

QUESTION: If a State has Phase II Component A Interim Authorization, can that State write a permit for a surface impoundment under the regulations promulgated on 1/12/81 or must the State wait until it is approved for Component C and use the 7/26/82 regulations?

RESOLUTION: The surface impoundment regulations of 1/12/81 cover only treatment and/or storage units. The regulations require a double liner and leachate detection, collection and removal system. The comment in Section 264.233 (b)(1)(ii) requires that the bottom liner be highly impermeable (thus acting as a secondary containment system). States authorized on the basis of the 1/12/81 standards may issue permits to facilities which meet those standards until the standards are changed on 1/26/83. These design requirements could satisfy the 7/26/82 exemption requirements from the groundwater protection standards (264.222), thereby allowing the State to issue permits under the 1/12/81 regulations which would meet the 7/26/82 requirements.

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