

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 REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	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)		
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add references to "Classes 1 and 2 modifications as defined in §270.42 (a) and (b)"	124.5(c)(3)		
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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)	20.4.1.500 NMAC	x
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SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE PLAN; AMENDMENT OF PLAN

add wording on "notification" and "review" to text	264.112(c)	20.4.1.500 NMAC	x
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insert "notification or" prior to "request"	264.112(c)(1)	20.4.1.500 NMAC	x
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insert "notification			
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of or" prior to "request"	264.112(c)(2)	20.4.1.500 NMAC	x
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† POST-CLOSURE PLAN; AMENDMENT OF PLAN

add wording on "notification" and "review" to text	264.118(d)	20.4.1.500 NMAC	x
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insert "notification or" prior to "request"	264.118(d)(1)	20.4.1.500 NMAC	x
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insert "notification of or" prior to "request"	264.118(d)(2)	20.4.1.500 NMAC	x
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**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)	20.4.1.600 NMAC	x
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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)	20.4.1.600 NMAC	x
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replace "major modification" with "Class 2 or 3 modification" and delete reference to "\$270.41"	265.118(d)(3)	20.4.1.600 NMAC	x
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replace "major modification" with "Class 2 or 3 modification" and delete reference "\$270.41."	265.118(d)(4)	20.4.1.600 NMAC	x
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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

20.4.1.900 NMAC

x

add "Functionally
equivalent
component"

270.2

20.4.1.900 NMAC

x

† EFFECT OF A PERMIT

modification under
270.42

270.4(a)

20.4.1.900 NMAC

x

SUBPART C - PERMIT CONDITIONS

† CONDITIONS APPLICABLE TO ALL PERMITS

add provision for
270.42

270.30(l)(2)

20.4.1.900 NMAC

x

SUBPART D - CHANGES TO PERMITS

† TRANSFER OF PERMITS

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

270.40(a)

20.4.1.900 NMAC

x

270.40(b)

20.4.1.900 NMAC

x

† 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

20.4.1.900 NMAC

x

insert "by statute,
through" before
"promulgation";
insert "new or"
before "amended"

270.41(a)(3)

20.4.1.900 NMAC

x

remove 270.41(a)(3)(i)-
(iii)

270.41(a)(3)(i)-(iii)

20.4.1.900 NMAC

x

remove (a)(5) and

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redesignate existing (a)(6) as (a)(5)	270.41(a)(5)	20.4.1.900 NMAC	x
† PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE			
revise section heading; remove introductory material	270.42	20.4.1.900 NMAC	x
putting into effect Class 1 modifications as listed in Appendix I	270.42(a)(1)	20.4.1.900 NMAC	x
notification of Director by permittee to whom notice of modification must be sent and when	270.42(a)(1)(i)	20.4.1.900 NMAC	x
rejection of modifica- tion by Director	270.42(a)(1)(ii)	20.4.1.900 NMAC	x
modifications requiring prior written approval	270.42(a)(1)(iii)	20.4.1.900 NMAC	x
Class 2 procedures instead of Class 1 procedures	270.42(a)(2)	20.4.1.900 NMAC	x
heading for "Class 2 modifications"	270.42(a)(3)	20.4.1.900 NMAC	x
Class 2 modifications as listed in Appendix I	270.42(b)	20.4.1.900 NMAC	x
description of exact changes	270.42(b)(1)	20.4.1.900 NMAC	x
identification of Class 2 modification	270.42(b)(1)(i)	20.4.1.900 NMAC	x
why modification is needed	270.42(b)(1)(ii)	20.4.1.900 NMAC	x
provision of applicable information	270.42(b)(1)(iii)	20.4.1.900 NMAC	x
to whom notice must be sent and when	270.42(b)(1)(iv)	20.4.1.900 NMAC	x
announcement of a 60-day comment period	270.42(b)(2)	20.4.1.900 NMAC	x
announcement of where and when public meeting will be held	270.42(b)(2)(i)	20.4.1.900 NMAC	x
name and phone number of permittee's contact person	270.42(b)(2)(ii)	20.4.1.900 NMAC	x
name and phone number of Agency contact person	270.42(b)(2)(iii)	20.4.1.900 NMAC	x
location for viewing modification request	270.42(b)(2)(iv)	20.4.1.900 NMAC	x
availability of	270.42(b)(2)(v)	20.4.1.900 NMAC	x

