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SECURITY REQUIREMENTS AT FACILITIES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUN 2 1988

Thomas J. Dolce, P.E.
Principal Engineer
Applied Environmental Technologies Corp.
7 Belver Avenue, Suite 210
Quonset Point, Rhode Island 02852

Dear Mr. Dolce:

Your letter of April 18, 1988 asks for a regulatory interpretation regarding the security requirements of 40 CFR 264.14(b). I will provide you with the Federal interpretation, however, I also want to refer you to the States where your facilities are located, for the States' interpretation.

The RCRA/Superfund Hotline was correct in indicating that if all hazardous waste storage and treatment occurred within a facility's building, then the walls of the building would constitute compliance with the artificial barrier requirement in 40 CFR 264.14(b)(2)(i). Further, 40 CFR 264.14(b)(2)(ii) is satisfied when all entry doors are locked at all times with entry strictly controlled through the main plant entrance, as you suggest. However, the phrase "strictly controlled" should be fully described, with examples relevant to the facility, if you are preparing a Part B permit application.

The "Permit Applicants Guidance Manual for the General Facility Standards of 40 CFR 264", SW-968, August 1983 (available through the Hotline), supports our regulatory interpretation by stating that "264.14(b) is satisfied if the active portion is located within a facility or plant which itself has a surveillance system, or a barrier and a means to control entry." The guidance goes on to say that "the requirements for signs in 264.14(c) would still be applicable."

I urge you to also ask the State hazardous waste agency which maintains jurisdiction over the facility(ies) of concern

to you for an interpretation of the State security requirements, using the same description as was included in your April 18th letter. The State, in most likelihood (especially in New England), is the authorized permitting authority who will be issuing the facility's permit. In some cases, the State's hazardous waste regulations are more stringent or broader-in-scope than the Federal requirements. A list of State hazardous waste agencies is attached for your use.

If you have any further questions about the Federal RCRA requirements, please contact Chester Oszman at (202) 382-4499.

Sincerely,

Bruce R. Weddle
Director
Permits and State Programs
Division

Attachment

cc: Chester Oszman, OSW