

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 54

Permit Modifications for Hazardous Waste Management Facilities

53 FR 37912-37942

September 28, 1988

as amended on October 24, 1988, at 53 FR 41649

(Non-HSWA Cluster V)

Note: The standards addressed by this checklist are less stringent than existing Federal requirements; thus, authorized States are not required to adopt them. However, EPA strongly encourages States to adopt this permit modification rule as promulgated. If preferred, States may amend their programs to incorporate only selected portions of the rule. See 53 FR 37933-37934 for a discussion of this option.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 124 - PROCEDURES FOR DECISIONMAKING

SUBPART A - GENERAL PROGRAM REQUIREMENTS

† MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS

add reference "or

270.42(c)"

124.5(c)(1)

add references to

"Classes 1 and 2

modifications as

defined in §270.42

(a) and (b)"

124.5(c)(3)

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART D - CONTINGENCY PLAN AND EMERGENCY PROCEDURES

† AMENDMENT OF CONTINGENCY PLAN

remove the comment

264.54(e)

SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE PLAN; AMENDMENT OF PLAN

add wording on

"notification" and

"review" to text

264.112(c)

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
insert "notification or" prior to "request"	264.112(c)(1)				
insert "notification of or" prior to "request"	264.112(c)(2)				

† POST-CLOSURE PLAN; AMENDMENT OF PLAN

add wording on "notification" and "review" to text	264.118(d)				
insert "notification or" prior to "request"	264.118(d)(1)				
insert "notification of or" prior to "request"	264.118(d)(2)				

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS
OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE PLAN; AMENDMENT OF PLAN

revise last sentence of paragraph by deleting "major" and inserting "Class 2 or 3" preceding "modifi- cation" and delete reference to "\$270.41."	265.112(c)(3)				
revise last sentence of paragraph by deleting "major" and inserting "Class 2 or 3" preceding "modifi- cation" and delete reference to "\$270.41."	265.112(c)(4)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
replace "major modification" with "Class 2 or 3 modification" and delete reference to "\$270.41"	265.118(d)(3)				
replace "major modification" with "Class 2 or 3 modification" and delete reference "\$270.41."	265.118(d)(4)				

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS
WASTE PERMIT PROGRAM

SUBPART A - GENERAL INFORMATION

† DEFINITIONS

add "Component"	270.2
add "Facility mailing list"	270.2
add "Functionally equivalent component"	270.2

† EFFECT OF A PERMIT

modification under 270.42	270.4(a)
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SUBPART C - PERMIT CONDITIONS

† CONDITIONS APPLICABLE TO ALL PERMITS

add provision for 270.42	270.30(l)(2)
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RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

SUBPART D - CHANGES TO PERMITS

† TRANSFER OF PERMITS

renumber old 270.40 as 270.40(a); change parenthetical clauses	270.40(a)
ownership change procedures as Class 1 modifications	270.40(b)

† MODIFICATION OR REVOCATION AND REISSUANCE OF PERMITS

remove "Major" from section heading; remove reference to 270.42; request of permittee, approval/ denial under 270.42	270.41
insert "by statute, through" before "promulgation"; insert "new or" before "amended"	270.41(a)(3)
remove 270.41(a)(3)(i)- (iii)	270.41(a)(3)(i)-(iii)
remove (a)(5) and redesignate existing (a)(6) as (a)(5)	270.41(a)(5)

† PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

revise section heading; remove introductory material	270.42
putting into effect Class 1 modifications as listed in Appendix I	270.42(a)(1)
notification of Director by permittee	270.42(a)(1)(i)
to whom notice of modification must be sent and when	270.42(a)(1)(ii)

