

US EPA ARCHIVE DOCUMENT

Dem
VOL. 31 — NO. 31

FRIDAY, AUGUST 3, 1984

District of Columbia

REGISTER

HIGHLIGHTS

- * MAYOR SIGNS LEGISLATION TO ESTABLISH NEW COMMISSIONS ON HOUSING PRODUCTION/BASEBALL
- * DEPT. OF HUMAN SERVICES ADOPTS RULES TO RESTRICT FEE COLLECTION BY MEDICAID ABUSERS
- * BOARD OF ELECTIONS/ETHICS PROPOSES AMENDMENTS TO CERTAIN VOTE CASTING/COUNTING PROCEDURES
- * BOARD OF EDUCATION PROPOSES TO AMEND NON-RESIDENT TUITION RATES FOR 1984-1985 SCHOOL YEAR
- * MAYOR SIGNS BILL TO ISSUE CERTAIN REVENUE NOTES TO FINANCE FY 1985 GOVERNMENTAL EXPENSES
- * DEPT. OF CONSUMER AND REGULATORY AFFAIRS TO AMEND HAZARDOUS WASTE MANAGEMENT RULES

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
NOTICE OF PROPOSED RULEMAKING**

The Director, Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. law 2-64, the District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978, D.C. Code, Sec. 6-701 et seq. (1981 ed.), and Mayor's Order 78-185, effective September 19, 1978 hereby gives notice of intent to amend Chapter 40, 20 DCMR "Hazardous Waste Management Regulations", adopted July 22, 1983 (30 DCR 3714), in not less than 30 days from the date of publication of this notice.

AMEND SECTION 4000, "ADOPTION OF FEDERAL REGULATIONS", by deleting the current section 4000 and substituting the following new section:

4000 ADOPTION OF FEDERAL REGULATIONS

4000.1 The federal regulations for hazardous waste management, as set forth in the following parts of Title 40 of the Code of Federal Regulations (CFR), as amended by the provisions of this chapter, shall constitute the rules for hazardous waste management in the District of Columbia:

- (a) 40 CFR Parts 260 through 265 (July 1, 1982 ed.); and
- (b) 40 CFR Part 270 (July 1, 1983 ed.).

4000.2 The federal regulations listed in §4000.1, as amended by the provisions of this chapter, shall be incorporated by reference in this chapter.

AMEND SECTION 4001, "AMENDMENTS TO 40 CFR, PART 260", by deleting the current section 4001 and substituting the following new section:

4001 AMENDMENTS TO 40 CFR, PART 260

4001.1 The following changes shall be made in Part 260:

- (a) Where "EPA appears in Part 260, it shall mean "Department" except as follows:

- (1) 260.1(b)(5)
- (2) 260.10 - In the definition of "Designated Facility".
- (3) 260.10 - In the definition of "EPA identification number".
- (4) 260.10 - In the definition of "EPA Region".
- (5) 260.10 - In the definition of "Regional Administrator".
- (6) 260.11(a) - In reference to "EPA Publication number".
- (7) 260.20(f)
- (8) 260.21(a)

- (b) Where "Administrator" appears in Part 260, it shall mean "Director" except as follows:

- (1) 260.10, in the definitions of "Administrator", "Equivalent Method" and "Regional Administrator"
- (2) 260.20(f)

- (3) 260.21(a), (c), (d) and (e)
- (c) "Federal Register" as it appears in Part 260 shall mean "District of Columbia Register" except in:
- 260.11(b) - In reference to the "Office of the Federal Register".
- (d) Where "RCRA" appears in Part 260, it shall mean "HWMA".
- (e) "Part 122" as it appears in Part 260 shall mean "Part 270".
- (f) Where "of this chapter" appears in Part 260, it shall mean "of these regulations".

4001.2 The following changes shall be made in §260.2

- (a) In §260.2(a), the reference to the Freedom of Information Act (FOIA) shall read, "authorized by the D.C. Freedom of Information Act, D.C. Law 1-96, D.C. Code, §§1-1521 through 1-1529, (1981) and regulations implementing FOIA (24 DCR 6211, Jan. 27, 1978) as applicable."
- (b) In §260.2(b), the phrase "in §2.203(b) of this Chapter" shall be replaced with the phrase "by the Department", and the phrase "in Part 2, Subpart B of this Chapter" shall be replaced with the phrase "by the Department and in accordance with the D.C. Freedom of Information Act."

4001.3 The following changes shall be made in §260.10:

- (a) The following terms and phrases shall be added to §260.10:
- (1) "Act" shall mean the District of Columbia Hazardous Waste Management Act of 1977, D.C. Law 2-64 (HWMA)."
 - (2) "Certification" shall mean a statement of professional opinion based upon knowledge and belief.
 - (3) The "Department" shall mean District of Columbia Department of Consumer and Regulatory Affairs."
 - (4) In the definition of "designated facility" add the phrase "or D.C." after "EPA"; and replace the phrase "in accordance with Part 123 of this Chapter" with the phrase "by EPA."
 - (5) "Director" shall mean "Director of the Department of Consumer and Regulatory Affairs or his or her designee."
 - (6) "District" or "D.C." shall mean "District of Columbia."
 - (7) "District Agency" shall mean "any department, agency or other instrumentality of the District Government."

- (8) "Hazardous Waste Constituent" shall mean a constituent that caused the Administrator to list the hazardous waste in Part 261, Subpart D, of this chapter or a constituent listed in Table 1 of §261.24 of these regulations.
- (9) In the definition of "Person" add the term "District Agency" before "Federal."
- (10) "RCRA" shall mean "Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §6901 et seq."
- (11) "Uniform Manifest" or "Manifest" shall mean the EPA required shipping document originated and signed by the generator.

(b) The following definitions shall be deleted:

- (1) Constituent;
- (2) Spill; and
- (3) Manifest.

