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**§ 270.2 Definitions.**

The following definitions apply to parts 270, 271 and 124. Terms not defined in this section have the meaning given by RCRA.

*Administrator* means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

*Application* means the EPA standard national forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved modifications or revisions. Application also includes the information required by the Director under §§ 270.14 through 270.29 (contents of part B of the RCRA application).

*Approved program or approved State* means a State which has been approved or authorized by EPA under part 271.

*Aquifer* means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

*Closure* means the act of securing a Hazardous Waste Management facility pursuant to the requirements of 40 CFR part 264.

*Component* means any constituent part of a unit or any group of constituent parts of a unit which are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, kiln thermocouple).

*Corrective Action Management Unit* or *CAMU* means an area within a facility that is designated by the Regional Administrator under part 264 subpart S, for the purpose of implementing corrective action requirements under § 264.101 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

*CWA* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act amendments of 1972) Pub. L. 92–500, as amended by Pub. L. 92–217 and Pub. L. 95–576; 33 U.S.C. 1251 *et seq*.

*Director* means the Regional Administrator or the State Director, as the context requires, or an authorized representative. When there is no approved State program, and there is an EPA administered program, Director means the Regional Administrator. When there is an approved State program, Director normally means the State Director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved State program. In such cases, the term Director means the Regional Administrator and not the State Director.

*Disposal* means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

*Disposal facility* means a facility or part of a facility at which hazardous waste is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

*Draft permit* means a document prepared under § 124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in § 124.5, are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination, as discussed in § 124.5 is not a ''draft permit.'' A proposed permit is not a draft permit.

*Elementary neutralization unit* means a device which:

(a) Is used for neutralizing wastes only because they exhibit the corrosivity characteristic defined in § 261.22 of this chapter, or are listed in subpart D of part 261 of this chapter only for this reason; and

(b) Meets the definition of tank, tank system, container, transport vehicle, or vessel in § 260.10 of this chapter.

*Emergency permit* means a RCRA permit issued in accordance with § 270.61.

*Environmental Protection Agency (EPA)* means the United States Environmental Protection Agency.

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*Existing hazardous waste management (HWM) facility or existing facility* means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

(a) The owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either

(b)(1) A continuous on-site, physical construction program has begun; or

(2) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial loss—for physical construction of the facility to be completed within a reasonable time.

*Facility mailing list* means the mailing list for a facility maintained by EPA in accordance with 40 CFR 124.10(c)(1)(ix).

*Facility or activity* means any HWM facility or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA program.

*Federal, State and local approvals or permits necessary to begin physical construction* means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

*Final authorization* means approval by EPA of a State program which has met the requirements of section 3006(b) of RCRA and the applicable requirements of part 271, subpart A.

*Functionally equivalent component* means a component which performs the same function or measurement and which meets or exceeds the performance specifications of another component.

*Generator* means any person, by site location, whose act, or process produces ''hazardous waste'' identified or listed in 40 CFR part 261.

*Ground water* means water below the land surface in a zone of saturation.

*Hazardous waste* means a hazardous waste as defined in 40 CFR 261.3.

*Hazardous Waste Management facility* (HWM facility) means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combinations of them).

*HWM facility* means Hazardous Waste Management facility.

*Injection well* means a well into which fluids are being injected.

*In operation* means a facility which is treating, storing, or disposing of hazardous waste.

*Interim authorization* means approval by EPA of a State hazardous waste program which has met the requirements of section 3006(g)(2) of RCRA and applicable requirements of part 271, subpart B.

*Major facility* means any facility or activity classified as such by the Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director.

*Manifest* means the shipping document originated and signed by the generator which contains the information required by subpart B of 40 CFR part 262.

*National Pollutant Discharge Elimination System* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA. The term includes an approved program.

*NPDES* means National Pollutant Discharge Elimination System.

*New HWM facility* means a Hazardous Waste Management facility which began operation or for which construction commenced after November 19, 1980.

*Off-site* means any site which is not on-site.

*On-site* means on the same or geographically contiguous property which may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person

but connected by a right-of-way which the person controls and to which the public does not have access, is also considered on-site property.

*Owner or operator* means the owner or operator of any facility or activity subject to regulation under RCRA.

*Permit* means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of this part and parts 271 and 124 of this chapter. Permit includes permit by rule (§ 270.60), emergency permit (§ 270.61) and standardized permit (subpart J of this part). Permit does not include RCRA interim status (subpart G of this part), or any permit which has not been the subject of final agency action, such as a draft permit or a proposed permit.

