RUCA

Regulated Unit Corrective Action

40 CFR 264.100

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RUCA Applicability

- Regulated units unable to meet closure performance standards enter post-closure
- RUCA implemented at regulated units under post-closure care via permit, order or alternate enforceable document
- All RUs are SWMUs
- RUCA addresses groundwater releases

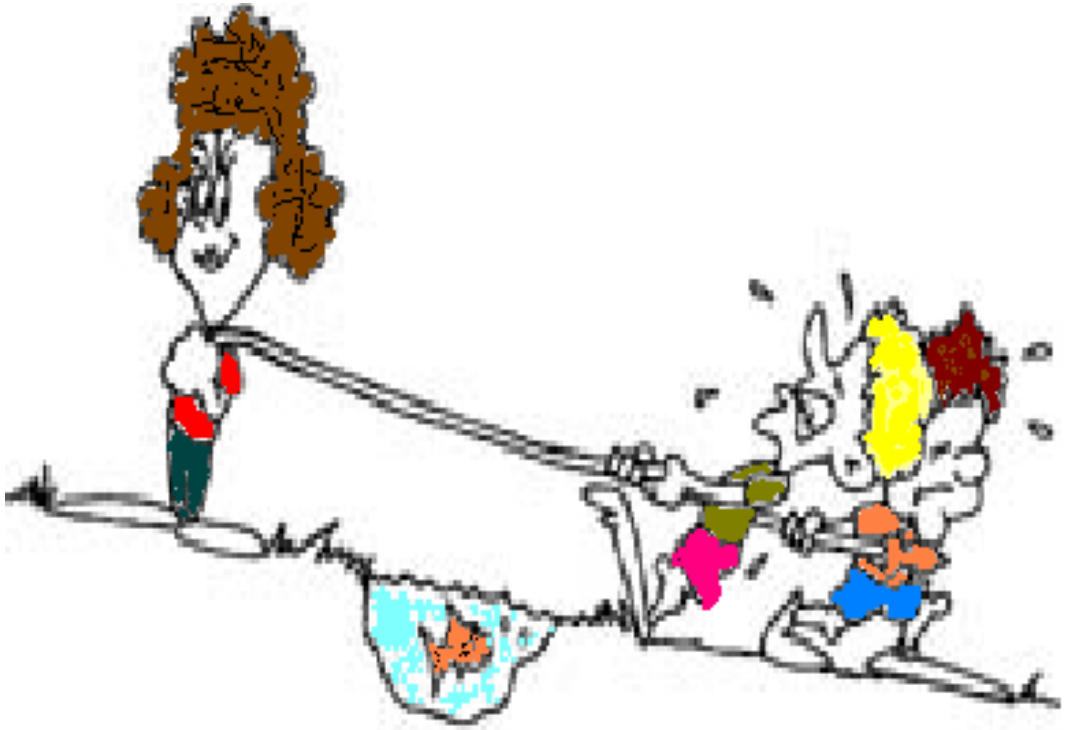
Welcome to RUCA

RUCA Duration

- Post-closure period is 30 years following final closure
- Groundwater Protection Standards apply during compliance period (subset of 30-yr P-C period)

  Compliance period = active life + closure period
- P-C period can be shortened or extended

RUCA & RCRA Reforms



RUCA Minimum Standards

- Process and minimum requirements defined by 40 CFR 264.90-100
- Limited room for negotiation
- No provisions for variance or waiver of basic gw requirements of Subpart F
- Flexibility of Post-Closure Rule may apply in certain limited cases

Post-closure Rule

- Under certain circumstances and with agency discretion, closure/post-closure requirements can:
  - be conducted under an alternative enforceable document meeting substantive requirements of a P-C Permit
  - be replaced by RCRA CA requirements if RU is amidst SWMUs and releases are co-mingled

GPS

- GPS defined in regulation and established by permit as greater of:
  - background
  - ACL (risk-based standard)
  - Table 1 (1986 MCLs, eliminated in VA regs)
- Alternate Concentration limit

  ACL = MCL or calculated risk-based standard

Point of Compliance

- POC defined as “vertical plane at downgradient edge of unit or WMA”
- Each unit has a separate POC
- Waste Management Areas allowed

Implementing RUCA

RUCA Trigger

- RUCA required if GPSs are exceeded at POC
- RUCA continues until WMA/unit is in compliance with GPSs at POC
- Specific activities listed in control mechanism (permit, order, etc.)
- Financial Assurance required

VA Approach

- We coordinate RUCA with RCRA CA whenever possible.
  - coordinate investigations, sampling, reporting, remedial activities;
  - include details of the coordination in permit;
  - reserve authority in permit to require RUCA independently; and
  - work closely with EPA project managers.

Piggy-backing

Use existing RCRA CA work for RUCA

- Reduces duplicative effort- both sides
- RUCA needs usually satisfied
- EXAMPLE: Genicom Corporation-
  - P-C Permit includes the Interim Measure as the RUCA remedy
  - Coordinated permit modification procedure

Overlapping

Work designed to satisfy all programs

- Additional items needed occasionally to meet all requirements, but an overall reduction in effort is realized
- EXAMPLE: Schrader-Bridgeport Int'l-
  - to meet all RUCA needs, remedial design was altered to address metals
  - single submission to DEQ and EPA

Deferral with Reservation

RUCA deferred to RCRA CA entirely

- Specific language reserving RUCA authority included in permit conditions
- EXAMPLE: Koppers Industries
  - RU is in middle of treatment area SWMUs
  - Single GW remedy anticipated
  - Early in process- RFI Workplan just approved

Special Considerations

- Background-based GPSs can be greater than RCRA CA clean-up standards
- Units under a post-closure permit usually have waste left in place
- Constituents of Concern for closure/post-closure usually more narrowly defined
- GPS Exceedance does not trigger RUCA beyond compliance period