4001.4 The following changes shall be made in §260.11:

- (a) In §260.11(a), the publication "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" EPA publication number SW-846 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.
- (b) In §260.11(b) "Director of the Federal Register" shall mean "Director, District of Columbia Office of Documents."

4001.5 In §260.20, the following subsection 260.20(f) shall be added:

Where the Administrator of EPA has amended the federal regulations pursuant to 40 CFR §260.20, the Director of the Department may in his or her discretion accept the determination and amend the D.C. regulations accordingly, provided, that the Director determines the action is consistent with the policies and purposes of the Hazardous Waste Management Act of 1977 (D.C. Law 2-64).

4001.6 The following changes shall be made in §260.21:

- (a) In §260.21(a), after "may petition," add "EPA";
- (b) In §260.21(d), add "federal" before "regulations";
- (c) Add the following new subsection 260.21(e):

If the Administrator amends the federal regulations as described in (d), the Director may amend the D.C. regulations to incorporate the same changes, in accordance with the D.C. Administrative Procedure Act.

4001.7 In Appendix I, the following note shall be added:

[Note: Appedix I of this part is for guidance only and any inconsistencies herein are superseded by these regulations, as amended.]

AMEND SECTION 4002, "AMENDMENTS TO 40 CFR, PART 261", by deleting the current section 4002 and substituting the following new section:

4002 AMENDMENTS TO 40 CFR, PART 261

4002.1 The following changes shall be made in Part 261:

- (a) Where "EPA" appears in Part 261, it shall mean "Department" except as follows:
 - (1) 261.22(a)(1) EPA test method
 - (2) Appendix II, Footnote 1
- (b) Where administrator appears in Part 261, it shall mean "Director" except as follows:
 - (1) 261.21(a)(1) and (3)
 - (2) 261.22(a)(1) and (2)
 - (3) 261.24(a)
- (c) Where "RCRA" appears in Part 261 it shall mean "HWMA."
- (d) Where "Part 122" appears in Part 261 it shall mean "Part 270."
- (e) Where "§3010 of RCRA" or "3010 of the Act" appear in Part 261, it shall mean "these regulations."
- (f) Where "of this Chapter" appears in Part 261, it shall mean "of these regulations."

4002.2 In §261.1(b) "§§3007, 7003 and 1004(5) of RCRA shall mean "§§8, 11 and 3(b) of HWMA respectively, D.C. Code §§6-707, 6-710 and 6-702(2)(1981)."

4002.3 - 4002.5 [RESERVED]

4002.6 In §261.5(g)(3)(iii), in the phrase "under Part 123 of this chapter" shall be replaced with the phrase "by EPA".

4002.7 §261.6(b) shall be amended to read as follows:

- (b) Except for those wastes listed in paragraph (a)(3) of this section, a hazardous waste that is a sludge, or that is listed in §261.31 or §261.32, or that contains one or more hazardous wastes listed in §261.31 or 261.32; and that is transported or stored prior to being used, re-used, recycled, or reclaimed is subject to the following requirements with respect to such transportation or storage:
 - (1) Notification requirements under Section 3010 RCRA;

- (2) Part 262 of this Chapter;
- (3) Part 263 of this Chapter;
- (4) Applicable provisions of Subparts A through L of Part 264 of this Chapter;
- (5) Applicable provisions of Subparts A through L of Part 265 of this chapter; and
- (6) Parts 270 and §4010 of this chapter, with respect to storage facilities.

4002.8 §261.7 shall be amended to read as follows:

- (a)
 - (1) Any hazardous waste remaining in either (i) an empty container or (ii) an inner liner removed from an empty container, as defined in paragraph (b) of this section, is not subject to regulation under Parts 261 through 265, or Part 270 or §4010 of this chapter.
 - (2) Any hazardous waste in either (i) a container that is not empty or (ii) an inner liner removed from a container that is not empty, as defined in paragraph (b) of this section, is subject to regulation under Parts 261 through 265, and Parts 270 and §4010 of this chapter.
- (b)
 - (1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified in §261.33(c) of this chapter is empty if:
 - (i) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and
 - (ii) No more than 2.5 centimeters (one inch) of the residue remain on the bottom of the container or inner liner, or
 - (iii)
 - (a) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 110 gallons in size, or
 - (b) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size.
 - (2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.
 - (3) A container or an inner liner removed from a container that has held a hazardous waste identified in §261.33(c) of this chapter is empty if:

- (i) the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical produce or manufacturing chemical intermediate;
- (ii) the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or
- (iii) in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.

4002.7 - 4002.10 [RESERVED]

4002.11 In §261.11(b), "§1004(5) of the Act" shall mean "§3(b) of HWMA, (D.C. Code, §6-702(2) (1981))".

4002.12 "Appendix III" to Part 261 shall be replaced by "Appendix III" to 40 CFR Part 261 as amended on July 1, 1983. Copies are available from the Department.

AMEND SECTION 4003, "Amendments to 40 CFR, Part 262", by deleting the current §4003 and substituting the following new section:

4003 AMENDMENTS TO 40 CFR, PART 262

4003.1 The following changes shall be made in Part 262:

- (a) Where "EPA appears in Part 262, it shall mean "Department," except in §262.32(b) and the "Note" in §262.50.
- (b) Where "identification number" appears in Part 262, it shall mean "EPA identification number."
- (c) Where "of this chapter" appears in Part 262, it shall mean "of these regulations."
- (d) Where "Part 122" appears in Part 262, it shall mean "Part 270."
- (e) Where "Administrator" or Regional Administrator" appear in Part 262, those terms shall mean "Director," except in §262.50(b)(1).

4003.2 The following changes shall be made in §262.10

- (a) In §262.10(c) "United States" shall be replaced with "District"; and
- (b) In §262.10(e), the citation " §3008" shall be replaced with "§12 of the Hazardous Waste Management Act (D.C. Code, §6-711, 1981)."

