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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 23@ Standards for Universal Waste Management

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Article 7@ Authorization Requirements for Universal Waste Handlers Who Treat Universal Wastes

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Section 66273.76@ Closure Plan and Financial Requirements

## **66273.76 Closure Plan and Financial Requirements**

### **(a)**

Except as otherwise provided in subsections (a)(4) and (b)(5) of this section, and in addition to the universal waste handler notification required pursuant to section 66273.74, subsection (a), a universal waste handler who intends to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2), (b), and (c), shall submit the information specified in subsections (a)(1) through (d) of this section to the Department in the manner and at the address given in subsections (e) and (f) of this section, no later than 30 calendar days prior to initially conducting those treatment activities: (1) Closure plan. A universal waste handler shall prepare and submit a closure plan. When used in this chapter, "closure plan" means a written plan that identifies the activities and schedules for closing one or more universal waste treatment units at any point during the active life of a universal waste handler's facility. The closure plan shall address closing the universal waste treatment unit(s) at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive. The closure plan shall include all of the following: (A) A detailed description of the activities and schedule that are needed to decontaminate or remove at the time of closure: 1. Each universal waste treatment unit, including universal waste treatment units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection

(e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C); 2. All other contaminated equipment, such as ventilation systems and containment units; 3. Contaminated structures; 4. Contaminated soils; and 5. All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals. (B) The description required by subsection (a)(1)(A) of this section shall identify all areas where sampling and testing will be conducted to verify the decontamination or removal of the items listed in that subsection. (C) An estimated maximum inventory of universal wastes and universal waste treatment residuals ever to be present onsite, and a detailed description of the boundaries of the universal waste accumulation area(s), universal waste treatment unit(s), and treatment-residual storage area(s). (2) A universal waste handler shall modify the closure plan required by subsection (a)(1) of this section whenever a change affecting the closure plan and specified in subsection (a)(2)(A) of this section occurs. The universal waste handler shall submit the modified closure plan to the Department in the manner and at the address given in subsections (e) and (f) of this section within the applicable time period specified in subsection (a)(2)(B) of this section. (A) A change is a change in the type of treatment activity or an increase in facility capacity greater than 10 percent. (B) The applicable time period is at least 30 calendar days prior to any planned change in facility design or operation, or no longer than 30 calendar days after an unexpected change has occurred. (3) A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the closure plan prepared for the facility in accordance with subsection (a)(1) of this section. (4) Universal waste handlers who notify the Department pursuant to section 66273.74, subsection (a), of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2), (b), and (c) shall

submit the closure plan required by subsection (a)(1) of this section when they submit the notification.

**(1)**

Closure plan. A universal waste handler shall prepare and submit a closure plan.

When used in this chapter, "closure plan" means a written plan that identifies the activities and schedules for closing one or more universal waste treatment units at any point during the active life of a universal waste handler's facility. The closure plan shall address closing the universal waste treatment unit(s) at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive. The closure plan shall include all of the following: (A) A detailed description of the activities and schedule that are needed to decontaminate or remove at the time of closure: 1. Each universal waste treatment unit, including universal waste treatment units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C); 2. All other contaminated equipment, such as ventilation systems and containment units; 3. Contaminated structures; 4. Contaminated soils; and 5. All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals. (B) The description required by subsection (a)(1)(A) of this section shall identify all areas where sampling and testing will be conducted to verify the decontamination or removal of the items listed in that subsection. (C) An estimated maximum inventory of universal wastes and universal waste treatment residuals ever to be present onsite, and a detailed description of the boundaries of the universal waste accumulation area(s), universal waste treatment unit(s), and treatment-residual storage area(s).

**(A)**

A detailed description of the activities and schedule that are needed to decontaminate or

remove at the time of closure: 1. Each universal waste treatment unit, including universal waste treatment units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C); 2. All other contaminated equipment, such as ventilation systems and containment units; 3. Contaminated structures; 4. Contaminated soils; and 5. All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals.

