

US EPA ARCHIVE DOCUMENT

RCRA REVISIONS CHECKLIST 24

FINANCIAL RESPONSIBILITY: SETTLEMENT AGREEMENT
 51 FR 16443-16459
 MAY 2, 1986

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	

PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART B - DEFINITIONS

DEFINITIONS

"active life"	260.10	Sec 3(a)(1) AHWMC	✓	✓
"final closure"	260.10	Sec 3(a)(1) AHWMC	✓	
"hazardous waste management unit"	260.10	Sec 3(a)(1) AHWMC	✓	
"partial closure"	260.10	Sec 3(a)(1) AHWMC	✓	

PART 264 - FACILITY REQUIREMENTS

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

closure of all facilities	264.110(a)	Sec.3(a)(5) AHWMC	✓	
post-closure care	264.110(b)	Sec.3(a)(5) AHWMC	✓	

CLOSURE PERFORMANCE STANDARD

minimizes maintenance controls, minimizes post-closure escape	264.111(a)	Sec.3(a)(5) AHWMC	✓	
complies with requirements	264.111(b)	Sec.3(a)(5) AHWMC	✓	
	264.111(c)	Sec.3(a)(5) AHWMC	✓	

CLOSURE PLAN; AMENDMENT OF PLAN

† written plan	264.112(a)	Sec.3(a)(5) AHWMC	✓	
content of plan	264.112(b)	Sec.3(a)(5) AHWMC	✓	
h.w. management unit to be closed	264.112(b)(1)	Sec.3(a)(5) AHWMC	✓	
final closure/maximum extent of facility	264.112(b)(2)	Sec.3(a)(5) AHWMC	✓	
maximum inventory	264.112(b)(3)	Sec.3(a)(5) AHWMC	✓	

RCRA-REVISIONS CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
remove or decontaminate all residues/equipment	264.112(b)(4)	Sec.3(a)(5) AHWMC	✓	
other activities to assure closure	264.112(b)(5)	Sec.3(a)(5) AHWMC	✓	
schedule for closure	264.112(b)(6)	Sec.3(a)(5) AHWMC	✓	
† estimate year of final closure	264.112(b)(7)	Sec.3(a)(5) AHWMC	✓	
amendment of plan	264.112(c)	Sec.3(a)(5) AHWMC	✓	
† notification of partial and final closure	264.112(d)	Sec.3(a)(5) AHWMC	✓	
remove wastes, decontaminate and dismantle	264.112(e)	Sec.3(a)(5) AHWMC	✓	
† CLOSURE: TIME ALLOWED FOR CLOSURE				
treat final volume in 90 days or use criteria	264.113(a)	Sec.3(a)(5) AHWMC	✓	
complete closure in 180 days or use criteria	264.113(b)	Sec.3(a)(5) AHWMC	✓	
demonstration must be within 30 days timeframe	264.113(c)	Sec.3(a)(5) AHWMC	✓	
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES OR SOILS				
requirement at closure	264.114	Sec.3(a)(5) AHWMC	✓	
† CERTIFICATION OF CLOSURE				
requirement at closure	264.115	Sec.3(a)(5) AHWMC	✓	
SURVEY PLAT				
survey plat required	264.116	Sec.3(a)(5) AHWMC	✓	
POST-CLOSURE AND USE OF PROPERTY				
continued care for 30 years	264.117(a)(1)	Sec.3(a)(5) AHWMC	✓	
reduction or extension of care period	264.117(a)(2)	Sec.3(a)(5) AHWMC	✓	
security requirements	264.117(b)	Sec.3(a)(5) AHWMC	✓	
post-closure use limits	264.117(c)	Sec.3(a)(5) AHWMC	✓	
activities in accord with plan	264.117(d)	Sec.3(a)(5) AHWMC	✓	

RCRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	

POST-CLOSURE PLAN; AMENDMENT OF PLAN

† written plan	264.118(a)	Sec.3(a)(5) AHWMC	✓	
specified activities	264.118(b)	Sec.3(a)(5) AHWMC		
availability of plan	264.118(c)	Sec.3(a)(5) AHWMC	✓	
amendment of plan	264.118(d)	Sec.3(a)(5) AHWMC	✓	

POST-CLOSURE NOTICES

Record of type, location and quantity of h.w. requirement to enter note on deed	264.119(a)	Sec.3(a)(5) AHWMC	✓	
conditions for removal of notation	264.119(b)	Sec.3(a)(5) AHWMC	✓	
	264.119(c)	Sec.3(a)(5) AHWMC	✓	

CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE

completion of post-closure period	264.120	Sec.3(a)(5) AHWMC	✓	
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SUBPART H - FINANCIAL REQUIREMENTS

DEFINITIONS OF TERMS AS USED IN THIS SUBPART

current plugging and abandonment cost estimate	264.141	Sec.3(a)(5) AHWMC	✓	
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COST ESTIMATE FOR CLOSURE

o/o must have introductory text:	264.142(a)	Sec.3(a)(5) AHWMC	✓	
adjust for inflation introductory text:	264.142(b)	Sec.3(a)(5) AHWMC	✓	
closure plan changes	264.142(c)	Sec.3(a)(5) AHWMC	✓	

FINANCIAL ASSURANCE FOR CLOSURE

† reimbursements for closure activities	264.143(a)(10)	Sec.3(a)(5) AHWMC	✓	
† fund the standby trust fund equal to penal sum	264.143(b)(4)(ii)	Sec.3(a)(5) AHWMC	✓	
† surety liability	264.143(c)(5)	Sec.3(a)(5) AHWMC	✓	
† after final 3008 determination RA may draw on credit	264.143(d)(8)	Sec.3(a)(5) AHWMC	✓	

RLRA REVISIONS CHECKLIST: SETTLEMENT AGREEMENT (cont'd)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
o/o may request reimbursement	264.143(e) (5)	Sec.3(a)(5)	AHWMC ✓	
net capital and worth at six times	264.143(f) (1)(i)(B)	Sec.3(a)(5)	AHWMC ✓	
90% of assets in U.S. network at 6 times	264.143(f) (1)(i)(D)	Sec.3(a)(5)	AHWMC ✓	
sum of cost estimate	264.143(f) (1)(ii)(B)	Sec.3(a)(5)	AHWMC ✓	
90% of assets in U.S. phrases of cost estimates	264.143(f) (1)(ii)(D)	Sec.3(a)(5)	AHWMC ✓	
release of o/o from requirements	264.143(f) (2)	Sec.3(a)(5)	AHWMC ✓	
	264.143(i)	Sec.3(a)(5)	AHWMC ✓	

COST ESTIMATES FOR POST-CLOSURE CARE

annual post-closure cost requirement	264.144(a)	Sec.3(a)(5)	AHWMC ✓	
introductory text: adjust for inflation	264.144(b)	Sec.3(a)(5)	AHWMC ✓	
introductory text: post-closure plan changes	264.144(c)	Sec.3(a)(5)	AHWMC ✓	

FINANCIAL ASSURANCE FOR POST-CLOSURE

introductory paragraph	264.145	Sec.3(a)(5)	AHWMC ✓	
† reimbursements for post-closure activities	264.145(a) (11)	Sec.3(a)(5)	AHWMC ✓	
† fund the standby trust fund equal to penal sum	264.145(b) (4)(ii)	Sec.3(a)(5)	AHWMC ✓	
† surety liability	264.145(c) (5)	Sec.3(a)(5)	AHWMC ✓	
† after final 3008 determination RA may draw on credit	264.145(d) (5)	Sec.3(a)(5)	AHWMC ✓	
† o/o may request reimbursements	264.145(e) (5)	Sec.3(a)(5)	AHWMC ✓	
net capital and worth at six times	264.145(f) (1)(i)(B)	Sec.3(a)(5)	AHWMC ✓	
90% of assets in U.S. network at 6 times	264.145(f) (1)(i)(D)	Sec.3(a)(5)	AHWMC ✓	
sum of estimate	264.145(f) (1)(ii)(B)	Sec.3(a)(5)	AHWMC ✓	
90% of assets in U.S. phrases of cost estimates	264.145(f) (1)(ii)(D)	Sec.3(a)(5)	AHWMC ✓	
release of o/o from requirements	264.145(f) (2)	Sec.3(a)(5)	AHWMC ✓	
	264.145(i)	Sec.3(a)(5)	AHWMC ✓	

RCRA REVISIONS CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
WORDING OF INSTRUMENTS				
financial guarantee bond	264.151(b)	Sec.3(a)(5)	AHWMC ✓	
closure cost estimates under 40 CFR 144.62	264.151(f)(5)	Sec.3(a)(5)	AHWMC ✓	
closure cost estimates under 40 CFR 144.62	264.151(g)(5)	Sec.3(a)(5)	AHWMC ✓	

