



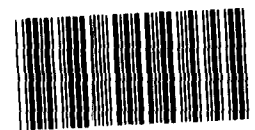
Testimony

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Closure Status of RCRA  
Hazardous Waste  
Land Disposal  
Facilities

Statement of  
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Before the  
Subcommittee on Environment, Energy, and  
Natural Resources  
Committee on Government Operations  
House of Representatives



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Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss the Environmental Protection Agency's (EPA) regulatory procedures for closing hazardous waste land disposal facilities, the importance of proper closure, and EPA and state progress in completing the closure process. In November 1985, 995 out of a total of 1,538 land disposal facility owners or operators decided to cease operating and close rather than certify that their facilities complied with regulatory requirements. In January 1987 we reported that EPA and the states were not meeting regulatory time frames for approving closure plans for these facilities and that few facilities had completed the closure process.<sup>1</sup> In my testimony today I will be commenting on the progress EPA and the states have made in completing facility closures since our report was issued. However, as I will explain later, I want to emphasize that facilities closed or being closed in accordance with approved closure plans does not necessarily mean that they pose no future environmental threat.

#### CLOSURE PROCESS

Hazardous waste land disposal facilities are regulated by EPA under the Resource Conservation and Recovery Act of 1976. Under EPA's regulatory framework, closure is the period when an

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<sup>1</sup>HAZARDOUS WASTE: Enforcement of Certification Requirements For Land Disposal Facilities (GAO/RCED-87-60BR, Jan. 27, 1987).

owner/operator stops using a hazardous waste land disposal unit and actually closes the unit by either (1) removing the wastes or (2) leaving the wastes in place and placing a cap or cover over the unit. If wastes are left in place, the owner/operator must provide for postclosure maintenance care, which may include groundwater monitoring for up to 30 years. Either option includes decontamination or removal of equipment or structures used in the unit's disposal operations.

Closure of a unit is carried out in accordance with an EPA- or state-approved closure plan, which includes a description of how the facility will be closed and milestones for completion. When completed, both a professional engineer and the owner/operator must certify that the facility has been closed in accordance with the plan. A closed facility, however, may continue to pose environmental threats. Closure does not necessarily mean that any resultant contaminant conditions in the soil or groundwater surrounding or below a waste unit have been corrected. Corrective action for this type of contamination can be conducted separately from the closure process.

### **IMPORTANCE OF CLOSURE**

Proper and timely closure of facilities is important because closure is intended to ensure that all facilities are closed in a manner that minimizes or eliminates the further escape of wastes to

ground and surface waters and to the atmosphere. Even though closure may not necessarily represent a final environmental solution, it still is important because it represents an initial step in providing a minimum level of environmental protection at a facility until follow-on assessments and investigations can be performed to determine the extent of any environmental problems and any necessary corrective actions. I will further discuss EPA's corrective action program later in my statement.

### PROGRESS IN COMPLETING CLOSURES

The 1984 RCRA amendments established a November 8, 1988, deadline for approving and issuing permits to hazardous waste land disposal facilities continuing to operate--but no time frames were established for either approving closure plans or for the actual closing of facilities not continuing to operate. Prior to the 1984 amendments, however, EPA had promulgated regulations establishing time frames for the closure process. These time frames are shown in attachment 1 to my statement--along with the applicable time frame dates for the 995 noncertifying facilities closing as of November 1985. As shown, the regulations required that owner/operators submit closure plans within 15 days after a decision to close. The regulations also require that plans be approved within 180 days thereafter, and closure actually be completed 180 days after plan approval. The regulations, however, allow some discretion and leeway in meeting the closure completion

date. Thus, facilities opting to close in November 1985, should generally have completed closure in the latter part of 1986.

Attachment II shows EPA's and states' progress in closing land disposal facilities. The unshaded bars on the attachment indicate the status of the initial 995 facilities that were closing as of September 30, 1986. The shaded bars show that the number of facilities in the closure universe now totals 1,161--or 166 additional facilities. According to EPA, the increase has come about because of (1) a number of facilities initially planning to continue operating that have now decided to close and (2) the discovery of new hazardous waste facilities that were not under regulatory control in November 1985. EPA and the states have received 902 closure plans of which 645, or 72 percent, have been approved. Of the 645 approved plans, 204, or 32 percent, of the facilities have completed the closure process. There are 516 facilities, or 44 percent of the 1161 total, that have not submitted closure plans or the plans have been submitted but not yet approved. Until these plans are submitted and approved there is no assurance that closure activities at these facilities are proceeding properly.

