

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Model Permit General Facility 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 II. GENERAL FACILITY CONDITIONS

{Permit Writer: This permit module contains conditions covering the general facility standards of 40 CFR part 264, Subpart B. (Note that some requirements in Subpart B, such as the General Waste Analysis, are included in other Modules.)}

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.}

II.A. GENERAL FACILITY DESCRIPTION

{Insert a narrative description of the Facility, including general overview of hazardous wastes generated and/or received and managed by the Facility. Include in the general overview, such as in the table below, hazardous waste units subject to this permit; solid waste management units and areas of concern subject to corrective action; and other units that manage hazardous waste or hazardous secondary material, but which are not subject to permitting, such as hazardous wastes managed in an exempt recycling unit or approved hazardous secondary materials excluded from regulation. Include a Facility Map as an appendix or attachment to the permit. Reference the Facility map in the Facility Description. Indicate the location of all hazardous waste management units (HWMUs), solid waste management units (SWMUs), areas of concern (AOCs), a generator's less-than-90-day accumulation unit, recycling units, and other exempted units on the referenced Facility Map. Include in the Facility description, how residuals and newly generated hazardous waste streams from production processes, hazardous waste treatment, or recycling processes at the Facility will be managed, (e.g., wastewater is sent through a wastewater treatment system and is discharged to the local publicly owned treatment works pursuant to a Clean Water Act discharge permit).} [Refer to 40 CFR 270.14(b)(1).]

II.A.1. The Permittee is authorized to {treat, store, dispose of, or manage} the following

hazardous wastes in, and only in, the following hazardous waste management units (HWMUs) and solid waste management units (SWMUs), subject to the terms of this Permit. [Refer to 40 CFR 270.13(j).]

Unit Name	Type of Unit	Status: Active/Post-Closure	Hazardous Waste Codes Managed
ex. Dropout Tank 12	5000 gal Tank	Active	D001, D019, K031

II.A.2. The Permittee also has the following units that manage hazardous waste or hazardous secondary material and which are excluded or exempt from this Permit's requirements. [40 CFR 270.13(j).]

Unit Name	Type of Unit (Unit managing excluded HSM*, 90-day accumulation)	Status Active/Inactive /Closed	Decision Issuance and Expiration Dates	Hazardous Waste Codes or Hazardous Secondary Material Managed	Exemption or Exclusion Citation
ex. Solvent Purifier	Distillation Unit	Active	Conditional 5/10/2010 – 5/10/2020	Toluene	40 CFR 261.4(a)(27), 40 CFR 260.43

**{Permit Writer: If the permitting authority has sufficient information from the permit application to clearly identify that one or more units or activities managing a hazardous waste has been granted an exemption, exclusion, variance, non-waste determination, or has been determined to satisfy legitimate recycling of hazardous secondary material criteria, the Permit Writer can identify the waste code or hazardous secondary material in the 'Hazardous Waste Codes Managed' column of the above Table. This documentation of the exemption or exclusion granted or legitimate recycling determination and supporting demonstration can be documented in the Approved Permit Application and available in the Administrative Record. For units that satisfy an exemption, the Permit Writer can state the applicable citation for the exemption, exclusion, variance, non-waste determination, or recyclable material regulatory criteria that the applicant satisfies and with which it is complying and include the issuance and expiration date of the regulatory authority's decision. The regulatory authority's issued decision granting the exemption, exclusion, or legitimate recycling determination may include conditions. The permit application can include the decision document to clarify the authority's full decision. If the decision is conditional, note "conditional" in the 'Issuance and Expiration Date' column.}*

II.A.3. Should the Director receive any information that this general Facility description is inaccurate or incomplete and one or more of the causes listed in 40 CFR 270.41 (a) and (b) for modification or revocation and reissuance exist, the Director may modify or revoke and reissue the permit accordingly. This includes material and substantial alterations or additions to the permitted Facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit. This also includes information not available at the time of permit issuance which would have justified the application of different permit conditions at the time of issuance. [Refer to 40 CFR 270.41.]

