

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Model Permit General Permit Conditions Module

This module provides guidance to EPA, state, and territorial permitting authorities. The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. Permitting authorities may decide to follow the guidance provided in this document, or to act at variance with the guidance based on its analysis of the specific facts presented.

When EPA releases a new or revised model permit module, it replaces the corresponding module, including the corresponding module in the 1988 Model RCRA Permit for Hazardous Waste Management Facilities (Draft).

MODULE I. GENERAL PERMIT CONDITIONS

{Permit Writer: This permit module contains conditions covering the general standards applicable for all RCRA permits by 40 CFR part 270.30. These permit conditions in this module apply to all RCRA Permits.

The model permit conditions in this module reference federal regulations and guidance. Permit Writers should confirm their regulatory citations and their authority's guidance for each permit condition and replace (or add to) the federal citations with state analogous regulatory citations and/or references as applicable. When jointly issuing permits, the federal Permit Writer will issue the federal permit citing the federal regulations while the state Permit Writer will cite the state analogous regulatory citation in the state's jointly issued permit.

State Permit Writers need to add or revise permit conditions for State regulatory requirements that are broader in scope, more specific, or otherwise different than the federal requirements.

Permit Writers can insert the title(s) of their regulatory authority's appropriate official(s) for or in addition to instances where the module uses "Director." When jointly issuing permits, the federal Permit Writer will cite the EPA Region's appropriate official in the federal permit and the state will cite the state's appropriate official in the state's permit.}

I.A. EFFECT OF PERMIT

I.A.1. {Operator's name}, as the Facility operator and {Owner's name}, as the Facility owner, collectively, hereafter "the Permittee" is allowed to {treat, store, and/or dispose} of hazardous waste at the Facility, and/or is required to conduct {closure and/or post-closure care and/or corrective action} in accordance with the conditions of this Permit. Any storage, treatment, and/or disposal of hazardous waste at the Facility not authorized in this Permit is prohibited. Subject to 40 CFR 270.4, compliance with this Permit during its term generally constitutes compliance, for purposes of enforcement, with {state statute and/or RCRA} except for those requirements not included in the permit, which: (1) become effective by statute; (2) are promulgated under 40 CFR part 268 restricting the placement of hazardous wastes in or on the land; (3) are promulgated under 40 CFR part 264 regarding the leak detection systems described at 40 CFR 270.4(a)(1)(iii); or (4) are promulgated under subparts AA, BB, or CC of 40 CFR of Part 265 limiting air emissions. [Refer to 40 CFR 270.1(c) and 270.4, Permit Conditions II.B.2. and II.B.5 of this Permit.]

I.A.2. Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege. [Refer to 40 CFR 270.4(b) and 270.30(g).]

I.A.3. Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of tribal, state, or local law or regulations. [Refer to 40 CFR 270.4(c).]

I.A.4. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3008(h), 3013, or 7003 of RCRA; Sections 104, 106(a) or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. §§-9601 et seq.); or any other law providing for protection of public health or the environment. In addition, compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Section 3008(a), solely with respect to those requirements set forth at 40 CFR 270.4(a)(1)(i)-(iv).

I.A.5. In instances where the Permit and the Approved Permit Application conflict, the Permit takes precedence.

{Permit Writer: Whether the Permit Writer is incorporating the Approved Permit Application attachments into the permit itself or citing the Approved Permit Application in the permit condition, it is critical for the Permit Writer first to comprehensively evaluate the permit application to ensure that the application demonstrates the applicant's procedures (in detail) that the applicant uses to satisfy compliance with all applicable requirements. The permit application must also demonstrate how that the applicant will monitor and record their operations and procedures to continuously demonstrate compliance with the applicable regulations over the term of the permit. This permit application evaluation must additionally ensure that all application information and citations in the application are up-to-date, accurate and is otherwise correct and comprehensive of the waste activities on the facility and any adjacent properties owned or operated by the applicant. Permit application's completeness, written technical regulatory compliance demonstration, and information quality evaluation is a foundational part of the permit application review process before the permit application is determined complete. The official decision determining a permit application complete establishes that specific permit application (by date and revision) as the Approved Permit Application. The Approved Permit Application contains the information that the permit is based and developed, that the permit conditions reference, and on which compliance is measured during the term of the permit.}

If the Permit Writer incorporates portions or all of the Approved Permit Application or other attachments into the permit and that permit application information changes or is found incorrect, the regulatory authority will have to determine the need for modification of the permit to revise or amend the permit application or other attachments to incorporate the changes to the facility or corrections of the information about the facility, that are incorporated into the permit.

