/Action

Procedure *(Continued)*

b. Containers are kept closed at all times waste is not being added or removed.

3.7. **Waste Generator (operations, maintenance, contractors, lab, etc.):** Transfer of hazardous waste in or out of a container using Level 2 controls should be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere to the extent possible. A submerged-fill pipe or submerged–fill method should be utilized whenever adding hazardous waste liquids to a frac tank.

3.8. **LDAR Technician:** When filling a Level 2 container with hazardous waste is complete, the LDAR Technician will check the container using Method 21 to confirm NO DETECTABLE EMISSIONS.

a. For Method 21 leak detection, two readings must be recorded. To determine the maximum VOC concentration, walk slowly and take VOC readings at any openings or hatches around the entire perimeter of the container. Record the maximum VOC reading using the form in Attachment 3. To determine the background VOC concentration, walk slowly around the perimeter of the container between three and six feet away from the container and record the results. Complete the "Hazardous Waste Container Level 2 VOC Emissions Monitoring Form" (Attachment 3) and provide completed form to the Environmental Engineer - Waste.

b. If the net reading (maximum concentration minus the background concentration) is greater than 500 ppm, first attempt to repair the leak must be made within 24 hours and final repairs or transfer of the waste to a new container must be made within five (5) days. Repeat the Method 21 monitoring above once the leak is fixed or material is transferred to determine if any detectable emission are present.

c. If the VOC concentration is less than 500 ppm, the container is satisfactory and may be used to store hazardous waste for less than 90 days.

3.9. **LDAR Technician:** Report the VOC concentrations for all containers used (defective and satisfactory), the date and time of monitoring, name of person who conducted the monitoring, container numbers, container contents and location to the Environmental Dept. Records will be maintained in the RCRA Subpart CC Compliance file for 3 years.

****End of Procedure****

Responsibilities

See Procedure section.

Field of Application

This EWI applies to the following:

- Containers holding hazardous waste with an average volatile organic (VO) concentration greater than or equal to 500 ppmw.
- Containers holding hazardous waste that has not been documented to have an average volatile organic (VO) concentration of less than 500 ppmw using the waste determination procedures in 40 CFR 254.1084.

This EWI does not apply to the following, which are exempt from Subpart CC:

- Hazardous waste containers smaller than 0.1 cubic meter (approximately 26 gallons),
- Hazardous waste with an average VO concentration of <500 ppmw, as documented using generator knowledge or testing (per 40 CFR 265.1084, waste determination procedures),
- Hazardous waste satellite accumulation containers,
- Non-hazardous waste,
- Wastewater treatment tanks exempt from RCRA permitting (note that once hazardous waste is removed from the exempt unit and placed into containers, Subpart CC requirements do apply),
- Materials that are excluded from the definition of solid waste or hazardous waste (such as oil-bearing hazardous secondary material).

At the Gallup Refinery, hazardous wastes subject to Subpart CC (or assumed to be subject to Subpart CC) is typically contained in 55-gallon drums, totes, CHEP/flow bins, roll-off bins, vacuum boxes, or portable baker tank or frac tank containers (referred to as "portable tanks," however, they fall under the container rules as they are not stationary). There are no hazardous waste storage tanks or surface impoundments at the Gallup Refinery.

Hazardous waste containers subject to Subpart CC will typically fall under the Level 1 emission control requirements (see attachment 1 for regulatory background about levels of control and definition of "light material service"). In the unlikely event a container >119 gallons is used to contain a hazardous waste in light material service, Level 2 emission control requirements will apply. No containers are used for hazardous waste stabilization at the Gallup Refinery, therefore, Level 3 emission control requirements do not apply.

Attachment 2 contains procedures for waste determination using generator knowledge or testing (per 40 CFR 265.1084). If waste determination documentation is not available for a specific hazardous waste stream, unless it contains no VOC, it will be assumed to contain an average VO concentration of greater than or equal to 500 ppmw, and be subject to Subpart CC unless specifically exempted.

Record Retention

All records relating to this procedure shall be kept in accordance with applicable guidelines.

Training

All employees that are impacted by this procedure shall be trained upon employment with the company. Any recurring training will be provided to affected employees as necessary.

Forms and Attachments

ATTACHMENT 1

RCRA Subpart CC Levels of Control for Containers

Container Design Capacity	Containers in Light Material Service (Note 1)	Does Waste Stabilization Occur in the Container?	Level of Control
<0.1m^3 (~26 gallons)	Any	Any	Exempt
≥0.1m^3 to <0.46m^3 (approx. 119 gallons)	No	No	Level 1
	No	Yes	Level 3
	Yes	No	Level 1
	Yes	Yes	Level 3
>0.46m^3 (approx. 119 gallons)	No	No	Level 1 **(Note 2)**
	No	Yes	Level 3
	Yes	No	Level 2
	Yes	Yes	Level 3

Note 1: The term "in light material service" means the container is used to manage a hazardous waste for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20° C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20% by weight.

