

9528.1986(06)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JULY 86

### A. RCRA

#### 1. Interim Status for Receiving SOG Waste

A facility owner/operator (o/o) would like to obtain interim status to receive wastes from small quantity generators (SOGs) that generate between 100-1000 kg. of hazardous waste per month. These SOGs will be subject to new requirements effective September 22, 1986. Under the new regulations, these SOGs are subject to notification, manifest requirements, recordkeeping and special generator accumulation requirements (see the March 24, 1986 Federal Register, 51 FR 10146). In addition, 100-1000 kg/month generators will no longer be allowed the disposal options of 40 CFR §261.5(q)(3), but must send their wastes destined for disposal to permitted or interim status RCRA facilities.

- (a) If a facility is currently permitted under TSCA to manage PCB waste, but intends to receive hazardous wastes from SOGs, can it be considered an "existing facility" on September 22, 1986 for interim status purpose?

Yes. A facility that is "in existence" on the date of regulatory changes which first subject it to the RCRA permit requirement may qualify for interim status under Section 3005(e). A facility is "in existence" if it is in operation or "under construction" as defined in 40 CFR 260.10. Thus a facility which is managing SOG wastes on or before September 22, 1986 may qualify for interim status because it will be newly subject to the requirement to obtain a RCRA permit on that date (40 CFR 270.70(a), 50 FR 28753). The fact that this facility is also managing PCBs has no bearing on the RCRA interim status of this facility. The PCB wastes must continue to be managed at the facility according to the terms of the TSCA permit.

- (b) If a facility receives interim status to manage SOG waste, may it then begin to accept full-generator hazardous waste also?

A facility which is "in existence" on the effective date of

regulation subjecting it to the RCRA permit requirement must also submit a Part A permit application and file a RCRA Section 3010 notification (if applicable ) in order to obtain interim status. The type and amount of waste for which the facility obtains interim status depends on the Part A application. An interim status facility must submit a revised Part A application and comply with the requirements of 40 CFR 270.72 in order to manage wastes not identified by the Part A or to increase the capacity of the facility. Therefore, if the facility was not accepting full-generator waste before September 22, 1986, it is not automatically covered by its newly-acquired interim status to handle waste from SOGs, but must submit a revised Part A and comply with 40 CFR 270.72.

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