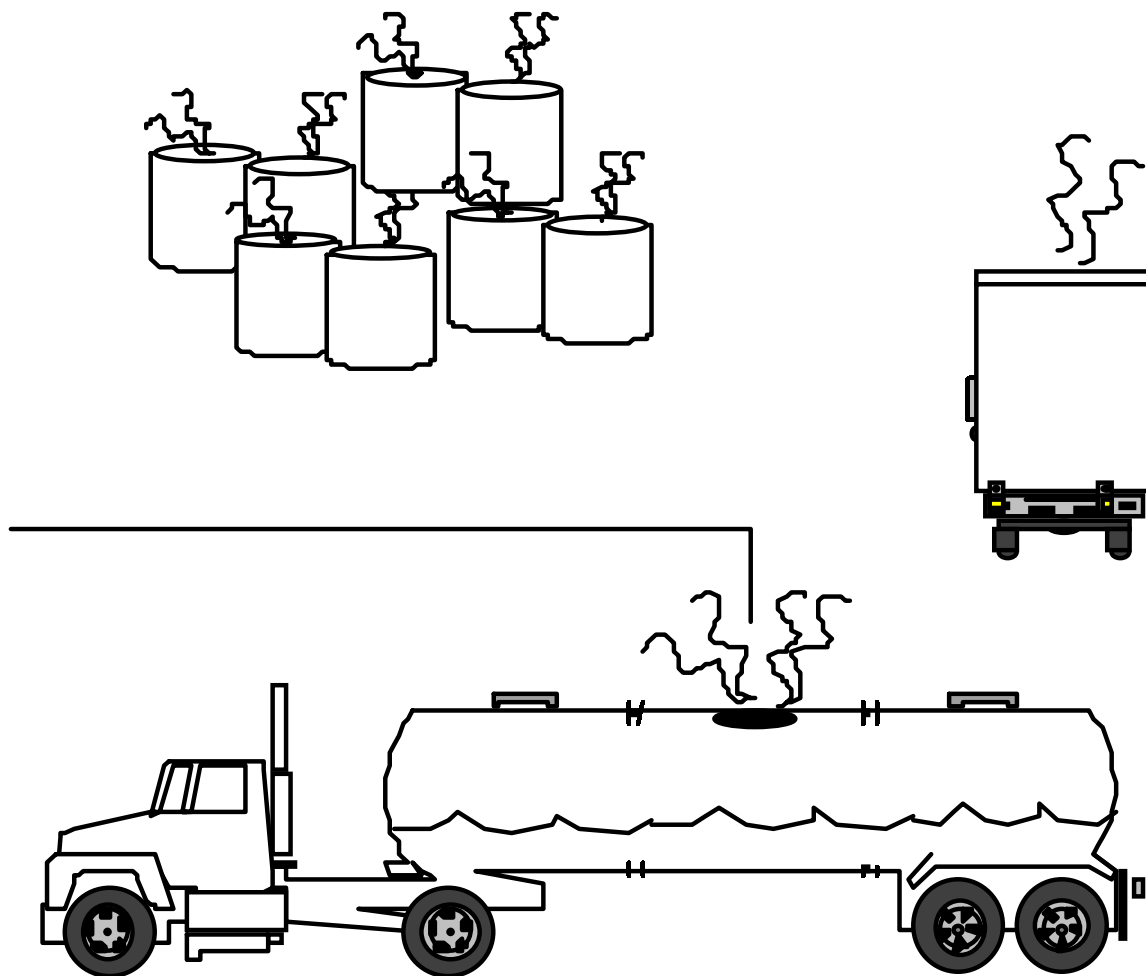




U.S. EPA REGION 7 ORGANIC AIR EMISSIONS ASSISTANCE

RCRA SUBPART CC GUIDANCE MODULE FOR CONTAINER LEVEL 3 CONTROLS

CONTAINER VENTED DIRECTLY THROUGH A CLOSED-VENT SYSTEM TO A FLARE



U.S. EPA REGION 7

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FORWARD

The purpose of this Guidance Module is to present information by which affected facilities can achieve better compliance with environmental regulations. This Guidance Module was produced by TechLaw, Inc. under contract to the U.S. Environmental Protection Agency (U.S. EPA) Region 7 for the Compliance Assurance and Enforcement Division of U.S. EPA Region 7.

