

9525.1985(01)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

OCTOBER 85

4. Permit Modification

An owner/operator has a RCRA permit to store hazardous waste in containers and tanks. The owner/operator also generates hazardous waste on-site. The owner/operator intends to construct an additional storage area for the purposes of storing hazardous wastes for 90 days or less. Would the construction of this new storage area be considered an action that would require modification to the facility's RCRA permit (§§270.41 or 270.42)?

Construction of the 90-day storage area would not require modification of the facility's storage permit. A generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status provided that all §262.34 requirements are met. The 90-day storage area provision only applies to hazardous waste generated on-site.

In order to avoid potential confusion regarding construction, modification, and permitting, the following suggestions are recommended:

- (a) the owner/operator should contact in writing the appropriate U.S. EPA Regional office or State office, if authorized, and inform both the Director and the appropriate enforcement personnel regarding the construction of the 90-day storage area and the owner/operator's intent to comply with §262.34 requirements in that area; and
- (b) post a sign or notice in a visible place to identify the 90-day storage area to distinguish it from the permitted container area and storage tanks.

Source: Nancy Pomerleau (202) 382-4500