

QUESTION: When the owner/operator of a hazardous waste management facility prepares a closure plan and cost estimate, can he reduce the cost of closure by including in the closure plan the recycling of waste at the facility or the sale of equipment or property?

ANSWER: No, the Agency does not allow this practice when preparing closure plans or computing cost estimates. The regulations state that "[t]his plan must identify the steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life" (40CFR 265.112 (a)); and that "The closure cost estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan" (40CFR 265.142 (a)). The Agency has interpreted these two statements to not allow a closure plan to include recycling of waste or sale of equipment or property in order to reduce the closure cost estimate. The closure plan is a detailed description of the activities necessary to close the facility (e.g., for simple storage this includes removing or rendering all wastes non-hazardous, decontaminating equipment, etc.). The Agency's philosophy is to have the facility owner/operator establish sufficient resources to allow EPA to step in and close the facility if for some reason the owner/operator cannot do so.

SOURCE: Carole Ansheles