The Permit Writer may also cite the Approved Permit Application or other reference in the permit condition including the date and revision of the reference. If the permit conditions reference the Approved Permit Application, the definition of "Approved Permit Application" should be specified in the permit in accordance with 40 CFR 270.10 definition of "Application" and identify the Permittee's permit application revision and the date that the regulatory authority officially determined it complete and technically adequate. Defining the Approved Permit Application in the permit allows the regulatory authority and Permittee to clearly work from the correct version of the permit application to assess their compliance over the term of the permit. But, to memorialize changes to the Facility and its information or corrections to the permit application information to ensure that the Permittee, regulatory authority and the public are aware of and participate in approval of the change to the Facility or its hazardous waste management activities, the regulatory authority must initiate or the Permittee must officially modify the permit per 40 CFR 270.41 and 270.42, respectively.}

{Permit Writer: If the owner and operator are different entities, include the below provision.}

I.A.6. Unless set forth specifically otherwise herein, requirements of this Permit apply to all owners and operators of the Facility, who are referred to herein collectively as the "Permittee." Actions by any owner or operator to be compliant with this Permit or that are non-compliant with this Permit constitute an action of all owners and operators (except as otherwise specified). [Refer to 40 CFR 264.1(b), 270.1(b)-(c), and 270.10(b).]

I.B. PERMIT ACTIONS

I.B.1. Permit Modification, Revocation and Reissuance, and Termination

This Permit may be modified, revoked, and reissued, or terminated for cause, in accordance with 40 CFR 270.41 and 270.43. If at any time the {Director} determines that cause for modification, revocation and reissuance, or termination of the Permit exists under 40 CFR 270.41 or 270.43, the {Director} may initiate a modification to the Permit, revoke and reissue the Permit, or terminate the Permit in accordance with those sections. The initiation of a modification to the Permit, revocation or reissuance of the Permit, or termination of the Permit does not stay the applicability or enforceability of any Permit Condition. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee, does not stay the applicability or enforceability of any Permit condition. [Refer to 40 CFR 270.4(a)(2), and 270.30(f).]

I.B.2. Modification of the Permit by the Permittee

As set forth at 40 CFR 270.42, the Permittee may request a modification of the Permit at any time. The filing of a request for a Permit modification or the notification of planned changes on

the part of the Permittee does not stay the applicability or enforceability of any Permit condition. Modifications to the Permit do not constitute a reissuance of the Permit.

I.B.3. Permit Renewal

This Permit may be renewed in accordance with 40 CFR 270.30(b) and Permit Condition I.E.2. Review of any application for a Permit renewal must consider improvements in the state of control and measurement technology, as well as changes in applicable regulations. [Refer to RCRA Section 3005(c)(3).]

I.C. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or any of the information in the Approved Permit Application that any provision of this Permit may reference, is in any circumstance contested or held invalid, the contested or invalid provision(s) will not affect other Permit provisions that are uncontested and valid. All other provisions of the Permit remain fully effective and enforceable. [Refer to 40 CFR 124.16(a).]

I.D. DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meaning as those in 40 CFR parts 124, 260 through 273 or other specifically cited provision as appropriate, unless this Permit specifically provides otherwise. Terms not defined shall have the meaning given by RCRA.

{Permit Writer: Insert here appropriate definitions or acronyms of permit terms which are not defined in the regulations. At a minimum the Permit should include the below definitions.}

I.D.1. Approved Permit Application – means the {Facility} Resource Conservation and Recovery Act (RCRA) Permit Application titled {Approved Permit Application title}, as received on {date}, submitted by the Permittee, and approved by {permitting authority} on {issuance date of the regulatory authority’s official decision that this revision of the applicant’s permit application was complete}, including all referenced appendices and documents, reports and workplans.

I.D.2. {Director} – means the {Administrator of the EPA Region, or the Director of the authorized state or authorized territory} in which the Facility is located, or their designee.

I.D.3. Facility – means the {Facility} located at {address} as depicted on the map, Figure {XXX}, of the Approved Permit Application, as described in section II.A. (General Facility Description).

