

Thomas Sherman, Assistant Director
Division of Solid and Hazardous Waste
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Dear Mr. Sherman:

Thank you for your letter of April 13, 1999 requesting clarification regarding the requirements for secondary containment systems associated with hazardous waste tanks. Specifically, you ask whether preamble language in the September 2, 1988 tank rule that addressed requirements for external liner systems constructed of concrete is the Agency's legal interpretation of the regulations or only a policy recommendation.

The federal requirements for hazardous waste tank secondary containment systems are found at 40 CFR 264.193 and 265.193. Among these provisions, external liners used as tank secondary containment must be free of cracks and gaps, and be designed to prevent migration of the waste, as per §§264.193(e)(1)(iii) and (iv) and 265.193(e)(1)(iii) and (iv). Requirements for external liners are discussed in the preamble to the September 2, 1988 tank rule (53 Fed. Reg. 34084). The preamble states that, because of the relative permeability of concrete, . . . most secondary containment concrete structures will require an impermeable coating or lining . . . , and furthermore, that a chemical resistant water stops at all joints . . . are appropriate for concrete secondary containment devices.

The preamble language at 53 Fed. Reg. 34084 also states that a concrete liner systems must also meet the more specific requirements of 40 CFR 264.193(e)(2)(iii) and (iv) and 265.193(e)(2)(iii) and (iv) in order to meet the general performance standards under 40 CFR 264.193(e)(1)(iii) and (iv) and 265.193(e)(1)(iii) and (iv) . . . That language reflects the Agency's general policy for concrete external liner systems. At the present time we cannot envision how a facility could meet the regulatory

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requirements to prevent the migration of the waste without using water stops and impermeable coatings, although the regulation does allow for potential alternative means of meeting the performance standards of §§264.193(e)(1)(iii) and (iv) and 265.193(e)(1)(iii) and (iv).

We appreciate the opportunity to respond to your request and clarify our general policy regarding concrete liner requirements for hazardous waste tanks systems. If you should have any further questions, please contact Jeff Gaines of my staff at (703) 308-8655.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

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