



PERMITTING DIVISION ADVISORY

Advisory No. PA 03-01

Date of Issuance: April 3, 2003

Title: **Recommended** Procedures for Streamlining Permit Renewals

Purpose: To recommend procedures for expediting and streamlining the permit renewal process.

Background: In the early and mid-1990s, the Department of Toxic Substances Control (DTSC) issued many new permits for hazardous waste management activities. Most of these permits were issued for an effective period of ten years and will be expiring soon. DTSC anticipates that many of these facilities will continue to operate during the permit renewal process. If the permittee submits a timely and complete renewal application, then the expiring permit continues to be in effect until the final permit determination is made on the new permit application (California Code of Regulations, title 22 [Cal. Code Regs., tit. 22], section 66270.51). To avoid a backlog, DTSC Permitting Division staff must expedite these renewal requests and use our available staff resources as efficiently as possible.

Advisory: This Advisory provides several recommendations to expedite the renewal process and maximize the efficiency of staff efforts. The recommendations are grouped as applicable to Branch Chiefs/Unit Supervisors, and as applicable to Project Managers.

BRANCH CHIEFS AND UNIT SUPERVISORS:

1. **PLANNING & COORDINATION.** Evaluate the expected universe of renewals, identify staff to process permits for technically similar types of facilities at the same time, and identify the projected timeframes for these categories. This will accomplish three things: allow DTSC staff to develop waste-specific or process-specific expertise, encourage cooperation among the Project Managers working on these groups of facilities, and minimize "level playing field" issues among the facilities. Management can assist in these efforts by enhancing planning and coordination among Permitting staff, for the various crucial support functions (e.g., attorneys, geologists, California Environmental Quality Act (CEQA) staff, etc.) and providing immediate feedback and consistent communication.
2. **STAFF SKILLS.** Utilize specialized groups or individuals for different parts of the permit processing. An aspect of the permit application analysis and permit development that may be difficult for one individual may be routine for an individual with that expertise. A strong lead Project Manager coordinating and guiding the

project is an essential component of an effective project. Management can assist in these efforts by promoting and encouraging the use of the specialized staff skills.

3. **PRIORITIES.** When setting permit renewal processing priorities, focus on those facilities that, as a rule, have more complex and controversial issues: offsite facility, waste disposal or complex treatment activities, RCRA-regulated, poor compliance record, significant changes to wastestreams, capacity, treatability, process, etc. If a facility's permit renewal is a RCRA Grant commitment, U.S. EPA must concur with the priorities. Renewal processing for low-interest facilities or activities could be postponed.
4. **CALL-IN TIMING.** A permit renewal application call-in letter should be sent to the owner/operator of a permitted facility approximately 18 months before the permit's expiration date. Cal. Code Regs., tit. 22, section 66270.11 requires an owner/operator to submit a renewal application at least 180 days (6 months) before the expiration of the permit. Six months is usually inadequate for DTSC to complete the permit renewal process. Therefore, this Permit Advisory recommends that DTSC send the permittee a permit renewal application call-in letter approximately 18 months before the permit's expiration date. The early call-in letter would include a request for a prompt pre-application meeting between DTSC and the applicant. The 18-month timeframe will give the applicant time to develop a quality application package, and give DTSC time to review the application, propose a draft permit, hold a public comment period, respond to comments, and make the permit decision before the original permit expires.
5. **SAMPLE APPLICATION DOCUMENTS.** A series of good examples of the various portions of a facility's permit application will be established. Some of these documents will apply to any type of facility; some will be industry-specific. Be sure that the example contains the basic information and structure. Provide a copy of the document to the Headquarters Permitting Branch Chief; Headquarters will assure that a copy is given to each Regional Branch Chief. Assure that each staff member is familiar with the available documents and has access to this system. Providing these sample documents to an applicant at the pre-application meeting will promote submittal of timely and high-quality application materials. It is essential to remember that, even though these are existing facilities, the facility personnel with whom the DTSC Project Managers will be working will probably not be the people with whom the original permit was developed. Sample documents will help improve the application submittal quality.
6. **PROJECT MANAGEMENT.** Assure that your staff are well-versed in the use of the permit processing checklists available in the Permit Writer's Manual. In addition, Chapters 2, 3 and 4 of the Permit Writer's Manual provide detailed discussions of the overall project management components necessary for processing a permit. Each Project Manager should routinely use the components described in those chapters to create a project-specific planning checklist at the beginning of each project. Many projects are too unique to be able to use one project checklist, but the major components are common to each.

