

Draft Proposed Regulatory Language for June 2010 Permit Modification Workshop

CCR Ch. 20, Art. 4-1

Article 4. Permit Changes and Denials

§66270.42. Permit Modification at the Request of the Permittee.

(a) Class 1 modifications. Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. These modifications cover routine changes that are minor, such as changing typographical errors, upgrading plans and records maintained by the facility, or replacing equipment with functionally equivalent equipment. Class 1 modifications are divided into two types of modifications. The first type of Class 1 modification can be made without prior approval by the Department. These modifications are noted by a "1" in Appendix I of this chapter. The second type of Class 1 modification requires prior Department approval before the modification can be made. This type of modification is identified by an asterisk following the "1" in Appendix I of this chapter.

(1) Except as provided in subsection (a)(2) of this section, the permittee may put into effect Class 1 modifications listed in Appendix I of this chapter under the following conditions.

(A) The permittee shall notify the Department concerning the modification by certified mail or other means that establish proof of delivery ~~at least 30~~ within seven (7) calendar days ~~before~~ after the change is put into effect. This notice shall specify the changes being made to permit conditions or supporting documents referenced by the permit and shall explain why they are necessary. Along with the notice, the permittee shall provide the applicable information required by sections 66270.10, 66270.13 through 66270.23, 66270.62, and 66270.63. ~~With written authorization from the Department, the change may be put into effect earlier than 30 calendar days after the Department is notified concerning the modification.~~

(B) The permittee shall send a notice of the modification to all persons on the facility mailing list, maintained by the Department in accordance with section 66271.9(c)(1)(D), and the appropriate units of State and local government, as specified in section 66271.9(c)(1)(E). The notification shall include the information specified in subsections 66271.9(d)(1)(A) through 66271.9(d)(1)(D). The information shall also include a description of the proposed changes at the facility, and the name, e-mail address, and telephone number of a Department contact person. This notification shall be made within 90 calendar days after the change is put into effect. ~~For the Class 1 modifications that require prior Department approval, the notification shall be made within 7 days after the permittee notifies the Department and shall also be published in a major local newspaper of general circulation.~~

(C) Any person may request the Department to review, and the Department may for cause reject, any Class 1 modification. The Department shall inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee shall comply with the original permit conditions.

(D) Causes for rejection of a Class 1 permit modification by the Department include:

1. the requested modification does not qualify as a Class 1 permit modification;
2. the modification request does not contain sufficient information for the Department to determine the appropriate permit modification classification or to determine the actions necessary to comply with the California Environmental Quality Act (CEQA) with respect to the requested modification, or the modification is otherwise incomplete;
3. the requested modification does not comply with the appropriate requirements of chapter 14 of this division or other applicable requirements; or
4. the conditions of the modification fail to protect human health and the environment.

(2) Class 1 permit modifications identified in Appendix I of this chapter by an asterisk ~~and Class 1~~ modifications not exempt from the requirements of CEQA under Title 14, CCR section 15064 may be made only with the prior written approval of the Department. For the Class 1 modifications that require prior Department approval, the notice of modification required in section 66270.42(a)(1)(B) shall be made within 90 days after the Department approves the request.

(3) For a Class 1 permit modification, the permittee may elect to follow the procedures in section 66270.42(b) for Class 2 modifications instead of the Class 1 procedures. The permittee shall inform the Department of this decision in the notice required in section 66270.42(b)(1).

(b) Class 2 modifications. Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to common variations in the types and quantities of the wastes managed under the facility permit; technological advancements; and changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(1) For Class 2 modifications, listed in Appendix I of this chapter, the permittee shall submit a modification request to the Department that:

- (A) describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
- (B) identifies that the modification is a Class 2 modification;
- (C) explains why the modification is needed; and
- (D) provides the applicable information required by sections 66270.10, 66270.13 through 66270.23,

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66270.62, and 66270.63.

(2) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Department and to the appropriate units of State and local government as specified in section 66271.9(c)(1)(E) and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven (7) days before or after the date of submission of the modification request, and the permittee shall provide to the Department evidence of the mailing and publication. The notice shall include:

(A) announcement of a 60-day comment period, in accordance with section 66270.42(b)(5), and the name, e-mail address and street address of a Department contact to whom comments shall be sent;

(B) announcement of the date, time and place for a public meeting held in accordance with section 66270.42(b)(4);

(C) name, e-mail address and telephone number of the permittee's contact person;

(D) name, e-mail address and telephone number of a Department contact person;

(E) location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) the following statement: "The permittee's compliance history during the life of the permit being modified is available from the Department contact person."

(G) a description of the proposed changes at the facility.

(3) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided 60 days to comment on the modification request. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments shall be submitted to the Department contact identified in the public notice.

