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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MAY 87

A tank owner closed a tank which contained waste solvent in 1977. The waste solvent was an unlisted, ignitable waste (D001) which was pumped out of the tank. Some ignitable residues remained in the tank. The tank was sealed and has not been used since 1977. Is the tank a RCRA disposal facility?

The preamble of the May 19, 1980 Federal Register (40 CFR 264 and 265, page 33170) specifically states that the regulatory scheme of Subtitle C is prospective, i.e., it applies to hazardous waste management which takes place after the effective date of the Subtitle C regulations. Inactive (either closed or abandoned) disposal facilities could be subject to RCRA §7003 enforcement authorities and CERCLA. If the tank was closed in accordance with existing industry practices, it would be an inactive disposal facility not subject to RCRA Subtitle C regulation unless the waste in the tank is subsequently managed in a manner that would constitute treatment storage or disposal.

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