PROJECT MANAGERS

1. **ANALYZING APPROPRIATE REVIEW.** For a facility with no substantive changes in operation and a good compliance record, the permit process may involve only a

cursory review of certain aspects of the renewal application. While the importance of specific aspects of the permit renewal application will vary from facility to facility, a general guide to making these determinations may be found in the attached checklist (Attachment A). In addition, the Project Manager must assure that the permit addresses any changes in the regulations, and that CEQA and public participation procedures are undertaken in a timely and thorough manner.

2. **COMMUNICATION.** Coordinate closely with other DTSC staff (Office of Legal Counsel, Statewide Compliance Division, Planning and Environmental Analysis, Geotechnical Services Unit, Public Participation, etc.) to give them a "heads up" that the permit will be coming to them for review or that their component of the project will be needed, so that they may plan their workloads. Processing a permit and its supporting documentation is truly a cooperative project. Up-front communication, planning and coordination make a significant difference in the efficacy of the project management.
3. **PRE-APPLICATION MEETING.** Front-load the renewal application process during the pre-application meeting with the applicant (pursuant to Health and Safety Code section 25206.2) to go over application needs, any questions, etc. Topics should include permitting timelines, fees, public participation, and the potential applicability of corrective action, air emissions requirements, etc. A list of the required components of the permit renewal application should be provided to the applicant during this meeting. Each Project Manager should get to know and develop a good working relationship with the company representative with whom he or she will be working. Although the activity is a permit renewal, the odds are very high that the person with whom you will be dealing was not the person who went through the permitting process with DTSC when the original permit was issued (nor are you probably the original Project Manager!).
4. **SAMPLE APPLICATION DOCUMENTS.** Provide good examples of application component documents for the permit renewal application. DTSC's historical approach was to point to the regulations and say "follow these". Give the applicant a good example of what DTSC requires. Please see Item #5 under the BRANCH CHIEFS AND UNIT SUPERVISOR section regarding establishing and using a system of reference documents.
5. **DISCLOSURE STATEMENT.** The Project Manager must provide the current version of the disclosure form to the applicant as early as practical; preferably, during the preapplication meeting. A Disclosure Statement is part of the application package. Unless the facility has a recently-submitted Disclosure Statement for another permit action, a new Disclosure Statement will be required. Because situations vary, the adequacy of a previous Disclosure Statement must be determined on a case-by-case basis. The applicant completes the form and sends it to Headquarters for processing. Headquarters needs a minimum of six calendar weeks to process and approve a Disclosure Statement.
6. **PROJECT-SPECIFIC CHECKLIST.** A Project Manager should create a project-specific planning checklist at the beginning of each project. Chapters 2, 3 and 4 of the Permit Writer's Manual lay out the components of permitting projects. Many projects are too unique to be able to use one project checklist, but the major components are

common to each. Creation of a project-specific checklist will customize the project planning to the needs of that project. Not having to backtrack to do a missed component will help expedite any project. A generalized list of tasks for a permit renewal is included as Attachment B. This list makes an excellent base document on which to build a project-specific checklist.

