

PPC 9484.1986(03)

GROUNDWATER MONITORING FOR CLOSURE OF INTERIM-
STATUS NEUTRALIZATION SURFACE IMPOUNDMENTS

APR 9 1986

Mr. William Blackburn
Travenol Laboratories, Inc.
Deerfield, Illinois 60015

Dear Mr. Blackburn:

This is in response to your letter of August 8, 1985, to John Skinner, then Director of the Office of Solid Waste, regarding whether or not ground-water monitoring is a required condition for closure of your firm's interim status equalization/neutralization lagoon at Cleveland, Mississippi.

We are providing you with this response even though the issue of "beneficial reuse" of your deionization waste (raised in your letter of November 8, 1985) is not yet resolved. On that issue, we are awaiting further information from you. We recognize that resolution of the "beneficial reuse" issue may impact the need for implementation of the options discussed in this response.

From the information that you have provided us, it appears that you intend at closure of this hazardous waste surface impoundment merely to stop managing "hazardous waste" (this may include removal of liquids in the impoundment at the time of closure). Apparently, your basis for the appropriateness of this closure action is found in Section 265.228(b) of our interim status regulations, as well as in an equivalent requirement of the Mississippi Department of Natural Resources (MDNR).

Prior to enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), surface impoundments could close under interim status and be exempt from all future Part 265 ground-water monitoring obligations by demonstrating under §265.228(b) that any standing liquids, waste and waste residues, liners, and contaminated soils left in place at closure were not "hazardous wastes." However, Section 3005(i) of HSWA imposes additional requirements on certain interim status land treatment, storage, and disposal units (including surface impoundments) that received hazardous waste after July 26, 1982. Section 3005(i) requires "any" surface

impoundment that receives hazardous waste after July 26, 1982, to meet the Part 264 Subpart F requirements that are applicable to new permitted units. EPA believes that Congress intended all surface impoundments that received hazardous

waste after that date to meet the applicable Part 264 Subpart F requirements, regardless of whether interim status closure requirements are satisfied. Since the equalization/neutralization impoundment at Cleveland, Mississippi, has received hazardous waste since July 26, 1982, the requirements of Section 3005(i) apply.

Section 3005(j) does not prohibit you from closing your unit under the existing interim status closure standards; rather, it means that you may be required, depending on the extent of contamination that remains after Part 265 closure, to undertake additional activities at a later date to come into compliance with applicable Part 265 ground-water monitoring and corrective action standards. The final test of whether additional activities will be required is whether the closed unit would have had additional Part 264 ground-water monitoring and corrective action obligations had it closed pursuant to a permit (recall that §3005(i) imposes the same Subpart F requirements on interim status units that they would have had if they had been permitted).

Since under Part 264 the type of closure determines whether a permitted unit has outstanding Subpart F requirements, the relevant question for determining which interim status closures may have additional obligations vis-a-vis §3005(i) is whether the unit has met the Part 264 closure by "removal or decontamination" standard (§264.228(a)). (1) Where the applicant can demonstrate that he has already met the Part 264 "removal or decontamination" standard, no outstanding Part 264 Subpart F requirements would be deemed applicable under §3005(i), and, thus, the Agency would not compel additional activities through a post-closure permit.

1 There is a substantial difference in the "removal or decontamination" requirement of Section 264.228(a) from closure under Section 265.228(b). A material that is demonstrated to no longer meet the regulatory definition of "hazardous waste" under Section 265.228(b) may be left in place even if the material is contaminated. Under Section 264.228(a), removal or decontamination in such a situation must proceed further. The presence of contamination would be evaluated by analyzing the presence and levels of Appendix VIII constituents. Interim status surface impoundments that cannot meet the Section 264.228(a) removal or decontamination standard would be required by the Agency to comply with Subpart F of Part 264.

To close under Section 264.228(a), all waste residues (if these contain hazardous constituents listed in Appendix VIII of Part 261), contaminated containment system components (liners, etc.), and structures and equipment contaminated with waste and leachate must be removed or decontaminated. In addition, unsaturated subsoils underlying the impoundment and saturated subsoils (ground water) should be sampled and analyzed for the presence of Appendix VIII constituents that are expected to have

entered the impoundment.

Therefore, although your company has several options for closure of the equalization/neutralization lagoon, all of the options at some time will require monitoring for constituents in ground water. The issue is one of timing. Your company may either (1) close the lagoon under Section 265.228(b) without installing wells but remain subject to future requirements including ground-water monitoring and corrective action as necessary through a post-closure permit; (2) close the lagoon under Section 265.228(c) and install wells once your post-closure permit is called (neutralization impoundments are not exempted from Part 264 ground-water monitoring and, therefore, would have to generate the ground-water monitoring data needed to decide which Part 264 Subpart F program--detection monitoring, compliance monitoring, or corrective action--should be incorporated in your permit; or (3) close the lagoon under Section 265.228(b) and voluntarily install wells and keep records of the levels of ground water and soil contamination found and removed at the impoundment to substantiate your position that you have met the Part 264 closure by removal standard and, therefore, should not be required to obtain a post-closure permit.

I hope that this has answered your questions regarding the need for ground-water monitoring at closure of your interim status equalization/neutralization lagoon at Cleveland, Mississippi.

Sincerely,

Original Document signed

Marcia Williams
Director
Office of Solid Waste

cc: Tom Devine, Director, Air and Hazardous Materials Division,
EPA Region IV
James H. Scarbrough, Chief, Residuals Management Branch,
EPA Region IV
David Lee, Mississippi Department of Natural Resources

bcc: Solid and Hazardous Waste Division Directors,
EPA Regions I-III and V-X
Solid and Hazardous Waste Branch Chiefs