

PPC 9486.1986(03)

LAND TREATMENT UNITS, DEPTH TO
WATER TABLE REQUIREMENT

July 15, 1986

MEMORANDUM

SUBJECT: Regulatory Interpretation of Depth to Water Table
Requirement for Land Treatment Units/Second Inquiry

FROM: Marcia E. Williams, Director
Office of Solid Waste, WH-562

TO: David A. Stringham, Chief
Solid Waste Branch, 5HS-13
Region V

Thank you for your July 1, 1986, memorandum regarding clarification of the regulations that specify that the treatment zone in a land treatment unit be more than 1 meter above the seasonally high water table (40 CFR 264.271(c)(2)). I have attached a copy of my response to your January 29, 1986, memorandum requesting clarification of the same subject. Perhaps this earlier response did not reach you.

Because this issue continues to be in litigation, and because the current regulations do not provide for a waiver of this requirement, my initial response to your inquiry remains valid. EPA has stated in litigation documents that there is no waiver opportunity. We will inform the Regions of any changes that result from EPA's settlement negotiations in the litigation case.

The rationale for the 1-meter separation standard is outlined in the preamble to the July 26, 1982, rules (see page 32326, Vol. 47, No. 143 of the Federal Register). Further discussion is available in the attached report.

If you have any further questions concerning this matter, please contact Jon Perry at 8-382-4654.

Attachments

cc: John Lehman
Bruce Weddle
Mark Greenwood