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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 13 1985

LAND DISPOSAL UNIT CLOSURE-CLARIFICATION OF PROPOSED AND
PROMULGATED RULES

Ms. Ellen E. Eagan
URS Engineers
3500 North Causeway Boulevard
Metairie, Louisiana 70002

Subject: Land Disposal Unit Closure
Clarification of Proposed
and Promulgated Rules
URS No. 520-02-96

Dear Ms. Eagan:

Thank you for your letter of October 10, 1985, in which you requested clarification of several issues relating to land disposal units. We are responding to your questions in the order order in which they were detailed in your letter.

If a land disposal unit contains no waste currently listed or characterized as hazardous, and completes all closure activities prior to the effective date of any regulation listing or characterizing a waste contained in the unit as hazardous, the unit would not be regulated under Subtitle C of the Resource Conservation and Recovery Act, as amended (RCRA). If the subject land disposal unit is located at an interim status facility under the Hazardous and Solid Waste Amendments of 1984 (HSWA) may apply. Your letter did not contain sufficient information to make a determination on this point. A land disposal unit not regulated under Subtitle C of RCRA would not be required to comply with the specific regulations referred to in your questions numbers 2 through 6.

In response to your question number 7, Section 3004(o)(1)(A) mandates that a permit issued to a landfill or surface impoundment after November 8, 1984, must require the installation of two or more liners and a leachate collection system and ground-water

monitoring. Section 3005(j) of RCRA prohibits surface impoundments in existence on November 8, 1984, and which qualify for interim status, from receiving storage or treating waste after November 8, 1988, unless the surface impoundment is in compliance with the liner, leachate collection system, and ground-water monitoring requirements of section 3004 (o)(1)(A). If a surface impoundment becomes subject to these requirements after November 8, 1984, due to the promulgation of additional listings or characteristics for the identification of hazardous waste, the surface impoundment must comply with the requirements of Section 3004(o)(1)(A) four years from the date of promulgation of the additional listings or characteristics. A land disposal unit not required to obtain a RCRA permit, including a post-closure permit, and not otherwise subject to the HSWA would not be required to retrofit under Section 3004.

Since you mentioned in your letter that the subject land disposal units are in authorized States, you should contact each appropriate State agency for applicable state rules and statutes. Currently, no States are authorized for the HSWA. Any applicable requirements under HSWA also must be complied with in addition to the authorized States' regulatory program.

Sincerely,

Marcia Williams
Director
Office of Solid Waste

cc: Carol Ansheles
Peter Guerrero
Terry Grogan
Dave Fagan
Lillian Bagus
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