



13.0 PERMIT DECISIONS



Prior to preparing the Draft Permit Package, the permit writer must prepare either a Technical Completeness Determination Letter or a Notice of Intent to Deny the application.

TECHNICAL COMPLETENESS DETERMINATION LETTER

Following the Phase II Technical Review ([Chapter 12.0](#)), the permit writer, in consultation with the permit senior and Branch Chief, if necessary, must determine whether the application is sufficiently complete, and NOD concerns sufficiently satisfied, to issue a formal technical completeness determination to the applicant. Title 22, Cal. Code of Regs., section 66271.2(c)(1) requires this formal technical completeness notification. Section 66271.2(g) stipulates that the effective date of the application is the date this formal notice is sent to the applicant. Once DTSC has made this formal technical completeness notification, section 66271.2(c)(6) limits DTSC's authority to request additional information to "only when necessary to clarify, modify, or supplement previously submitted material" and stipulates that such requests may not render the application incomplete. If the application is complete, the permit writer must send a completeness determination letter to the applicant.

PERMIT DENIAL POLICY

Title 22, Cal, Code of Regs., section 66271.5 lists DTSC's regulatory duties once it has determined that an application is complete. DTSC may either prepare a draft permit or propose to deny the application. The regulation notes that the two processes are essentially the same, with the notice of intent to deny being simply another type of draft permit. If DTSC initiates denial proceeding and then determines it was incorrect, it must withdraw the notice of intent to deny and resume the permitting process by proceeding with preparation of a draft permit.

DTSC may deny any permit during its terms, or deny a permit renewal application based on any cause specified in Cal. H&S Code section 25186 and Title 22, Cal. Code of Regs., section 66270.43. The Cal. H&S Code section 25186, is summarized below in general. It allows denial of a permit based on (see Appendix 13.1 for more detail):

- (1) any violation of, or noncompliance with environmental protection statutes and regulations, if the violation or noncompliance shows a repeating or recurring pattern or may pose a threat to public health or safety or the environment;
- (2) aiding, abetting, or permitting such violations mentioned in (1);
- (3) violation noncompliance with administrative or court orders;
- (4) misrepresentation or omission of significant information reported to DTSC;
- (5) activities resulting in any federal or state conviction which significantly related to the fitness of the applicant or holder of the permit to perform under the permit; and
- (6) activities resulting in the revocation or suspension of any related permit.

In addition, pursuant to Title 22, Cal. Code of Regs. section 66270.43, the following are additional causes for denying a permit its term, or denying a permit renewal application (see Appendix 13.1 for more detail):

- (1) noncompliance by the permittee with any condition of the permit;
- (2) the permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or permittee's misrepresentation of any relevant facts at any time; or
- (3) a determination the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit denial, modification, or revocation.

Title 22, Cal, Code of Regs., section 66271.6 and 66271.7 requires a Fact Sheet or Statement of Basis for

draft permit denials during the Public Comment period. However, a Statement of Basis is only required if a Fact Sheet is not prepared. It is current DTSC practice to always prepare a Fact Sheet. This detailed Fact Sheet should be sent to the permit applicant and placed in the information repositories with copies available upon request (see Appendix 13.3 for more detail).

Timing of Letter

Cal. H&S Code, section 25199.6(a) and Title 22, Cal. Code of Regs., section 66271.2(c)(1) requires DTSC to make a completeness determination within 60 days from the date of receipt of the application (see [Chapter 3.0](#), Receive Application). If the application is incomplete, DTSC issues a NOD (see [Chapter 10.0](#), Preparation of NOD). Note that subpart (c)(2) of section 66271.2 refers to DTSC's written Notice of Deficiency as a written Notice of Incompleteness. DTSC has another 60 days from the time it receives facility's response to DTSC's NOD to make a second completeness determination. While the law (25200.8) and regulations (66271.2(e)) would allow this process to continue for up to three NODs before DTSC is required to initiate proceedings to deny the permit application, DTSC's current policy is to deny the permit application after only one NOD, if the response to the NOD is inadequate to the point that a second NOD would be required. Finally, if DTSC is a CEQA responsible agency, it has only 180 days after either (1) the lead agency approved the project or (2) DTSC determined that the application was complete (whichever is later) to make a final determination on the project (see Cal. H&S Code, section 25199.6(c)). If DTSC is the CEQA lead agency, it must make a final determination on the project within one year of making a final CEQA determination (Negative Declaration or Certified Environmental Impact Report) on the project. The permit writer must maintain an awareness of these deadlines when planning permit activities and making determinations which are trigger dates to deadlines set by law or regulation.