4003.3 §262.21 shall be amended to read as follows:

- (a) If the State to which the shipment is manifested (consignment State) supplies the Manifest and requires its use, then the generator must use that Manifest.
- (b) If the consignment State does not supply the Manifest, then the generator may obtain the Manifest from any source.

4003.3 - 4003.4 [RESERVED]

4003.5 §262.22 shall be amended to read as follows:

§ 262.22 Number of Copies

The manifest must provide the generator, each transporter, owner, or operator of the designated facility and the Department with one (1) copy each for their records, and two (2) copies to be returned to the generator from the designated facility. The generator shall send one (1) of these to the Department."

4003.6 In §262.23, the following new subsections shall be added:

- "(a) §262.23(a)(4), send one (1) copy to the Department within seven (7) days after the shipment is accepted by the initial transporter in accordance with §262.22".
- "(b) §262.23(e), the generator shall send one (1) of the copies received from the designated facility to the Department within seven (7) days of receipt of the copies."

4003.7 In §262.32(b) after the phrase "or public safety authority," the phrase "or the Department of Consumer and Regulatory Affairs" shall be added.

4003.8 §262.41(a)(2) shall read "to the Department."

4003.9 In §262.42(b), the phrase "EPA Regional Administrator for the Region in which the generator is located" shall be changed to read "Department."

4003.10 In §262.43, "§2002(a) and §3002(6)" shall mean "§6 of the Act, D.C. Code, §6-705, 1981, and these regulations."

4003.11 In §262.50, the following changes shall be made:

- (a) In §262.50(a), "United States" shall be replaced by "District;"
- (b) In §262.50(b)(1), the phrase "and the Director" shall be added after the word "Administrator;"
- (c) §262.50(b)(1)(iii), shall be amended to read:

"these notices must be sent to the Office of International Activities, A-106, U.S. EPA, Washington, D.C. 20460 and the Department of Consumer and Regulatory Affairs, 5010 Overlook Avenue, S.W., Washington, D.C., 20032-5397;"

- (d) In § 262.50(b)(3) "Meet the . . . except that:" shall be replaced by "Obtain the Manifest from the generator's State if that State supplies the Manifest form and requires its use. If the generator's State does not supply the Manifest form, then the generator may obtain the Manifest form from any source; and"
- (e) In the "Note" to §262.50, the words "under 40 CFR Part 123" shall be replaced with the phrase "by EPA."

4003.12 The regulations set forth in Parts 262 and 263 adopted under this chapter shall include those regulations of the U.S. Department of Transportation (DOT) governing the transportation of hazardous materials codified in Title 49, Code of Federal Regulations, Subchapter C (July 1, 1982) which are referenced in those Parts. Those regulations concern, among other things, labeling, marking, placarding, using proper containers, and reporting discharges.

AMEND SECTION 4004, "AMENDMENTS TO 40 CFR, PART 263," by deleting the current section 4004 and substituting the following new section:

4004 AMENDMENTS TO 40 CFR, PART 263

4004.1 The following changes shall be made in Part 263:

- (a) Where "EPA appears in Part 263, it shall mean "Department."
- (b) Where "EPA identification number" appears in part 263, it shall continue to mean "EPA identification number."
- (c) Where "Administrator" appears in Part 263, it shall mean "Director."
- (d) Where "Part 122" appears in Part 263, it shall mean "Part 270."
- (e) Where "of the chapter" appears in Part 263, it shall mean "of these regulations."

4004.2 In §263.10(a), "United States" shall mean "District of Columbia."

4004.3 In §263.30(c), the following changes shall be made:

- (a) In §263.30(c)(1), the phrase "to the Mayor's Command Center at (202) 727-6161 and" shall be added before the words "to the National Response Center."
- (c) The following new subsection §263.30(c)(3) shall be added:

Send a copy of the report required by (c)(2) to the Department.

AMEND SECTION 4005, "AMENDMENTS TO 40 CFR, PART 264," by deleting the current §4005 and substituting the following new section:

4005 AMENDMENTS TO 40 CFR, PART 264

4005.1 The following changes shall be made in Part 264:

- (a) Where "EPA" appears in Part 264, it shall mean "Department" except when used in the term "EPA identification number," and in the following provisions:

- (1) §264.151(f)(3); and
- (2) §264.151(g)(3).

- (b) Where "Administrator" or "Regional Administrator" appears in Part 264, they shall mean "Director," except when used in the following provisions:

- (1) §264.12(a);
- (2) §264.74(a); and
- (3) §264.74(b).

- (c) Where "of this chapter" appears in this part it shall mean "of these regulations."

- (d) Where "Part 122" appears in Part 264, it shall mean "Part 270."

- (e) Where "RCRA" appears in Part 264, it shall mean "HWMA."

- (f) Where "State" appears in Part 264, it shall mean "the District."

- (g) Where "U.S. District Court" appears in Part 264, it shall mean "D.C. Superior Court."

- (h) Where "§3008 of RCRA" appears in Part 264, it shall mean "§12(a) of HWMA (D.C. Code, §6-711(a), 1981)."

4005.2 In §264.1, the following changes shall be made:

- (a) In §264.1(a), the word "National" shall be deleted.
- (b) §264.1(d) shall be deleted.
- (c) §264.1(f) shall be deleted.
- (d) §264.1(g)(8) shall be amended to read:

"(8)(i) Except as provided in paragraph (g)(8)(ii) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- (a) A discharge of a hazardous waste;
- (b) An imminent and substantial threat of a discharge of hazardous waste;
- (c) A discharge of a material which, when discharged, becomes a hazardous waste.
- (ii) An owner or operator of a facility otherwise regulated by this part must comply with all applicable requirements of Subparts C and D.
- (iii) Any person who is covered by paragraph (g)(8)(i) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this part, Part 270 and §401.0 of this chapter for those activities".

(e) §264.1(g)(9) shall be amended to delete "40 CFR."

