

Hazardous Waste Generator Regulations Compendium

Volume 9: Closure – Large Quantity Generators (LQGs)
September 2021

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Materials Recovery and Waste Management Division

Main Index

Volume 9: Closure – Large Quantity Generators (LQGs)

| | |
|---|---|
| Introduction | 3 |
| Resource View..... | 5 |
| Resources by Document Category..... | 6 |
| Code of Federal Regulations (CFR) View Index..... | 8 |
| CFR View..... | 9 |

This document includes the following sections:

- Resource View – outlines the document types by which resources are organized.
- Resources by Document Category – lists resources for each document category outlined in the *Resource View*.
- CFR View – provides relevant Code of Federal Regulations (CFR) language reformatted for easy reading.

These three main sections are cross-referenced, i.e., each section includes hyperlinks to the other sections. In addition, each section and its accompanying index include a hyperlink to the Main Index that allows the user to easily navigate from one section to another.

Introduction

Return to: [Main Index](#)

About the Compendium

The Hazardous Waste Generator Regulations Compendium serves as a user-friendly reference to assist regulators, industrial facilities generating and managing solid and hazardous wastes, and the general public in locating resources relevant to specific regulatory topics within the federal hazardous waste generator program.

The objective of this document is to consolidate and streamline the various resources on a topic into a user-friendly format, including references to relevant CFR language, Federal Register (FR) notices, documents posted on RCRA Online (i.e., guidance in the form of memoranda issued by EPA, Q&As, and other publications), and other resources, such as Frequent Questions webpages. The Compendium has been divided into multiple volumes that are available here: www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-compendium.

This document does not change any of the existing solid or hazardous waste requirements, nor does it offer an exhaustive list of relevant resources, as new resources may come into being or older ones may be relevant to a specific issue, but not included. Certain available resources, such as superseded RCRA Online documents, have not been referenced. Rather than including or reproducing referenced resources, this document generally provides hyperlinks to individual resources. As an exception, the Compendium does include relevant sections of the most current CFR regulatory language (as of the date on the cover of the Compendium). The included CFR language has been reformatted to make it easier to read, but it is not a substitute for the official CFR itself, or for the requirements in the CFR. The Government Printing Office frequently updates the e-CFR website; where appropriate, hyperlinks to the respective CFR section at the e-CFR website are provided.

Most states are authorized to administer their own RCRA Subtitle C hazardous waste program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations. State regulations must be at least as stringent as the federal standards, but they can be more stringent. Please visit the following website to determine if the state regulatory program is different from the federal program: <https://www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies>, and check with your state agency.

About the Closure – LQGs Volume

This volume of the Compendium lists resources pertaining to the closure provisions for LQGs that are found at 40 CFR 262.17. For more information regarding other topics that apply to facilities generating hazardous waste, refer to other volumes of the Compendium and [EPA's Hazardous Waste Generators Webpage](#).

Please note that the Hazardous Waste Generator Improvements rule of 2016 created new sections in Part 262, which contains the regulations pertaining to generators. Accordingly, some citations in the generator requirements in older resources in this Compendium are outdated, including references to § 261.5, § 262.34, and others. Please see the preamble to the final Hazardous Waste Generator Improvements rule for a discussion of the reorganization of the regulations (81 FR

85735–85740, November 28, 2016). For a specific crosswalk of the regulation citation changes, refer to www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-crosswalk.

For more information on these regulations and any other questions or comments concerning this document, please contact EPA’s Office of Resource Conservation and Recovery:

Kathy Lett

lett.kathy@epa.gov

Mary Beth Sheridan

sheridan.marybeth@epa.gov

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, N.W. (MC: 5304T)
Washington, DC 20460

Resource View

Return to: [Main Index](#)

Closure – LQGs

Resource Index:

- Resource Type:
 - [EPA Memoranda](#)
 - [Questions and Answers \(Q&A\)](#)
 - [Publications](#)
 - [Federal Register Notices](#)

Resources by Document Category

Return to: [Main Index](#)

| Document Category | RCRA Online/ Resource | Resource Title | Document Date | Keyword(s) | Notes |
|-------------------|-----------------------|---|---------------|--|--|
| Memoranda | 14174 | Risk-Based Clean Closure | 03/16/1998 | Clean Closure; Risk-Based Cleanup Levels | |
| | 14681 | Options for CCA Wood Treatment Plans Converting to Preservatives That Do Not Generate Hazardous Waste | 09/24/2003 | Generator Closure; Drip Pads; Wood Treaters; Chromated Copper Arsenate (CCA) | |
| | 14891 | Generator Improvements Rule Clarification | 06/08/2017 | Generator Closure; Drip Pads; Wood Treaters | |
| Q&A | 13270 | Generator Closure/Financial Requirements | 04/01/1989 | Large Quantity Generators (LQGs); Small Quantity Generators (SQGs); Closure; Tanks | |
| | 13774 | Conversion of Permitted or Interim Status Units to Generator Accumulation Units | 01/01/1996 | Permitted Units; Generator Accumulation; Generator Closure | |
| | 14130 | Drip Pad Closure Notification and Certification Requirements | 11/01/1997 | Drip Pads; Decontamination; Generator Closure | Partially superseded by Generator Improvements Rule closure notification requirements (81 FR 85770). |
| | 14321 | Generator Closure Requirements | 12/01/1998 | Generator Closure; Tanks; Drip Pads; Containment Buildings; Close as a Landfill | |
| | 14449 | Contents of Closure Plan | 05/01/2000 | Maximum Inventory; Closure Plan | |

