

9528.1987(04)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MARCH 87

### 6. Construction During Interim Status

A facility owner/operator obtained interim status for several different units. Some of the units were later closed. The owner/operator now wants to build another unit. 40 CFR 270.72(e), prohibits any construction during interim status that would cost more than 50% of the cost of building the existing facility. Do these provisions apply to the facility as it originally was when it was granted interim status and all units were open, or does it apply to the facility as it is now, with only a portion of the original units open?

The provisions governing construction activities at a facility operating under interim status (40 CFR 270.72(e)) apply to the facility as it was when its Part A was first submitted and interim status was granted. Also any construction costs are additive. For example, if there is some reconstruction at the facility which costs the equivalent of building 25% of the existing facility, any additional construction could cost no more than 25% of rebuilding a new facility. Construction costs are based on current estimates in current dollars.

Source: Matthew Hale 382-4740

Research: Deborah McKie