

AUG 17 1983

MEMORANDUM

SUBJECT: Clarification of Inactive/Active Storage and Disposal Facilities under RCRA

FROM: John Skinner
Director
Office of Solid Waste (WH-563)

TO: Thomas W. Davine
Director, Air and Waste Management Division
Region IV

We apologize for the delay in answering your memorandum of December 9, 1982, requesting clarification of EPA policy concerning active and inactive storage facilities under RCRA. The issue was more complex than it appeared and our review included extensive discussion with the Office of General Counsel before we came to a decision on the policy questions raised in your memorandum.

Your interpretation of the distinction between active and inactive storage facilities is correct. Storage is an ongoing process as opposed to disposal, which is intended to be the final step in handling hazardous waste. This interpretation is based on EPA's existing regulatory definitions of "storage" and "disposal." "Storage" occurs when waste is held for a temporary period at the end of which the waste is treated, stored or disposed elsewhere. This "storage" always implies that there will be future management of the waste after the storage period is over. Any facility which is storing hazardous waste that was placed onsite on or before November 19, 1980, is an active storage facility and is subject to the provisions of RCRA, even if no hazardous waste was placed onsite after November 19, 1980. This applies to storage in surface impoundments and waste piles as well as to storage in tanks and containers. If a waste pile or surface impoundment is a storage facility, it should be managed in accordance with the interim statute requirements. If, however, the placement of waste in the surface impoundment or waste pile occurred before November 19, 1980, and such placement constituted final disposal, the interim status requirements would not apply to the facility unless the owner or operator engaged in significant management activities after November 19, 1980.

EPA can rely upon either 7003 or RCRA or Superfund to mitigate any adverse impacts. The owner or operator should also be told to notify the Office of Emergency and Remedial Response under the provisions of 103 (c) of CERCLA.

If you have any further questions about this issue, please contact Chaz Miller at (FTS) 382-4535.

Cc: Hazardous Waste Division Directors, Regions I-III, V-X
Hazardous Waste Branch Chiefs, Regions I-X