7. **CONCURRENT ACTIVITIES.** The project plan identifies any risk assessment determinations and the type of CEQA analyses that will be needed for the project, and assures that those tasks are early steps in the project. Each of these components is a time-consuming activity. Not until these essential components are well underway can the project-specific needs of the draft permit and special permit conditions be accurately laid out. Integrate the timing of different phases of the project. For example, do not wait until the permit is ready to go out for public notice to start determining the right newspaper for the public notice, etc. These are concurrent operations.
8. **RCRA PERMIT REQUIREMENT.** If significant (i.e., equivalent to changes that would be a Class 3 permit modification) changes are proposed in the facility operation as part of the permit renewal for a RCRA permit, the early steps of the project plan must include a preapplication public meeting, in addition to the public notice required for any permit renewal. See Cal. Code Regs., tit. 22, section 66271.31 et seq, and the Permit Applicant's Handbook for details on these requirements.
9. **CORRECTIVE ACTION.** Consider addressing corrective action under a corrective action agreement (CAA) rather than including the corrective action details in the permit. Corrective action at an active facility can be a major stumbling block to completing a permit renewal. The completed CAA is incorporated by reference into the final permit. To ensure that the CAA reflects the current status at the facility, the permit applicant should submit a Current Conditions Report that acts as an addendum to the original RCRA Facility Assessment. DTSC uses the Current Conditions Report to identify solid waste management units and area of concerns to be addressed in the CAA.
10. **CHANGES TO THE APPLICATION.** Discuss and make minor changes to the application over the telephone, through e-mails and/or faxes. Many minor changes to an application package may be made on a fast and informal basis, rather than months-long series of Notice of Deficiency (NOD) letters. Once the necessary information is defined, the applicant can submit the information as a change to the application. Immediate feedback is the key. If the Project Manager finds the change acceptable, then the changed pages are inserted in the application. The date of the changed pages is printed on the changed pages. The replaced pages are removed from the application and kept in a separate file. The replaced pages are dated appropriately and noted as "replaced" with the date that they were replaced.
11. **DATABASE UPDATES.** It is crucial that each Project Manager coordinate closely with our Regional and Headquarter's database managers to ensure that the facility-classifying unit and the current waste management unit definitions and waste process changes to a facility can be tracked within the databases.

Conditions may have changed significantly since the subject permits were issued: DTSC has updated and improved its permit and CEQA evaluation and quality standards; the

demographics around the facility may have changed; and the technologies of the waste management processes may have changed significantly. Because of these changes, it is incumbent on each Project Manager to carefully evaluate the appropriate level of review for each aspect of a permit renewal. Notwithstanding Implementing the above planning and processing strategies may help DTSC eliminate duplication, maximize its limited staff resources, and provide effective service to the regulated community.

4/3/03

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Hazardous Waste Management Program

Attachments

PERMIT RENEWAL CHECKLIST			
Section/Requirement	Expedited Review	Detailed Review	Reason
Pre-application Activities	X		Pre-permit activities may be abbreviated as facilities are already familiar with the permit process.
Administrative Completeness Review	X		
Facility Identification	X		Facility ID and location typically will not change for permit renewal.
Facility Location	X		
Waste Characterization		X	
Waste Analysis Plans		X	
Waste Compatibility		X	
Facility Design		X	
Containers & Checklist		X	
Tanks & Checklist		X	
Secondary Containment		X	
Treatment		X	
Process Vents	X		Air emission issues will be covered by local air pollution control districts. If the facility has a permit, it should already be in compliance
Equipment Leak Standards	X		
Air Emission Standards Subpart CC	X		
Site Security		X	
Management Practice		X	
Personnel Training	X		The facility already should have personnel training, contingency plan, and emergency procedures in place. If inadequate, updates can be identified and corrected as part of the facility inspection process.
Contingency Plan and Emergency Procedures	X		
Closure Plan		X	
Pollution Prevention	X		The review should confirm only that a Pollution Prevention Plan exists for the facility, if applicable.
Financial Responsibility & Checklist		X	
Environmental Monitoring		X	
CEQA Evaluation		X	
Public Participation Needs		X	