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U.S. EPA REGION 7

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TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	About this Guidance Module	1
1.2	General Subpart CC Requirements	1
2.0	APPLICABILITY	2
3.0	CONTAINER CONTROL REQUIREMENTS	2
3.1	Level of Control Required	4
3.2	Requirements Specific to a Container Vented Directly Through a Closed-Vent System to a Flare	5
3.2.1	Monitoring and inspection requirements	7
3.2.2	Waste transfer requirements	9
3.2.3	Repair requirements	9
3.2.4	Recordkeeping requirements	9
4.0	PERMIT REQUIREMENTS	10
4.1	Permit Content - General	11
4.2	Permit Content - Container Standards	12
4.2.1	Operating requirements	13
4.2.2	Monitoring requirements	14
4.2.3	Inspection requirements	14
4.2.4	Repair requirements	14
4.2.5	Recordkeeping requirements	15
Figure 2-1	Applicability Decision Tree for Containers	3

1.0 INTRODUCTION

1.1 About this Guidance Module

This Guidance Module is a compliance assistance tool for environmental managers responsible for complying with RCRA Subpart CC standards. Subpart CC standards may apply to tanks, containers, or surface impoundments which manage hazardous waste. Compliance with the Subpart CC standards is based on proper knowledge of the waste, good waste management practices, inspecting and maintaining equipment in good repair, and the appropriate application of acceptable control options.

This Guidance Module has been prepared for environmental managers, owners and operators responsible for complying with Subpart CC standards through the use of a container vented directly through a closed-vent system to a flare. Containers which meet Container Level 3 control criteria may use this control option for compliance with Subpart CC regulations. Information on applicability, waste determination, monitoring and inspection requirements, waste transfer requirements, repair requirements, recordkeeping requirements, and permitting for containers vented directly through a closed-vent system to a flare is presented in this Guidance Module.

The inspection, management, and permitting requirements for tanks, surface impoundments and containers that apply controls other than containers vented directly through a closed-vent system to a flare are not discussed in this Guidance Module. Please refer to the *U.S. EPA Region 7 Environmental Manager's Guidance Handbook* (December 1998) for information on the inspection, management, and permitting requirements of these types of equipment. Other federal, state, and local regulations which limit the amount of volatile organics (VO) that can be emitted from a unit are not covered in this Guidance Module.

The Subpart CC standards were initially published on December 6, 1994 (59 FR 69826). Since that time U.S. EPA has published several FEDERAL REGISTER documents to amend or clarify the December 6, 1994 Final Rule. This Guidance Module considers applicable FEDERAL REGISTER documents through the December 8, 1997 (62 FR 64636) corrections and clarifications to the Final Rule.

1.2 General Subpart CC Requirements

Subpart CC standards were published to reduce organic air emissions from tanks, surface impoundments, and containers. The standards allow for controlling organic air emissions from affected

equipment by using an acceptable control device, by treating the waste, or by meeting one of various other design or regulatory requirements included in the standard.

Units which contain hazardous wastes which have been treated to reduce the VO concentrations to below specified limits are exempt from the Subpart CC standards. The acceptable organic treatment methodologies and the required treatment limits are presented in 40 CFR 264.1082(c)(2)(i) to (ix) and 265.1083(c)(2)(i) to (ix) of the Subpart CC standards. These treatment alternatives are discussed in the *U.S. EPA Region 7 Environmental Manager's Guidance Handbook* (December 1998).

Subpart CC standards require that waste determinations be conducted to determine the VO concentration of the waste, to ensure that treatment conditions specified in the standards are met, to determine if the system operates with no detectable emissions and to determine the maximum organic vapor concentration in a container. Waste determinations are described in 40 CFR 265.1084 and in the *U.S. EPA Region 7 Environmental Manager's Guidance Handbook* (December 1998).

