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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 66264.112@ Closure Plan; Amendment of Plan

66264.112 Closure Plan; Amendment of Plan

(a)

Written plan. (1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by sections 66264.228(c)(1)(A) and 66264.258(c)(1)(A) to have contingent closure plans. The plan shall be submitted with the permit application, in accordance with section 66270.14(b)(13) of this division, or when otherwise requested by the Department. The plan shall be approved by the Department as part of the permit issuance procedures under chapter 21 of this division. In accordance with section 66270.32 of this division, the approved closure plan will become a condition of any permit. (2) The Department's approval of the plan shall ensure that the approved closure plan is consistent with sections 66264.111 through 66264.115 and the applicable requirements of article 6 of this chapter and sections 66264.178, 66264.197, 66264.228, 66264.258, 66264.280, 66264.310, 66264.351, 66264.601 and 66264.1102. Until final closure is completed and certified in accordance with section 66264.115, a copy of the approved plan and all approved revisions shall be kept at the facility and furnished to the Department upon request, including request by mail.

(1)

The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by sections 66264.228(c)(1)(A) and 66264.258(c)(1)(A) to have contingent closure plans. The plan shall be submitted with the permit application, in accordance with section 66270.14(b)(13) of this division, or when otherwise requested by the Department. The plan shall be approved by the Department as part of the permit issuance procedures under chapter 21 of this division. In accordance with section 66270.32 of this division, the approved closure plan will become a condition of any permit.

(2)

The Department's approval of the plan shall ensure that the approved closure plan is consistent with sections 66264.111 through 66264.115 and the applicable requirements of article 6 of this chapter and sections 66264.178, 66264.197, 66264.228, 66264.258, 66264.280, 66264.310, 66264.351, 66264.601 and 66264.1102. Until final closure is completed and certified in accordance with section 66264.115, a copy of the approved plan and all approved revisions shall be kept at the facility and furnished to the Department upon request, including request by mail.

(b)

Content of plan. The plan shall identify steps necessary to perform partial or final closure of the facility at any point during its active life and to perform final closure of the facility at the end of its active life. The closure plan shall include, at least:

(1) a description of how and when each hazardous waste management unit at the facility will be closed in accordance with section 66264.111; (2) a description of how and when final closure of the facility will be conducted in accordance with section 66264.111. The description shall identify the maximum extent of the

operations which will be unclosed during the active life of the facility; (3) an estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the type(s) of the off-site hazardous waste management units to be used, if applicable; (4) a detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; (5) a detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; (6) a schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included); (7) an estimate of the expected year of final closure.

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will be closed in accordance with section 66264.111;

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a description of how and when final closure of the facility will be conducted in accordance with section 66264.111. The description shall identify the maximum extent of the operations which will be unclosed during the active life of the facility;

(3)

an estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the type(s) of the off-site hazardous waste management units to be used, if applicable;

(4)

a detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(5)

a detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control;

(6)

a schedule for closure of each hazardous waste management unit and for final closure

of the facility. The schedule shall include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover shall be included);

(7)

an estimate of the expected year of final closure.

(c)

Amendment of plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan in accordance with the applicable procedures in chapters 20 and 21 of this division. The written notification request shall include a copy of the amended closure plan for review or approval by the Department. (1) The owner or operator may submit a written notification or request to the Department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility. (2) The owner or operator shall submit a written notification or request for a permit modification to authorize a change in the approved closure plan whenever: (A) changes in operating plans or facility design affect the closure plan, or (B) there is a change in the expected year of closure, or (C) in conducting partial or final closure activities, unexpected events require a modification of the approved closure plan. (3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event

occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. The Department will approve, disapprove, or modify this amended plan in accordance with the procedures in chapters 20 and 21 of this division. In accordance with section 66270.32 of this division, the approved closure plan will become a condition of any permit issued. (4) The Department may request modifications to the plan under the conditions described in section 66264.112(c)(2). The owner or operator shall submit the modified plan within 60 days of the Department's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Department will be approved in accordance with the procedures in chapters 20 and 21 of this division.

(1)

The owner or operator may submit a written notification or request to the Department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(2)

The owner or operator shall submit a written notification or request for a permit modification to authorize a change in the approved closure plan whenever: (A) changes in operating plans or facility design affect the closure plan, or (B) there is a change in the expected year of closure, or (C) in conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

(A)

changes in operating plans or facility design affect the closure plan, or

(B)

there is a change in the expected year of closure, or

(C)

in conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

(3)

The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. The Department will approve, disapprove, or modify this amended plan in accordance with the procedures in chapters 20 and 21 of this division. In accordance with section 66270.32 of this division, the approved closure plan will become a condition of any permit issued.