{Permit Writer: This figure should correspond with the facility description included in section II.A. (General Facility Description). Refer to definition of “facility” in 40 CFR 270.2 and 40 CFR 260.10 when identifying what should be included in the General Facility Description and map.}

I.D.4. Hazardous Constituents – refers to hazardous constituents listed in 40 CFR Part 261 Appendix VIII.

I.D.5. Release – means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste or hazardous constituents.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee must comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued under 40 CFR 270.61 or temporary authorization issued under 40 CFR 270.42(e). Any Permit noncompliance, other than noncompliance authorized by an emergency permit or temporary authorization, constitutes a violation of RCRA and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [Refer to 40 CFR 270.30(a).]

I.E.2. Duty to Reapply

If the Permittee will continue an activity allowed or required by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for permit renewal per 40 CFR 270.30(b) and 40 CFR 270.10(h), at least {one hundred eighty (180)} calendar days before this Permit expires, unless permission for a later date has been granted in writing by the {Director}.

I.E.3. Permit Expiration

This Permit is effective for a fixed term not to exceed {number, e.g., for federal permits, “ten”} years. This Permit and all conditions herein will continue in force under 5 U.S.C. 558(c) until the effective date of a new permit if: (i) the Permittee has submitted a timely new complete application per 40 CFR 270.10(h) and which includes information required by 40 CFR 270.13 through 270.28, and for standards in parts 260 through 268, as applicable, for a new permit, and (ii) the {Director}, through no fault of the Permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit. Permits continued under this paragraph remain fully effective and enforceable. [Refer to 40 CFR 270.10, 270.50, and 270.51.]

I.E.4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [Refer to 40 CFR 270.30(c).]

I.E.5. Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee must take all reasonable steps to minimize releases to the environment and must carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. [Refer to 40 CFR 270.30(d).]

I.E.6. Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain the Facility and systems of treatment and control (and related appurtenances), which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit. [Refer to 40 CFR 270.30(e).]

I.E.7. Duty to Provide Information

The Permittee must furnish to the {Director}, within a reasonable time, any relevant information which the {Director} may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee must also furnish to the {Director} upon request, copies of records required to be kept by this Permit. [Refer to 40 CFR 270.30(h).]

I.E.8. Inspection and Entry

The Permittee must allow the {Director}, or an authorized representative, upon presenting credentials and other documents as may be required by law, to:

I.E.8.a. Enter at reasonable times the Facility and/or the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this Permit;

I.E.8.b. Have access to and copy, at reasonable times, any records that must be kept

under the conditions of this Permit;

I.E.8.c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

I.E.8.d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA, any substances or parameters at any location. [Refer to 40 CFR 270.30(i).]

Notwithstanding any provision of this Permit, the {Director} retains the inspection and access authority which the EPA has under RCRA and other applicable laws.

I.E.9. Monitoring and Records

I.E.9.a. Samples and measurements taken by the Permittee for the purpose of monitoring must be representative of the monitored activity. [Refer to 40 CFR 270.30(j)(1).]

I.E.9.a.i. The sampling and analytical methods employed by the Permittee must be appropriate to achieve the applicable data quality objectives established by the Waste Analysis Plan and the Quality Assurance Project Plan in the Approved Permit Application. The Permittee shall use the sampling and analysis methods that are referenced in the RCRA regulations, where required. The Permittee shall use representative sampling methods consistent with the most appropriate method from Appendix I of 40 CFR Part 261 and as identified in the Waste Analysis Plan.

{Permit Writer: Identify in the Waste Analysis Plan the representative sampling methods to be used.}

For the purposes of this Permit, the Permittee should use the procedures identified in the most recent version of the EPA and/or state approved policies and guidance procedures, or an equivalent method approved by the {Director} for collecting, shipping, analyzing, tracking and controlling samples. [Refer to 40 CFR 264.74(b) and 270.31.]

{Permit Writer: The Permittee should consider the relevant EPA and State guidance including, but not limited to, the following:

- *Latest version of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW-*

846_(available at <https://www.epa.gov/hw-sw846>).

- *Environmental Information Quality Policy (March 20, 2024) (available at <https://www.epa.gov/quality/quality-program-directives>).*

{Permit Writer: Third-party data validation may be required by State requirements.}

Also, if the permitting authority determines it necessary for protection of human health and the environment, the Permit Writer may include a condition requiring the laboratory providing the analysis to be certified or accredited—in accordance with the permitting authority’s requirements—for the relevant method and analyte. See the example language directly below. Any such determination must be explained and justified in the record supporting the permit.

