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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MAY 87

7. Applicability of Contingent Closure and Post-Closure Plans

Section 264.197(c)(1) and (2) requires that, unless a tank has secondary containment, a contingent plan for closure as a landfill and a contingent post-closure plan must be prepared. 40 CFR 264.193(a)(3) requires that an existing tank be retrofit with secondary containment by the time it reaches 15 years of age. If the owner of an existing tank is planning to install secondary containment before the tank reaches 15 years of age, is the owner/operator required to prepare the contingent plans?

Yes, the contingent closure and contingent post-closure plans are required for all tanks not having secondary containment, even if the owner/operator is planning on installing secondary containment. The plans would be required until the secondary containment meeting the requirements of §264.193 or 265.193 is installed.

Source: William Kline (202) 382-7912
Chet Oszman (202) 382-4499

Research: Randy Eicher