

**SUBCHAPTER L: CLOSURE, POST-CLOSURE, AND CORRECTIVE ACTION
COST ESTIMATES**

**§§330.501, 330.503, 330.505, 330.507, 330.509
Effective March 27, 2006**

§330.501. Applicability.

The closure, post-closure, or corrective action cost estimate requirements of this section apply to owners and operators of any municipal solid waste facility authorized under this chapter required to have financial assurance and any municipal solid waste process facility as defined in §330.5(a) of this title (relating to Classification of Municipal Solid Waste Facilities) that stores combustible material outdoors, or that poses a significant risk to public health and safety as determined by the executive director.

Adopted March 1, 2006

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§330.503. Closure Cost Estimates for Landfills.

(a) The owner or operator shall provide a detailed written cost estimate, in current dollars, showing the cost of hiring a third party to close the largest waste fill area that could potentially be open in the year to follow and those areas that have not received final cover in accordance with the final closure plan. For any landfill this means the completion of the final closure requirements for active and inactive fill areas. The owner or operator shall submit the cost estimate for financial assurance with any new permit application, with any application for a permit transfer, and as a modification for all existing municipal solid waste permits that remain in effect after October 9, 1993.

(1) The owner or operator shall review the facility's permit conditions on an annual basis and verify that the current active areas match the areas on which closure cost estimates are based.

(2) An increase in the closure cost estimate and the amount of financial assurance provided under subsection (b) of this section shall be made if changes to the final closure plan or the landfill conditions increase the maximum cost of closure at any time during the remaining active life of the unit.

(3) A reduction in the closure cost estimate and the amount of financial assurance provided under subsection (b) of this section may be approved if the cost estimate exceeds the maximum cost of closure at any time during the remaining life of the unit and the owner or operator has provided written notice to the executive director of the situation that includes a detailed justification for the reduction of the closure cost estimate and the amount of financial assurance. The owner or operator may request a reduction in the cost estimate and the financial assurance as a permit modification.

(b) The owner or operator of any municipal solid waste unit shall establish financial assurance for closure of the unit in accordance with Chapter 37, Subchapter R of this title (relating to Financial Assurance for Municipal Solid Waste Facilities). Continuous financial assurance coverage for closure shall be provided until the facility is officially placed under the post-closure maintenance period and all

requirements of the final closure plan have been approved as evidenced in writing by the executive director.

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§330.505. Closure Cost Estimates for Storage and Processing Units.

(a) Closure cost estimates.

(1) Except as otherwise approved by the executive director, an owner or operator of a recycling facility that stores combustible material outdoors, or that poses a significant risk to public health and safety as determined by the executive director, shall provide a written cost estimate, in current dollars, showing the cost of hiring a third party to close the process facility by disposition of all processed and unprocessed materials in accordance with all applicable regulations.

(2) The estimate for storage and processing units must:

(A) equal the costs of closure of the facility, including disposition of the maximum inventories of all waste and processed and unprocessed combustible materials stored outdoors on site during the life of the facility, in accordance with all applicable regulations;

(B) be based on the costs of hiring a third party that is not affiliated (as defined in §328.2 of this title (relating to Definitions)) with the owner or operator; and

(C) be based on a per cubic yard and/or short ton measure for collection and disposition costs.

(3) An increase in the closure cost estimate and the amount of financial assurance provided under subsection (b) of this section must be made if changes to the facility conditions increase the maximum cost of closure at any time during the active life of the facility.

(4) A reduction in the closure cost estimate and the amount of financial assurance provided under subsection (b) of this section may be approved if the cost estimate exceeds the maximum cost of closure at any time during the remaining life of the facility and the owner or operator has provided written notice to the executive director of the detailed justification for the reduction of the closure cost estimate and the amount of financial assurance. For a permitted or registered facility, a reduction in the cost estimate and the financial assurance must be considered a modification and must be handled as such.

