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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JULY 89

4. Changes to Interim Status Facilities

An interim status disposal facility with an existing incinerator wants to build a new incinerator. Can this be done and if so what changes would have to be made to Part A permit application?

Amendments to the RCRA regulations governing changes during interim status were promulgate in the March 7, 1989 Federal Register (54 FR 9596). An increase in design capacity of processes, which includes the addition of new units of the same type that are already present at the facility, is possible if the owner or operator of the facility complies with the requirements of Section 270.72(a)(2) and the change is not otherwise prohibited by the Reconstruction limit of Section 270.72(b). The owner or operator must submit a revised Part A permit application along with a justification explaining the need for the change and receive the Director's approval. The Director can approve the change if there is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities or the change is necessary to comply with a Federal, State or local requirement. (Section 270.72(a)(2))

The changes described above may not be made if prohibited by the 50% reconstruction limit. (40 CFR Section 270.72(b)) EPA anticipates that the construction of most incinerators will be prohibited by the reconstruction limit and facilities will have to obtain permits in order to make these changes. Additionally, the Agency has significant concerns about new incinerators being added as changes in interim status without the benefits of a trial burn and public participation. Therefore, EPA prefers that such units be subject to public hearing and comply with the incinerator standards of Part 264 Subpart 0.

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