PERMIT APPEAL DECISIONS

Once a final permit decision is issued by DTSC, any person who filed comments on the draft permit or participated in the public hearing for the permit has 30 days to petition DTSC to review any condition of the permit decision. In addition, any person who did not file comments or did not participate in the public hearing on the draft permit, may petition DTSC for review of the permit decision. However, the petition for review is limited by law to only changes made after circulation of the draft permit that are reflected in the final permit decision. (Title 22 Cal. Code of Regs., section 66271.18) (see Appendix 13.4 for Permit Appeal Procedures).

Within a reasonable time following the receipt of the petition for review, DTSC must issue an order either granting or denying the petition for review. If the petition for review is granted, DTSC will issue a public notice to the facility mailing list and set forth a briefing schedule for the appeal. If the petition for review is denied, DTSC will send the notice to deny only to the person(s) requesting the review.

Interim Status

Cal. H&S Code, section 25200.5 and Title 22, Cal. Code of Regs., section 66270.73(a) clearly states that interim status automatically terminates when the final administrative disposition of a permit is made. Thus, interim status facilities will automatically have their interim status authority to operate terminated if DTSC denies their permit application. If the denial is appealed, the facility's interim status authority to operate continues until final disposition of the appeal. As above, if DTSC's denial is reversed, DTSC must proceed with a draft permit and the facility's interim status would continue until a final permit decision is made.

Title 22, Cal. Code of Regs., section 66265.112(d)(3) requires a facility to submit a closure plan within 15 days from the date interim status terminates. If a facility has submitted a Part B application that has a closure plan based on 66264 closure standards, the closure plan would have to be modified to reflect 66265 closure standards and have a time schedule reflecting the date interim status was terminated.

CORRECTIVE ACTION

Pursuant to H&S Code, section 25200.10, permits issued by DTSC must require corrective action for all releases of hazardous waste or hazardous constituents from a solid waste management unit. It is DTSC policy to implement corrective action through a unilateral corrective action order or consent agreement issued pursuant to H&S Code, section 25187. If corrective action is needed at the time of issuing the permit, permitting staff must insure that the corrective action order is in place before the issuance of the draft permit (for more information see Appendix 13.0-1, Model Hazardous Waste Facility Permit, Part VI).

DRAFT PERMIT PACKAGE

The documents required to be prepared as part of the draft permit package are:

- (1) Statement of Basis (Title 22, Cal. Code of Regs., section 66271.6) or Fact Sheet (section 66271.7).
- (2) Administrative Record (section 66271.8).
- (3) Public Notice (section 66271.9).
- (4) Mailing Lists (section 66271.9(c)(1)(A, B, and C).
- (5) Draft Permit.
- (6) Draft Permit Sign-off Sheet.
- (7) If corrective action needed, signed Unilateral or Consent Order.

Statement of Basis

A Statement of Basis is only required if a Fact Sheet is not prepared. It is current DTSC practice to always prepare a Fact Sheet, so this point is moot.

Fact Sheet

Fact Sheet is required for every facility, regardless of whether it is the subject of widespread public interest or raises major issues. The Fact Sheet must briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. For more information regarding project Fact Sheet see Appendix 13.5 (Permit Advisory Number PA97-2). The Permit Advisory Number PA97-2, advises DTSC permitting staff on how to prepare a project fact sheet that is responsive to target audience's needs and community interests.

