

## FACT SHEET

### FOR PERMIT UNDER 1984 RCRA AMENDMENTS PERTAINING TO SOLID AND HAZARDOUS WASTE MANAGEMENT AT

FACILITY'S NAME

CITY, STATE

EPA I.D. NUMBER: FLD ### ## ###

This fact sheet is prepared pursuant to 40 CFR §124.8 for the draft permit developed by the U.S. Environmental Protection Agency (EPA) for facility's name. If issued, this federal permit along with the Operating/Closure-Post-Closure Permit from the state agency/department will cover all applicable sections of the Resource Conservation and Recovery Act (RCRA) except for those requirements which become effective by statute, are promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land or are promulgated under 40 CFR Part 264 of this chapter regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units, as specified in 40 CFR §270.4. Together, these permits constitute a complete RCRA Hazardous Waste Permit for this facility (i.e., the RCRA Permit).

#### A. RCRA PERMIT PROCESS/STRUCTURE

The purpose of the permitting process is to afford EPA and interested citizens the opportunity to evaluate the ability of the Permittee to comply with the applicable requirements promulgated under the Resource Conservation and Recovery Act (RCRA), as amended by the 1984 Hazardous and Solid Waste Amendments (HSWA). EPA administers the statutory requirements of the 1984 Amendments for which state's name is not authorized. The remaining sections of this fact sheet will identify the federal portion of the RCRA Permit as the "HSWA Permit." The remaining portion of facility name's RCRA Permit, which is administered by the state agency/department, will be identified as the "Operating/Closure-Post-Closure Permit."

#### B. HSWA PERMIT STRUCTURE

The HSWA Permit is divided into five (5) parts: a cover sheet setting forth the basic legal authority for issuing the permit; a section on standard conditions applicable to all hazardous waste management facilities (Part I); a section on the corrective action conditions applicable to this particular facility (Part II); a section addressing applicable land disposal restrictions (Part III); and a section addressing the emission standards for tanks, containers, and surface impoundments (Part IV). [Note: The permit writer should be aware that Part IV may not be necessary based on the authorization status of the specific state.]

#### C. FACILITY DESCRIPTION AND HSWA APPLICABILITY

Facility's Name is located in city's name on approximately number of acres ( ) acres. The facility has been in existence since 19\_. Plant operations have involved the manufacture of summarize facility operations.

Specific areas of the facility which are subject to the corrective action requirements of HSWA are solid waste management units (SWMUs) and areas of concern (AOCs). SWMUs are any units which have been used for the treatment, storage or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid waste. AOCs are any areas having a probable release of a hazardous waste or hazardous constituent which is not from a SWMU and is determined to pose an current or potential threat to human health or the environment. Based on information submitted by the Permittee, information contained in state and EPA records, and the RCRA Facility Assessment (RFA) report, prepared by an EPA contractor, dated \_\_\_\_, and finalized \_\_\_\_, No of Total SWMUs ( ) SWMUs and No of Total AOCs ( ) AOCs have been identified at this time. Justifications for actions required by the draft HSWA Permit are contained in documentation included in EPA administrative files.

Issuance of the HSWA Permit will provide EPA with the authority to require necessary corrective action at identified SWMUs or AOCs. Specifically, the HSWA Permit for facility's name requires the submittal of a Confirmatory Sampling (CS) Work Plan for No of SWMUs ( ) of the No of Total SWMUs ( ) identified SWMUs and No of AOCs ( ) of the No of Total AOCs ( ) identified AOCs. The objective of a CS Work Plan is to determine the presence or absence of a release. A release is defined as a hazardous constituent concentration above background.

The HSWA Permit for facility's name also requires the submittal of a RCRA Facility Investigation (RFI) Work Plan for No of SWMUs ( ) of the No of Total SWMUs ( ) identified SWMUs and No of AOCs ( ) of the No of Total AOCs ( ) identified AOCs. The purpose of the RFI is to characterize the nature and extent of releases to soil, groundwater, surface water, and air. Information gained by the RFI characterization is utilized to determine whether or not a RCRA Corrective Measures Study (CMS) is necessary. If comparison of the characterized release data to conservative health-based levels (i.e., action levels) identifies the potential need for remedial measures, the owner or operator is then responsible for performing a CMS. During this phase of the Corrective Action Process, the owner or operator will identify, study and recommend specific alternatives for remedial action. The CMS includes a public participation plan, and the public will be given an opportunity to comment on the proposed remedial alternative prior to the selection of the final remedy.

