1.0 INTRODUCTION

On December 10, 1987, under 52 FR 46946, EPA issued regulations that outlined procedures for issuing permits to miscellaneous units that treat, store, or dispose of hazardous waste. Those regulations, which were codified at 40 CFR Part 264, Subpart X, created a new category of hazardous waste management unit (known as the miscellaneous unit or Subpart X unit). Such units were defined as those that do not meet any of the definitions in Part 264 of other types of hazardous waste management units. The purpose of this document is to provide EPA and State permit writers and inspectors with guidance for reviewing permit applications, establishing enforceable permit conditions for, and conducting inspections of Subpart X units.

The primary element of the Subpart X permitting regulations requires that the permit applicant perform an environmental assessment to demonstrate that the operation of the proposed unit will be protective of human health and the environment. The assessment must consider the effects of the proposed unit on air, subsurface environment, and surface water and soils. The assessment must include information about the characteristics of the waste to be treated, the design and operating characteristics of the unit, and potential receptors of releases from the unit. For many types of Subpart X units, particularly mechanical units such as shredders, crushers and filter presses, an environmental assessment may not be necessary. This is especially true in cases where the unit is fully enclosed in a containment structure such as a building. The applicant must be able to justify that an environmental assessment is unnecessary. This document identifies the minimum requirements for such an assessment and provides guidance for evaluating information submitted by permit applicants and using that information to develop permit conditions.

Although the Subpart X permitting regulations rely to a great extent on an environmental performance standard (i.e., protection of human health and the environment), permit writers should attempt to

establish permit conditions for the units that include specific requirements governing location, design, operation, and maintenance. In general, the best way to accomplish this is to selectively apply the design and operating requirements for hazardous waste management units set forth under 40 CFR Part 264, Subparts I through O, that may apply to the unit under application (§264.601). Such an approach will allow the permit writer to use permit conditions that have been proven effective, protective of human health and the environment, and that are less vulnerable to challenge by permit applicants. Appendix A contains a permit review checklist. Appendices B - E provide model permit language and example permits for a variety of Subpart X units. Appendices F through H provides inspection checklists for a number of Subpart X units.

The Subpart X permitting process is unique under RCRA because the types of units being permitted may have obtained interim status as a number of different types of units as specified in Part 265 (e.g., units that are eligible to be permitted under Subpart X are open burning/open detonation (OB/OD) units, which would have obtained interim status as thermal treatment units and are currently operating under the requirements of Part 265, Subpart P).

The general approach for issuing permits to owners or operators that submit Subpart X permit applications is to permit these units as conventional hazardous waste management units whenever possible. Although not applicable to OB/OD units, this approach is preferred for other types of miscellaneous units because the design and operating standards contained in other Subparts of Part 264 are well understood by permit writers and applicants and are less likely to be challenged by a permit applicant than permit conditions developed specifically for Subpart X units. Even in cases where a permit writer cannot permit a unit under the standards applicable to one of the conventional units in Part 264, a permit writer may be able to use specific design and operating requirements from one or more of these Subparts in developing permit conditions. In many cases, the approach described above will

An overview of the key definitions and terms associated with 40 CFR Part 264, Subparts I through O is provided in the Definitions document.

minimize the time and effort required to issue a permit for a prospective Subpart X unit.