Permit Renewal Checklist for Treatment and Storage Facilities (DRAFT)

Facility Name: _____

Address: _____

City and Zip: _____

EPA ID No.: _____

Project Manager: _____ Senior: _____

1. Send call-in letter to facility (Use model Call-In letter)

- * Should be done at least 18 months prior to expiration date of existing permit
 - Call-In letter, if modified, should include:
 - Cost recovery language
 - Fee-for-service (including CEQA & permit application) option
 - Fixed fee option
 - Invite facility to pre-application meeting
 - Website for Part A application, if paper copy is not given
 - **(For RCRA facility with significant changes, inform applicant of pre-application public meeting and notice requirements)**
- * If it is a non-government facility, send disclosure statement form
- * Provide permit checklist
- * Provide Standardized Permit Package (including files on disk), if applicable
- * Prepare chronology

Allow 3 months for facility to submit application.

2. Hold Pre-application meeting.

3. Renewal application is received. Within 30 days of receipt of the renewal application, the following should be done:

- * **Prepare and send out notice/fact sheet that an application has been received and is available for review (For RCRA facilities only)**
- * Prepare Fee-for-Service Contract or fill out Board of Equalization form
- * Prepare and send cost estimate for DTSC's compliance with CEQA
- * Perform Administrative Completeness Review
 - Send Notice of Deficiency, or
 - Send Administrative Completeness Letter
- * Send Environmental Information Form for CEQA to facility

- * Identify internal team (Not all may be necessary)
 - Geologic Support Unit (GSU)
 - Planning and Environmental Analysis Section (PEAS)
 - Office of Legal Counsel (OLC)
 - Toxicologist (HERD)
 - Public Participation Specialist (PPS)
 - Financial Responsibility Unit (FRU)
 - Statewide Compliance Branch
 - Air Specialist
 - Site Mitigation Branch
- * Identify external agencies or entities that may have an interest in project (This list is not all inclusive)
 - United States Environmental Protection Agency (EPA)
 - California Regional Water Quality Control Board (RWQCB)
 - California Air Resource Board (ARB)
 - Certified Unified Program Agency (CUPA)
 - Local Health Agency (city or county)
 - Local Fire Department
 - Local Planning Agency
 - Local, state, and/or federal elected officials
 - Environmental organizations
- * Schedule meeting with facility to discuss schedule
- * Prepare Project Action Plan

4. Technical Review

- * Send work request forms to (not all maybe applicable):
 - GSU for seismic and engineering certification
 - Toxicologist for Health Risk Assessment
 - PEAS to get staff assigned for CEQA review
 - FRU to review financial assurance mechanism
 - PP to get staff assigned for public participation
- * Arrange meeting or conference call with internal team to discuss roles, responsibilities, and schedule
- * Arrange meeting(s) with external agencies or entities to inform them of project and schedule and to ascertain any concerns. Topics of discussion include, not limited to:
 - Land use
 - Other permits
 - Compliance history
 - Community reaction to facility
- * Tour and/or inspect facility (Inform facility manager that this is not a compliance inspection)
 - Become familiar with facility and operations
 - Note any new and modified units

