PPC 9483.1986(01)

TANK CONVERSION FROM WASTE STORAGE TO FEEDSTOCK STORAGE-REGULATION

August 13, 1986

Mike Mullin, Superintendent
Environmental Affairs
Lyondell Petrochemical Company
P.O. Box 777
Channelview, Texas 77530

Dear Mr. Mullin:

This is in response to your letter of July 7, 1986, in which you asked about the applicability of Resource Conservation and Recovery Act (RCRA) requirements to three hypothetical scenarios. I have addressed each of your scenarios below:

Scenario 1 -- A tank is used to store waste prior to disposal. The manufacturing process is changed and the waste is no longer generated. The tank is cleaned out and closed as a storage tank. Subsequently, the tank is used to store feedstock chemicals used in a commercial manufacturing process.

In this situation, the tank is no longer a waste storage facility, as long as it is closed in accordance with an approved closure plan (§264.112-115 or §265.112-115). As your management plan indicates, it would no longer be available for waste storage, and no subsequent monitoring or reporting would be required.

Scenario 2 -- An earthen basin or tank farm dike structure is used on contain any spills that may occur. A spill does occur and is cleaned up. An analysis of the containment structure surface (dirt) shows the dirt residue to be characteristically hazardous (i.e., low pH). All residue exhibiting hazardous waste characteristics is removed.

In the situation you describe, following removal of the residue, the containment structure is exempt from RCRA permitting requirements under §270.1(c)(3) and from the technical standards of §264 and §265. You should be aware, however, that releases occurring as a result of the spill are potentially subject to the corrective action requirements of §3004(u) -- even though residue exhibiting hazardous waste characteristics has been removed -- if any hazardous constituents remain after cleanup.

Scenario 3 -- Property is purchased and a review with personnel familiar with the site reveals hazardous waste sludge was buried on the site at one time. Records show that the waste was removed from the site and disposed of at commercial disposal facilities

prior to November 1980 RCRA implementation date. Analyses were done on the underlying soils at the time of the site cleanup to ensure that the site was analytically free of all hazardous materials.

Your management system is correct in saying that the site is not subject to RCRA reporting and monitoring requirements, it no other units on the site are subject to RCRA requirements.

These answers solely address the question of whether the units you describe, by themselves, are subject to RCRA hazardous waste regulations. As I discussed in my response to scenario 2, however, these units may be solid waste management units, and therefore they are potentially subject to the corrective action authorities of §3004(u) and §3008(h) of RCRA, if you are operating under interim status or seek a permit for another hazardous waste management unit on the facility.

I hope this letter satisfactorily addresses your concerns.
If you have any questions on the response to your questions, please contact Matt Hale of the OSW Permits Policy Section at 202-382-4740.

Sincerely,

Marcia E. Williams
Director
Office of Solid Waste (WH-562)