II.B. PERMITTED AND PROHIBITED WASTE

II.B.1. Permitted Waste Management

The Permittee may treat, store, and dispose only those hazardous wastes identified in Permit Condition II.A. only in hazardous waste management units (HWMUs) as specified in this Permit, and subject to the terms of this Permit. [Refer to 40 CFR 270.13(j).]

II.B.2. Prohibited Waste Management

The Permittee is prohibited from treating, storing, or disposing of the following materials: {include a list of prohibited wastes. For example, "Hazardous Waste Nos. F020, F021, F022, F023, F026, F027; Toxic Substances Control Act (TSCA)-regulated polychlorinated biphenyl (PCB) waste(s) subject to the disposal requirements of 40 C.F.R. Part 761 Subpart D; regulated infectious waste; regulated radioactive waste; compressed gases; explosives."} The Permittee is prohibited from treating, storing, or disposing hazardous wastes that are not identified in Condition II.B.1.

II.C. REQUIRED NOTICES

{Permit Writer: Include permit conditions II.C.1, and II.C.2, if applicable. Permit Condition II.C.1 should be included in the Permit only if the Facility receives waste from a foreign source. If Permit Condition II.C.1 does not apply, the Permit should specify that the Permittee may not receive hazardous waste from a foreign source, for example, in Permit Condition I.A.1. in Module I.}

II.C.1. If the Permittee will arrange to receive hazardous waste subject to 40 CFR part 262, subpart H, from a foreign source, the Permittee must submit notice of such import in accordance with required notices requirements in 40 CFR 264.12(a) and must comply with the imports of hazardous waste requirements in 40 CFR 262.84, and the use of manifest system requirements in 40 CFR 264.71(a)(3) and 264.71(d). [Refer to 40 CFR 264.12(a).]

{Permit Writer: Permit Condition II.C.2 should be included in the Permit only if the Facility receives waste from offsite. If Permit Condition II.C.2 does not apply, the Permit should specify that the Permittee may not receive hazardous waste from offsite, for example, in Permit Condition I.A.1.}

II.C.2. When the Permittee is to receive hazardous waste from an offsite source (except where the Permittee is also the generator), the Permittee must inform the generator in writing that the Permittee has the appropriate hazardous waste permit(s) for, and will accept, the waste the generator is shipping. The Permittee must keep a copy of this written notice as part of the Facility's Operating Record in accordance with 40 CFR 264.73. [Refer to 40 CFR 264.12(b).]

II.D. SECURITY

{Permit Writer: If the Permittee successfully demonstrates, in accordance with 40 CFR 264.14(a), that the security requirements in 40 CFR 264.14(b) and (c) are not necessary, these security permit conditions are not needed. This demonstration must be documented in the Administrative Record and the Permittee's Approved Permit Application.}

II.D.1. The Permittee must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the Facility in accordance with Section {XXX} of the Approved Permit Application. [Refer to 40 CFR 264.14(a).]

II.D.2. *{Permit Writer: Include here specific and applicable security provisions as necessary to ensure compliance with 40 CFR 264.14(b), including whether the Facility must use a 24-hour surveillance system or an artificial or natural barrier along with a means to control entry.}* [Refer to 40 CFR 264.14(b).]

II.D.3. The Permittee must post at each entrance to the active portion of the Facility {and in (insert other locations as needed)} a sign that says "Danger – Unauthorized Personnel Keep Out." The sign must be written in English language {and in (insert other predominantly spoken languages) in the area surrounding the Facility}. The sign must be legible from a distance of at least 25 feet. [Refer to 40 CFR 264.14(c).]

II.E. GENERAL INSPECTION REQUIREMENTS

II.E.1. The Permittee must inspect the Facility for malfunctions and deterioration, operator errors, and discharges which may be causing – or may lead to (1) release of hazardous waste constituents to the environment or (2) a threat to human health. The Permittee must conduct these inspections {insert frequency; must be frequently enough to prevent harm to human health or the environment} in accordance with the Inspection Plan, Section {XXX} of the

Approved Permit Application to identify problems in time to correct them before they harm human health or the environment. [Refer to 40 CFR 264.15(a) and 270.14(b)(5).]