Note 2: If a non-DOT container larger than 0.46m3 (approximately 119 gallons) is used with Container Level 1 controls, records of the procedure used to determine that the container is not managing hazardous waste in Light Materials Service must be maintained.

Level 1 controls: Waste stored in (1) an approved DOT container, (2) a container equipped with a cover and closure devices, or (3) an open top container with an organic- vapor suppressing barrier. Method 21 testing is not required for Level 1 containers.

Level 2 controls: Waste stored in (1) an approved DOT container, (2) a container that operates with no detectable organic emissions as tested using Method 21 of 40 CFR Part 60, Appendix A, or (3) a demonstrated vapor-tight container using 40 CFR Part 60, Appendix A, Method 27.

Level 3 controls: Waste stored in a container that is either vented directly to an air emission control device or located inside an enclosure that is vented through a closed vent system to a control device. The Level 3 enclosure must be designed and operated in accordance with criteria for a permanent total enclosure as specified in "Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B.

ATTACHMENT 2

Waste Determination Procedures

Waste determinations to determine the applicability of RCRA Subpart CC air emission standards shall follow the procedures in 40 CFR 265.1084, as summarized below. Alternatively, wastes may be assumed to contain greater than or equal to 500 ppmw average VO concentration and be managed under the Subpart CC emission control requirements.

Waste determinations at the point of waste origination may be made using owner/operator knowledge or direct measurement.

Owner/Operator Knowledge:

1. Examples of information that may be used as the basis for knowledge include: Material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.
2. Documentation shall be prepared and maintained in the facility hazardous waste files that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration.
3. Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to greater than or equal to 500 ppmw.

Direct Measurement:

Waste determination using direct measurement must be done with representative sampling, a minimum of four samples collected within a one-hour period for each waste determination, a written sampling plan, and use of specific EPA test methods.

1. Develop a written sampling plan that addresses:

   a. Identifying the waste to be sampled, recording the point of waste origination for the waste, and the waste quantity represented by the samples.

   b. How to collect samples at the point of waste origination in a manner that minimizes organic volatilization and adequately represents the waste. An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Method 25D in 40 CFR part 60, appendix A.

   c. The EPA test method to be used. Allowable methods include:

      i. Method 25D of 40 CFR Part 60, Appendix A

      ii. Using another approved method (such as Method 8260) where the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X)

[which can also be expressed as 1.8 × 10−6 atmospheres/gram-mole/m3] at 25 degrees Celsius.

iii. Results obtained from a method other than Method 25D can be adjusted to equate to a Method 25D concentration by multiplying the total concentration measured values by the appropriate fm factors for the constituents in the waste.

d. Collecting and analyzing at least four individual samples within a one-hour period. The results of the individual analysis may be averaged to determine the average VO concentration.

e. Variability of the waste stream and averaging period required. For example, if there are seasonal variations, a one-year averaging period may be appropriate, with additional waste determinations at various times of year with results averaged across a one-year averaging period. If the waste stream is homogenous, a single sample event (four samples over an hour) may be adequate to make a waste determination.

2. Collect samples per the sampling plan and submit them to the lab for analysis.

3. Keep a copy of the sampling plan, chain of custody, sample data (date, time, and location samples collected), and test results in the facility hazardous waste files.

4. Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to greater than or equal to 500 ppmw.

ATTACHMENT 3

RCRA Subpart CC Hazardous Waste Container Level 2 VOC Emissions Monitoring Form

Instructions: This monitoring guideline applies to hazardous waste containers (e.g., roll-off boxes, flow bins, etc.) larger than 120 gallons in "light material service," or to hazardous waste containers unable to meet the Level 1 emission control requirements (such as hard-topped roll-off boxes with a visible gap between the container and cover).

1. VOC monitoring shall be performed at the container cover interface.
2. Monitoring shall be performed after a container subject to these requirements is filled and placed into 90-day storage.
3. Operate the monitor according to the LDAR program procedures for fugitive VOC monitoring from valves, pumps, etc.
4. Take a background VOC reading between three to six feet from the container.
5. Walk slowly and take VOC readings at the cover and container interface around the entire perimeter of the container. Record the maximum VOC reading.
6. Complete the form below.
7. If the net VOC concentration (highest VOC – background) is greater than 500 ppm, re-secure the cover and perform the test again.
8. If the net VOC concentration is still greater than 500 ppm, notify the Environmental Engineer – Waste or the Environmental Technician and obtain a new cover or transfer the waste to a new container and re-test the container.

Inspector:				**Inspection Type: Method 21**				
Date:			**TVA:**			**Temp:**		
Waste	Container Start Date	Container Type	Location	Back-ground Reading	Emission Reading	1st Repair Date	1st Repair Method	1st Repair Emission Reading
Notes (including comments on 2nd repair), add pages as necessary:								

Return completed forms to the Environmental Engineer - Waste

Summary of Revisions

No changes specified in the current Revision of this Procedure.