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permittee's compliance history	270.42(b)(2)(vi)	20.4.1.900 NMAC	x
placement of modification request copy in vicinity of facility for public accessibility	270.42(b)(3)	20.4.1.900 NMAC	x
when and where permittee must hold a public meeting	270.42(b)(4)	20.4.1.900 NMAC	x
public comment period	270.42(b)(5)	20.4.1.900 NMAC	x
requirements after receipt of modification request	270.42(b)(6)(i)	20.4.1.900 NMAC	x
approve request, with or without changes	270.42(b)(6)(i)(A)	20.4.1.900 NMAC	x
deny request	270.42(b)(6)(i)(B)	20.4.1.900 NMAC	x
determine if Class 3 modification procedures are needed:	270.42(b)(6)(i)(C)	20.4.1.900 NMAC	x
significant public concern	270.42(b)(6)(i)(C)(1)	20.4.1.900 NMAC	x
complex nature of changes	270.42(b)(6)(i)(C)(2)	20.4.1.900 NMAC	x
approve as temporary authorization	270.42(b)(6)(i)(D)	20.4.1.900 NMAC	x
notify permittee that decision will be made in 30 days	270.42(b)(6)(i)(E)	20.4.1.900 NMAC	x
requirements if decision is extended for 30 days:	270.42(b)(6)(ii)	20.4.1.900 NMAC	x
approve request, with or without changes	270.42(b)(6)(ii)(A)	20.4.1.900 NMAC	x
deny request	270.42(b)(6)(ii)(B)	20.4.1.900 NMAC	x
determine if Class 3 modification procedures are needed:	270.42(b)(6)(ii)(C)	20.4.1.900 NMAC	x
significant public concern (1)	270.42(b)(6)(ii)(C)	20.4.1.900 NMAC	x
complex nature of changes (2)	270.42(b)(6)(ii)(C)	20.4.1.900 NMAC	x
approve as temporary authorization	270.42(b)(6)(ii)(D)	20.4.1.900 NMAC	x
temporary or automatic authorization following failure to make decision	270.42(b)(6)(iii)	20.4.1.900 NMAC	x
requirements of permittee under			

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temporary or automatic authorization	270.42(b)(6)(iv)(A)	20.4.1.900 NMAC	x
temporary authorization to conduct activities as in modification request (1)	270.42(b)(6)(iv)(A)	20.4.1.900 NMAC	x
unless final approval or denial, authorization for life of permit (2)	270.42(b)(6)(iv)(A)	20.4.1.900 NMAC	x
deferment of permanent authorization if failure to notify public	270.42(b)(6)(iv)(B)	20.4.1.900 NMAC	x
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)	20.4.1.900 NMAC	x
consideration and response to all significant comments	270.42(b)(6)(vi)	20.4.1.900 NMAC	x
extension of time periods for final approval, denial or reclassification as Class 3	270.42(b)(6)(vii)	20.4.1.900 NMAC	x
reasons to deny or change Class 2 permit modification terms	270.42(b)(7)	20.4.1.900 NMAC	x
request is incomplete	270.42(b)(7)(i)	20.4.1.900 NMAC	x
noncompliance with appropriate requirements	270.42(b)(7)(ii)	20.4.1.900 NMAC	x
failure to protect human health and environment	270.42(b)(7)(iii)	20.4.1.900 NMAC	x
commencement of construction under Class 2	270.42(b)(8)	20.4.1.900 NMAC	x
heading for "Class 3 modifications"	270.42(c)	20.4.1.900 NMAC	x
requirements for Class 3 modifications listed Appendix I	270.42(c)(1)	20.4.1.900 NMAC	x
detailed description of exact changes	270.42(c)(1)(i)	20.4.1.900 NMAC	x
identification of Class 3			

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Modification	270.42(c)(1)(ii)	20.4.1.900 NMAC	x
why modification is needed	270.42(c)(1)(iii)	20.4.1.900 NMAC	x
provision of applicable information	270.42(c)(1)(iv)	20.4.1.900 NMAC	x
to whom and when notice must be sent	270.42(c)(2)	20.4.1.900 NMAC	x
announcement of a 60-day comment period	270.42(c)(2)(i)	20.4.1.900 NMAC	x
announcement of when and where public meeting will be held	270.42(c)(2)(ii)	20.4.1.900 NMAC	x
name and phone number of permittee's contact person	270.42(c)(2)(iii)	20.4.1.900 NMAC	x
name and phone number of Agency contact person	270.42(c)(2)(iv)	20.4.1.900 NMAC	x
location for viewing modification request	270.42(c)(2)(v)	20.4.1.900 NMAC	x
availability of permittee's compliance history	270.42(c)(2)(vi)	20.4.1.900 NMAC	x
placement of modification request copy in vicinity of facility for public accessibility	270.42(c)(3)	20.4.1.900 NMAC	x
when and where permittee must hold a public meeting	270.42(c)(4)	20.4.1.900 NMAC	x
public comment period	270.42(c)(5)	20.4.1.900 NMAC	x
grant or deny modification request after public comment period; consider and respond to all significant written comments	270.42(c)(6)	20.4.1.900 NMAC	x
heading for "Other modifications"	270.42(d)	20.4.1.900 NMAC	x
other modifications not explicitly listed in Appendix I	270.42(d)(1)	20.4.1.900 NMAC	x
determination of appropriate class:	270.42(d)(2)	20.4.1.900 NMAC	x
changes that necessitate Class I modifications	270.42(d)(2)(i)	20.4.1.900 NMAC	x
changes that necessitate Class 2			

