

Closure and Cleanup Requirements for Tiered Permitting Units

Closing a hazardous waste facility or treatment unit can be a complex and expensive undertaking. If you have hazardous waste treatment units under Permit-by-Rule (PBR), Conditional Authorization (CA), or Conditional Exemption (CE), you must meet certain clean up performance standards. These performance standards require that owners or operators close any hazardous waste treatment unit within their facility in a manner that:

- ✓ Minimizes the need for further maintenance
- ✓ Controls, minimizes, or eliminates, to the extent necessary, escape of hazardous constituents after closure; and
- ✓ Complies with the specific closure requirements for the hazardous waste treatment unit

When you cease operating any treatment unit or process that was authorized under PBR, CA or CE, you must remove or decontaminate all hazardous waste, waste residues, containment system components, soils, and other structures or equipment contaminated with hazardous waste accumulated and treated within the unit.

CLOSURE PLANS¹

If your facility has a treatment unit under PBR you must have a written closure plan. Closure plans describe the activities necessary to meet the legal performance standards for closure. Closure plans need to address the following:

- ✓ How and when each treatment unit will be closed
- ✓ How much waste is stored and treated while the treatment unit is in use
- ✓ How the equipment will be decontaminated (cleaned)
- ✓ An estimate of when the treatment unit will be closed and how much time is needed to close each treatment unit

FINANCIAL RESPONSIBILITY²

Financial responsibility is a term used to describe the requirement that a business must demonstrate it will be able to pay for clean-up and mitigation of their site after it is closed if the business is engaged in treating or disposing of hazardous waste under PBR or CA. A business must obtain financial assurance for closure and prepare a written cost estimate for the closure of each treatment unit. You must also adjust your closure cost estimate for inflation by March 1 of each year. Businesses with total closure cost estimates below \$10,000 are allowed to self-certify that they have sufficient resources to meet closure cost requirements.

CLOSURE REQUIREMENTS AND NOTIFICATION³

If your business treats hazardous waste under the CE or CA tiers, you are required to initiate closure activities by removing all hazardous waste residues from the treatment unit(s) or areas contaminated with hazardous waste as a result of accumulation and treatment. In addition, you

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also are required to provide written notification to HMD and the California Department of Toxic Substances Control (DTSC) upon completion of all closure activities.

If your business treats hazardous waste under PBR and you are a large quantity generator (LQG) you must treat, remove, or dispose of all hazardous waste within 90 days after the final volume of waste is treated. If your business treats hazardous waste under PBR and you are a small quantity generator (SQG) you must treat, remove, or dispose of all hazardous waste within 180 days after the final volume of waste is treated (SQG). As an owner/operator you must also notify the HMD and DTSC 15 days prior to completion of closure.

CERTIFICATION⁴

If your business treats hazardous waste under the CA or CE tiers, you are required to submit written notification (certified mail) to the CUPA and DTSC that all treatment activities have stopped. If your business treats hazardous waste under the PBR tier, you are required to submit a certification signed by the owner and/or operator and a California registered independent, professional engineer stating that closure was completed in accordance with the closure plan.

POST CLOSURE⁵

If your business treats hazardous waste under the CA or CE tiers, you are not required to conduct any additional post closure as long as the closure of your treatment units was clean, and all hazardous waste was removed. If contamination remains after closure, then the facility is also subject to all applicable generator requirements for closure.

If your business treats hazardous waste under the PBR tier, you are not required to conduct any additional post closure as long as the closure of your treatment units was clean, and all hazardous waste was removed. If contamination remains after closure, then your facility is also subject to corrective action. A post closure plan is required for hazardous waste tank systems.

Note: DTSC Fixed Treatment Unit (FTU) Operating under Permit By Rule Fact Sheet <https://dtsc.ca.gov/fixed-treatment-unit-operating-under-permit-by-rule-fact-sheet/>

REFERENCES:

1. Title 22 California Code of Regulations (CCR) Section 67450(c)(11)
2. Title 22 CCR Sections 67450.13 and 66265.143
3. Title 22 CCR Section 67450.3(c)(11) and California Health & Safety Code Sections 25201.5(d)(8)(B); 25201.14(c)(1); and 25200.3(g)(2)
4. Title 22 CCR Section 67450.3(c)(11)(G)
5. Title 22 CCR Section 67450.7