(6)(A) After the conclusion of the 60-day comment period and receipt by the Department from the permittee of the information necessary to address the public comments submitted during the 60-day comment period and other information required by this section, the Department shall take one of the following actions:

1. approve the modification request, with or without changes, and modify the permit accordingly, after the applicable requirements of CEQA have been satisfied;

2. deny the request;

3. determine that the modification request shall follow the procedures in section 66270.42(c) for Class 3 modifications for one of the following reasons:

a. there is significant public concern about the proposed modification; or

b. the complex nature of the change requires the more extensive procedures of Class 3; or

4. approve the request, with or without changes, as a temporary authorization having a term of up to 180 days, after the applicable requirements of CEQA have been satisfied.

~~(B) For the purposes of complying with the requirements of CEQA, the Class 2 permit modification shall not be considered complete until the close of the 60-day comment period and receipt by the Department from the permittee of the information necessary to address the public comments submitted during the 60-day comment period and other information required by this section.~~

~~(B)(C)~~ In case of a temporary authorization under subsection (b)(6)(A) 4. of this section, if the Department has not made a final approval or denial of the modification request by the end of the temporary authorization, the permittee shall comply with the original permit conditions.

~~(C)~~ ~~(D)~~ In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Department shall consider all written comments submitted to the Department during the public comment period and shall respond in writing to all significant comments in its decision.

(7) The Department may deny or change the terms of a Class 2 permit modification request under subsection (b)(6)(A) of this section for the following reasons:

(A) the modification request is incomplete;

(B) the requested modification does not comply with the appropriate requirements of chapter 14 of this division or other applicable requirements; or

(C) the conditions of the modification fail to protect human health and the environment.

(8) ~~Except for construction of new hazardous waste management units, The~~ the permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Department establishes a later date for commencing construction and informs the permittee in writing before day 60. Construction performed pursuant to this subsection shall not affect the Department's authority to approve or disapprove a permit modification request for the subject hazardous waste management activity.

(c) Class 3 modifications. Class 3 modifications apply to changes that substantially alter the facility or its operation.

(1) For Class 3 modifications, listed in Appendix I of this chapter, the permittee shall submit a modification request to the Department that:

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(A) describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) identifies that the modification is a Class 3 modification;

(C) explains why the modification is needed; and

(D) provides the applicable information required by sections 66270.10, 66270.13 through 66270.23, 66270.62, 66270.63 and 66270.66.

(2) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Department and to the appropriate units of State and local government as specified in section 66271.9(c)(1)(E) and shall publish this notice in a major local newspaper of general circulation. This notice shall be mailed and published within seven (7) days before or after the date of submission of the modification request, and the permittee shall provide to the Department evidence of the mailing and publication. The notice shall include:

(A) announcement of a 60-day comment period, and a name, e-mail address, and street address of a Department contact to whom comments shall be sent;

(B) announcement of the date, time, and place for a public meeting on the modification request, in accordance with section 66270.42(c)(4);

(C) name, e-mail address, and telephone number of the permittee's contact person;

(D) name, e-mail address, and telephone number of a Department contact person;

(E) location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) the following statement: "The permittee's compliance history during the life of the permit being modified is available from the Department contact person."

(3) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (c)(2) of this section and no later than 15 days before the close of the 60-day comment period. The meeting shall be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided at least 60 days to comment on the modification request. The comment period shall begin on the date the permittee publishes the notice in the local newspaper. Comments shall be submitted to the Department contact identified in the notice.

(6) After the conclusion of the 60-day comment period and receipt by the Department from the permittee of the information necessary to address the public comments submitted during the 60-day comment period and other information required by this section and after the applicable requirements of CEQA have been satisfied, the Department shall grant or deny the permit modification request according to the permit modification procedures of chapter 21 of this division. In addition, the Director shall consider and respond to all significant written comments received during the 60-day comment period. ~~For the purposes of complying with the requirements of CEQA, the Class 3 permit modification shall not be considered complete until the close of the CEQA 60-day comment period and receipt by the Department from the permittee of the information necessary to address the public comments submitted during the CEQA 60-day comment period and other information required by this section.~~

(d) Other modifications.

(1) In the case of modifications not explicitly listed in Appendix I of this chapter, the permittee may submit a Class 3 modification request to the Department, or the permittee may request a determination by the Department that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Department with the necessary information to support the requested classification.

(2) The Department shall make the determination described in subsection (d)(1) of this section as promptly as practicable. In determining the appropriate class for a specific modification, the Department shall consider the similarity of the modification to other modifications codified in Appendix I of this chapter and the following criteria:

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Department may require prior approval.

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

1. common variations in the types and quantities of the wastes managed under the facility permit,
2. technological advancements, and
3. changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(C) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(1) Upon request of the permittee, the Department may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations shall have a term of not more than 180 days.

