

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 20, 1992

Mr. Christopher R. Bryant
Senior Environmental Analyst
Weinberg, Bergeson, & Neuman
1300 Eye Street, N.W., Suite 1000 West
Washington, DC 20005

Dear Mr. Bryant:

Thank you for your October 7, 1992, letter requesting clarification by EPA regarding the height to which hazardous waste may be piled within the walls of a containment building in accordance with Section 264.1101 (c)(1)(ii). You state that it is typical practice at numerous facilities to store lead-bearing materials against "crowd walls", akin to stalls, prior to the smelting process. Also, you state that these materials typically are stored to a height exceeding the height of the "crowd walls" within the confines of the containment building, although never exceeding the walls of the containment building itself. Specifically, you seek EPA confirmation of the acceptability of storing lead-bearing materials to a height exceeding the height of "crowd walls" or stalls.

As noted in the final rulemaking (57 FR 37194, August 18, 1992), it is EPA's intent that a containment building must provide an equivalent level of containment such as a hazardous waste storage tank. EPA specified those design and operating parameters it believed were necessary to fully contain hazardous wastes placed inside a containment building, including, for example, the effect of landsliding wastes on the structural integrity of containment building walls and tracking waste from the building.

The issue raised in your letter focuses on which walls of the containment building actually serve the function of assuring the confinement hazardous waste within the containment building. As you correctly noted in your letter, EPA discussed this issue in the preamble to the final rule, including a specific example of the role of stall walls in a containment building. It is EPA's intention that the requirement in Section 264.1101 (c) (1) (ii), that limits the height to which hazardous waste may be piled, only applies to true containment walls. Thus, this requirement need not apply to storage (or treatment of hazardous waste within "crowd walls" or stalls, as described in your letter, in which the walls are used to serve a purpose other than to assure the containment of the hazardous waste within the containment building.

However, it should be noted that the owner/operator of a containment building in which waste is piled to height exceeding the height of "crowd walls" or stalls must take into consideration measures, as appropriate and necessary, to ensure that this operating

practice does not pose other environmental and safety concerns, such concerns include the potential effect of landsliding or wastes on personnel safety, increased level of fugitive particulates within the unit, and risks involving the mixing of incompatible wastes (e.g., waste spilling into an adjacent stall used to manage different hazardous waste(s)).

If you have any further questions on this matter, please call me or Bill Kline, of my staff, at (703) 308-8480 and (703)341-363-, respectively.

Sincerely,

Alessi D. Otte, Chief
Analysis and Land Disposal Restriction Section
Capacity Programs Branch

FaxBack # 11702