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INTERIM STATUS SURFACE IMPOUNDMENTS & CLEAN CLOSED WASTE PILES,
CODIFICATION RULE 12/01/87

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

NOV 30 1988

Mr. Ronald B.L. Jones
Environmental Consulting
15 Hollow Road
Watertown, Connecticut 06795

Dear Mr. Jones:

In your letter of October 24, 1988, you requested information on the December 1, 1987, Codification Rule (FR 45798 and 45799), as it applies to interim surface impoundments and waste piles that had "clean closed." The following information should answer each of your specific questions.

The time period during which a RCRA Part B post-closure permit must be obtained for a unit that received hazardous waste after July 26, 1982 and has closed under Part 265 rules:

The EPA Regional Office or the State Agency responsible for the Subtitle C program, if authorized for this aspect of the program, will request you to submit a RCRA Part B permit application for these units. This is done on a priority basis, with the units at facilities that pose the greatest environmental risk being reviewed first. An application for a post-closure permit must be submitted to the agency within 6 months of the request.

The time period during which an owner or operator of a waste pile that "clean closed" under Part 265 may petition the Regional EPA Administrator for an equivalency waiver to the Part 264 clean closure requirements:

The procedures for such a petition are described in 40 CFR 270.1(c)(6), a copy of which is enclosed. The owner or operator who wishes to submit an equivalency demonstration

is urged to do so before the Part B permit application is requested, since submitting this demonstration will not exempt the owner/operator from having to submit the requested RCRA Part B post-closure permit application.

Since processing an equivalency demonstration and reviewing the data submitted to support the demonstration may be time consuming, it may not be possible for the responsible agency to make a final determination on the petition during the six month period prior to the date that the permit application is due. The owner or operator should not therefore await such a determination prior to initiating the required permit application when requested.

Does EPA have any guidance on equivalency demonstrations:

At the present time, my staff is preparing a policy directive that will explain in more detail what we will expect from an owner or operator who submits a petition to demonstrate equivalency with Part 264 clean closure requirements. I expect to have a completed policy directive by early January 1989. When it is available, you can receive a copy by contacting the Regional EPA Waste Management Division office.

How can I obtain a copy of the "Surface Impoundment Clean Closure Guidance Document":

The draft document is under internal review at this time. Therefore, it is not available for public distribution. We will announce the availability of this guidance when it is completed in the Federal Register.

I hope the above information has adequately answered your questions. If there is any further information that you may need, please call Les Otte of my staff at (202) 382-4654.

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director
Office of Solid Waste