(4)

The Department may request modifications to the plan under the conditions described in section 66264.112(c)(2). The owner or operator shall submit the modified plan within 60 days of the Department's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Department will be approved in accordance with the procedures in chapters 20 and 21 of this division.

(d)

Notification of partial closure and final closure. (1) The owner or operator shall notify the Department in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Department in writing at least 45 days prior to

the date on which the owner or operator expects to begin final closure of a facility with only tanks or containers used for transfer, treatment or storage, or incinerator units to be closed. The owner or operator shall notify the Department in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier. The Department may require a longer notice period of up to 180 days for any facility or unit by giving written notice of the longer period if the Department determines that additional time would be required to review and make necessary amendments to the closure plan prior to the initiation of closure. Within 90 days after receiving a notification, the Department may review the closure plan to determine whether any factor has significantly changed since a prior review was undertaken, or determine whether the plan is otherwise adequate or inadequate, and may prescribe additional requirements or request modifications to the plan. (2) The date when the owner or operator "expects to begin closure" shall be either no later than the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. The Department may approve an extension to this one-year limit if the owner or operator of a hazardous waste management unit demonstrates to the satisfaction of the Department that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, the owner or operator has taken, and will continue to take, all steps necessary to comply with all applicable permit requirements, and the extension will not pose a threat to human health and the environment. (3) For units meeting the requirements of section 66264.113(d), the

date when the owner or operator "expects to begin closure" shall be no later than the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator can demonstrate to the Department that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and the owner or operator has taken, and will continue to take, all steps to prevent threats to human health and threats to the environment, including compliance with all applicable permit requirements, the Department may approve an extension to this one-year limit. A facility operating under the requirements of section 66264.113(d) shall be subject to the facility fee specified in Health and Safety Code, Division 20, section 25205.2(d), until the facility has complied with the requirements of section 66264.113(a). Health and Safety Code, Division 20, section 25205.2(d)(4) shall not apply to a facility operating pursuant to section 66264.113(d). (4) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order under Health and Safety Code section 25358.3 or article 8 of chapter 6.5 of division 20 of the Health and Safety Code, to cease receiving hazardous wastes or to close, then the requirements of this section do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in section 66264.113.

(1)

The owner or operator shall notify the Department in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility

with such a unit. The owner or operator shall notify the Department in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks or containers used for transfer, treatment or storage, or incinerator units to be closed. The owner or operator shall notify the Department in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier. The Department may require a longer notice period of up to 180 days for any facility or unit by giving written notice of the longer period if the Department determines that additional time would be required to review and make necessary amendments to the closure plan prior to the initiation of closure. Within 90 days after receiving a notification, the Department may review the closure plan to determine whether any factor has significantly changed since a prior review was undertaken, or determine whether the plan is otherwise adequate or inadequate, and may prescribe additional requirements or request modifications to the plan.

(2)

The date when the owner or operator "expects to begin closure" shall be either no later than the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. The Department may approve an extension to this one-year limit if the owner or operator of a hazardous waste management unit demonstrates to the satisfaction of the Department that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, the owner or operator has taken, and will continue to take, all steps necessary to comply with all applicable permit requirements, and the extension will not pose a threat to human health and the

environment.

(3)

For units meeting the requirements of section 66264.113(d), the date when the owner or operator "expects to begin closure" shall be no later than the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator can demonstrate to the Department that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and the owner or operator has taken, and will continue to take, all steps to prevent threats to human health and threats to the environment, including compliance with all applicable permit requirements, the Department may approve an extension to this one-year limit. A facility operating under the requirements of section 66264.113(d) shall be subject to the facility fee specified in Health and Safety Code, Division 20, section 25205.2(d), until the facility has complied with the requirements of section 66264.113(a). Health and Safety Code, Division 20, section 25205.2(d)(4) shall not apply to a facility operating pursuant to section 66264.113(d).

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If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order under Health and Safety Code section 25358.3 or article 8 of chapter 6.5 of division 20 of the Health and Safety Code, to cease receiving hazardous wastes or to close, then the requirements of this section do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in section 66264.113.