



SEN-22-90

SUBJECT: DOE POLICY ON SIGNATURES OF RCRA PERMIT APPLICATIONS

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This notice provides the Department of Energy (DOE) policy regarding signatures on Resource Conservation and Recovery Act (RCRA) permit applications. Each RCRA permit application requires the signature of both the owner and operator of the facility.

Based upon the Department's evaluation of the definition of Operator under EPA's RCRA regulations, the DOE policy is to have the duly authorized representatives of the Operations Offices sign RCRA permit applications as the owner and to sign jointly as the operator with their contractors who are responsible or partially responsible for hazardous waste activities at the facility. This policy is consistent with EPA's recognition that in some cases it is appropriate for both a Federal agency and the contractor to sign the RCRA permit application as the operator.

This policy recognizes that there are some aspects of facility operation, such as capital expenditure and other funding, policy and scheduling decisions, and general oversight, for which DOE is responsible, and other aspects of facility operation, such as the daily hands-on conduct of waste management activities, for which the contractor is responsible. Consequently, a joint signature policy most accurately reflects the manner in which DOE's Government-Owned Contractor-Operated (GOCO) facilities are managed.

Regulatory authorities should recognize that the responsibility for operating DOE's GOCO facilities is shared by the government and the contractor. In order to encourage regulatory authorities to recognize this sharing of responsibilities, dual signatures should be accompanied by the following explanatory statement, either in the permit application or in the transmittal letter to the regulatory agency.

The Department of Energy and its operating contractor, _____, have jointly signed this application as the operator of the permitted facility. The Department has determined that dual signatures best reflect the actual apportionment of responsibility under which the Department's RCRA

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Issue of owner/operator

responsibilities are for policy, programmatic, funding and scheduling decisions, as well as general oversight, and the contractor's RCRA responsibilities are for day-to-day operations, including but not limited to, the following responsibilities: waste analyses and handling, monitoring, record keeping, reporting, and contingency planning. For purposes of the certification required by 40 C.F.R. Section 270.11(d), the Department's and _____'s representatives certify, to the best of their knowledge and belief, the truth, accuracy and completeness of the application for their respective areas of responsibility.

This policy applies to any new or revised RCRA permit application and, to the extent the appropriate regulatory authority requests application of this policy to existing permit applications, the policy also applies. Naval Reactors facilities and activities are not subject to this policy. Further guidance on the implementation of this policy, including variance requests, will be issued by the Office of Environment, Safety and Health. In the interim, questions may be addressed to Mr. Ray Berube, Deputy Assistant Secretary for Environment.

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