

9476.1987(07)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 87

4. Closure Plan Public Comment Period

As specified in Section 265.112(d)(4), the Regional Administrator has ninety (90) days to approve, modify or disapprove the closure plan for an interim status facility once it has been submitted for consideration by the owner operator. The section also provides for a 30 day public comment period on the content of the plan, which is to be carried out during the 90 day term. It is initiated via a notice in the local newspaper. It is unclear as to when this public comment period would begin. Is it immediately upon receipt of the plan without an initial approval by the Regional Administrator? Or would it begin only after a preliminary screening by the Region?

Section 265.112(d)(4) provides for a 30 day public comment period on the content of a proposed closure plan for an interim status facility and does not state when this period is to be initiated. The Agency has not issued any specific guidance, because the practice will vary from site to site depending on the detail and complexity of the individual plan. Owners and operators may request public hearings in addition to comment periods. The Regional Administrator also may schedule a hearing at his own discretion. The Regional Administrator may schedule the hearing with or without the benefit of the response from the public comment period; regardless, the hearing must be noticed 30 days prior to its occurrence. It is therefore conceivable that, within the framework of the 90 days allowed, the time required to fulfill both regulatory requirements could be long as 60 days, or as short as 30 days (for current notice of the hearing and the comment period). the Regional Administrator will review the plan prior to offering the contents for public review, and will approve, modify or disapprove its contents within 90 days from the date of submission.

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