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LAND DISPOSAL PERMIT STRATEGY

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MEMORANDUM

SUBJECT: RCRA Land Disposal Permit Strategy

FROM: John H. Skinner, Acting Director  
Office of Solid Waste

TO: Regional Hazardous Waste Division Directors

On January 26, 1983, the new Part 264 hazardous waste land disposal regulations will become effective, and EPA will begin the process of requesting Part B applications for selected land disposal facilities. This memorandum is intended to provide guidance on selecting facilities for priority attention in this initial phase of the land disposal permit program.

The decision as to which land disposal facilities will be permitted first, and why, must be made carefully. Each of these permit actions will require a considerable investment of the Agency's permitting resources, and they must therefore be targeted to achieve maximum environmental benefits. In addition, this permit program will be highly visible and subject to intense scrutiny by the public and the regulated community. To assist in making the initial call-in decisions, we strongly urge that the states be consulted and actively involved in the selection process. Some states may already have developed their own land disposal permit strategies, and these should be accommodated by the regions to the extent that they do not conflict with EPA's objectives.

The primary objective of the RCRA land disposal permit program must be to maximize the benefits to public health and the environment. This is consistent with our previous policies for permitting hazardous waste storage facilities and incinerators. The following priorities should be assigned by the regions in assessing Part B call-ins for land disposal facilities:

--Facilities which are known to be sources of groundwater or

surface water contamination. Highest priority should be given to cases where sole source aquifers and other drinking water supplies are being endangered. Information regarding groundwater contamination should be solicited from the states, and may also be available from interim status quarterly reports and other sources.

--Facilities which may be causing environmental damage. This could include facilities which have histories of poor operating practices, prior enforcement actions, inadequate liner systems (where applicable), or inspection reports indicating improper facility designs or unsafe management practices. Facilities which have yet to report groundwater monitoring data, or for which data is questionable should be examined closely for permit action. Again, primary emphasis should be on protection of valuable aquifers and other water supplies.

--Facilities which pose potentially significant environmental risks. Assessment of environmental risks could include the proximity of the facility to population centers, aquifers and surface waters, facility size, nature of the wastes being disposed of, and other environmental factors.

In addition to these primary environmental considerations, several other factors should be taken into account:

**New Submissions.** Permit applications for new facilities should continue to receive high priority on the region's permitting resources.

**Multi-Process Facilities.** It has been the Agency's policy that facilities which contain more than one type of process should be covered by one comprehensive permit. As a result, some high priority incineration facilities have not yet been called since they are located with land disposal operations. The regions may wish to target these facilities for the first round of call-ins.

**Monofills and Neutralization Surface Impoundments.** As explained in the preamble to the new Part 264 land disposal regulations, EPA currently plans to propose adjustments to its regulatory approach for monofills and neutralization surface impoundments. Part B's for these two types of facilities should

therefore be given lower priority for call-in unless there is evidence that such a facility is causing environmental damage.

Effects on Competition. It is possible that permitting of a facility or facilities could have some effect on business competition. This is most likely in a case where a commercial land disposal facility is required to obtain a RCRA permit while a nearby competitor is allowed to remain under interim status. Regions should consider effects on competition in formulating their overall call-in strategies (for example, calling all commercial landfills in an area at the same time).

Although the Agency has not yet received OMB approval to call Part B's for existing land disposal facilities, we expect to receive approval by January 26.

The importance of this permitting effort demands that EPA begin its implementation as soon as it is legal and practical to do so. I therefore request that the initial round of call-in letters be prepared in advance by each region so that they can be mailed immediately after the regulations become effective. Subsequent call-ins to fulfill regional target commitments should be timed so as to balance workload demands.

If there are any questions or comments concerning strategies for calling land disposal facilities, please contact Steve Levy at 382-4740.

cc: Regional Hazardous Waste Branch Chiefs  
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