

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	2.1	109	✓
"final closure"	260.10	2.1	109	✓
"hazardous waste management unit"	260.10	2.1	109	✓
"partial closure"	260.10	2.1	109	✓

PART 264 - FACILITY REQUIREMENTS

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

closure of all facilities	264.110(a)	19.1 b)	3501.B	✓
post-closure care	264.110(b)	19.1 c)	3501.C	✓

CLOSURE PERFORMANCE STANDARD

minimizes maintenance controls, minimizes post-closure escape	264.111(a)	19.4 a)	3507.A	✓
complies with requirements	264.111(b)	19.4 b)	3507.B	✓
	264.111(c)	19.3 c)	3507.C	✓

CLOSURE PLAN; AMENDMENT OF PLAN

written plan	264.112(a)	19.6 a) 2.)	3511.A.2	✓
content of plan	264.112(b)	19.6 b)	3511.B	✓
h.w. management unit to be closed	264.112(b) (1)	19.6 b)	3511.B	✓
final closure/maximum extent of facility	264.112(b) (2)	19.6 b)	3511.B	✓
maximum inventory	264.112(b) (3)	19.6 b)	3511.B	✓

A REVISIONS CHECKLIST: SETTLEMENT AGREEMENT (cont.)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
remove or decontaminate all residues/equipment	264.112(b)(4)	19.6 b)		3511.B ✓
other activities to assure closure	264.112(b)(5)	19.6 b)		3511.B ✓
schedule for closure	264.112(b)(6)	19.6 b)		3511.B ✓
† estimate year of final closure	264.112(b)(7)	19.6 b)		3511.B ✓
amendment of plan	264.112(c)	19.6		3511 ✓
† notification of partial and final closure	264.112(d)	19.6		3511 ✓
remove wastes, decontaminate and dismantle	264.112(e)	19.6		3511 ✓
† CLOSURE: TIME ALLOWED FOR CLOSURE				
treat final volume in 90 days or use criteria	264.113(a)	19.7 a)		3513.A ✓
complete closure in 180 days or use criteria	264.113(b)	19.7 b)		3513.B ✓
demonstration must be within 30 days timeframe	264.113(c)	19.7 c)		3513.C ✓
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES OR SOILS				
requirement at closure	264.114	19.8		3515 ✓
† CERTIFICATION OF CLOSURE				
requirement at closure	264.115	19.9 a)		3517.A ✓
SURVEY PLAT				
survey plat required	264.116	19.9 b)		3517.B ✓
POST-CLOSURE AND USE OF PROPERTY				
continued care for 30 years	264.117(a)(1)	19.11 a) 1)		3521.A.1 ✓
reduction or extension of care period	264.117(a)(2)	19.11 a) 2)		3521.A.2 ✓
security requirements	264.117(b)	19.11 b)		3521.B ✓
post-closure use limits	264.117(c)	19.11 c)		3521.C ✓
activities in accord with plan	264.117(d)	19.11 d)		3521.D ✓

RCRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (cont.)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
<b>POST-CLOSURE PLAN; AMENDMENT OF PLAN</b>				
† written plan	264.118(a)	19.12 a)		3523.A ✓
specified activities	264.118(b)	19.12 b)		3523.B ✓
availability of plan	264.118(c)	19.12 c)		3523.C ✓
amendment of plan	264.118(d)	19.12 d)		3523.D ✓
<b>POST-CLOSURE NOTICES</b>				
record of type, location and quantity of h.w.	264.119(a)	19.13 a)		3525.A ✓
requirement to enter note on deed	264.119(b)	19.13 b)		3525.B ✓
conditions for removal of notation	264.119(c)	19.13 c)		3525.C ✓
<b>CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>				
completion of post-closure period	264.120	19.14		3527 ✓

**SUBPART H - FINANCIAL REQUIREMENTS**

**DEFINITIONS OF TERMS AS USED IN THIS SUBPART**

current plugging and abandonment cost estimate	264.141	20.2 a) 7)		3703.A.7 ✓
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**COST ESTIMATE FOR CLOSURE**

o/o must have	264.142(a)	20.3 a)		3705.A ✓
introductory text: adjust for inflation	264.142(b)	20.3 b)		3705.B ✓
introductory text: closure plan changes	264.142(c)	20.3 c)		3705.C ✓

