

ATTACHMENT 7-3

Example Toxicity Characteristic Permit Conditions
(From U.S. EPA Region 5 Model, 1995)

____. TOXICITY CHARACTERISTIC

A. WASTE IDENTIFICATION

The Permittee may store a total of (Capacity of Unit) gallons in (Type of Unit) at the facility.

EXAMPLE: 3120 cubic yards in waste piles, and 278 cubic yards in Containment Building unit Bin 6

EPA Hazardous Waste Code	Description of Hazardous Waste
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(Waste Code)	(Name of Waste)
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EXAMPLE: D008 Characteristic of Toxicity for Lead

B. WASTE CHARACTERIZATION

The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (Appendix II of 40 CFR Part 261), and applicable SW-846 analytical test methods as contained in the Waste Analysis Plan found in Attachment _____. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.

C. CONDITIONS REGARDING UNITS

All units described in Condition _____.A. above shall be operated in accordance with the State permit conditions pertaining to those units.

IV. TOXICITY CHARACTERISTIC

A. WASTE IDENTIFICATION

[This section should identify the type and amount of waste that may be handled and the units in which the wastes may be treated, stored, or disposed. For example:]

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Example Toxicity Characteristic Permit Conditions (continued)

The Permittee may _____ [specify store, and/or treat and/or dispose of] the following wastes in _____ [specify type(s) of unit(s)] at the facility subject to the terms of the RCRA permit.

Description of Hazardous Waste	EPA Hazardous Waste Number	Maximum Volume	Description of Unit(s)
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B. WASTE CHARACTERIZATION

The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (Appendix II of 40 CFR Part 261), or use knowledge of the waste to determine whether a waste exhibits the characteristic of toxicity, as defined in 40 CFR 261.24. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.

C. CONDITIONS REGARDING UNITS

[This section applies to facilities managing TC waste in existing units. If the facility is handling TC waste in both existing and new units, include the following Condition C.1. and Condition C.2. below.]

1. The Permittee shall manage toxicity characteristic wastes (based on the TCLP) in the following units in accordance with the State permit conditions pertaining to those units:

Description Unit(s)	EPA Hazardous Waste Number
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[If all TC wastes at the facility are managed in existing units, the following condition may be used as an alternative; no Condition C.2. is necessary:]

1. All units described in Condition IV.A. above shall be operated in accordance with the State permit conditions pertaining to those units.

[Condition C.2. applies to facilities managing TC waste in newly regulated units not included in the State portion of the permit. In this case, the Federal portion of the permit must identify the units and include all applicable permitting standards from the Model RCRA Permit for Hazardous Waste Management Facilities (Modules III-XI and Module XIII) for containers, tanks, or other pertinent units. These conditions should appear in Section VII (and subsequent sections, if necessary) of the permit.]

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Example Toxicity Characteristic Permit Conditions (continued)

2. The Permittee shall manage toxicity characteristic wastes (based on the TCLP) in units not included in the State portion of this permit in accordance with Section(s) of this permit.

[Condition C.3. should appear if the plans included in the State permit do not cover TC waste. Regardless of whether TC waste is managed in newly regulated units or units covered by the State permit, Permit Writers must make sure that conditions and/or plans in the State permit (Waste Analysis, Closure, Post-Closure, Financial Assurance, Inspection, Training, Contingency, etc.) reflect the inclusion of TC wastes. If TC wastes are not included, the Federal portion must include the omitted information. (See Model Permit Module II for appropriate language.) This information should appear in attachments.]

3. The Permittee shall follow the [select waste analysis, closure, etc., as appropriate] procedures required in 40 CFR Part 264, and as described in the [select Waste Analysis, Closure, etc., as appropriate] plan(s) found in Attachment(s) .

[The following condition is required if the Permittee is managing TC waste in a land disposal unit. This paragraph should be included in the section containing specific conditions for land disposal units. The Schedule of Compliance should include the September 25, 1991 certification date. Also note that this condition applies to permits issued before September 25, 1991.]

As required by 40 CFR 270.42(g)(1)(v), if the Permittee is managing newly regulated waste in previously unregulated land disposal unit(s), the Permittee must certify to the Regional Administrator by **September 25, 1991**, that such unit(s) are in compliance with all applicable 40 CFR Part 265, Subparts F and H groundwater monitoring and financial responsibility requirements.