

3. Generator Closure/Financial Requirements

Under 40 CFR Section 262.34 generators may accumulate waste on-site for less than 90 days if they comply with the container and tank regulations of Part 265. Generators are exempt from the requirements of Part 265 Subparts G and H, except for Sections 265.111 and 265.114. The operation of a generator's tank system has resulted in the contamination of soil around and under the tank system. If the generator cannot remove all of the contaminated soil at closure of the tank system, must he then comply with all sections of Subparts G and H including Section 265.197(b)?

Yes. Under 40 CFR 262.34, 90-day generators must close their accumulation units in accordance with the closure performance standards of Section 265.111 and the standards for disposal of decontamination of equipment, structures, and soils under Section 265.114. Section 265.111 specifically requires these generators to close their units in a manner that "minimizes or eliminates, to the extent necessary to protect human health and the environment, 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."

There are no specific closure requirements for small quantity generators under 262.34; however, small quantity generators (SQGs) must comply with the tank closure requirement specific to them, Section 265.201. Under Section 265.201(d), SQGs must "remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures." Furthermore, generators of 100-1000 kilograms per month must respond to spills and "...clean up the hazardous waste and any contaminated materials or soil." (Section 262.34(d)(5)(iv)(B))

3. Generator Closure/Financial Requirements (Cont'd)

Ninety-day generators who operate tank system accumulation units must also meet certain additional closure requirements. Tank system accumulation units must be closed in compliance with Sections 265.111, 265.114, and 265.197(a) and (b), which call for the removal or decontamination at closure of all waste residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with waste. Furthermore, if the generator demonstrates that all contaminated soils at the tank system accumulation unit cannot be practicably removed or decontaminated at closure, then the generator must close the tank system and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see Section 265.310). Such a tank system is then considered to be a landfill and the generator must comply with all of the requirements for landfills specified in Subparts G and H of Part 265. Owners and operators of hazardous waste management units must have post-closure care permits during the post-closure care period for any units that received waste after July 26, 1982, or certified closure after January 26, 1983. (See Section 270.1(c).)

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