**FINANCIAL ASSURANCE FOR CLOSURE**

† reimbursements for closure activities:	264.143(a) (10)	20.4 a) 10)		3707.A.10 ✓
† fund the standby trust fund equal to penal sum	264.143(b) (4)(ii)	20.4 b) 4)		3707.B.4 ✓
† surety liability keyed to Administrative Order	264.143(c) (5)	20.4 c) 5)		3707.C.5 ✓
† after final 3008 determination RA may draw on credit	264.143(d) (8)	20.4 d) 8)		3707.D.8 ✓

RCRA 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)	20.4 e)	5)	3707.E.5 ✓
net capital and worth at six times—	264.143(f) (1)(i)(B)	20.4 f)	1)	3707.F.1 ✓
90% of assets in U.S. networth at 6 times sum of cost estimate	264.143(f) (1)(i)(D)	20.4 f)	1)	3707.F.1 ✓
90% of assets in U.S. phrases of cost estimates	264.143(f) (1)(ii)(B)	20.4 f)	1)	3707.F.1 ✓
90% of assets in U.S. phrases of cost estimates	264.143(f) (1)(ii)(D)	20.4 f)	1)	3707.F.1 ✓
release of o/o from requirements	264.143(f) (2)	2.1		109 ✓
	264.143(i)	20.4 i)		3707.I ✓
<b>COST ESTIMATES FOR POST-CLOSURE CARE</b>				
annual post-closure cost requirement	264.144(a)	20.5 a)		3709.A ✓
introductory text: adjust for inflation	264.144(b)	20.5 b)		3709.B ✓
introductory text: post-closure plan changes	264.144(c)	20.5 c)		3709.C ✓
<b>FINANCIAL ASSURANCE FOR POST-CLOSURE</b>				
† introductory paragraph	264.145	20.6		3711 ✓
† reimbursements for post-closure activities	264.145(a) (11)	20.6 a)	11)	3711.A.11 ✓
† fund the standby trust fund equal to penal sum	264.145(b) (4)(ii)	20.6 b)	4)	3711.B.4 ✓
† surety liability keyed to Administrative Order	264.145(c) (5)	20.6 c)	5)	3711.C.5 ✓
† after final 3008 determination RA may draw on credit	264.145(d) (5)	20.6 d)	9)	3711.D.9 ✓
† o/o may request reimbursements	264.145(e) (5)	20.6 e)	5)	3711.E.5 ✓
net capital and worth at six times	264.145(f) (1)(i)(B)	20.6 f)	1)	3711.F.1 ✓
90% of assets in U.S. networth at 6 times sum of estimate	264.145(f) (1)(i)(D)	20.6 f)	1)	3711.F.1 ✓
90% of assets in U.S. phrases of cost estimates	264.145(f) (1)(ii)(B)	20.6 f)	1)	3711.F.1 ✓
90% of assets in U.S. phrases of cost estimates	264.145(f) (1)(ii)(D)	20.6 f)	1)	3711.F.1 ✓
release of o/o from requirements	264.145(f) (2)	20.6 f)	2)	3711.F.2 ✓
	264.145(i)	20.6 i)	1)	3711.I ✓
	264,147	20.8 e)		3715.E ✓

A REVISION CHECKLIST: Settlement Agreement (con't)

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

**WORDING OF INSTRUMENT**

financial guarantee bond	264.151(b)	20.10 b)	3719.B	✓
closure cost estimates under 40 CFR-144.62; includes UIC costs	264.151(f)(5)			
closure cost estimates under 40 CFR 144.62; includes UIC costs	264.151(g)(5)			

**PART 265 - FACILITY INTERIM STATUS REQUIREMENTS**

**SUBPART G - CLOSURE AND POST-CLOSURE**

**APPLICABILITY**

management facilities	265.110(a)	23.39 a)	4377.A	✓
disposal facilities	265.110(b)	23.39 b)	4377.B	✓

**CLOSURE PERFORMANCE STANDARD**

minimize maintenance controls, minimizes, eliminates escape	265.111(a)	23.40 a)	4379.A	✓
complies with closure requirements	265.111(b)	23.40 b)	4379.B	✓
	265.111(c)	23.40 c)	4379.C	✓

**CLOSURE PLAN; AMENDMENT OF PLAN**

† written plan	265.112(a)	23.41 a)	4381.A	✓
content of plan	265.112(b)	23.41 b)	4381.B	✓
h.w. management unit to be closed	265.112(b)(1)	23.41 b) 1)	4381.B.1	✓
final closures and maximum extent of facility	265.112(b)(2)	23.41 b) 2)	4381.B.2	✓
maximum inventory	265.112(b)(3)	23.41 b) 3)	4381.B.3	✓
remove or decontaminate all residues/equipment	265.112(b)(4)	23.41 b) 4)	4381.B.4	✓
other activities to assure closure	265.112(b)(5)	23.41 b) 5)	4381.B.5	✓
schedule of closure	265.112(b)(6)	23.41 b) 6)	4381.B.6	✓
† estimate year of final closure	265.112(b)(7)	23.41 b) 7)	4381.B.7	✓
amendment of plan	265.112(c)	23.41 c)	4381.C	✓

RA 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)	23.41 d)		4381.D ✓
† remove wastes, decontaminate and dismantle	265.112(e)	23.41 e)		4381.E ✓
† CLOSURE: TIME ALLOWED FOR CLOSURE				
treat final volume in 90 days or use criteria	265.113(a)	23.42 a)		4383.A ✓
complete closure in 180 days or use criteria	265.113(b)	23.42 b)		4383.B ✓
demonstrations must be made within 30 days	265.113(c)	23.42 c)		4383.C ✓
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS				
✓ requirement at closure	265.114	23.43		4385 ✓
† CERTIFICATION OF CLOSURE				
requirement at closure	265.115	23.44 a)		4387.A ✓
SURVEY PLAT				
survey plat required	265.116	23.44 b)		4387.B ✓
POST-CLOSURE CARE AND USE OF PROPERTY				
continued care for 30 years	265.117(a) (1)	23.45 a) 1)		4389.A.1 ✓
reduction or extension of care period	265.117(a) (2)	23.45 a) 2)		4389.A.2 ✓
security requirements	265.117(b)	23.45 b)		4389.B ✓
post-closure use limits	265.117(c)	23.45 c)		4389.C ✓
activities in accord with plan	265.117(d)	23.45 d)		4389.D ✓
POST-CLOSURE PLAN: AMENDMENT OF PLAN				
† written plan	265.118(a)	23.46 a)		4391.A ✓
availability of plan	265.118(b)	23.46 b)		4391.B ✓
specified activities	265.118(c)	23.46 c)		4391.C ✓
amendment of plan	265.118(d)	23.46 d)		4391.D ✓
† O/O to submit plan 180 days before closure	265.118(e)	23.46 e)		4391.E ✓
approval of plan	265.118(f)	23.46 f)		4391.F ✓

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)	23.46 g)		4391.G ✓
<b>POST-CLOSURE NOTICES</b>				
record of type, location and quantity of waste	265.119(a)	23.47 a)		4393.A ✓
requirement to enter note on deed	265.119(b)	23.47 b)		4393.B ✓
conditions for removal of notation	265.119(c)	23.47 c)		4393.C ✓
<b>CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>				
completion of post-closure period	265.120	23.48		4395 ✓

SUBPART H - FINANCIAL REQUIREMENTS

**APPLICABILITY**

all h.w. facilities	265.140(a)	23.49 a)		4397.A ✓
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**DEFINITIONS OF TERMS AS USED IN THIS SUBPART**

current plugging and abandonment cost estimate	265.141(f)	23.50 a) 8)		4399 ✓
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**COST ESTIMATE FOR CLOSURE**

o/o must have	265.142(a)	23.51 a)		4401.A ✓
introductory text: adjust for inflation	265.142(b)	23.51 b)		4401.B ✓
introductory text: closure plan changes	265.142(c)	23.51 c)		4401.C ✓

