

9484.1987(01)

REPLACEMENT UNIT, DEFINED - WASTE CONSOLIDATION FROM  
SEVERAL IMPOUNDMENTS

March 11, 1987

MEMORANDUM

SUBJECT: Clarification of What Constitute a Replacement Unit-  
Final Response

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

TO: Karl E. Bremer, Acting Chief  
Solid Waste Branch  
Region V

I am responding to Dave Stringham's October 23, 1986, memorandum requesting clarification of what constitutes a replacement unit. You inquired as to whether or not the consolidation of waste from several impoundments into one impoundment at closure makes the receiving impoundment a "replacement unit" and thereby requires the implementation of the minimum technological requirements of HSWA. As noted in my November 14, 1986, interim response, Chris Rhyne of the Land Disposal Permit Assistance Team has been working with our legal counsel and your staff to resolve the issues raised in your memorandum concerning the Ross Incineration Services Facility.

A "replacement" surface impoundment or landfill unit is a unit that is taken out of service and emptied by removing all or substantially all waste from it. The unit must be brought into compliance with the minimum technological requirements before it can be reused (see 50 FR 28706, July 15, 1985). These criteria must be applied to your factual situation.

Discussions with Ken Chin of your staff as well as with Tom Roberts of PEI (Consultant to Ross Incineration Services) indicated that the impoundment in question (designated number 7 by Ross Incineration) is bisected by a normally-submerged earthen mound. This mound will become a dike when the northern section

is totally dewatered. The facility intends to leave a substantial amount of liquid in the southern section. Normal waste receipt to the northern section will be halted while waste will continue to be received at the southern section. The northern section will be reused to dispose of wastes from several other closing on-site impoundments and a waste pile.

Ross proposes to convert the northern end of the surface impoundment to a landfill. If this change is allowed, then there will be two units. The northern "unit" qualifies as a replacement unit because it satisfies the replacement criteria set forth above. The southern unit is an existing surface impoundment that will become subject to the minimum technological requirements under the retrofitting requirements of HSWA, if it continues operation after November 7, 1988. The southern unit would also be subject to the minimum technological requirements if it were to meet the replacement unit criteria (i.e., taken out of service, substantially emptied, and reused) prior to November 7, 1988.

You expressed concern with our position that an interim status surface impoundment can become a landfill as an allowable change during interim status (§270.72). It is clear from the language of §270.72(c) that such a change in process is allowable if the criteria specified in §270.72(c) and (e) are met. However, even if the northern unit of the surface impoundment changed process to become a landfill, the landfill would be a "replacement" unit and thus subject to the HSWA minimum technological requirements.

cc: Susan Bromm  
Lloyd Guerci  
Bill Hanson  
Ken Shuster  
Suzanne Rudzinski  
David Bussard  
Mark Greenwood  
Ken Jennings  
Matt Hale  
Bob Tonetti  
Terry Grogan  
Les Otte  
Susan Schmedes

Carrie Wehling  
Chris Rhyne  
Frank McAlister  
Charles DeSaillon  
Bob Brooks, DOJ