

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 174

Post-Closure Permit Requirement and Closure Process
 63 FR 56710-56735
 October 22, 1998
 (RCRA Cluster IX, HSWA/non-HSWA provisions)

Notes : 1) States choosing to adopt this optional checklist must demonstrate the enforcement authority added by this rule to 40 CFR 271.16(e) in order to receive authorization for this checklist.

2) The revisions to 40 CFR 264.90(f), 264.110(c), 264.112(b)(8), 264.112(c)(2)(iv), 264.118(b)(4), 264.118(d)(2)(iv), 264.140(d), 265.90(f), 265.110(d), 265.112(b)(8), 265.112(c)(1)(iv), 265.118(c)(5), 265.118(d)(1)(iii), 265.121(a)(2), 265.140(d) and 271.16(e) are promulgated pursuant to HSWA. Because these provisions are not more stringent, they are immediately effective only in those States not authorized for the base RCRA program. The revisions to 40 CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except for 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are promulgated relative to non-HSWA authority. Those provisions designated as HSWA are identified by a "♦" (diamond symbol) in this checklist.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART F - RELEASES FROM SOLID WASTE MANAGEMENT UNITS						
APPLICABILITY						
add new paragraph; 264 Subpart F regulations apply to all owners/operators subject to 270.1(c)(7) when either post-closure permit or enforceable document is issued; when an enforceable document is issued; references to “in the permit” mean “in the enforceable document”	264.90(e)					

RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ add new paragraph; Regional Administrator may replace requirements of 264.91-- 264.100 with alternative regulations for groundwater monitoring & corrective action for releases to groundwater contained in permit (or enforceable document) where Regional Administrator determines:	264.90(f) intro					
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	264.90(f)(1)					
†,◆ it is not necessary to apply 264.91 - 264.100 requirements because alternative requirements will protect human health and environment	264.90(f)(2)					

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

†,◆ add new paragraph; Regional Administrator may replace part 264 Subpart G requirements with alternative requirements contained in permit or enforceable document where Regional Administrator determines that:	264.110(c) intro					
--	------------------	--	--	--	--	--

RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	264.110(c)(1)					
†,◆ it is not necessary to apply part 264 Subpart G requirements because alternative requirements will protect human health and environment and satisfy 264.111(a)&(b) requirements	264.110(c)(2)					
CLOSURE PLAN; AMENDMENT OF PLAN						
†,◆, 1 add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d), either alternative requirements or reference to enforceable document containing those requirements	264.112(b)(8)					
†,◆ add new paragraph; owner/ operator requests Regional Administrator to apply alternative requirements under 264.90(f), 264.110(c), and/or 264.140(d)	264.112(c)(2)(iv)					

RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

POST-CLOSURE PLAN; AMENDMENT OF PLAN

†,◆ add new paragraph;
for facilities where Regional
Administrator has applied
alternative requirements
under 264.90(f), 264.110(c),
and/or 264.140(d), either
alternative requirements or
reference to enforceable
document containing those
requirements

264.118(b)(4)

†,◆ add new paragraph;
owner/operator requests
Regional Administrator to
apply alternative
requirements under
264.90(f), 264.110(c),
and/or 264.140(d)

264.118(d)(2)(iv)

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

†,◆ add new paragraph;
Regional Administrator may
replace part 264 Subpart H
requirements with alternative
requirements for financial
assurance in permit or
enforceable document, where
Regional Administrator :

264.140(d) intro

†,◆, 1 prescribes alternative
requirements under 264.90(f)
and/or 264.110(c); and

264.140(d)(1)

†,◆ determines it is not necessary
to apply part 264 Subpart H
requirements because
alternative requirements will
protect human health and
environment

264.140(d)(2)

RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

PART 265 - INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART F - GROUND-WATER MONITORING

APPLICABILITY

†,◆ add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements developed for groundwater monitoring contained in approved closure or post-closure plan or enforceable document where Regional Administrator determines:	265.90(f) intro					
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	265.90(f)(1)					
†,◆ it is not necessary to apply part 265 Subpart F requirements because alternative requirements will protect human health and environment; alternative standards must meet 264.101(a) requirements	265.90(f)(2)					

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

† add new paragraph; 265.121 applies to owners/operators of units subject to 270.1(c)(7) and are regulated under enforceable document	265.110(c)					
---	------------	--	--	--	--	--

RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ add new paragraph; Regional Administrator may replace part 265 Subpart G requirements with alternative requirements for closure contained in approved closure or post-closure plan or in enforceable document where Regional Administrator determines:	265.110(d) intro					
†,◆ regulated unit is situated among solid waste management units, release has occurred, and both regulated unit and one or more solid waste management unit(s) are likely to have contributed to release; and	265.110(d)(1)					
†,◆ it is not necessary to apply part 265 Subpart G requirements because alternative requirements will protect human health and environment, and will satisfy 265.111(a)&(b)	265.110(d)(2)					
CLOSURE PLAN; AMENDMENT OF PLAN						
†,◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.112(b)(8)					

