

PPC 9502.1986(11)

PERMITTING AND CORRECTIVE ACTION REQUIREMENTS  
AFFECTING COMPLIANCE WITH LAND DISPOSAL RESTRICTIONS

JUN 16 1986

Mr. Harry C. Conger  
President and CEO  
Waste-Tech Services, Inc.  
19400 W 10th Avenue  
Golden, Colorado 80401

Dear Mr. Conger:

Thank you for your May 21, 1986, letter concerning the requirements needed to meet the land disposal ban of the Hazardous and Solid Waste Amendments of 1984 (HSWA). You expressed concern that the permitting process and the corrective action program pose an impediment in meeting the July 1987 land disposal ban deadline for halogenated organics and similar deadlines. We appreciate your thoughtful comments and suggested guidance to the Regions and States.

While the Congress and the Environmental Protection Agency (EPA) believe it is important to implement the land disposal ban, Congress did not indicate a willingness to forego other important activities, such as corrective action and permitting, to accomplish this. EPA is trying to implement corrective action and permitting in a manner that has the least disruptive impact on implementation of the land disposal ban.

As to your suggestion for a waiver of the pre-construction ban, Section 3005(a) of the Resource Conservation and Recovery Act (RCRA) precludes construction of new facilities until a permit is issued. EPA does not have discretion to waive this; it would require a statutory change.

You also made some specific suggestions about corrective action. We have issued guidance which addresses many of your concerns a copy of which is enclosed. The guidance states that an incinerator/treatment unit can be permitted separately. That permit must address all releases to media other than ground water from regulated units--i.e., land disposal units that received waste after July 24, 1982--and all releases from non-regulated units. A permit issued separately to regulated units would address any needed ground water corrective action in accordance with Subpart F of 40 CFR Part 264. Corrective action for media other than ground water normally takes place after issuance of the permit through permit schedules of compliance. For ground water releases from regulated units remedial investigations, however, must be conducted and corrective measures be developed before issuance of the permit.

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Finally, ground water releases from regulated units can be addressed in separately issued permits. This is usually the most time and resource intensive part of corrective action, so it should greatly reduce permit development and processing time for incinerator/treatment units.

Again, thank you for your thoughtful letter. The Agency identifies new treatment capacity as a high permitting priority and will continue to do everything that it can to implement the most efficient regulatory program within the new provisions of the law.

Sincerely,

Original Document signed  
"Jack W. McGraw"

J. Winston Porter  
Assistant Administrator

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