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RCRA/Superfund/OUST Hotline Monthly Report Question

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Part B Application

3. A facility's Part B permit application is due after a Federal Register announcement of a final rule affecting the facility's hazardous waste management activities but prior to the effective date of the final rule. Is the permit applicant required to address applicable sections of the new final rule in the Part B permit application?

Since the new final rule is not effective when the initial Part B application is due, the permit applicant is not required to address the new final rule provisions in the initial Part B application. However, all permits issued must reflect all applicable Part 264 requirements in effect on the date of issuance. Therefore, in most cases, if the new final rule will be in effect prior to permit issuance, the initial Part B application should be modified to reflect the new rule. If the new final rule will become effective shortly after permit issuance, the applicant may still want to address the requirements of the new rule in the Part B application rather than go through a permit modification at a later date.