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EXTENSION TO GENERATOR ACCUMULATION TIME LIMITS FOR
UNFORESEEN, TEMPORARY CIRCUMSTANCES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 12 1987

Honorable Lane Evans
House of Representatives
Washington, D.C. 20515

Dear Mr. Evans:

This letter is in response to your recent inquiry regarding the concerns of Illinois State Representative Richard A. Mautino. The issue he raises involves the temporary storage of hazardous waste by manufacturers pending disposal at a permitted treatment or disposal facility.

Under regulations implementing the Resource Conservation and Recovery Act (RCRA), generators of hazardous waste may accumulate waste on-site for 90 days or less without a permit provided that the wastes are handled in a protective manner. (40 CFR 264.34) These regulations further provide that a 30-day extension of this 90-day period may be granted if the wastes remain on-site "due to unforeseen, temporary, and uncontrollable circumstances." (40 CFR 264.34(b))

The provision allowing for a 30-day extension has not been eliminated from the Federal regulations, contrary to Representative Mautino's understanding. This Federal provision, which has also been adopted in the Illinois State program, would provide the flexibility that Mr. Mautino recommended. Mr. Mautino suggests that a hazardous waste generator should be granted an additional 30-day extension in certain cases, e.g., if the generator's special waste hauler went out of business or if a landfill closed, and the generator would need extra time to find other haulers or an alternate landfill. Both Federal and state regulations would allow this extension, if the state found that it was necessary because of "unforeseen, temporary, and uncontrolled circumstances."

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Illinois, as a State authorized to administer their own hazardous waste program in lieu of the Federal program, may grant a 30-day extension when it deems appropriate without obtaining clearance from the U.S. Environmental Protection Agency.

I hope this information will prove useful to you. If I can be of any further assistance, please let me know.

Sincerely,

J. Winston Porter
Assistant Administrator