

NEWMOA HW Conference call on Generator Closure Regulations/Policies – 2/13/07

New Hampshire generators are not required to have a closure plan.

Generators are required to notify DES within 7 days of ceasing hazardous waste activities at a particular site. Generators use a Declassification Form to do this certifying that all hazardous waste has been removed from the site. (Env-Wm 504.02(f)).

Generators need to meet the closure performance standards of 40 CFR 265.111 and 265.114 for disposal/decontamination of equipment, structures, and soils (Env-Wm 506.01(d)) which includes:

1. Minimize the need for further maintenance;
2. Control, minimize or eliminate, to the extent necessary to protect human health and the environment, 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; and
3. All contaminated equipment, structures, and soil must be properly disposed of, or decontaminated by removing all hazardous wastes or hazardous constituents.

Generators who cease operating their facility need to continue to manage their hazardous waste in accordance with all applicable generator rules. Failure to continue such management shall be deemed disposal of the waste (Env-Wm 506.01(e)).

Example: Generators need to comply with storage time requirements (i.e., ship hazardous waste off-site within the 90-day accumulation time limit.

Emergency/Remedial Action: (Env-Wm 513)

Immediate Action – Generators need to report to DES any discharge of hazardous waste or material which when discharged becomes a hazardous waste that poses a threat to human health or the environment.

Discharge Clean-up – Generators need to contain and clean-up any hazardous waste discharge within 24 hours. If discharge can not be cleaned up within 24 hours, generator needs to submit a clean-up plan within 5 days for approval by DES. If clean-up can not be completed, generator needs to submit a scope of work proposal to DES for a site investigation to evaluate impacts of the discharge/release on soil and groundwater. At this point, the site is referred to the DES State Sites/Corrective Action Program for a review of the contamination of the soil and groundwater