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.112(c)(1)(iv)					
POST-CLOSURE PLAN; AMENDMENT OF PLAN						
† add new paragraph; for facilities subject to 265.121, provisions that satisfy 265.121(a)(1)&(3)	265.118(c)(4)					
†,◆ add new paragraph; for facilities where Regional Administrator has applied alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d), either alternative requirements or reference to enforceable document containing those requirements	265.118(c)(5)					
†,◆ add new paragraph; owner/operator requests Regional Administrator to apply alternative requirements under 265.90(f), 265.110(d), and/or 265.140(d)	265.118(d)(1)(iii)					
POST-CLOSURE REQUIREMENTS FOR FACILITIES THAT OBTAIN ENFORCEABLE DOCUMENTS IN LIEU OF POST-CLOSURE PERMITS						
† add new paragraph; owners/operators subject to post-closure permit requirements of 270.1(c), but who obtain enforceable documents in lieu of post- closure permits, must comply with following requirements:	265.121(a) intro					

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† 270.28 facility information requirements	265.121(a)(1)					
†, ♦ 264.101 facility-wide corrective action requirements	265.121(a)(2)					
† 264.91 through 264.100 requirements	265.121(a)(3)					
† add new paragraph; in issuing enforceable documents in lieu of permits, Regional Administrator will assure opportunity for public involvement including opportunity for public notice and comment:	265.121(b)(1)					
† when EPA becomes involved in facility remediation as regulatory or enforcement matter;	265.121(b)(1)(i)					
† on proposed preferred remedy and assumptions that remedy is based upon; and	265.121(b)(1)(ii)					
† at time of proposed decision that remedial action is complete at facility; specified requirements must be met before Regional Administrator may consider requirements of 270.1(c)(7) to be fulfilled, unless facility qualifies for modification under 265.121(b)(2) or (3)	265.121(b)(1)(iii)					

RCRA REVISION CHECKLIST 174: Post-Closure Requirements and Closure Process (cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† if Regional Administrator determines that delay in implementation of remedy would adversely affect human health or environment, Regional Administrator may delay compliance with 265.121(b)(1) and implement remedy immediately; however, Regional Administrator must assure involvement of public at earliest opportunity	265.121(b)(2)					
† Regional Administrator may allow remediation initiated prior to October 22, 1998 to substitute for corrective action even if 265.121(b)(1) requirements have not been met as long as notice and comment takes place at earliest opportunity	265.121(b)(3)					

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

†,◆ add new paragraph; Regional Administrator may replace part 265 Subpart F requirements with alternative requirements for financial assurance contained in permit or enforceable document where Regional Administrator:	265.140(d) intro					
†,◆ prescribes alternative requirements under 265.90(f) and/or 265.110(d), and	265.140(d)(1)					

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,◆ determines it is not necessary to apply 265 Subpart H requirements because alternative will protect human health and environment	265.140(d)(2)					

**PART 270 - EPA ADMINISTERED PERMIT PROGRAMS:
THE HAZARDOUS WASTE PERMIT PROGRAM**

SUBPART A - GENERAL INFORMATION

PURPOSE AND SCOPE OF THESE REGULATIONS

† insert “of this chapter” after “265.115”; insert “or decontamination” after “closure by removal”; insert “, or obtain an enforceable document in lieu of post-closure permit, as provided under paragraph (c)(7) of this section” after “270.1(c)(5) and (6)”; insert “40 CFR” prior to “part 264”; replace initial capitalizations with lower case letters in “groundwater monitoring, ... post-closure care requirements”	270.1(c) intro					
† add new paragraph; enforceable documents for post-closure care; at Regional Administrator's discretion, owner/operator may obtain enforceable document imposing 265.121 requirements in lieu of post-closure permit; definition of enforceable document	270.1(c)(7)					

**RCRA REVISION CHECKLIST 174: Post-Closure Requirements and
Closure Process (cont'd)**

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

† add new sentence to end of existing paragraph; for post-closure permits, only 270.28 information is required in Part B application	270.14(a)					
--	-----------	--	--	--	--	--

PART B INFORMATION REQUIREMENTS FOR POST-CLOSURE PERMITS

† add new section; for post-closure permits, owner/operator required to only submit information specified in 270.14(b)(1), (4)-(6), (11), (13), (14), (16), (18), and (19), (c), and (d) unless Regional Administrator determines that 270.14, 270.16 - 270.18, 270.20, or 270.21 information is necessary; owner/operator required to submit same information when alternative authority is used in lieu of post-closure permit	270.28					
--	--------	--	--	--	--	--

¹ The October 22, 1998 rule (63 FR 56710) contains a typographical error. The internal reference to "264.110(d)" should be "264.110(c)".