According to EPA, there are several reasons for not meeting the regulatory time frames. One reason is that, because of limited resources, EPA has given priority to reviewing and approving permit applications for facilities continuing to operate in order to meet

the November 1988 RCRA deadline. Another reason is that the large number of closure plans being submitted at one time simply overtaxed staff capabilities to review and approve plans in the time allowed. More recently EPA told us that closure is proving to be more complex than originally envisioned and that it is taking more time than initially anticipated to review and approve plans and to complete closures.

In our January 1987 report we noted that EPA headquarters officials estimated that it will probably be fiscal year 1990 before all closure plans can be approved--and that it may take another year after that to complete closures. One EPA region included in our review estimated that it may be fiscal year 1992 before the process is complete in that region.

#### **CORRECTIVE ACTION AND CLEANUP**

As I mentioned earlier, closed facilities may continue to represent an environmental threat. Under the corrective action requirements of RCRA, which are separate and apart from closure and postclosure requirements, each facility must be assessed to determine whether it is leaking hazardous substances. Corrective action addresses the entire facility including regulated hazardous waste units as well as any other waste disposal units not regulated under RCRA. If the facility is leaking, the owner/operator must perform a site investigation to characterize the nature and extent

of the release, develop alternatives for cleanup, and implement a cleanup plan. EPA data shows that as of December 10, 1987, assessments have been conducted at 480, or 41 percent, of the closing facilities and that follow-on investigations have been deemed necessary at 376, or 78 percent, of these sites. Of the 376 facilities requiring corrective action investigations, 80 have completed the closure process. Although these facilities have completed closure, they all require further investigation and continue to represent a potential an environmental threat. I might add that EPA expects to complete facility assessments at about 60 percent of the closing land disposal facilities by the end of fiscal year 1988. However, EPA has made no estimates as to when facility assessments will be completed at all facilities--nor when corrective action will be completed.

Because of the potential environmental threat, we believe it is imperative that EPA and the states continue to closely monitor facilities that are closing until closure and corrective action have been completed. Inspection data for fiscal years 1986 and 1987 indicates that closing and closed facilities are generally being inspected annually as required by EPA. Further, the inspection data indicates that serious RCRA regulatory violations are being found during these inspections. For example, 43 percent of the inspected closing facilities have been cited for groundwater monitoring violations during these two fiscal years; 35 percent have been cited for not complying with financial responsibility

requirements; and 29 percent have been cited for not complying with closure or postclosure care requirements. We did not review these violations in detail on a facility-by-facility basis but, on the surface, the overall inspection statistics suggest that a large number of these facilities continue to have the potential to pose unacceptable environmental risks.

I would like to reiterate that while proper closure of hazardous waste land disposal facilities is important--and EPA and the states have made progress in approving closure plans and getting facilities closed--these facilities remain an unknown environmental threat. Only after necessary corrective action measures are completed will the extent of any environmental problems be known and brought under control.

This concludes my prepared statement. At this time my staff and I would be happy to respond to any questions you might have.

