

US EPA ARCHIVE DOCUMENT

XV 61  
 RCRA REVISION CHECKLIST 24 (AMENDED)

Financial Responsibility:  
 Settlement Agreement  
 51 FR 16422-16459  
 May 2, 1986

(Non-HSWA Cluster II and Non-HSWA Cluster VI)

Note: A March 10, 1988 (53 FR 7740) amendment to this rule corrected errors in the preamble in which certain provisions were erroneously described as less stringent (i.e., optional) than the previous Federal program. Therefore, final determination of optional sections and subsections for the original Revision Checklist 24 were based on the March 10, 1988 amendments. The preamble to the May 2, 1986, rule was corrected again on June 26, 1990 (55 FR 25976). Amendments to two provisions, 264.113 and 265.113, were erroneously characterized as less stringent in the May 2, 1986 rule, and thus designated as optional in the original Revision Checklist 24 (issued in the SCRAM of 1988). The amended Revision Checklist 24, below, removes the optional designation for these two sections of code. States which have not been authorized for Revision Checklist 24 should now use this amended checklist when seeking authorization for the Checklist 24 provisions. States which have already been authorized for Revision Checklist 24, but who chose not to adopt the previously optional 264.113 and 265.113 amendments, must now amend their regulatory programs to include these requirements; States, so affected, need only provide analogous State citations for the 264.113 and 265.113 paragraphs when submitting this amended checklist form. States have until July 1, 1991, to adopt the May 2, 1986 amendments to 264.113 and 265.113 (July 1, 1992, if a statutory change is needed). The rest of the provisions addressed by Revision Checklist 24 (Amended) should have been adopted by July 1, 1987 (July 1, 1988, if a statutory change is needed).

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
PART 260 - HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL					
SUBPART B - DEFINITIONS					
DEFINITIONS					
"active life"	260.10	310:270-3-2	X		
"final closure"	260.10	310:270-3-2	X		
"hazardous waste management unit"	260.10	310:270-3-2	X		
"partial closure"	260.10	310:270-3-2	X		
PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES					
SUBPART G - CLOSURE AND POST-CLOSURE					
APPLICABILITY					
closure of all facilities	264.110(a)	310:270-3-2	X		
post-closure care	264.110(b)	310:270-3-2	X		
CLOSURE PERFORMANCE STANDARD					
minimizes					

	maintenance	264.111(a)	310:270-3-2	X
	controls, minimizes			
	post-closure escape	264.111(b)	310:270-3-2	X
	complies with			
	requirements	264.111(c)	310:270-3-2	X
<b>CLOSURE PLAN; AMENDMENT OF PLAN</b>				
†	written plan	264.112(a)	310:270 <sup>5</sup> 3-2	X
	content of plan	264.112(b)	310:270-3-2	X
	hazardous waste			
	management			
	unit to be closed	264.112(b)(1)	310:270-3-2	X
	final closure/maximum			
	extent of enclosed			
	operations	264.112(b)(2)	310:270-3-2	X
	maximum inventory	264.112(b)(3)	310:270-3-2	X
	remove or decontam-			
	inate all residues/			
	equipment	264.112(b)(4)	310:270-3-2	X
	other activities to			
	assure closure	264.112(b)(5)	310:270-3-2	X
	schedule for closure	264.112(b)(6)	310:270-3-2	X
†	estimate year of final			
	closure	264.112(b)(7)	310:270-3-2	X
	amendment of plan	264.112(c)	310:270-3-2	X
†	notification of partial			
	and final closure	264.112(d)	310:270-3-2	X
†	remove wastes,			
	decontaminate and			
	dismantle	264.112(e)	310:270-3-2	X
<b>CLOSURE; TIME ALLOWED FOR CLOSURE</b>				
	treat final volume in			
	90 days or use criteria	264.113(a)	310:270-3-2	X
	complete closure in			
	180 days or use			
	criteria	264.113(b)	310:270-3-2	X
	demonstration must			
	be within 30 days			
	timeframe	264.113(c)	310:270-3-2	X
<b>DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS</b>				
	requirement at closure	264.114	310:270-3-2	X
<b>CERTIFICATION OF CLOSURE</b>				
	approved in			
	accordance with	264.115	310:270-3-2	X
<b>SURVEY PLAT</b>				
	survey plat required	264.116	310:270-3-2	X
<b>POST-CLOSURE CARE AND USE OF PROPERTY</b>				
	continued care for			
	30 years	264.117(a)(1)	310:270-3-2	X
	reduction or extension			
	of care period	264.117(a)(2)	310:270-3-2	X
	security requirements	264.117(b)	310:270-3-2	X
	post-closure use limits	264.117(c)	310:270-3-2	X
	activities in accord			
	with plan	264.117(d)	310:270-3-2	X

