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PROGRAM IMPLEMENTATION GUIDANCE ON ISSUANCE OF
PROVISIONAL EPA I.D. NUMBERS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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FIG 81-8

MEMORANDUM

SUBJECT: Program Implementation Guidance On Issuance of
Provisional EPA Identification Numbers

FROM: Steffen W. Plehn
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TO: PIGS Addresses
and Regional Notification Contacts

Issue:

Should the Agency establish a new procedure to facilitate rapid issuance of EPA identification numbers to generators or transporters during spills or other unanticipated events?

Discussion:

The final RCRA Subtitle C regulations effective November 19, 1980 include requirements for hazardous waste generators and transporters to obtain EPA identification numbers. Generators and transporters who did not obtain an EPA identification number during the notification period may obtain one by applying on EPA Form 8700-12. Concern has been expressed by some EPA Regional Offices and some members of the regulated community that the regulations do not provide for rapid issuance of identification numbers during spills and other unanticipated

incidents where a person may become a hazardous waste generator or transporter. The following scenario illustrates this type of situation.

A spill of gasoline, which met the ignitable characteristic of hazardous waste, occurred at a gasoline filling station. The station did not have an EPA identification number. Once the spilled material was contained in barrels, the station operator judged that keeping the barrels on-site for several weeks while waiting for an identification number could be dangerous. The transporters he contacted would not pick up the waste to take it to a facility unless the station operator produced a manifest bearing the generator's identification number. The operator called his EPA Regional Office to obtain a number but was told that the regulations do not provide for their issuance over the phone, and that application would have to be made on Form 8700-12. Obviously, that solution was unworkable, for it prevented timely and safe handling of the waste. Later that day it was resolved that the Regional Office would issue a special identification number over the phone to the operator, thus enabling him to have the waste transferred to another location without delay. This is one of several examples brought to our attention, indicating a need for rapid identification number issuance.

In response to this need, the Agency will publish a Notice in the Federal Register as soon as possible announcing that EPA Regional Offices may in certain instances and at their discretion issue provisional EPA identification numbers. The Regional Notification Contacts will be listed as contact points. I urge those individuals to plan for implementation of this new procedure.

At this time, we have identified a general set of circumstances where issuance of a provisional identification number would be appropriate. As the hazardous waste program matures, other applications will probably become apparent. Officials may waive the EPA identification number requirements for generators and transporters engaged in immediate hazardous waste removal following a discharge incident. (See 40 CFR 263.30(b) and EPA Headquarters guidance memo to Regional Offices on emergency response, 11/19/80.) For a variety of reasons a waiver may not be authorized, or if a waiver is authorized, the generator or transporter may still identify a practical need for obtaining

an identification number before transporting the waste. In such a case, an oral or written provisional identification number may be issued by a Regional Office.

Decision:

Regional Office personnel should be prepared to issue provisional numbers on a 7-day, 24-hour basis. Preparations should also be made to issue these numbers orally either over the phone or in person, as well as in writing.

Recommended procedures for issuing a provisional identification number are as follows:

- a) Ascertain the need for a provisional number from the applicant.
- b) If a decision is made to issue the number, collect as much of the information required for Form 8700-12 as possible.
- c) Issue the number. We suggest this be done by using a system devised internally in each Region. A recommended format, similar to the standard EPA identification number format, would have the two letter state abbreviation, followed by the letter "P" for "Provisional", followed by a serially increasing nine digit code for each subsequent number issued, e.g., "VAP000000428." (These numbers will not be part of the Dun and Bradstreet system and will not be entered into the national computer data base.)
- d) Explain what conditions, if any, apply to the use or duration of the number. Inform the applicant of requirements for submission of completed Form 8700-12 within 10 days of receipt of a blank form from EPA. A final identification number may then be issued.
- e) Document all proceedings and follow through as appropriate.

We intend that the provisional identification number be a practical alternative in situations where the standard procedure for issuing EPA identification numbers would be unreasonably time-consuming. A regulation change is not

necessary in order to implement this procedure, however, future amendments to the generator and transporter regulations will clarify and discuss other requirements which may apply to persons who receive provisional numbers. The establishment of this procedure is part of a larger effort by the Agency to address the application of the Subtitle C regulations to hazardous waste discharges and other circumstances requiring rapid response. Your comments and suggestions are welcome.