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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 3 1985

REQUIREMENTS FOR CHANGING STATUS OF A TANK FROM TSD TO
GENERATOR ACCUMULATION

Mr. Francis Torres-Fernandez
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Dear Mr. Torres-Fernandez:

I am responding to your letter of November 2, 1985, in which you raised the following two issues:

1. Can a generator of hazardous wastes that operates a TSD facility isolate from its waste stream a particular hazardous waste and accumulate it on-site in a tank for a period not exceeding 90 days and thus benefit from the provisions under 40 CFR 262.34, although in the past it handled that waste in the same TSD unit it operates?
2. Can an operator who owns a tank or a container having interim status use that same tank solely to accumulate hazardous waste under 40 CFR 262.34 without having to comply with the RCRA provisions other than those specified therein?

In both situations, the answer is "yes". In the first situation we assume the tank used to accumulate the "isolated" waste stream was previously used for accumulating hazardous waste for more than 90 days, but it will no longer be used for that purpose. The applicant should check with the Regional Office (or authorized State) to determine the closure requirements for their facility.

Where facilities previously filed a RCRA permit application that included the units that are now to be used for less than 90-day accumulation, the applicant should notify the Regional Office

(or authorized State) about the change in operation so the Agency will not include this activity in the permit. Also, the applicant should make it clear to on-site personnel, via a notice or sign, that these units can not be used for accumulating hazardous waste for than 90 days and they must be operated in compliance with the provisions of 40 CFR 262.34.

Please contact me if you have any further questions.

Sincerely,

Peter Guerrero
Chief, Permits Branch
Permits and State Programs Division

cc: Barry Tornick, Region II, w/incoming