



## Remedial Action Plan (RAP) Permits

### THIS POLICY DOES NOT HAVE THE FORCE OF LAW

### Hazardous Waste Program

*Remedial action plans (RAPs) are a special form of hazardous waste management permit intended to be faster and easier to obtain for the purpose of implementing cleanup at remediation sites. Ohio's RAPs are regulated under Ohio Administrative Code (OAC) Chapters 3745-50-80 to 3745-50-230. A RAP may be a stand-alone document or incorporated into another document with information or conditions for other activities at the facility.*

#### Remedial Action Plans (RAP)

RAPs are special hazardous waste management permits that authorize the treatment, storage, or disposal of hazardous remediation waste at a remediation waste management site. RAPs are only issued for the area of, or in close proximity to the area of, contamination where the remediation wastes originated. An owner/operator may request a RAP at an alternate location if it would be more protective.

RAPs may be obtained instead of other hazardous waste management permits for the cleanup of remediation wastes. They are effective for up to 10 years with the option to renew.

#### Remediation Waste

Remediation wastes are defined in **OAC rule 3745-50-10**. Remediation wastes are all solid wastes, hazardous wastes, media (ground water, surface water, soils, and sediments), and debris that are managed for implementing cleanup at and in close proximity to remediation waste management sites.

#### Remediation Waste Management Site

**OAC rule 3745-50-10** defines remediation waste management sites as the location where an owner/operator is or will be treating, storing, or disposing of hazardous remediation wastes.

#### When is a RAP needed?

A RAP is required for voluntary cleanup of hazardous waste at a site with no RCRA Part B permit. A RAP is needed when an owner/operator treats, stores, or disposes of hazardous remediation wastes in a way that requires a hazardous waste management permit. Examples include Corrective Action Management Units (CAMUs), temporary units (tanks or container storage areas used to store or treat hazardous remediation waste during site cleanups), and staging piles.

#### When is a RAP not permitted?

Treatment units that use combustion of hazardous remediation wastes as disposal or treatment are not eligible for a RAP.

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## RAP Application

To apply for a RAP, the owner/operator must complete and submit a signed application to the director of Ohio EPA.

Before submitting an application, consult with Ohio EPA DERR to discuss proposed remedial activities and ensure a clear understanding of regulatory requirements.

Applicants may need to provide public notice of the intent to seek a RAP, including details about the proposed remediation activities and opportunities for public comment (ORC 3734.05(C)).

### Contents of the Application

- 1) Name, address, and U.S. EPA identification number of the remediation waste management site
- 2) Names, addresses, and telephone numbers of the owner and operator
- 3) Latitude and longitude of the site
- 4) United States Geological Survey (USGS) or county map showing the location of the remediation waste management site
- 5) Scaled drawing of the remediation waste management site showing the boundaries of the remediation waste management site, significant physical structures, and the boundary of all areas on-site where the remediation waste is going to be treated, stored, or disposed of
- 6) Detailed description of hazardous remediation waste that is to be treated, stored, or disposed of, including the constituent concentrations, estimation of the quantity of the waste, and a description of the processes used at the facility to treat, store, or dispose of the hazardous wastes
- 7) Enough information must be provided to demonstrate that the operations in the RAP ensure compliance with the Ohio Administrative Code
- 8) Information that is needed to enable the director to perform their duties under other federal laws
- 9) Any other information the director decides is necessary for demonstrating compliance with OAC rules 3745-50-80 to 3745-50-230 or to protect human health and the environment

Any or all of the information submitted to Ohio EPA can be claimed as confidential by the owner/operator in accordance with OAC rule 3745-49-03.

## Approval Process

The RAP application will be reviewed for completeness and a thorough technical evaluation will be conducted. A draft RAP permit will then be issued by the director for a 45-day public review and comment period. The director will consider and respond to comments before issuing a final decision. The draft RAP will include terms and conditions as listed in ***OAC rule 3745-50-130(B)***.

If the RAP application is considered incomplete or incorrect, the owner/operator will be asked to correct or add additional information. Refusal to modify the RAP application may result in a full or partial denial.

## Operating under a RAP permit

Operators and owners must strictly adhere to all conditions outlined in the RAP, including the operational, monitoring, and reporting requirements.

Records of all remediation activities, monitoring data, and compliance documentation must be maintained and must be accurate and detailed.

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## Modifications and Amendments

All significant changes to the remediation activities or site conditions require a formal modification to the RAP. Owners/operators must submit a modification request to Ohio EPA for approval before implementing any changes.

## Transferring a RAP to a New Owner or Operator

The new owner/operator shall submit a revised RAP application no later than 90 days before the scheduled change of ownership, along with a written agreement containing a specific date for the change in RAP responsibility.

The former owner/operator must comply with the financial requirements in OAC rules 3745-55-40 to 3745-55-51 until the new owner/operator has demonstrated compliance with the financial requirements. The new owner/operator should make this demonstration within six months of the change of ownership. After the new owner/operator has demonstrated compliance, the director will notify the former owner/operator that they no longer need to comply with the financial requirements.

## Renewal and Expiration

A RAP is issued for a fixed term not to exceed 10 years. The RAP can be renewed by approval of the director in fixed increments no longer than 10 years.

Any RAP for hazardous waste land disposal must be reviewed by the director five years after the RAP was issued or renewed. The owner, operator, or director must follow the requirements for modifying the RAP as needed to ensure that the owner/operator are in compliance with the requirements.

To renew an expiring RAP, an owner/operator must follow the process for application and issuance for a RAP. If the renewal application was timely and complete, but the RAP expires before the renewal has been approved, the expiring RAP conditions continue to be in effect until the effective date of the new RAP or RAP denial.

## Key Considerations

- Ensure that the activities performed at the facility involving management of hazardous remediation wastes qualify for a RAP under Ohio administrative regulations.
- Maintain communication with Ohio EPA for information and assistance during the RAP application and operation to address any issues and ensure continual compliance.
- Physical construction of new units permitted under the RAP for treatment, storage, or disposal of hazardous remediation waste shall not begin before the owner or operator receives the final effective RAP.

## Are there any additional Ohio rules or laws that apply to obtaining a standardized permit?

Yes. All owners/operators must comply with Ohio's fee requirements found in OAC rules 3745-50-32 through 3745-50-37 and siting criteria found in OAC rule 3745-50-38.

## Contact

If you have questions that aren't answered in this guidance, please contact the *Division of Environmental Response and Revitalization* at 614.644.2924.

## References and Resources

- Federal Register – *Federal Register Vol. 63, No.229, November 30, 1998 page 65874*
- U.S. EPA – *Frequent Questions About Hazardous Waste Permitting*
- Ohio EPA – *Requesting the Recognition of Trade Secret Protection*