



## EPA Fines Companies for Air Emissions from RCRA Waste Tanks and Equipment

Companies that store hazardous waste liquids with organics or other volatile and light vapors should ensure that the tanks, containers, and equipment used at those facilities satisfy the [RCRA Organic Air Emission Standards](#) in Subparts AA, BB, and CC under 40 CFR Parts 264 and 265. Over the past month, EPA has announced at least five separate penalty enforcement actions for air emission violations under the Subpart BB and Subpart CC standards. EPA promulgated the RCRA hazardous waste air emission standards to reduce the release of air emissions and organic vapors into the atmosphere from hazardous waste tanks, containers, equipment, and process vents, to prevent ozone precursors and other air toxics.

EPA's focus on reducing air emissions from hazardous waste TSD facilities (TSDFs) and generators that accumulate hazardous waste in less-than-90 day storage tanks should come as no surprise given EPA's National Compliance Initiative on [Reducing Hazardous Air Toxic Emissions at Hazardous Waste Facilities](#). But the flurry of recent enforcement activity, particularly in the Midwest in EPA Region 5 and Region 7, demonstrates that the agency is increasing its oversight and enforcement.

- **Aerosols Danville – EPA Region 5 (Danville, Illinois)** – A beauty products production facility that generates spent ethanol, fined \$175,000, [for Subpart BB and CC alleged violations](#) for failing to monitor valves and pumps for leaks, maintain records, tag valves and flanges, and inspect roof closures.
- **DCW Casing LLC – EPA Region 7 (Oelwein, Iowa)** – A manufacturer of a blood anticoagulant, paid a civil penalty of \$80,562 [for RCRA violations associated with waste ethanol stored in a tanker truck](#), including Subpart BB violations for alleged failure to mark equipment, failure to record information in facility operating record relating to equipment, and failure to keep records to determine

exemptions.

- **Fuchs Lubricants Co. of – EPA Region 7 (Kansas City, Kansas)** – Lubricating oil manufacturer, [agreed to a civil penalty of \\$255,344 for Subpart BB alleged violations](#) and other RCRA citations, including failure to conduct monthly monitoring and weekly visual inspections on pumps in light service for leaks per Reference Method 21, and failure to record required information in the facility operating record for each piece of Subpart BB equipment.
- **Safety-Kleen Systems, Inc. – EPA Region 5 (Cook County, Illinois)** – A RCRA-permitted organic chemical and solvent reclamation and recycling facility that regenerates spent solvent and blends hazardous waste into fuel. [The company entered into a settlement agreement with EPA involving a \\$350,000 civil penalty](#) for RCRA violations, which included Subpart CC tank violations involving allegations such as failure to operate eight hazardous waste tanks with no detectable organic emissions, and failure to equip one tank (using Level 1 controls) with a closure device secured in the closed position.
- **United Industries Corporation – EPA Region 7 (St. Louis County, Missouri)** – [Manufacturer of herbicides, pesticides, cleaners, and pest repellants, agreed to pay a civil penalty of \\$95,000](#), including allegations associated with failure to mark Subpart BB equipment and to keep records to determine exemptions, along with failure to equip a tank with a fixed roof under Subpart CC.

[EPA's RCRA Organic Air Emission Standards](#) require facilities to capture and control organic emissions and related hazardous waste air pollutants. Subpart CC sets forth specific obligations concerning hazardous waste stored in tanks, containers, and surface impoundments, whereas Subpart BB requires facilities to inspect, monitor, and repair leaks from "equipment" found in pipe runs, such as valves, connectors, pumps, etc. EPA's recent enforcement activity follows other related significant Subpart BB and Subpart CC cases including a February 2021 [\\$121,478 settlement with Emerald Kalama Chemical, LLC](#), in Washington, and an [August 2020 EPA enforcement case for \\$790,000 against Clean Harbors Environmental Services, Inc.](#) in Nebraska.

Another notable point featured in the EPA Region 5 press releases involves the fact that the agency brought the two recent enforcement cases in connection with EPA's [Environmental Justice](#) enforcement initiative, because the facilities storing and managing hazardous waste were located in communities with environmental justice

concerns.

This blog post was drafted by [Andrew Brought](#). He is an attorney in the Kansas City, Missouri office of Spencer Fane. For more information, please visit [www.spencerfane.com](http://www.spencerfane.com).