1.0 PURPOSE

The NPD provides guidance on implementing RCRA closure and corrective action at sites managing hazardous waste. The NPD serves as a supplement to the Risk-based Closure Guide (WASTE-0046-R2).

2.0 SCOPE

This NPD applies to the Office of Land Quality (OLQ), Permits Branch, Hazardous Waste Permit Section (HWPS).

3.0 SUMMARY

Hazardous waste generators/facilities will eventually stop generating or receiving waste for treatment, storage, or disposal. At that time, the owner or operator must either remove all accumulated waste in hazardous waste management units (units or HWMUs) at the facility or leave the waste in place while maintaining the units in such a way that ensures they will not pose an unacceptable future threat to human health and the environment. This is a RCRA closure.

Past and present activities at hazardous waste facilities have sometimes resulted in releases of hazardous waste and hazardous constituents into soil, groundwater, surface water, sediments, and air. Hazardous waste regulations mandate facilities to investigate and clean up, or remediate, these releases via RCRA corrective action.

4.0 DEFINITIONS

This section defines terms not found in 329 IAC 3.1 and 40 CFR 260.10, which define many terms used in this NPD.

4.1 “Area of concern (AOC)” – An existing or historical unit or area which does not meet the definition of a solid waste management unit and could potentially produce unacceptable exposures or become a potential source of groundwater contamination.

4.2 “Clean closure” – Complete, unrestricted closure of a hazardous waste management facility or units including the decontamination, treatment, and/or removal of all hazardous waste, hazardous waste constituents, hazardous constituents, leachate, contaminated run-on and run-off, hazardous waste decomposition products, containment system components, and
contaminated soils (including ground water) that pose a substantial present or potential threat to human health or the environment (40 CFR 264.111 and 265.111).

4.3 “Closure of a hazardous waste (RCRA) facility” – The action to secure the hazardous waste management facility or unit(s) in a manner which will protect human health and the environment in accordance with the closure plan requirements of 40 CFR 265 Subpart G and 264 Subpart G.

4.4 “Closure in-place” – Leaving contamination in-place after closure and managing the unit as a landfill. At a minimum, the owner or operator of a facility that closes in-place must comply with the requirements for removing and/or stabilizing the waste, capping the hazardous waste management unit, develop and implement a groundwater monitoring plan, and provide a written post-closure plan subject to the IDEM approval.

4.5 “Closure via risk assessment” – Leaving any constituent of concern (exceeding IDEM’s unconditional remediation objective) in-place after closure and managing risks via institutional controls and/or engineered controls.

4.6 “Partial closure” – The complete closure of a hazardous waste management unit, in accordance with the applicable closure requirements of 40 CFR Parts 264 and 265, at a facility that contains other active hazardous waste management units (i.e., the facility is considered partially closed).

4.7 “Resource Conservation and Recovery Act (RCRA)” – The public law creating the framework for the proper management of hazardous and non-hazardous solid waste.

4.8 “Site” – The geographical area where closure or corrective action activities are taking place. The site may consist of an entire facility or a single area of concern within the facility and may also extend beyond the facility.

4.9 “Solid waste management unit (SWMU)” – Any discernable unit, permitted or unpermitted, existing, or historical, at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility where routine and systematic releases of solid wastes occurred.

4.10 “Total closure or final closure” – The closure of all hazardous waste management units at the facility in accordance with the closure requirements of 40 CFR 264 and 265. After accepting closure certification, the owner or operator of the facility must still comply with all applicable generator requirements of 40 CFR 262 if newly generated waste is to remain on-site for less than ninety (90) days (40 CFR 262.34).

5.0 ROLES

5.1. The consultant shall:
   A. Represent the owner or operator in communications with IDEM regarding closure and/or corrective action requirements related to the facility.
   B. Prepare closure plans, workplans, or other documents for a facility on behalf of the owner or operator.
   C. Coordinate activities with the IDEM HWPS project manager to achieve closure of a HWMU.
   D. Coordinate activities with the IDEM HWPS project manager to complete corrective action obligations at the site.
   E. Submit plans, data, and documents as requested by the HWPS project manager.
   F. Perform investigatory or remediation work as described in the closure plans, work plans, or other documents.
5.2. The IDEM attorney shall:
   A. Draft or review legal documents, other project related documents, and correspondence, as needed.
   B. Advise IDEM OLQ project managers and IDEM management.
   C. Refer cases to the Indiana Attorney General, when necessary.

