

9477.1988(05)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 88

1. Adjustment of Post-Closure Trust Funds Used for Financial Assurance

A TSD facility has been in post-closure care for one year. The facility owner or operator had established a post-closure trust fund to meet their financial assurance obligations. Can the facility owner or operator remove from the trust fund the amount which exceeds the remaining cost of post-closure care?

According to Section 264.145(a)(10), during the period of post-closure care, the Regional Administrator (RA) may approve a release of funds if the owner or operator demonstrates to the RA that the value of the trust fund exceeds the remaining cost of post-closure care. Therefore, the facility owner or operator must receive approval for the release of excess funds from the RA, prior to removing that amount from the trust fund.

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