PART 265 - FACILITY INTERIM STATUS REQUIREMENTS

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

management facilities	265.110(a)	Sec.3(a)(6)	AHWMC ✓	
disposal facilities	265.110(b)	Sec.3(a)(6)	AHWMC ✓	

CLOSURE PERFORMANCE STANDARD

minimize maintenance controls, minimizes, eliminates escape	265.111(a)	Sec.3(a)(6)	AHWMC ✓	
complies with closure requirements	265.111(b)	Sec.3(a)(6)	AHWMC ✓	
	265.111(c)	Sec.3(a)(6)	AHWMC ✓	

CLOSURE PLAN; AMENDMENT OF PLAN

† written plan	265.112(a)	Sec.3(a)(6)	AHWMC ✓	
content of plan	265.112(b)	Sec.3(a)(6)	AHWMC ✓	
n.w. management unit to be closed	265.112(b)(1)	Sec.3(a)(6)	AHWMC ✓	
final closures and maximum extent of facility	265.112(b)(2)	Sec.3(a)(6)	AHWMC ✓	
maximum inventory	265.112(b)(3)	Sec.3(a)(6)	AHWMC ✓	
remove or decontaminate all residues/equipment	265.112(b)(4)	Sec.3(a)(6)	AHWMC ✓	
other activities to assure closure	265.112(b)(5)	Sec.3(a)(6)	AHWMC ✓	
schedule of closure	265.112(b)(6)	Sec.3(a)(6)	AHWMC ✓	
† estimate year of final closure	265.112(b)(7)	Sec.3(a)(6)	AHWMC ✓	
amendment of plan	265.112(c)	Sec.3(a)(6)	AHWMC ✓	

RLRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
† notification of partial and final closure	265.112(d)	Sec.3(a)(6)	AHWMC ✓	
† Remove wastes, decontaminate and dismantle	265.112(e)	Sec.3(a)(6)	AHWMC ✓	
† CLOSURE: TIME ALLOWED FOR CLOSURE				
treat final volume in 90 days or use criteria	265.113(a)	Sec.3(a)(6)	AHWMC ✓	
complete closure in 180 days or use criteria	265.113(b)	Sec.3(a)(6)	AHWMC ✓	
demonstrations must be made within 30 days	265.113(c)	Sec.3(a)(6)	AHWMC ✓	
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS				
requirement at closure	265.114	Sec.3(a)(6)	AHWMC ✓	
† CERTIFICATION OF CLOSURE				
requirement at closure	265.115	Sec.3(a)(6)	AHWMC ✓	
SURVEY PLAT				
survey plat required	265.116	Sec.3(a)(6)	AHWMC ✓	
POST-CLOSURE CARE AND USE OF PROPERTY				
continued care for 30 years	265.117(a)(1)	Sec.3(a)(6)	AHWMC ✓	
reduction or extension of care period	265.117(a)(2)	Sec.3(a)(6)	AHWMC ✓	
security requirements	265.117(b)	Sec.3(a)(6)	AHWMC ✓	
post-closure use limits	265.117(c)	Sec.3(a)(6)	AHWMC ✓	
activities in accord with plan	265.117(d)	Sec.3(a)(6)	AHWMC ✓	
POST-CLOSURE PLAN; AMENDMENT OF PLAN				
† written plan	265.118(a)	Sec.3(a)(6)	AHWMC ✓	
availability of plan	265.118(b)	Sec.3(a)(6)	AHWMC ✓	
specified activities	265.118(c)	Sec.3(a)(6)	AHWMC ✓	
amendment of plan	265.118(d)	Sec.3(a)(6)	AHWMC ✓	
† o/o to submit plan 180 days before closure	265.118(e)	Sec.3(a)(6)	AHWMC ✓	
approval of plan	265.118(f)	Sec.3(a)(6)	AHWMC ✓	

RCRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
modification of plan	265.118(g)	Sec.3(a)(6)	AHWMC ✓	
POST-CLOSURE NOTICES				
record of type, location and quantity of waste requirement to enter note on deed	265.119(a)	Sec.3(a)(6)	AHWMC ✓	
conditions for removal of notation	265.119(b)	Sec.3(a)(6)	AHWMC ✓	
	265.119(c)	Sec.3(a)(6)	AHWMC ✓	
CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE				
completion of post-closure period	265.120	Sec.3(a)(6)	AHWMC ✓	

SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

all h.w. facilities	265.140(a)	Sec.3(a)(6)	AHWMC ✓	
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DEFINITIONS OF TERMS AS USED IN THIS SUBPART

current plugging and abandonment cost estimate	265.141(f)	Sec.3(a)(6)	AHWMC ✓	
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COST ESTIMATE FOR CLOSURE

o/o must have introductory text:	265.142(a)	Sec.3(a)(6)	AHWMC ✓	
adjust for inflation	265.142(b)	Sec.3(a)(6)	AHWMC ✓	
introductory text: closure plan changes	265.142(c)	Sec.3(a)(6)	AHWMC ✓	

FINANCIAL ASSURANCE FOR CLOSURE

† reimbursement for closure activities	265.143(a)(10)	Sec.3(a)(6)	AHWMC ✓	
† fund the standby trust fund equal to penal sum	265.143(b)(4)(ii)	Sec.3(a)(6)	AHWMC ✓	
† after final 3008 determination RA may draw on credit	265.143(c)(8)	Sec.3(a)(6)	AHWMC ✓	
† o/o may request reimbursements	265.143(d)(5)	Sec.3(a)(6)	AHWMC ✓	
net capital and worth at six times	265.143(e)(1)(i)(B)	Sec.3(a)(6)	AHWMC ✓	
90% of assets in U.S. net worth at 6 times sum of cost estimate	265.143(e)(1)(i)(D)	Sec.3(a)(6)	AHWMC ✓	
	265.143(e)(1)(ii)(B)	Sec.3(a)(6)	AHWMC ✓	

RCRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
90% of assets in U.S.	265.143(e)			
phrases of cost estimates	(1)(ii)(D)	Sec.3(a)(6)	AHWMC ✓	
release of o/o from requirements	265.143(e)(2)	Sec.3(a)(6)	AHWMC ✓	
	265.143(h)	Sec.3(a)(6)	AHWMC ✓	

COST ESTIMATE FOR POST-CLOSURE CARE

o/o must have introductory text: adjust for inflation	265.144(a)	Sec.3(a)(6)	AHWMC ✓	
introductory text: post-closure plan changes	265.144(b)	Sec.3(a)(6)	AHWMC ✓	
	265.144(c)	Sec.3(a)(6)	AHWMC ✓	

FINANCIAL ASSURANCE FOR POST-CLOSURE CARE

introductory text	265.145	Sec.3(a)(6)	AHWMC ✓	
† o/o may request reimbursement	265.145(a)(11)	Sec.3(a)(6)	AHWMC ✓	
† standby trust fund equal to penal sum after final 3008 determination RA	265.145(b)(4)(ii)	Sec.3(a)(6)	AHWMC ✓	
RA may draw on credit	265.145(c)(9)	Sec.3(a)(6)	AHWMC ✓	
† o/o may request reimbursement net capital and worth at six times	265.145(d)(5)	Sec.3(a)(6)	AHWMC ✓	
	265.145(e)(1)(i)(B)	Sec.3(a)(6)	AHWMC ✓	
90% of assets in U.S. net worth at 6 times sum of cost estimates	265.145(e)(1)(ii)(D)	Sec.3(a)(6)	AHWMC ✓	
	265.145(e)(1)(ii)(B)	Sec.3(a)(6)	AHWMC ✓	
90% of assets in U.S. phrases for cost estimates	265.145(e)(1)(ii)(D)	Sec.3(a)(6)	AHWMC ✓	
release of o/o from requirements	265.145(e)(2)	Sec.3(a)(6)	AHWMC ✓	
	265.145(h)	Sec.3(a)(6)	AHWMC ✓	

LIABILITY REQUIREMENTS

period of coverage	265.147(e)	Sec.3(a)(6)	AHWMC ✓	
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RCRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	

PART 270 - PERMITTING REQUIREMENTS

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B APPLICATIONS: GENERAL REQUIREMENTS

documentation that notices are filed	270.14(b) (14)	Sec. 3(a)(9) AHWMC ✓	
cost estimates and financial assurance	270.14(b) (15)	Sec. 3(a)(9) AHWMC ✓	
post-closure cost estimates and financial assurance	270.14(b) (16)	Sec. 3(a)(9) AHWMC ✓	

SUBPART D - CHANGE TO PERMIT

MINOR MODIFICATIONS OF PERMITS

changes in ownership or operational control	270.42(d)	Sec. 3(a)(9) AHWMC ✓	
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SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

changes in ownership or operation control	270.72(d)	Sec. 3(a)(9) AHWMC ✓	
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