

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	335.1	(definition of "active life")
"final closure"	260.10	335.1	(definition of "final closure")
"hazardous waste management unit"	260.10	335.1	(definition of "hazardous waste management unit")
"partial closure"	260.10	335.1	(definition of "partial closure")

PART 264 - FACILITY REQUIREMENTS

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

closure of all facilities	264.110(a)	335.152(a)(5)	adoption of federal rule by reference
post-closure care	264.110(b)	335.152(a)(5)	" "

CLOSURE PERFORMANCE STANDARD

minimizes maintenance controls, minimizes post-closure escape	264.111(a)	335.152(a)(5)	" "
complies with requirements	264.111(b)	335.152(a)(5)	" "
	264.111(c)	335.152(a)(5)	" "

CLOSURE PLAN; AMENDMENT OF PLAN

† written plan	264.112(a)	335.152(a)(5)	" "
content of plan	264.112(b)	335.152(a)(5)	" "
h.w. management unit to be closed	264.112(b)(1)	335.152(a)(5)	" "
final closure/maximum extent of facility	264.112(b)(2)	335.152(a)(5)	" "
maximum inventory	264.112(b)(3)	335.152(a)(5)	" "

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)	335.152(a)(5)		adoption of federal rule by reference
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)	"		"

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)	335.152(a)(5)	adoption of federal rules by reference
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	335.152(a)(6)	" more stringent requirements
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COST ESTIMATE FOR CLOSURE

o/o must have	264.142(a)	335.152(a)(6) & 335.178	all estimates based on off-site disposal
introductory text: adjust for inflation	264.142(b)	335.152(a)(6)	adoption of federal rule by reference
introductory text: closure plan changes	264.142(c)	"	"

FINANCIAL ASSURANCE FOR CLOSURE

† reimbursements for closure activities	264.143(a)(10)	"	"
† fund the standby trust	264.143(b)(4)(ii)	"	"
fund equal to penal sum	264.143(c)(5)	"	"
† surety liability			
† after final 3008 determination RA may draw on credit	264.143(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)	335.152(a)(6)		adoption of federal rule by reference
net capital and worth at six times	264.143(f)(1)(i)(B)	"		"
90% of assets in U.S. networth at 6 times sum of cost estimate	264.143(f)(1)(i)(D)	"		"
	264.143(f)(1)(ii)(B)	"		"
90% of assets in U.S. phrases of cost estimates	264.143(f)(1)(ii)(D)	"		"
	264.143(f)(2)	"		"
release of o/o from requirements	264.143(i)	"		"

COST ESTIMATES FOR POST-CLOSURE CARE

annual post-closure cost requirement	264.144(a)	"		"
introductory text: adjust for inflation	264.144(b)	"		"
introductory text: post-closure plan changes	264.144(c)	"		"

FINANCIAL ASSURANCE FOR POST-CLOSURE

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

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

WORDING OF INSTRUMENTS

financial guarantee bond	264.151(b)	335.152(a)(6)	adoption of federal rule by reference
closure cost estimates under 40 CFR 144.62	264.151(f)(5)	"	"
closure cost estimates under 40 CFR 144.62	264.151(g)(5)	"	"

PART 265 - FACILITY INTERIM STATUS REQUIREMENTS

SUBPART G - CLOSURE AND POST-CLOSURE

APPLICABILITY

management facilities	265.110(a)	335.112(a)(6)	"
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)(1)+(2) 265.112(d)(3)	⇒ 335.112(2)(b) ⇒ 335.118(a) ⇒ 335.118(b)	Adoption by reference.	
† remove wastes, decontaminate and dismantle	265.112(e)	335.112(a)(6)		adoption of federal rules by reference
† 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; AMEENEMENT 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)	335.119(a)		
† approval of plan	265.118(f)	335.119(b)		

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)	335.112(a)(6)		adoption of federal rules by reference

