



DIRECTIVE NUMBER: 9480.02(84)

TITLE: Addition of Closure and Post-Closure Contingency
Plan Requirements to 40 CFR 265.228 and 265.258

APPROVAL DATE: 3-13-84

EFFECTIVE DATE: 3-13-84

ORIGINATING OFFICE: Office of Solid Waste

FINAL

DRAFT

STATUS: [] A- Pending OMB approval
[] B- Pending AA-OSWER approval
[] C- For review &/or comment
[] D- In development or circulating

REFERENCE (other documents): headquarters

OSWER OSWER OSWER
VE DIRECTIVE DIRECTIVE DI

Key Words: Closure

Regulations: 40 CFR 265.228, 265.258

Subject: Addition of Closure and Post-Closure Contingency Plan Requirements to 40 CFR 265.228 and 265.258

Addressee: Anthony M. Montrone, Director, RCRA Enforcement Division, Office of Waste Programs Enforcement

Originator: John P. Lehman, Director, Waste Management and Economics Division, Office of Solid Waste

Source Doc: #9480.02(84)

Date: 3-13-84

Summary:

The Interim Status Standards for closure of surface impoundments (§265.228) should include requirements for contingency plans, and financial responsibility for those plans, if the impoundment is unlined or inadequately lined and is to be closed as a storage unit. . Closure rules for waste piles (§265.258) should also include closure and psot-closure contingency plan requirements. These requirements will be included under §265.228 and §265.258 in the "Existing Portion" liner amendment package, rather than as part of the Part 265 Conforming Changes rule package.

Addition of Closure and Post-Closure Contingency Plan Requirements
to §§265.228 and 265.258

John P. Lehman, Director
Waste Management and Economics Division (WH-565)
Office of Solid Waste

Anthony M. Montrone, Director
Policy and Planning Staff (WH-527)
Office of Waste Programs Enforcement

In response to your memorandum of March 5, we agree that the Interim Status Standards for closure of surface impoundments (§265.228) should include requirements for contingency plans, and financial responsibility for those plans, if the impoundment is unlined or inadequately lined and is to be closed as a storage unit. In addition, we believe that the closure rules for waste piles (§265.258) should also include closure and post-closure contingency plan requirements. These changes would make these Part 265 sections identical to Part 264. However, since the Part 264 closure and post-closure contingency plan requirements are tied to the liner standards, and because Part 265 has no liner requirements, it is inappropriate for us to add these proposed changes to the Part 265 Conforming Changes rule package.

The contingency plan requirements can, however, be properly made a part of our "Existing Portion" liner amendment package, which proposes to require new units, replacement units, and lateral expansions of existing units, to be lined as in Part 264. In addition, the "Existing Portion" package has a nearly identical schedule to the Part 265 Conforming Changes package. Therefore, we will include proposed rules for contingency plans and financial responsibility under §§265.228 and 265.258 in the "Existing Portion" liner amendment package.

Thank you for calling this to our attention.

cc: John Skinner
Fred Lindsey
Ken Shuster
Bob Tonetti

WH-565E:Kent Anderson:pj:S206:382-4654:WSM:3/9/84