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PROPOSED RULES IMPACT ON PERMIT DEADLINES

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

DEC 28 1987

MEMORANDUM

SUBJECT: Impact of Proposed Rules on Permit Deadlines

FROM: Marcia E. Williams, Director
Office of Solid Waste (WH-563)

TO: Allyn M. Davis, Director
Hazardous Waste Management Division (6H)
Region VI

Your memo of November 30 indicated concern that the timing of the proposed location standards and incinerator rules may jeopardize your ability to meet the 1988 and 1989 permit deadlines. The draft location and incinerator standards were developed partly in response to public concerns about shortcomings in the current regulations. I do not believe that delay of these important deadlines would be an environmentally sound decision in light of their importance.

We do recognize, however, that proposing new regulations in the midst of the permitting process has the potential to delay certain permit activities where the public is concerned about EPA and/or the State issuing a permit that does not incorporate the new requirements. In order to minimize any disruption of the permit process, we will continue to share drafts of these rules with the Regions prior to proposal. Where you conclude that the draft rule contains a requirement applicable to a permit you are drafting and that such a requirement is needed to protect human health or the environment, you can use the omnibus provision to add that requirement to the draft permit.

When we propose the new incinerator requirements in the Spring, the preamble will explain that we have provided guidance documents to the permit writers to help them implement the proposed controls immediately under the omnibus authority codified at §270.32(b)().

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While we currently do not plan to include a similar discussion in the proposed location standards rule, you may also use the omnibus provision to apply a proposed location requirement to a particular facility. The Permit Assistance Teams are available to assist you in resolving any permit specific issues that arise.

In conclusion, I believe that if we work together we can minimize any permit delays these new regulations may cause. Should the regulations legitimately cause you to miss a SPMS commitment, we will be able to renegotiate these on a case-by-case basis. I would expect, however, that we can jointly keep delays to a minimum through regular communication on the direction of the rules and on their impact on particular permits.

cc: Regional Hazardous Waste Division Directors
Thad Juszczak
Bruce Weddle
Joe Carra