

# Guidance on RCRA Post Closure Care Period: Long-Term Management for Hazardous Waste Disposal Facilities

ASTSWMO Mid-Year Meeting

Virginia Beach, VA

Plenary Session

April 23, 2014

~~~~~

Sonya Sasseville, Acting Director

Program Implementation & Information Division  
EPA Office of Resource Conservation & Recovery

# Overview

- Project Overview
- Background
- General Outline of Draft Guidance
- Approach in the Draft Guidance
- Potential Criteria
- Status and Next Steps
- EPA Contacts

# Project Overview

- The RCRA subtitle C hazardous waste management regulations establish a post-closure care (PCC) period for certain hazardous waste treatment, storage and disposal facilities (TSDs), and specify post-closure care activities.
- PCC is the period of time after closure during which owners and operators conduct monitoring and maintenance activities to preserve the integrity of the disposal system and continue to prevent or control releases of contaminants from the disposal units
- PCC requirements may apply to facilities in a variety of conditions, for example:
  - Land disposal units closed with waste in place
  - Units required to be closed as landfills (e.g., tanks from which waste was released that could not be “clean closed”);
  - Land treatment areas, surface impoundments or waste piles

## Project Overview (cont.)

- Develop guidance on extending, shortening or ending the PCC period for hazardous waste land disposal facilities under Subtitle C of RCRA.
- Provides recommended criteria for regulators to consider when adjusting the PCC period.
- EPA intends to develop a subsequent guidance for Subtitle D facilities.

# Background

- Discussions with states over the years - need for guidance recognized – many closed landfills are at the end of the initial 30-year PCC period.
- Regulations provide for a case-by-case review of the PCC period and establish arrangements for it to be extended, shortened, or ended. These decisions must be made on the basis of protection of human health and the environment.

“The Regional Administrator can also, for cause, require that all or part of post-closure care requirements be continued for a specified time period past 30 years.” \*\*

\*\*Background Document; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; April 1980; page 53.

## Background (cont.)

- Workgroup formed in August 2012 to develop guidance; members included representatives from:
  - EPA HQ Offices, EPA Regions 7 and 10
  - States: Maryland, Missouri, California, Georgia, & Oregon
- First draft guidance was developed in September 2012; has undergone several workgroup reviews.

## Background (cont.)

- ASTSWMO developed an initial position paper (October 2012) regarding Subtitle C PCC, titled, “Post-Closure Care – Beyond 30 Years at RCRA Subtitle C Facilities”
  - Concludes by recommending that EPA issue supplemental guidance on the implementation of the post-closure regulations under Subtitle C of RCRA.
- ASTSWMO published a survey report (March 2013) and a position paper (July 2013) supporting the development of guidance on factors relevant to modifying the PCC period.

# Background (cont.)

There has been continued interest from the Office of Inspector General (OIG) on PCC.

- In their 2001 Audit Report on Financial Assurance for Closure and Post-Closure, the IG recommended that criteria be developed for the appropriate post-closure care time frames.
- Most recently OIG started (April, 2014) a new evaluation on PCC: “Risks from Post-Closure Care Expiration at RCRA Hazardous Waste Disposal Sites”
  - Preliminary Objective Question: Do the EPA and authorized states and territories have safeguards to control public health, environmental and fiscal risks at RCRA hazardous waste disposal sites, closed with wastes in place, beyond the 30-year post-closure care period?

# General Outline of Draft Guidance

- Purpose and Need for Guidance
- Overview of Regulatory Provisions
- Recommended Approach for Reviewing Hazardous Waste Management Units Approaching the End of the PCC Period
- Criteria to Consider for Adjusting the PCC Period
- Additional Considerations, e.g., Financial Assurance and Corrective Action
- Appendices: Model permit conditions and detailed references to institutional controls

# Draft Guidance Overview

- The draft guidance discusses how to shorten or extend the post-closure care period (e.g., permit modification).
- The draft guidance recommends that the regulator examine PCC plans and other relevant information well in advance of the end of the 30-year period, to determine whether ending or extending is appropriate.

Relevant information may include:

- monitoring results,
- results from testing and inspection of cover systems,
- information concerning land use and institutional controls, etc.

# Draft Guidance Overview (cont.)

- States that:
  - The federal RCRA regulations generally place the responsibility for determining whether the post-closure care period should be shortened, extended or ended upon the permitting authority
  - The facility owner or operator, through the terms of their permit, the regulations for interim status facilities, or by EPA order or inspection is responsible for providing the information necessary to support this decision making.
- Guidance to include recommended criteria:
  - for determining whether it is necessary to adjust the post-closure care period, or
  - to inform deliberations on whether and what additional information is necessary.

# Recommended Criteria

- *Presence of hazardous waste*
- *Nature of the wastes remaining*
- *Type of unit*
- *Leachate*
- *Groundwater*
- *Siting and site geology / hydrogeology*
- *Facility history*
- *Integrity of cover system*
- *Gas collection system integrity*
- *Long term care*
- *Unit specific requirements*

## Recommended Criteria (cont.)

- The criteria under consideration relate to the potential for releases and migration of hazardous wastes from the regulated unit.
- Criteria descriptions include questions to help identify potential threats to human health and the environment.
- The guidance recommends that regulators periodically re-evaluate the effectiveness of PCC controls (e.g., at permit renewal).

# Status and Next Steps

- Draft has undergone workgroup review and comment, and is currently undergoing management review.
- Following management review, draft will be issued for public comment
  - Likely same notice/comment process as was used for the Waste Analysis for TSDFs Guidance.
- Currently project final issuance in Summer 2014.

## Next Steps (cont.)

- Guidance for Subtitle D
- Explore post-closure relationship to broader Long Term Care/Long Term Stewardship considerations and approaches.
  - Are there mechanisms and/or authorities other than post-closure permits that could be used for continuation of necessary maintenance and/or monitoring activities, and should such approaches be considered?
  - The need to ensure continued protection of human health and the environment.

# EPA Contacts

- Lilybeth Colon ([colon.lilybeth@epa.gov](mailto:colon.lilybeth@epa.gov))

703-308-2932

- Jeff Gaines ([gaines.jeff@epa.gov](mailto:gaines.jeff@epa.gov))

703-308-8655