

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 148

RCRA Expanded Public Participation

60 FR 63417-63434

December 11, 1995

(RCRA Cluster VI, Non-HSWA provisions)

Sections 124.32(a) and 124.33(a) need to have their language revised to remove the limiting language that is not appropriate for States to adopt. See the summary for this checklist for guidance.

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 DECISION MAKING						
SUBPART B - SPECIFIC PROCEDURES APPLICABLE TO RCRA PERMITS						
PRE-APPLICATION PUBLIC MEETING AND NOTICE						
1 requirements of this section apply to part B applications seeking initial permits for hazardous waste management units; these requirements also apply to part B permit applications seeking permit renewal which proposes a significant change in the facility operations; definition of "significant change"; definition of "hazardous waste management units over which EPA has permit issuance authority"; the requirements of 124.31 do not apply to 270.42 permit modifications or applications submitted solely for post-closure activities or post-closure activities and corrective action at a facility	124.31(a)	39.103(a)(2)	X			
prior to submission of part B permit application, the applicant must hold at least one public meeting; the applicant shall post a sign-in sheet for attendees	124.31(b)	39.103(a)(2)	X			

RCRA REVISION CHECKLIST 148: RCRA Expanded Public Participation (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the applicant shall submit a summary of the meeting, a list of the attendees and their addresses, and copies of any written comments or materials submitted at the meeting as part of the part B application, in accordance with 270.14(b)	124.31(c)	39.103(a)(2)	X			
the applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting; must maintain and provide documentation of public notice to the permitting agency upon request	124.31(d)	39.103(a)(2)	X			
the applicant shall provide public notice in all of the following forms:	124.31(d)(1)	39.103(a)(2)	X			
newspaper advertisement, as specified	124.31(d)(1)(i)	39.103(a)(2)	X			
visible and accessible sign, as specified	124.31(d)(1)(ii)	39.103(a)(2)	X			
broadcast media announcement, as specified	124.31(d)(1)(iii)	39.103(a)(2)	X			
notice to the permitting agency and units of state and local government, as specified	124.31(d)(1)(iv)	39.103(a)(2)	X			
the notices required under 124.31(d)(1) must include:	124.31(d)(2)	39.103(a)(2)	X			
date, time, and location of the meeting	124.31(d)(2)(i)	39.103(a)(2)	X			
brief description of the purpose of the meeting	124.31(d)(2)(ii)	39.103(a)(2)	X			
brief description of the facility and proposed operations, including address or map	124.31(d)(2)(iii)	39.103(a)(2)	X			

RCRA REVISION CHECKLIST 148: RCRA Expanded Public Participation (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access	124.31(d)(2)(iv)	39.103(a)(2)	X			
name, address, and telephone number of a contact person for the applicant	124.31(d)(2)(v)	39.103(a)(2)	X			

PUBLIC NOTICE REQUIREMENTS AT THE APPLICATION STAGE

1 requirements of this section apply to part B applications seeking initial permits for hazardous waste management units; these requirements also apply to part B permit applications seeking permit renewal for such units under 270.51; definition of "hazardous waste management units"; the requirements of 124.32 do not apply to 270.42 permit modifications or applications submitted solely for post-closure activities or post-closure activities and corrective action at a facility	124.32(a)	39.103(b)	X			
notification at application submittal	124.32(b)	39.103(b)	X			
the Director shall provide public notice as set forth in 124.10(c)(1)(ix) and notice to appropriate units of State and local government as set forth in 124.10(c)(1)(x), that a part B application has been submitted	124.32(b)(1)	39.103(b)	X			
notice shall be published within a reasonable period of time after the application is received by the Director; the notice must include:	124.32(b)(2)	39.103(b)	X			

RCRA REVISION CHECKLIST 148: RCRA Expanded Public Participation (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
name and telephone number of the applicant's contact person	124.32(b)(2)(i)	39.103(b)	X			
name, telephone number, and mailing address of the permitting agency's contact office	124.32(b)(2)(ii)	39.103(b)	X			
address to which people can write in order to be put on the facility mailing list	124.32(b)(2)(iii)	39.103(b)	X			
location where copies of the permit application and any supporting documents can be viewed and copied	124.32(b)(2)(iv)	39.103(b)	X			
brief description of the facility and proposed operations, including address or map, on the front page of the notice	124.32(b)(2)(v)	39.103(b)	X			
date the application was submitted	124.32(b)(2)(vi)	39.103(b)	X			
concurrent with the notice required under 124.32(b), the Director must place the permit application and any support documents in a location accessible to the public in the vicinity of the facility or at the permitting agency's office	124.32(c)	39.103(b)	X			

INFORMATION REPOSITORY

1 requirements of this section apply to all applications seeking permits for hazardous waste management units; definition of "hazardous waste management units"	124.33(a)	39.103(g)	X			
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RCRA REVISION CHECKLIST 148: RCRA Expanded Public Participation (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the Director may assess the need, on a case-by-case basis, for an information repository; he shall consider a variety of factors, including level of public interest, type of facility, presence of existing repository, and proximity to nearest copy of administrative record; if a need is determined, the Director shall notify the facility to establish and maintain a repository	124.33(b)	39.103(g)	X			
the repository shall contain all documents, reports, data, and information deemed necessary by the Director	124.33(c)	39.103(g)	X			
the repository shall be located and maintained at a site chosen by the facility; if the site is unsuitable, the Director shall specify a more appropriate site	124.33(d)	39.103(g)	X			
the Director shall specify requirements for informing the public about the repository; at a minimum, the Director shall require the facility to provide a written notice about the repository to all persons on the facility mailing list	124.33(e)	39.103(g)	X			
the facility owner or operator shall be responsible for maintaining and updating the repository; the Director may close the repository at his discretion based on factors in 124.33(b)	124.33(f)	39.103(g)	X			

