
Nationally Defined Values for Legal/Operating Status Code

Legal Status Code - DL

DELISTED

Use DL to designate units that have been delisted, or units at which all hazardous waste ever handled by the unit has been delisted.

Legal Status Code - EM

EMERGENCY PERMIT

(Non-core.) Use EM for units regulated by the provisions for emergency permits under section 270.61. An EM unit should remain in that legal status throughout the life of the unit, including closure.

Legal Status Code - IS

INTERIM STATUS

Use IS to designate units that gain interim status under the provisions of section 270.70. A unit that complies with those provisions is presumed to gain interim status upon receipt of the Part A.

If an IS unit later is found not to have qualified for interim status, it would be designated NN if it operated without authority, or NR if it did not operate.

If interim status is later terminated under section 270.73(a) or (b), the unit would be designated IT.

If the unit loses interim status under the provisions of section 270.73(c), it would be designated LI.

If a permit is issued to an IS unit, it would be designated PI or PC.

Although IS processes/units will initially be unverified, subsequent verification should be tracked by entry of a Part A Determination event record (XX002) or the appropriate modification event record. Do not remove the IS legal status, however, until a formal decision is made that the unit did not qualify, and there has been formal notification of the company.

Legal Status Code - IT

INTERIM STATUS TERMINATED

Use IT to designate units that have had interim status terminated under section 270.73(a) or (b). For example:

- An interim status unit for which a permit was denied for any reason including failure to submit a Part B in a timely manner or failure to submit a complete permit application.

Legal Status Code - LI

LOSS OF INTERIM STATUS

Use LI to designate units that have lost interim status for failure to comply with the requirements of section 270.73(c) through (g).

Do not use LI when a permit is denied. When a final permit determination is made to deny a RCRA permit to a unit with interim status, the unit should be designated IT.

Legal Status Code - LP

LOSS OF PRE-MOD AUTHORIZATION

Use LP for loss of pre-mod authorization in cases where a unit with pre-mod authorization (PM) failed to comply with the appropriate requirements of section 270.42(g) for newly regulated units. For example:

- Failure to submit a permit modification application within regulatory time frames.
- Failure to establish a groundwater monitoring system for a land disposal unit.

Legal Status Code - NN

NON-NOTIFIER/ILLEGAL

Use NN to designate units that have operated illegally. For example:

Nationally Defined Values for Legal/Operating Status Code

- Units discovered to be operating without interim status, pre-mod authorization, or a permit.
 - Units that applied for interim status or pre-mod authorization and failed to qualify, but operated.
- NN should be used in these cases whether the unit is shut down or allowed to continue to operate under an order or interim status compliance letter.

A unit with a legal status of NN should be assigned an operating status of OP if:

- The unit is allowed to continue to operate, or
- The unit temporarily ceases to operate while seeking an operating permit but there is no intent to close the unit.

A unit with a legal status of NN should be assigned an operating status of IN if the unit will close.

Legal Status Code - NR

NEVER REGULATED AS A TSD

Use NR to designate the following:

- Protective filers, or processes which were filed in error.
- Proposed new units that are withdrawn prior to permit issuance.
- Where a Part A was submitted to obtain interim status or pre-mod authorization, the unit was found to be ineligible, but the unit never operated as a TSD (e.g., less-than-90-day-storage units, exempt recycling units, units which never managed hazardous waste, and units that never existed).

Legal Status Code - PC

POST-CLOSURE PERMITTED

Use PC to designate a unit for which a post-closure permit has been issued.

When a permit is issued during closure of the unit, the PC legal status should be used for units closing with waste in place, and PI used for units that will clean close.

In the event that a PI unit attempts but is unable to achieve clean closure, a new unit record should be created with a legal status of PC when such determination is made.

Legal Status Code - PI

PERMITTED

Use PI when an operating permit has been issued to a unit. The legal status of the unit should remain PI until:

- The permit expires and is not renewed or the permit is terminated (create a new record and use PT).
- The permit is modified to address only post-closure care or a post-closure permit is issued to a unit that is closing or has closed with waste in place (create a new record and use PC).