2.0 APPLICABILITY

Subpart CC standards apply to any tank, surface impoundment or container which manages hazardous waste and which is subject to permit standards under 40 CFR 264, interim status standards under 40 CFR 265, or less than 90-day Large Quantity Generator (LQG) standards under 40 CFR 262.34(a)(1)(i) or (ii). Certain exemptions or exclusions may apply. The descriptions of the exemptions and exclusions presented in the following applicability decision tree (Figure 2-1) are abbreviated. Please consult the Code of Federal Regulations references cited on the decision tree for additional detail.

The exclusions presented in Figure 2-1 do not affect the requirement to maintain appropriate records which provide information on the basis of the exclusion that is applied to the unit.

3.0 CONTAINER CONTROL REQUIREMENTS

A container vented directly through a closed-vent system to a flare may be subject to Subpart CC control requirements if it manages hazardous waste which has an annual average concentration of VO at the point of waste origination equal to or exceeding 500 ppm by weight (ppmw) as measured by methods specified in 40 CFR 265.1084(a). Equipment such as piping that is associated with the

Figure 2-1: Applicability Decision Tree for Containers



container vented through a closed-vent system to a flare may also be subject to RCRA air rules. Piping and associated equipment which feeds the container may be subject to Subpart BB regulations if it contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight. Other equipment which exists downstream of the Subpart CC affected container may, or may not, be subject to RCRA air rules depending on the VO concentration of waste in the equipment.

The level of control required for a container is dependant on the capacity of the container and the vapor pressure of the waste in the container and if stabilization occurs within the container. The following discussion presents the information which is necessary to assure that a container is operating in compliance with Container Level 3 controls.

3.1 Level of Control Required

Three levels of air pollution emission controls are specified by 40 CFR 264.1084 - Container Level 1, Container Level 2 and Container Level 3. Container Level 1 controls are typically the easiest to implement. The level of control required is dependent upon the size of the container, the maximum vapor pressure of the waste contained in the container, and if the waste is undergoing stabilization within the container.

Containers which meet Container Level 3 criteria may comply with Subpart CC requirements by using a container vented directly through a closed-vent system to a flare.

Criteria for Container Control Requirements

Container Size		Service of Container	Container Control Level
cubic meters	gallons, approx.		
> 0.1 and ≤0.46	> 26.4 and ≤122	Light or heavy material service	Container Level 1
> 0.46	> 122	Heavy material service	Container Level 1
> 0.46	> 122	Light material service	Container Level 2
> 0.1	> 26.4	Waste stabilization	Container Level 3

Reference: 40 CFR 264.1086(b)(1)(i) - 40 CFR 264.1086 (b)(2)

Container Level 3 controls require that the container vented directly through a closed-vent system to a control device or container vented inside an enclosure (designed and operated in accordance with Procedure T in 40 CFR 52.741) which is vented through a closed-vent system to a combustion device.

Compliance information for containers vented inside an enclosure which is vented through a closed-vent system to a combustion control device or directly to a control device other than a flare may be found in the appropriate *U.S. EPA Region 7 Environmental Managers Guidance Module*.

Container Level 3 controls for a container vented directly through a closed-vent system to a flare are introduced in 40 CFR 264.1086(d)(1) and 265.1087(d)(1). The basic requirements for containers that meet Container Level 3 control requirements through a container vented directly through a closed-vent system to a flare are given below.

3.2 Requirements Specific to a Container Vented Directly Through a Closed-Vent System to a Flare



- The container must be equipped with covers and closure devices that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Some of the factors which must be considered include: organic vapor permeability, the effects of the hazardous waste or its vapor on the container, the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- The cover and closure devices must be secured in the closed position any time hazardous waste is stored in the container. The opening of a closure device or cover is permitted to add hazardous waste to the container. Removal of the cover and/or opening of the closure devices are allowed when it is necessary to provide access to the container for routine inspection, maintenance, sampling, removal of accumulated sludge or residues or other activities needed for normal operation of the container [40 CFR 264.1086(d)(3)(i) and 265.1087(d)(3)(i)].
- When the container is filled to the intended final level in one continuous operation, the closure devices and cover must be promptly secured in the closed position. When the container is filled intermittently over a period of time, the closure device and cover must be promptly secured in the closed position when no additional material will be added to the container

within 15 minutes, the person performing the loading operation leaves the immediate vicinity of the container, or when there is a shutdown of the process generating the material being added to the container [40 CFR 264.1086(d)(3) and 40 CFR 265.1087(d)(3)].

