

Checklist for Class 2 Hazardous Waste Permit Modification Processing

Facility Name: _____

EPA ID #: _____

Permit Writer: _____

Yes	No	Date	Activity	Responsible Party
			Submit proposed modified Permit section(s) in redline–strikeout and final format to Permit Writer for review and approval prior to publication of the Public Notice. Identify that the modification is a Class 2 modification; explain why the modification is needed; and provide the applicable information required by §§270.13 through 270.21, 270.62, and 270.63.	Permittee
			Facility Mailing List obtained from DEQ.	Permittee
			Facility Mailing List notified by permittee of Class 2 Modification and sent a copy of the initial Public Notice on the same date that the Public Notice is published in a major local newspaper of general circulation. This date is the start date of the public comment period.	Permittee
			Public Notice published by permittee in a major local newspaper in general circulation on the same date as the Facility Mailing List is notified. This date is the start date of the public comment period. (See template below.)	Permittee
			The Public Notice must include: (i) Announcement of a 60-day comment period, in accordance with §270.42(b)(5), and the name and address of an Agency contact to whom comments must be sent; (ii) Announcement of the date, time, and place for a Public Meeting held in accordance with §270.42(b)(4); (iii) Name and telephone number of the permittee's contact person; (iv) Name and telephone number of an Agency contact person; (v) Location where copies of the modification request and any supporting documents can be viewed and copied; and (vi) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."	Permittee
			The public comment period begins on the date of publication of the notice. However, when counting days to the end of the	Permittee

Yes	No	Date	Activity	Responsible Party
			public comment period, start with the day after publication. If the last day of the public comment period falls on a Saturday, Sunday or Holiday, set the close of the comment period on the first business day after the Saturday, Sunday or Holiday. (If a holiday occurs, for example due to inclement weather, on the scheduled closing date, comments should be accepted through the next business day.) Also, do not put a time of day. All comment periods close at 11:59 p.m.	
			Post public notice and supporting information to the DEQ Land Division's public notice web page.	DEQ
			Date Public Notice begins	
			Date Public Notice ends	
			After completion of the public comment period, submit a verification stating that no comments were received or if comments were received, provide a copy of all comments and verification that the public notice mailing was performed, the date, and a list of who was notified.	Permittee
			Submit a signed affidavit from the Newspaper that the Public Notice was run and including a copy of the actual published notice, the date and the name of the newspaper. Newspapers will normally supply this.	Permittee
			The 2,310.00 Dollar, Class 2 modification permit fee shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia" and shall be sent to the Department of Environmental Quality, Receipts Control, P. O. Box 1104, Richmond, VA 23240. Include with the check a copy of the letter transmitting the Class 2 permit modification request. When the Department is able to accept electronic payments, payments may be submitted electronically. Payment must be made prior to publishing the Public Notice. The copy of the received check shall be submitted to the Permit Writer. Class 2 modification processing is not authorized unless the DEQ receives the check in the correct amount.	Permittee
			The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.	Permittee

Yes	No	Date	Activity	Responsible Party
			The permittee must hold a Public Meeting no earlier than 15 days after the publication of the notice required in paragraph (b)(2) of this section (270.42) and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.	Permittee
			Normally an end time for the public meeting is not provided in the notice. Setting an end time for a public meeting is only appropriate when the location has advised that the facility closes at a certain time. Also, if an end time is announced in the notice, the public meeting cannot be ended prior to the announced end time. The public meeting should be scheduled at a time convenient to the public (i.e., after work hours; 7:00 pm for example.)	Permittee
			After the Public Meeting, submit a verification that the meeting was held, the date, attendees sign-in sheet, the absence or presence of comments, and actual comments – if any.	Permittee
			After the end of the public comment period, submit verification that no comments were received (or any comments).	Permittee
			Comments addressed. (The Permit Writer is responsible to ensure that all comments are responded to in writing.)	DEQ
			<p>(i) No later than 90 days after receipt of the notification request, the Director must:</p> <p>(A) Approve the modification request, with Regional Office concurrence, with or without changes, and modify the permit accordingly;</p> <p>(B) Deny the request (with Regional Office concurrence);</p> <p>(C) Determine that the modification request must follow the procedures in §270.42(c) for Class 3 modifications for the following reasons:</p> <p>(1) There is significant public concern about the proposed modification; or</p> <p>(2) The complex nature of the change requires the more extensive procedures of Class 3.</p> <p>(D) Approve the request, with Regional Office concurrence, with or without changes, as a temporary authorization having a term of up to 180 days, or</p> <p>(E) Notify the permittee that he or she will decide on the request within the next 30 days.</p>	DEQ