*Permit-by-rule* means a provision of these regulations stating that a facility or activity is deemed to have a RCRA permit if it meets the requirements of the provision.

*Person* means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

*Physical construction* means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an HWM facility to accept hazardous waste.

*POTW* means publicly owned treatment works.

*Publicly owned treatment works* (POTW) means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

*RCRA* means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94–580, as amended by Pub. L. 95–609 and Pub. L. 96–482, 42 U.S.C. 6901 *et seq.*)

*Regional Administrator* means the Regional Administrator of the appropriate Regional Office of the Environmental Protection Agency or the authorized representative of the Regional Administrator.

*Remedial Action Plan (RAP)* means a special form of RCRA permit that a facility owner or operator may obtain instead of a permit issued under §§ 270.3 through 270.66, to authorize the treatment, storage or disposal of hazardous remediation waste (as defined in § 260.10 of this chapter) at a remediation waste management site.

*Schedule of compliance* means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the Act and regulations.

*SDWA* means the Safe Drinking Water Act (Pub. L. 95–523, as amended by Pub. L. 95–1900; 42 U.S.C. 3001 *et seq.*).

*Site* means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

*Standardized* permit means a RCRA permit issued under part 124, subpart G of this chapter and subpart J of this part authorizing the facility owner or operator to manage hazardous waste. The standardized permit may have two parts: A uniform portion issued in all cases and a supplemental portion issued at the Director's discretion.

*State* means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

*State Director* means the chief administrative officer of any State agency operating an approved program, or the delegated representative of the State Director. If responsibility is divided among two or more State agencies, State Director means the chief administrative officer of the State agency authorized to perform the particular procedure or function to which reference is made.

*State/EPA Agreement* means an agreement between the Regional Administrator and the State which coordinates EPA and State activities, responsibilities and programs.

*Storage* means the holding of hazardous waste for a temporary period, at

the end of which the hazardous waste is treated, disposed, or stored elsewhere.

*Transfer facility* means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

*Transporter* means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

*Treatment* means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

*UIC* means the Underground Injection Control Program under part C of the Safe Drinking Water Act, including an approved program.

*Underground injection* means a well injection.

*Underground source of drinking water (USDW)* means an aquifer or its portion:

(a)(1) Which supplies any public water system; or

(2) Which contains a sufficient quantity of ground water to supply a public water system; and

(i) Currently supplies drinking water for human consumption; or

(ii) Contains fewer than 10,000 mg/l total dissolved solids; and

(b) Which is not an exempted aquifer.

*USDW* means underground source of drinking water.

*Wastewater treatment unit* means a device which:

(a) Is part of a wastewater treatment facility which is subject to regulation under either section 402 or 307(b) of the Clean Water Act; and

(b) Receives and treats or stores an influent wastewater which is a hazardous waste as defined in § 261.3 of this chapter, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in § 261.3 of this chapter, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in § 261.3 of this chapter; and

(c) Meets the definition of tank or tank system in § 260.10 of this chapter.

[48 FR 14228, Apr. 1, 1983, as amended at 48 FR 30113, June 30, 1983; 53 FR 34087, Sept. 2, 1988; 53 FR 37935, Sept. 28, 1988; 58 FR 8685, Feb. 16, 1993; 60 FR 33914, June 29, 1995; 60 FR 63433, Dec. 11, 1995; 63 FR 65941, Nov. 30, 1998; 70 FR 53474, Sept. 8, 2005; 71 FR 40279, July 14, 2006]

### § 270.3 Considerations under Federal law.

The following is a list of Federal laws that may apply to the issuance of permits under these rules. When any of these laws is applicable, its procedures must be followed. When the applicable law requires consideration or adoption of particular permit conditions or requires the denial of a permit, those requirements also must be followed.

(a) *The Wild and Scenic Rivers Act*. 16 U.S.C. 1273 *et seq*. Section 7 of the Act prohibits the Regional Administrator from assisting by license or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.

(b) *The National Historic Preservation Act of 1966*. 16 U.S.C. 470 *et seq*. Section 106 of the Act and implementing regulations (36 CFR part 800) require the Regional Administrator, before issuing a license, to adopt measures when feasible to mitigate potential adverse effects of the licensed activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

(c) *The Endangered Species Act*. 16 U.S.C. 1531 *et seq*. Section 7 of the Act and implementing regulations (50 CFR part 402) require the Regional Administrator to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or