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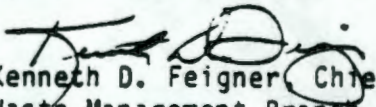
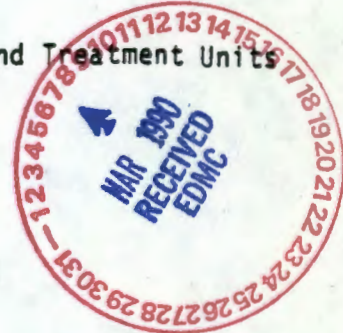
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
SEATTLE, WASHINGTON 98101

MAR 01 1988

REPLY TO
ATTN OF: HW-112MEMORANDUM

SUBJECT: Hammer Dates for Mixed Waste Storage and Treatment Units

FROM: 
Kenneth D. Feigner, Chief
Waste Management BranchTO: Bruce Weddle, Director
Permits and State Programs Division
Office of Solid Waste

The "hammer dates" in Section 3005(c) establish November 8, 1988, as the date for submittal of treatment and storage Part B applications in order to retain interim status after November 1992, for mixed waste and treatment units. Section 3005(c) is silent as to the applicability of this date for newly regulated units (i.e., those that qualify for interim status after November 8, 1984).

Mixed wastes became regulated in Washington State on November 23, 1987. Until that date, the applicability of RCRA to many waste management activities at the Department of Energy Hanford facility was unclear. The state, Region 10, and the Department of Energy and its contractors are developing an Action Plan that, among other things, establishes dates for reviewing all Hanford permit applications and closure plans. Of the 51 units* that will be permitted or closed, 22 are mixed waste treatment or storage units. Obviously, if Hanford is to prepare Part B applications for each of these 22 units, its resources would be diverted from such existing priorities as further development of land disposal applications (including corrective action), work on the Action Plan, and other physical and administrative activities.

In researching the issue of hammer dates for newly regulated units, we noted that other provisions of the Hazardous and Solid Waste Amendments of 1984 do speak to newly regulated units. Specifically §3005(j)(6)(A) provides four years for newly regulated surface impoundments to demonstrate compliance with minimum technology requirements (MTR). This allows newly regulated units the same amount of time to demonstrate compliance with MTR that existing hazardous waste impoundments were given. In somewhat the same vein, §3005(e)(3) provides newly regulated land disposal units the same 12 months that existing units had to meet the "loss of interim status" requirements.

*Some of the 51 are multi-unit groupings such as single or double shell tank farms and low-level waste disposal areas.

We would like clarification of the applicability of §3005(c) hammer dates to newly regulated treatment and storage units. Specifically, must all Part B applications be submitted by November 8, 1988, to protect against loss of interim status in 1992? Or is there justification for allowing newly regulated treatment and storage units the same four years that existing units had to submit permit applications? Or is the November 8, 1992, deadline for issuance of all treatment and storage permits the critical date (i.e. newly created treatment and storage units would not have to submit applications to protect against loss of interim status, but the 1992 deadline for issuance of the permit would be applicable)? What about units that qualify for interim status after November 8, 1988? Because of the very short timeframe and numerous units involved, we would appreciate an expedited response to these questions.

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