

# Closed Hazardous Waste Units: U.S. Environmental Protection Agency Office of Inspector General Report



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a March 29th report titled:

*EPA Does Not Consistently Monitor Hazardous Waste Units Closed with Waste in Place or Track and Report on Facilities That Fall Under the Two Responsible Programs (“Report”)*

OIG initiated the project to evaluate whether EPA’s oversight of hazardous waste units closed with waste in place verified continued protection of human health and the environment.

The Resource Conservation and Recovery Act (“RCRA”) Subtitle C regulations require certain actions when a hazardous waste management facility ceases receipt of waste at the end of its active life. The unit must be remediated, monitored, and maintained in accordance with the closure and post-closure requirements. These requirements are found in the closure and post-closure sections of the RCRA regulations.

Closure of units or facilities can happen in one of two ways:

- A clean closure (receipt of all waste from the unit and decontaminated to remove all equipment, structures, and stranded soil)
- A closure with waste in place (closure method for facilities or units that cannot meet the clean closure requirements [i.e., all waste and contamination cannot be removed])

The closure in place method is addressed by the *Report*.

OIG states that it determined that EPA did not consistently verify continued protection of human health and the environment at hazardous waste units that had been closed in place. It states 339 of 687 treatment storage and disposal facilities (RCRA units) that closed with waste in place were not inspected at a frequency in conformance with EPA policy.

The *Report* also addressed the EPA regional oversight of RCRA-delegated states. It noted that five of the 10 EPA regions incorporate inspection requirement commitments in RCRA grant negotiations with the states. These are used to verify that authorized states are complying with the inspection policy. Further stated is that:

- Two regions have similar processes but they do not include all their states
- Three regions do not have any process in place to verify compliance

Such absence of inspections is stated to risk the possibility that a hazardous waste leak from a compromised unit could be undetected for years.

Interactions between the RCRA and Superfund programs in regards to closed units were also noted:

- EPA oversight of RCRA units referred to the Superfund program and then deferred back to the RCRA program is incomplete.
- Lack of procedures/use of differing program identification numbers by the two programs hinder agency tracking. The use of milestones to communicate site status to the public can cause confusion as to the cleanup status of the sites.

A copy of the *Report* can be downloaded [here](#).