4005.3 In §264.3, the following changes shall be made:

(a) In §264.3, the phrase "—as defined in §3005(e) of RCRA and regulations under §122.23 of this chapter—" shall be replaced with the phrase "—as defined under §270.70 of this chapter—".

(b) "comment" after §264.3 shall be deleted.

4005.4 In §264.4, "§7003 of RCRA" shall mean "§11 of HWMA (D.C. Code, §6-710, 1981)."

4005.5 In §264.11, the reference to "[45 FR 12746]" shall be deleted.

4005.6 In §264.18, the following changes shall be made:

(a) In §264.18(a) [Comment], "122.25(a)" shall mean "Subsection 270.14(b)(11)."

(b) In §264.18(b)(1), the [Comment] shall be deleted.

(c) In §264.18(b)(2), the [Comment] shall be deleted.

4005.7 [Reserved]

4005.8 §264.52(b) shall be amended to replace "Part 12 of this Chapter or Part 1510 of Chapter V" with "applicable Federal requirements."

4005.9 In §264.56, §264.56(d)(2) shall read as follows:

"He or she shall immediately notify the Mayor's Command Center at (202) 727-6161. The report shall include:."

4005.10 In §§264.71(a)(4) and 264.71(b)(4), the words "a copy" shall be replaced with the words "two (2) copies."

- 4005.11 In §264.73(b)(6) insert "\$264.254 and" between "required by" and "264.347."
- 4005.12 In §264.74, the following changes shall be made:
- (a) In §264.74(a) the words "the Department or" shall be added before "EPA."
 - (b) In §264.74(a) the words "the Director or" shall be added before "the Administrator."
 - (c) In §264.74(b), the words "the Director or" shall be added before the words "the administrator."
- 4005.13 §264.110(b) shall be deleted.
- 4005.14 In §264.112, the following citations shall be changed:
- (a) In §264.112(a), change "\$122.25(a)(13)" to "\$270.14."
 - (b) In §264.112(a), change "\$122.29" to "\$270.32."
 - (c) In §264.112(a)(2), "\$122.17" shall read "\$270.42."
 - (d) Delete §264.228.
 - (e) In §264.112(b)[Com ment], "\$122.17" shall read "\$270.42(e) -(n)."
- 4005.15 In §264.113(b)(2)[Com ment], "\$122.17" shall read "\$270.42."
- 4005.16 §§264.117 through 264.120 shall be deleted.
- 4005.17 §§264.141(c) and (e) shall be deleted.
- 4005.18 In §§264.143(h), the following sentence shall be deleted:
- "If the facilities covered by the mechanism are in more than one (1) region, identical evidence of financial assurance shall be submitted to and maintained with the Regional Administrator of all the regions."
- 4005.19 §§264.144 and 265.145 shall be deleted.
- 4005.20 In §264.146, references to post-closure shall be deleted.
- 4005.21 In §264.147, the following changes shall be made:
- (a) In §§264.147(a)(1)(i) and 264.147(b)(1)(i), the phrase "or Regional Administrators if the facilities are located in more than one (1) region" shall be deleted.
 - (b) In §§264.147(a)(1)(ii) and 264.147(b)(1)(ii), the phrase "one or more states" shall be changed to "the District."
 - (c) §264.147(b)(4)(ii), shall be amended to replace "18 months" with "12 months."

- (d) §264.147(b)(4)(iii) shall be amended to replace "30 months" with "12 months."
- (e) In §264.147(c), the following citations shall be changed:
 - (1) Change "§122.25" to "§270.14."
 - (2) Change "§122.15(a)(7)(iii)" to "§270.41(a)(5)."
- (f) In §264.147(d), the citation "§122.15(a)(7)(iii)" shall be changed to "§270.41(a)(5)."

4005.22 In Part 264, §§264.149 and 264.150 shall be deleted.

4005.23 In §264.151, the following changes shall be made:

- (a) Under "TRUST AGREEMENT," the following changes shall be made:
 - (1) The phrase "of the regions in which the facilities are located" when it appears before the words "or their designees,"; and
 - (2) The phrase "for the region(s) in which the facility(ies) is (are) located," wherever it appears.
- (b) In §264.151(g)(4), the phrase "either to EPA or state" shall be replaced with "to the District."

4005.24 §§264.220 through 264.230 shall be deleted.

4005.25 In §264.250, the following changes shall be made:

- (a) §264.250(a) shall be amended to delete "[Comment]."
- (b) §264.250(b) shall be amended such that the opening statement shall read:

"Owners and operators of waste piles shall store or treat hazardous waste so that:"

4005.26 §§264.251 through 264.253 shall be deleted.

4005.27 §264.254 shall be amended to read:

While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

- (a) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
- (b) The presence of liquids in leak detection systems, where installed; and

- (c) Proper functioning of wind dispersal control systems, where present.

4005.28 §264.255 shall be deleted.

4005.29 §264.256(a)(1) shall be amended to read:

"The waste is treated, rendered, or mixed before or immediately after placement in the pile so that:

- (i) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under §§261.21, or 261.23 of these regulations; and

- (ii) §264.17(b) is complied with."

4005.30 In §264.340(d), the citation "§122.27(b)" shall be changed to "§ 270.62."

4005.31 In §264.341, the following citations shall be changed:

- (a) §122.27(b) shall be changed to "§270.62"; and

- (b) §122.25(b)(5) shall be changed to "§270.19."

4005.32 In §264.342, the citation "§122.27(b)" shall be changed to "§ 270.62."

4005.33 In §264.343(d), the citation "§122.15" shall be changed to "§ 270.41."

4005.34 In §264.344, the following citations shall be changed:

- (a) §122.27(b) shall be changed to §270.62"; and

- (b) §122.(b)(5) shall be changed to §270.19."

