

US EPA ARCHIVE DOCUMENT

**RCRA Permit Training**  
**EPA Region 4—Frankfort, KY**  
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Booz | Allen | Hamilton

## **SESSION 10**

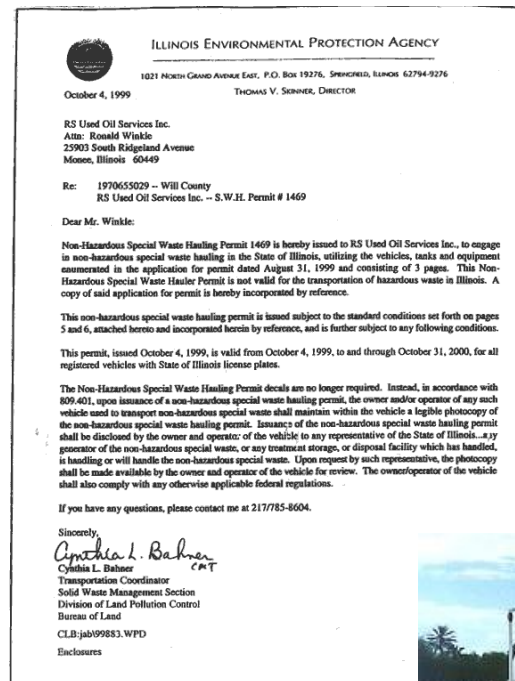
### **RCRA PERMIT TRAINING:**

# **WHO NEEDS A PERMIT & REGULATORY REQUIREMENTS**



# Session 10 Agenda: Who Needs a Permit & Regulatory Requirements

- ▶ Permit Applicability
- ▶ Permit Exemptions
- ▶ Types of Permits
- ▶ Permitting Process



Permitting process is extensive—permits can take several years to review and approve



## **RCRA requires a permit for the treatment, storage, and disposal of any hazardous waste as identified or listed in 40 CFR Part 261**

- ▶ Owners or operators of facilities that treat, store, or dispose of hazardous waste must obtain an operating permit under Subtitle C of RCRA
- ▶ Treatment, storage or disposal facilities (TSDFs) in existence on November 19, 1980, operate under interim status until a final permit decision is made
- ▶ New TSDFs (those that were not in operation before November 19, 1980) are ineligible for interim status and must receive a RCRA permit before construction can commence



## The following entities are exempt from the permitting requirements

- ▶ Large quantity generators accumulating waste on site for less than 90 days
- ▶ Small quantity generators who accumulate waste on site for less than 180 days
- ▶ Farmers disposing of their own (hazardous) pesticides on site
- ▶ Owners or operators of totally enclosed treatment facilities, wastewater treatment units (tanks) and elementary neutralization units

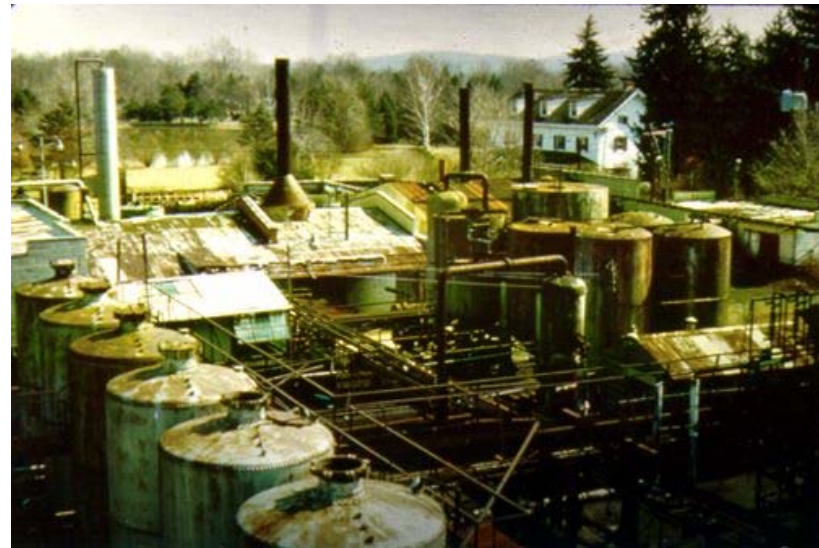


## The following entities are exempt from the permitting requirements (continued)

- ▶ Transporters storing manifested wastes at a transfer facility for less than 10 days
- ▶ Persons engaged in containment activities during an immediate response to an emergency
- ▶ Owners or operators of solid waste disposal facilities handling only conditionally exempt small quantity generator waste
- ▶ Persons engaged in Superfund on-site cleanups and RCRA §7003 cleanups