I.E.9.a.ii. Sampling analysis must be performed by a laboratory certified for the selected method and each specific analyte for which the analysis is performed pursuant to {insert EPA or State requirement here}, or EPA-recognized certification program criteria.

I.E.9.b. The Permittee must retain records of all monitoring information required by this Permit (including all calibration and maintenance records and a record of all monitored measurements, data packages including but not limited to digital and original strip chart recordings for continuous monitoring instrumentation), copies of all reports and records required by this Permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this Permit, for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application. These periods may be extended at the request of {Director} at any time and are automatically extended during the course of any unresolved enforcement action regarding this Facility. The Permittee must maintain records for all groundwater monitoring wells and associated groundwater surface elevations for the active life of the Facility. [Refer to 40 CFR 264.74(b), and 270.30(j)(2).]

{Permit Writer: If the Facility is in post-closure, add the following Post-Closure Recordkeeping condition. Refer to the 2016 Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA, which recommends the evaluation of compliance records.}

I.E.9.c. The Permittee must retain records from the groundwater monitoring wells (and associated groundwater surface elevations), leak detection system, leachate collection and removal system, and/or unsaturated zone monitoring obtained in accordance with 40 CFR 264.117(a)(1) for the duration of the post-closure care period. [Refer to 40 CFR 270.30(j)(2).]

{Permit Writer: Insert any exceptions, if appropriate. For example: This provision does not apply to: (1) any records required to be maintained in accordance with Permit Condition {XXX} which must instead be subject to that requirement; or (2) to the records referenced in the Records Retention Requirements that are required to be maintained solely under the {appropriate regulation}, rather than under RCRA's recordkeeping authorities. An example of an exception is 40 CFR 264.347(d) which requires monitoring and inspection data for incinerating hazardous waste be kept in the operating record for five years. Another example of an exception is 40 CFR 264.73(b)(6) which requires that records and results pertaining to groundwater monitoring and cleanup required by 40 CFR Part 264 Subpart F be maintained in the operating record until closure of the Facility.}

I.E.9.d. Records of monitoring information must specify, to the extent applicable:

I.E.9.d.i. The dates, exact locations, and times of sampling or measurements;

I.E.9.d.ii. The individual(s) who performed the sampling or measurements;

I.E.9.d.iii. The date(s) analyses were performed;

I.E.9.d.iv. The individual(s) who performed the analyses;

I.E.9.d.v. The analytical technique(s) or method(s) used; and

I.E.9.d.vi. The results of such analyses.

[Refer to 40 CFR 270.30(j)(3).]

I.F. REPORTING REQUIREMENTS

I.F.1. Reporting Planned Changes

Except as otherwise provided under 40 CFR 270.42, the Permittee must give {days} advance notice to the {Director} in writing, as soon as possible, of any planned physical alterations or additions to the permitted Facility. Any notice provided under this section must include any necessary request for a permit modification pursuant to 40 CFR 270.42. The Permittee shall not commence modifications or physical alterations or additions prior to receiving a permit modification. [Refer to 40 CFR 270.30(l)(1).]

{Permit Writer: Specify a time for the submittal of the notice of any planned physical alterations or anticipated noncompliance. For example, 30 days advance notice.}

I.F.2. Reporting Anticipated Noncompliance

The Permittee must give {e.g., 30 days} advance notice to the {Director} of any planned changes in the permitted Facility or activity which may result in noncompliance with Permit requirements. For a new Facility, the Permittee may not treat, store, or dispose of hazardous waste; and for a Facility being modified, the Permittee may not treat, store, or dispose of hazardous waste in the modified portion of the Facility except as provided in 40 CFR 270.42 until the Permittee and a registered professional engineer certifies the modification has been done in compliance with the permit and the {Director} has inspected and determined the modification is compliant with the permit or has waived inspection in accordance with 40 CFR 270.30(l)(2).

{Permit Writer: The Permit Writer may be able to require the advance notice to be written if the permitting authority has the legal authority to do so.}

I.F.3. Transfer of Permits

This Permit is not transferable to any person, except after notice to the {Director} and approval as follows:

I.F.3.a. The Permittee shall inform the {Director} in writing and obtain prior written approval from the {Director} before transferring ownership or operational control of the Facility. [Refer to 40 CFR 270.40 and 270.42.]

