under 5 U.S.C. 558(c) until the effective date of a new permit (see §124.15) if:
(1) The permittee has submitted a timely application under §270.14 and
the applicable sections in §§270.15 through 270.29 which is a complete
(under §270.10(c)) application for a new permit; and
(2) The Regional Administrator
through no fault of the permittee, does
not issue a new permit with an effec-
tive date under §124.15 on or before the
expiration date of the previous permit
(for example, when issuance is imprac-
tical due to time or resource con-
straints).
(b) Effect. Permits continued under
this section remain fully effective and
enforceable.
(c) Enforcement. When the permittee is
not in compliance with the condi-
tions of the expiring or expired permit,
the Regional Administrator may
choose to do any or all of the following:
(1) Initiate enforcement action based
upon the permit which has been contin-
ued;
(2) Issue a notice of intent to deny
the new permit under §124.6. If the per-
mit is denied, the owner or operator
would then be required to cease the ac-
tivities authorized by the continued
permit or be subject to enforcement ac-
tion for operating without a permit;
(3) Issue a new permit under part 124
with appropriate conditions; or
(4) Take other actions authorized by
these regulations.
(d) State continuation. In a State with
a hazardous waste program authorized
under 40 CFR part 271, if a permittee
has submitted a timely and complete
application under applicable State law
and regulations, the terms and condi-
tions of an EPA-issued RCRA permit
continue in force beyond the expiration
date of the permit, but only until the
effective date of the State’s issuance or
denial of a State RCRA permit.
(e) Standardized permits. (1) The condi-
tions of your expired standardized per-
mit continue until the effective date of
your new permit (see 40 CFR 124.15) if
all of the following are true:
(i) If EPA is the permit-issuing au-
thority.
(ii) If you submit a timely and com-
plete Notice of Intent under 40 CFR
124.202(b) requesting coverage under a
RCRA standardized permit; and
(iii) If the Director, through no fault
on your part, does not issue your per-
mit before your previous permit ex-
pires (for example, where it is imprac-
tical to make the permit effective by
that date because of time or resource
constraints).
(2) In some cases, the Director may
notify you that you are not eligible for
a standardized permit (see 40 CFR
124.206). In those cases, the conditions
of your expired permit will continue if
you submit the information specified
in paragraph (a)(1) of this section (that
is, a complete application for a new
permit) within 60 days after you re-
cieve our notification that you are not
eligible for a standardized permit.

Subpart F—Special Forms of
Permits

§ 270.60 Permits by rule.

Notwithstanding any other provision of
this part or part 124, the following
shall be deemed to have a RCRA permit
if the conditions listed are met:
(a) Ocean disposal barges or vessels.
The owner or operator of a barge or
other vessel which accepts hazardous
waste for ocean disposal, if the owner
or operator:
(1) Has a permit for ocean dumping
issued under 40 CFR part 220 (Ocean
Dumping, authorized by the Marine
Protection, Research, and Sanctuaries
Act, as amended, 33 U.S.C. 1420
et seq.);
(2) Complies with the terms and condi-
tions of that permit; and
(3) Complies with the following haz-
ardous waste regulations:
(i) 40 CFR 264.11, Identification num-
ber;
(ii) 40 CFR 264.71, Use of manifest
system;
(iii) 40 CFR 264.72, Manifest discrep-
ancies;
(iv) 40 CFR 264.73(a) and (b)(1), Oper-
ating record;
(v) 40 CFR 264.75, Biennial report; and
(vi) 40 CFR 264.76, Unmanifested waste report.

(b) Injection wells. The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:
(1) Has a permit for underground injection issued under part 144 or 145; and
(2) Complies with the conditions of that permit and the requirements of §144.14 (requirements for wells managing hazardous waste).

(3) For UIC permits issued after November 8, 1984:
(i) Complies with 40 CFR 264.101; and
(ii) Where the UIC well is the only unit at a facility which requires a RCRA permit, complies with 40 CFR 270.14(d).

(c) Publicly owned treatment works. The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:
(1) Has an NPDES permit;
(2) Complies with the conditions of that permit; and
(3) Complies with the following regulations:
(i) 40 CFR 264.11, Identification number;
(ii) 40 CFR 264.71, Use of manifest system;
(iii) 40 CFR 264.72, Manifest discrepancies;
(iv) 40 CFR 264.73(a) and (b)(1), Operating record;
(v) 40 CFR 264.75, Biennial report;
(vi) 40 CFR 264.76, Unmanifested waste report; and

(4) If the waste meets all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

§ 270.62 Hazardous waste incinerator permits.

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE, of this chapter (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under

§ 270.61 Emergency permits.

(a) Notwithstanding any other provision of this part or part 124, in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit: (1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or (2) to a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:
(1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;
(2) Shall not exceed 90 days in duration;
(3) Shall clearly specify the hazardous wastes to be received, and the manner and location of their treatment, storage, or disposal;
(4) May be terminated by the Director at any time without process if he or she determines that termination is appropriate to protect human health and the environment;
(5) Shall be accompanied by a public notice published under §124.10(b) including:
(i) Name and address of the office granting the emergency authorization;
(ii) Name and location of the permitted HWM facility;
(iii) A brief description of the wastes involved;
(iv) A brief description of the action authorized and reasons for authorizing it; and
(v) Duration of the emergency permit; and
(6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this part and 40 CFR parts 264 and 266.