PI should not be used when a permit is denied. The legal status of a unit prior to permit denial will determine its legal status following. For example:

- An IS unit will become IT since permit denial terminates interim status.
- An NN unit will remain an NN.
- A PR unit will be designated NR since it never operated and was never subject to RCRA requirements.
- An LI, LP, or IT unit retains that status following permit denial.

Nationally Defined Values for Legal/Operating Status Code

PI should not be used when a permit is issued during or following closure of a unit that is closing with waste in place (use PC).

In addition, PI should not include units for which the only permit activities are RD&D permits (RD), permits-by-rule (RU), emergency permits (EM), or other state permits (SR).

Legal Status Code - PM

PRE-MOD AUTHORIZATION

Use PM to designate newly-regulated units at permitted facilities that are authorized to operate under section 270.42(g) while a permit modification application is pending. For example:

- A previously unregulated unit at a permitted facility that becomes regulated as a hazardous waste unit due to a new waste listing.

If a PM unit later is found not to have qualified for pre-mod authorization, it should be designated NN if it operated without authority, or NR if it did not operate.

Legal Status Code - PR

PROPOSED

Use PR to designate a "new" unit for which the owner/operator is pursuing an operating permit where:

- The unit is not constructed, or
- The unit has never been eligible for interim status or pre-mod authorization, and has never operated illegally.

Use PR to designate units intended to replace similar units that were previously operated and clean closed, but require an operating permit before legal operation can be resumed.

Use PR to designate new units that are being added to a facility as a change in interim status under the provisions of section 270.72(a).

Legal Status Code - PT

PERMIT TERMINATED/PERMIT EXPIRED, NOT CONTINUED

Use PT to designate units for which an operating (PI) or post-closure (PC) permit has been terminated under the authority of section 270.43, and units with permits that expire and are not continued in accordance with section 270.51.

Permitted units for which the permit is renewed should retain the PI or PC legal status.

Legal Status Code - RD

RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMIT

Use RD for units regulated by the provisions for RD&D permits under section 270.65. An RD unit should remain in that legal status throughout the life of the unit (i.e., from application through closure).

Legal Status Code - RP

REMEDIAL ACTION PLAN

Use RP for units that have remedial action plan permits.

Legal Status Code - RQ

REQUESTED BUT NOT APPROVED

Use RQ as a transitional status code for tracking the following requests:

- Increases in capacity of existing interim status units (section 270.72[a][2]) or changes in the process (section 270.72[a][3]).
- Additional capacity at permitted units.
- Requests for temporary authorization.

Nationally Defined Values for Legal/Operating Status Code

RQ should not be used to designate a previously unregulated unit that becomes a newly regulated hazardous waste unit due to a new waste listing (use IS or PM).

RQ should not be used to designate new units added as a change in interim status under section 270.72(a) (use PR).

For increases in design capacity or changes in an existing process, the revised process information should be entered into the appropriate fields (or into the comment field, if existing process information is not affected). If or when the requested change is approved and the modification takes effect, a subsequent process segment record should be created with the new information and the applicable legal status code (which is likely to be the same as the status before the change was requested).

Legal Status Code - RU

PERMIT-BY-RULE

Use RU for units at which the only activities subject to RCRA permit requirements are processes regulated under section 270.60. An RU unit should remain in that legal status throughout the life of the unit, including closure. Examples:

- Ocean dumping (process code D82).
- UIC wells (D79).
- Publicly-owned treatment works that receive RCRA-regulated hazardous waste.

Legal Status Code - SR

STATE REGULATED

(Non-core.) Use SR to designate units that are regulated only under broader or more stringent State standards, and are not subject to RCRA permit requirements.

Legal Status Code - TA

TEMPORARY AUTHORIZATION

Use TA to designate a new unit that has received temporary authorization under the authority of section 270.42(3) for installation and operation at a permitted facility.