I.F.3.b. Before transferring ownership or operation of the Facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and this Permit, including the financial assurance requirements of 40 CFR 270.40(b). [Refer to 40 CFR 264.12(c), 270.30(l)(3) and 270.40.]

I.F.3.c. The Permittee must inform the new owner or operator that they must submit a revised permit application no later than {90} days prior to the scheduled change. [Refer to 40 CFR 270.40(b).]

I.F.3.d. A written agreement containing the specific date for transfer of the Permit responsibility to the new Permittee must also be submitted to the {Director} with the revised permit application required by Permit Condition I.F.3.c. [Refer to 40 CFR 270.40(b).]

I.F.3.e. The {Director} may require modification or revocation and reissuance of the Permit to change the name of a Permittee and incorporate such other requirements as may be necessary in accordance with 40 CFR 270.40. [Refer to 40 CFR 270.40(a).]

I.F.3.f. When a transfer of ownership or operational control occurs, the Permittee shall comply with the requirements of 40 CFR part 264, subpart H (Financial Requirements) until the new owner or operator has demonstrated that they are complying with the requirements of that subpart. The new owner or operator must demonstrate compliance with subpart H requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the {Director} by the new owner or operator of compliance with Subpart H, the {Director} shall notify the Permittee that they no longer need to comply with Subpart H as of the date of notification. [Refer to 40 CFR 270.40(b).]

I.F.4. Compliance Schedule Reporting

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit or Permit Condition must be submitted no later than 14 calendar days following each scheduled date. [Refer to 40 CFR 270.30(l)(5).]

I.F.5. Twenty-Four Hour Reporting

I.F.5.a. The Permittee must report to the {Director} any noncompliance which may endanger human health or the environment. Any such information must be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances using {region and/or state required specific reporting information here, for example, "the Region's main phone number at XXX-XXX-XXXX"}; including:

I.F.5.a.i. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; and

I.F.5.a.ii. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the Facility which could threaten the environment or human health outside the Facility. [Refer to 40 CFR 270.30(l)(6)(i).]

I.F.5.b. The description of the noncompliance and its cause must include:

I.F.5.b.i. Names, addresses, and telephone numbers of the Permittee;

I.F.5.b.ii. Name, address, and telephone number of the Facility;

I.F.5.b.iii. Date, time, and type of incident;

I.F.5.b.iv. Name and quantity of materials involved;

I.F.5.b.v. The extent of injuries, if any;

I.F.5.b.vi. An assessment of actual or potential hazards to the environment and/or human health outside the Facility, where this is applicable; and

I.F.5.b.vii. Estimated quantity and disposition of recovered material that resulted from the incident. [Refer to 40 CFR 270.30(l)(6)(ii).]

I.F.5.c. A written submission must also be submitted to the {Director} within five (5) days of the time that the Permittee first becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected, and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The {Director} may waive the five-day written notice requirement in favor of a written report within 15 days. [Refer to 40 CFR 270.30(l)(6)(iii).]

{Permit Writer: Upon receipt of a 24-hour incident report, please forward the written incident report to EPA's Office of Resource Conservation and Recovery at ORCRincidenttracking@epa.gov.}

I.F.6. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the Permittee must attempt to reconcile the discrepancy. If not resolved within 20 days after receipt of the waste, the Permittee must submit a letter report, including a copy of the manifest, to the {Director}. [Refer to 40 CFR 264.72 and 270.30(l)(7).]

{Permit Writer: Note that beginning on December 1, 2025, if a significant discrepancy cannot be resolved within 20 days, the permittee must immediately submit a Discrepancy Report to the EPA e-Manifest system in lieu of supplying the report directly to the Director. The report must describe the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.}

I.F.7. Unmanifested Waste Report

This report must be submitted to the {Director} within 15 days of receipt of unmanifested waste. [Refer to 40 CFR 264.76 and 270.30(l)(8).]

{Permit Writer: Note that beginning on December 1, 2025, if a shipment arrives without an accompanying manifest, then a Permittee must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the

waste. (Beginning on December 1, 2025, this required submission to the EPA e-manifest system would be in lieu of supplying the report directly to the Director.)}

I.F.8. Biennial Report

The Permittee must submit a biennial report covering facility activities during odd numbered calendar years. [Refer to 40 CFR 264.75 and 270.30(l)(9).]

I.F.9. Other Noncompliance

The Permittee must report all other instances of noncompliance not otherwise required to be reported in Permit Conditions I.F.1. through I.F.4., at the time monitoring reports are submitted. The reports must contain the information listed in Permit Condition I.F.5. [Refer to 40 CFR 270.30(l)(10).]

