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## RCRA/SUPERFUND HOTLINE SUMMARY

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### 2. Secondary Containment Systems for Hazardous Waste Tanks

An owner/operator of a hazardous waste tank facility wants to install several above ground petroleum tanks within the secondary containment system maintained for the hazardous waste tanks. Is this permissible under the hazardous waste tank regulations in Title 40 CFR 264/265 Subpart J? If so, what additional requirements apply? Specifically, must an external liner or vault secondary containment system be capable of containing 100% of the capacity of the largest tank within its boundary per Section 264/264.193(e) if that tank contains petroleum?

There are no provisions in Subpart J that exhibit the installation of petroleum tanks within the same secondary containment area with hazardous waste tanks. Under Section 264/265.193(b), secondary containment systems must be "designed, installed and operated to prevent any migration of wastes or accumulated liquid out of the system..." The term "accumulated liquid" was intended primarily to encompass accumulated water from precipitation. However, this term would be expanded to include leaks or spills of petroleum that may accumulate from petroleum tanks within the secondary containment structure. No matter how extensive the secondary containment area containing petroleum tanks, if hazardous waste tanks occur within the same structure, the entire secondary containment systems is subject to all applicable requirements under Parts 264/264 Subpart J.

An external liner or vault system constructed to satisfy the requirements of Sections 264/265.193(e) must be "designed and operated to contain 100% of the capacity of the largest tank within its boundary. This requirement refers to the largest hazardous waste tank within the boundary of the secondary containment system. Certain above ground petroleum tanks would be required to have a Spill Prevention Control and Countermeasure Plan under 40 CFR Part 112 of the Clean Water Act regulations to address leaks and spills from those units. The Agency would encourage owners/operators of hazardous waste tanks and above ground petroleum tanks to segregate them into separate secondary containment areas for logistical purposes. There are currently no provisions under RCRA that apply to above ground.

Petroleum tanks, regardless of their placement in a secondary containment structure for hazardous waste tanks. This may change in the future with passage of House Bill 1993, the Tank Spill Prevention Act. If enacted, this legislation will expand on Subtitle I of RCRA, the underground storage tank program. The new law will address above ground tanks containing petroleum and hazardous substances.

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