II.E.2. The Permittee must follow the written schedule (“inspection schedule”) for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that are important to preventing, detecting, or responding to environmental or human health standards in accordance with Section {XXX} of the Approved Permit Application. The Permittee must maintain a copy of this written inspection schedule with the Inspection Plan at the Facility. [Refer to 40 CFR 264.15(b)(1) and (b)(2) and 270.14(b)(5)]

II.E.3. The inspection form and instructions must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection in accordance with the written Inspection Plan, Section {XXX} of the Approved Permit Application. The inspection form must state the frequency of inspection for each item. The frequency of inspection of the items identified in Section {XXX} of the Approved Permit Application must be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. [Refer to 40 CFR 264.15(b)(3) and (b)(4) and 270.14(b)(5).]

II.E.4. The Inspection Plan must include at a minimum, the items and inspection frequencies identified in 40 CFR {264.174, 264.193, 264.195, 264.226, 264.254, 264.278, 264.303, 264.347, 264.602, 264.1033, 264.1052, 264.1053, 264.1058, and 264.1083 through 264.1089}. [Refer to 40 CFR 264.15(b)(4) and 270.14(b)(5).]

II.E.5. The Permittee must remedy any deterioration or malfunction of equipment or structures identified during the inspection, on a schedule which ensures that the problem does not lead to an environmental or human health hazard in accordance with Section {XXX} of the Approved Permit Application. Where a hazard is imminent or has already occurred, the Permittee must take remedial action immediately in accordance with the Contingency Plan in Section {XXX} of the Approved Permit Application. [Refer to 40 CFR 264.15(c) and 40 CFR Part 264, Subpart D, including 40 CFR 264.50, 270.14(b)(5), and 270.14(b)(7).]

II.E.6. The Permittee must record inspections in an inspection log or form in the Facility’s operating record available upon request. The Permittee must retain these records of inspection for at least three (3) years from the date of inspection. At a minimum, the inspection record must include the date and time of the inspection, name of the inspector, notations of the observations or monitor measurement for each item inspected, and the date and nature of any repairs or other remedial action to address the inspection observation. [Refer to 40 CFR 264.15(d).]

{Permit Writer: The Permittee is required to submit the inspection plan that includes the

inspection schedule with their RCRA permit application. The Permit Writer may request the applicant modify or amend the schedule as necessary as part of the permit application review and approval process. The Permit Writer may clarify any specific conditions relating to the inspection schedule and/or reference the appropriate section of the Approved Permit Application. Other Conditions may be included such as specific instructions; for example, that monitoring event record measurements must include all or just the highest measurements monitored for each monitoring point or that measurements must be captured to the second decimal. The Permit Writer should confirm their authorized program's requirements for inspection reports, including data quality and include any additional permit conditions needed to clarify the program's reporting requirements. The Permit Writer should include any additional data quality information (e.g., calibrations, monitoring time, recorded monitor measurement) in the conditions that their authority requires to document a complete inspection or monitoring record.}

II.F. PERSONNEL TRAINING

II.F.1. Facility personnel, including any operators and contractors, must successfully complete a training program for their position and responsibilities at the Facility, in accordance with Section {XXX} of the Approved Permit Application. [Refer to 40 CFR 264.16(a)(1) and 270.14(b)(12).]

II.F.2. The program must be directed by the person identified in Section {XXX} of the Approved Permit Application who is trained in hazardous waste management procedures, and must include instruction for Facility personnel in the hazardous waste management procedures relevant to their positions in which they are employed. [Refer to 40 CFR 264.16(a)(2) and 270.14(b)(12).]

II.F.3. The training program must be designed to ensure that Facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems in accordance with Section {XXX} of the Approved Permit Application. [Refer to 40 CFR 264.16(a)(3) and 270.14(b)(12).]