Do not use TA to designate a permitted unit (PI) that has received a temporary authorization to modify its operations (that unit remains PI).

Upon expiration of the temporary authorization, or if a permit is denied to a TA unit, use PT.

If a permit is denied to a TA unit, use PT.

Legal Status Code - TR

TRANSFER OF OWNERSHIP

Use TR to designate the transfer of ownership of a unit. This designation should be used for the facility that the unit is being transferred from and for the facility that the unit is being transferred to.

Operating Status Code - AB **ABANDONED**

Use AB for units at which the owner or operator is unwilling/unable to accept legal responsibility to close the unit.

Use AB regardless of whether the unit is being addressed under a non-RCRA authority except:

Do not use AB if an abandoned unit has been referred to CERCLA for cleanup (use SF).

Operating Status Code - BC **BEFORE CONSTRUCTION**

Nationally Defined Values for Legal/Operating Status Code

Use BC for proposed "new" units for which Parts A and B of the permit application have been received.

In most cases BC represents the "grassy field" scenario where no ground has been broken. Units should maintain this status until an operating permit has been issued and construction has physically begun (at which time operating status code UC should be used), or until the permit is denied (at which time the unit would be designated NR/BC).

Operating Status Code - CA REFERRED TO CORRECTIVE ACTION FOR CLOSURE/POST-CLOSURE

Use CA to designate regulated units for which closure/post-closure requirements have been replaced by site-specific requirements developed for corrective action under the authority of section 264.110(c) or 265.110(d).

One of the components of the rule promulgated October 22, 1998 entitled Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process allows EPA to replace the closure and groundwater requirements at certain hazardous waste units with similar, site-specific requirements developed through the corrective action process. This flexibility is available under the following conditions:

- When a hazardous waste unit is situated among SWMUs (or areas of concern), a release has occurred, and both the unit and the SWMU(s) are likely contributors to the release.
- When EPA determines that applying the hazardous waste closure and groundwater monitoring requirements for post-closure care is not necessary because the cleanup remedy developed through the corrective action process is deemed protective.
- When the remedy selected will satisfy the RCRA closure performance standard.

Operating Status Code - CC CLEAN CLOSED

Use CC to designate a unit that has completed clean closure.

Closure is completed when all closure activities have occurred, and closure has been verified. This usually includes closure certification (sections 264.115 and 265.115), inspection of the unit to verify that the closure was conducted in accordance with the approved closure plan, and release of the owner or operator from financial assurance (sections 264.143[i] and 265.143[h]).

IN rather than CC should be used from the period starting with receipt of the final volume of hazardous waste and ending with closure completion.

If a CC unit later fails an equivalency demonstration under section 270.1(c)(5), a new record should be created with an operating status of IN if the owner or operator will conduct further closure activities or CP if the unit will enter post-closure care.

Operating Status Code - CL CLOSED BY CHANGING PROCESS TO LESS THAN 90-DAY STORAGE

Use CL to designate a unit that has closed by changing the process to less than 90-day storage. Documentation within the file should support this type of closure. This documentation should include a compliance/enforcement evaluation of the unit which would support that no further closure is necessary and that the unit is no longer subject to the TSDF regulations.

Operating Status Code - CN CONSTRUCTED, NOT YET MANAGING HAZARDOUS WASTE

Use CN for existing units that are entering the "RCRA process pipeline," but are not yet managing hazardous waste. For example:

- Newly-permitted units that have completed construction, but have not yet begun operation with hazardous waste.
- Units that have managed only non-RCRA waste, but are pursuing RCRA permits to manage hazardous waste.

Nationally Defined Values for Legal/Operating Status Code

- Units that are clean closed, and then upgraded to resume management of RCRA-regulated hazardous waste.

CN should not be used to designate units that are handling newly listed wastes (use OP).

Operating Status Code - CO COMPLETED POST-CLOSURE CARE

Use CO to indicate that the post-closure care period at the unit has been completed.