Yes	No	Date	Activity	Responsible Party
			<p>(ii) If the Director notifies the permittee of a 30-day extension for a decision, the Director must, no later than 120 days after receipt of the modification request:</p> <p>(A) Approve the modification request, with Regional Office concurrence, with or without changes, and modify the permit accordingly;</p> <p>(B) Deny the request (with Regional Office concurrence); or</p> <p>(C) Determine that the modification request must follow the procedures in §270.42(c) for Class 3 modifications for the following reasons:</p> <p>(1) There is significant public concern about the proposed modification; or</p> <p>(2) The complex nature of the change requires the more extensive procedures of Class 3.</p> <p>(D) Approve the request, with Regional Office concurrence, with or without changes, as a temporary authorization having a term of up to 180 days.</p>	DEQ
			<p>(iii) If the Director fails to make one of the decisions specified in paragraph (b)(6)(ii) of this section by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265. If the Director approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in paragraphs (b)(6) (i), (ii), or (iii) of this section, such action cancels the temporary or automatic authorization.</p>	DEQ

Yes	No	Date	Activity	Responsible Party
			<p>(iv)(A) In the case of an automatic authorization under paragraph (b)(6)(iii) of this section, or a temporary authorization under paragraph (b)(6) (i)(D) or (ii)(D) of this section (Section 270.42(b)), if the Director has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:</p> <p>(1) The permittee has been authorized temporarily to conduct the activities described in the permit modification request, and</p> <p>(2) Unless the Director acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.</p> <p>Submit a verification stating that this mailing was performed, the date, and inclusive of a list of who was notified.</p> <p>(B) If the owner/operator fails to notify the public by the date specified in paragraph (b)(6)(iv)(A) of this section, the effective date of the permanent authorization will be deferred until 50 days after the owner/operator notifies the public.</p>	Permittee
			<p>(v) Except as provided in paragraph (b)(6)(vii) of this section, if the Director does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under §270.41 or §270.42. The activities authorized under this paragraph must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR part 265.</p>	
			<p>(vi) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Director must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in his or her decision.</p>	DEQ

Yes	No	Date	Activity	Responsible Party
			(vii) With the written consent of the permittee, the Director may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.	DEQ
			The Director may deny or change the terms of a Class 2 permit modification request under paragraphs (b)(6) (i) through (iii) of this section for the following reasons: (i) The modification request is incomplete; (ii) The requested modification does not comply with the appropriate requirements of 40 CFR part 264 or other applicable requirements; or (iii) The conditions of the modification fail to protect human health and the environment.	DEQ
			The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Director establishes a later date for commencing construction and informs the permittee in writing before day 60.	Permittee
			§ 270.42(f) <i>Public notice and appeals of permit modification decisions.</i> (1) The Director shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision under this section to grant or deny a Class 2 or 3 permit modification request. The Director shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under §270.42(b)(6) (iii) or (v).	DEQ

Class 2 HW Permit Modification Schedule Guidance

Below is a schedule that summarizes the public comment period and timing of the public meeting, which are dictated by 40 CFR §270.42.

Submit the Class 2 Permit Modification Request Letter (Mod Request) to VDEQ.	Day 0
Publish a Public Notice in a major local newspaper (within 7 days before or after Mod Request submittal).	Day (-7) to 7
Send a notice of the Mod Request to all persons on the facility mailing list.	Day (-7) to 7
Conduct a Public Meeting (no earlier than 15 days after notice, or 15 days before end of public comment period).	Day 16 to 45
End of Public Comment Period	Day 60

Example – Public Notice Template

Public Notice – Environmental Permit

PURPOSE OF NOTICE: To seek public comment on a hazardous waste permit modification submitted to the Department of Environmental Quality by FACILITY NAME located in CITY/COUNTY, Virginia.

PUBLIC COMMENT PERIOD: MONTH DAY, YEAR to MONTH DAY, YEAR

PUBLIC MEETING: FACILITY NAME will hold a public meeting on this modification request on DATE at TIME at LOCATION. The purpose of the public meeting is to provide information, discuss related issues and receive any public comments.

PERMIT NAME AND NUMBER: Hazardous Waste Management Facility Permit; NUMBER

APPLICANT NAME: NAME OF APPLICANT

FACILITY NAME AND LOCATION: NAME; ADDRESS AND/OR MAP OF LOCATION

The permittee's compliance history during the life of the permit being modified is available from the DEQ contact listed below.

{If applicable: This facility is an {Environmental Enterprise}{Exemplary Environmental Enterprise}{Extraordinary Environmental Enterprise} participant in Virginia's Environmental Excellence Program.}

PROJECT DESCRIPTION: NAME OF APPLICANT applied for a modification to its permit on MONTH, DAY, YEAR. The permit modification will allow the facility to DESCRIBE PROPOSED OPERATIONS.

HOW TO COMMENT: DEQ accepts comments by hand-delivery, e-mail, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may also write to the DEQ contact person at the address below to be added to the facility mailing list. The public may review the modification request and supporting documents at {NAME AND ADDRESS OF REPOSITORY ESTABLISHED BY THE PERMITTEE.} These

documents are also available for review at the DEQ Office of Waste Permitting and Compliance, 629 East Main Street, Richmond, VA 23219.

CONTACTS:

Permittee's Contact: NAME, ADDRESS, Phone: PHONE NUMBER, E-Mail: E-MAIL ADDRESS; Fax: FAX NUMBER.

DEQ Contact: NAME; DEQ Office of Waste Permitting, P.O. Box 1105, Richmond, VA 23218; Phone: PHONE NUMBER; E-mail: E-MAIL ADDRESS; Fax: FAX NUMBER