

9483.1986(10)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 86

### 2. Generator Accumulation and Secondary Containment

A full quantity generator accumulates waste according to 40 CFR 262.34 standards. The accumulation tanks, in operation since 1982, are underground and cannot be entered for inspection. Is the generator subject to secondary containment standards for hazardous waste tanks, which were promulgated on July 14, 1986 and are effective January 12, 1987 (51 FR 25422)? The generator's state has final authorization to implement the RCRA program except for HSWA provisions.

The tank rule was promulgated pursuant to both HSWA and pre-HSWA authorities. Those provisions promulgated pursuant to HSWA are effective on the same date in all states regardless of state authorization (Section 3006 of RCRA, as amended by HSWA). Those HSWA tank provisions are listed in a section of the preamble of the final rule (51 FR 25464).

Generator tank accumulation standards are affected by the final tank rule, since generators accumulating in tanks are subject to many of the Part 265 Subpart J tank standards. Currently, a generator in an authorized state is only subject to applicable tank provisions promulgated pursuant to HSWA and state authorities. Those HSWA provisions listed at 51 FR 25464 include secondary containment for all new underground tanks. In addition, HSWA provisions include permitting standards (including requiring secondary containment) for new and existing underground storage tanks that cannot be entered for inspection. Because the generator's tanks are not new (installed after July 14, 1986) and they are not subject to Part 264 permitting standards, no HSWA provisions will be applicable. The generator will, therefore, be subject to secondary containment requirements only when the state adopts the July 14, 1986 rule as part of its program.

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