

PPC 9523.1984(08)

PART B INFORMATION REGARDING FUTURE POTENTIAL EXPANSIONS

PERMIT POLICY Q & A REPORT

SEPTEMBER 10, 1984

5. Question: Can an applicant submit information along with his Part B, for potential expansions to his facility and obtain a permit for those expansions when he has no definite expansion date. 40 CFR 270.10(f).

Answer: Yes. The applicant, however, must submit information at the same level of detail as if construction were to begin immediately upon receipt of a RCRA permit or at a later date, consistent with a schedule of compliance specified in the permit. The Part B application must be in such detail that the permit writer can draft an enforceable permit and so that there can be meaningful public participation and review of the proposed facility and permit conditions. In other words, he must fully satisfy all the information requirements of a Part B application and the Part 264 standards for a new facility. This is difficult to do in the absence of specific plans. In addition, when the applicant does finally decide to undertake the expansion, he must conform exactly to the plans and specifications contained in the permit. Applicants without firm expansion plans should be encouraged to restrict their permit application to the existing facility and to request a major modification when the expansion plans and schedule are definite. The applicant, however, should be warned that a major modification of this nature could, in effect, constitute a new application. The applicant should also be advised of any relevant regulations regarding the procedures for expanding the capacity of a permitted facility.