AMEND SECTION 4006, "AMENDMENTS TO 40 CFR, PART 265", by deleting the current §4006 and substituting the following new section:

4006 AMENDMENTS TO 40 CFR, PART 265

4006.1 The following changes shall be made in Part 265:

- (a) Where "EPA" appears in Part 265, it shall mean "Department," except when used in the phrase "EPA identification number," and in §265.74(a).

- (b) Where "Administrator" or "Regional Administrator" appears in Part 265, it shall mean "Director," except in the following sections:

- (1) §265.12(a); and
(2) §265.74(a) and (b)

- (c) Where "RCRA" appears in Part 265, it shall mean "HWM A."

- (d) Where "Part 122" appears in Part 265, it shall mean Part 270."
- (e) Where "§3008 of RCRA" appears in Part 265, it shall mean "§12(a) of HWMA."
- (f) Where " of this chapter" appears in Part 265, it shall mean "of these regulations."

4006.2 In §265.1, the following changes shall be made:

- (a) In §265.1(a), the word "national" shall be deleted.
- (b) In §265.1(b), the citation "§3005(e) of RCRA and §122.22" shall be changed to "§270.10."
- (c) In §265.1(b), [Comment] shall be deleted.
- (d) §265.1(c)(4) shall be deleted.
- (e) §265.1(c)(12) shall be amended to replace "40 CFR §262.30" with "§262.30".

4006.3 In §264.4, "§7003 of RCRA" shall mean "§11 of HWMA (D.C. Code, §6-710, 1981)".

4006.4 In §265.12, the following changes shall be made:

- (a) In §265.12(a), the words "and Director" shall be added after the phrase "notify the Regional Administrator."
- (b) In §265.12(b), the citation "§122.23(c)" shall be changed to "§270.72."

4006.5 §265.13(b)(6) shall be amended to delete citations §§265.225, 265.252, 265.273 and 265.402.

4006.6 §265.15(b)(4) shall be amended to delete citations §§265.226 and 265.403."

4006.7 §265.52(b) shall be amended to replace "Part 112 of this Chapter or Part 1510 of Chapter V" with "applicable Federal requirements."

4006.8 In §265.56, the following changes shall be made:

- (a) §265.56(a)(2) shall read "Notify the Mayor's Command Center at (202) 727-6161."
- (b) In §265.56(d)(1), the words "appropriate local authorities" shall be changed to "the Mayor's Command Center."
- (c) In §265.56(d)(2), the opening statement shall read "The emergency coordinator shall immediately notify the Mayor's Command Center at (202) 727-6161 and give the following information:"

- (d) In §265.56(i), the phrase "and appropriate state and local authorities" shall be deleted.
- 4006.9 In §§265.71(a)(4) and 265.71(b)(4), the words "a copy" shall be changed to "two (2) copies."
- 4006.10 In §265.74, the following changes shall be made:
- (a) In §265.74(a), the following changes shall be made:
- (1) Add "the Department or" before "EPA;" and
- (2) Add "the Director or" before "the Administrator."
- (b) In §265.74(b), the words "the Director or" shall be added before "the Administrator."
- 4006.11 §§265.90 through 265.94 shall be deleted.
- 4006.12 §265.110(b) shall be deleted.
- 4006.13 §265.112(a)(1) references to §§265.228, 265.280, 265.310 and 265.404 shall be deleted.
- 4006.14 In §265.113(b) the reference to "§265.112(c)" shall be changed to "§265.112(d)."
- 4006.15 §265.117(a)(1) shall be deleted.
- 4006.16 In §265.118, the following changes shall be made:
- (a) §265.118(a)(1) shall be deleted.
- (b) In §265.118(d), the last sentence shall be deleted.
- 4006.17 In §§265.143(g) and 265.145(g), the following shall be deleted:
- "If the facilities covered by the mechanisms are in more than one (1) region, identical evidence of financial assurance shall be submitted to and maintained with the Regional Administrators of all the regions".
- 4006.18 In §265.147, the following changes shall be made:
- (a) In §§265.147(a)(1)(i) and 265.147(b)(1)(i), the phrase "or Regional Administrators if the facilities are located in more than one (1) region" shall be deleted.
- (b) §265.147(b)(4)(ii) is amended to replace "18 months" with "12 months."
- (c) §265.147(b)(4)(iii) is amended to replace "30 months" with "12 months."

- (d) In subsections 265.147(c) and 265.147(d), the citation "Subsection 122.15(a)(7)(iii)" shall be changed "§270.41(a)(5)."

4006.1.9 The following subsections shall be deleted:

- (a) §265.149;
- (b) §265.150;
- (c) §§265.220 through 265.230;
- (d) §§265.250 through 265.257;
- (e) §§265.270 through 265.282;
- (f) §§265.300 through 265.316;
- (g) §§265.400 through 265.406; and
- (h) §265.430.

AMEND SECTION 4007 "AMENDMENTS TO 40 CFR, PART 270" by deleting the current §4007 and substituting the following new section:

4007 AMENDMENTS TO 40 CFR, PART 270

4007.1 The following changes shall be made in Part 270:

- (a) Where the word "Administrator" or "Regional Administrator" appear in Part 270, they shall mean "Director," except in §270.2 in the definitions of "Administrator" and "Regional Administrator."
- (b) Where "EPA" or "Administration" appear in Part 270, they shall mean "the Department," except as follows:
 - (1) In §270.2, in the definition of "EPA";
 - (2) In §270.2, in the definition of "State/EPA Agreement"; and
 - (3) In §270.6, in reference to "EPA Publication."
- (c) Where "Federal Register" appears in Part 270, it shall mean the "District of Columbia Register," except in §270.6.
- (d) Where "RCRA" appears in Part 270, it shall mean the "HWMA," except as follows:
 - (1) In §270.2, in the definition of "RCRA"; and
 - (2) In §270.13(k)(1).
- (e) Where "revocation" or "revoke" appear in this part, they shall be replaced by "suspension" or "suspend."
- (f) Where "state" appears in Part 270, it shall mean the "District of Columbia."
- (g) Where "termination" or "terminate" appear in this part, they shall be replaced by "revocation" or "revoke."
- (h) Where "Part 266" appears in this part, it should be deleted.

