QUESTION: a. Do tanks used for collecting hazardous waste spills need to be addressed in the closure plan?

b. Does a tank used for spills from a manufacturing process need to be regulated if the waste remains in the tank for less than 90 days?

ANSWER: a. Any tank that will be used on a predictable basis for hazardous waste storage is subject to facility standards and should be addressed in the closure plan. If the tank never receives waste, however, it may not need to be closed.

b. Section 261.4 (c) excludes the waste from regulation until it exits the process. If the material spilled is or becomes a hazardous waste as a result of a predictable spill, only the generator standards under section 262.34 would app1y provided the waste is kept in the tank for less than 90 days. If the waste is kept in the tank beyond 90 days, the facility standards for storage under section 264 or 265 also would apply.

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