5.3. The IDEM Permits Branch Chief shall:
   A. Approve documents such as letters to, and agreements with, owner/operator(s).
   B. Assist HWPS chief in the resolution of issues which arise relative to a site, as needed.

5.4. The IDEM Science Services Branch staff shall:
   A. Provide expertise and services to the HWPS project managers in the fields of, but not limited to, chemistry, geology, geological information systems, engineering, and risk assessment.
   B. Review closure plans, work plans, and reports.
   C. Perform field oversight of investigation or remediation activities, as needed.
   D. Provide sampling expertise.
   E. Evaluate the quality of the environmental data.
   F. Develop and maintain electronic databases (for contaminant tracking purposes).
   G. Participate in meetings and discussions with facility owner/operator(s), consultants, or the public, as needed.

5.5. The IDEM HWPS Chief shall:
   A. Supervise program staff and ensure coordination among OLQ’s other branches.
   B. Approve documents such as letters to facility owner/operator(s) and agreements with facility owners or operators.
   C. Assist in the resolution of issues which arise relative to a site, as needed.

5.6. The IDEM HWPS Project Manager shall:
   A. Coordinate and implement remediation activities with the facility owner or operator and the consultant.
   B. Receive, evaluate, and provide comments on documents associated with the investigation, remediation, and closure of a site.
   C. Prepare correspondence to the facility owner/operator and consultant communicating the status of the remediation project.
   D. Request technical staff review of closure plans, work plans, and remediation documents; incorporate the technical staff suggestions and comments into the correspondence to the facility owner/operator and the consultant.
   E. Conduct internal team meetings with technical staff to discuss the site.
   F. Conduct meetings with the facility owner, operator, or the consultant to discuss approaches to the remediation or closure of a site.
   G. Make decisions on the appropriate use of technology or remediation techniques at the site.
   H. Conduct site visits as requested or necessary to view the nuances of the site.
   I. Evaluate different proposals on their merit.

5.7. The facility owner or operator shall:
   A. Prepare, or hire a consultant to prepare on its behalf, closure plans, investigation reports, remediation work plans, and progress reports to present to the HWPS project manager regarding the closure, characterization, and remediation of a site.
   B. Respond to all HWPS project manager requests for information, in a timely manner.
   C. Provide data, maps, or records to the HWPS project manager reflecting site conditions.
6.0 POLICY

6.1. OLQ's HWPS will provide oversight on RCRA closure and corrective action projects.

6.2. The HWPS will issue hazardous waste permits (operating, post-closure, or corrective action-only) to facilities for the treatment, storage, or disposal of hazardous waste, or corrective action activities related thereto.

6.3. The facility owner, operator, or consultant will prepare and submit closure plans and work plans; conduct investigations; perform interim measures and remediation, if unacceptable risk exists; and submit documentation of investigatory or remediation activities to the HWPS.

6.4. The HWPS may issue a Notice and Order of the Commissioner, pursuant to IC 13-22-13. The HWPS may also seek a court order to compel a facility owner or operator to undertake investigation or remediation; to enter upon private or public property to conduct an appropriate response; or to recover costs and damages from an owner or operator.

6.5. HWPS staff will review closure plans and environmental investigation, remediation, and closure documentation; conduct site visits; attend meetings; coordinate technical reviews by OLQ Science Service Branch staff; and coordinate legal review and support by IDEM Office of Legal Counsel.

6.6. The HWPS will issue a Closure Certification Approval letter, upon review and acceptance of the Closure Certification Report for a HWMU.

7.0 REFERENCES

7.1. Federal Laws or Rules:
   A. 40 CFR Subchapter I Part 260 through Part 270 Solid and Hazardous Waste Regulations

7.2. Indiana Statutes:
   A. IC 13-22 Hazardous Waste Management

7.3. Indiana Administrative Codes:
   A. 329 IAC 3.1 Hazardous Waste Permit Program and Related Hazardous Waste Management

7.4. Agency Policies:
   A. Risk-based Closure Guide NPD Waste-0046-NPD-R2
   B. Risk-based Closure Guide
   D. Community Involvement Plan NPD Waste-0070-NPD
8.0 SIGNATURES

Brian C. Rockensuess, Commissioner
Indiana Department of Environmental Management

Date

Peggy Dorsey, Assistant Commissioner
Office of Land Quality

Date

Nancy King, General Counsel

Date

This policy is consistent with agency requirements.

James Bailey, Quality Assurance Section
Office of Program Support
Indiana Department of Environmental Management

15 Jul 2022

Date