- Pressure relief devices such as conservation vents and spring-loaded pressure-vacuum relief valves are allowed on containers subject to Container Level 3 controls. These pressure relief devices must operate with no detectable emissions when the device is secured in the closed position. The procedure for determining no detectable emissions is presented in 40 CFR 264.1086(g). Opening a spring-loaded pressure-vacuum relief valve, conservation vent or similar device is permitted as necessary to maintain the container internal pressure in accordance with design specifications [40 CFR 264.1086(d)(3)(iv) and 265.1087(d)(3)(iv)]. Safety devices, as defined in 40 CFR 265.1081, may open anytime necessary to avoid an unsafe condition, however, they must not be used for routine venting of the vapor space in a container [40 CFR 264.1086(d)(3)(v) and 265.1087(d)(3)(v)].

Closed-Vent System Requirements

- The closed-vent system must be designed and operated in accordance with 40 CFR 264.1087(b) or 265.1088(b) which reference requirements in 40 CFR 264.1033(k) and 265.1033(j) respectively. The standards in 40 CFR 264.1033(k) and 265.1033(j) require that the closed-vent system either operate with no detectable emissions or at a pressure below atmospheric. If complying with no detectable emissions, the closed-vent system must be designed for and operated with no detectable emissions as indicated by an instrument reading of <500ppm above background as determined by Method 21 in accordance with 40 CFR 264.1034(b) and 265.1043(b) (Subpart AA standards).
- If the closed-vent system associated with the container includes bypass devices that could be used to divert the vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator to indicate the presence of flow in the bypass line, or a seal or locking the lock [40 CFR 264.1087(b)(3)]. If a flow meter is used it must be installed upstream of the inlet to the control device associated with the closed-vent system.

Control Device Requirements

- The flare must be designed and operated with no visible emissions as determined by Method 22 of 40 CFR 60, Appendix A. The visible emissions cannot exceed a total of five minutes during any two consecutive hours.
- The flame of the flare must be present at all times. A flare should be equipped with a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
- The flare must have a net heating value for the gas being combusted of 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted. A nonassisted flare must have a net heating value for the gas being combusted of 7.45 MJ/scm (200 Btu/scf).
- A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity which is less than 18.3 m/s (60 ft/s). However, if the flare operates with a net heating value of 37.3 MJ/scm or greater, the exit velocity may exceed 18.3 m/s but not 122 m/s (400 ft/s).
- An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V_{\max} . The maximum allowed velocity, V_{\max} , is determined from the following:

$$V_{\max} = 8.706 + 0.7084 (H_T)$$

where: H_T = net heating value.

3.2.1 Monitoring and inspection requirements [40 CFR 264.1086(d) and 265.1087(d)]

Subpart CC specific monitoring and inspection requirements for a container vented directly through a closed-vent system to a flare are presented in 40 CFR 264.1086(d)(4) and 265.1087(d)(4).

Subpart CC standards require that the container vented to a flare be visually inspected. If a hazardous waste is already in the container at the time the owner or operator first accepts the possession of the container (i.e., once the owner or operator signs the Uniform Hazardous Waste manifest) the container must be visually inspected within 24 hours of acceptance. The container must be visually inspected for cracks, holes, gaps or other open spaces in the interior of the container when the cover and closure devices are secured in the closed position. If a defect is noted, a first attempt at repair must take place within 24 hours, with

complete repair within five calendar days of detection.

When a container used for managing hazardous waste remains at the facility for a period of one year or more, the container must be initially inspected and thereafter inspected every 12 months. If a defect is noted, repairs must begin within 24 hours, with completion of repairs within five calendar days of detection.

Monitoring and inspection records for Subpart CC affected equipment must be maintained according to the requirements of 40 CFR 264.1089 or 265.1090 as applicable.

