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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 15@ Interim Status 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 66265.118@ Post-Closure Plan; Amendment of Plan

## **66265.118 Post-Closure Plan; Amendment of Plan**

### **(a)**

Written plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure shall prepare a post-closure plan and submit it to the Department within 90 days of the date that the owner or operator or Department determines that the hazardous waste management unit or facility shall be closed as a landfill, subject to the requirements of sections 66265.117 through 66265.120.

### **(b)**

Until final closure of the facility, a copy of the most current post-closure plan shall be kept at the facility and furnished to the Department upon request, including request by mail. In addition, for facilities without approved post-closure plans, it shall also be provided during site inspections, on the day of inspection, to any officer, employee or representative of the Department who is duly designated by the Director. After final closure, the person or office specified in section 66265.118(c)(3) shall keep an updated and approved post-closure plan during the post-closure period,

### **(c)**

For each hazardous waste management unit subject to the requirements of this section, the post-closure plan shall identify the activities that will be carried on

after closure of each disposal unit and the frequency of these activities, and include at least: (1) a description of the planned monitoring activities and frequencies at which they will be performed to comply with articles 6, 11, 12, 13, and 14 of this chapter during the post-closure care period; and (2) a description of the planned maintenance activities, and frequencies at which they will be performed, to ensure: (A) the integrity of the cap and final cover and other containment systems in accordance with the requirements of articles 11, 12, 13, and 14 of this chapter; and (B) the function of the monitoring equipment in accordance with the requirements of articles 6, 11, 12, 13, and 14 of this chapter; and (3) the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period. (4) all information necessary to enable the Department to prepare an Initial Study for the post-closure plan, which meets the requirements of Title 14, California Code of Regulations section 15063, unless the Department has determined that the post-closure plan is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14, CCR section 15061.

**(1)**

a description of the planned monitoring activities and frequencies at which they will be performed to comply with articles 6, 11, 12, 13, and 14 of this chapter during the post-closure care period; and

**(2)**

a description of the planned maintenance activities, and frequencies at which they will be performed, to ensure: (A) the integrity of the cap and final cover and other containment systems in accordance with the requirements of articles 11, 12, 13, and 14 of this chapter; and (B) the function of the monitoring equipment in accordance with the requirements of articles 6, 11, 12, 13, and 14 of this chapter; and

**(A)**

the integrity of the cap and final cover and other containment systems in accordance with the requirements of articles 11, 12, 13, and 14 of this chapter; and

**(B)**

the function of the monitoring equipment in accordance with the requirements of articles 6, 11, 12, 13, and 14 of this chapter; and

**(3)**

the name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.

**(4)**

all information necessary to enable the Department to prepare an Initial Study for the post-closure plan, which meets the requirements of Title 14, California Code of Regulations section 15063, unless the Department has determined that the post-closure plan is exempt from the requirements of the California Environmental Quality Act pursuant to Title 14, CCR section 15061.

**(d)**

Amendment of plan. The owner or operator may amend the post-closure plan any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan shall submit a written request to the Department to authorize a change to the approved plan. The written request shall include a copy of the amended post-closure plan for approval by the Department. (1) The owner or operator shall amend the post-closure plan whenever: (A) changes in operating plans or facility design affect the post-closure plan, or (B) events which occur during the active life of the facility or the post-closure care period, including partial and final closures, affect the post-closure plan. (2) The owner or operator shall amend the post-closure plan 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 post-closure plan. (3) An owner or operator with an approved post-closure plan shall submit the modified plan to the Department at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a surface impoundment or a waste pile, who intended to remove all hazardous wastes at closure in accordance with section 66265.228(a) or 66265.258(a) is required to close as a landfill in accordance with section 66265.310, the owner or operator shall submit a post-closure plan within 90 days of the determination by the owner or operator or the Department that the unit shall be closed as a landfill. If the amendment to the post-closure plan is a Class 2 or 3 modification according to the criteria in section 66270.42, the modification to the plan will be approved according to the procedures in section 66265.118(f). (4) The Department shall request modifications to the plan under the conditions described in subsection (d)(1) of this section. An owner or operator with an approved post-closure plan shall submit the modified plan no later than 60 days after the request from the Department. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in section 66270.42, the modifications to the post-closure plan will be approved in accordance with the procedures in section 66265.118(f). If the Department determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure shall close the facility as a landfill, the owner or operator shall submit a post-closure plan for approval to the Department within 90 days of the determination.

**(1)**

The owner or operator shall amend the post-closure plan whenever:(A) changes in operating plans or facility design affect the post-closure plan, or (B) events which occur during the active life of the facility or the post-closure care period, including partial and final closures, affect the post-closure plan.

**(A)**

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

**(B)**

events which occur during the active life of the facility or the post-closure care period, including partial and final closures, affect the post-closure plan.

**(2)**

The owner or operator shall amend the post-closure plan 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 post-closure plan.

**(3)**

An owner or operator with an approved post-closure plan shall submit the modified plan to the Department at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a surface impoundment or a waste pile, who intended to remove all hazardous wastes at closure in accordance with section 66265.228(a) or 66265.258(a) is required to close as a landfill in accordance with section 66265.310, the owner or operator shall submit a post-closure plan within 90 days of the determination by the owner or operator or the Department that the unit shall be closed as a landfill. If the amendment to the post-closure plan is a Class 2 or 3 modification according to the criteria in section 66270.42, the modification to the plan will be approved according to the procedures in section 66265.118(f).

