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## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 86

### 3. Hazardous Waste Tank Closure and Post-Closure

The owner/operator (o/o) of an interim status underground hazardous waste storage tank plans to close the tank. During the operating life of the tank, hazardous waste leaked and contaminated underlying soils. What regulations apply in this situation?

EPA published a final rule regulating tanks holding hazardous waste in the July 14, 1986 Federal Register (51 FR 25422). EPA revised the standards for hazardous waste tanks, effective January 12, 1987. EPA stated that if an o/o demonstrates that all contaminated soils cannot be practically removed or decontaminated as required in 40 CFR 265.197(a), then the o/o must close the tank system as a landfill (51 FR 25484). The o/o must perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (40 CFR 265.310). The tank o/o must meet all of the requirements for landfills specified in Subparts G and H of Part 265 with regard to closure, post-closure, and financial responsibility.

Under the landfill closure and post-closure requirements (40 CFR 265.310), the o/o must comply with all post-closure requirements contained in 40 CFR 265.117 through 265.120 including maintenance and monitoring throughout the post-closure care period.

Note that the above mentioned requirements for closure of hazardous waste tanks as landfills do not become effective until January 12, 1987. Tank closures occurring prior to January 12, 1987 must comply with prior regulations which may include 40 CFR §265.197 and §265.110 through §265.115. The latter sections were amended on May 2, 1986 (51 FR 16422). Section 265.11(b) requires the o/o to control, minimize or eliminate, to the extent necessary to protect human health and the environment, postclosure escape of hazardous waste, hazardous constituents, leachate contaminated run off or hazardous waste decomposition products to the ground or surface waters or to the atmosphere. Since the May 2, 1986 amendments were not promulgated pursuant to HSWA, they are effective in authorized states only if the states have adopted revisions to their programs to incorporate these requirements.

Also, under Section 3008(h) of the Solid Waste Disposal Act, whenever the EPA Administrator determines that there is or has been a release of hazardous waste into the environment from a facility authorized to operate under Section 3005(e), the Administrator may issue an order requiring corrective action or any other response measure necessary to protect human health or the environment.

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