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
rejection of modifica- tion by Director	270.42(a)(1)(iii)				
modifications requiring prior written approval	270.42(a)(2)				
Class 2 procedures instead of Class 1 procedures	270.42(a)(3)				
heading for "Class 2 modifications"	270.42(b)				
Class 2 modifications as listed in Appendix I	270.42(b)(1)				
description of exact changes	270.42(b)(1)(i)				
identification of Class 2 modification	270.42(b)(1)(ii)				
why modification is needed	270.42(b)(1)(iii)				
provision of applicable information	270.42(b)(1)(iv)				
to whom notice must be sent and when	270.42(b)(2)				
announcement of a 60-day comment period	270.42(b)(2)(i)				
announcement of where and when public meeting will be held	270.42(b)(2)(ii)				
name and phone number of permittee's contact person	270.42(b)(2)(iii)				
name and phone number of Agency contact person	270.42(b)(2)(iv)				
location for viewing modification request	270.42(b)(2)(v)				
availability of permittee's compliance history	270.42(b)(2)(vi)				
placement of modifica- tion request copy in vicinity of facility for public accessibility	270.42(b)(3)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
when and where permittee must hold a public meeting	270.42(b)(4)				
public comment period	270.42(b)(5)				
requirements after receipt of modification request	270.42(b)(6)(i)				
approve request, with or without changes	270.42(b)(6)(i)(A)				
deny request	270.42(b)(6)(i)(B)				
determine if Class 3 modification pro- cedures are needed:	270.42(b)(6)(i)(C)				
significant public concern	270.42(b)(6)(i)(C)(1)				
complex nature of changes	270.42(b)(6)(i)(C)(2)				
approve as temporary authorization	270.42(b)(6)(i)(D)				
notify permittee that decision will be made in 30 days	270.42(b)(6)(i)(E)				
requirements if decision is extended for 30 days:	270.42(b)(6)(ii)				
approve request, with or without changes	270.42(b)(6)(ii)(A)				
deny request	270.42(b)(6)(ii)(B)				
determine if Class 3 modification pro- cedures are needed:	270.42(b)(6)(ii)(C)				
significant public concern	270.42(b)(6)(ii)(C) (1)				
complex nature of changes	270.42(b)(6)(ii)(C) (2)				
approve as temporary authorization	270.42(b)(6)(ii)(D)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
temporary or automatic authorization following failure to make decision	270.42(b)(6)(iii)				
requirements of permittee under temporary or automatic authorization	270.42(b)(6)(iv)(A)				
temporary authorization to conduct activities as in modification request	270.42(b)(6)(iv)(A) (1)				
unless final approval or denial, authorization for life of permit	270.42(b)(6)(iv)(A) (2)				
deferment of permanent authorization if failure to notify public	270.42(b)(6)(iv)(B)				
if no final approval or denial or reclassification, authority to conduct activities as described in modification request for life of permit unless later modification	270.42(b)(6)(v)				
consideration and response to all significant comments	270.42(b)(6)(vi)				
extension of time periods for final approval, denial or reclassification as Class 3	270.42(b)(6)(vii)				
reasons to deny or change Class 2 permit modification terms	270.42(b)(7)				
request is incomplete	270.42(b)(7)(i)				
noncompliance with appropriate requirements	270.42(b)(7)(ii)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
failure to protect human health and environment	270.42(b)(7)(iii)				
commencement of construction under Class 2	270.42(b)(8)				
heading for "Class 3 modifications"	270.42(c)				
requirements for Class 3 modifications listed Appendix I	270.42(c)(1)				
description of exact changes	270.42(c)(1)(i)				
identification of Class 3 modification	270.42(c)(1)(ii)				
why modification is needed	270.42(c)(1)(iii)				
provision of appli- cable information	270.42(c)(1)(iv)				
to whom and when notice must be sent	270.42(c)(2)				
announcement of a 60-day comment period	270.42(c)(2)(i)				
announcement of when and where public meeting will be held	270.42(c)(2)(ii)				
name and phone number of permittee's contact person	270.42(c)(2)(iii)				
name and phone number of Agency contact person	270.42(c)(2)(iv)				
location for viewing modification request	270.42(c)(2)(v)				
availability of permittee's com- pliance history	270.42(c)(2)(vi)				
placement of modifica- tion request copy in vicinity of facility for public accessibility	270.42(c)(3)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
when and where permittee must hold a public meeting	270.42(c)(4)				
public comment period	270.42(c)(5)				
grant or deny modifi- cation request after public comment period; consider and respond to all significant written comments	270.42(c)(6)				
heading for "Other modifications"	270.42(d)				
other modifications not explicitly listed in Appendix I	270.42(d)(1)				
determination of appropriate class:	270.42(d)(2)				
changes that necessitate Class 1 modifications	270.42(d)(2)(i)				
changes that necessitate Class 2 modifications	270.42(d)(2)(ii)				
variations in types and quantities of wastes managed	270.42(d)(2)(ii)(A)				
technological advancements	270.42(d)(2)(ii)(B)				
changes necessary to comply with new regulations	270.42(d)(2)(ii)(C)				
Class 3 modifica- tions description	270.42(d)(2)(iii)				
heading for "Tempo- rary authorizations"	270.42(e)				
granting of tempo- rary authorizations	270.42(e)(1)				
request for tempo- rary authorization:	270.42(e)(2)(i)				
Class 2 modification meeting criteria	270.42(e)(2)(i)(A)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
Class 3 modification meeting criteria and providing improved management or treatment	270.42(e)(2)(i)(B)				
what temporary authorization request must include	270.42(e)(2)(ii)				
description of activities	270.42(e)(2)(ii)(A)				
why temporary authorization is necessary	270.42(e)(2)(ii)(B)				
sufficient information to ensure compliance	270.42(e)(2)(ii)(C)				
to whom notice must be sent	270.42(e)(2)(iii)				
approve or deny temporary authorization quickly:	270.42(e)(3)				
authorized activities in compliance with Part 264	270.42(e)(3)(i)				
necessity of temporary authorization to achieve an objective:	270.42(e)(3)(ii)				
facilitate closure or corrective action activities	270.42(e)(3)(ii)(A)				
allow treatment or storage in tanks or containers of restricted wastes	270.42(e)(3)(ii)(B)				
prevent disruption of ongoing activities	270.42(e)(3)(ii)(C)				
respond to sudden changes in types or quantities of wastes managed	270.42(e)(3)(ii)(D)				
protection of human health and environment	270.42(e)(3)(ii)(E)				