- Note any closed units
 - Note any corrective action being implemented
 - Compare facility units and operations with Part B application
 - Perform drive-by of surrounding community
 - * Review Part B application for technical completeness
 - Contact HQ to determine status of Disclosure Statement review
 - Issue Notice of Deficiency (NOD)
 - Arrange meeting with facility to discuss NOD
 - Complete Permit Checklist
 - Issue Technical Completeness Letter
 - * Must be completed at least 6 month prior to expiration of existing permit.
5. Corrective Action (See Corrective Action Process Checklist for further information)
- * Check to see if facility is involved in corrective action
 - (For Standardized Permits only), has a Phase I Assessment been conducted?
 - Has a RCRA Facility Assessment be conducted?
 - If RFA has been conducted, ask for current conditions report
 - If no, has Enhanced Preliminary Assessment be conducted?
 - * If no corrective action has been conducted, start corrective action process (See corrective action process checklist)
6. Public Participation (Before Public Notice)
- * Established public repositories
 - * Schedule meeting with Public Participation Specialist to discuss strategy
 - * Conduct community profile (Should be done earlier in project)
 - * Prepare public participation plan for high profile projects
 - * Conduct community interviews
 - * Contact elected officials for briefing
 - * Obtain mailing list from PPS
 - Ensure that mailing list up-to-date
 - Check for obvious erroneous names and titles (e.g., Ted Rauh, Deputy Director rather than Watson Gin, Deputy Director or Jesse Huff, Director rather than Ed Lowry, Director)
 - Check for specific omission (Project Manager may have gotten request to place person on mailing list)
7. California Environmental Quality Act (CEQA) (Before Public Notice)
- * Review Environmental Information Form from facility
 - * Review any previous CEQA documents
 - * Health Risk Assessment (for use with Risk of Upset and/or Public Health Section of Initial Study Checklist)
 - Schedule meeting with toxicologist to determine whether health risk

- assessment is necessary
- If HRA is not necessary, has an accident analysis been prepared?
- If no HRA or accident analysis, send letter to facility requesting HRA or accident analysis.
- * Contact PEAS staff to review schedule
- * Obtain latest CEQA forms (T:\Oeara\CEQA\Forms)
- * Prepare CEQA forms
 - Use Initial Study Checklist; or
 - Use Special Initial Study Checklist (if filing a De Minimis Impact Finding)
 - Prepare Negative Declaration or Mitigated Negative Declaration
 - Prepare De Minimis Impact Finding
 - Prepare Notice of Completion and Environmental Document Transmittal Form
 - Prepare Reviewing Agencies Checklist
- * Internal review
 - Send Part B application, and CEQA documents to PEAS for review (3 week review period)
 - Send Part B application and Initial Study to OLC for review (4 week review period)
- * Provide courtesy copy to facility for review.
- * Revise and finalize draft CEQA documents for public notice
 - Initial Study Checklist; or
 - Special Initial Study Checklist (if filing a De Minimis Impact Finding)
 - Negative Declaration or Mitigated Negative Declaration (Remove signature block)
 - De Minimis Impact Finding (Remove signature block)
 - Notice of Completion and Environmental Document Transmittal Form
 - Reviewing Agencies Checklist
- * Obtain written or E-mail approval from OLC and PEAS for CEQA documents
- * Make copies of all CEQA documents for file and repositories
- * Send CEQA documents to State Clearinghouse (if using De Minimis Impact Finding)
 - Prepare transmittal letter
 - Make 15 copies of the Initial Study, Negative Declaration or Mitigated Negative Declaration, De Minimis Impact Finding
- * Send CEQA documents to PEAS (if not using De Minimis Impact Finding)
 - Prepare transmittal memo
 - Make 15 copies of the Initial Study, Negative Declaration or Mitigated Negative Declaration, De Minimis Impact Finding
 - Arrange for payment of Fish and Game fee
- * Send copy of Negative Declaration or Mitigated Negative Declaration to County Recorder for Posting

8. Draft Permit

- * Obtain latest copy of model permit

- * Develop specific condition, if applicable
- * Internal review (Should be done at the same time as internal CEQA review)
 - Send Part B application and draft permit to PEAS for review (3 week review period)
 - Send Part B application and draft permit to OLC for review (4 week review period)
 - Send Part B application and draft permit to Statewide Compliance Branch for review (3 week review period)
- * Finalized draft permit for public notice based on comments
- * Obtain written or E-mail approval from PEAS, OLC, and Statewide Compliance for the draft permit
- * Prepare draft permit package for Branch Chief's review
 - Draft permit
 - Fact sheet
 - Public notice
 - Radio ads
 - Initial Study Checklist; or
 - Special Initial Study Checklist (if filing a De Minimis Impact Finding)
 - Proposed Negative Declaration or Mitigated Negative Declaration (Signature block removed)
 - De Minimis Impact Finding (Signature block removed)
 - Notice of Completion and Environmental Document Transmittal Form
 - Reviewing Agencies Checklist
 - Sign-offs from Legal, PEAS, Public Participation, Compliance
- * Brief Branch Chief