Closed-Vent System

“Closed-vent systems must be designed and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspection.”

- **Closed-vent systems must be designed and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspection.** The closed-vent system must be monitored to determine this compliance, before the date the facility becomes subject to the regulations of Subpart CC, annually thereafter, and at any other time the Regional Administrator may request. The monitoring must comply with Method 21 in 40 CFR part 60. The instrument must be calibrated before use on each day of its use in accordance with Method 21. The instrument probe must be traversed around all potential interfaces as close to the interface as possible. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- Any seal or locking device which prevents the opening of a bypass device on a closed-vent system must be inspected monthly to verify that the device is maintained in the closed position.

Flare

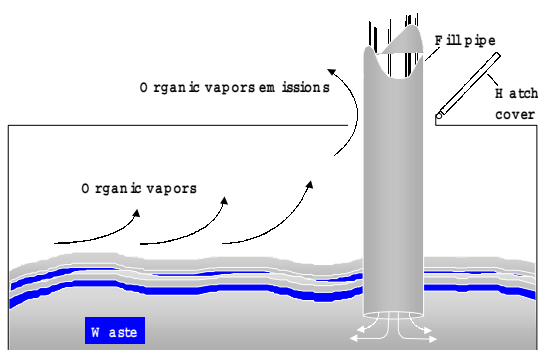
- The readings from each monitoring device required by 40 CFR 264.1033(f) and described below must be inspected at least once each operating day to check control device operation. The specific monitoring requirements are summarized below.
- The flare must be equipped with a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame. The readings from the

monitoring device must be inspected at least once per operating day.

- The flare must be monitored according to Method 22, 40 CFR 60, Appendix A, to ensure it operates with no visible emissions.

3.2.2 Waste transfer requirements [40 CFR 264.1086 and 265.1087]

The waste transfer requirements for Level 3 containers are contained in 40 CFR 264.1086(d)(2) and 40 CFR 265.1087(d)(2). The transfer requirement for Level 3 containers vented directly through a closed-vent system to a flare are as follows.



- The transfer of hazardous waste in or out of a Level 3 container must be conducted in a manner which minimizes exposure of the hazardous waste to the atmosphere, to the extent practical.
- A container filled to the intended final level in one continuous operation must have the closure devices and cover promptly secured in the closed position once the transfer is complete.
- A container filled intermittently over a period of time must have the closure devices and cover promptly secured in the closed position when no additional material will be added to the container within 15 minutes, the person performing the loading operation leaves the immediate vicinity of the container or when there is a shutdown of the process generating the material being added to the container.

3.2.3 Repair requirements [40 CFR 264.1086 and 265.1087]

For each defect detected during an inspection, the initial effort at repair must be made no later than 24 hours after detection and repair must be completed as soon as possible, but no later than five calendar days after detection. If the repair of the defect cannot be completed within five calendar days, the hazardous waste must be removed from the container and the container cannot be used to manage hazardous waste until the defect is repaired. If the repair of the defect was delayed in accordance with the provisions set forth in 40 CFR 264.1086 and 265.1087, the facility operating record must contain the reason for the delay and the expected date of repair [40 CFR 264.1089(d)(1)(i)(B) and 265.1090(d)(1)(i)(B)].

3.2.4 Recordkeeping requirements [40 CFR 264.1089(d) and 265.1090(d)]

All records that are maintained in accordance with Subpart CC standards, including those stored electronically, must be

maintained in a central location and be easily accessible during inspections. The owner or operator of a facility that is subject to RCRA Subpart CC standards is required to record and maintain certain information in the facility operating record for a minimum of three years. The following table presents the recordkeeping requirements which apply to a container vented directly through a closed-vent system to a flare.

