

FACT SHEET

Overview

Wood Treatment facilities that use or have used Chromated Copper Arsenate (CCA) to treat wood must go through closure of their drip pads to remove the F035 listed hazardous waste code for wastes generated on these pads and to properly close the pads. The Draft Closure Guidance explains the generators' requirements and options.

Draft Closure Guidance: Wood Treatment Facilities – Drip Pads

What are the regulatory requirements for facilities that have treated wood using Chromated Copper Arsenate (CCA)?

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 §262.16, §262.17, §262.16(b)(4), §262.7(a)(3); 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 §262.16, §262.17, §262.16(b)(4), and/or §262.17(a)(3), and 40 CFR Part 265, Subpart W.

What closure requirements apply to facilities that are not in compliance with generator regulations in the Virginia Hazardous Waste Management Regulations?

Facilities not in compliance with all applicable requirements under §262.16 or §262.17 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.

What requirements apply to CCA Drip Pad closures?

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
3. 40 CFR Part 265 Subpart W, Drip Pads, §265.445, Closure, as applicable. (See Appendix A and B of the Closure Guidance Summary.)

What items are included in the 40 CFR Part 265 Subpart W requirements for following drip pads?

1. Drip pad facility design
2. Construction and installation
3. Operation and maintenance
4. Inspections
5. Evaluations
6. Certifications by an independent P.E.
7. Recordkeeping
8. Closure of the HWMUs. Some unit-specific recordkeeping requirements are also specified under §262.16(b)(4)(iii) and/or §262.17(a)(3)(iii) as applicable.

What are the drip pad system components?

The 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.

Are wood treatment facilities with drip pads required to have a closure plan?

All drip pad facilities should develop a closure plan and 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.

Where drip pads do not comply with the secondary liner system requirements of 40 CFR §265.443(b)(1), what documents must the drip pad owner or operator develop?

1. Closure plan under 40 CFR §265.112
2. Contingent closure plan
3. 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.")

What are owners/operators of drip pads required to submit?

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 DEQ.

What are the recordkeeping requirements for these drip pad closures?

The closure plan and any closure documentation must be maintained in the facility's operating record and be made available to the EPA and DEQ inspectors for the operating life of the facility.

What should a wood treatment facility do if it cannot clean close its drip pad area?

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 DEQ.)

Where can drip pad owners/operators find more information?

For further guidance, see:

1. Closure Guidance Summary – Wood Treatment Facilities, March 2025
2. Section 5.0, Procedures to Achieve Compliance with §265.111, §265.114, and 265, Subpart W
3. Section 6.0, Options for Closure.
4. Also see *The Draft Guidance Manual for Closure Plans and Post-Closure Plans for Hazardous Waste Management Facilities*, dated September 28, 2001 at <https://www.deq.virginia.gov/home/showpublisheddocument/27607/638744328725230000>

What authority does EPA/DEQ have regarding drip pads?

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 §§ 262.16(b)(4)(iii) and/or 262.17(a)(3)(iii) and 265, Subpart W, and from facilities which cannot clean close.

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