The Fact Sheet must be sent to the applicant and to every person who requests a copy (Essentially, everyone on the facility mailing list developed during the course of the application review, and everyone on the "Mandatory Mailing List" maintained by the Public Participation and Education Office at DTSC headquarters.).

The Fact Sheet must contain:

- (1) A brief description of the type of facility or activity being permitted.
- (2) A listing or description of the type and quantity of hazardous wastes, fluids, or pollutants which are proposed to be or are being transferred, treated, stored, disposed of, injected, emitted, or discharged.
- (3) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references, including CEQA, to the administrative record required by section 66271.8.
- (4) A discussion of the reasons why any requested variances or alternatives to required standards do or do not appear justified.
- (5) A description of the procedures for reaching a final decision on the draft permit including (a) the

- beginning and ending dates of the public comment period under section 66271.9 and the address where comments will be received, (b) procedures for requesting a hearing and the nature of that hearing, and (c) any other procedures by which the public may participate in the final decision.
- (6) The name and telephone number of a person to contact for additional information.
 - (7) A brief summary of the criminal history report and facility owner's environmental compliance record for a period of three years preceding the date of the application required under Cal. H&S Code sections 25186.3 and 25200.4.

Administrative Record

The Administrative Record for a draft permit must include (see Appendix 19.0-1 for detail):

- (1) The Part A and Part B portion of the permit application.
- (2) All supporting information or data provided by the applicant.
- (3) The Draft Permit, or Notice of Intent to deny the application or terminate the permit.
- (4) The Statement of Basis or Fact Sheet.
- (5) All documents cited in either the Statement of Basis or Fact Sheet.
- (6) Other documents in the support file.
- (7) The written criminal history report required under Cal. H&S Code section 25186.3

The permit writer must clearly state what constitutes the official Part A and Part B. If there have been multiple application documents submitted over multiple years, it is likely that the stack of documents could be confusing to both future DTSC personnel, the public, and even the applicant. It is the permit writer's responsibility to straighten the status/situation out, either through making the applicant submit a "seamless" final application, by assembling all supplemental material into a "seamless" document personally, or by making an exact list of documents that constitute the official application. If the list technique is used, the list cannot be longer than two main documents (a dated main application plus one supplemental application) plus two clarifying submittals from the applicant, not to exceed 10 pages each. If there are more than two main documents or more than two supplemental submittal from the applicant, or if any of the material submitted would be confusing to future DTSC personnel and the public, the permit writer must have the applicant prepare a final application integrating all documents and supplements into one final document. Whatever the end product--document stack with list or integrated report--the permit writer will need to also declare it to be the "approved operation plan" in the Part I portion of the final permit.

Material that is referred to in the Statement of Basis or Fact Sheet and is readily available at DTSC need not be physically included in the formal Administrative Record.

Note that the Administrative Record is different from the main permitting administrative file, which will contain other information such as the permit writer's notes, photos, correspondence, inspection reports, etc. At a minimum, the permit writer should compile a memo to file formally listing every document that is considered part of the formal Administrative Record. For complex projects or projects where there is expected to be a number of persons reviewing the Record during the public notice period, it is recommended that the permit writer prepare a physical file that is labeled "Administrative Record" that contains copies of all materials considered to be part of the formal Administrative Record.

Public Notice

All General Public Notices must contain the following information:

- (1) The name and address of the DTSC office from which the notice is being issued.
- (2) The name and address of the permittee or permit applicant and the facility or activity regulated

- by the proposed permit.
- (3) A brief description of the business conducted at the facility or activity described in the permit application or draft permit.
 - (4) The name, address, and telephone number of the person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application.
 - (5) A brief description of the comment procedures DTSC is required to follow pursuant to Title 22, Cal. Code of Regs., sections 66271.10 and 66271.11.
 - (6) The time and place of any hearing that will be held, including a statement of the procedures to request a hearing.
 - (7) A description of any other procedures DTSC will allow by which the public may participate in the final permit decision.
 - (8) The location of the Administrative Record required by Title 22, Cal. Code of Regs., section 66271.8, the times the record will be open for public review, and a statement that all data submitted by the applicant is available as part of the Administrative Record.
 - (9) Any other information considered necessary or proper.
 - (10) A summary of the facility owner's environmental compliance record. Cal. H&S Code section 25200.4.