RECORDKEEPING REQUIREMENTS SUMMARY TABLE

CONTAINERS VENTED DIRECTLY THROUGH CLOSED-VENT SYSTEM TO A FLARE	40 CFR
The annual records, stating that the closed-vent system is designed and operated in accordance with 40 CFR 264.1087(b) or 265.1088(b). The records provided must indicate that the system either operates with no detectable emissions or at a pressure below atmospheric. If complying with no detectable emissions, the closed-vent system must be designed for and operated with no detectable emissions as indicated by an instrument reading of <500 ppm above background as determined by Method 21 in accordance with 40 CFR 264.1034(b) and 265.1034(b).	264.1087(b) and 265.1088(b)
CONTROL DEVICES	REGULATORY CITATIONS
Air emission control device design documentation must be maintained in the facility operating record until the air emission control equipment is replaced or otherwise no longer in service.	40 CFR 264.1089(a) and 265.1090(a)

4.0 PERMIT REQUIREMENTS

This section addresses the permit requirements for an existing treatment, storage, or disposal facility (TSDF) that meets Container Level 3 control requirements for container vented directly through a closed-vent system to a flare. Although the 40 CFR Part 264 requirements are self-implementing (i.e., the requirements apply to all affected facilities prior to revising the RCRA Part B permit), eventually all affected interim status and permitted TSDFs will be issued a RCRA Part B permit that incorporates the requirements of 40 CFR Part 264. In addition, any existing TSDF that becomes newly subject to the regulations or any new TSDF that is subject to the regulations must submit a permit application and receive a permit incorporating the RCRA Part B requirements prior to construction and operation of the newly affected unit or facility.

Prior to promulgation of the Subpart CC requirements on December 6, 1994, 40 CFR Section 270.4 stipulated that compliance with a RCRA permit constituted compliance with the provisions of RCRA. In other words, facilities subject to the RCRA regulations were not required to comply with changes to the RCRA regulations until such revised requirements were incorporated into the facility's RCRA permit by the permitting authority. This provision is commonly known as "permit-as-a-shield". The December 6, 1994 Federal Register changed the "permit-as-a-shield" practice by amending Section 270.4 to require that owners/operators of TSDFs that have been issued final RCRA permits prior to October 6, 1996, comply with the air emissions standards under Part 265, Subparts AA, BB and CC until the facility's permit is reviewed or reissued. In other words, the TSDF owner or operator is not required to initiate a permit modification to add the requirements of 40 CFR Part 264, Subparts AA, BB or CC for existing units, but must comply with the applicable requirements of 40 CFR Part 265, Subparts AA, BB and CC by the compliance date of December 8, 1997.

The RCRA permit for affected TSDFs will be revised to incorporate the applicable requirements of 40 CFR Part 264, Subparts AA, BB and CC whenever the permit is reopened or subject to renewal, or when a TSDF owner or operator submits a Class 3 modification request pertaining to an existing unit or addition of a new unit subject to the Subpart AA, BB, or CC requirements. Interim status TSDFs which have submitted Part B applications to the U.S. EPA, but have not received a draft permit as of December 5, 1996, are required to modify the Part B application to incorporate the applicable requirements of 40 CFR Part 264, Subparts AA, BB, and CC prior to the draft being issued by the U.S. EPA. If the TSDF has received a draft permit as of December 5, 1996, the applicable requirements of 40 CFR Part 264 Subparts AA, BB, and CC must be incorporated into the final permit determination. The Regional Administrator will establish, on a case-by-case basis, the deadline for submittal of the revised Part B permit application.

4.1 Permit Content - General

Development of the permit application is critical to receipt of a permit that is acceptable to the facility. It must be remembered that the permit application is the primary source of information for the permitting authority to use in preparing the permit. Although the regulations specify the minimum information that is required to be included in the permit application, the applicant may want to consider including additional optional information. In this manner

the permitting authority will have all the information necessary for the development of complete, accurate and acceptable permit terms and conditions. Please contact your U.S. EPA or State permit writer for a permit writers checklist or for permit writing guidance.

Examples of additional information that an owner or operator may want to submit with an application that addresses a container vented directly through a closed-vent system to a flare include:

- Description of operating procedures (i.e., how containers are kept closed except when waste is transferred).
- Examples of facility records or example log forms.
- Description of inspection schedules for container inspections.
- Description of inspection procedures (i.e., how a defect is detected).
- Description of procedures followed in attempting to repair a defect.
- Description of how waste is transferred to minimize exposure of waste to the atmosphere.
- Description of the procedure used to determine that the closed-vent system operates with no detectable emissions.
- Description of what parameters continuously monitored to ensure the flare is reducing organics by at least 95 percent.

