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SEP 25 1985

POST-CLOSURE PERMITTING REQUIREMENTS FOR NON-REGULATED
UNITS

SUBJECT: Applicability of Post-Closure Permitting
Requirements to Non-Regulated Units

FROM: Marcia E. Williams Director
Office of Solid Waste

TO: Charles E. Finley, Director
Hazardous Waste Division, Region X

In your memorandum of May 20 (attached) and in phone conversations with Jeff Webb of your staff, you requested clarification on several points regarding closure for disposal facilities that stopped receiving waste prior to July 26, 1982. Outlined below is a discussion of those points.

We agree with your interpretation that land disposal units that stopped receiving wastes prior to July 26, 1982 and closed after January 26, 1983 are subject to the post-closure permit requirements of §270.1(c), but not ground-water monitoring requirements of Part 264 Subpart F. We do not agree with your conclusion, however, that such a permit could require compliance with Part 265 ground-water monitoring requirements. Part 265 is applicable only to interim status units and cannot be incorporated into a permit.

If the unit described above is the only unit at the facility subject to permitting, issuance of a post-closure permit would have little benefit since ground-water monitoring requirements cannot be applied. The unit/facility in this case should be closed under interim status, and thus subject to the general closure performance standards of Part 265 and post-closure ground-water monitoring (§265.117), as applicable. If the unit has caused ground-water contamination, enforcement action to compel corrective action under §3008(h) should be initiated. Alternatively, if the unit is located at a facility which has another unit(s) requiring a permit, the 3004(u) corrective action authority would apply when the permit is issued since the unit is a "solid waste

management unit."

If you have any further questions regarding this issue, please contact Dave Fagan, Acting Manager, Permits Policy Program at 382-4740.

Attachment

cc: RCRA Branch Chiefs
Permit Section Chiefs