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October 1, 2021

Via RCRApost@epa.gov

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Draft Memorandum "Applicability of Resource Conservation and Recovery Act (RCRA) Organic Air Emission Standards to Equipment and/or Closure Devices, Subpart BB versus Subpart CC"

Dear Sir or Madam:

The Compliance Monitoring and Enforcement (CME) Task Force within the Hazardous Waste Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to comment on the draft memorandum, "Applicability of Resource Conservation and Recovery Act (RCRA) Organic Air Emission Standards to Equipment and/or Closure Devices, Subpart BB versus Subpart CC", from the Director of the Office of Resource Conservation and Recovery (ORCR) within the U.S. Environmental Protection Agency (EPA). The Task Force received the draft memorandum that was circulated via e-mail on August 4, 2021, for a 60-day public comment period. These Task Force comments have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition to these comments, individual State or Territorial hazardous waste programs may provide input directly to EPA based on their own perspectives and experiences

ASTSWMO is an association representing the waste management and remediation programs of the fifty (50) States, five (5) Territories and the District of Columbia (States). Our membership includes State waste program experts in the management and regulation of solid and hazardous waste.

The CME Task Force appreciates ORCR providing guidance to State permit writers and inspectors for determining whether certain equipment and/or closure devices located on covers of hazardous waste tanks, containers, and surface impoundments are regulated as equipment (subject to 40 CFR parts 264/265 subpart BB) or as a closure device (subject to 40 CFR parts 264/265 subpart CC). The Task Force members are in agreement with EPA's clarification of when to apply either 40 CFR parts 264/265 subpart BB or subpart CC to certain pieces of equipment and/or closure devices; the interpretation seems straightforward and easy to apply in most scenarios. Additionally, the Task Force appreciates EPA affirmatively stating that authorized States may continue to be more stringent in their own application of the RCRA Organic Air Emission Standards. The Task Force does not have any recommended edits to the draft memo.

Thank you for your consideration of the CME Task Force's input.

If you have any questions about these comments, please contact me at kris.figur@state.co.us or Kerry Callahan of ASTSWMO at kerryc@astswmo.org.

Sincerely,

Kristine Figur (CO)
Chair, Compliance Monitoring and Enforcement Task Force
ASTSWMO Hazardous Waste Subcommittee