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
<b>POST-CLOSURE PLAN; AMENDMENT OF PLAN</b>					
written plan	264.118(a)	310:270-3-2	X		
specified activities	264.118(b)	310:270-3-2	X		
availability of plan	264.118(c)	310:270-3-2	X		
amendment of plan	264.118(d)	310:270-3-2	X		
<b>POST-CLOSURE NOTICES</b>					
record of type, location and quantity of hazardous waste	264.119(a)	310:270-3-2	X		
requirement to enter note on deed	264.119(b)	310:270-3-2	X		
conditions for removal of notation	264.119(c)	310:270-3-2	X		
<b>CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>					
completion of post- closure period	264.120	310:270-3-2	X		
<b>SUBPART H - FINANCIAL REQUIREMENTS</b>					
<b>DEFINITIONS OF TERMS AS USED IN THIS SUBPART</b>					
"current plugging and abandonment cost estimate"	264.141(f)	310:270-3-2	X		
<b>COST ESTIMATE FOR CLOSURE</b>					
o/o must have written cost estimate	264.142(a)	310:270-3-2	X		
adjust closure cost estimate for inflation	264.142(b)	310:270-3-2	X		
closure plan changes	264.142(c)	310:270-3-2	X		
<b>FINANCIAL ASSURANCE FOR CLOSURE</b>					
reimbursement for closure activities	264.143(a)(10)	310:270-3-2	X		
standby trust fund equal to penal sum	264.143(b)(4)(ii)	310:270-3-2	X		
surety liability keyed to final Administrative Order	264.143(c)(5)	310:270-3-2	X		
after final 3008 deter- mination Regional Administrator may draw on credit	264.143(d)(8)	310:270-3-2	X		
o/o may request reimbursement	264.143(e)(5)	310:270-3-2	X		
net capital and worth at six times 90% of assets in	264.143(f)(1)(i)(B)	310:270-3-2	X		

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
U.S. net worth at 6 times sum of cost estimate	264.143(f)(1)(i)(D)	310:270-3-2	X		
90% of assets in U.S.	264.143(f)(1)(ii)(B)	310:270-3-2	X		
phrases of cost estimates including plugging and abandonment	264.143(f)(1)(ii)(D)	310:270-3-2	X		
release of o/o from requirements	264.143(f)(2)	310:270-3-2	X		
requirements	264.143(i)	310:270-3-2	X		
<b>COST ESTIMATES FOR POST-CLOSURE CARE</b>					
annual post-closure cost requirements	264.144(a)	310:270-3-2	X		
adjust for inflation	264.144(b)	310:270-3-2	X		
post-closure plan changes	264.144(c)	310:270-3-2	X		
<b>FINANCIAL ASSURANCE FOR POST-CLOSURE CARE</b>					
introductory text	264.145	310:270-3-2	X		
reimbursements for post-closure activities	264.145(a)(11)	310:270-3-2	X		
standby trust fund equal to penal sum	264.145(b)(4)(ii)	310:270-3-2	X		
surety liability keyed to final Administrative Order	264.145(c)(5)	310:270-3-2	X		
after final 3008 determination Regional Administrator may draw on credit	264.145(d)(9)	310:270-3-2	X		
o/o may request reimbursement	264.145(e)(5)	310:270-3-2	X		
net capital and worth at six times	264.145(f)(1)(i)(B)	310:270-3-2	X		
90% of assets in U.S. net worth at 6 times sum of estimate	264.145(f)(1)(i)(D)	310:270-3-2	X		
90% of assets in U.S. net worth at 6 times sum of estimate	264.145(f)(1)(ii)(B)	310:270-3-2	X		
90% of assets in U.S. phrases of cost estimates include plugging and abandonment	264.145(f)(1)(ii)(D)	310:270-3-2	X		
release of o/o from requirements	264.145(f)(2)	310:270-3-2	X		
requirements	264.145(i)	310:270-3-2	X		
<b>LIABILITY REQUIREMENTS</b>					
period of coverage	264.147(e)	310:270-3-2	X		
<b>WORDING OF THE INSTRUMENTS</b>					

