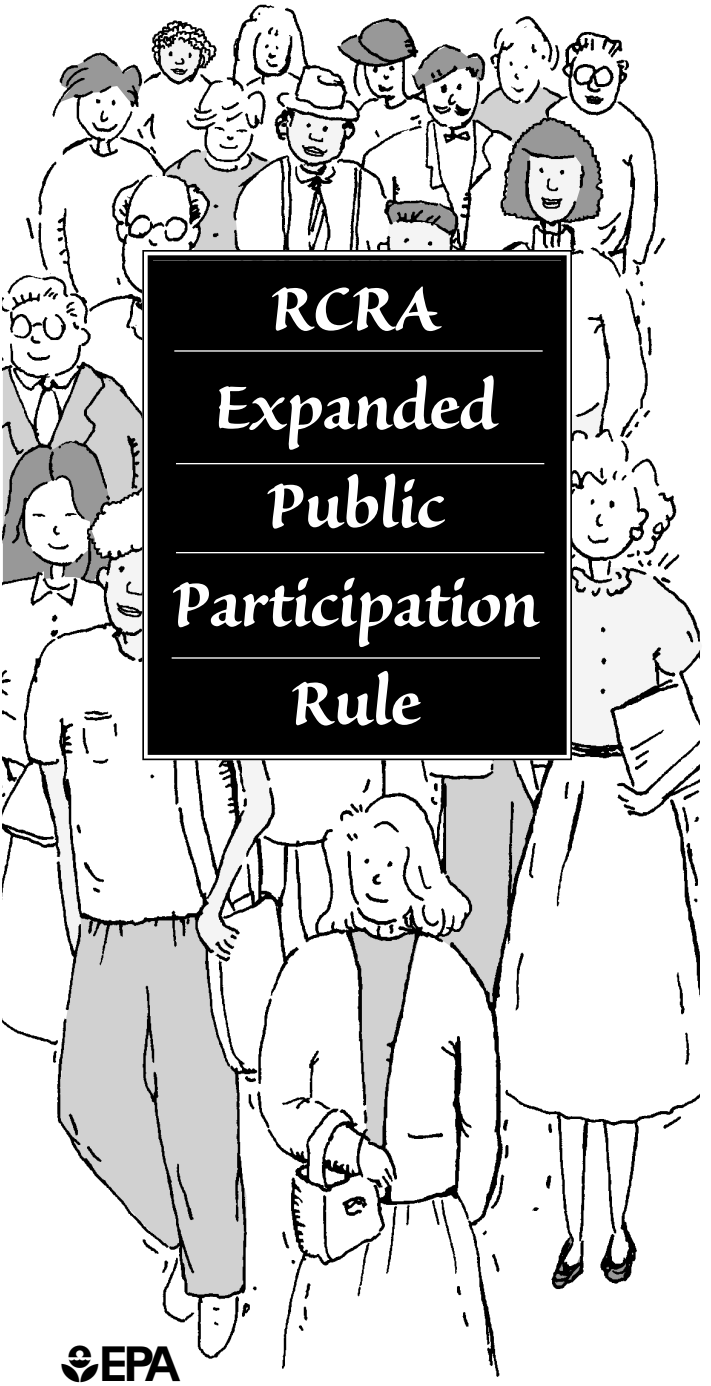

# RCRA Expanded Public Participation Rule

EPA

United States
Environmental Protection
Agency

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**The U.S. Environmental Protection Agency (EPA) developed the RCRA Expanded Public Participation Rule to empower communities to become more actively involved in local hazardous waste management.**

This rule makes it easier for citizens to become involved earlier and more often in the process of permitting hazardous waste facilities. It also expands public access to information about facilities. As a result, the rule enables communities to become more active participants in important local environmental decisions. In addition, the rule addresses environmental justice concerns by providing opportunities for *all* members of a community to have a voice in the permitting process.

The ***RCRA Expanded Public Participation Rule*** also helps facilities. Earlier participation can eliminate confusion or delays in the permitting process that can occur when the public is not involved until much later. This helps ensure that the permitting process moves forward in a timely manner. By fostering better relationships with communities, the rule also can help improve facilities' images and reduce potential conflict. In addition, citizens are often able to provide valuable information regarding local conditions for facilities to consider in developing their permit applications. Furthermore, the rule is very flexible—it identifies the basic requirements needed to satisfy EPA's public participation goals and recommends additional activities that facilities might conduct.

**The RCRA Expanded Public Participation Rule:**

- *Involves the public earlier in the permitting process*
- *Provides more opportunities for public participation*
- *Expands public access to information*
- *Offers guidance on how facilities can improve public participation*

## To Whom Does This Rule Apply?

The new rule applies to hazardous waste facilities that are seeking an initial or renewed permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Hazardous waste facilities are those that generate, accumulate, treat, and/or dispose of hazardous wastes. To conduct their operations, they must obtain a permit from an EPA-authorized state/tribe or from EPA in states/tribes that are not authorized to administer RCRA permits.

The ***RCRA Expanded Public Participation Rule*** does not require facilities that are already involved in the permitting process to repeat a step in order to comply with the new regulations. The rule does require, however, that facilities comply with new requirements during steps that they have not yet undertaken. Authorized states/tribes must modify their permitting requirements to meet the new public participation regulations.

## How Does the Rule Increase Public Involvement?

Prior to this rule, RCRA provided opportunities for formal public involvement at two key points in the permitting process: 1) when the permitting agency announced its intent to grant or deny a permit and 2) when a facility requested a modification of a permit that had already been granted.

Based on recommendations from environmental groups, business trade associations, and concerned citizens, EPA revised RCRA's permitting procedures to involve the public much earlier, to provide more opportunities for public involvement throughout the process, and to expand public access to information about the facility and its activities. Specifically, the rule improves public participation in the following four ways:

1. Permit applicants must **hold an informal public meeting** to inform community members of proposed hazardous waste management

activities before applying for a permit to conduct these activities.

2. The permitting agency must **announce the submission of a permit application** by sending a notice to everyone on the facility mailing list. The announcement will tell community members where they can examine the application while the agency reviews it.

3. The permitting agency may require a facility to **set up an information repository (or library)** at any point during the permitting process. The repository should include relevant documents, such as the permit application, reports, and any other information the permitting agency wishes to make available.

4. The permitting agency must **notify the public prior to a trial (or test) burn** at a combustion facility (i.e., an incinerator or other facility that burns hazardous waste) by sending a notice to everyone on the facility mailing list.

## For More Information

*Copies of the rule and relevant documents can be obtained by calling the RCRA Hotline at 800 424-9346 or TDD 800 553-7672. In the Washington, DC, area, call 703 412-9810 or TDD 703 412-3323. Documents can also be obtained by writing the RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, SW. (5305W) Washington, DC 20460.*

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