Information gathered during the RFI will be used not only to determine the potential need for and support for corrective measures, but also to aid in determining if Interim Measures (IM) are necessary. Interim Measures are activities which prevent or lessen the continued migration of contamination. Interim Measures may be used to protect human health and the environment from current or potential threats. Because Interim Measures

often address the most intense and persistent areas of contamination at a facility, Interim Measures are usually incorporated into the proposed final remedy. Currently, there *is or is not* enough information available for the Agency to impose Interim Measures. Interim Measures are imposed at [No of SWMUs or AOCs].

Based on current information, corrective action is not warranted for the remaining No of SWMUs (.) SWMUs not already covered by CS or RFI requirements. Therefore, a no further action decision at this time has been made for these particular SWMUs.

In addition to requiring corrective action at this time for identified SWMUs and AOCs, the permit also includes provisions for notifying EPA of newly identified releases from previously identified SWMUs or AOCs, newly identified SWMUs and newly identified AOCs which are discovered after permit issuance. The HSWA Permit also requires notification of imminent hazards, and when applicable, compliance with the requirements developed under land disposal restrictions and organic air emission standards [Note: the permit writer may have to remove certain requirements listed above based on the authorization status of the state.]

#### D. PERMIT CONDITIONS

##### HSWA PERMIT COVER PAGE

The Cover Page cites authority for issuance of the HSWA Permit and establishes the term of the permit.

## PART I. STANDARD PERMIT CONDITIONS

Part I of the permit sets forth standard administrative conditions applicable to all hazardous waste management facilities. Unless otherwise specified, all citations refer to the regulations as codified in Title 40 of the Code of Federal Regulations (40 CFR).

<u>Activity</u>	<u>Regulation (40 CFR)</u>	<u>Permit Condition</u>
Effect of Permit	§270.4 §270.30(g)	I.A.
Permit Actions	§270.30(f) §270.41 §270.42 §270.43	I.B.
Severability	§124.16	I.C.
Duty to Comply	§270.30(a)	I.D.1.
Duty to Reapply	§270.10(h) §270.30(b)	I.D.2.
Obligation for Corrective Action	§264.101 §270.1(c) §270.51	I.D.3.
Need to Halt or Reduce Activity	§270.30(c)	I.D.4.
Duty to Mitigate	§270.30(d)	I.D.5.
Proper Operation and Maintenance	§270.30(e)	I.D.6.
Duty to Provide Information	§264.74 §270.30(h)	I.D.7.
Inspection and Entry	§270.30(i)	I.D.8.
Monitoring and Records	§264.74(b)	I.D.9.

	§270.30(j)	
Reporting Planned Changes	§270.30(l)(1)&(2)	I.D.10.
Anticipated Noncompliance	§270.30(l)(2)	I.D.11.
Transfer of Permit	§264.12(c) §270.30(l)(3) §270.40	I.D.12.
Compliance Schedules	§270.33	I.D.13.
Twenty-four Hour Reporting	§264.56(d) & (j) §270.30(l)(6) §270.30(h)	I.D.14.
Other Noncompliance	§270.30(l)(10)	I.D.15.
Other Information	§270.30(l)(11)	I.D.16.
Signatory Requirement	§270.11 §270.30(k)	I.E.
Confidential Information	§270.12, Part 2	I.F.
Definitions	Part 124 Part 260 Part 261 Part 264 Part 270 RCRA	I.G.

## PART II. SPECIFIC PERMIT CONDITIONS

Part II of the permit sets forth the specific conditions for this facility with which the Permittee must comply.

<u>PERMIT CONDITION</u>	<u>JUSTIFICATION</u>
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## II.A. Applicability

40 CFR §264.101(a) requires that corrective action be instituted as necessary to protect human health and the environment for all releases of hazardous waste or constituents from many solid waste management units, regardless of the time that waste was placed in the unit.

II.B. Notification and Assessment for Newly Identified SWMUs and AOCs

40 CFR §270.14(d) gives EPA authority to require the Permittee to submit specific information for each solid waste management unit at a facility. 40 CFR §270.14(d)(3) also gives EPA authority to require the Permittee to conduct and provide the results of sampling and analysis where the Regional Administrator ascertains it is necessary to determine whether a more complete investigation is necessary.