All Public Hearing Notices must contain the following information:

- (1) All of the above General Public Notice information.
- (2) A reference to the date of previous public notices related to the same draft permit.
- (3) The date, time, and place of the scheduled public hearing.
- (4) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures DTSC will follow to conduct the hearing.

Public Hearing

If it has been determined that a public hearing will be necessary for the draft permit, or if a public hearing has been requested by the public, the following issues should be discussed:

- c Timing. Title 22, Cal. Code of Regs., section 66271.9 requires that a minimum 30-day public notice be provided prior to a public hearing, and a public hearing cannot be scheduled until documents are placed in the administrative record and/or information repository.
- c Hearing Officer. The hearing officer is the designated DTSC representative responsible for hearing and considering comments presented by the public. In addition, the hearing officer should make a brief presentation on DTSC's regulatory role at the facility and the proposed action brought forth for public review. The hearing officer can provide the additional facility information which must be presented at the hearing or this can be delegated to other program staff. For controversial facilities, the Branch Chief usually serves as the hearing officer; for less controversial projects the Unit chief can serve as the hearing officer.
- c Hearing Facilitator. The facilitator's role is to manage the flow of communication during the hearing to ensure that all concerned citizens have the opportunity to formally present their comments. The facilitator monitors the communication dynamics for the meeting, and adjusts the meeting format, agenda or other variables, as necessary, to keep the meeting productive for all parties. The public participation specialist normally serves as hearing facilitator, although the Public Participation Supervisor can serve in this capacity for controversial facilities.
- c Logistics. This includes assigning responsibility for meeting location; date and time; room arrangements; transcription services; interpretation (if necessary); and development of handout materials such as overheads, agendas, sign-in sheet, etc.

- c Presentations. Presentations must be prepared in advance. Each individual who will speak at the hearing should prepare speaking points and participate in a run-through well in advance of the actual hearing date.

For further information on public hearings, please refer to the Public Participation Policy and Procedures Manual, Section 700-75.

Mailing Lists

The permit writer, in consultation with the regional office public participation specialist, must compile two mailing lists:

Title 22, Cal. Code of Regs., section 66271.9(e) requires that the following people and agencies be sent copies of the above General Public Notice plus copies of the Statement of Basis or Fact Sheet, the Permit Application, and the Draft Permit:

- (1) The applicant.
- (2) Any other agency that DTSC knows has issued or is required to issue a permit for the same facility or activity (including EPA, and obviously the appropriate RWQCB).
- (3) All federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plan, the Advisory Council on Historic Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected states.

The following persons need only be sent copies of the General Public Notice, and Public Hearing Notice if a hearing is held:

- (1) Persons who request in writing to be on the facility mailing list.
- (2) Persons solicited to be on "area lists" from participants in past permit proceedings in the same area as the subject facility.
- (3) Persons solicited to be on DTSC's mailing list through advertisement in the public press and such publications as EPA and state newsletters, environmental bulletins, and state law journals.
- (4) Any unit of local government having jurisdiction over the area where the facility is proposed to be located.
- (5) Each state agency having any authority under state law over the construction or operation of the facility.
- (6) Contiguous property owners.
- (7) Property owners and/or residents or businesses within a reasonable (usually 1/4 mile) distance.
- (8) Other interested parties, including environmental groups, Homeowner Association, etc.
- (9) Local government officials (elected or appointed).
- (10) Local legislators.
- (11) DTSC's Regional and Statewide Mandatory List.
- (12) Any other person or entity determined by the Public Participation Specialist.

