

PPC 9484.1986(04)

NEUTRALIZATION SURFACE IMPOUNDMENTS,  
RETROFITTING VARIANCES

APR 21 1986

MEMORANDUM

SUBJECT: Effect of RCRA Amendments on Neutralization  
Surface Impoundments

FROM: Marcia Williams, Director  
Office of Solid Waste

TO: Merrill S. Hohman, Director  
Waste Management Division  
EPA Region I

This is in response to your February 8, 1985, request for interpretation of Section 213 and 215 of the 1984 RCRA amendments, as it relates to neutralization surface impoundments. I regret the delay in this response.

Regarding the interim status surface impoundment retrofitting variances, you asked several questions on the §3005(j)(4) variance. Section 3005(j)(4) allows interim status surface impoundments to receive a modification from the minimum technology standards if the impoundment is designed, located, and operated in such a way as to assure that there will be no migration of any hazardous constituents to surface waste or ground water at any future time. The exemption request could be made, similar to qualifying for a §265.90(e) ground-water exemption, by a showing that the waste is neutralized and there will be no migration of any hazardous constituents at any future time.

In order to make this showing, one must know what hazardous constituents are in the waste. This can be done by a chemical analysis of the influent wastewater, the contents of the surface impoundment, and/or the ground water. One way to do this would be through a full or modified Appendix VIII analysis. Given the analytical problems with Appendix VIII, I suggest using the Appendix VIII guidance we recently sent you. I should note that if there are any Appendix VIII constituents in the waste that are not very efficiently destroyed by neutralization, this exemption will be quite difficult to get.

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You also mentioned the §3005(j)(2) retrofitting exemption although you asked no particular questions concerning the exemption. You are correct, however, in assuming that this exemption might also be available to neutralization impoundments.

I have attached a copy of the latest draft guidance document that we are preparing on the surface impoundment retrofit variances. It contains a few revisions from the draft sent to you in early January. This document will soon be sent to OMB for review prior to noticing it to the public.

Regarding your questions concerning certification of ground-water monitoring requirements (§3002(e)(2)(B)) for neutralization surface impoundments, your proposed approach is reasonable: certification that the §265.90(e) exemption rightfully applies and a monitoring schedule in the permit application for developing the Part 264 Subpart F ground-water monitoring system. The requirements of Section 270.14(c), especially paragraphs (2), (3), and (5), must be met, however, in order to determine that the permit application is complete.

If you have any questions please feel free to contact Paul Cassidy, at FTS 381-4682.

Attachment

cc: J. Lehman  
K. Shuster