II.C. Notification Requirements for Newly Discovered Releases at SWMUs or AOCs

II.D. Confirmatory Sampling

In order to decide whether corrective action under 40 CFR §264.101 is required, it is necessary to characterize the nature and extent of releases, identify exposure pathways, and evaluate effects on human health and the environment.

II.E. RCRA Facility Investigation

II.F. Interim Measures

Interim measures may be necessary to protect human health and the environment. Therefore, justification for this condition is identical to those stated for Condition II.G. 40 CFR §270.33(a) requires progress reports if the time to complete any interim activity exceeds one year.

II.G. Corrective Measures Study

40 CFR §264.101(a) requires corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under Subtitle C, regardless of the time at which waste was placed in such unit. 40 CFR §264.101(b) requires assurance of

II.H. Remedy Approval and Permit Modification

II.I. Modification of the Corrective Action Schedule of Compliance

financial responsibility for completing corrective action. 40 CFR §264.101(c) requires corrective action beyond the facility boundary. Once a final remedy has been selected, it will be officially incorporated into the permit through a permit modification (40 CFR §270.41 and 40 CFR §270.42). 40 CFR §264.101(b) requires the permit to contain schedules of compliance for corrective action which cannot be completed prior to issuance.

II.J. Plan and Report Requirements

40 CFR §270.11 and §270.30(k) require that all applications, reports, and/or information submitted to the Regional Administrator be signed and certified.

II.K. Approval/Disapproval of Submittals

In order to facilitate the corrective action process required under 40 CFR §264.101, the Permittee is given the opportunity, under these conditions, to attempt informal resolution of any disagreement regarding the Regional Administrator's revision of a submittal or disapproval of a revised submittal.

II.L. Dispute Resolution

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PART III. LAND DISPOSAL RESTRICTIONS

Part III of this permit outlines land disposal restrictions in accordance with 40 CFR Part 268.

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PART IV. ORGANIC AIR EMISSIONS

Part IV of this permit sets forth requirements to limit organic emissions from tanks, containers, and surface impoundments in accordance with 40 CFR Part 264 Subpart CC.

E. VARIANCES

This permit does not provide for variances to the regulations cited above.



## F. PROCEDURES

The issuance of a complete RCRA Hazardous Waste Permit to facility name, city, and state will be coordinated by both the EPA and the state agency. The portion of the RCRA Permit issued by the State of \_\_\_\_\_ will cover those portions of RCRA, including HSWA provisions, for which it has final authorization to administer. Consequently, the federal portion of the RCRA Permit will address those provisions which the state has not received final authorization to administer. If the State portion of the RCRA Permit is written to include those conditions contained in the federal permit, then the State may assume administration for those requirements contained in the federal portion of the RCRA Permit upon receiving final authorization for those provisions.

The regulations under 40 CFR §124.10 require that a 45-day comment period be instituted for each draft permit under the Resource Conservation and Recovery Act. The comment period will begin on \_\_\_\_\_, which is the date of publication of the public notice in major local newspapers of general circulation, and will end on \_\_\_\_\_. The public notice will also be broadcast over local radio stations.

The draft federal HSWA permit and fact sheet may be viewed and copied in the library at the EPA Regional Office in Atlanta, Georgia between the hours of 8:00 am to 4:30 pm, Monday through Friday, except legal holidays. Additional copies of the draft federal permit and fact sheet will be available for public review at local location, address, phone #, and the State Agency District Office, address, phone #. The draft federal HSWA permit and fact sheet are also available on the Region 4 Website at:

<http://www.epa.gov/region4/waste/rcra/rpb.htm#rpbper>,

Persons wishing to request a public hearing or to comment on the permit application or the proposed permit conditions should submit such requests or comments in writing. Copies of comments regarding the federal RCRA permit should be sent to the Environmental Protection Agency, ATTENTION: Mr. Narindar Kumar, Chief, RCRA Branch, Waste Management Division, at 61 Forsyth Street, Atlanta, Georgia 30303. All comments must be received no later than midnight, \_\_\_\_\_, \_\_\_\_\_.

*A public hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_, e.s.t. or c.s.t., at the \_\_\_\_\_ located in \_\_\_\_\_.* (Optional)

When EPA makes a final permit decision, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final decision. The final permit decision shall become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review is requested under 40 CFR §124.19. If no comments were received requesting a change in the draft permit, the final permit shall become effective immediately upon issuance.

## G. CONTACT PERSONS

EPA:

Section Chief

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Agency  
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State of \_\_\_\_\_:

State Contact

State Agency and Division

State Agency Address

Phone Number