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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 7@ Closure and Post-Closure

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Section 66264.113@ Closure; Time Allowed for Closure

## **66264.113 Closure; Time Allowed for Closure**

### **(a)**

Within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes if the owner or operator complies with all applicable requirements in subsections (d) and (e) of this section, at a hazardous waste management unit or facility, the owner or operator shall treat, remove from the unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan. The Department may approve a longer period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates to the satisfaction of the Department that: (1) (A) the activities required to comply with this subsection will, of necessity, take longer than 90 days to complete; or (B) 1. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and 2. there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and 3. closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and (2) the owner or operator has taken and will continue to take all steps to comply with all applicable permit requirements and the longer period will not pose a threat to

human health and the environment.

**(1)**

(A) the activities required to comply with this subsection will, of necessity, take longer than 90 days to complete; or (B) 1. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and 2. there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and 3. closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

**(A)**

the activities required to comply with this subsection will, of necessity, take longer than 90 days to complete; or

**(B)**

1. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and 2. there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and 3. closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

**1.**

the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and

**2.**

there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and

**3.**

closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

**(2)**

the owner or operator has taken and will continue to take all steps to comply with all applicable permit requirements and the longer period will not pose a threat to human health and the environment.

**(b)**

The owner or operator shall complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes if the owner or operator complies with all applicable requirements in subsections (d) and (e) of this section, at the hazardous waste management unit or facility. The Department may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that: (1) (A) the partial or final closure activities will, of necessity, take longer than 180 days to complete; or (B) 1. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and 2. there is reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and 3. closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and (2) the

owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed, but not operating, hazardous waste management unit or facility, including compliance with all applicable permit requirements.

**(1)**

(A) the partial or final closure activities will, of necessity, take longer than 180 days to complete; or (B) 1. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and 2. there is reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and 3. closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

**(A)**

the partial or final closure activities will, of necessity, take longer than 180 days to complete; or

**(B)**

1. the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and 2. there is reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and 3. closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

**1.**

the hazardous waste management unit or facility has the capacity to receive additional hazardous

wastes, or has the capacity to receive non-hazardous wastes if the owner or operator complies with subsections (d) and (e) of this section; and

**2.**

there is reasonable likelihood that a person other than the owner or operator will recommence operation of the hazardous waste management unit or the facility within one year; and

**3.**

closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

**(2)**

the owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed, but not operating, hazardous waste management unit or facility, including compliance with all applicable permit requirements.

**(c)**

The demonstrations referred to in subsections (a) and (b) of this section shall be made as follows: (1) The demonstrations in subsection (a) of this section shall be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and (2) the demonstration in subsection (b) shall be made at least 30 days prior to the expiration of the 180-day period in subsection (b) of this section, unless the owner or operator is otherwise subject to the deadlines in subsection (d) of this section.

**(1)**

The demonstrations in subsection (a) of this section shall be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and

**(2)**

the demonstration in subsection (b) shall be made at least 30 days prior to the

expiration of the 180-day period in subsection (b) of this section, unless the owner or operator is otherwise subject to the deadlines in subsection (d) of this section.

**(d)**

The Department may allow an owner or operator to receive only non-hazardous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of hazardous wastes at that unit, if: (1) The owner or operator requests a permit modification in compliance with all applicable requirements in chapters 20 and 21 of this division and in the permit modification request demonstrates to the Department that: (A) the unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and (B) there is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes; and (C) the non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this chapter; and (D) closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and (E) the owner or operator is operating and will continue to operate in compliance with all applicable permit requirements of this chapter and with all applicable regulations promulgated by other state agencies governing discharges of hazardous or non-hazardous wastes to land and water, including, but not limited to, regulations promulgated by the California Integrated Waste Management Board and the State Water Resources Control Board; and (2) The request to modify the permit includes an amended waste analysis plan, monitoring and response program for groundwater, air, soil, and soil-pore gas required under articles 6 and 17 of this chapter, human exposure assessment required under Title 42, U.S.C., Section 6939 a, and closure and post-closure plans, and updated cost estimates

and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure, if applicable, under Title 22, CCR, section 66264.112(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and (3) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and (4) The request to modify the permit and the demonstrations referred to in subsections (d)(1) and (d)(2) of this section are submitted to the Department no later than 180 days prior to the date on which the owner or operator of a facility receives the known final volume of hazardous wastes at the unit, or no later than 90 days after the effective date of this rule, whichever is later.

