

Fact Sheet

Hazardous Waste Facility Permits

September 1998

The Department of Toxic Substances Control (DTSC) has developed this fact sheet to provide information and guidance on Hazardous Waste Facility Permits required by Health and Safety Code, section 25200.

I. Who Needs a Hazardous Waste Facility Permit?

Any person who stores, treats or disposes of hazardous waste as described in the Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5) must obtain a permit or a grant of authorization from the Department of Toxic Substances Control (DTSC). Please Note: Health and Safety Code (HSC) section 25143.2 relating to recycling activities.

II. What is RCRA?

Resource Conservation and Recovery Act (RCRA). Federal statute that regulates facilities that treat, store or dispose of hazardous waste. All RCRA hazardous wastes are identified in Part 261 of Title 40 of the Code of Federal Regulations and appendices.

III. What is non-RCRA Hazardous Waste?

All hazardous waste regulated in the State, other than RCRA hazardous waste.

IV. What is Tiered Permitting?

California has a five-tier permitting program which matches the statutory/regulatory requirements imposed upon each category of hazardous waste facility to the degree of risk posed by them. The five permitting tiers, in descending order of regulatory oversight, are:

(1) The Full Permit Tier - Includes all facilities requiring a RCRA permit, plus selected non-RCRA activities pursuant to Title 22 California Code of Regulations (22 CCR).

(2) The Standardized Permit Tier - A facility that manages waste not regulated under RCRA but regulated as a hazardous waste by the State of California. These facilities include, but are not limited to recyclers, oil transfer stations, and precious metals recyclers. On-site facilities that are not regulated under RCRA are also eligible for Standardized Permit. For more

detailed information on Standardized Permits, see DTSC's Fact Sheet on the Standardized Permit Tier and HSC section 25201.6.

(3) The Permit by Rule Tier - A California-only (non-RCRA) onsite (wastes that are generated at the facility where they are treated) treatment permit for specific waste streams and treatment processes, such as concentrated metal-bearing wastes, concentrated acids or alkalis, wastes posing multiple hazards, and silver recovery. For more detailed information see DTSC's Tiered Permitting Fact Sheet 1772D, and 22 CCR sections 67450.1 through 67450.13.

(4) The Conditional Authorization Tier - A California-only (non-RCRA) onsite treatment authorization for specific waste streams such as metal-bearing rinse waters, and mostly single-hazard wastes, some neutralization, and oil/water separation. For more detailed information see DTSC's Tiered Permitting Fact Sheet 1772C and HSC section 25200.3.

(5) The Conditional Exemption Tier - A California-only (non-RCRA) onsite treatment authorization for small-quantity treatment and other low-risk treatment, including oil/water separation, container rinsing or destruction, gravity settling, and some neutralization. For more detailed information see DTSC's Tiered Permitting Fact Sheets 1772A, 1772B and HSC section 25201.5.

V. Where Should the Applicant Apply?

For a Full Permit, an applicant should contact the appropriate DTSC office for the area in which the proposed project is located (*see page 4*). Applicants seeking a new hazardous waste facility permit are encouraged to set up a preapplication meeting with DTSC permitting staff to discuss the permitting process, projected time frame for review of the application and approval of the permit, permit fees, etc. There is no fee associated with preapplication meeting. DTSC has written guidance documents that explain regulatory requirements, e.g., *Permit Writer Instructions for Storage and Treatment Facilities* and *Permit Writer Instructions for Closure of Storage and Treatment*

Facilities. For a Standardized Permit, applicants should apply to DTSC's Headquarters Permit Streamlining Branch. For the three lower tiers (onsite hazardous waste notifications), applicants should apply to DTSC's Headquarters Unified Program Section at (916) 324-2423.

VI. What Are the Application Fees?

Each facility will be billed an activity fee for each application. The amount of the fee is determined by the sized and Series designation of the facility. An activity fee is also assessed for a renewal application. The fees are non-refundable. Alternatively, a facility proponent has the option of signing a project-specific cost reimbursement agreement with DTSC (HSC section 25205.7(a)). *Note:* For more detailed information on hazardous waste Permit Application fees, contact DTSC's Headquarters, Financial Operations at (916) 322-8676 or DTSC's Internet Home Page at <http://www.dtsc.ca.gov>.