- (i) Where "40 CFR" appears in this part, it shall mean "District of Columbia Regulation."

4007.2 In §270.1, the following changes shall be made:

- (a) In §270.1(a)(1), the reference to "Subtitle C of the Solid Waste Disposal Act. . . et seq." shall be changed to "D.C. HWMA, D.C. Law 2-64, March 16, 1978 (D.C. Code, §6-701, et seq., 1981)."
- (b) §270.1(a)(2) shall be amended to replace "Code of Federal" with "District of Columbia" and delete "The following chart. . . Federal Regulations," and the Chart.
- (c) §270.1(a)(3) shall be amended to replace "40 CFR Part 264, 266 and 267" with "Part 264."
- (d) In §270.1(b), the following changes shall be made:
 - (1) Change "promulgation" to "adoption"; and
 - (2) Delete "under §3010" from the first (1st) sentence.
- (e) In §270.1(b), the words "under §3010" shall be deleted from the sixth (6th) sentence.
- (f) In §270.1(b), the phrase "under §3005(e) of RCRA" shall be deleted.
- (g) In §270.1(b), the phrase "EPA or a State with Interim Authorization for Phase II or final Authorization" shall be changed to the word "Department."
- (h) In §270.1(b), the phrase "or with the analogous provisions of a state program which has received interim or final authorization under part 271" shall be deleted.
- (i) In §270.1(c), the date "January 26, 1983" shall be changed to "the effective date of these regulations."

4007.3 In §270.2, the following changes shall be made:

- (a) Reference to "271" shall be deleted in the opening remarks.
- (b) The following definitions shall be deleted:
 - (1) Approved Program or Approved State;
 - (2) Final Authorization;
 - (3) Interim Authorization;
 - (4) Major facility;
 - (5) Phase I;
 - (6) Phase II; and
 - (7) State Director.
- (c) The word "national" and the phrase "in approved states" shall be deleted from the definition of "Application."

- (d) The definition of "Director" shall read "Director means the Director of the Department of Consumer and Regulatory Affairs."
- (e) The words "or an approved State" shall be deleted from the definition of "Permit."

4007.4 In §270.4, the following changes shall be made:

- (a) §270.4(a) shall be amended to delete "Subtitle C of."
- (b) In §270.4(c), the word "local" shall be deleted.

4007.5 [RESERVED]

4007.6 In §270.6, the following changes shall be made:

- (a) In §270.6(a), the address "U.S. Environmental . . . , Ohio 45268." shall be replaced with "Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238."
- (b) In §270.6(b), "Director of Federal Register" shall be changed to "Director, D.C. Office of Documents."

4007.7 In §270.10, the following changes shall be made:

- (a) In §270.10(c), the phrase "For EPA Administered programs" shall be deleted from the last sentence.
- (b) §270.10(e)(1) shall be amended to delete "[Note. . .]"
- (c) In §270.10(e)(3), the phrase "issued under §3008" shall be changed to "issued under §12(a) HWMA (D.C. Code, §6.711(a), 1981)."
- (d) In §270.10(e)(4), the term "Phase II" in the first sentence shall be changed to "these regulations."
- (e) In §270.10(e)(4), the phrase "The State Director. . . submission of Part B." shall be deleted.
- (f) In §270.10(f)(2), the phrase "after promulgation. . . such facility." shall be deleted from the first sentence.
- (g) In §270.10(f)(2), the phrase "if at the time. . . with the State Director." shall be deleted from the second sentence.
- (h) In §270.10(f)(3), the phrase "After November 19, 1980 but,"; and the phrase "except for landfills, injection wells, land treatment facilities or surface impoundments (as defined in 40 CFR 260.10)," shall be deleted.
- (i) §270.10(g)(1)(i) shall be deleted.

- (j) §270.10(g)(1)(ii) shall read "With the Director no later than the effective date of regulatory provisions listing or designating wastes as hazardous in addition to those listed or designated previously if the facility is storing, treating, or disposing of any of those newly listed or designated wastes; or".
- (k) §270.10(g)(1)(iii) shall read "As necessary to comply with provisions of §270.72 for changes during interim status. Revised Part A applications necessary to comply with §270.72 shall be filed with the Director."

4007.8 In §270.12(a), the citation "40 CFR Part 2" shall be changed to "24 D.C.R. 6211."

4007.9 §270.17 shall be deleted.

4007.10 In §270.18, the following changes shall be made:

- (a) §§270.18(b) through 270.18(e) shall be deleted;
- (b) §270.18(i) shall read: "A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under §264.258."

4007.11 §§270.20 and 270.21 shall be deleted.

4007.12 In §270.30 the following changes shall be made:

- (a) In §270.30, the parenthetical phrase "(or the corresponding... regulations)" in the second (2nd) sentence shall be deleted from the opening remarks.
- (b) §270.30(l)(2)(ii)(B) shall be amended such that in the third line, "(C)(1)" is replaced with "(1)(2)(i)."
- (c) §270.30(l)(9) shall be amended to read "Annual Report: An annual report shall be submitted by March 31st of each year covering facility activities during each preceding calendar year."

4007.13 In §270.32, the following changes shall be made:

- (a) In §270.32(a), the phrase "and for EPA issued permits only" shall be deleted.
- (b) In §270.32(c), the sentence "For a State issued permit an applicable requirement is a state statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit." shall be deleted.

4007.14 In §270.33, the following changes shall be made:

- (a) §270.33(a)(3) shall be amended to read:

"The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Director in writing, of its compliance or non-compliance with the interim or final requirements."

- (b) §270.33(b) shall be amended to read:

"A permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment and storage HWM facilities, closing pursuant to applicable requirements rather than continue to operate and meet permit requirements as follows:."

