

PPC 9521.1986(02)

PERMIT PROCESS ISSUES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR 24 1986

Mr. C. Edward Ashby, Jr.
Envirosafe Services, Inc.
115 Gibraltar Road
Horsham, PA 19044

Dear Mr. Ashby:

I am writing in response to your letter of February 25, 1986, to the Administrator, in which you offered several observations and raised specific concerns regarding the RCRA permitting process. I appreciate your having taken the time to communicate these concerns, based on your company's particular experiences with permitting of your hazardous waste facilities.

I agree with your general assertion that the RCRA permit process is time consuming and resource intensive, and that there may be regulatory and other changes which can be made to enhance the efficiency of the permit process, without sacrificing environmental protection. In recognition of this, the Office of Solid Waste recently established a task force to comprehensively examine the problems of the RCRA permit program as it currently functions, and to recommend changes to improve the process. The results of this task force effort should be available in the next several weeks.

Your basic observation regarding the fundamental differences between the RCRA permit process and other EPA permit programs is also well taken. It is true that RCRA permits are quite comprehensive in nature, in contrast to other types of environmental permits, such as NPDES permits. However, the RCRA permit does not cover a discrete discharge from a well defined source, but rather must address in a comprehensive way a number of design and operational aspects of a facility relevant to the management of hazardous wastes. This is a reflection of the complex nature of hazardous waste management facilities, and the various means by which hazardous wastes, if mismanaged, can cause environmental damage. The objective under RCRA is not to control pollutant levels at a specific emission source, but rather to minimize potential threats to human health and the environment from a variety of potential sources. This requires a more comprehensive approach to permitting than is the case with most other environmental permit programs.

In regard to your specific concerns over the need to fully characterize proposed new units in a Part B application, and to have facility contingency plans address future additions to the

RO 12588

facility, the current RCRA ??? do allow certain flexibility in this regard. The owner/operator has the option of permitting proposed new units as part of the Part B application, or after the permit has been issued through a major modification to the permit. In either case, however, sufficient information must be submitted to enable the Agency to determine whether or not the unit complies with all applicable standards. Similarly, the contingency plan for a facility must adequately address potential hazards from all permitted units at the facility. If a new unit is added during the term of the permit which materially increases the potential for hazards, or changes the response necessary in an emergency, the contingency plan must also be amended.

Your letter also specifically expressed your concern regarding the current regulations for permit modifications, contained in Subpart D of 40 CFR Part 270. The Agency recognizes that the regulations as currently structured do impose a substantial administrative burden on both EPA and facility owner/operators. It is our hope that a regulatory negotiation effort which is now being organized will develop a more workable approach to modifying RCRA permits. The regulatory negotiation group for this effort has not been selected. I appreciate your offer to participate in this important effort; it will certainly be considered.

I appreciate the opportunity to respond to your concerns with the RCRA permit program. Please let me know if I can be of any further assistance.

Sincerely,

Original Document signed
"Jack W. McGraw"

J. Winston Porter
Assistant Administrator