

and (g) of this section, except as provided under paragraph (g)(4) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(4) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(5) In no event shall the temporary deferral provided under paragraph (g)(3) or (g)(4) of this section be effective after the MON Compliance Date.

[59 FR 62935, Dec. 6, 1994, as amended at 60 FR 26829, May 19, 1995; 60 FR 50429, Sept. 29, 1995; 60 FR 56953, Nov. 13, 1995; 61 FR 28510, June 5, 1996; 61 FR 59971, Nov. 25, 1996; 62 FR 52642, Oct. 8, 1997; 62 FR 64662, Dec. 8, 1997; 63 FR 11139, Mar. 6, 1998; 63 FR 19838, Apr. 22, 1998; 63 FR 49399, Sept. 15, 1998; 63 FR 53847, Oct. 7, 1998; 64 FR 3389, Jan. 21, 1999; 66 FR 34376, June 28, 2001]

#### § 265.1081 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning

given to them in the Act and parts 260 through 266 of this chapter.

*Average volatile organic concentration* or *average VO concentration* means the mass-weighted average volatile organic concentration of a hazardous waste as determined in accordance with the requirements of § 265.1084 of this subpart.

*Closure device* means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

*Continuous seal* means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

*Cover* means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

*Enclosure* means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

*External floating roof* means a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

*Fixed roof* means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

*Floating membrane cover* means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

*Floating roof* means a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

*Hard-piping* means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

*In light material service* means the container is used to manage a material 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 percent by weight.

*Internal floating roof* means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

*Liquid-mounted seal* means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof continuously around the circumference of the tank.

*Malfunction* means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

*Maximum organic vapor pressure* means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank, at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining

wastes, etc.) reasonably expected to occur in the tank. For the purpose of this subpart, maximum organic vapor pressure is determined using the procedures specified in §265.1084(c) of this subpart.

*Metallic shoe seal* means a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

*No detectable organic emissions* means no escape of organics to the atmosphere as determined using the procedure specified in §265.1084(d) of this subpart.

*Point of waste origination* means as follows:

(1) When the facility owner or operator is the generator of the hazardous waste, the point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in 40 CFR part 261.

NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Clean Air Act in 40 CFR parts 60, 61, and 63.]

(2) When the facility owner and operator are not the generator of the hazardous waste, point of waste origination means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

*Point of waste treatment* means the point where a hazardous waste to be treated in accordance with §265.1083(c)(2) of this subpart exits the treatment process. Any waste determination shall be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

*Safety device* means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device which functions exclusively to prevent physical damage or permanent deformation to a unit or its

air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

*Single-seal system* means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

*Vapor-mounted seal* means a continuous seal that is mounted such that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

*Volatile organic concentration* or *VO concentration* means the fraction by weight of the volatile organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the waste in accordance with the requirements of § 265.1084 of this subpart. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of 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  $1.8 \times 10^{-6}$  atmospheres/gram-mole/m<sup>3</sup>) at 25 degrees Celsius must be included. Appendix VI of this subpart presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

*Waste determination* means performing all applicable procedures in ac-

cordance with the requirements of § 265.1084 of this subpart to determine whether a hazardous waste meets standards specified in this subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of § 265.1084 of this subpart to determine the average VO concentration of a hazardous waste at the point of waste origination; the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

*Waste stabilization process* means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992 (incorporated by reference—refer to § 260.11 of this chapter). A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.

[59 FR 62935, Dec. 6, 1994, as amended at 61 FR 4914, Feb. 9, 1996; 61 FR 59971, Nov. 25, 1996; 62 FR 64662, Dec. 8, 1997]

**§ 265.1082 Schedule for implementation of air emission standards.**

(a) Owners or operators of facilities existing on December 6, 1996 and subject to subparts I, J, and K of this part shall meet the following requirements: