



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

MEMORANDUM

SUBJECT: LPR-HW-2013-01 (Update)
Waste Procedure No. 5, Hazardous Waste Emergency Permits

TO: Regional Directors
Regional Land Program Managers

FROM: Leslie D. Beckwith, Director *LDB*
Office of Financial Responsibility and Waste Programs

DATE: February 16, 2018

COPY: Leslie A. Romanchik
Ashby Scott
Allyson Lackey

This memorandum updates the procedures for issuing Hazardous Waste Emergency Permits, which were initially established in 2000 and revised in 2003, 2008, 2011, 2013, and 2016. This memorandum primarily updates the personnel currently authorized to issue emergency permits and includes minor editing revisions to the previous memorandum, dated April 15, 2016 and attachments.

The DEQ personnel authorized to issue oral emergency permits are Leslie Romanchik, Ashby Scott, and Allyson Lackey, Hazardous Waste Program, Office of Financial Responsibility and Waste Programs. Leslie Romanchik is authorized to issue the written emergency permits. Ashby Scott is the primary point of contact regarding issuance of emergency permits. Allyson Lackey is the secondary point of contact and Leslie Romanchik is the third point of contact in the event the first two staff are unavailable or on leave.

To assist you regarding what an emergency permit is and when it is needed, the following is a brief description of the emergency permit process.

Under normal conditions, a facility must have either interim status or an effective permit for treatment, storage, or disposal of hazardous waste under the Virginia Hazardous Waste Management Regulations (VHWMR), and as incorporated by reference, the RCRA Regulations.

However, in the event that there is “imminent and substantial endangerment to human health and the environment,” an emergency permit may be issued to allow treatment, storage and/or disposal of hazardous waste at: 1) an unpermitted facility or, 2) a permitted facility, when the waste management activity would not be covered by the effective permit. For example, an emergency permit may be issued for the on-site or off-site treatment by detonation of explosives or detonation or neutralization of laboratory chemicals that have polymerized and have become potentially unstable, shock sensitive, or reactive, and are deemed unsafe to transport under normal transportation modes.

Emergency permits may be oral or written. If an oral permit is issued, it is to be followed by issuance of a written permit within five days in accordance with the VHWMR and 40 CFR § 270.61, Emergency Permits. Because of the nature of these permits, they are a high priority and are processed very quickly.

When the emergency permit is issued, the facility is assigned a provisional EPA Permit ID Number by the DEQ’s Hazardous Waste Program. This number is given to the facility when the oral emergency permit is issued. The emergency permit is issued for specific treatment, storage, and/or disposal activities, and may include transportation activities, which are specified and allowed under the emergency permit.

The basic process for an emergency permit issuance is as follows:

1. The facility contacts the designated DEQ staff, Hazardous Waste Program, Office of Financial Responsibility and Waste Programs, for an emergency permit due to an imminent and substantial endangerment to human health and the environment from hazardous waste.
2. If the need is urgent, an oral permit, along with the provisional EPA ID number, is issued. (Note: The oral permit is to be followed by a written permit within 5-days. Occasionally, a written permit may be issued without an oral permit; however, in the vast majority of the cases, an oral permit is issued initially.)
3. The facility submits the necessary information, and the payment for the permit application fee for processing of the written permit. (The permit application fee is \$2,310, unless waived. In accordance with the VHWMR, the permit application is not considered complete until the permit application fee is paid. Therefore, unless the permit application fee is waived, the written permit cannot be signed until the permit application fee is paid.)
4. The DEQ Regional Office is notified of the oral emergency permit upon issuance by the Hazardous Waste Program, Office of Financial Responsibility and Waste Programs.

5. The written emergency permit is issued and public noticed by the DEQ. (Note: A public notice authorization form is signed by the applicant authorizing the cost of the public notice to be billed to the applicant.)
6. Any comments received during the public notice are considered for future emergency permit requests. (Note: The public notice occurs after the permit issuance, and typically after the emergency treatment event.)

If you should encounter a situation which you believe requires an emergency permit or are contacted by a facility requesting an emergency permit, please have the facility contact Ashby Scott at (804) 698-4467, Allyson Lackey at (804) 698-4421 or Leslie Romanchik at (804) 698-4129, in this order, respectively, for assistance.

For your information, attached is the information that a facility needs to provide for an emergency permit. This attachment is usually provided to the facility at the time of verbal approval so that the written permit can be processed within the 5-day timeframe. You may send the attachment to the requesting facility to assist them.

Please note, there is a permit application fee involved (\$2310); however, the VHWMR allows the Director to determine that a lesser fee is warranted. This fee is typically waived for local jurisdictions and State agencies and institutions. However, the applicant should request in writing that the fee be waived. Once all of the required information is provided to the DEQ, the written emergency permit is processed for issuance and the required public notice.

When an emergency permit must be issued outside of normal business hours, please have the Facility (Applicant) contact the following: Leslie Romanchik at 804-221-3285 (cell).

If you should have any questions regarding these procedures, please contact Leslie Romanchik at the (804) 698-4129.

Attachments

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
1111 EAST MAIN STREET, SUITE 1400, RICHMOND, VA 23219
P. O. BOX 1105
RICHMOND, VIRGINIA 23218**

**VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS
HAZARDOUS WASTE EMERGENCY PERMITS
(9 VAC 20-60, 9 VAC 20-60-270, and 40 CFR § 270.61)**

In general, the following information is initially required:

1. Name, location, and mailing address of permit applicant and the Provisional EPA ID Number issued by the DEQ, for the emergency permit.
2. Name, location, and mailing address of facility generator, the contact person, phone number, e-mail address, and facility EPA ID No. (e.g., Permit ID No. or EPA Large Quantity Generator ID No., etc.)
3. Name, location, and mailing address of facility where the emergency permit storage or treatment activity is to occur, and the contact person, phone number, and e-mail address of the facility. (Note: this information may be the same or different as item No. 1 and 2 above.)
4. Name and address and phone number of operator (contractor) and name of individual(s) performing the proposed activity.
5. Qualifications of individual(s) performing treatment (i.e., resume(s)).
6. Chemical name(s) and a description of waste(s) and Hazardous Waste Number or Codes, as applicable. Provide the Manufacturer of the Chemical, size and type of container (e.g., 4 liter bottle, etc.), age of container, chemical and physical state of contents, as applicable.)
7. Reason for issuance of the emergency permit.
8. A description and map of the current waste storage location.
9. A description and map of the treatment area. Map is to include a depiction of 1,000 feet radius from the center of the emergency treatment area.
10. A description and a map of the transportation route from the storage area to the treatment area. (This map may be included with one of the other maps, if feasible.)
11. The date(s) when the emergency activity (storage/treatment) will occur.

12. Names and phone numbers of local officials to be contacted prior to treatment activity. (i.e., local fire, police departments, city manager, county supervisor, Local Emergency Planning Committee (LEPC), etc., as applicable.)
13. Transportation route and time of transportation if material will be transported off-site. Also, provide name of hazardous waste transporter, as applicable.
14. If treatment is to occur off-site, provide a written certification from the land owner that they agree to the proposed emergency permit activity on their property. (This would be the certification from the facility (Item No. 3 above), if it is an off-site facility.)
15. Evacuation route, if applicable.
16. Material handling and treatment procedure. Provide the primary step by step details of the key material handling and treatment procedures from storage to the completion of treatment at the treatment area.
17. Payment of the permit application fee: \$2310.
18. Authorization for the Newspaper to bill the applicant for the public notice (attached).

Permit Application Submittal – Submit the above permit application information to the attention of Ashby Scott below. Note that an Emergency Permit Application Boiler Plate Document is available to also assist applicants and to facilitate the timely issuance of the emergency permit. Contact Ashby Scott for this permit application document.

Department of Environmental Quality
Ashby Scott
Environmental Specialist II
1111 East Main Street, Suite 1400, Richmond, VA, 23219
P.O. Box 1105, Richmond, VA, 23218
Phone: (804) 698-4467
E-mail: Ashby.Scott@deq.virginia.gov

Payment of Application Fee - Please submit by mail: a cover letter which states the purpose of the payment and include a check for the permit application fee (\$ 2,310) to the DEQ Receipts Control address below. (Note: A copy of the cover letter and copy of the check should also be included with the permit application, if feasible.)

Department of Environmental Quality
Receipts Control
P. O. Box 1104
Richmond, VA 23218

Public Notice Authorization Form

AUTHORIZATION TO BILL APPLICANT FOR A PUBLIC NOTICE

I hereby authorize the Department of Environmental Quality (DEQ) to have the cost of publishing a public notice billed to the Agent/Department/Applicant shown below. The public notice will be published once in the following Newspaper: _____.

Agent/Department to be billed: _____

Applicant's Name and Address: _____

Agent's Telephone No: _____

Agent's e-mail: _____

Authorizing Agent: _____

Signature

Facility Name: _____

Provisional EPA ID No.: _____

ATTENTION PERMITTEE: PLEASE COMPLETE THIS FORM AND RETURN IT AS SOON AS POSSIBLE TO:

Department of Environmental Quality
Ashby Scott
Environmental Specialist II
1111 East Main Street, Suite 1400, Richmond, VA, 23219
P.O. Box 1105, Richmond, VA, 23218
Phone: (804) 698-4467
Fax: (804) 698-4234
E-mail: Ashby.Scott@deq.virginia.gov