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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 14@ Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

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Article 6@ Water Quality Monitoring and Response Programs for Permitted Facilities

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Section 66264.101@ Corrective Action for Waste Management Units

66264.101 Corrective Action for Waste Management Units

(a)

The owner or operator of a facility seeking a permit for the transfer, treatment, storage, or disposal of hazardous waste shall institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid or hazardous waste management unit at the facility, regardless of the time at which waste was placed in such unit.

(b)

The owner or operator shall provide a financial assurance mechanism for corrective action to the Department within 90 days of the Department's approval of a corrective measures implementation workplan or a Department-approved equivalent. The financial assurance mechanism must consist of one of the options specified in section 66264.143. The owner or operator shall establish the financial assurance mechanism to allow the Department access to the funds to undertake corrective measures implementation tasks if the owner or operator is unable or unwilling to undertake the required tasks. If the owner or operator proposes to use the financial test or corporate guarantee as the financial assurance mechanism for corrective action, the owner or operator shall also establish a process that allows the Department access to the funds to undertake corrective measures implementation tasks if the department determines that the owner or operator is unable or unwilling to undertake the required tasks. Any

financial assurance mechanism or process proposed by the owner or operator shall be subject to the Department's approval.

(c)

Corrective action must be specified in the permit, order, or agreement for corrective action issued or entered into by the Department in accordance with this article, article 15.5, or article 17, and Health and Safety Code sections 25200.10, 25187, 25200.14, or 25358.9 where as provided for under the provisions of that section the Department has excluded the removal or remedial action at a site from the hazardous waste facilities permit required by Health and Safety Code section 25201. The permit, order, or agreement must contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.

(d)

Where necessary to protect human health or the environment, the owner or operator shall implement corrective action beyond the facility boundary unless the owner or operator demonstrates to the satisfaction of the Department, that despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such release will be determined on a case-by-case basis. Assurance of financial responsibility for such corrective action shall be provided.