

1. Land Disposal Units and Loss of Interim Status

When EPA promulgated the initial RCRA hazardous waste regulations in 1980, certain existing land disposal facilities (LDFs) (e.g., facilities with landfills, surface impoundments, and waste piles) were managing wastes which became hazardous waste under the new regulations. These facilities were allowed under RCRA to continue to manage those wastes prior to obtaining a full RCRA permit if they obtained "interim status." When a facility obtains interim status, the owner or operator must notify EPA of the types and amounts of waste they will be handling and what waste management activities they will be conducting, and submit a part A permit application providing basic facility information (§270.70(a)). As EPA expanded the scope of RCRA by promulgating new hazardous waste listings and characteristics, facilities previously not subject to RCRA become subject and are required to obtain interim status. When do these LDFs lose interim status and become subject to the requirements to obtain a full permit for compliance with the standards for permitted hazardous waste facilities?

When LDFs lose interim status varies depending upon when the unit obtained interim status. LDFs which obtained interim status prior to November 8, 1984, lost interim status on November 8, 1985, unless the owner or operator submitted a Part B application for a permit prior to November 8, 1985, and the owner/operator certified compliance with all applicable groundwater monitoring and financial responsibility requirements (§270.73(c)). (In contrast to the part A application's basic facility information, the part B application provides EPA the details necessary to draft the facility's operating permit.)

LDFs that obtain interim status after November 8, 1984, lose interim status twelve months after the effective date of the statutory or regulatory change which subjects them to permitting requirements, again unless the owner or operator submits a part B application prior to the twelve-month deadline, and the owner/operator certifies compliance with all applicable groundwater monitoring and financial responsibility requirements (§270.73(d)). LDFs that have obtained interim status may make changes at the facility (for example, to manage hazardous wastes they did not previously identify in their Part A application) (§§270.72(a)(1)-(3)). LDFs that have been granted authority to operate under these provisions similarly will lose their interim status twelve months from the effective date of the requirement, unless the owner or operator certifies that the unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (§270.73(e)).