Draft Permit

The draft permit must contain the following information:

- (1) All conditions under Title 22, Cal. Code of Regs., sections 66270.30 (Conditions Applicable to All Permits) and 66270.32 (Establishing Permit Conditions on a case-by-case basis).
- (2) All compliance schedules under section 66270.33 (Schedules of Compliance).
- (3) All monitoring requirements under section 66270.31 (Requirements for Recording and Reporting of Monitoring Results).
- (4) Standards for transfer, treatment, storage and/or disposal and other permit conditions under section 66270.30 (noted above as Conditions Applicable to All Permits).

- (5) CEQA mitigation measures (as Part II. Special Permit Conditions)

Draft Permit Sign-off Sheet

Appendix 13.0 is a copy of a sign-off sheet.

PERMIT QUALITY

Writing a permit has never been an easy task. The permit should be clear and understandable to all readers, technically correct, easily enforced, and complete with all elements and conditions required by the regulations. DTSC has attempted to take some of the confusion and tedium out of writing a permit by standardizing permit conditions in the DTSC Information System Permit Module, making the facility and unit descriptions generated from data input into the Fees database, and pre-printing a large number of standard conditions that must apply to all permits. However, permit writers and supervisors must guard against using the standard text and pre-printed material without double checking to make sure the final text meets the four fundamental permit quality objectives: clear to all readers, technically correct, easily enforceable, and administratively complete. The following was adapted from a September 1, 1989 U.S. EPA document that lists a few tips on problems to avoid in permit writing; assuredly, every experienced permit writer and supervisor could list many, many more.

Permit Clarity

Typographical Errors. Typographical errors (misspellings, missing words, missing lines, missing punctuation, etc.) should be avoided. Such errors can be eliminated through careful proofreading of the entire document by at least two people.

Unclear Language. Unclear language (incomplete sentences, confused sentence structure, imprecise use of language, etc.) should be avoided. Such errors can be eliminated through careful proofreading of the entire document by at least two people.

Organizational Structure. It is important to organize the permit in a logical manner to improve the readability and coherence of the permit. Previous problems have been:

- c Specific unit requirements placed in general facility requirements. Unit specific requirements should be organized in their own, labeled, section of the permit.
- c Corrective Action requirements placed in the middle of a permit. Corrective Action requirements should be placed in the Part VI portion of the permit.
- c Specific unit requirements that are not clearly separated in the permit language.

Improper Citations. Regulatory citations in permit conditions are mandatory because they identify the regulatory authority for the permit condition and facilitate an inspector's, reviewer's, and facility's research and ultimate understanding of the nature and purpose of the permit condition. Careful checking of all regulatory citations in the permit is essential to ensure the accuracy of the citations. Previous problems have been:

- c Citations of regulations which are unrelated to the permit condition.
- c Permit conditions having no citations.

Incorrect Wording from Standard Language or Prototype Permit. When a permit condition or wording is based on standard language or copied from a prototype permit or permit from another facility, the language must be carefully reviewed to make sure the wording correctly fits or is applicable to the applicant facility. Conditions and references which are specific to one type of facility or one specific

facility, but don't logically apply to the applicant facility, must be eliminated from the draft (and final) permit. Previous problems have been:

- c Ground water monitoring language from a prototype permit left in a storage facility permit.
- c The facility name from the prototype facility left in the permit for the applicant facility.
- c References to the Part B of the prototype facility left in the permit for the applicant facility.

Redundant Conditions. Repeating similar conditions in different parts of the permit leads to confusion over what is actually required and makes the permit difficult to enforce. An example mistake is having requirements for maintaining a facility operating record in two different sections of the permit, worded differently each time.

