

9502.1986(03)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JANUARY 86

5. Corrective Action

The Hazardous and Solid Waste Amendments of 1984 (HSWA) set forth requirements for corrective action for continuing releases under §3004(u). This provision is applicable to any facility that is seeking a RCRA permit.

A facility currently has a RCRA permit and is seeking a major modification to that permit under §270.41. Would this facility be subject to the corrective action requirements of §3004.(u) when going through a major permit modification?

Section 3004(u) states that corrective action for a facility shall be required as a condition of each permit issued after November 8, 1984. Because a permit modification is not equivalent under §270.41 to the issuance of a permit, a facility that is seeking a major modification to a RCRA permit issued prior to November 8, 1984, is not required to address the corrective action requirements of §3004(u). A facility permit being reviewed for reissuance, however, is subject to the §3004(u) corrective action provisions.

Source: Carrie Wehling (202) 475-8067