

## Resource Conservation and Recovery Act (RCRA) Hazardous Waste Model Permit Preparedness and Prevention Module

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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 III. PREPAREDNESS AND PREVENTION

*{Permit Writer: This permit module contains conditions covering the preparedness and prevention standards in 40 CFR part 264, subpart C.}*

*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.*

*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.}*

### **III.A. DESIGN AND OPERATION OF FACILITY**

III.A.1. The Permittee must design, construct, maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned, sudden, or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment. [Refer to 40 CFR 264.31.]

### **III.B. REQUIRED EQUIPMENT**

III.B.1. The Permittee must install and maintain the following equipment at the Facility as described and in the locations set forth in the Contingency Plan and as described in Section {XXX} of the Approved Permit Application:

III.B.1.a. An internal communications or alarm system at or near areas of the Facility where hazardous waste is stored, treated, or otherwise managed that is or are capable of providing immediate emergency instruction (voice or signal) to Facility personnel;

III.B.1.b. A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

III.B.1.c. Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

III.B.1.d. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems. [Refer to 40 CFR 264.32.]

*{Permit Writer: If the Permittee has successfully demonstrated, in accordance with 40 CFR 264.32, that any of the equipment above is not required, the decision should be documented in the Approved Permit Application and in the Administrative Record, and the respective Permit Condition in III.B. should be revised, deleted or marked "Reserved." Refer to 40 CFR 270.14(b)(6).}*

III.B.2. The Permittee must maintain and inspect the emergency equipment set forth in the Contingency Plan per the requirements at 40 CFR 264.52(e), and as described in Section {XXX} of the Approved Permit Application. The Permittee must review the Contingency Plan every {frequency}, per 40 CFR 264.54. If upon review, the Contingency Plan requires amendment, the Permittee must request a permit modification indicating the required changes in an application for a permit modification within {5} business days of a failure during an emergency or per permit condition I.F.1. Reporting Planned Changes to address planned changes.

*{Permit Writer: The list of equipment required by 40 CFR 264.52(e) to be included in the Contingency Plan should include all equipment required under 40 CFR 264.32.}*

### **III.C. TESTING AND MAINTENANCE OF EMERGENCY EQUIPMENT**

The Permittee must test and maintain the equipment specified in Condition III.B., in accordance with the frequency stated in Section {XXX} of the Approved Permit Application and per the manufacturer's recommendation, as necessary to assure its proper operation in time of emergency. [Refer to 40 CFR 264.33 and 270.14(b)(8).]

*{Permit Writer: Specific testing and maintenance procedures required to implement this condition should be included in the inspection schedule conditions in Section II.E.}*

### **III.D. ACCESS TO COMMUNICATIONS OR ALARM SYSTEM**

Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, the Permittee must ensure that all personnel involved in the operation have immediate access to

an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee. If there is just one employee on the premises while the Facility is operating, the Permittee must ensure that the employee has immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance. [Refer to 40 CFR 264.34.]

*{Permit Writer: If the Permittee has successfully demonstrated, in accordance with 40 CFR 264.32, that any internal alarm or emergency communication device is not required, the decision should be documented in the Approved Permit Application and Permit Condition III.D. should be revised, deleted or marked "Reserved." Refer to 40 CFR 270.14(b)(6).}*

### **III.E. REQUIRED AISLE SPACE**

The Permittee must maintain adequate aisle space at the Facility as identified for the area in accordance with Section {XXX} of the Approved Permit Application to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation in an emergency and for the purposes of conducting inspections. If the Permittee needs to change the configuration of any area of the facility from what is described in Section {XXX} of the Approved Permit Application the Permittee must submit a request for a Permit Modification to the {Director} in accordance with 40 CFR 270.42. [Refer to 40 CFR 264.35]

*{Permit Writer: If the Permittee has successfully demonstrated that aisle space for each hazardous waste management unit is not needed for these purposes, the decision must be documented in the Approved Permit Application and Permit Condition III.E. should be revised, deleted or marked "Reserved." See also 40 CFR 270.14(b)(6).}*

### **III.F. ARRANGEMENTS WITH LOCAL AUTHORITIES**

III.F.1. The Permittee must attempt to make in writing and maintain, with a copy kept in the Facility Operating Record, the following arrangements with the appropriate state, local {and additional required authorities, if applicable} authorities in accordance with 40 CFR 264.37 and Section {XXX} of the Approved Permit Application:

III.F.1.a. Arrangements, in writing and in an electronic format, to familiarize police, fire departments, and emergency response teams with the layout of the Facility, types and properties of hazardous waste handled at the facility and associated hazards, approximate quantities of each waste type, general locations of waste at the Facility, places where

Facility personnel would normally be working, entrances to and roads inside the Facility, and possible evacuation routes;

III.F.1.b. Agreements, in writing and in an electronic format, designating primary emergency authority to a specific police and a specific fire department and agreements with any other police or fire departments to provide support to the primary emergency authority (where more than one police and fire department might respond to an emergency);

III.F.1.c. Agreements, in writing and in an electronic format, with State emergency response teams, State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), emergency response contractors, and equipment suppliers; and

III.F.1.d. Arrangements, in writing and in an electronic format, to familiarize local hospitals with the properties of hazardous waste handled at the Facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the Facility. [Refer to 40 CFR 264.37(a).]

III.F.2. The Permittee must periodically update the arrangements listed in III.F.1.a. through III.F.1.d. in writing, at least every {XXX} years from the effective date of this Permit. The Permittee must keep a copy of updated arrangements in the Facility Operating Record. If state, local {or insert additional required authorities, if applicable} authorities decline to enter into or renew the arrangements with the Permittee, the Permittee must document this refusal in writing in the Facility Operating Record and submit a request for permit modification to revise the Approved Permit Application to document such refusal and revise response procedures. [Refer to 40 CFR 264.37(b).]

*{Permit Writer: If there are additional facility-specific circumstances where permitting authority determines that requirements are necessary to ensure protection of human health and the environment, then the RCRA “omnibus authority” at 40 CFR 270.32 may be used to incorporate additional conditions into the permit. For example, if the Facility is not able to enter onto arrangements with local authorities, the permitting authority could explore using the omnibus provision to require the Facility to contract with private emergency response coordinators.}*

*Refer to the “Preparedness and Prevention Requirements for RCRA TSDFs (Response to Chemical Safety Board Recommendation 2007-01-I-NC)” memorandum at <https://rcrapublic.epa.gov/files/14832.pdf> for more guidance to RCRA Permitting Authorities.}*