

Off-Site Waste and Recovery Operations/NESHAP: U.S. Environmental Protection Agency Proposed Revisions



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The United States Environmental Protection Agency ("EPA") in an August 7th Federal Register Notice proposed revisions to the Clean Air Act National Emission Standards for Hazardous Air Pollutants ("NESHAP"): Off-Site Waste and Recovery Operations ("OSWRO"). See 82 Fed. Reg. 36713.

The NESHAP applies to:

- Hazardous waste treatment, storage disposal facilities ("TSDF")
- Resource Conservation and Recovery Act ("RCRA") exempt hazardous wastewater treatment facilities
- Non-hazardous wastewater treatment facilities other than publicly-owned treatment works
- Used solvent recovery plants
- RCRA exempt hazardous waste recycling operations
- Used oil re-refineries

By way of background, EPA on March 18 2015 promulgated a final rule amending the OSWRO NESHAP based on a residual risk and technology review ("RTR") conducted for the OSWRO source category. See 80 Fed. Reg. 14248. The agency amended the OSWRO NESHAP to revise provisions related:

- To emissions during periods of startup, shutdown, and malfunction
- To add requirements for electronic reporting and performance testing
- To add monitoring requirements for pressure relief devices ("PRDs")
- To revise routine maintenance provisions
- To clarify provisions for open-ended valves and lines and for some performance test methods and procedures
- To make several minor clarifications, corrections

A petition for reconsideration in regards to this final rule was submitted to EPA by Eastern Chemical Company and the American Chemical Council. The petition sought reconsideration of:

- The equipment leak provisions for connectors
- The requirement to monitor PRDs on containers

EPA's August 7th proposed rule would remove the additional monitoring requirements for PRDs on containers derived from the 2015 final rule. The agency states it has determined that these requirements are not necessary. Further, it states that the proposed revisions would not substantially change the level

of environmental protection provided under the OSWRO NESHAP. EPA states that the proposed rule would reduce capital costs related to compliance to the relevant industry by \$28 million compared to the 2015 rule.

[A copy of the Federal Register Notice can be downloaded here.](#)