{Permit Writer: Use the above language only if the facility is required to submit monitoring reports.}

The Permittee must report all other instances of noncompliance not otherwise required to be reported in Permit Conditions I.F.1. through I.F.4., within 60 calendar days, in a “Report of Non-Compliance” submitted in accordance with Permit Condition I.H. The Reports of Noncompliance must contain the information listed in Permit Conditions I.F.3.a. and I.F.3.b. [Refer to 40 CFR 270.30(l)(10).]

I.F.10. Other Information

Whenever the Permittee becomes aware that the Permittee failed to submit any relevant facts in a Permit application or submitted incorrect information in a Permit application or in any report to the {Director}, the Permittee must promptly submit such facts or information no later than {15} calendar days upon discovery of the omission or incorrect information. [Refer to 40 CFR 270.30(l)(11).]

I.F.11. Certification of Construction or Modification

{Permit Writer: This certification condition (I.F.11.) only applies if the facility is new, modified, or contains, or will contain, new units, unit expansions, or modified units. Do not include this condition if the Permit is for an existing Facility containing existing units only.}

The Permittee may not commence {treatment, storage, and/or disposal} of hazardous waste {“at the facility” or “in the modified portion of the facility”} until the Permittee has submitted to the {Director}, by certified mail or hand delivery to {insert specific method of delivery requirements}, a letter signed by the Permittee and a registered professional engineer stating

that the facility has been constructed or modified in compliance with the Permit; and

I.F.11.a. The {Director} has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the Permit; or

I.F.11.b. The {Director} has either waived the inspection or has not within 15 days of the date of submission of the letter required in this condition notified the Permittee of their intent to inspect. [Refer to 40 CFR 270.30(l)(2).]

I.G. SIGNATORY REQUIREMENT

All applications, reports, or information submitted to or requested by the {Director} or a designee or authorized representative of the {Director} shall be signed and certified in accordance with 40 CFR 270.11 and 270.30(k).

I.H. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

I.H.1. Except as provided in Permit Condition I.H.3, all reports, correspondence, notices, or other submissions that require a signature and are required in this Permit to be submitted to the {Director}, must be delivered by U.S. Postal Service or private courier service to:

{Delivery address}

I.H.2. All deliverables submitted in paper form pursuant to Permit Condition I.H.1. must also be submitted in electronic format to the addressee(s) identified in Permit Condition I.H.3.

I.H.3. All reports, correspondence, notices, or other submissions required by this Permit to be submitted to the {Director} must be submitted by electronic mail to: {email address or other electronic delivery method}.

I.I. CONFIDENTIAL INFORMATION

In accordance with 40 CFR 270.12, the Permittee may claim information to be submitted by this Permit as entitled to confidential treatment at the time of submittal. If the Permittee asserts such a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. If no claim is made at the time of submission, the information may be made available to the public without further notice. [Refer to 40 CFR Part 2, Subpart B, and 40 CFR 270.12.]

I.J. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

I.J.1. In addition to the Permit, Approved Permit Application and any modifications thereof during the term of the Permit, the Permittee must maintain at the Facility or at an approved

location identified in the Approved Permit Application, the following documents and all amendments, revisions, and modifications to these documents, at a minimum:

I.J.1.a. Waste Analysis Plan, as required by 40 CFR 264.13 and this Permit;

I.J.1.b. Inspection schedules, as required by 40 CFR 264.15(b)(2) and this Permit;

I.J.1.c. Personnel training documents and records, as required by 40 CFR 264.16(d) and this Permit, although training records on current personnel must be kept until closure of the Facility, training records on former employees must be kept for at least three (3) years from the date the employee last worked at the Facility in accordance with 40 CFR 264.16(e);

I.J.1.d. Contingency Plan, as required by 40 CFR 264.53(a) and this Permit;

I.J.1.e. Operating record, as required by 40 CFR 264.73 and this Permit;

I.J.1.f. Closure Plan, as required by 40 CFR 264.112(a) and this Permit;

{Permit Writer: Under 40 CFR 264.197(c), 264.228(c) and 264.258(c), owners and operators of certain tanks, surface impoundments, and waste piles must have Contingent Closure Plans. If the Permit will require the Permittee to have a Contingent Closure Plan, then add the plan to this list.

