

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MARCH 10, 1988

Richard J. Pastor
Director
Government Relations
Envirosafe Management Services, Inc.
P.O. Box 833
Valley Forge, PA. 19482-9833

Dear Mr. Pastor:

This is in response to your January 22, 1988 letter to Sharon Frey of my staff. You asked three questions; the responses are below.

Your first question asked when the closure plan for an interim status facility had to be revised if the owner/operator intended to build a pilot-scale treatment unit. Specifically, you asked whether the plan had to be revised at the time the unit was designed or upon completion and operation. According to 40 CFR §265.112(c)(2) of EPA's RCRA regulations the interim status closure plan must be amended at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event. In the case of the example you give, EPA interprets this regulation to mean that the closure plan would not have to be amended at the time the unit was designed, but rather 60 days before completion and operation.

Your second question asked whether or not a company that uses mobile treatment units (MTUs) has to revise the closure plan each time the MTU is mobilized or demobilized. The closure plan does not have to be revised each time the MTU is mobilized or demobilized; instead the closure plan must account for the one-time closure of the unit. However, according to 40 CFR §265.112(b), the closure plan must identify steps necessary to close the unit at any point during its active life, and it must describe the maximum extent of the operation which will be unclosed during the active life of the facility and estimate the maximum inventory of hazardous wastes onsite at any time during the active life to the facility.

Your third question asked if the interim status closure plan has to include all units that are listed in the Part A or solely those that have actually been constructed. Your interim status closure plan must account for all units that have been constructed. According to 40 CFR §265.112(b)(1), the closure plan must include a description of how each hazardous waste management unit at the facility will be closed (51 FR 16422); it is not required to address closure of units planned in the future. Of course, before further units or cells are put into service, the plan must be revised in accordance with applicable regulations.

Please be reminded that the above responses are based on the Federal RCRA regulatory requirements at 40 CFR Part 265. States authorized to implement the RCRA program may have adopted more stringent requirements. Should your facilities be located in authorized states the applicable state law applies.

If you have any further questions, please call Sharon Frey at FTS 475-6725.

Sincerely,

Jeffery D. Denit
Acting Director
Office of Solid Waste

cc: Robert Greaves, Region III
Kenneth D. Feigner, Region X

FaxBack # 11986