



RCRA Post-Closure Permit

Description:

A permit which addresses the post-closure care requirements for closed hazardous waste treatment, storage, or disposal (TSD) unit(s) at a facility. Post-closure permits are required of owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure after January 26, 1983, and who are unable or unwilling to close their units by removing all wastes, wastes residues, and contaminated media. The application process is the same as for TSD permits, except the post-closure permit applicants are exempt from the pre-application public notice requirements. The application requirements focus on groundwater and unsaturated zone monitoring, corrective action, and post-closure care.

Issuing Division: Land **Branch:** Industrial Hazardous Waste

When is a permit required?

Post-closure permits are required of owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure after January 26, 1983, and who are unable or unwilling to close their units by removing all wastes, wastes residues, and contaminated media.

Permit is required

☒ **before construction** ☐ **before operation** ☐ **before discharge**

Days from complete application to issuance: 203 (**minimum**) 1,095 (**maximum**)

Notes on approval timeline:

A RCRA post-closure permit can take from 1 to 4 years to complete depending on the type and complexity of the facility. Modifications can take less time.

Local approval required?

No.

Application procedure:

(1) Submittal of the initial application. (2) Then fees are assessed for the application and received by the Department before further review of the application begins. (3) Review of the initial application submittal. This will vary significantly due to the quality of initial submittal and complexity of the facility. (4) The reviewer drafts a Notice of Deficiency (NOD) outlining comments regarding the initial application. (5) Once the NOD is issued, the applicant has anywhere from 30–60 days to respond. (6) The reviewer will then have to evaluate the response and depending on the response from the applicant, another Notice of Deficiency can be issued (after appropriate review) that can include an enforcement action that could extend the permitting time significantly. (7) Once the application is deemed complete by the reviewer, a completeness determination is drafted and then sent to the applicant. (8) A draft permit is then created which can take a significant amount of time depending on the complexity of the application. (9) Next, a public notice is drafted and placed in the facility's local newspaper at which time a 45-60 day public comment period begins. (10) After the comment period, the Department must respond to all comments received during the period. If comments are received requesting a public hearing and the Department deems one is appropriate, the public hearing must be put on public notice for 30 days before the hearing can be held. (11) After the public hearing the Department will again respond to any comments and take into account the comments to make a final determination which is prepared by the reviewer along with finalizing the permit (if the final determination is to issue permit).

Base permit fee:

\$82,135

Additive fees (explain):

\$8,450+ (\$16,310 RCRA Facility Assessment and \$1,610 Greenfield Fee). See ADEM Admin. Code R. 335-1-6 Fee Schedule C for further clarification.

Term of permit:

10 years

Public notice required?

☒ **Yes** ☐ **No** **Length of notice: 45 days**

Public hearing required? ☐ Yes ☐ No ☒ Departmental discretion/based on comments

ADEM Contact Person: Brian Espy Phone: 334-271-7749

Additional Information:

Forms Required

Form #	Form Name	Applicability/Notes
8700-23	RCRA Hazardous Waste Part A Permit Application	The form defines the processes to be used for treatment, storage, and disposal of hazardous wastes; the design capacity of such processes and the specific hazardous wastes to be handled at a facility. The form also includes detailed facility contact and location information.
8700-12	Notification of Regulated Waste Activity	Section 3010 of Subtitle C of Resource Conservation and Recovery Act (RCRA) requires any person who generates, transports, or recycles regulated wastes or who owns or operates a facility for the treatment, storage, or disposal of regulated wastes to notify EPA of their activities, including the location and general description of the activities and the regulated wastes handled.
N/A	RCRA Hazardous Waste Part B Permit Application	Part B of the RCRA Permit Application includes detailed design specification and operating plans for the proposed facility and is a narrative application in compliance with the regulations.