

"Closure Timetable Following Termination of Interim Status"
(Key Words: Closure; interim status; TSDF)

QUESTION: According to 40 CFR Section 270.73(g), interim status terminates on November 8, 1992, for any facility, other than a land disposal or incinerator facility, that achieved interim status prior to November 8, 1984, unless the facility's owner or operator submitted a RCRA Part B permit application by November 8, 1988. A hazardous waste tank storage facility has operated under interim status since 1982, but the facility's owner/operator failed to submit a Part B permit application prior to the 1988 deadline. Assuming the facility does not have an approved closure plan, what deadlines must the owner/operator meet in submitting a closure plan and conducting closure activities in accordance with Part 265, Subpart G, following the loss of interim status in November 1992?

ANSWER: Because the owner/operator failed to submit a Part B permit application prior to November 8, 1988, the tank storage facility loses interim status on November 8, 1992 (Section 270.73(g)). Section 265.112(d)(3) requires the owner/operator to submit a closure plan to the Regional Administrator no later than 15 days after termination of interim status, except when a permit is issued simultaneously. Accordingly, the owner/operator of the tank storage facility was required to submit a closure plan no later than November 23, 1992.

Assuming the facility's closure plan is approved after November 8, 1992, the date of approval of the closure plan triggers the series of deadlines for subsequent activities. Within 90 days following approval of the closure plan, the owner/operator of the tank storage facility must treat, remove from the facility, or dispose of on-site all hazardous wastes in accordance with the approved closure plan (Section 265.113(a)). Similarly, within 180 days following approval of the closure plan the owner/operator must complete closure activities in accordance with the approved closure plan (Section 265.113(b)). The Regional Administrator may approve longer time periods if the owner/operator makes certain demonstrations, specified in

Sections 265.113(a)(1) and 265.113(a)(2) for treatment, removal, or disposal of hazardous wastes and in Sections 265.113(b)(1) and 265.113(b)(2) for completion of closure activities.

After final closure of the tank storage facility is complete, the owner/operator has up to 60 days to submit a certification of closure to the Regional Administrator (Section 265.115). This document, signed by both the owner/operator and an independent registered professional engineer, certifies that the facility has been closed in accordance with the specifications of the approved closure plan. Within 60 days after receiving a satisfactory certification of closure, the Regional Administrator will notify the owner/operator in writing that he/she is no longer subject to financial assurance requirements for final closure (Section 265.143(h)). (June 1993 Monthly Hotline Report)