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### Protective Covers for Interim Status Surface Impoundments

6. - Section 265.223 requires surface impoundments with earthen dikes to have a protective cover. Does 264, Subpart K have a similar requirement? If not, would an interim status facility need to comply with this interim status requirement prior to permitting?

The January 12, 1981, Federal Register did have a 264.223 requirement for protective cover on a dike. However, the July 26, 1982, Federal Register regulation replaced the 1981 version, and Part 264.223 is now reserved. Regulation 264, Subpart K indirectly addresses protective cover through the 264.221(d) and 264.226(b)(4) performance standards. RCRA guidance specifically recommends protective cover (see Draft Permit Writers Guidance Manual for Hazardous Waste Land Treatment, Storage, and Disposal Facilities, Volume 1, page 6-79, October, 1983). An interim status facility would need to comply with the Part 265 requirement prior to permitting.

Source: Chris Rhyne, OSW