{Permit Writer: If the Permittee elects that the Facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), use the following condition in lieu of condition above.}

(Alternate) II.F.3. The Permittee has elected to train Facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration (OSHA) regulations 29 CFR 1910.120(p)(8) and 1910.120(q), therefore the Facility is not required to provide separate emergency response training pursuant to this section. The Permittee must

review the overall Facility training and certify that it continues to satisfy all the requirements of 40 CFR 264.16 and Section {XXX} of the Approved Permit Application {annually}, by {June 1} of each calendar year, in the Facility's operating record. Upon review, if the overall Facility training program no longer satisfies 40 CFR 264.16 and Section {XXX} of the Approved Permit Application, the Permittee must revise Section {XXX} of the Approved Permit Application to provide emergency response training and request a permit modification. [Refer to 40 CFR 264.16(a)(4) and 270.14(b)(12).]

II.F.4. Facility personnel must successfully complete the Facility's training program for their position in accordance with conditions II.F.1. through II.F.4. and Section {XXX} of the Approved Permit Application, within six months after the date of their employment or assignment to the Facility, or to a new position at the Facility, whichever is later. [Refer to 40 CFR 264.16(b) and 270.14(b)(12).]

II.F.5. Facility personnel must take part in an annual review of the material included in their initial training, see conditions II.F.1. through II.F.4. The Permittee must document that each Facility employee has completed this annual review of the initial training compliant with this Permit and Section {XXX} of the Approved Permit Application, by {June 1} of each calendar year, in the Facility's operating record. If the review identifies any changes in the training program necessary to remain in compliance with this Permit, the Permittee must request a permit modification indicating the necessary revisions to the training program in the Approved Permit Application by {June 1} of each calendar year. [Refer to 40 CFR 264.16(c) and 270.14(b)(12).]

II.F.6. The Permittee must record both introductory and continuing training that is given to each person related to hazardous waste management, in the employee's personnel record. Training records must include a description of the type and amount of the training, including training content, date of training, total training hours for the training date, certification date as applicable, and other relevant training information like the name of the instructor or training provider and their qualification to instruct the training event. [Refer to 40 CFR 264.16(d).]

II.F.7. The Permittee must maintain and keep training documents on current personnel at the Facility until closure of the facility in accordance with 40 CFR 264.16(d) and (e), Section {XXX} of the Approved Permit Application and permit condition I.I.1.c. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company and records [Refer to 40 CFR 264.16(e) and 270.14(b)(12).]

{Permit Writer: The Permittee's training program must be included in the Approved Permit Application. The training program must demonstrate how the Permittee will comply with 40 CFR 264.16.}

II.G. REQUIREMENTS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

II.G.1. The Permittee must take precautions, as documented in Section {XXX} of the Approved Permit Application, to prevent accidental ignition or reaction of ignitable or reactive waste. The Permittee must separate and protect ignitable and reactive waste from sources of ignition or reaction including but not limited to open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the Permittee must confine smoking and open flame to specially designated locations. The Permittee must conspicuously place “No Smoking” signs wherever there is a hazard from ignitable or reactive waste. [Refer to 40 CFR 264.17(a) and 270.14(a)(9).]

II.G.2. The Permittee must take precautions to prevent reactions which generate extreme heat or pressure, fire or explosions, or violent reactions; produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment; produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions; damage the structural integrity of the device or Facility; and through other like means threaten human health or the environment. [Refer to 40 CFR 264.17(b).]

II.G.3. The Permittee must demonstrate compliance with conditions II.G.1 and II.G.2. in the Facility’s operating records in accordance with Section {XXX} of the Approved Permit Application. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in 40 CFR 264.13), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions. [Refer to 40 CFR 264.17(c) and 270.14(a)(9).]

{Permit Writer: The permitting authority can require documentation of compliance be updated on a specific timeline (e.g., daily, weekly, monthly) if site specific information supports it.

