

WAC 173-303-691 Air emission standards for equipment leaks. (1)
Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except as provided in 40 C.F.R. 264.1064(k), this section applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200 (i.e., a hazardous waste recycling unit that is not a "ninety-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200 (i.e., a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) For the owner or operator of a facility subject to the requirements of 40 C.F.R. 264.1052 through 264.1065 and who received a final permit under section 3005 of RCRA prior to December 6, 1996, the requirements of 40 C.F.R. 264.1052 through 264.1065 must be incorporated into the permit when the permit is reissued under WAC 173-303-840(8) or reviewed under WAC 173-303-806(11). Until such date when the owner or operator receives a final permit incorporating the requirements of 40 C.F.R. 264.1052 through 264.1065, the owner or operator is subject to the requirements of 40 C.F.R. 265, Subpart BB, which is incorporated by reference at WAC 173-303-400 (3)(a).

(d) Each piece of equipment to which this section applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(e) Equipment that is in vacuum service is excluded from the requirements of 40 C.F.R. 264.1052 to 264.1060 if it is identified as required in 40 C.F.R. 264.1064 (g) (5).

(f) Equipment that contains or contacts hazardous waste with an organic concentration of at least ten percent by weight for less than three hundred hours per calendar year is excluded from the requirements of 40 C.F.R. Parts 264.1052 through 264.1060 if it is identified, as required in 40 C.F.R. Part 264.1064 (g) (6).

(g) Purged coatings and solvents from surface coating operations subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 C.F.R. Part 63, Subpart IIII, are not subject to the requirements of this section.

Note: The requirements of 40 C.F.R. Parts 264.1052 through 264.1065 apply to equipment associated with hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(2) 40 C.F.R. 264.1051 through 1065 (Subpart BB) is incorporated by reference.

Note: Where the incorporated language refers to 264.1050, refer to WAC 173-303-691. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

[Statutory Authority: Chapters 70.105, 70.105D RCW and RCRA. WSR 19-04-038 (Order 16-03), § 173-303-691, filed 1/28/19, effective 4/28/19. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 09-14-105 (Order 07-12), § 173-303-691, filed 6/30/09, effective

7/31/09; WSR 03-07-049 (Order 02-03), § 173-303-691, filed 3/13/03, effective 4/13/03. Statutory Authority: Chapters 70.105, 70.105D, 15.54 RCW and RCW 70.105.007. WSR 00-11-040 (Order 99-01), § 173-303-691, filed 5/10/00, effective 6/10/00. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 95-22-008 (Order 94-30), § 173-303-691, filed 10/19/95, effective 11/19/95.]