**(4)**

The Department shall request modifications to the plan under the conditions described in subsection (d)(1) of this section. An owner or operator with an approved post-closure plan shall submit the modified plan no later than 60 days after the request from the Department. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in section 66270.42, the modifications to the post-closure plan will be approved in accordance with the procedures in section 66265.118(f). If the Department determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure shall close the facility as a landfill, the owner or operator shall submit a post-closure plan for approval to the Department within 90 days of the determination.

**(e)**

The owner or operator of a facility with hazardous waste management units subject to these requirements shall submit the post-closure plan to the Department at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date the owner or operator "expects to begin closure" of the first hazardous waste disposal unit shall be either no later than the date on which the hazardous waste management unit receives the known final volume of hazardous waste 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 wastes. The owner or operator shall submit the post-closure plan to the Department no later than 15 days after: (1) termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or (2) issuance of a 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 wastes or close.

**(1)**

termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

**(2)**

issuance of a 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 wastes or close.

**(f)**

The Department will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the post-closure plan and request modifications to the plan no later than 30 days from the date of the notice. The Department will also, in response to a request or at the Department's own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a post-closure plan. The Department will give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined. The Department will approve, modify, or disapprove the plan within 90 days of its receipt. If the Department disapproves the plan, the Department shall provide the owner or operator with a detailed written statement of reasons for the refusal and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Department will approve or modify this plan in writing within 60 days. If the Department modifies the plan, this modified plan becomes the approved post-closure plan. The

Department shall ensure that the approved post-closure plan is consistent with sections 66265.117 through 66265.120. A copy of the modified plan with a detailed statement of reasons for the modifications shall be mailed to the owner or operator.

**(g)**

The post-closure plan and length of the post-closure care period may be modified any time prior to the end or at the end of the post-closure care period in either of the following two ways. (1) The owner or operator or any member of the public may petition the Department to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause. (A) The petition shall include evidence demonstrating that: 1. the secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure plan (e.g., leachate or groundwater monitoring results, characteristics of the wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or 2. the requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment). (B) These petitions will be considered by the Department only when they present new and relevant information not previously considered by the Department. Whenever the Department is considering a petition, the Department will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit



written comments within 30 days of the date of the notice. The Department will also, in response to a request or at the Department's own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The Department will give the public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments, and the two notices may be combined). After considering the comments, the Department will issue a final determination, based upon the criteria set forth in subsection (9)(1)(A) of this section. (C) If the Department denies the petition, the Department will send the petitioner a brief written response giving a reason for the denial. (2) The Department may tentatively decide to modify the post-closure plan if the Department deems it necessary to prevent threats to human health and the environment. The Department may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.(A) The Department will provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B) of this section. After considering the comments, the Department will issue a final determination. (B) The Department will base the final determination upon the same criteria as required for petitions under subsection (g)(1)(A) of this section. A modification of the post-closure plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Department would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent

threats to human health and the environment.

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The owner or operator or any member of the public may petition the Department to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause. (A) The petition shall include evidence demonstrating that: 1. the secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure plan (e.g., leachate or groundwater monitoring results, characteristics of the wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or 2. the requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment). (B) These petitions will be considered by the Department only when they present new and relevant information not previously considered by the Department. Whenever the Department is considering a petition, the Department will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice. The Department will also, in response to a request or at the Department's own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The Department will give the public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments, and the two notices may be combined). After considering the comments,

the Department will issue a final determination, based upon the criteria set forth in subsection (9)(1)(A) of this section. (C) If the Department denies the petition, the Department will send the petitioner a brief written response giving a reason for the denial.

**(A)**

The petition shall include evidence demonstrating that: 1. the secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure plan (e.g., leachate or groundwater monitoring results, characteristics of the wastes, application of advanced technology, or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or 2. the requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

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**2.**

the requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

**(B)**

These petitions will be considered by the Department only when they present new and relevant information not previously considered by the Department. Whenever the Department is considering a petition, the Department will provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice. The Department will also, in response to a request or at the Department's own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure plan. The Department will give the public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments, and the two notices may be combined). After considering the comments, the Department will issue a final determination, based upon the criteria set forth in subsection (9)(1)(A) of this section.

**(C)**

If the Department denies the petition, the Department will send the petitioner a brief written response giving a reason for the denial.

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The Department may tentatively decide to modify the post-closure plan if the Department deems it necessary to prevent threats to human health and the environment. The Department may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.(A) The Department will provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B) of this section. After considering the comments, the Department will issue a final determination. (B) The Department will base the final determination upon the same

criteria as required for petitions under subsection (g)(1)(A) of this section. A modification of the post-closure plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Department would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.

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The Department will provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B) of this section. After considering the comments, the Department will issue a final determination.

**(B)**

The Department will base the final determination upon the same criteria as required for petitions under subsection (g)(1)(A) of this section. A modification of the post-closure plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Department would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.