

Key Words: Expansions

Regulations: 40 CFR 270.10

Subject: Permit Policy Question and Answer Quarterly Report:  
Part B Information Regarding Future Potential Expansions

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Source Doc: See Miscellaneous [9560.09(84) Question #5]

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Summary:

Information submitted in a Part B application for future potential expansions to a facility must be submitted in the same level of detail as if construction were to begin immediately upon receipt of a RCRA permit. The permitted expansion may begin at a later date, consistent with a schedule of compliance specified in the permit. All information requirements of a Part B application and Part 264 standards for a new facility must be fully satisfied. When actual expansion occurs, the applicant must conform to the plans and specifications contained in the permit. Permit applications should be restricted to the existing facility when applicants do not have firm expansion plans, with a request for major modification made when expansion plans and schedule are definite. A major modification could, in effect, constitute a new application.

is effective, EPA can issue permits for these technologies. The PA can, however, issue a 90 day emergency permit for activities not covered by Part 264 technical standards, such as open burning, if he finds that an imminent and substantial endangerment to human health and the environment exists.

(2.) No. The permit issued by the State for the new process is not a RCRA permit. The State's authority under final authorization only extends to the portion of its program which EPA has found to be equivalent and has, therefore, authorized to operate in lieu of the federal program. The State's program in regard to the new process cannot be considered a RCRA program until (A) EPA has issued standards in that area, and (B) the State's program has been explicitly authorized in that area. The facility must wait to begin construction of its new process until EPA promulgates standards and a RCRA permit (or permit modification) is issued.

5. Question: Can an applicant submit information along with his Part B, for potential expansions to his facility and obtain a permit for those expansions when he has no definite expansion date. 40 CFR 270.10(f).

Answer: Yes. The applicant, however, must submit information at the same level of detail as if construction were to begin immediately upon receipt of a RCRA permit or at a later date, consistent with a schedule of compliance specified in the permit. The Part B application must be in such detail that the permit writer can draft an enforceable permit and so that there can be meaningful public participation and review of the proposed facility and permit conditions. In other words, he must fully satisfy all the information requirements of a Part B application and the Part 264 standards for a new facility. This is difficult to do in the absence of specific plans. In addition, when the applicant does finally decide to undertake the expansion, he must conform exactly to the plans and specifications contained in the permit. Applicants without firm expansion plans should be encouraged to restrict their permit application to the existing facility and to request a major modification when the expansion plans and schedule are definite. The applicant, however, should be warned that a major modification of this nature could, in effect, constitute a new application. The applicant should also be advised of any relevant regulations regarding the procedures for expanding the capacity of a permitted facility.

### Trial Burns

9523.08(84)

1. Question: Has the Agency issued any RCRA permits for incineration on the basis of data submitted in lieu of a trial burn? 40 CFR 270.19(c) and (d).

Answer: The Agency has not yet issued any RCRA incineration permits on the basis of data obtained from other incinerators in lieu of a trial burn. In order for data submitted in lieu of a trial burn to be acceptable, the incinerators and the wastes must be sufficiently similar so that the permit writer can confidently