**(1)**

The owner or operator requests a permit modification in compliance with all applicable requirements in chapters 20 and 21 of this division and in the permit modification request demonstrates to the Department that: (A) the unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and (B) there is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes; and (C) the non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this chapter; and (D) closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and (E) the owner or operator is operating and will continue to operate in

compliance with all applicable permit requirements of this chapter and with all applicable regulations promulgated by other state agencies governing discharges of hazardous or non-hazardous wastes to land and water, including, but not limited to, regulations promulgated by the California Integrated Waste Management Board and the State Water Resources Control Board; and

**(A)**

the unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes; and

**(B)**

there is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes; and

**(C)**

the non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this chapter; and

**(D)**

closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

**(E)**

the owner or operator is operating and will continue to operate in compliance with all applicable permit requirements of this chapter and with all applicable regulations promulgated by other state agencies governing discharges of hazardous or non-hazardous wastes to land and water, including, but not limited to, regulations promulgated by the California Integrated Waste Management Board and the State Water Resources Control Board; and



**(2)**

The request to modify the permit includes an amended waste analysis plan, monitoring and response program for groundwater, air, soil, and soil-pore gas required under articles 6 and 17 of this chapter, human exposure assessment required under Title 42, U.S.C., Section 6939 a, and closure and post-closure plans, and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure, if applicable, under Title 22, CCR, section 66264.112(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes; and

**(3)**

The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and

**(4)**

The request to modify the permit and the demonstrations referred to in subsections (d)(1) and (d)(2) of this section are submitted to the Department no later than 180 days prior to the date on which the owner or operator of a facility receives the known final volume of hazardous wastes at the unit, or no later than 90 days after the effective date of this rule, whichever is later.

**(e)**

In addition to the requirements in subsection (d) of this section, an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements pursuant to Title 22, CCR, Division 4.5, Chapter 14, Article 11 shall:(1) Submit with the request to

modify the permit:(A) a contingent corrective measures plan, unless a corrective action program has already been submitted under sections 66264.99, 66264.100 and 66264.708; and (B) a plan for removing hazardous wastes in compliance with subsection (e)(2) of this section; and (2) Remove all hazardous wastes from the unit by removing all hazardous liquids, and by removing all hazardous sludges to the extent practicable without impairing the integrity of the liner(s), if any. (3) Removal of hazardous wastes shall be completed no later than 90 days after the final receipt of hazardous wastes. The Department may approve an extension to this deadline if the owner or operator demonstrates that the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health or the environment. (4) If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit or that exceeds the facility's protection standards for groundwater, air, soil, or soil-pore gas at the points of compliance, if applicable, is detected in accordance with the requirements in articles 6, 15.5, or 17 of this chapter, the owner or operator of the unit:(A) shall implement corrective measures in accordance with the approved contingent corrective measures plan required by subsection (e)(1) of this section no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later; (B) may continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and (C) may be required by the Department to implement corrective measures in less than one year or to cease receipt of wastes until corrective measures have been implemented if necessary to protect human

health or the environment. (5) During the period of corrective action, the owner or operator shall provide semi-annual reports to the Department that describe the progress of the corrective action program, compile all monitoring data for groundwater, air, soil, and soil-pore gas, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action. (6) The Department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in subsection (e)(4) of this section, or fails to make substantial progress in implementing corrective action and achieving the facility's protection standards for groundwater, air, soil, or soil-pore gas, or background levels if the facility has not yet established a protection standard for groundwater, air, soil or soil-pore gas. (7) If the owner or operator fails to implement corrective measures as required in subsection (e)(4) of this section, or if the Department determines that substantial progress has not been made pursuant to subsection (e)(6) of this section, the Department shall: (A) notify the owner or operator in writing that the owner or operator shall begin closure in accordance with the deadlines in subsections (a) and (b) of this section and provide a detailed statement of reasons for this determination, and (B) provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than 20 days after the date of the notice. (C) If the Department receives no written comments, the decision will become final five days after the close of the comment period. The Department shall notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, shall be submitted within 15 days of the final notice and that closure shall begin in accordance with the deadlines in subsections (a) and (b) of this section. (D) If the

Department receives written comments on the decision, the Department shall make a final decision within 30 days after the end of the comment period, and shall provide the owner or operator in writing, and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the Department determines that substantial progress has not been made, closure shall be initiated in accordance with the deadlines in subsections (a) and (b) of this section. (E) The final determinations made by the Department under subsections (e)(7)(C)-(D) of this section are not subject to administrative appeal.