**1.**

Each universal waste treatment unit, including universal waste treatment units that also treat residual printed circuit boards that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C);

**2.**

All other contaminated equipment, such as ventilation systems and containment units;

**3.**

Contaminated structures;

**4.**

Contaminated soils; and

**5.**

All hazardous wastes, including universal wastes in inventory, and universal waste treatment residuals.

**(B)**

The description required by subsection (a)(1)(A) of this section shall identify all areas where sampling and testing will be conducted to verify the decontamination or removal of the items listed in that subsection.

**(C)**

An estimated maximum inventory of universal wastes and universal waste treatment residuals ever to be present onsite, and a detailed description of the boundaries of the universal waste accumulation area(s), universal waste treatment unit(s), and treatment-residual storage area(s).

**(2)**

A universal waste handler shall modify the closure plan required by subsection (a)(1) of this section whenever a change affecting the closure plan and specified in subsection (a)(2)(A) of this section occurs. The universal waste handler shall submit the modified closure plan to the Department in the manner and at the address given in subsections (e) and (f) of this section within the applicable time period specified in subsection (a)(2)(B) of this section. (A) A change is a change in the type of treatment activity or an increase in facility capacity greater than 10 percent. (B) The applicable time period is at least 30 calendar days prior to any planned change in facility design or operation, or no longer than 30 calendar days after an unexpected change has occurred.

**(A)**

A change is a change in the type of treatment activity or an increase in facility capacity greater than 10 percent.

**(B)**

The applicable time period is at least 30 calendar days prior to any planned change in facility design or operation, or no longer than 30 calendar days after an unexpected change has occurred.

**(3)**

A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the closure plan prepared for the facility in accordance with subsection (a)(1) of this section.

**(4)**

Universal waste handlers who notify the Department pursuant to section 66273.74, subsection (a), of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2), (b), and (c) shall submit the closure plan required by subsection (a)(1) of this section when they submit the notification.

**(b)**

(1) Cost estimate for closure. A universal waste handler shall prepare and submit a cost estimate for closure. For purposes of this chapter, a cost estimate for closure (or closure cost estimate) means a document that specifies the estimated cost of closing a universal waste treatment facility, and it includes the respective costs of universal-waste inventory disposition, equipment decontamination or removal, laboratory testing, and other relevant costs. The cost estimate for closure shall address closing the universal waste treatment unit(s), shall be prepared pursuant to the closure plan required pursuant to subsection (a)(1) of this section, and shall: (A) Conform with subparagraphs (A)1. and (A)2. of this subsection

(b)(1): 1. Do both of the following: a. Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), ever to be present onsite, as designated in the closure plan in accordance with subsection

(a)(1)(C) of this section. b. Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler. 2. Not do either of the following: a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value. (2) At least annually, a universal waste handler shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (d) of this section. For a universal waste handler using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within 90 calendar days after the close of the universal waste handler's fiscal year and before submission of updated information to the Department as specified in section 66265.143, subsection (e)(3). The adjustment shall be made by recalculating the closure 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 section 66265.142, subsections (b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year. (3) A universal waste handler shall revise the closure cost estimate no later than 30 days after any revision has been made to the closure plan pursuant to subsection (a)(2) of this section which increases the cost of closure. (4) A universal waste handler shall keep at the

universal waste treatment facility during the facility's operating life, the latest closure cost estimate prepared for the facility in accordance with subsection (b)(1) of this section. (5) Notwithstanding subsection (b)(2) of this section, universal waste handlers who notify the Department pursuant to section 66273.74, subsection (a), of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2), (b), and (c), shall submit a cost estimate for closure as required by this subsection when they submit the notification.