(2)(A) The permittee may request a temporary authorization for:

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1. any Class 2 modification meeting the criteria in subsection (e)(3)(C) of this section, and
2. any Class 3 modification that meets the criteria in subsection (3)(C) 1. or 2. of this section; or that meets the criteria in subsections (3)(C) 3. through 5. of this section and provides improved management or treatment of a hazardous waste already listed in the facility permit.

(B) The temporary authorization request shall include:

1. a description of the activities to be conducted under the temporary authorization;
2. an explanation of why the temporary authorization is necessary; and
3. sufficient information to ensure compliance with the standards of chapter 14 of this division.

(C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Department and to appropriate units of State and local governments as specified in section 66271.9(c)(1)(E). The permittee shall also publish this notice in a major local newspaper of general circulation. This notification shall be made within seven (7) days of submission of the authorization request.

(3) The Department shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Department shall find:

(A) the authorized activities are in compliance with the standards of chapter 14 of this division;

(B) the temporary authorization is exempt from the requirements of CEQA under Title 14, CCR section 15061, or the applicable requirements of CEQA have been met with respect to the temporary authorization;

(C) the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

1. to facilitate timely implementation of closure or corrective action activities;
2. to allow treatment or storage in tanks, containers, or in containment buildings in accordance with chapter 18 of this division;
3. to prevent disruption of ongoing waste management activities;
4. to enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
5. to facilitate other changes to protect human health and the environment.

(4) A temporary authorization may be reissued for one additional term of up to 180 days provided that:

(A) the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization;

(B) the requirements of CEQA have been met with respect to the reissued temporary authorization; and

(C) 1. the reissued temporary authorization constitutes the Department's decision on a Class 2 permit modification in accordance with subsection (b)(6)(A) or (B) 4. of this section, or
2. the Department determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of subsection (c) of this section are conducted.

(f) Public notice and appeals of permit modification and temporary authorization decisions.

(1) The Department shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision under this section to grant or deny a Class 2 or 3 permit modification request or temporary authorization. This notice shall include reference to the procedures for appealing a decision on a permit modification or temporary authorization.

(2) The Department's decision to grant or deny a Class 2 or 3 permit modification or temporary authorization request under this section may be appealed under the permit appeal procedures of section 66271.18.

(g) Newly regulated wastes and units.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under chapter 11 of this division, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

(A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

(B) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements and receives Department approval of the Class 1 permit modification request. If the Department does not approve the Class 1 modification request by the date on which the waste or unit becomes subject to the new requirements, the permittee shall discontinue managing the waste or unit until Department approval of the Class 1 modification request is received;

(C) The permittee is in compliance with the applicable standards of chapters 15 and 16 of this division;

(D) The permittee, in the case of Classes 2 and 3 modifications, also submits a complete permit modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards found in the Health and Safety Code, division 20, chapter 6.5, article 9, section 25100 et seq.; and

(E) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable ground-water monitoring and financial responsibility requirements contained in chapter 15 of this division on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with these requirements, the facility shall lose authority to operate under this section.

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(2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

(h) Permit modification list.

The Department shall maintain a list of all approved permit modifications and shall publish a newspaper notice statewide once a year that an updated list is available for review.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, 58004 and 58012, Health and Safety Code.

Reference: Sections 25159, 25159.5, 25186 and 58012, Health and Safety Code; 40 CFR Section 270.42.

~~§66270.42.5. Permit Modifications for Non-RCRA Activities.~~

~~This subsection deleted~~

~~(a) This section applies only to permit modifications involving activities that are not subject to permitting requirements under the federal act.~~

~~(b) The following types of changes to a facility's authorization are not subject to the permit modification approval or procedural requirements of sections 66270.41 or 66270.42. Except as otherwise specified below, the owner or operator of the facility shall notify the Department in writing of any change within ten (10) calendar days after the change is put into effect:~~

~~(1) changes in the expiration date of the permit to allow earlier permit termination, with prior written approval of the Department;~~

~~(2) changes to the closure plan to reflect a decrease in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility, with prior written approval from the Department;~~

~~(3) correction of non-substantive typographical errors;~~

~~(4) a change in the legal name of the facility that does not include changes in ownership or operational control of the facility;~~

~~(5) informational changes that do not impact the operation of the facility;~~

~~(6) changes in frequency of or procedures for monitoring, reporting, sampling or maintenance activities that provide for more frequent monitoring, reporting, sampling or maintenance;~~

~~(7) equipment replacement or upgrading with functionally equivalent components (other than the structural unit itself), as long as the functional capacity of the unit is not increased or the unit is not being moved to another location, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department;~~

~~(8) changes to waste sampling or analysis methods to conform with the Department's guidance or regulations;~~

~~(9) changes to analytical quality assurance/control plan to conform to the Department's guidance or regulations;~~

