



DIRECTIVE NUMBER: 9522.04(84)

TITLE: EPA Review of Draft State RCRA Permits

APPROVAL DATE: 10-1-84

EFFECTIVE DATE: 10-1-84

ORIGINATING OFFICE: Office of Solid Waste

☒ **FINAL**

☐ **DRAFT**

STATUS:

[]	A- Pending OMB approval
[]	B- Pending AA-OSWER approval
[]	C- For review &/or comment
[]	D- In development or circulating

REFERENCE (other documents): headquarters

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Key Words: State Permits, Authorized States

Regulations: 40 CFR 270, 271, 124

Subject: EPA Review of Draft State RCRA Permits

Addressee: James Scarborough, Chief, Residual Management Branch, Region IV

Originator: Bruce R. Weddle, Director, Permits and State Programs Division

Source Doc: #9522.04(84)

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Summary:

Signature on the transmission of EPA comments resulting from the review of State draft RCRA permits can be provided by the "Authorized Representative of the Regional Administration" (Section 270.2).

It is necessary to amend EPA's Delegation Manual to provide a formal, explicit redelegation of this authority from the Regional Administrator.

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MEMORANDUM

SUBJECT: EPA Review of Draft State RCRA Permits

FROM: Bruce R. Weddle
Director, Permits and State
Programs Division (WH-563)

TO: James Scarborough, Chief
Residuals Management Branch, Region IV

This memorandum is in response to your recent inquiry concerning the need for the Regional Administrator's signature on the transmission of comments resulting from EPA's review of draft State RCRA permits. As you pointed out, 40 CFR 271.19 and 271.134 provide that "[t]he Regional Administrator may comment on the permit applications and draft permits as provided in the Memorandum of Agreement..." (emphasis added). You also correctly noted that this authority has not been formally delegated to any other EPA official; i.e., it is not specifically addressed in EPA's Delegations Manual.

We have consulted with the Office of General Counsel and concluded that it is not necessary to amend EPA's Delegations Manual to provide a formal, explicit redelegation of this authority. Sufficient authority exists within EPA's regulations to allow another EPA official to sign comments resulting from EPA's review of draft State permits. For the explicit purposes of 40 CFR Parts 270, 271 and 124, section 270.2 defines the term Regional Administrator to include "the authorized representative of the Regional Administrator. We suggest that you ask your Regional Administrator to designate in writing either the Air and Waste Management Division Director or yourself, as appropriate, as his authorized representative for transmittal of EPA's comments resulting from draft permit reviews.

If you have any further questions on this issue, please feel free to contact Truett DeGoare at (ETS) 382-2210.

cc: Hazardous Waste Management Division Directors,
Regions I - X
Peter Guerrero, OSW
Gail Cooper, OSW
Susan Schmedes, OSW