

9476.1986(01a)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

AUGUST 86

5. Closure Plans - Appeals

The owner/operator (o/o) of an interim status facility has submitted his written closure plan at least 180 days before he expects to begin closure as required by 40 CFR 265.112(c). The EPA subsequently noted deficiencies in the plan and returned it to the o/o for revision according to 40 CFR 265.112(d). After the o/o has submitted his plan a second time, the EPA again noted deficiencies. Using the authority given in 40 CFR 265.112(d), EPA modified the plan and sent it back to the o/o as a final closure plan. What avenue of appeal is available to the o/o if he wishes to contest the modification made to his final closure plan?

At present time, there are no provisions under RCRA which would allow the o/o to appeal the final closure plan issued by the Regional Administrator. The o/o would have to pursue other legal recourse outside of the RCRA regulations to appeal the provisions in his final closure plan.

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