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
financial guarantee bond	264.151(b)	310:270-3-2	X		
closure cost estimates under 40 CFR 144.62; includes UIC costs	264.151(f)(5)	310:270-3-2	X		
closure cost estimates under 40 CFR 144.62; includes UIC costs	264.151(g)(5)	310:270-3-2	X		

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

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

management facilities	265.110(a)	310:270-3-2	X		
disposal facilities	265.110(b)	310:270-3-2	X		

CLOSURE PERFORMANCE STANDARD

minimize maintenance controls, minimizes, eliminates escape	265.111(a)	310:270-3-2	X		
complies with closure requirements	265.111(b)	310:270-3-2	X		
	265.111(c)	310:270-3-2	X		

CLOSURE PLAN; AMENDMENT OF PLAN

† written plan	265.112(a)	310:270-3-2	X		
content of plan hazardous waste management unit to be closed	265.112(b)	310:270-3-2	X		
final closures and maximum extent of facility	265.112(b)(1)	310:270-3-2	X		
	265.112(b)(2)	310:270-3-2	X		
maximum inventory remove or decontam- inate all residues/ equipment	265.112(b)(3)	310:270-3-2	X		
	265.112(b)(4)	310:270-3-2	X		
other activities to assure closure	265.112(b)(5)	310:270-3-2	X		
schedule of closure estimate year of final closure	265.112(b)(6)	310:270-3-2	X		
	265.112(b)(7)	310:270-3-2	X		
amendment of plan	265.112(c)	310:270-3-2	X		

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
notification of partial and final closure	265.112(d)(1)	310:270-3-2	X		
† date when o/o expects to begin closure; extension to one-year limit	265.112(d)(2)	310:270-3-2	X		
† submittal of closure plan	265.112(d)(3)	310:270-3-2	X		
† opportunity to comment, public hearing, and approval, modification or disapproval of plan by Regional Administrator	265.112(d)(4)	310:270-3-2	X		
† remove wastes, decontaminate and dismantle	265.112(e)	310:270-3-2	X		
1 CLOSURE; TIME ALLOWED FOR CLOSURE					
treat final volume in 90 days or use criteria	265.113(a)	310:270-3-2	X		
complete closure in 180 days or use criteria	265.113(b)	310:270-3-2	X		
demonstrations must be made within 30 days	265.113(c)	310:270-3-2	X		
DISPOSAL OR DECONTAMINATION OF EQUIPMENT, STRUCTURES AND SOILS					
requirement at closure	265.114	310:270-3-2	X		
CERTIFICATION OF CLOSURE					
requirement at closure	265.115	310:270-3-2	X		
SURVEY PLAT					
survey plat required	265.116	310:270-3-2	X		
POST-CLOSURE CARE AND USE OF PROPERTY					
continued care for 30 years	265.117(a)(1)	310:270-3-2	X		
reduction or extension of care period	265.117(a)(2)	310:270-3-2	X		
security requirements	265.117(b)	310:270-3-2	X		
post-closure use limits	265.117(c)	310:270-3-2	X		
activities in accord with plan	265.117(d)	310:270-3-2	X		
POST-CLOSURE PLAN; AMENDMENT OF PLAN					
written plan	265.118(a)	310:270-3-2	X		

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
availability of plan	265.118(b)	310:270-3-2	X		
specified activities	265.118(c)	310:270-3-2	X		
amendment of plan o/o to submit plan 180 days before closure	265.118(d)	310:270-3-2	X		
approval of plan	265.118(e)	310:270-3-2	X		
	265.118(f)	310:270-3-2	X		
modification of plan	265.118(g)	310:270-3-2	X		
<b>POST-CLOSURE NOTICES</b>					
record of type, location and quantity of waste	265.119(a)	310:270-3-2	X		
requirement to enter note on deed	265.119(b)	310:270-3-2	X		
conditions for removal of notation	265.119(c)	310:270-3-2	X		
<b>CERTIFICATION OF COMPLETION OF POST-CLOSURE CARE</b>					
completion of post-closure period	265.120	310:270-3-2	X		
<b>SUBPART H - FINANCIAL REQUIREMENTS</b>					
<b>APPLICABILITY</b>					
all hazardous waste facilities	265.140(a)	310:270-3-2	X		
<b>DEFINITIONS OF TERMS AS USED IN THIS SUBPART</b>					
current plugging and abandonment of cost estimate	265.141(f)	310:270-3-2	X		
<b>COST ESTIMATE FOR CLOSURE</b>					
o/o must have written cost estimate	265.142(a)	310:270-3-2	X		
adjust closure cost estimate for inflation	265.142(b)	310:270-3-2	X		
closure plan changes	265.142(c)	310:270-3-2	X		
<b>FINANCIAL ASSURANCE FOR CLOSURE</b>					
reimbursement for closure activities	265.143(a)(10)	310:270-3-2	X		
standby trust fund equal to penal sum after final 3008 determination	265.143(b)(4)(ii)	310:270-3-2	X		
Regional Administrator may draw on credit	265.143(c)(8)	310:270-3-2	X		
o/o may request reimbursements net capital and worth	265.143(d)(5)	310:270-3-2	X		

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE
at six times	265.143(e)(1)(i)(B)	310:270-3-2	X		
90% of assets in U.S. net worth at six times sum of cost estimate	265.143(e)(1)(i)(D)	310:270-3-2	X		
90% of assets in U.S. phrases of cost esti- mates including plugging and abandonment	265.143(e)(1)(ii)(B)	310:270-3-2	X		
release of o/o from requirements	265.143(e)(2)	310:270-3-2	X		
	265.143(h)	310:270-3-2	X		
<b>COST ESTIMATE FOR POST-CLOSURE CARE</b>					
o/o must have written cost estimate	265.144(a)	310:270-3-2	X		
adjust for inflation	265.144(b)	310:270-3-2	X		
post-closure plan changes	265.144(c)	310:270-3-2	X		
<b>FINANCIAL ASSURANCE FOR POST-CLOSURE CARE</b>					
introductory text	265.145	310:270-3-2	X		
o/o may request reimbursements	265.145(a)(11)	310:270-3-2	X		
standby trust fund equal to penal sum after final 3008 deter- mination Regional Administrator may draw on credit	265.145(b)(4)(ii)	310:270-3-2	X		
o/o may request reimbursement	265.145(c)(9)	310:270-3-2	X		
net capital and worth at six times	265.145(d)(5)	310:270-3-2	X		
90% of assets in U.S. net worth at 6 times sum of cost estimates	265.145(e)(1)(i)(B)	310:270-3-2	X		
90% of assets in U.S. phrases for cost esti- mates including plugging and abandonment	265.145(e)(1)(i)(D)	310:270-3-2	X		
release of o/o from requirements	265.145(e)(2)	310:270-3-2	X		
	265.145(h)	310:270-3-2	X		
<b>LIABILITY REQUIREMENTS</b>					
period of coverage	265.147(e)	310:270-3-2	X		

RCRA REVISION CHECKLIST 24 (AMENDED): Financial Responsibility:  
Settlement Agreement (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRIN- GENT	BROAD- ER IN SCOPE

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

SUBPART B - PERMIT APPLICATION

CONTENTS OF PART B: GENERAL REQUIREMENTS

documentation that notices are filed	270.14(b)(14)	310:270-3-2	X
cost estimates and financial assurance	270.14(b)(15)	310:270-3-2	X
post-closure cost estimates and financial assurance	270.14(b)(16)	310:270-3-2	X

SUBPART D - CHANGE TO PERMITS

MINOR MODIFICATIONS OF PERMITS

changes in ownership or operational control	270.42(d)	310:270-3-2	X
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SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

changes in ownership or operational control	270.72(d)	310:270-3-2	X
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<sup>1</sup>

The changes to this section are in non-HSWA Cluster VI. See the June 26, 1990 (55 FR 25976) technical correction and the explanatory note at the beginning of this checklist.