QUESTION:

When a RCRA TSDF in an interim authorized State has Part B of the permit called for, how are the financial requirements handled? The facility was in the corporate financial test under paragraph 4 of 264.151(g).

RESOLUTION:

Sections 122.25(a) (15) and (a) (17) require copies of the financial mechanisms adopted in compliance with 264.143 and 264.147 as applicable. These requirements are based on the assumption that the owners or operators of existing facilities are in compliance with Federal interim status standards. The premise does not apply in States with Phase I Authorization, and liability coverage does not apply in States which applied for Phase II authorization by April 16, 1982 (123.129)(a) (2)). Facilities in those States which meet the above description do not have 264 or 265 standards in effect. These facilities are only required to submit financial instruments prior to the final permit disposition. The Agency points out that owners/operators have less resistance during public review of the draft permit if the financial assurances have been provided prior to public comment. At that time, the facilities should be listed in paragraph 1. Prior to submission, the Region may accept letters submitted in July 1982 as indications of the type of mechanism to be adopted. The figures would still show the appropriate amount of financial coverage but would be located in paragraph 4 rather than paragraph 1.