If appropriate add the Post-Closure Plan document.}

I.J.1.g. Post-Closure Plan, as required by 40 CFR 264.118(a) and this Permit.

{Permit Writer: Only owners and operators of disposal units are required to have Post-Closure Plans. Under 40 CFR 264.197(c), 264.228(c) and 264.258(c), owners and operators of certain tanks, surface impoundments, and waste piles must have Contingent Post-Closure Plans. If this Permit will require the Permittee to have a Contingent Post-Closure Plan, then add the plan to this list.}

I.J.1.h. Annually adjusted cost estimates for Facility closure {and/or post-closure and/or corrective action}, as required by 40 CFR 264.142(d), 40 CFR 264.144(d), and 40 CFR 264.101(b), and this Permit;

I.J.1.i. Documents implementing Corrective Action for Solid Waste Management Units at the Facility as required by 40 CFR 264.101 and this Permit, including, as required, RCRA Facility Assessments, RCRA Facility Investigations, Corrective Measures Studies, Remedy Selection Documents, and others as specified in the Permit;

I.J.1.j. A copy of the current completeness determination and current approved Permit Application including all appendices and attachments;

I.J.1.k. All other documents required to be maintained for the active life of the Facility in accordance with the requirements of this Permit.

I.J.2. For the purposes of the requirement that records be maintained “at the Facility or at an approved location identified in the Approved Permit Application” in accordance with this Permit Condition, except for the Contingency Plan, such records may be maintained in either hardcopy at the Facility or electronic format, provided they are made available to and are readily accessible to the {state authority and} EPA for the period that applies to the record.

I.J.3. All records, including plans, required under this Permit must be furnished upon request, and made available at all reasonable times for inspection by any officer, employee, or representative of the {state authority and} EPA who is duly designated by the {Director}. [Refer to 40 CFR 264.74(a).]

I.K. INFORMATION REPOSITORY

{Permit Writer: If requiring the Permittee to establish and maintain an information repository, use the following Permit Conditions.}

I.K.1. The Permittee must establish and maintain an Information Repository that meets the requirements of 40 CFR 124.33. The Information Repository must include, but it is not limited to, the following records:

I.K.1.a. Final Permit and Attachments;

I.K.1.b. Current Approved Permit Application including appendices and attachments;

I.K.1.c. Any pending requests for Permit Modifications or Renewal;

I.K.1.d. All Final Permit Modifications; and

I.K.1.e. Any documents such as Performance Demonstration Test (PDT) Work Plans, PDT Reports, and Human Health and Ecological Risk Assessment Updates, approved by the {Director} in the preceding 3 years.

I.K.1.f. Final EPA RCRA Inspection Reports for the preceding 3 years.

I.K.2. The information repository must be located and maintained at a site chosen by the Permittee and approved by the {Director} and must include an electronic, internet-based repository with a backup repository location. If an electronic, internet-based repository is used for the information repository, it must be publicly accessible, and maintained by the Permittee to allow public access to the records on as continuous a basis. [Refer to 40 CFR 124.33 (d) and 40 CFR 270.30(m).]

I.K.3. The Permittee must update the information repository with appropriate information when permit events take place (e.g., permit modifications, {relevant events, e.g., trial burn tests}) and at least every five (5) years throughout the life of this Permit. Records maintained in the information repository need only be maintained for the periods of time otherwise required by this Permit. [Refer to 40 CFR 124.33(f) and 270.30(m).]

I.K.4. Notice of the location of the information repository must be sent to all persons on the Facility mailing list. [Refer to Permit Condition {XXX}, and 40 CFR 124.33(e) and 270.30(m).]

I.L. COMPLIANCE SCHEDULE

The Permittee must comply with the Compliance Schedule(s) located in {list specific module locations or appendix to this permit}. The Permittee shall certify accomplishment of an item listed in the Compliance Schedule in a written notice to the {Director} within {5} calendar days of accomplishing each item listed in the compliance schedule. [Refer to 40 CFR 270.33.]

{Permit Writer: You can either outline a module-specific compliance schedule in each module or consolidate all compliance requirements in a permit compliance schedule appendix to the Permit.}

If the Permit Writer elects to include a compliance schedule in this module or in the permit conditions or in an appendix or attachment to the Permit, the compliance schedule should clearly outline what the Permittee is being requested to do, refer to the permit condition requiring it, and date(s)/time period by which the Permittee must accomplish and/or submit the required action or submittal.}