**FINANCIAL ASSURANCE FOR CLOSURE**

† reimbursement for closure activities	265.143(a)(10)	23.52 a) 10)		4403.A.10 ✓
† fund the standby trust fund equal to penal sum	265.143(b)(4)(ii)	23.52 b) 4)		4403.B.4 ✓
† after final 3000 determination RA may draw on credit	265.143(c)(8)	23.52 c) 8)		4403.C.8 ✓
† o/o may request reimbursements	265.143(d)(5)	23.52 d) 5)		4403.D.5 ✓
net capital and worth at six times	265.143(e)(1)(i)(B)	23.52 e)		4403.e) ✓
90% of assets in U.S.	265.143(e)(1)(i)(D)	23.52 e) 1)		4403.E.1 ✓
net worth at 6 times sum of cost estimate	265.143(e)(1)(ii)(B)	23.52 e) 1)		4403.E.1 ✓

CRA REVISION CHECKLIST: SETTLEMENT AGREEMENT (cont.)

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)	23.52 e ) 1)		4403.E.1 ✓
release of o/o from requirements	265.143(e)	23.52 e ) 2)		4403.E.2 ✓
	265.143(h)	23.52 h)		4403.H ✓
<b>COST ESTIMATE FOR POST-CLOSURE CARE</b>				
o/o must have introductory text: adjust for inflation	265.144(a)	23.53 1)		4405.A ✓
introductory text: post-closure plan changes	265.144(b)	23.53.b)		4405.B ✓
	265.144(c)	23.53 c)		4405.C ✓
<b>FINANCIAL ASSURANCE FOR POST-CLOSURE CARE</b>				
introductory text	265.145	23.54		4407 ✓
† o/o may request reimbursement	265.145(a)			4407.A.11 ✓
† standby trust fund equal to penal sum	(11)	23.54 a) 11)		4407.A.11 ✓
† after final 3008 determination RA	265.145(b)			4407.B.4 ✓
RA may draw on credit	(4)(ii)	23.54 b) 4)		4407.B.4 ✓
† o/o may request reimbursement	265.145(c)			4407.D.9 ✓
net capital and worth at six times	(9)	23.54 d) 9)		4407.D.9 ✓
	265.145(d)			4407.D.5 ✓
	(5)	23.54 d) 5)		4407.D.5 ✓
90% of assets in U.S. net worth at 6 times sum of cost estimates	265.145(e)			4407.E.1 ✓
	(1)(i)(B)	23.54 e) 1)		4407.E.1 ✓
	265.145(e)			4407.E.1 ✓
	(1)(i)(D)	23.54 e) 1)		4407.E.1 ✓
90% of assets in U.S. phrases for cost estimates	265.145(e)			4407.E.1 ✓
	(1)(ii)(D)	23.54 e) 1)		4407.E.1 ✓
release of o/o from requirements	265.145(e)			4407.E.2 ✓
	(2)	23.54 e) 2)		4407.E.2 ✓
	265.145(h)	23.54 h)		4407.H ✓
<b>LIABILITY REQUIREMENTS</b>				
period of coverage	265.147(e)	23.56 e)		4411.F ✓

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)	4.9 d)	517.N	✓
cost estimates and financial assurance	270.14(b) (15)	4.9 o)	517.0	✓
post-closure cost estimates and financial assurance	270.14(b) (16)	4.9 p)	517.P	✓

**SUBPART D - CHANGE TO PERMIT**

**MINOR MODIFICATIONS OF PERMITS**

changes in ownership or operational control	270.42(d)	3.11 c) 4)	321.C.4	✓
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**SUBPART G - INTERIM STATUS**

**CHANGES DURING INTERIM STATUS**

changes in ownership or operation control	270.72(d)	3.11 c)	321.C	✓
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