Operating Status Code - CP CLOSED WITH WASTE IN PLACE

Use CP to designate a unit that has completed closure with waste-in-place.

Closure is completed when all closure activities have occurred, and closure has been verified. This usually includes closure certification (sections 264.115 and 265.115), inspection of the unit to verify that the closure was conducted in accordance with the approved closure plan, and release of the owner or operator from financial assurance (sections 264.143[i] and 265.143[h]).

Operating Status Code - CR CONDUCTING ACTIVITIES NOT REQUIRING A PERMIT

Use CR to designate former TSD units that conduct only activities not subject to permitting. CR should be limited, however, to units that had no legal requirement to close.

For example, use CR to designate units that have been delisted, or units that handled only waste that has been delisted.

CR should not be used to designate units that converted to less than 90-day storage or non-hazardous waste activities but clean closed -- use CC for those units.

CR also should not be used to designate protective filers (use PF).

Operating Status Code - CV CONVERTED BUT NOT RCRA CLOSED

Use CV to designate units that converted to hazardous waste activities that do not require a permit (e.g., less than 90-day storage, totally enclosed treatment) but were required to clean close and did not.

CV should not be used to designate units that clean closed and then converted to non-permit activities -- use CC for those units.

CV should not be used to designate units that converted to non-permit activities but were not required to clean close (e.g., delisted units) -- use CR for those units.

Operating Status Code - DC DELAY OF CLOSURE

Use DC to designate landfill, land treatment, or surface impoundment units that have received the final volume of hazardous waste but, rather than begin closure, will continue to operate to receive non-hazardous waste under the authority of the "delay of closure" provisions of sections 264.113(d) and (e) or 265.113(d) and (e).

Operating Status Code - IN INACTIVE/CLOSING, BUT NOT YET RCRA CLOSED

Use IN to identify units that are subject to RCRA closure requirements, and have received the final volume of hazardous waste, but have not completed closure activities as required to be designated CC or CP.

Units with a legal status of NN should be assigned an operating status of IN if the unit will close.

Nationally Defined Values for Legal/Operating Status Code

IN should not be used to designate units that have received the final volume of hazardous waste but have not begun closure and are continuing to operate to receive non-hazardous waste under the delay of closure provisions of section 264.113(d) and (e) and 264.113(d) and (e) -- use DC for those units.

Operating Status Code - NE NEWLY TRANSFERRED OWNERSHIP TO THIS SITE

Use NE to designate that the ownership of this unit is newly transferred to this site.

Operating Status Code - NO NO LONGER REGULATED AT THIS SITE

Use NO to designate that this unit is no longer regulated at this site.

Operating Status Code - OP OPERATING, ACTIVELY MANAGING RCRA-REGULATED WASTE

Use OP to designate active units that are conducting hazardous waste management activities subject to permitting. OP should be used regardless of the current legal status of the unit. For example, OP should be used to designate units that are:

- Operating under interim status or pre-mod authorization.
- Operating under permits.
- Allowed to continue operation under enforcement orders, or interim status compliance letters.
- Under temporary suspension of hazardous waste activities pending decision to allow operation (e.g., awaiting permit issuance) where the intent is to operate, rather than close, the unit.

A unit with a legal status of NN should be assigned an operating status of OP if:

- The unit is allowed to continue to operate, or
- The unit temporarily ceases to operate while seeking an operating permit but there is no intent to close the unit.

Operating Status Code - PF PROTECTIVE FILER

Use PF to designate units that were submitted on a Part A, but:

- are not RCRA-regulated, or
- do not exist physically.

Operating Status Code - SF REFERRED TO CERCLA

Use SF to designate units (AB or other) that have been referred to CERCLA for cleanup.

Operating Status Code - UC UNDER CONSTRUCTION

Use UC to designate a new unit that has received an operating permit and begun construction, but has not yet started managing hazardous waste, or a unit that is "under construction" as defined in the section 260.10 definition of "existing hazardous waste management facility."

*** End of Report ***