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modifications	270.42(d)(2)(ii)	20.4.1.900 NMAC	x
variations in types and quantities of wastes managed	270.42(d)(2)(ii)(A)	20.4.1.900 NMAC	x
technological advancements	270.42(d)(2)(ii)(B)	20.4.1.900 NMAC	x
changes necessary to comply with new regulations	270.42(d)(2)(ii)(C)	20.4.1.900 NMAC	x
Class 3 modifications description	270.42(d)(2)(iii)	20.4.1.900 NMAC	x
heading for "Temporary authorizations"	270.42(e)	20.4.1.900 NMAC	x
granting of temporary authorizations	270.42(e)(1)	20.4.1.900 NMAC	x
request for temporary authorization:	270.42(e)(2)(i)	20.4.1.900 NMAC	x
Class 2 modification meeting criteria	270.42(e)(2)(i)(A)	20.4.1.900 NMAC	x
Class 3 modification meeting criteria and providing improved management or treatment	270.42(e)(2)(i)(B)	20.4.1.900 NMAC	x
what temporary authorization request must include	270.42(e)(2)(ii)	20.4.1.900 NMAC	x
description of activities	270.42(e)(2)(ii)(A)	20.4.1.900 NMAC	x
why temporary authorization is necessary	270.42(e)(2)(ii)(B)	20.4.1.900 NMAC	x
sufficient information to ensure compliance	270.42(e)(2)(ii)(C)	20.4.1.900 NMAC	x
to whom notice must be sent	270.42(e)(2)(iii)	20.4.1.900 NMAC	x
approve or deny temporary authorization quickly:	270.42(e)(3)	20.4.1.900 NMAC	x
authorized activities in compliance with Part 264	270.42(e)(3)(i)	20.4.1.900 NMAC	x
necessity of temporary authorization to achieve an objective:	270.42(e)(3)(ii)	20.4.1.900 NMAC	x
facilitate closure or corrective action activities	270.42(e)(3)(ii)(A)	20.4.1.900 NMAC	x
allow treatment or storage in tanks or containers of restricted wastes	270.42(e)(3)(ii)(B)	20.4.1.900 NMAC	x
prevent disruption of			

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ongoing activities	270.42(e)(3)(ii)(C)	20.4.1.900 NMAC	x
respond to sudden changes in types or quantities of wastes managed	270.42(e)(3)(ii)(D)	20.4.1.900 NMAC	x
protection of human health and environment	270.42(e)(3)(ii)(E)	20.4.1.900 NMAC	x
reissuance of temporary authorization for Class 2 or 3	270.42(e)(4)	20.4.1.900 NMAC	x
reissuance of Class 2 in accordance with specific paragraphs	270.42(e)(4)(i)	20.4.1.900 NMAC	x
reissuance of Class 3 in accordance with specific paragraph	270.42(e)(4)(ii)	20.4.1.900 NMAC	x
heading for "Public notice and appeals of permit modification decisions"	270.42(f)	20.4.1.900 NMAC	x
when and to whom notification of grant, denial or automatic authorization decisions must be sent	270.42(f)(1)	20.4.1.900 NMAC	x
appeal of grant or denial decision	270.42(f)(2)	20.4.1.900 NMAC	x
appeal of automatic authorization	270.42(f)(3)	20.4.1.900 NMAC	x
heading for "Newly listed or identified wastes"	270.42(g)	20.4.1.900 NMAC	x
continued authority to manage wastes listed in Part 261: in existence as a hazardous waste facility on effective date of final rule listing or identifying waste	270.42(g)(1)(i)	20.4.1.900 NMAC	x
submit Class 1 modification request in compliance with 265 standards	270.42(g)(1)(ii)	20.4.1.900 NMAC	x
for Class 2 or 3 modifications, submit complete modification request within 180 days	270.42(g)(1)(iii)	20.4.1.900 NMAC	x
	270.42(g)(1)(iv)	20.4.1.900 NMAC	x

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certification that land disposal units are in compliance within 12 months	270.42(g)(1)(v)	20.4.1.900 NMAC	x
expansions are not under 25 percent capacity limit for Class 2 modifications	270.42(g)(2)	20.4.1.900 NMAC	x
maintenance and notice of updated list of permit modifications	270.42(h)	20.4.1.900 NMAC	x
remove 270.42(i) through 270.42(p)	270.42(i)-(p)	20.4.1.900 NMAC	x
add Appendix I; classification of modifications	270.42	20.4.1.900 NMAC	x

SUBPART F - SPECIAL FORMS OF PERMITS

† **HAZARDOUS WASTE INCINERATOR PERMITS**

revise last sentence by omitting parenthetical phrase	270.62(a)	20.4.1.900 NMAC	x
revise last sentence by omitting "as a minor modification"	270.62(b)(10)	20.4.1.900 NMAC	x

† **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)	20.4.1.900 NMAC	x
remove phrase on minor modifications	270.63(d)(2)	20.4.1.900 NMAC	x
remove paragraph	270.63(d)(3)	20.4.1.900 NMAC	x