## There are several different types of permits

- ▶ Treatment, storage, and disposal permits
  - RCRA permits issued for treatment, storage, and disposal units
  - HSWA requires facilities to correct releases to all media, thus interim status facilities or facilities permitted prior to HSWA, are required to include provisions in their Part B Permit application or to revise their permit, respectively, to comply with this requirement
  
- ▶ Research, development, and demonstration permits
  
- ▶ Post-closure permits





## In potentially dangerous situations, EPA can forego the normal permitting process

- ▶ EPA can issue emergency permits
- ▶ When there is an "imminent and substantial endangerment to human health and the environment," a temporary (90 days or less) emergency permit can be issued to a:
  - Non-permitted facility for the treatment, storage, or disposal of hazardous waste
  - Permitted facility for the treatment, storage, or disposal of hazardous waste not covered by its existing permit

## EPA has tried to abbreviate the application process for facilities that need to be permitted under two or more statutes

- ▶ EPA issues permits under a number of different laws, and in some instances, the requirements of one statute's permitting regulations are quite similar to those in RCRA
- ▶ Permit-by-rule
  - Ocean disposal barges or vessels
  - Injection wells
  - Publicly owned treatment works



## Facilities have special requirements for trial burn and land demonstration permits

- ▶ Land treatment facilities and incinerators must go through a trial period during which their ability to perform properly under operating conditions is tested
- ▶ Owners or operators of these two types of facilities are required to obtain temporary permits that are enforced while the facility is being tested
- ▶ Final permit may be modified based on trial results



# The permitting process involves many steps

## *Public's Role*

1. Preapplication meeting

5. Public comments

## *Facility's Role*

2. Prepare two-part application

- Form required for everyone (Part A)
- Facility-specific data (Part B)

## *EPA's Role*

3. Receipt and review of application

4. Preparation of first draft

6. Final permit decision



## The permitting process involves many steps (continued)

- ▶ Pre-application public meeting
  - Notify public (newspaper, signs, or broadcast) of intent to apply for a permit
- ▶ Part A permit application submitted
  - Permitting agency notifies public using facility mailing list that application received
- ▶ Existing facilities, allowed at least six months from the date of request to submit Part B permit application
- ▶ For new facilities, Part A and Part B Permit application submitted together



## The permitting process involves many steps (continued)

- ▶ No required format for the Part B, however the Part A is a specific form that must be filled out properly (EPA Form 8700-23)
- ▶ Same permit process also used for closure and post-closure permits
- ▶ Notice of Deficiencies (NOD) issued
- ▶ NOD response evaluation
- ▶ Part B application approved or denied



## The permitting process involves many steps (continued)

- ▶ Draft Permit
  - Includes conditions based on the application (should be reviewed by enforcement staff)
  - Includes certain sections of the application (contingency plan, waste analysis plan)
  - Includes corrective action requirements
  
- ▶ Fact sheet or Statement of Basis
  - Explains the principal facts and technical issues considered when preparing the draft permit
  
- ▶ Public Notice
  - Intent to issue (or deny) the permit
  - Public comment period
  - Opportunity for public hearing



## The permitting process involves many steps (continued)

- ▶ Usually 45 days to comment, can be extended if public hearing not within the 45 days
- ▶ Public hearings must be announced 30 days prior to being held
- ▶ The Agency evaluates public comments and decides to:
  - Issue permit
  - Deny permit
- ▶ Agency must respond to all comments





## The permitting process involves many steps (continued)

- ▶ Opportunity to appeal permit
- ▶ Negotiate to resolve any issues
- ▶ If unsuccessful, follow process in Part 124
- ▶ Administrative record
  - Paper trail supporting agency findings
  - Includes any appeals or other legal actions



## Commonly encountered problems in the permitting process

- ▶ Quality and completeness of Part B
- ▶ Constant negotiations
- ▶ Public hearings
- ▶ Size of applications can often be cumbersome and overwhelming
- ▶ The permitting process is quite extensive and can last years:
  - Land disposal permit – 4 years
  - Incineration permit – 3 years
  - Storage or treatment permit – 2 years