RCRA REVISION CHECKLIST 148: RCRA Expanded Public Participation (cont'd)

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

SUBPART A - GENERAL INFORMATION

DEFINITIONS

revise "Facility mailing list" by changing "124.10(c)(viii)" to "124.10(c)(1)(ix)"	270.2, "Facility mailing list"	305.2	X			
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SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

add new paragraph; summary of pre-application meeting, a list of the attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 124.31(c)	270.14(b)(22)	305.50(4)(A)	X			
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SUBPART C - PERMIT CONDITIONS

CONDITIONS APPLICABLE TO ALL PERMITS

add new paragraph; the Director may require the permittee to establish and maintain an information repository at any time, as set forth in 124.33(b); information repository shall be governed by provisions in 124.33(c)-(f)	270.30(m)	305.125(21)	X			
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SUBPART F - SPECIAL FORMS OF PERMITS

EMERGENCY PERMITS

replace "124.11(b)" with "124.10(b)"	270.61(b)(5)	35.402(e) 305.30	X			
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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
HAZARDOUS WASTE INCINERATOR PERMITS						
redesignate former 270.62(b)(6) as 270.62(b)(7); add new 270.62(b)(6) addressing the notice to be sent by the Director to all persons on the facility mailing list and to the appropriate units of State and local government announcing the scheduled commencement and completion dates for the trial burn; applicant may not commence the trial burn until after notice has been issued	270.62(b)(6)	305.172(6)	X			
notice must be mailed within a reasonable time period before the scheduled trial burn; additional notice not required if trial burn is delayed due to circumstances beyond the facility's or permitting agency's control	270.62(b)(6)(i)	305.172(6)	X			
notice must contain:	270.62(b)(6)(ii)	305.172(6)	X			
name and telephone of the applicant's contact person	270.62(b)(6)(ii)(A)	305.172(6)	X			
name and telephone number of the permitting agency's contact office	270.62(b)(6)(ii)(B)	305.172(6)	X			
location where the approved trial burn plan and any supporting documents can be reviewed and copied	270.62(b)(6)(ii)(C)	305.172(6)	X			
expected time period for commencement and completion of the trial burn	270.62(b)(6)(ii)(D)	305.172(6)	X			
former 270.62(b)(6) becomes 270.62(b)(7)	270.62(b)(7)	305.172(7)	X			

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redesignate former 270.62(b)(7)-(10) as 270.62(b)(8)-(11)	270.62(b)(8)-(11)	305.172(8)-(11)	X			
in the first sentence, replace "paragraph (b)(2) through (b)(9)" with "paragraphs (b)(2) through (b)(5) and (b)(7) through (b)(10)"; after the first sentence, insert two new sentences; the first new sentence requires the Director to announce his or her intention to approve the trial burn plan as specified; the second new sentence addresses what the notice must include; in the sentence beginning with "Applicants submitting information under...", replace §§264.343" with "40 CFR 264.343"; in the sentence beginning with "Applicants who submit trial burn plans...", replace "paragraph (b)(6)" with "paragraph (b)(7) of this section"	270.62(d)	305.174	X			

PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

redesignate former 270.66(d)(3) as 270.66(d)(4); add new 270.66(d)(3) requiring the Director to send notice to all persons on the facility mailing list and to the appropriate units of State and local government announcing the scheduled commencement and completion dates for the trial burn; applicant may not commence the trial burn until after notice has been issued	270.66(d)(3)	305.572(b)	X			
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notice must be mailed within a reasonable time period before the trial burn; additional notice not required if trial burn is delayed due to circumstances beyond the facility's or permitting agency's control	270.66(d)(3)(i)	305.572(b)	X			
notice must contain:	270.66(d)(3)(ii)	305.572(b)	X			
name and telephone number of the applicant's contact person	270.66(d)(3)(ii)(A)	305.572(b)	X			
name and telephone number of the permitting agency's contact office	270.66(d)(3)(ii)(B)	305.572(b)	X			
location where the approved trial burn plan and any supporting documents can be reviewed and copied	270.66(d)(3)(ii)(C)	305.572(b)	X			
expected time period for commencement and completion of the trial burn	270.66(d)(3)(ii)(D)	305.572(b)	X			
former 270.66(d)(3) becomes (d)(4)	270.66(d)(4)	305.572(a)(3)	X			
redesignate old 270.66(d)(4) and (d)(5) as 270.66(d)(5) and (d)(6)	270.66(d)(5) & (d)(6)	305.572(a)(3)	X			

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			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
2 revise paragraph; insert "of this chapter" after the second reference to "§ 266.103" in the first sentence; after the first sentence, insert new second and third sentences; the first new sentence requires the Director to announce his or her intention to approve a trial burn plan as specified; second new sentence addresses what the notice must include	270.66(g)	305.573(a)	X			

¹ See the special guidance in the summary for this checklist regarding state adoption of these paragraphs.

² There is a typographical error at 270.66(g); at 60 FR 63434, "§§266.104 through 266.107" was changed to "§266.104 through 266.107".