- 4007.15 §270.41(a)(5)(iii) shall be amended to read:

"When the permittee has filed a request under §264.147(c) for a variance to the level of financial responsibility or when the Director demonstrates under §264.147(d) that an upward adjustment of the level of financial responsibility is required."

- 4007.16 §270.50(a) shall read "HWM A permits shall be effective for a fixed term not to exceed one (1) year."

- 4007.17 In §270.51, the following changes shall be made:

- (a) In §270.51(a), the phrase "EPA Permits when EPA is the permit-issuing authority" shall be deleted.
- (b) In §270.51(a), the words "under 5 U.S.C. 558(c)" shall be deleted.
- (c) §270.51(d) shall be deleted.

- 4007.18 §270.60(c)(3)(v) shall read "Annual report."

- 4007.19 §270.61(a) shall be amended to read:

"Notwithstanding any other provision of this Part, or in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit: (1) to a non-permitted facility to allow treatment or storage of hazardous waste or; (2) to a permitted facility to allow treatment or storage of a hazardous waste not covered by an effective permit."

- 4007.20 §270.63 shall be deleted.

- 4007.21 In §270.64, the words "two years" shall be change to "one (1) year."

- 4007.22 In §270.70(a)(1), the phrase "of §3010(a) of RCRA" shall be deleted.

- 4007.23 In §270.72(c)(2), the words "or state or local laws." shall be deleted.

4008 - 4009 [Reserved]

AMEND SECTION 4010, "PROCEDURES FOR DECISION MAKING," by deleting the current section 4010 and substituting the following new Section:

4010 PROCEDURES FOR DECISION MAKING

- 4010.1 "This section contains procedures for issuing, modifying, suspending and reissuing, or revoking all treatment and storage "permits" other than "emergency permits" (see §270.61) and "permits by rule" (see §270.60). The latter kinds of permits are governed by Part 270. Interim status is covered by specific provisions in Part 270."
- 4010.2 This section describes the steps the Department will follow in receiving permit applications, preparing draft permits, issuing public notice, inviting public comment and holding public hearings on draft permits. This section also covers assembling an administrative record, responding to comments, issuing a final permit decision, and allowing for administrative appeal of the final permit decision.
- 4010.3 Terms not defined in this section have the meaning given by the Act and other sections of these regulations.
- "Schedule of compliance" means a schedule of remedial measures included in a "permit," including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations."
- 4010.4 Any person who requires a permit under the program shall complete sign, and submit to the Director an application for each permit required under §270.1. Applications are not required for permits by rule (§270.60).
- 4010.5 The Director shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. See §§270.10, 270.13.
- 4010.6 Permit applications must comply with the signature and certification requirements of 270.11.
- 4010.7 The Director shall review, for completeness, every application for a permit. Each application for a permit submitted by a new HWM facility should be reviewed for completeness by the Director within 30 days of its receipt. Each application for a permit submitted by an existing HWM facility (both Parts A and B of the application) should be reviewed for completeness within 60 days of receipt. Upon completing the review, the Director shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Director shall list the information necessary to make

the application complete. When the application is for an existing HWM facility, the Director shall specify in the notice of deficiency a date for submitting the necessary information. The Director shall notify the applicant that application is complete upon receiving this information. After the application is completed, the Director may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

- 401.0.8 If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under the applicable statutory provision including HWM A §12(a).
- 401.0.9 If the Director decides that a site visit is necessary for any reason in conjunction with the processing of an application, he or she shall notify the applicant and a date shall be scheduled.
- 401.0.10 The effective date of an application is the date on which the Director notifies the applicant that the application is complete as provided in Subsection 401.0.7.
- 401.0.11 For each application from a new HWM facility, the Director shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Director intends to:
- (a) Prepare a draft permit;
 - (b) Give public notice;
 - (c) Complete the public comment period, including any public hearing; and
 - (d) Issue a final permit.
- 401.0.12 Procedures for modification, suspension and reissuance, or revocation of permits shall be:
- (a) Permits may be modified, suspended and reissued, or revoked either at the request of any interested person (including the permittee) or upon the Director's initiative. However, permits may only be modified, suspended and reissued, or revoked for the reasons specified in §§270.41 or 270.43. All requests shall be in writing and shall contain facts or reasons supporting the request.
 - (b) If the Director decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of request for modification, suspension and reissuance, or revocation are not subject to public notice, comment, or hearings. Denials by the Director may be appealed to the Mayor by a letter briefly setting forth the relevant facts. The Mayor may direct the Director to begin modification,

AUG. 3, 1984

suspension and reissuance, or revocation proceedings under paragraph (c) of this section. The appeal shall be considered denied if the Mayor takes no action on the letter within 60 days after receiving it. This appeal is a prerequisite to seeking judicial review of action in denying a request for modification, suspension and reissuance, or revocation.

- (c) (1) If the Director tentatively decides to modify or suspend and reissue a permit under 270.41, he or she shall prepare a draft permit under §4010.13 incorporating the proposed changes. The Director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of a suspended and reissued permit, the Director shall require the submission of a new application.
- (2) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is suspended and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any suspension and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.
- (3) "Minor modifications" as defined in §270.42 are not subject to the requirements of this section.
- (d) If the Director tentatively decides to revoke a permit under Section 270.43, he or she shall issue a notice of intent to revoke. A notice of intent to revoke is a type of draft permit which follows the same procedures as any draft permit prepared under §4010.13.

4010.13 The procedures for preparing draft permits shall be:

- (a) Once an application is complete, the Director shall tentatively decide whether to prepare a draft permit, or to deny the application.
- (b) If the Director tentatively decides to deny the permit application, he or she shall issue a notice of intent to deny. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit prepared under this section. See §4010.13(e). If the Director's final decision is that the tentative decision to deny the permit application was incorrect, he or she shall withdraw the notice of intent to deny and proceed to prepare a draft permit under paragraph (d) of this section.
- (c) Reserved.