9. Public Notice

- * Meet with Public Participation Specialist to determine schedule
- * Brief Branch Chief on project and progress
- * Develop public notice documents
 - Public Notice
 - Fact Sheet
 - Radio Spot
 - Mailing List
- * Determine newspaper and date for public notice
 - Avoid holiday season if possible
- * Schedule public hearing (if necessary)
 - Determine location
 - Determine date (at least 30 days after public notice)
 - Determine who needs to be there
 - Prepare Powerpoint presentation
 - Hold Dry Run(s)
- * Establish public comment period (Should be done concurrently)
 - Minimum 45 days for permit decision
 - Minimum 30 days for CEQA decision

- * Arrange copying and mailing service
- * Post documents on Internet
 - Draft permit
 - CEQA documents
 - Public Notice
 - Part B application (if possible)
 - Other documents
- * Place documents into information repository
- * Arrange administrative record

10. Public Participation (After Public Notice)

- * Review comments received
- * Sort by specialty
 - Permitting
 - CEQA
 - Toxicology
 - Legal
 - Public Participation
 - Geology
- * Assign comments to team members
 - Set deadline and deliverables
- * Prepare Response to Comments
 - Proper format
 - Internal review

11. CEQA (After End of Public Comment Period)

- * Prepare Response to Comments (to be incorporated into Response to Comment for Permit)
- * Finalized Negative Declaration or Mitigated Negative Declaration
- * Finalized De Minimis Impact Finding
- * Prepare Mitigation Monitoring Plan (if using Mitigated Negative Declaration)
- * Prepare Negative Declaration Approval Form
- * Prepare Notice of Determination
- * Complete Notice of Determination Filing Checklist
- * Ensure all forms requiring signatures are signed
 - Negative Declaration or Mitigated Negative Declaration (for Step 12)
 - De Minimis Impact Finding (for Step 12)
 - Negative Declaration Approval Form (for Step 12)
 - Notice of Determination (for Step 12)
 - Notice of Determination Filing Checklist (for Step 12)
- * Make copies for file and repository

12. Final Permit Determination

- * Perform Financial Responsibility Review Again
- * Call Hossein Nassiri at (916) 327-4493 and obtain a permit number for the permit cover page
- * Brief Branch Chief
- * Prepare Final Permit Determination Package for Branch Chief's signature
 - Notice of Decision
 - Final permit
 - Transmittal letter to applicant
 - Negative Declaration or Mitigated Negative Declaration (from Step 11)
 - De Minimis Impact Finding (from Step 11)
 - Negative Declaration Approval Form (from Step 11)
 - Notice of Determination (from Step 11)
 - Notice of Determination Filing Checklist (From Step 11)
 - Transmittal Letter to commentors
 - Sign-offs from Legal, PEAS, Public Participation, Compliance
 - Final Response to Comment
- * Place final documents into information repositories
- * Send final permit, Notice of Decision, Notice of Determination, and Response to Comments to Applicant and cc list (e.g., US EPA, HQ, RWQCB, elected officials).
- * Send Notice of Decision, Notice of Determination, and Response to Comments to all commentors (Use certified mail)
- * Send Notice of Decision and Notice of Determination to rest of mailing list
- * Arrange Administrative Record
- * Fill out RCRIS forms
- * Send copy of files for the permit, CEQA documents, fact sheet, public notice, Notice of Decision, and any other pertinent documents to Senior Tech for CD-Archive.