

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	Same RCRA Cite HWMR 5 Part 1	
"final closure"	260.10	"	
"hazardous waste management unit"	260.10	"	
"partial closure"	260.10	"	

PART 264 - FACILITY REQUIREMENTS

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

closure of all facilities	264.110(a)	HWMR 5 Part V	
post-closure care	264.110(b)	"	

CLOSURE PERFORMANCE STANDARD

minimizes maintenance controls, minimizes post-closure escape	264.111(a)	"	
complies with requirements	264.111(b)	"	
	264.111(c)	"	

CLOSURE PLAN; AMENDMENT OF PLAN

† written plan	264.112(a)	"	
content of plan	264.112(b)	"	
h w. management unit to be closed	264.112(b)	"	
	(1)	"	

"

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

RCRA . . . ION CHECKLIST: Settlement . . . ent (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)	Same RCRA Cite HWMR 5 Part V	
specified activities	264.118(b)	"	
availability of plan	264.118(c)	"	
amendment of plan	264.118(d)	"	

POST-CLOSURE NOTICES

record of type, location and quantity of h.w.	264.119(a)	"	
requirement to enter note on deed	264.119(b)	"	
conditions for removal of notation	264.119(c)	"	

CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE

completion of post-closure period	264.120	"	
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SUBPART H - FINANCIAL REQUIREMENTS

DEFINITIONS OF TERMS AS USED IN THIS SUBPART

"current plugging and abandonment cost estimate"	264.141(f)	"	
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COST ESTIMATE FOR CLOSURE

o/o must have written cost estimate	264.142(a)	"	
adjust closure cost estimate for inflation	264.142(b)	"	
closure plan changes	264.142(c)	"	

FINANCIAL ASSURANCE FOR CLOSURE

reimbursement for closure activities	264.143(a) (10)	"	
standby trust fund equal to penal sum	264.143(b) (4)(ii)	"	
surety liability keyed to final Administrative Order	264.143(c) (5)	"	
after final 3008 determination RA may draw on credit	264.143(d) (8)	"	

RCRA REVISION CHECKLIST: Settlement Agreement (con't)

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
o/o may request reimbursement	264.143(e)(5)	Same RCRA Cite HWMR 5 Part V		
net capital and worth at six times	264.143(f)(1)(i)(B)	"		
90% of assests in U.S. networth at 6 times	264.143(f)(1)(i)(D)	"		
sum of cost estimate	264.143(f)(1)(ii)(B)	"		
90% of assests in U.S. phrases of cost estimates including plugging and abandonment	264.143(f)(1)(ii)(D)	"		
release of o/o from requirements	264.143(f)(2)	"		
	264.143(i)	"		

COST ESTIMATES FOR POST-CLOSURE CARE

annual post-closure cost requirements	264.144(a)	"		
adjust for inflation	264.144(b)	"		
post-closure plan changes	264.144(c)	"		

FINANCIAL ASSURANCE FOR POST-CLOSURE

introductory text	264.145	"		
reimbursements for post-closure activities	264.145(a)(11)	"		
standby trust fund equal to penal sum	264.145(b)(4)(ii)	"		
surety liability keyed to final Administrative Order	264.145(c)(5)	"		
after final 3008 determination RA may draw on credit	264.145(d)(9)	"		
o/o may request reimbursement	264.145(e)(5)	"		
net capital and worth at six times	264.145(f)(1)(i)(B)	"		
90% of assets in U.S. networth at 6 times	264.145(f)(1)(i)(D)	"		
sum of estimate	264.145(f)(1)(ii)(B)	"		
90% of assests in U.S. phrases of cost estimates include plugging and abandonment	264.145(f)(1)(ii)(D)	"		
release of o/o from requirements	264.145(f)(2)	"		
	264.145(i)	"		

RCRA 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)	Same RCRA Cite HWMR 5 Part V	
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)	Same RCRA Site HWMR 5 Part VI	
disposal facilities	265.110(b)	"	

CLOSURE PERFORMANCE STANDARD

minimize maintenance controls, minimizes, eliminates escape	265.111(a)	"	
complies with closure requirements	265.111(b)	"	
	265.111(c)	"	

CLOSURE PLAN; AMENDMENT OF PLAN

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

FEDERAL REQUIREMENT	RCRA CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
notification of partial and final closure	265.112(d)	Same RCRA Cite HWMR 5 Part VI		
† remove wastes, decontaminate and dismantle	265.112(e)	"		
CLOSURE: TIME ALLOWED FOR CLOSURE				
† treat final volume in 90 days or use criteria	265.113(a)	"		
complete closure in 180 days or use criteria	265.113(b)	"		
demonstrations must be made within 30 days	265.113(c)	"		
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS				
requirement at closure	265.114	"		
CERTIFICATION OF CLOSURE				
requirement at closure	265.115	"		
SURVEY PLAT				
survey plat required	265.116	"		
POST-CLOSURE CARE AND USE OF PROPERTY				
continued care for 30 years	265.117(a)(1)	"		
reduction or extension of care period	265.117(a)(2)	"		
security requirements	265.117(b)	"		
post-closure use limits	265.117(c)	"		
activities in accord with plan	265.117(d)	"		
POST-CLOSURE PLAN: AMENDMENT OF PLAN				
written plan	265.118(a)	"		
availability of plan	265.118(b)	"		
specified activities	265.118(c)	"		
amendment of plan	265.118(d)	"		
o/o to submit plan 180 days before closure	265.118(e)	"		
approval of plan	265.118(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)	Same RCRA Cite HWMR 5	Part VI	

POST-CLOSURE NOTICES

record of type, location and quantity of waste	265.119(a)		"	
requirement to enter note on deed	265.119(b)		"	
conditions for removal of notation	265.119(c)		"	

CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE

completion of post-closure period	265.120		"	
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SUBPART H - FINANCIAL REQUIREMENTS

APPLICABILITY

all h.w. facilities	265.140(a)		"	
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DEFINITIONS OF TERMS AS USED IN THIS SUBPART

current plugging and abandonment cost estimate	265.141(f)		"	
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COST ESTIMATE FOR CLOSURE

o/o must have written cost estimate	265.142(a)		"	
adjust closure cost estimate for inflation	265.142(b)		"	
closure plan changes	265.142(c)		"	

FINANCIAL ASSURANCE FOR CLOSURE

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

RCRA REVISION CHECKLIST: Settlement Agreement (con't)

FEDERAL REQUIREMENT	R A CITE	STATE AUTHORITY		IF DIFFERENT FROM FEDERAL REQUIREMENT, EXPLAIN
		STATUTE	REGULATION	
90% of assets in U.S.	265.143(e) (1)(ii)(D)	Same RCRA Cite HWMR 5	Part VI	
phrases of cost estimates including plugging and abandonment	265.143(e) (2)		"	
release of o/o from requirements	265.143(h)		"	

COST ESTIMATE FOR POST-CLOSURE CARE

o/o must have written cost estimate	265.144(a)		"	
adjust for inflation	265.144(b)		"	
post-closure plan changes	265.144(c)		"	

FINANCIAL ASSURANCE FOR POST-CLOSURE CARE

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

LIABILITY REQUIREMENTS

period of coverage	265.147(e)		"	
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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)	Same RCRA Cite HWMR 5 Part IX	
cost estimates and financial assurance	270.14(b) (15)	"	
post-closure cost estimates and financial assurance	270.14(b) (16)	"	

SUBPART D - CHANGE TO PERMIT

MINOR MODIFICATIONS OF PERMITS

changes in ownership or operational control	270.42(d)	"	
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SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

changes in ownership or operation control	270.72(d)	"	
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