

Key Words: Public Participation

Regulations: 40 CFR 124.10(c)

Subject: Permitting Issues Raised at the May 12th Branch Chiefs Meeting:
Notifying Congressional Delegations of Pending Permit Actions

Addressee: Regional Solid Waste Branch Chiefs, Regions I-X

Originator: Steve Levy, Chief, Permits Branch, State Programs and
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Source Doc: See Miscellaneous [9560.06(83) Issue #3]

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Summary:

Congressional delegations are to be informed of all permitting actions in their districts. Therefore, each Region and each Phase II Authorized State should add Steve Levy's address (Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20406) to their mailing lists prepared under §124.10(c).

Issue 2 INACTIVE LAND DISPOSAL FACILITIES

A second issue raised at the meeting concerns land disposal facilities which the Region believes stopped accepting wastes as of January 26, 1983 (the effective date of the new Part 264 standards). A number of such facilities were identified in the Agency's recent response to Congressman Florio's request for information on RCRA implementation. The purpose of the closure regulations, of course, is to have owners and operators who have received their last volume of waste submit closure plans (and, if applicable, post-closure plans) and move toward closure by the date six months after wastes were last received (e.g., close by July 26, 1983, in many instances).

If, however, the Region has not received notice of intent to close from the owner or operator in the situation discussed above, what actions should be taken? In most cases, the Region should request submittal of the facility's Part B application. This action will force the facility to either: (1) acknowledge its intention of continued operation by submitting a Part C and beginning the permit process under the new standards, or (2) submit appropriate plans and take actions to close under interim status. The six-month deadline for Part B submittal will provide the Region with leverage to obtain a response from the facility and thus end what could be a lengthy period of uncertain regulatory status and possible evasion of the new Part 264 requirements because of facility inaction.

Issue 3 CONGRESSIONAL NOTIFICATIONS

I have been directed to assume the responsibility for notifying affected Congressional delegations of all permitting actions in their districts. In order to do this, we agreed that each region would add my name and address to their mailing lists prepared under 124.10(c) and have each phase II (or final) authorized State in their region also add my name and address to their mailing lists. My address should be listed as follows:

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