The incorporation of this type of information into the permit application may be beneficial to the permit application review process and result in the process proceeding smoothly so that the permit can be issued as quickly as possible.

4.2 Permit Content - Container Standard

Operating, monitoring, inspection, repair, recordkeeping and reporting requirements vary depending on the option used to control air emissions from a container. The following are requirements for a container vented directly through a closed-vent system to a flare. At a minimum, the following requirements will appear as terms and conditions in the RCRA permit.

4.2.1 Operating Requirements

Whenever a hazardous waste is in a Level 3 container, the covers and closure devices should be closed at all times, except as follows:

- When adding hazardous waste or other material into the container. In the case of continuous filling, the covers and closure devices must be promptly secured in the closed position upon conclusion of the filling operation. In the case of batch filling, covers and closure devices must be promptly secured in the closed position upon the container being filled to the intended fill level, when the time between batch transfers exceeds 15 minutes, if the person performing the loading operation leaves the immediate vicinity of the container, or upon the shutdown of the process generating the material being added to the container, whichever occurs first. Waste transfer must be conducted in a manner which minimizes exposure of the hazardous waste to the atmosphere.
- When removing hazardous waste from the container. In the case where discrete batches or quantities of material are removed, covers and closure devices must be promptly secured in the closed position upon completion of a batch removal where the time between batch transfers exceed 15 minutes, or the person performing the removal operation leaves the immediate vicinity of the container, whichever occurs first.
- When a container is empty [as defined in 40 CFR 261.7(b)].
- While performing routine activities such as sampling and accessing equipment through a manhole hatch.
- When a conservation vent or similar type of pressure relief device is vented during normal operations to allow the internal pressure of the container to be maintained within design specifications.
- Whenever it is necessary to open a container to avoid an unsafe condition.

When hazardous waste is transferred in or out of a Level 3 container, the transfer must be done in a manner that minimizes exposure of the hazardous waste to the atmosphere.

4.2.2 Monitoring Requirements

Containers meeting Level 3 control requirements by using a container vented directly through a closed-vent system to a flare must be monitored to ensure the system operates at no detectable emissions (<500 ppmw) using the procedures specified in Method 21 of 40 CFR Part 60, Appendix A or provide proof that the system operates at negative pressure. When Method 21 is performed, the instrument must be calibrated before use on each day of its use in accordance with the Method. The instrument probe must be traversed around all potential interfaces as close to the interface as possible. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

The flare must also be monitored to ensure it operates with no visible emissions according to Method 22 of 40 CFR 60, Appendix A. The emissions cannot exceed five minutes in any two consecutive hours. In addition, the continuous recorder associated with the heat sensing monitoring device must be inspected at least once per day to ensure that the flame is always present.

4.2.3 Inspection Requirements

Containers vented directly through a closed-vent system to a flare used for a Level 3 control must be inspected when the owner or operator first accepts possession of the container and the container is not emptied within 24 hours after the container is accepted. This inspection includes a visual inspection of the container, covers and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container. In the case where a container used for managing hazardous waste remains at the facility for a period of one year or more, the facility must visually inspect the container and its cover and closure devices initially and once every 12 months thereafter.

4.2.4 Repair Requirements

When a defect is detected during an inspection, the source must make an initial effort to repair the defect no later than 24 hours after detection and the repair must be completed as soon as possible but no later than five calendar days after detection. If the repair cannot be completed within this five day period, the hazardous waste must be removed from the container and the container cannot be used for managing hazardous waste until the defect is repaired.

4.2.5 Recordkeeping Requirements

All required records must be retained by the facility for a minimum of three years. The recordkeeping required for containers meeting the Level 3 controls through the use of a container vented directly through a closed-vent system to a flare is to maintain records of the required inspections and any necessary repairs.

Web Site

Clarification and additional information concerning EPA regulations can be obtained by contacting the EPA through the internet at the following web site:

www.epa.gov/region07