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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 87

2. Certification of Closure

The owner/operator of a hazardous waste management unit is conducting closure and hires a contractor to certify the closure. 40 CFR 264/265.115 state that certification of closure must be made by an independent, registered, professional engineer. Can the engineer who is employed by the contractor performing the closure, certify the closure of the facility?

Yes, the "RCRA Guidance Manual for Subpart G Closure and Post-closure Care Standards and Subpart H Cost Estimating Requirements" clarifies that an "independent" engineer cannot be directly employed by the owner or operator of the unit. Also, the May 2, 1986 Federal Register (51 FR 16433) states that, "... the certification should be made by a person who is least subject to conscious or subconscious pressures to certify to the adequacy of a closure that in fact is not in accordance with the approved closure plan."

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