(b) Financial assurance.

(1) An owner or operator of a recycling facility that stores combustible material outdoors, or that poses a significant risk to public health and safety as determined by the executive director, shall establish and maintain financial assurance for closure of the facility in accordance with Chapter 37, Subchapter J of this title (relating to Financial Assurance for Recycling Facilities).

(2) Continuous financial assurance coverage for closure must be provided until all requirements of the final closure plan have been completed and the site is determined to be closed in writing by the executive director.

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§330.507. Post-Closure Care Cost Estimates for Landfills.

(a) The owner or operator shall provide a detailed written cost estimate, in current dollars, of the cost of hiring a third party to conduct post-closure care activities for the municipal solid waste unit, in accordance with the post-closure care plan. The post-closure care cost estimate used to demonstrate financial assurance in subsection (b) of this section shall account for the total costs of conducting post-closure care for the largest area that could possibly require post-closure care in the year to follow, including annual and periodic costs as described in the post-closure care plan over the entire post-closure care period. The cost estimate for financial assurance shall be submitted with any new permit application, with any application for a permit transfer, and as a modification for all existing municipal solid waste permits that remain in effect after October 9, 1993.

(1) An increase in the post-closure care cost estimate and the amount of financial assurance provided under subsection (b) of this section shall be made if changes in the post-closure care plan or the unit conditions increase the maximum costs of post-closure care.

(2) A reduction in the post-closure care cost estimate and the amount of financial assurance provided under subsection (b) of this section may be allowed if the cost estimate exceeds the maximum costs of post-closure care remaining over the post-closure care period and the owner or operator has provided written notice to the executive director of the detailed justification for the reduction of the post-closure cost estimate and the amount of financial assurance. The owner or operator may request a reduction in the cost estimate and the financial assurance as a permit modification.

(b) The owner or operator of any municipal solid waste landfill unit shall establish financial assurance for the costs of post-closure care of the unit in accordance with Chapter 37, Subchapter R of this title (relating to Financial Assurance for Municipal Solid Waste Facilities). Continuous financial assurance coverage for post-closure care shall be provided until the facility is officially released in writing by the executive director from the post-closure care period in accordance with all requirements of the post-closure care plan.

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§330.509. Corrective Action Cost Estimates for Landfills.

(a) The owner or operator of a municipal solid waste management unit required to undertake a corrective action program under §330.415 of this title (relating to Implementation of the Corrective Action Program) shall prepare a detailed written cost estimate, in current dollars, of the cost of hiring a third party to perform the corrective action program. The corrective action cost estimate shall account for the total costs of corrective action activities as described in the corrective action plan for the entire

corrective action period. The owner or operator shall submit the cost estimate for financial assurance with the corrective action plan. Financial assurance shall be required for each separate corrective action program established for a municipal solid waste unit.

(1) The corrective action cost estimate and the amount of financial assurance provided under subsection (b) of this section shall be increased if changes in the corrective action program or unit conditions increase the maximum costs of corrective action.

(2) A reduction in the cost estimate and the amount of financial assurance for corrective action provided under subsection (b) of this section may be approved if the cost estimate exceeds the maximum remaining costs of corrective action at any time during the remaining corrective action period and the owner or operator has provided written notice to the executive director that includes a detailed justification for the reduction of the corrective action cost estimate and the amount of financial assurance. The owner or operator may request a reduction in the cost estimate and the financial assurance as a modification to the corrective action plan.

(b) The owner or operator of any municipal solid waste management unit required to undertake a corrective action program established under §330.415 of this title shall establish financial assurance for the costs of the most recent corrective action program in accordance with Chapter 37, Subchapter R of this title (relating to Financial Assurance for Municipal Solid Waste Facilities). Continuous financial assurance coverage for each corrective action program shall be provided until the facility is officially released in writing by the executive director from all requirements of the corrective action program after completion of all work specified in the corrective action plan.

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