Information Only Provisions. Permit language which is included solely as background information should be kept to a minimum. The Administrative Record should contain all necessary background information, such that repetition of this material in the permit is unnecessary. Where it is included, such terms as "shall" and "must" should not be used, and the provision should be worded to make it clear that it is not an enforceable permit requirement. This precaution is important to avoid confusion during compliance inspections and enforcement actions. Previous problems have been:

A section in a permit giving a detailed description of the facility, repeated directly from the facility's Part B.

Permit Enforceability

Non-Enforceability. It is important for enforcement purposes that all permit requirements be as explicit as possible. Previous problems have been:

- c Permit conditions requiring submittal, without a specified due date for each submittal.
- c Permit conditions not clearly stipulating when retro-fitted equipment can be put into service.
- c Permit conditions which fail to provide for agency approval of detailed designs before construction of new units can begin.
- c Permits which identify the effective date of a RCRA equivalent permit to be 45 days after the date of issuance, rather than the regulatory 30 days.
- c Permit conditions which use vague language such as "immediately" or "within a reasonable time" in describing required facility actions. All time frames should be described in terms of calendar days or hours, not days or working days.
- c Permit conditions which specify the amount of time allowed for review and approval of a facility submittal.

Inaccurate Reference to Part B. Avoid references to sections in the facility's Part B which are either unrelated to the subject in the permit or non-existent in the Part B. Accurate references to the "approved" Part B is mandatory for enforceability of the permit requirements. Part I of the permit should describe what constitutes an approved Part B, even listing dates of supplemental documents or pages if necessary for clarity. Careful checking of all Part B references should be included as part of the final proofreading of the draft and final permit.

Use of Inconsistent DTSC Permitting Regulatory Terminology and Concepts.

It is important to reflect only DTSC permitting regulatory terminology and concepts in the permit.

Where Cal. Code of Regs., Title 23 (Cal. Water Quality), Code of Fed. Regs., Title 40 (RCRA), and Cal. Code of Regs., Title 22 (Cal. Hazardous Waste) language differ, the permit writer must be careful to use only Cal. Code of Regs., Title 22 language in DTSC's permit. Previous problems have been:

- c The use of the RWQCB term "water quality protection standard" when DTSC's term "background value" is meant.
- c The use of Code of Fed. Regs., Title 40 (RCRA) citations in a state permit.

Reiteration of Regulations in Permit. Non-specific regulatory requirements should not be directly incorporated into the permit. The permit should identify specifically what the permittee must do to fulfill any non-specific regulatory requirements that might apply. This can be done either through explicitly stating the requirement in the permit or by referring to a specific portion of the approved Part B. Previous problems have been:

- c Permit conditions for storage and treatment facilities that contain verbatim large portions of the general tank design and construction regulations.
- c Permit conditions that contain language taken verbatim from regulatory guidance on waste analysis plans.
- c Permit conditions that contain verbatim general language from the regulations when the facility has submitted specific designs for the units in the application.

Permit Completeness

Failure to Incorporate New Regulations. All permit writers and supervisors must be aware of all regulations that apply to a facility at the time it is being permitted. This includes newly promulgated state and federal regulations. California has been authorized for very few RCRA regulations promulgated by EPA after December 20, 1990. The permit writer will need to ensure applicable RCRA requirements are addressed in the permit through RCRA equivalent permit conditions added to the end of the Part II portion of the permit. An example of new departmental regulations is the new Air Emission Standards for Process Vents located in Division 4.5, of Title 22, Article 27 of Chapter 14 (standards applicable to permitted facilities). These regulations were adopted by DTSC in December of 1992 and became effective on January 22, 1993.

Failure to Properly Identify Regulated Units. Historically, departmental permits did not adequately list and identify the exact number, type, and capacity of the hazardous waste management units being permitted. The new Part III portion of the permit and the supporting Fees database has been designed to overcome this deficiency. Permit writers are strongly encouraged to work with their Fees coordinator to ensure the Fees database accurately reflects each unit operating at the facility and which are covered in the permit to be issued. With DTSC's initiation of the tiered permitting strategy, it is more important than ever to determine at the outset of the permitting process what units exist at a facility (including SWMUs) and what units are to be included in the Part B application and considered for an operating permit.