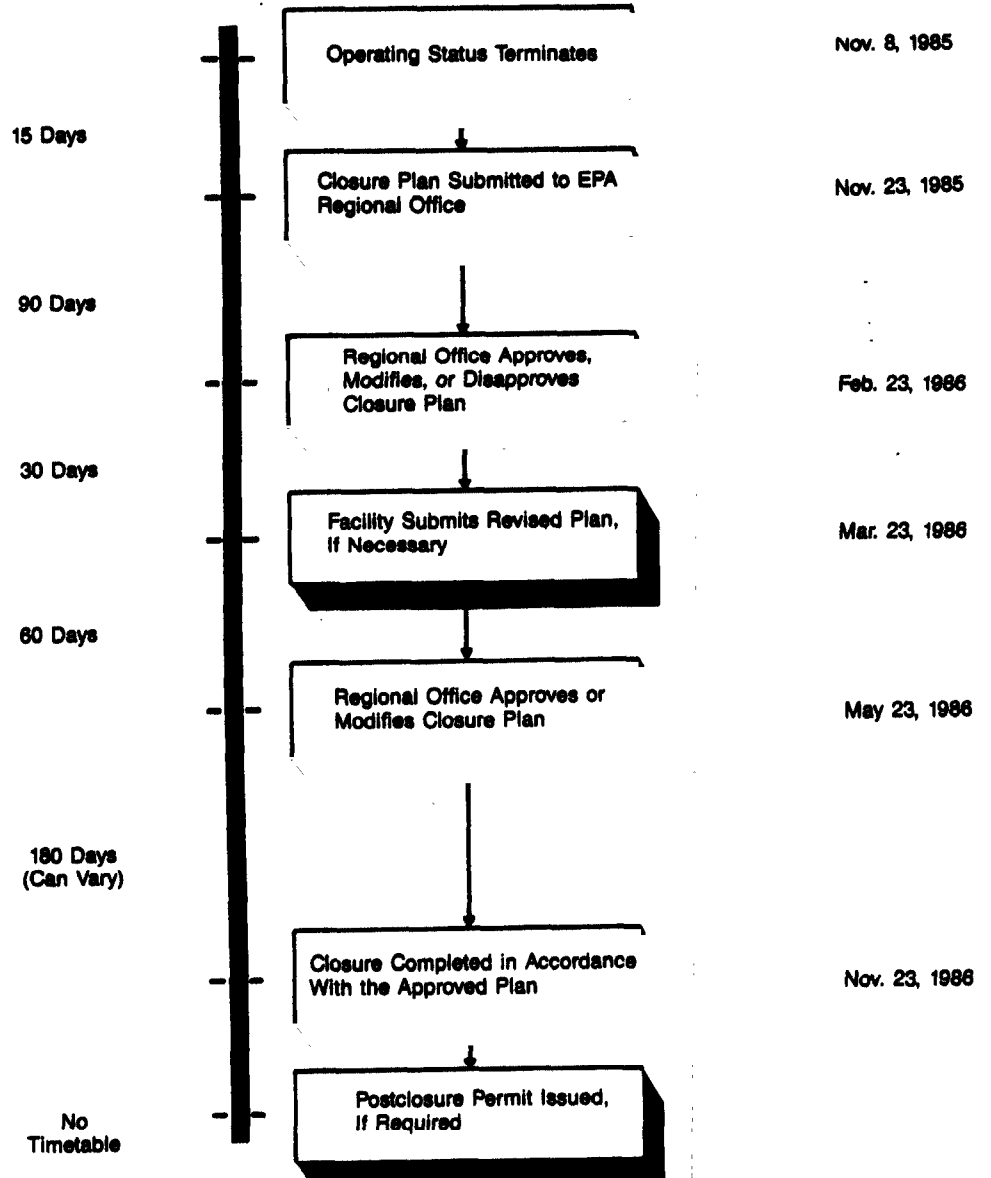


**EPA Closure Timetable**

Time to Complete Action

Action

Deadline for Noncertifying Facilities



**National Closure Statistics for Land Disposal Facilities as of September 30, 1986 and December 10, 1987**

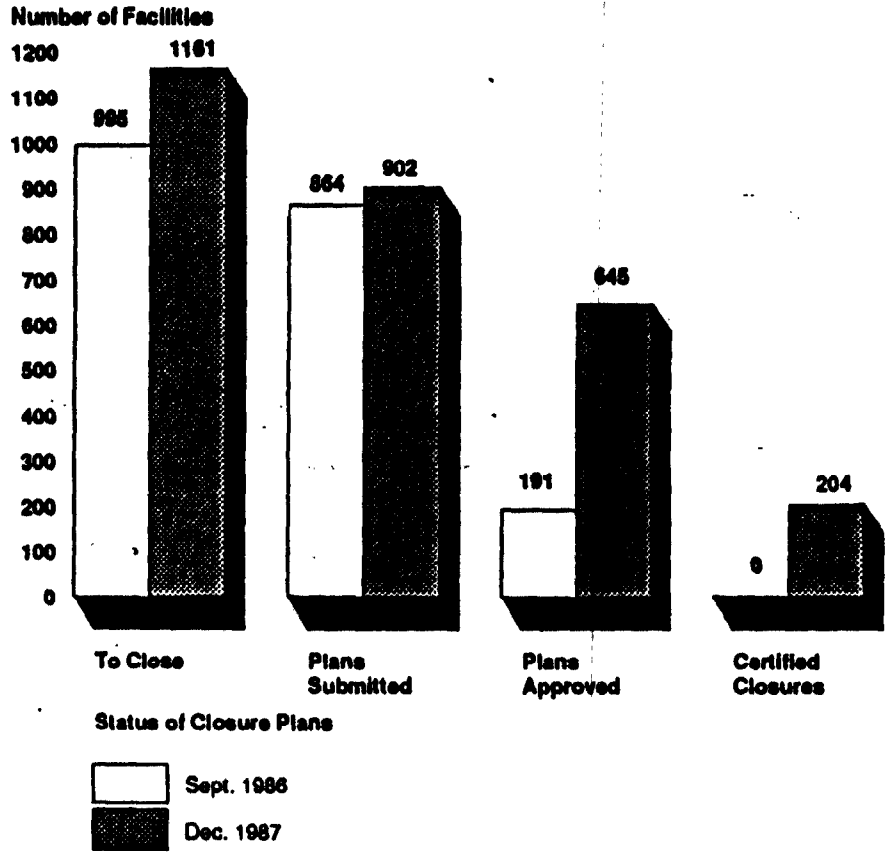


Chart does not include clean closures.