VII. Preapplication Public Meeting and Notice

An informal preapplication public meeting is required for all new applicants who apply for a RCRA permit. In addition, current applicants who apply to renew RCRA permits, where the renewal application contains significant changes in the facility's operation (equal to a class 3 Permit Modification), must also hold an informal preapplication meeting. At least 30 days prior to the preapplication public meeting, the applicant is required to advertise the meeting in the newspaper, through a broadcast announcement (e.g., by radio or television), and on a sign posted at or near the property. The meeting provides a chance for the community to interact with and provide input to a facility owner or operator before the owner or operator submits the permit application. In addition, soon after receipt of the application, DTSC must publish a public notice and notify appropriate State and local agencies that the application has been received. The notice must contain the name and telephone number of the applicant's contact; the name and telephone number of the DTSC contact and a mailing address for that contact person; an address to which community members can write to be placed on the mailing list; location of where copies of the application can be viewed and copied; a brief description of the facility and proposed operation, including the address or a map of the facility location on the front page of the notice; and the date the application was submitted.

VIII. Permitting Process for Full and Standardized Permit Applications:

The permitting process begins when an applicant submits or when DTSC calls-in a permit application. Within 60 days of receipt of the application, DTSC must make a Completeness

Determination, a finding whether the application has all the required parts. If the application is incomplete, DTSC issues a Notice of Deficiency. Once the application is considered administratively complete, DTSC begins its detailed, in-depth Technical Review, which evaluates facility operation for compliance with applicable technical standards. The Technical Review often results in a request for additional information and amendments or resubmittal of the application to meet these standards. This phase generally leads to DTSC accepting the application as technically complete, and the applicant is so notified in writing. DTSC then prepares a draft permit and begins a 45-day public comment period.

A Full or Standardized Permit decision by DTSC is subject to compliance with the California Environmental Quality Act (CEQA). Appropriate CEQA analyses and documents are completed before the beginning of the public comment period for the draft permit. Generally, the public comment periods for CEQA documents and the draft permit are conducted in parallel. During the public comment period, DTSC generally holds a public hearing in the vicinity of the facility. After the close of the public comment period, DTSC issues a final permit decision accompanied by a written response to all comments received. The applicant and the public have 30 days to appeal DTSC's decision. The appeal procedures are explained in DTSC's Notice of Decision and 22 CCR section 66271.18.

IX. Permit Processing Time Limits

Pursuant to 22 CCR, HSC 25199.6, Government Code section 65950 and Title 27 CCR section 10300, the following time limits apply to specific steps in processing Full and Standardized Permit applications:

Initial Completeness Review must be completed by DTSC within 60 days of receipt of all applications.

When DTSC is acting as the lead agency under CEQA and a Negative Declaration is prepared, the Negative Declaration must be completed within 105 days from the date DTSC accepted the application as technically complete. The Negative Declaration may be approved at a later time when the permit or other entitlement is approved. The permit determination must be completed within 60 days of the date of adoption of the negative declaration.

When DTSC is acting as the lead agency under CEQA and an Environmental Impact Report (EIR) is prepared, the EIR must be completed within one year from the date DTSC accepted the application as technically complete. The permit determination must be completed within six months of the approval of the EIR.

When DTSC is acting as a responsible agency under CEQA and the hazardous waste project is not a land disposal

facility, a permit determination must be made within 180 days of the date the lead agency approved or disapproved the project, or within 180 days of the date application was accepted as technically complete, whichever is later.

When DTSC is acting as a responsible agency under CEQA and the hazardous waste project is a land disposal facility, a permit determination must be made within one year of the date the lead agency approved or disapproved the project; or within one year of the date the application was accepted as technically complete, whichever is later.

Appeal Procedures if Time Limits are Exceeded:

Persons whose permit applications have not been processed within specified time limits may appeal to the Secretary of the California Environmental Protection Agency. The appeal must be filed within 30 days of the date the time periods were allegedly exceeded. If the Secretary finds that the time limits have not been met without good cause he may direct the environmental agency to process the permit application by a specific date. For permits subject to the Permit Reform Act of 1981 (Government Code sections 15374. et seq.), the Secretary may also order that the applicant receive a reimbursement of all filing and permit processing fees.

X. Appeal of Permit 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 changes made to the draft permit that are reflected in the final permit decision. (22 CCR section 66271.18).

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 project 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.

XI. How does CEQA Relate to DTSC's Permit Determinations?

CEQA applies to all discretionary actions taken by DTSC that may have an impact on the environment. Many activities within the DTSC Hazardous Waste Management Programs are subject to CEQA requirements. These activities include: the issuance of facility permits, facility permit renewals or modifications, variances, and approval of closure plans. When DTSC is the