| Document Category | RCRA Online/ Resource | Resource Title | Document Date | Keyword(s) | Notes |
|---------------------------------|---------------------------------|---|---------------|--|---|
| Publications | EPA530-K-05-009 | RCRA Training Module: Introduction to Closure/Post-Closure (40 CFR Parts 264/265, Subpart G) | 09/01/2005 | Clean Closure; Post Closure | |
| Federal Register Notices | 51 FR 16422 | Closure/Post-Closure and Financial Responsibility Requirements | 05/02/1986 | Closure Standards | |
| | 51 FR 25422 | Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems | 07/14/1986 | Tanks; Generator Closure | |
| | 66 FR 27217 | Storage, Treatment, Transportation, and Disposal of Mixed Waste | 05/16/2001 | Low-Level Mixed Waste | Preamble discussion of closure begins on page 27239 |
| | 81 FR 85732 | Hazardous Waste Generator Improvements Rule | 11/28/2016 | Large Quantity Generator (LQG) Closure Regulations; 262.17(a)(8) | Preamble discussion of LQG closure regulations begins on page 85770 |

CFR View Index

Return to: [Main Index](#)

| CFR Location | Title/Topic |
|------------------------------------|-------------|
| 262.17(a)(8) | Closure |
| 265.445(a) and (b) | Closure |

CFR View

Return to: [Main Index](#)

NOTE: The CFR language may have been excerpted, reformatted and appended with subheadings and explanations/terms in brackets.

§ 262.17(a)(8) Closure

[View Resources](#) | Go to [e-CFR](#) | Return to: [CFR Index](#) | [Resource View](#) | [Main Index](#)

(8) Closure. A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, must meet the following conditions:

(i) Notification for closure of a waste accumulation unit. A large quantity generator must perform one of the following when closing a waste accumulation unit:

(A) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or

(B) Meet the closure performance standards of paragraph (a)(8)(iii) of this section for container, tank, and containment building waste accumulation units or paragraph (a)(8)(iv) of this section for drip pads and notify EPA following the procedures in paragraph (a)(8)(ii)(B) of this section for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

(ii) Notification for closure of the facility.

(A) Notify EPA using form 8700-12 no later than 30 days prior to closing the facility.

(B) Notify EPA using form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of paragraph (a)(8)(iii) or (iv) of this section. If the facility cannot meet the closure performance standards of paragraph (a)(8)(iii) or (iv) of this section, notify EPA using form 8700-12 that it will close as a landfill under § 265.310 of this chapter in the case of a container, tank or containment building unit(s), or for a facility with drip pads, notify using form 8700-12 that it will close under the standards of § 265.445(b).

(C) A large quantity generator may request additional time to clean close, but it must notify EPA using form 8700-12 within 75 days after the date provided in paragraph (a)(8)(ii)(A) of this section to request an extension and provide an explanation as to why the additional time is required.

(iii) Closure performance standards for container, tank systems, and containment building waste accumulation units.

(A) At closure, the generator must close the waste accumulation unit or facility in a manner that:

(1) Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure 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,

(2) Removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless § 261.3(d) of this chapter applies.

(3) Any hazardous waste generated in the process of closing either the generator's facility or unit(s) accumulating hazardous waste must be managed in accordance with all applicable standards of parts 262, 263, 265 and 268 of this chapter, including removing any hazardous waste contained in these units within 90 days of generating it and managing these wastes in a RCRA Subtitle C hazardous waste permitted treatment, storage and disposal facility or interim status facility.

(4) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in paragraph (a)(8)(ii)(A)(2) of this section, then the waste accumulation unit is considered to be a landfill and the generator must close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (§ 265.310 of this chapter). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator must meet all of the requirements for landfills specified in subparts G and H of part 265 of this chapter.

(iv) Closure performance standards for drip pad waste accumulation units. At closure, the generator must comply with the closure requirements of paragraphs (a)(8)(ii) and (a)(8)(iii)(A)(1) and (3) of this section, and § 265.445(a) and (b) of this chapter.

(v) The closure requirements of paragraph (a)(8) of this section do not apply to satellite accumulation areas.

§ 265.445(a) and (b) Closure

[View Resources](#) | Go to [e-CFR](#) | Return to: [CFR Index](#) | [Resource View](#) | [Main Index](#)

(a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

(b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in paragraph (a) of this section, the owner or operator finds that not all contaminated subsoils can be practically removed or decontaminated, he must close the facility and perform post-closure care in accordance with closure and post-closure care requirements that apply to landfills (§ 265.310). For permitted units, the requirement to have a permit continues throughout the post-closure period.