Permits must include specific handling procedures tailored to the hazardous wastes to be treated, stored, or disposed at the Facility and the units in which the wastes will be handled. During permit application review, Permit Writers should evaluate the characteristics of each hazardous waste in relationship to the Facility’s HWMU design and management practices to ensure that the Permittee has anticipated potential hazardous conditions or activities that could cause fire or uncontrolled reactions and that the Permittee has proposed an adequate prevention and contingency plan for all anticipated hazardous conditions and events in the Facility’s permit application prior to determining the permit application complete. Refer to the Preparedness and Prevention, and Contingency Plan modules of the RCRA Hazardous Waste Model Permit.}

II.H. LOCATION STANDARDS

{Permit Writer: Include permit condition II.H., if applicable.}

EPA has prepared guidance on locating hazardous waste management facilities in sensitive locations. These locations include floodplains, wetlands, groundwater earthquake zones, karst soils, unstable terrain, unfavorable weather conditions, and incompatible land use. If a facility will be located in a sensitive area, the Permit Writer can insert permit conditions deemed necessary to protect human health and the environment. For example, more frequent facility inspections, special operating restrictions, or construction of thicker floors or liners could be required. Such permit conditions are authorized by 40 CFR 270.3, 270.32(a), and 270.32(b)(2). Refer to Sensitive Environments and the Siting of Hazardous Waste Management Facilities at <https://nepis.epa.gov/Exe/ZyPDF.cgi/10000MVX.PDF?Dockey=10000MVX.PDF>.

Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time. Procedures for demonstrating compliance with this standard must be documented in the Permittee's Approved Permit Application and are specified in 40 CFR 270.14(b)(11). Facilities which are located in political jurisdictions other than those listed in Appendix VI of part 264 are assumed to be in compliance with this requirement. [Refer to 40 CFR 264.18(a).]

For facilities located in a 100-year floodplain, the Permit Writer should specify measures the Permittee must take to satisfy the requirements of 40 CFR 264.18(b), such as specific design, construction, operation, or maintenance requirements that will prevent washout of any hazardous waste, unless the Permittee can demonstrate that procedures are in effect that will ensure the waste will be removed safely, before flood waters can reach the Facility, to a location where the wastes will not be vulnerable to flood waters as necessary. Response to potential flood events should be fully addressed in the Approved Permit Application Contingency Plan to demonstrate how the Permittee's flood contingency plans satisfy 40 CFR 264.18(b). Conditions are not needed for existing surface impoundments, waste piles, land treatment units, and landfills if the Permittee has demonstrated, in accordance with 40 CFR 264.18(b)(1)(ii), that there will be no adverse effects on human health or the environment if washout occurred. This demonstration must be documented in the Administrative Record and the Approved Permit application with the regulatory authority's determination. If the Facility is not located in a 100-year floodplain, the Permit Writer can delete permit condition II.H.1 from the permit and mark as "Reserved".}

II.H.1. The Permittee must design, construct, operate, and maintain units located in a 100-year floodplain to prevent washout of any hazardous waste per Section {XXX} of the Approved Permit Application. [Refer to 40 CFR 264.18(b) and 270.14(b)(11)(iv).]

{Permit Writer: Resources available for the 100-year floodplain maps include the NOAA Sea Level Rise Viewer (<https://coast.noaa.gov/slr/#/layer/slr>), and the FEMA Flood Maps (<https://msc.fema.gov/portal/home>). The Permit Writer should review the flood information and tools and adjust for the regulatory authority's preferred sources and tools.}

II.I. CONSTRUCTION QUALITY ASSURANCE PROGRAM

{Permit Writer: Include permit condition II.I.1. if the Permittee has surface impoundments, waste piles, or landfill units required to comply with 40 CFR 264.221(c) and (d), 264.251(c) and (d), 264.301(c) and (d). If not applicable, you can delete permit condition II.I.1 and mark "Reserved."}

II.I.1. The Permittee must maintain a construction quality assurance (CQA) program and implement their written CQA plan compliant with 40 CFR 264.19 in Section {XXX} of the Approved Permit Application. Requirements under the CQA for specific units are referenced in the unit-specific sections of this permit and the Approved Permit Application. [Refer to 40 CFR 264.19.]