7. Changes During Interim Status

A hazardous waste storage facility operating under RCRA interim status standards (40 CFR 265) undergoes a corporate reorganization in which the original company becomes a parent holding company with five subsidiaries. There is no change in ownership or operation of the facility. In effect, the company changes in name only. Must the owner/operator notify the U.S. EPA of the change? If so, what procedures should the owner/operator follow?

40 CFR 270.72 and 270.10 address the changes during interim status which require the submission of a revised Part A permit application. Because name changes are not included under these sections, the facility would not need to submit a revised Part A in this situation. Rather, the facility should notify the Administrator or Director of the clerical change in the permit application using any reasonable method. For example, the owner/operator could send a letter to the Regional Administrator to make the appropriate correction on the Part A application. Note that if the owner/operator name change involves a facility located in a State that has interim or final authorization to manage the hazardous waste program in lieu of the Federal RCRA program, the owner/operator should contact the State on this issue. The State program authorized by U.S. EPA may include additional requirements that are stricter or broader than those of the Federal program (e.g., the State may require submission of a revised Part A application).

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