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## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

AUGUST 86

### 4. Releases from 90-Day Accumulation Tanks

Are release of hazardous waste from 90-day accumulation tanks (40 CFR 262.34) regulated under RCRA?

Such releases are not generally covered by the RCRA regulations. The generator is not subject to corrective action under Section 3004(u) of RCRA unless the generator is engaged in other activities which would require that he obtain a permit. Section 3004(u) only applies to permitted facilities. Section 3008(h) administrative orders only apply to facilities with interim status. Therefore, the existing RCRA corrective action authorities do not apply to releases from 90-day accumulation tanks unless other units at the facility require interim status or a permit.

A leaking 90-day tank which is not cleaned up could be considered open dumping under RCRA and could be covered by Section 7003, the

EPA published an Advance Notice of Proposed Rulemaking (ANPRM) in the July 14, 1986 Federal Register (51 FR 25487) requesting comments on the possibility of requiring permits for 90-day storage tanks.

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