lead agency for a project, it is responsible for the preparation of the appropriate environmental documents required under CEQA. DTSC is required to determine whether a project may have a significant effect on the environment and whether the effects can be mitigated or reduced to a level of insignificance. Generally, mitigation measures are included as conditions in the final permit. When DTSC is not the lead agency, it must still conduct a CEQA evaluation for its discretionary action before it issues a draft permit or permit denial. In practice, DTSC may use and reference the local entity's documents to support the CEQA determination. Appropriate CEQA analyses and documents must be completed prior to the opening of the public comment period. Generally, the 30-day comment period for CEQA documents and the draft permit are conducted in parallel. DTSC provides for public notice in newspapers of general circulation, on radio stations, and in fact sheets that are mailed to potentially interested parties. During the comment period, any interested person may submit written comments or a written request for a public hearing. At the close of the public comment period, DTSC acknowledges, in writing, the receipt of all comments directly to the commenter. If a fact sheet is prepared at the time the final decision is announced, the fact sheet indicates that a copy of the response to comments is available upon request or can be viewed in a public information repository. For more information contact DTSC's Headquarters Planning and Environmental Analysis Section at (916) 322-8693.

XII. What Other Agencies Should the Applicant Contact?

Depending on the type of permit, some or all of the following agencies may be involved:

LOCAL City and county land use and environmental health agencies, Special Planning or Regulatory Districts, Air Pollution Control Districts and Certified Unified Program Agencies (CUPAs). For more information regarding CUPA addresses and phone numbers, contact the DTSC Unified Program Section at Headquarters or DTSC Field Offices (see page 4).

STATE Regional Water Quality Control Board; Air Resources Board; California Integrated Waste Management Board (if the facility will manage both hazardous and non-hazardous waste); California Department of Industrial Relations; Division Occupational Safety and Health; Consultation Service; and the Governor's Office of Planning and Research.

FEDERAL U.S. Environmental Protection Agency, Region IX, (415) 744-1730 (if the proposal includes activities for which California is not

authorized). For RCRA hotline contact (800) 231-7075.

Regulations, Title 40, Code of Federal Regulations, Parts 260 through 270. Copies can be obtained at the U.S. Government Printing Office, Washington, D.C.

XIII. How Can DTSC Help the Permit Applicants?

The permit applicants may utilize the following resources to obtain more information regarding hazardous waste facility permitting process:

- * Permit Assistance Centers: In order to locate the nearest Permit Assistance Center to you, please contact 1-800-468-1786.
DTSC's Field Offices: See this page for telephone numbers and locations.
DTSC's Internet Home Page which displays Hazardous Waste Management Program notices and documents. Access at <http://www.calepa.ca.gov/dtsc.htm>.
Cal/EPA Environmental Recycling Hotline at 1-800-CLEANUP (1-800-253-2687).
U.S. Environmental Protection Agency, RCRA Hotline at 1-800-424-9346.

XIV. What Other Sources of Information are Available?

- * Guidance Documents "Permit Writer Instructions for Storage and Treatment Facilities" and "Permit Writer Instructions for Closure of Storage and Treatment Facilities," Department of Toxic Substances Control (DTSC). Copies can be obtained from DTSC's Headquarters Hazardous Waste Management Program at (916) 327-4493.
California Environmental Quality Act, Statutes and Guidelines, DTSC. More information can be obtained from DTSC's Headquarters Office of Planning and Environmental Analysis at (916) 324-8550.
- * DTSC Corrective Action Orientation Manual. Copies can be obtained from DTSC's Headquarters Hazardous Waste Management Program. For more information please contact (916) 324-2431.
- * DTSC Onsite Tiered Permitting Flowcharts, Notification Forms, and Fact Sheets. Copies of above documents can be obtained from DTSC's State Regulatory Program Division. For more information please contact (916) 324-2423.
California Hazardous Waste Control Law, Health and Safety Code, Division 20, Chapter 6.5, section 25100 et seq. Copies can be obtained from the Department of General Services. For more information please contact (916) 574-2200.
California Hazardous Waste Control Regulations, Title 22, California Code of Regulations, Division 4.5, section 66260.1 et seq. Copies can be obtained from Barclays Law Publishers. For more information please contact (800) 888-3600.
Federal Resource Conservation and Recovery Act (RCRA)

Where to Contact DTSC

Headquarters Office

Department of Toxic Substances Control
1001 "I" Street
P.O. Box 806
Sacramento, CA 95812-0806

NORTHERN CALIFORNIA REGION

Sacramento Office

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95827
(916) 255-3545

Clovis Office

Department of Toxic Substances Control
1515 Tollhouse Road
Clovis, CA 93611
(209) 297-3903

Berkeley Office

Department of Toxic Substances Control
700 Heinz Avenue, Bldg. F, Suite 200
Berkeley, CA 94710
(510) 540-2122

SOUTHERN CALIFORNIA REGION

Chatsworth Office

Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311-6505
(818) 717-6500

Cypress Office

Department of Toxic Substances Control
5796 Corporate Ave
Cypress, CA 90630-4732
(714) 484-5302