**(1)**

Cost estimate for closure. A universal waste handler shall prepare and submit a cost estimate for closure. For purposes of this chapter, a cost estimate for closure (or closure cost estimate) means a document that specifies the estimated cost of closing a universal waste treatment facility, and it includes the respective costs of universal-waste inventory disposition, equipment decontamination or removal, laboratory testing, and other relevant costs. The cost estimate for closure shall address closing the universal waste treatment unit(s), shall be prepared pursuant to the closure plan required pursuant to subsection (a)(1) of this section, and shall: (A) Conform with subparagraphs (A)1. and (A)2. of this subsection (b)(1): 1. Do both of the following:

- a. Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection

(a)(3), or section 66273.75, subsection (c)(1)(C), ever to be present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section. b. Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler. 2. Not do either of the following: a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

**(A)**

Conform with subparagraphs (A)1. and (A)2. of this subsection (b)(1): 1. Do both of the following: a. Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), ever to be present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section. b. Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler. 2. Not do either of the

following: a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

**1.**

Do both of the following: a. Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), ever to be present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section. b. Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler.

**a.**

Include the estimated cost to decontaminate or to remove from the facility, at the time of closure, each universal waste treatment unit and all other items designated in the closure plan in accordance with subsection (a)(1)(A) of this section. The portion of such estimated cost that is attributable to decontaminating or removing universal wastes and universal waste treatment residuals shall be based on the estimated maximum inventory of those wastes and residuals, excluding residual printed circuit boards, and/or the residuals thereof, that have been determined to be exempt scrap metal pursuant to section 66273.71, subsection (e), section 66273.72, subsection (a)(3), or section 66273.75, subsection (c)(1)(C), ever to be

present onsite, as designated in the closure plan in accordance with subsection (a)(1)(C) of this section.

**b.**

Be based on the cost to the universal waste handler of hiring a third party to close the facility. When used in this section, a "third party" means a person who is neither a parent corporation, as defined in section 66260.10, nor a subsidiary of the person who is the universal waste handler.

**2.**

Not do either of the following: a. Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or b. Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

**a.**

Incorporate any salvage value that may be realized from the sale of hazardous waste including universal waste, nonhazardous waste, facility structures or equipment, land, or other assets associated with the facility at the time of closure; or

**b.**

Incorporate a zero cost for hazardous waste including universal waste, or nonhazardous waste, even if those wastes have economic value.

**(2)**

At least annually, a universal waste handler shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (d) of this section. For a universal waste handler using the financial test or corporate guarantee, the closure cost estimate shall be updated for inflation within 90 calendar days after the close of the universal waste handler's fiscal year and before submission of updated information to the Department as specified in section 66265.143, subsection (e)(3). The

adjustment shall be made by recalculating the closure 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 section 66265.142, subsections (b)(1) and (2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

**(3)**

A universal waste handler shall revise the closure cost estimate no later than 30 days after any revision has been made to the closure plan pursuant to subsection (a)(2) of this section which increases the cost of closure.

**(4)**

A universal waste handler shall keep at the universal waste treatment facility during the facility's operating life, the latest closure cost estimate prepared for the facility in accordance with subsection (b)(1) of this section.

**(5)**

Notwithstanding subsection (b)(2) of this section, universal waste handlers who notify the Department pursuant to section 66273.74, subsection (a), of their intent to conduct one or more of the treatment activities described in section 66273.73, subsections (a)(2), (b), and (c), shall submit a cost estimate for closure as required by this subsection when they submit the notification.

**(c)**

Financial responsibility for liability. A universal waste handler shall prepare and submit documentation demonstrating financial responsibility for liability pursuant to section 66265.147.

**(d)**

Financial assurance. A universal waste handler shall prepare and submit

documentation demonstrating financial assurance for closure to fund the cost estimate for closure, pursuant to section 66265.143, subsections (a) through (h).

**(e)**

The documents submitted pursuant to this section shall be dated, signed, and certified according to the requirements of section 66270.11, subsections (a) and (d) as those requirements apply to permit applications and permit-application certifications, respectively.

**(f)**

When submitted to the Department, the documents required pursuant to this section shall be sent by certified mail, return receipt requested, to the following address: Department of Toxic Substances Control, Universal Waste Notification and Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words "Attention: Universal Waste Handling Activities, Authorized Treatment" prominently displayed on the front of the envelope.