Inappropriate Post-Permit Issuance Submittal. Schedules of compliance in the permit may include requirements for submittal of documents or reports. Such submittal requirements must be limited to information which is not available at the time of permitting (such as an RFI report) or not essential for the approval of the Part B (such as a detailed engineering drawing when general plans submitted with the application are adequate to determine compliance with the regulations). Unacceptable would be a permit condition that requires the submittal of information which would extensively amend the approved Part B. Note that given DTSC's one NOD policy, there may be a fine line between acceptable and unacceptable schedule of compliance items. The permit writer should carefully review all deficiencies remaining at the end of the Phase II Technical Review with the permitting senior (and

Branch Chief if necessary) to determine what may be grounds for permit denial versus what may be appropriate for a permit condition or schedule of compliance.

Incomplete Part B. The Part B application must be administratively and technically complete before the public notice of a draft permit is made. Previous problems have been:

- c Permits based on permit applications that do not include the Part A portion of the application.
- c Permits for off-site facilities that reference waste analysis plans which do not meet the requirements for off-site facilities.
- c Permits based on permit applications that do not reflect the latest regulations or guidance, such as new tank regulations, new ground water monitoring statistical methods, etc.

KEY QUESTIONS

Questions to be considered during the Draft Permit decision are:

Has the permit writer clearly stated in the Part I portion of the permit what constitutes an "approved operation plan"?

For draft permits prepared for RCRA facilities, does the proposed permit have all of the required elements and conditions listed in the Model Permit, June 12, 1998? The Model Permit is included in these instructions as Appendix 13.0-1.

Does the draft permit adequately respond to any CEQA concerns raised by the Initial Study or Environmental Impact Report?

REQUIRED OUTPUTS

Expected outputs from this chapter are:

- (1) Fact Sheet, approved by both the permit writer's senior and the regional office public participation specialist.
- (2) Complete Administrative Record, either by a memo to file listing all items in the formal Administrative Record, or a physical file containing all of the above noted Administrative Record items.
- (3) Public Notice, approved by both the permit writer's senior and the regional office public participation specialists.
- (4) Complete mailing lists as noted above.
- (5) Draft Permit consisting of Parts I, II, III, IV, and V as noted above.

APPLICABLE REGULATIONS AND STATUTES

State Laws and Regulations:

Cal. H&S Code	
Section	
25186.3	Requires DTSC to prepare a written report listing all convictions, judgments, and settlements relating to violations of any statutes, regulations or requirements of state and federal environmental and transportation programs specified in Cal. H&S Code section 25186. (The permit writer would get this information from the DTSC headquarter's Transportation Unit, as described in Chapter 3.0, Receive Application.)
Title 22, Cal. Code of Regs.	
Sections	
66270.5	Required quarterly and annual reporting to U.S. EPA of RCRA permitted facilities failing to meet schedules of compliance.
66270.10(c)	Specifies that DTSC may not begin processing a permit before receiving a complete application and specifies what constitutes a complete application.
66270.10(c)	Also specifies that DTSC may deny a permit for the active live of a hazardous waste management unit <u>before</u> it receives a complete application.
66270.10(e)	Sets forth the requirements for an interim status facility to submit a Part A and Part B application.
66270.10(e)(3)	Establishes that failure to furnish a requested Part B on time, or to furnish all of the information required in a Part B, is grounds for termination of interim status.
66270.29	Requires department to deny a permit application in its entirety or as to the active life of the facility or unit.
66270.30	Lists conditions applicable to all permits (these conditions are included in the pre-printed Part IV permit conditions).
66270.31	Requirements for Recording and Reporting of Monitoring Results (these are also included in the pre-printed Part IV permit conditions).
66270.32	Establishes department authority to establish case-by-case special conditions (these would be included as Part II, special permit conditions).
66270.33	Establishes department authority for including schedules of compliance in permits.
66270.43	Permit Denial Process
66270.73	Termination of Interim Status.
66271.1	Purpose and Scope of Chapter 21, which contains DTSC's procedures for issuing, modifying, revoking and reissuing, denying or terminating all hazardous waste facility permits, other than emergency permits and permits-by-rule.
66271.1	Also notes that interim status is not a permit.
66271.2(c)	Required notification of applicant that application is complete.
66271.2(d)	Authority to deny permits for causes listed.
66271.2(e)	Stipulates effective date of application is date department notifies applicant application is complete.
66271.5	Draft Permits.
66271.5(c)	Specifies required elements of a draft permit.
66271.5(d)	Specifies required Statement of Basis, Fact Sheet, Administrative Record, Public Notice, Public Comment Period, Public Hearing, and Response to Comments
66271.6	Statement of Basis.
66271.7	Specifies required elements of a Fact Sheet.
66271.8	Specifies required elements of an Administrative Record.
66271.9	Specifies required elements of General Public Notices and Public Hearing Public Notices.
66271.10	Requires department of hold public hearings if requested in writing.
66271.11	Requires department to hold public hearings if certain conditions exist.
66271.12	Specifies obligations of persons and applicant to make comments to department.
66271.13	Reopening of Public Comment Period.
66271.14	Issuance and Effective Date of Permit.

