

9523.1983(03)

LAND OWNER SIGNATURE ON PART A

JUN 17 1983

MEMORANDUM

SUBJECT: Land Owner Signature on Part A

FROM: John Skinner
Director
Office of Solid Wastes (WH-562)

TO: Tom Devine
Director
Air & Waste Management Division
Region 4

Pursuant to §270.10 both the owner and operator are required to sign a permit application for a hazardous waste management facility. This dual signature requirement is the subject of a recent proposal in the Federal Register (July 23, 1983) which modifies the requirements for both signatures so that, in certain identifiable situations, the owner's signature may be waived by the Director. The preamble to the proposal summarizes the legal basis behind the present signature requirements. These regulations were proposed as a result of the NRDC settlement. They will have no effect on your questions.

The answers to your specific questions are:

1. Are incorrect signatures a criminal violation? Yes, if the signer knowingly signs the permit application either falsely or incorrectly.
2. To what extent should we try to ascertain who is the property owner (title search)? You should generally assume the person claiming to be the property owner is the property owner. A title search is an inappropriate use of resources unless you have good reason to believe the applicant is not the property owner.
3. What risk and liability does EPA encounter if we issue a

permit to the wrong party based on the part A which is incorrect? None, however a permit writer who accepts a signature that he knows is false or incorrect and whose conduct is fraudulent under applicable state or Federal law, may be guilty of fraud.

4. Whose resources should be used to check proper title? In the rare case where a title search is needed, the permitting authority should conduct the title search.
5. Should we be concerned at all or just let the Public Notice serve to inform and if no one comes forward assume the Part A signature is correct? EPA must assume applicants are dealing in good faith, except in those situations where EPA has good reason to believe the applicant is not. Public notice should serve to inform the public as to who owns and who operates the facility. If members of the public know of an error, they should so inform EPA.

cc: Hazardous Waste Branch Chiefs Regions I-X