

9520.1986(01)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 86

### 2. The Omnibus Provision and Permits

An interim status landfill contains reactive hazardous waste (D003). The landfill is a regulated unit because it accepted hazardous waste after July 26, 1982. Since it is a regulated unit, the landfill is subject to 40 CFR 264 post-closure standards. EPA enforces 40 CFR 264 post-closure standards by issuing a post-closure permit. Prior to closure, the waste at the facility will be treated until it no longer exhibits the characteristic of reactivity. The permit writer is concerned that during the post-closure period, waste residues will be reduced anaerobically to the point where the material would again exhibit the characteristic of reactivity. The permit writer wants to require the owner of the site to perform hydrogen sulfide gas monitoring and sulfide detection during the post-closure period to measure the rate of anaerobic reactions. Can these monitoring requirements be included in the post-closure permit?

Yes; the Hazardous and Solid Waste Amendments of 1984 (HSWA) significantly increased the authority of the EPA when writing permits by adding an "omnibus provision" to the Solid Waste Disposal Act (§3005(c)(3)). This provision states that "[e]ach permit issued under this section shall contain such terms and conditions as the Administrator (or the State) determines necessary to protect human health and the environment." The final codification rule published in the July 15, 1985 Federal Register (50 FR 28702) incorporated the statutory provision into 40 CFR 270.32(b)(2) of the regulations. This provision gives permit writers the authority to impose permit standards in addition to applicable permit standards found in 40 CFR 264, as long as the permit writer can justify the need for the additional standards in terms of protection of human health and the environment. Additional standards can be justified by basing the standards on such sources as documented studies, expert opinions, and published articles.

Source: Lillian Bagus (202) 382-4691