66271.17 Administrative Record for final permit.

Federal Laws and Regulations:

Other Laws and Regulations:

POLICIES

DTSC Policies:

Model Hazardous Waste Facility Permit dated July 7, 1997 (Appendix 13.0-1).
Permit Advisory Number PA96-1 (Appendix 13.2). The advisory reminds all permitting staff to use the most recent model permit. In addition, it advises permit seniors or the permitting branch chiefs, to approve the draft permit before the draft is released for internal review.

EPA Policies:

Other Policies:

INSTRUCTIONS TO APPLICANTS

Handouts to be Given to Applicants:

Examples to be Given to Applicants:

CEQA CONSIDERATIONS

The permit must adequately respond to CEQA significant effects. The permit writer should refer to the guidance in [Chapter 8.0](#), CEQA, for instructions on how to adequately respond to CEQA concerns. A key point made in this guidance is the obligation of the lead agency to enforce CEQA mitigation conditions imposed in the permit. The permit writer, permit senior, and Branch Chief should have a clear idea of how the regional office intends to enforce CEQA conditions once the permit is issued.

PUBLIC PARTICIPATION CONSIDERATIONS

The public must have the opportunity to be notified of the availability of the Draft Permit for review and comments. Public comments must be adequately considered and addressed.

LEGAL CONSIDERATIONS

INTERAGENCY AGREEMENTS & MOUs

COORDINATION WITH OTHERS

Other DTSC Units:

Environmental/Legislative/Industry Groups:

Other Agencies:

Special Requests:

STEP-BY-STEP PROCEDURES

Flow Charts:

Checklists:

TECHNICAL REFERENCES

EXAMPLES OF COMPLETED WORK PRODUCTS

TIMELINE AND PLANNING

Permit Processing Chart:

Workload Standards:

Statutory & Other Deadlines:

WP File Name: 4/CH1300_P.MAN

List of Examples:

List of Appendices:

- 13.0 Permit Approval Sign-off Sheet
- 13.01 Model Hazardous Waste Facility Permit
- 13.1 Revision of OPP 87-15, Permit Denial Policy
- 13.2 Permit Advisory Number PA96-1
- 13.3 Memo (from Marcia Murphy, chief of the Public Participation Branch to Watson Gin, chief of the Permitting Division) dated November 7, 1997, regarding "Fact Sheets/Statement of Basis on Draft Permit Denials"
- 13.4 Permit Appeal Procedure
- 13.5 Project Fact Sheet, Permit Advisory PA97-2

List of References: