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APPLICATION OF NOVEMBER 1988 DEADLINE TO WASTE PILES AND POST-CLOSURE PERMITS

SUBJECT: Application of November 1988 Deadline to
Waste Piles and Post-Closure Permits

FROM: J. Winston Porter
Assistant Administrator

TO: Harry Geraydarian, Director
Toxics and Waste Management Division

In your memorandum of August 30, you requested our interpretation regarding application of the November 1988 deadline to waste piles and post-closure permits. We agree with your conclusion that all waste piles are subject to §213(c) of HSWA requiring issuance or denial of all land disposal permit applications by November 1988. This interpretation is consistent with §201(k) of HSWA which includes waste piles in the definition of land disposal.

With regard to the priority of post-closure permits, we recognize the difficulty in making final determinations on all land disposal applications by November 1988. We must, however, continue to strive to meet that goal. Therefore, in order to achieve the greatest environmental benefits from available resources, high priority should be placed on the processing of operating land disposal unit applications and Part 265 closures. For those land disposal units where releases are likely or have already been identified, either §3008(h) order or §3004(u) authority through post-closure permits should be used. The selection of the appropriate mechanism for addressing these releases should be set through the facility management planning process. The issuance of post-closure permits for the remaining land disposal units a lower priority.

If you have any further questions, please contact Peter Guerrero, Chief, Permits Branch at 382-2210.

cc: RCRA Branch Chiefs
RCRA Permit Sections Chiefs

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