

FACT SHEET:

LQG HAZARDOUS WASTE ACCUMULATION AREA CLOSURE

40 CFR 262.17(a)(8) states “A large quantity generator accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, must meet the following conditions:”

These conditions are listed below (and do not apply to satellite accumulation areas):

A. When closing a waste accumulation unit: A large quantity generator must do one of the following:

1. Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; **OR**
2. Meet the closure performance standards of C. below for container, tank, and containment building waste accumulation units, or D. below for drip pads. **AND ALSO** notify KY HWB following the procedures in B. below.

(NOTE: If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.)

B. When closing a waste accumulation facility: A large quantity generator must:

1. Notify KY HWB using form 8700-12 plus the KY Addendum DWM 7037A, no later than 30 days prior to closing the facility
2. Notify KY HWB using form 8700-12 plus the KY Addendum DWM 7037A, within 90 days after closing the facility that it has complied with the applicable closure performance standards of C. or D. below. However, if the facility cannot meet the applicable closure performance standards of C. or D. below, then notify KY HWB using form 8700-12 plus the KY Addendum DWM 7037A, that it will close as a landfill under 40 CFR 265.310 (in the case of a container, tank or containment building unit(s)), or 40 CFR 265.445(b) (in the case of drip pads).
3. A large quantity generator may request additional time to clean close, but it must notify KY HWB using form 8700-12 plus the KY Addendum DWM 7037A, within 75 days after the date provided in A. or B. above to request an extension and provide an explanation as to why the additional time is required.

C. CLOSURE PERFORMANCE STANDARDS (for containers, tank systems, and containment building waste accumulation units)

The Large Quantity Generator must close the waste accumulation unit or facility in a manner that:

1. Minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere
AND
2. Removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 40 CFR 261.3(d) applies.
AND
3. Any hazardous waste generated in the process of closing either the facility or unit(s) accumulating hazardous waste must be managed in accordance with all applicable standards of parts 262, 263, 265 and 268 of this chapter, including removing any hazardous waste contained in these units within 90 days of generating it and managing these wastes in a RCRA Subtitle C hazardous waste permitted treatment, storage and disposal facility or interim status facility.
AND
4. If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in C.2., then the waste accumulation unit is considered to be a landfill and the generator must close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (§265.310 of this chapter). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator must meet all of the requirements for landfills specified in subparts G and H of part 265 of this chapter.

D. CLOSURE PERFORMANCE STANDARDS (for drip pad waste accumulation units)

The Large Quantity Generator must close the waste accumulation unit or facility by completing the following:

1. Same requirements as in B. above
AND
2. Same requirements as in C.1. and C.3. above
AND
3. Comply with 40 CFR 265.445(a) and (b)