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)	335.112(a)(7)	adoption of federal rule by reference
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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	265.142(a)	335.112(a)(7) & 335.127	more stringent state requirement-all estimates based on off-site disposal
introductory text: adjust for inflation	265.142(b)	335.112(a)(7)	adoption of federal rule by reference
introductory text: closure plan changes	265.142(c)	"	"

FINANCIAL ASSURANCE FOR CLOSURE

† reimbursement for closure activities	265.143(a)(10)	"	"
† fund the 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.	265.143(e)(1)(i)(D)	"	"
net worth at 6 times sum of cost estimate	265.143(e)(1)(ii)(B)	"	"

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)	335.112(a)(7)		adoption of federal rules by reference
phrases of cost estimates	265.143(e)(2)	"		"
release of o/o from requirements	265.143(h)	"		"

COST ESTIMATE FOR POST-CLOSURE CARE

o/o must have	265.144(a)	"	"
introductory text: adjust for inflation	265.144(b)	"	"
introductory text: 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	265.145(c)(9)	"	"
RA may draw on credit	265.145(d)(5)	"	"
† o/o may request reimbursement	265.145(e)(1)(i)(B)	"	"
net capitol and worth at six times	265.145(e)(1)(ii)(D)	"	"
90% of assets in U.S.	265.145(e)(1)(ii)(B)	"	"
net worth at 6 times sum of cost estimates	265.145(e)(1)(ii)(D)	"	"
90% of assets in U.S.	265.145(e)(2)	"	"
phrases for cost estimates	265.145(h)	"	"
release of o/o from requirements		"	"

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)	305.50(4)	
cost estimates and financial assurance	270.14(b)(15)	305.50(4)	
post-closure cost estimates and financial assurance	270.14(b)(16)	305.50(4)	

SUBPART D - CHANGE TO PERMIT

MINOR MODIFICATIONS OF PERMITS

† changes in ownership or operational control	270.42(d)	305.62(c)(2)(C)(x) & 305.64(g)	
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SUBPART G - INTERIM STATUS

CHANGES DURING INTERIM STATUS

changes in ownership or operation control	270.72(a)	305.51	
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(a)(4)
cc 61

RCRA REVISION CHECKLIST 24

Financial Responsibility:
Settlement Agreement
51 FR 16422-16459
May 2, 1986
(Non-HSWA Cluster II)

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

Note: Corrections to the final rule for this checklist were addressed at 53 FR 7740-7741 (March 10, 1988). The preamble to the final rule for this checklist erroneously identified sections and subsections as less stringent, i.e., optional, and should have classified them as more stringent. Therefore, final determination of optional sections and subsections for this checklist was based on the corrections of 53 FR 7740-7741.

PART 264 - STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE; TIME ALLOWED FOR CLOSURE

treat final volume in			
90 days or use criteria	264.113(a)	335.152(a)(5)	x
complete closure in			
180 days or use			
criteria	264.113(b)	335.152(a)(5)	x
demonstration must			
be within 30 days			
timeframe	264.113(c)	335.152(a)(5)	x

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

SUBPART G - CLOSURE AND POST-CLOSURE

† CLOSURE; TIME ALLOWED FOR CLOSURE

treat final volume in			
90 days or use criteria	265.113(a)	335.112(a)(6)	x
complete closure in			
180 days or use			
criteria	265.113(b)	335.112(a)(6)	x
demonstrations must be			
made within 30 days	265.113(c)	335.112(a)(6)	x

Incorporation by Reference Form 1

RCRA Revision Checklist 24

Cluster NONHSWA VI

FEDERAL RCRA CITATION	STATE CITATION INCORPORATING BY REFERENCE	STATE ANALOG IS:		
		EQUIVALENT	MORE STRINGENT	BROADER IN SCOPE
264.113(a)	335.152(a)(5)	X		
264.113(b)	335.152(a)(5)	X		
264.113(c)	335.152(a)(5)	X		
265.113(a)	335.112(a)(6)	X		
265.113(b)	335.112(a)(6)	X		
265.113(c)	335.112(a)(6)	X		

Comments: