

9523.1985(01)

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REQUIRED SIGNITURES ON PART B PERMIT APPLICATIONS

Mr. John R. Knight
Manager of Refining
Flying J, Inc.
P. O. Box 2328
Williston, North Dakota 58801

Dear Mr. Knight:

In your letter of February 1, 1985, you asked for EPA's position concerning a situation where the property owner refuses to co-sign a Part B application made by the operator of a hazardous waste facility.

In your case, I understand that the U. S. Corps of Engineers is the owner of property on which you are operating a RCRA regulated surface impoundment. The Corps of Engineers apparently prefers not to co-sign the Part B application you submitted. Our regulations require that "the owner must also sign the permit application" made by an operator of a facility [40 CFR 270.10(b)]. If the owner chooses not to sign the application then a RCRA permit cannot be issued. EPA would then deny the permit. Upon denial of the permit, the owner or operator must submit a closure plan and close in accordance with §265.112(c) and §265.228.

EPA encourages Flying J, Inc. and the Corps of Engineers to work together to develop a cooperative course of action concerning the future of the unit.

Sincerely yours,

John H. Skinner
Director
Office of Solid Waste