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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 66265.119@ Post-Closure Notices

66265.119 Post-Closure Notices

(a)

No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator shall submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Department, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or area (not limited to only hazardous waste disposal unit) of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator shall identify the type, location and quantity of the hazardous wastes to the best of the owner's or operator's knowledge and in accordance with any records the owner or operator has kept. Any changes in the type, location or quantity of hazardous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed pursuant to section 66265.116 shall be reported to the local zoning authority or the authority with jurisdiction over local land use and to the Department.

(b)

Within 60 days of certification of closure of the first hazardous waste disposal unit and within 60 days of certification of closure of the last hazardous waste disposal unit, the owner or operator shall: (1) record, in accordance with State law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential

purchaser of the property that: (A) the land has been used to manage hazardous wastes; and (B) its use is restricted under article 7 of this chapter; and (C) the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or area (not limited to only hazardous waste disposal unit) of the facility required by sections 66265.116 and 66265.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Department; and (2) submit, to the Department, a certification signed by the owner or operator that the notation specified in subsection (b)(1) of this section has been recorded and a copy of the document in which the notation has been placed.

(1)

record, in accordance with State law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that: (A) the land has been used to manage hazardous wastes; and (B) its use is restricted under article 7 of this chapter; and (C) the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or area (not limited to only hazardous waste disposal unit) of the facility required by sections 66265.116 and 66265.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Department; and

(A)

the land has been used to manage hazardous wastes; and

(B)

its use is restricted under article 7 of this chapter; and

(C)

the survey plat and record of the type, location, and quantity of hazardous wastes disposed

of within each cell or area (not limited to only hazardous waste disposal unit) of the facility required by sections 66265.116 and 66265.119(a) have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the Department; and

(2)

submit, to the Department, a certification signed by the owner or operator that the notation specified in subsection (b)(1) of this section has been recorded and a copy of the document in which the notation has been placed.

(c)

If at any time the owner or operator or any subsequent owner of the land upon which a hazardous waste disposal unit was located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, and all contaminated structures, equipment, and underlying and surrounding soils, the owner or operator shall request a modification to the approved post-closure plan in accordance with the requirements of section 66265.118(g). The owner or operator shall demonstrate that the removal of hazardous wastes will satisfy the criteria of section 66265.117(d). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and shall manage it in accordance with all applicable requirements of this division. If the owner or operator is granted approval to conduct the removal activities, and the removal activities are completed to the satisfaction of the Department, the owner or operator may request that the Department approve either: (1) the removal of the notation on the deed to the facility property or other instrument normally examined during title search, or (2) the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

(1)

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(2)

the addition of a notation to the deed or instrument indicating the removal of the hazardous waste.