RCRA REVISION CHECKLIST 54: Permit Modifications
for Hazardous Waste Management Facilities (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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reissuance of temporary authorization for Class 2 or 3	270.42(e)(4)				
reissuance of Class 2 in accordance with specific paragraphs	270.42(e)(4)(i)				
reissuance of Class 3 in accordance with specific paragraph	270.42(e)(4)(ii)				
heading for "Public notice and appeals of permit modification decisions"	270.42(f)				
when and to whom notification of grant, denial or automatic authorization decisions must be sent	270.42(f)(1)				
appeal of grant or denial decision	270.42(f)(2)				
appeal of automatic authorization	270.42(f)(3)				
heading for "Newly listed or identified wastes"	270.42(g)				
continued authority to manage wastes listed in Part 261:	270.42(g)(1)				
in existence as a hazardous waste facility on effective date of final rule listing or identifying waste	270.42(g)(1)(i)				
submit Class 1 modification request	270.42(g)(1)(ii)				
in compliance with 265 standards	270.42(g)(1)(iii)				

RCRA REVISION CHECKLIST 54: Permit Modifications
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
for Class 2 or 3 modifications, submit complete modification request within 180 days	270.42(g)(1)(iv)				
certification that land disposal units are in compliance within 12 months	270.42(g)(1)(v)				
expansions are not under 25 percent capacity limit for Class 2 modifications	270.42(g)(2)				
maintenance and notice of updated list of permit modifications	270.42(h)				
remove 270.42(i) through 270.42(p)	270.42(i)-(p)				
add Appendix I; classification of modifications	270.42, Appendix I				

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		ANALOGOUS STATE CITATION	STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION		EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

RCRA REVISION CHECKLIST 54: Permit Modifications
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		ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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RCRA REVISION CHECKLIST 54: Permit Modifications
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION		EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

RCRA REVISION CHECKLIST 54: Permit Modifications
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SUBPART F - SPECIAL FORMS OF PERMITS

† HAZARDOUS WASTE INCINERATOR PERMITS

revise last sentence

by omitting

parenthetical phrase 270.62(a)

revise last sentence

by omitting "as a

minor modification" 270.62(b)(10)

† PERMITS FOR LAND TREATMENT DEMONSTRATIONS USING FIELD TEST OR LABORATORY ANALYSES

remove "as a minor

modification"; add

a new sentence on

second phase of

permit 270.63(d)(1)

remove phrase on

minor modifications 270.63(d)(2)

remove paragraph

270.63(d)(3)