

PART 270 SUBPART G - INTERIM STATUS

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Regulations: 40 CFR 270.70

Subject: Trip Report: Region X - Procedures for Evaluating Proposed Expansion at Interim Status Facilities

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Summary:

The procedures for evaluating a proposed expansion in capacity at an interim status facility are under §270.70. An increase in design capacity requires the approval of the Regional Administrator which must be based on a finding that there is a lack of available treatment, storage or disposal capacity at hazardous waste management facilities. There is also prohibition against facility reconstruction under interim status.

An exemption from post-closure care for a land treatment unit is considered a major permit modification.

7. What are the procedures for evaluating a proposed expansion in capacity at an interim status facility?

Section 230.72 (formerly §122.23(c)) contains these procedures. An increase in design capacity requires the approval of the Regional Administrator. This approval must be based on a finding that there is a lack of available treatment, storage, or disposal capacity at hazardous waste management facilities. There is also a prohibition for facility reconstruction under interim status.

8. Can soil liners be used in double-lined disposal surface impoundments?

Tentative Answer: No. A soil liner is not likely to satisfy the performance standard for disposal unit liners. Neither the primary (top) or secondary (lower) liner of a double-lined disposal impoundment can be constructed from soils.

Soil liners could be used at storage impoundments. However, the second (soil) liner might interfere with the performance of the leak detection layer between the two liners, because the soil liner may draw fluid into it faster than the ability of the detection system to intercept it. A synthetic liner could be used as the second liner in order to avoid this problem.

- 9.(a) Can soil-pore liquid monitoring be stopped during the active period of a land treatment unit if no liquid has ever been collected by the monitoring devices?

- (b) If (a) is yes, can soil-core monitoring also be stopped?

Tentative Answer: (a) The current Part 264 regulations for land treatment do not provide any exemptions from soil-pore liquid monitoring during the active life for any reason. Thus, the owner/operator must continue to operate soil-pore liquid monitoring devices and attempt to collect samples even if no liquid has ever been collected previously. The Agency believes that a significant proportion of problems associated with soil-pore liquid monitoring devices (primarily lysimeters) result from improper installation and operation. If the system fails to produce samples, the installation and operation of the system should be carefully examined.

As part of litigation proceedings, we are evaluating the inherent limitations of soil-pore liquid monitoring devices; the outcome of this evaluation may be a variance from soil-pore liquid monitoring in limited situations. In the interim, an owner/operator is required to install