

CALRECYCLE

NON-WATER RELEASE CORRECTIVE ACTION COST ESTIMATES

IMPLEMENTATION INFORMATION

Regulation Development

Regulations for non-water release corrective action cost estimates were adopted by CalRecycle in December 2009, approved by Office of Administrative Law in April 2010, and became effective July 1, 2010. The pertinent regulations are located in Title 27, California Code of Regulations (27CCR), sections 21100-21103.

Due Date

The regulations apply to landfills that operated on or after July 1, 1991, and require landfill operators to submit non-water release corrective action estimate(s) with the first permit review or revision application due on or after July 1, 2011. For those closed landfills without closure permits, the due date is specified under 27CCR 21865 and is based on the acceptance of the closure certification.

Closure Certification Acceptance Date	Non-Water Release Estimate Due Date
Prior to January 1, 1997	July 1, 2012
1997 through 2000	July 1, 2013
On or after January 1, 2001	July 1, 2014

Since permit reviews are due at least once every five years, the non-water release corrective action (CA) estimate due date cannot be later than June 30, 2016, under any circumstances.

Cost Estimate Requirements

The default non-water release CA estimate is for the replacement of the final cover. This estimate may be a new estimate based on site specific conditions, or the operator may use the most recently approved closure costs adjusted for the entire permitted landfill and current unit costs. Alternatively, in lieu of the final cover replacement estimate, the operator may prepare a corrective action plan.

Corrective Action Plan (CAP) Requirements

The CAP must analyze the potential damage from a series of causal events including: earthquake, precipitation, flood, tsunami, seiche, and fire and provide cost estimates for damage repair. The highest estimate for the various causal events becomes the non-water release CA estimate. In addition the CAP must analyze the long-term performance of the final cover. The CAP must be prepared by an independent third party (i.e., not the entity that prepared the current JTD or final closure plan or affiliated with the landfill owner/operator). The CAP preparer must also be a registered civil engineer or certified engineering geologist.

Review/Approval Process

The review/approval timelines and procedures are the same as those for closure plans and postclosure maintenance plans are contained in 27CCR 21860. The non-water release CA cost estimate is compared to the water release CA estimate, and the higher of the two estimates is funded for the CA financial assurances.

Guidance

CalRecycle has prepared [guidance, including FAQs](#), concerning non-water release corrective action cost estimates.

Implementation Issues

The primary implementation issue has been the non-submittal or late submittal of CA estimates and/or CAPs by landfill operators. This issue is slowly being remedied by increased education to the appropriate stakeholders.

Many of the earliest CAPs were deficient in that they did not include adequate supporting information and analyses to justify the cost estimates. Later CAPs have been much better and have been approved. Now often the CAPs are approved with the first submittal especially since some of the same consultants are preparing many of the CAPs.