AUG. 3, 1984

- (d) If the Director decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:
 - (1) All conditions under §§270.30 and 270.32;
 - (2) All compliance schedules under §270.33;
 - (3) All monitoring requirements under §270.31; and
 - (4) Standards for treatment and/or storage, and other permit conditions under §270.30.
- (e) All draft permits prepared under this section shall be accompanied by a fact sheet (§§4010.14 and 4010.15), and shall be publicly noticed (§§4010.16 through 4010.21) and made available for public comment (§4010.22). The Director shall give notice of opportunity for a public hearing (§§ 4010.23 through 4010.25), issue a final decision and respond to comments (§4010.26).

4010.14 A fact sheet shall be prepared for every draft permit for a HWM facility. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The Director shall send this fact sheet to the applicant, persons on the mailing list and, on request, to any other person.

4010.15 The fact sheet shall include, when applicable:

- (a) A brief description of the type of facility or activity which is the subject of the draft permit;
- (b) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, or disposed of;
- (c) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;
- (d) Reasons why any requested variances or alternatives to required standards do or do not appear justified;
- (e) A description of the procedures for reaching a final decision on the draft permit including:
 - (1) The beginning and ending dates of the comment period under §§4010.16 through 4010.21 and the address where comments will be received;
 - (2) Procedures for requesting a hearing and the nature of that hearing; and
 - (3) any other procedures by which the public may participate in the final decision.
- (f) Name and telephone number of a person to contact for additional information.

4010.16 The provisions for public notice of permit actions shall be:

- (a) The Director shall give public notice that the following actions have occurred:
 - (1) A permit application has been tentatively denied under §4010.13(b);
 - (2) A draft permit has been prepared under Section 4010.13(d);
 - (3) A hearing has been scheduled under §§4010.23 through 4010.25.
- (b) No public notice is required when a request for permit modification, suspension and reissuance, or revocation is denied under Section 4010.12(b). Written notice of that denial shall be given to the requester and to the permittee.
- (c) Public notices may describe more than one permit or permit action.

4010.17 Timing for public notice shall be:

- (a) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under §4010.16 shall allow at least 45 days for public comment.
- (b) Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)

4010.18 Public notice of activities described in §4010.16(a) shall be given by the following methods:

- (a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this section may waive his or her rights to receive notice for any classes and categories of permits):
 - (1) The applicant;
 - (2) Any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD, NPDES or 404 permit for the same facility or activity (including EPA);
 - (3) Federal and D.C. agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, D.C. Historic Preservation Officers, and other appropriate government authorities.
 - (4) Persons on a mailing list developed by:

- (i) Including those who request in writing to be on the list;
 - (ii) Soliciting persons for "area lists" from participants in past permit proceedings in that area; and
 - (iii) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as D.C. funded newsletters, environmental bulletins, or D.C. law journals. (The Director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list, the name of any person who fails to respond to such a request.)
- (5) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
 - (6) To each District agency having any authority under District law with respect to the construction or operation of such facility;
- (b) Publication of a notice in a daily or weekly newspaper within the area affected by the facility and in the District of Columbia Register and broadcast of the notice over local radio stations;
 - (c) In a manner constituting legal notice to the public under D.C. Law; and
 - (d) Any other method reasonably calculated to give actual notice of the action in question to the person potentially affected by it, including press releases or any other forum or medium to elicit public participation.

4010.19 All public notices issued under this section shall contain the following minimum information:

- (a) Name and address of the office processing the permit action for which notice is being given;
- (b) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit.
- (c) A brief description of the business conducted at the facility or activity described in the permit application.
- (d) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application;
- (e) A brief description of the comment procedure required by §§4010.22 through 4010.25 and the time and place of any hearing that will be held including a statement of procedures to request

a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision; and

(f) Any additional information considered necessary or proper.

401.0.20 In addition to the general public notice described in §401.0.19, the public notice of a hearing under §§401.0.23 through 401.0.25 shall contain the following information:

- (a) Reference to the date of previous public notices relating to the permit;
- (b) Date, time, and place of the hearing; and
- (c) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

401.0.21 In addition to the general public notice described in §401.0.19, all persons identified in §401.0.18(a) shall be mailed a copy of the fact sheet, and the draft permit (if any).

401.0.22 During the public comment period provided under §§401.0.16 through 401.0.21, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.
All comments shall be considered in making the final decision and shall be answered as provided in §401.0.26.

401.0.23 Provisions for public hearings shall be as follows:

- (a) The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit;
- (b) The Director may also hold a public hearing at his or her discretion whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision;
- (c)
 - (1) The Director shall hold a public hearing whenever he or she receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under §401.0.17(a);
 - (2) Whenever possible, the Director shall schedule a hearing under this section at a location convenient to the nearest population center to the proposed facility;
- (d) Public notice of the hearing shall be given as specified in §§401.0.16 through 401.0.21.

401.0.24 Any person may submit oral or written statements and data

concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required.

The public comment period under §§4010.16 through 4010.21 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

- 4010.25 A tape recording or written transcript of the hearing shall be made available to the public.
- 4010.26 The Director shall issue a response to comments when a final permit is issued. This response shall:
- (a) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change;
 - (b) Briefly describe and respond to all significant comments raised during the public comment period, or during any hearing; and
 - (c) Be available to the public.

Persons may comment on these proposed amendments within 30 days of this notice by writing to the Director, Department of Consumer and Regulatory Affairs, 614 H Street, N.W., Washington, D.C. 20001.

Copies of the Hazardous Waste Management Regulations adopted on July 22, 1983, may be obtained from:

Department of Consumer and Regulatory Affairs
5010 Overlook Avenue, S.W., Suite 115
Washington, D.C. 20032-5397
(202) 767-8422