**(1)**

Submit with the request to modify the permit: (A) a contingent corrective measures plan, unless a corrective action program has already been submitted under sections 66264.99, 66264.100 and 66264.708; and (B) a plan for removing hazardous wastes in compliance with subsection (e)(2) of this section; and

**(A)**

a contingent corrective measures plan, unless a corrective action program has already been submitted under sections 66264.99, 66264.100 and 66264.708; and

**(B)**

a plan for removing hazardous wastes in compliance with subsection (e)(2) of this section; and

**(2)**

Remove all hazardous wastes from the unit by removing all hazardous liquids, and by removing all hazardous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

**(3)**

Removal of hazardous wastes shall be completed no later than 90 days after the final receipt of hazardous wastes. The Department may approve an extension to this

deadline if the owner or operator demonstrates that the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health or the environment.

**(4)**

If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit or that exceeds the facility's protection standards for groundwater, air, soil, or soil-pore gas at the points of compliance, if applicable, is detected in accordance with the requirements in articles 6, 15.5, or 17 of this chapter, the owner or operator of the unit: (A) shall implement corrective measures in accordance with the approved contingent corrective measures plan required by subsection (e)(1) of this section no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later; (B) may continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and (C) may be required by the Department to implement corrective measures in less than one year or to cease receipt of wastes until corrective measures have been implemented if necessary to protect human health or the environment.

**(A)**

shall implement corrective measures in accordance with the approved contingent corrective measures plan required by subsection (e)(1) of this section no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

**(B)**

may continue to receive wastes at the unit following detection of the release only if the

approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

**(C)**

may be required by the Department to implement corrective measures in less than one year or to cease receipt of wastes until corrective measures have been implemented if necessary to protect human health or the environment.

**(5)**

During the period of corrective action, the owner or operator shall provide semi-annual reports to the Department that describe the progress of the corrective action program, compile all monitoring data for groundwater, air, soil, and soil-pore gas, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

**(6)**

The Department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in subsection (e)(4) of this section, or fails to make substantial progress in implementing corrective action and achieving the facility's protection standards for groundwater, air, soil, or soil-pore gas, or background levels if the facility has not yet established a protection standard for groundwater, air, soil or soil-pore gas.

**(7)**

If the owner or operator fails to implement corrective measures as required in subsection (e)(4) of this section, or if the Department determines that substantial progress has not been made pursuant to subsection (e)(6) of this section, the Department shall: (A) notify the owner or operator in writing that the owner or operator shall begin closure in accordance with the deadlines in subsections (a) and (b)

of this section and provide a detailed statement of reasons for this determination, and (B) provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than 20 days after the date of the notice. (C) If the Department receives no written comments, the decision will become final five days after the close of the comment period. The Department shall notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, shall be submitted within 15 days of the final notice and that closure shall begin in accordance with the deadlines in subsections (a) and (b) of this section. (D) If the Department receives written comments on the decision, the Department shall make a final decision within 30 days after the end of the comment period, and shall provide the owner or operator in writing, and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the Department determines that substantial progress has not been made, closure shall be initiated in accordance with the deadlines in subsections (a) and (b) of this section. (E) The final determinations made by the Department under subsections (e)(7)(C)-(D) of this section are not subject to administrative appeal.

**(A)**

notify the owner or operator in writing that the owner or operator shall begin closure in accordance with the deadlines in subsections (a) and (b) of this section and provide a detailed statement of reasons for this determination, and

**(B)**

provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than 20 days after the date of the notice.

**(C)**

If the Department receives no written comments, the decision will become final five days after the close of the comment period. The Department shall notify the owner or operator

that the decision is final, and that a revised closure plan, if necessary, shall be submitted within 15 days of the final notice and that closure shall begin in accordance with the deadlines in subsections (a) and (b) of this section.

**(D)**

If the Department receives written comments on the decision, the Department shall make a final decision within 30 days after the end of the comment period, and shall provide the owner or operator in writing, and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the Department determines that substantial progress has not been made, closure shall be initiated in accordance with the deadlines in subsections (a) and (b) of this section.

**(E)**

The final determinations made by the Department under subsections (e)(7)(C)-(D) of this section are not subject to administrative appeal.