

APPENDIX I TO § 270.42—CLASSIFICATION OF PERMIT MODIFICATION—Continued

Modifications	Class
Note: See § 270.42(g) for modification procedures to be used for the management of newly listed or identified wastes	
7. Shakedown and trial burn:	
a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn	2
b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Director	11
c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Director	11
d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Director	11
8. Substitution of an alternative type of nonhazardous waste fuel that is not specified in the permit	1
9. Technology Changes Needed to meet Standards under 40 CFR part 63 (Subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of § 270.42(j) are followed.	11
M. Containment Buildings.	
1. Modification or addition of containment building units:	
a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity	3
b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity	2
2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit	2
3. Replacement of a containment building with a containment building that meets the same design standards provided:	
a. The unit capacity is not increased	1
b. The replacement containment building meets the same conditions in the permit	1
4. Modification of a containment building management practice	2
5. Storage or treatment of different wastes in containment buildings:	
a. That require additional or different management practices	3
b. That do not require additional or different management practices	2
N. Corrective Action:	
1. Approval of a corrective action management unit pursuant to § 264.552	3
2. Approval of a temporary unit or time extension for a temporary unit pursuant to § 264.553	2
3. Approval of a staging pile or staging pile operating term extension pursuant to § 264.554	2

¹ Class 1 modifications requiring prior Agency approval.

[53 FR 37936, Sept. 28, 1988]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 270.42, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 270.43 Termination of permits.

(a) The following are causes for terminating a permit during its term, or for denying a permit renewal application:

- (1) Noncompliance by the permittee with any condition of the permit;
 - (2) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
 - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- (b) The Director shall follow the applicable procedures in part 124 or part 22, as appropriate or State procedures

in terminating any permit under this section.

[48 FR 14228, Apr. 1, 1983, as amended at 65 FR 30913, May 15, 2000]

Subpart E—Expiration and Continuation of Permits

§ 270.50 Duration of permits.

- (a) RCRA permits shall be effective for a fixed term not to exceed 10 years.
- (b) Except as provided in § 270.51, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.
- (c) The Director may issue any permit for a duration that is less than the full allowable term under this section.
- (d) Each permit for a land disposal facility shall be reviewed by the Director five years after the date of permit issuance or reissuance and shall be

§ 270.51

modified as necessary, as provided in § 270.41.

[48 FR 14228, Apr. 1, 1983, as amended at 50 FR 28752, July 15, 1985]

§ 270.51 Continuation of expiring permits.

(a) *EPA permits.* When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit (see § 124.15) if:

(1) The permittee has submitted a timely application under § 270.14 and the applicable sections in §§ 270.15 through 270.29 which is a complete (under § 270.10(c)) application for a new permit; and

(2) The Regional Administrator through no fault of the permittee, does not issue a new permit with an effective date under § 124.15 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) *Effect.* Permits continued under this section remain fully effective and enforceable.

(c) *Enforcement.* When the permittee is not in compliance with the conditions of the expiring or expired permit, the Regional Administrator may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit under § 124.6. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under part 124 with appropriate conditions; or

(4) Take other actions authorized by these regulations.

(d) *State continuation.* In a State with an hazardous waste program authorized under 40 CFR part 271, if a permittee has submitted a timely and complete application under applicable State law and regulations, the terms and conditions of an EPA-issued RCRA permit continue in force beyond the expiration date of the permit, but only until the effective date of the State's

40 CFR Ch. I (7-1-05 Edition)

issuance or denial of a State RCRA permit.

(Clean Water Act (33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S.C. 300f et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.))

[48 FR 14228, Apr. 1, 1983, as amended at 48 FR 39622, Sept. 1, 1983]

Subpart F—Special Forms of Permits

§ 270.60 Permits by rule.

Notwithstanding any other provision of this part or part 124, the following shall be deemed to have a RCRA permit if the conditions listed are met:

(a) *Ocean disposal barges or vessels.* The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:

(1) Has a permit for ocean dumping issued under 40 CFR part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1420 et seq.);

(2) Complies with the conditions of that permit; and

(3) Complies with the following hazardous waste regulations:

(i) 40 CFR 264.11, Identification number;

(ii) 40 CFR 264.71, Use of manifest system;

(iii) 40 CFR 264.72, Manifest discrepancies;

(iv) 40 CFR 264.73(a) and (b)(1), Operating record;

(v) 40 CFR 264.75, Biennial report; and

(vi) 40 CFR 264.76, Unmanifested waste report.

(b) *Injection wells.* The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:

(1) Has a permit for underground injection issued under part 144 or 145; and

(2) Complies with the conditions of that permit and the requirements of § 144.14 (requirements for wells managing hazardous waste).

(3) For UIC permits issued after November 8, 1984:

(i) Complies with 40 CFR 264.101; and

(ii) Where the UIC well is the only unit at a facility which requires a