

Closure Guidance Fact Sheet - Wood Treatment Facilities - Drip Pads

1. **The regulatory requirements for CCA facilities include, but are not limited to: generator requirements under 40 CFR Part 262, waste accumulation, record-keeping, and closure requirements under 40 CFR § 262.34, § 262.34(a)(1)(iii), and unit-specific facility requirements under 40 CFR Part 265, Subpart W, Drip Pads.** CCA is a listed hazardous waste (F035). CCA facilities may accumulate this waste on-site for 90 days or less without a permit or without having interim status provided that the facility complies with the requirements of 40 CFR § 262.34, § 262.34(a)(1)(iii), and 40 CFR Part 265, Subpart W.
2. **Facilities not in compliance with all applicable requirements under § 262.34 and Part 265, Subpart W, are subject to the full closure requirements of Part 264.** Accordingly, such facilities should be considered subject to full closure requirements of Part 264 under an Enforcement/Consent Order.
3. **Closures of CCA drip pad HWMUs and other < 90-day storage areas must be in accordance with:** 1) 40 CFR § 265.111, Closure Performance Standards, 2) § 265.114, Disposal or Decontamination of Equipment, Structures, and Soils, and 3) 40 CFR Part 265 Subpart W, Drip Pads, § 265.445, Closure, as applicable. (See Appendix A and B of the Closure Guidance Summary.)
4. **The Subpart W requirements are specified for the following drip pad items:** 1) the drip pad facility design, 2) the construction and installation, 3) the operation and maintenance, 4) the inspections, 5) the evaluations, 6) certifications by an independent P.E., 7) the recordkeeping, and 8) the closure of the HWMUs. Some unit-specific recordkeeping requirements are also specified under § 262.34(a)(1)(iii).
5. **Drip pad system components include:** the drip pad or primary containment system, the secondary liner or containment system (if any), the sumps, piping, pumps, tanks, and other equipment used in the primary and secondary containment and leak detection systems.
6. **All drip pad facilities should develop a closure plan and/or an appropriate closure document report** in order to establish the nature and extent of the closure activities, the closure data generated and the closure findings so to provide the basis for a "clean closure" determination or other closure determination. The closure plan, closure activities, and closure documentation report should be developed and overseen by an independent P.E., registered in the Commonwealth of Virginia. The certification of closure by the owner and P.E. is also recommended.
7. **Where drip pads do not comply with the secondary liner system requirements of 40 CFR § 265.443(b)(1), the owner or operator must develop:** 1) a closure plan under 40 CFR § 265.112, 2) a contingent closure plan, and 3) a contingent post-closure plan. The contingent closure plan and contingent post-closure plan are required in case not all of the contaminated subsoils can be practicably removed at closure and the facility is required to close the HWMU(s) as a landfill with hazardous waste "closed in-place." Such facilities must also develop cost estimates for the costs of complying with the contingent closure plan and contingent post-closure plan. (However, such facilities are not required to include the costs of expected closure under 40 CFR 265.445(a), i.e., "clean closure.")
8. **Closure Plan Submittal** - The owner/operator of a drip pad facility in compliance with the VHWMR, and which is able to "clean close" the HWMU(s), is not required to submit a closure plan or closure related documentation for review and approval by the DEQ.
9. **The closure plan and any closure documentation must be maintained in the facility's operating record and be made available to the EPA and the DEQ inspectors for the operating life of the facility.**
10. **If a facility is unable to "clean close," the facility must close the HWMUs with hazardous waste "closed in-place"** and perform post-closure care in accordance requirements that apply to landfills under 40 CFR § 265.310. (In VA, landfill requirements are under 40 CFR Part 264.) (A facility unable to achieve "clean closure" is required to submit the closure and post-closure plans and permit application to the DEQ.)
11. **For further guidance, see:** 1) Closure Guidance Summary – Wood Treatment Facilities, March 4, 2004, 2) Section 5.0, Procedures to Achieve Compliance with § 265.111, §265.114, and 265, Subpart W, and 3) Section 6.0, Options for Closure. **Also see** *The Draft Guidance Manual for Closure Plans and Post-closure Plans for Hazardous Waste Management Facilities*, dated September 28, 2001 at www.deq.virginia.gov/waste/guidance.html or call the DEQ at (804) 698-4013.
12. In accordance with HSWA of the RCRA of 1984, **the EPA retains the authority to address possible corrective action (CA)** of past or future releases from facilities that are not in compliance with the requirements of 40 CFR 262.34(a)(1)(iii) and 265, Subpart W, and from facilities which cannot clean close.