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Recurring Permit Issues: Interpreting Regulatory Authority for RCRA Permit Conditions

Other Federal Authorities

A related issue that has arisen in some of the first permit reviews is whether RCRA permit writers should insert permit conditions which would require permittees to meet requirements established under other Federal laws and regulations. Permit writers should realize that the RCRA regulations have been specifically written to avoid duplication of coverage with other Federal authorities. The supporting information behind the Part 264 regulations points out that the Agency has excluded from the regulations many proposed Part 264 standards that would have required permittees to meet other Federal laws and regulations (see 45 Fed.Reg. 33171; May 19, 1980.) Therefore, as a general matter, permit writers should not include the RCRA permits conditions based on other Federal authorities merely for repetition or emphasis. Such conditions should only be used if the permit writer decides they are needed to meet RCRA regulatory requirements.