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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 8@ Financial Requirements

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Section 66265.144@ Cost Estimate for Post-Closure Care

66265.144 Cost Estimate for Post-Closure Care

(a)

An owner or operator of a hazardous waste disposal unit shall prepare and submit to the Department a detailed written estimate, in current dollars, of the annual cost of postclosure monitoring and maintenance of the facility in accordance with the applicable postclosure regulations in sections 66265.117 through 66265.120, 66265.228, 66265.258, 66265.280, and 66265.310. (1) The postclosure cost estimate must be based on the costs to the owner or operator of hiring a "third party" to conduct postclosure care activities. A "third party" is a party who is neither a parent nor subsidiary of the owner or operator. (See definition of "parent corporation" in section 66260.10). (2) The postclosure cost estimate is calculated by multiplying the annual postclosure cost estimate by 30 years or as required under section 66265.117. The Department may reset this period to 30 years each time the postclosure permit is issued or renewed. This period will be determined consistent with determinations made in section 66265.117.

(1)

The postclosure cost estimate must be based on the costs to the owner or operator of hiring a "third party" to conduct postclosure care activities. A "third party" is a party who is neither a parent nor subsidiary of the owner or operator. (See definition of "parent corporation" in section 66260.10).

(2)

The postclosure cost estimate is calculated by multiplying the annual postclosure cost estimate by 30 years or as required under section 66265.117. The Department may reset this period to 30 years each time the postclosure permit is issued or renewed. This period will be determined consistent with determinations made in section 66265.117.

(b)

During the active life of the facility, the owner or operator shall adjust the postclosure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with section 66265.145. For owners or operators using the financial test or corporate guarantee, the postclosure care cost estimate shall be updated for inflation no later than 30 days after the close of the firm's fiscal year and before submission of updated information to the Department as specified in section 66265.145(e)(4). The adjustment shall be made by recalculating the postclosure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in paragraphs (1) and (2) of this subsection. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. (1) The postclosure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct postclosure care activities. A third party is a party who is neither a parent nor subsidiary of the owner or operator. (See definition of parent corporation in section 66260.10). (2) Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

(1)

The postclosure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct postclosure care activities. A third party is a party who is neither a parent nor subsidiary of the owner or operator. (See definition of parent corporation in section 66260.10).

(2)

Subsequent adjustments are made by multiplying the latest adjusted postclosure cost estimate by the latest inflation factor.

(c)

During the active life of the facility, the owner or operator shall revise the postclosure cost estimate no later than 30 days after a revision to the postclosure plan which increases the cost of postclosure care. If the owner or operator has an approved postclosure plan, the postclosure cost estimate shall be revised no later than 30 days after the Department has approved the request to modify the plan, if the change in the postclosure plan increases the cost of postclosure care. The revised postclosure cost estimate shall be adjusted for inflation as specified in subsection (b) of this section.

(d)

The owner or operator shall keep the following at the facility during the operating life of the facility: the latest postclosure cost estimate prepared in accordance with subsections (a) and (c) of this section and, when this estimate has been adjusted in accordance with subsection (b) of this section, the latest adjusted postclosure cost estimate.