

Hazardous Waste Generator Closure Requirements

Present on the call:

NEWMOA
Connecticut
Maine
New Hampshire
New Jersey
New York
Vermont
EPA Region 1

Connecticut – Ross Bunnell and Dave Ringquist

40 CFR 265.111 does not specify what is required, unless closure is for a tank under 265.197.

Developed a 1993 guidance document which was recently updated to conform to remediation standards. State Requirement: SQGs & LQGs have a closure requirement, however there is no notification or closure plan requirement. Also there is no financial assurance requirement.

The guidance document is different depending on if the generator is going out of business or just moving storage areas. The guidance is flexible, for instance a generator using portable spill pallets with little or no signs of leakage may not need full blown proof of decontamination. However if the storage pad showed signs of cracking and spillage, it could lead to subsurface investigations.

The remediation group has a facility closure standard, and has jurisdiction over release to media.

Tank closures if not clean could be subject to Subpart H. Have has a history with some bad contamination associated with USTs.

When closure is part of an enforcement action, they have had generators provide closure cost information.

They have investigated the issue of requiring Financial Assurance for generators, but as of now it is a legislative issue.

They have had considerable issues with companies going out of business and leaving materials behind which become wastes due to abandonment. These have had extensive inventories and high cleanup costs.

The remediation program applies the remediation standards to all underlying soils and to secondary containment structures including concrete.

Maine – Ed Vigneault.

In response to the question from CT, ME does look at soil values for concrete.

They provided a fact sheet on closures.

Effective in 1985 all ME LQGs (100kg/mo +) are required to close.

Notification of cessation of HW activity is due 45 days prior to cessation. The need for a closure plan depends on the site history. Enforcement actions may require the closure plan. If a closure plan is submitted, they will review it.

The closure rules apply to the entire facility (similar to TSDf corrective action requirements). The owner and Independent P.E. need to submit the certification that the site is clean. The standard applies broadly across the site regardless of the source.

The requirement covers universal waste consolidation sites as well.

Interim status and TSDf's closure requirements parallel the federal requirements.

The expectation is clean closure. Where it won't work they look to have institutional controls put into place.

Sampling may be required of a site for the certification but it depends upon the complexity.

When facilities fail to give the 45 day notice they try to contact the facility.

They are flexible with the 90 days to close rule with complex facilities.

New Hampshire – Todd Leedberg and Dave Bowen

Provided an information sheet

Program is not as well established as CT, MA or ME.

When closing generators are required to fill out a declassification form within 7 days in order to notify DES. These forms are submitted to the Reporting group, not the compliance group. They are required to have all HW sent offsite.

DES may inspect these sites but does not normally do so.

They do need to meet the federal performance standards in 265.111 and 265.114.

If a site doesn't continue to manage the waste properly it is considered disposal.

Sites must notify if a release occurs. If it can't be cleaned in 24 hours they need to submit a cleanup plan with 5 days. If site cannot be cleaned they need to submit a scope of work for a site investigation. This applies to Haz. Waste, Haz. Materials and used oil, which contaminate either soil or ground water.

Where there is contaminated soil or ground water they need a remedial action plan.

Financial assurance is required for all persons doing cleanups.

Concrete is tested and compared to soil standards.

New Jersey – Mike Hastry

3 levels of closure

Generators – reflect the federal.

TSDFs – full closure required

ISRA. Ind. Site Remediation Act. – Requires that no contamination may be present. If they cannot assert this, than a plan on how to clean up the site is needed.

It is problematic on notification for sites closing.

They sometimes use the renotification requirement from form 8700-12 to have sites send DEP notices.

They have seen problems with concrete from big plants.

New York – Tom Killeen

The generator closure standard reflects the federal in 265.111 and applies to only LQGs.

Special designations exist for three areas of special protection in the state over sole source aquifers. For LQGs over these areas who store liquid hazardous waste, they need to develop and implement a full closure plan like that required of TSDs. They are specifically exempted however for financial assurance.

NY is having issues with situations where closure requirements end and other provisions like post closure or corrective action would apply to TSDs, for sites where closure sampling reveals residual or systemic contamination. These sites often need to be then referred to our remediation division.

There are no closure requirements for smaller generators.

Vermont – Peter Marshall

Vermont provided their closure guidance document prior to the call, including a fact sheet.

The guidance document includes technical information and a workbook to allow for the generators to create better closure plans.

Vermont similar to other states, have an issue with after the fact closures when they find a company has closed without notification.

They do not require financial assurance

The standard may require a P.E. certification

The do require SQG closures

They inspect the generators going through closure when they can.

They had a question on how to document this work in RCRA Info.

During the wrap up, it was determined that the next Training Call on Bankruptcies would be held **on Wednesday March 14 at 10:00 AM instead of the 13th** due to a conflict which Bill Cass and some others on the call have.