



Environmental Fact Sheet

Post-Closure Permit Amendment Addresses Corrective Action

To remove impediments to cleanup at hazardous waste facilities, the Environmental Protection Agency (EPA) is amending closure and post-closure care requirements to expand regulatory options available to EPA and authorized states. This rule facilitates cleanup of hazardous and solid waste management units that may be similarly situated, but were previously subject to two different requirements.

Background

Under Subtitle C of the Resource Conservation and Recovery Act (RCRA), Congress gives EPA the authority to regulate the permitting of hazardous waste treatment, storage, and disposal facilities. In 1982, EPA promulgated rules applicable to regulated land disposal units, including rules governing closure of those units, and rules requiring owners and operators of land disposal units to obtain a post-closure permit if they leave hazardous waste in place after closure.

In the 1984 Hazardous and Solid Waste Amendments, Congress expanded EPA's authority to implement corrective action for releases from all solid waste management units (SWMUs) located at hazardous waste facilities. As a result, EPA's closure and post-closure requirements applied to regulated units, while other SWMUs at the same facilities were addressed under the Agency's new corrective action authority.

After implementing this dual regulatory structure for several years, EPA recognized a need for flexibility in its regulations. As a result, EPA has promulgated revisions to its regulations to coordinate the implementation of RCRA closure, post-closure care, and corrective action requirements.

Action

Post-Closure Permits

This rule allows regulators flexibility to issue a post-closure permit to a facility or to impose the same regulatory requirements in an enforceable document issued under an alternate non-permit authority in lieu of a post-closure permit. Facilities that receive enforceable documents in lieu of post-

closure permits must continue to meet all requirements of the regulations applicable to non-permitted facilities and must meet the additional requirements outlined in this rule--that is, they must submit information about the facility upon request by EPA, conduct facility-wide corrective action, and comply with the groundwater requirements applicable under permits. In addition, the Agency must provide for meaningful public involvement at three key stages--when it becomes involved in the corrective action activities at the facility, during remedy selection, and prior to making a decision that corrective action is complete at the facility. These requirements assure that facilities addressed under alternate authorities are subject to the same level of environmental protection as facilities regulated under post-closure permits, while allowing regulators flexibility to use the best tool available to address the facility.

This rule also adds a new section to 40 CFR Part 270, identifying specific RCRA Part B permit application information that must be submitted when post-closure permit is issued. This provision clarifies information submission requirements for owners and operators, but does not modify existing requirements.

Closure of Regulated Units

This rule allows EPA to replace the closure and groundwater requirements at certain hazardous waste units with similar, site-specific requirements developed through the corrective action process. This flexibility is available under the following conditions:

- ! When a hazardous waste unit is situated among SWMUs (or areas of concern), a release has occurred, and both the unit and the SWMU(s) are likely contributors to the release.
- ! When EPA determines that applying the hazardous waste closure and groundwater monitoring requirements for post-closure care is not necessary because the cleanup remedy developed through the corrective action process is deemed protective.
- ! When the remedy selected will satisfy the RCRA closure performance standards.

When the closure and groundwater requirements are developed through corrective action, the rule also allows regulators to develop site-specific financial assurance requirements.

Applicability

The post-closure provisions of this rule affect all non-permitted land disposal facilities that close with waste in place. The provisions regarding closure of regulated units apply to all land disposal units, at permitted and non-permitted facilities, that meet the conditions of the rule.

Conclusion

EPA believes that this final rule will facilitate the regions' and states' implementation of RCRA post-closure care and corrective action requirements in two areas. First, it will expand the regulatory options available to EPA and the authorized states to address environmental needs at facilities undergoing post-closure care. Second, it will allow EPA and the authorized states to address certain hazardous waste units under the corrective action process rather than closure, thus removing impediments to cleanup that have been encountered where two similarly situated units have been subject to two different regulatory requirements.

For More Information

This fact sheet is available in electronic format on the Internet at www.epa.gov/epaoswer/osw/cleanup.htm. For additional information or to order copies of this or any other document, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street SW, Washington, DC 20460. Address e-mail to rcra-docket@epamail.epa.gov.