~~(10) changes in procedures for maintaining the operating record;~~

~~(11) changes in frequency or content of inspection schedules that provide for more frequent or more thorough inspections;~~

~~(12) changes in the training plan that increase the amount or type of training given to employees;~~

~~(13) changes in emergency procedures that maintain or improve the effectiveness of the response;~~

~~(14) relocation of emergency equipment;~~

~~(15) changes to structures or equipment within the boundary of a permitted unit, but which the owner or operator certifies as not actively related to the storage, treatment, disposal or secondary containment of hazardous waste, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department;~~

~~(16) changes to a permit required by another regulatory agency, if the activities affected by the permit are not directly related to hazardous waste management, and do not have an impact on the permitted hazardous waste management activity, may be made without notifying the Department;~~

~~(17) For changes to a permit required by another regulatory agency, if the activities affected by the permit are related directly to hazardous waste management, but are not subject to the Department's permitting authority, they may be made with a written notice to DTSC at least 30 days prior to the intended change.~~

~~(c) The following changes to a facility's authorization require compliance with the Class 1* permit modification procedures (Class 1 modification procedures and prior written Departmental approval) specified in subsection (a) of section 66270.42:~~

~~(1) changes in ownership or operational control of a facility, provided the procedures of section 66270.40(b) are followed;~~

~~(2) changes to waste sampling or analysis methods that are other than those set forth in the Department's guidance or regulations;~~

~~(3) changes in interim compliance dates, with prior written approval of the Department;~~

~~(4) changes in procedures for decontamination of equipment or structures, with prior written approval of the Department;~~

~~(5) changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior written approval of the Department;~~

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~~(6) changes to analytical quality assurance/control plan other than to conform to the Department's guidance or regulations;~~

~~(7) removal of equipment from the emergency equipment list;~~

~~(8) changes to the closure plan to reflect an increase in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility;~~

~~(d) The following changes to a facility's authorization require compliance with the Class 2 permit modification procedures specified in subsection (b) of section 66270.42:~~

~~(1) physical and operational changes to a facility except as specified in subsections (b) or (c) of this section;~~

~~(2) changes in the approved closure plan resulting from unexpected events occurring during closure, unless otherwise addressed in this section;~~

~~(3) changes in frequency of, or procedures for, monitoring, reporting, sampling or maintenance activities that provide for less frequent monitoring, reporting, sampling or maintenance;~~

~~(4) changes in frequency or content of inspection schedules that provide for less frequent or less thorough inspections;~~

~~(5) changes in the training plan that decrease the type or amount of training given to employees;~~

~~(6) changes in emergency procedures that reduce the effectiveness of the response;~~

~~(7) changes in the expiration date of the permit to allow later permit termination.~~

~~(8) permit modifications that are designated in section 66270.42(d)(2)(C) or Appendix I of this Article as Class 3 modifications, but are determined by the Department, on a case-by-case basis, to have no significant potential for environmental concerns or significant public interest. If the Department determines, based on the nature of the proposed modification, the level of public interest, or other factors, that the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c), the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).~~

~~(e) Notwithstanding subsections (b), (c) and (d) of this section, if the Department determines, on a case-by-case basis, that a proposed modification meets the criteria specified in section 66270.42(b)(6)(A)3, the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).~~

~~(f) For changes not specifically addressed in this section, a facility owner/operator may propose a classification for the desired modification(s). A written proposal shall be made to the Department, and shall include the rationale behind the proposed classification.~~

~~(g) The Department may grant a temporary authorization pursuant to the procedures set forth in section 66270.42(e) for a Class 2 or Class 3 modification that is proposed for the purpose of effecting environmentally-beneficial changes to a facility.~~

~~(h) Notwithstanding section 66270.72, the owner or operator of an interim status facility may, for activities that are not subject to permitting or interim status requirements under the federal act, notify or request any modification to the facility pursuant to this Article.~~

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25150 and 25200.15.

§66270.43. Revocation and Denial of Permits.

(a) The Department may deny or revoke a permit for any cause specified in Health and Safety Code section 25186.

(b) The following are additional causes for revoking a permit during its term, or for denying a permit renewal application:

(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 the permittee's misrepresentation of any relevant facts at any time; or

(3) a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit denial, modification, or revocation.

(c) The Department shall follow the applicable procedures in chapter 20 or 21 of this division in revoking or denying any permit under this section.

NOTE: Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code. Reference: Sections 25159.5, 25186 and 25186.1, Health and Safety Code; 40 CFR Section 270.43.

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Appendix I
Classification of Permit Modifications

Modifications	Class
A. General Permit Provisions	
1. Administrative and informational changes.	
a. <u>A change in the legal name of the facility that does not include changes in ownership or operational control of the facility.</u>	1
b. <u>Informational changes that do not impact the operation of the facility.</u>	1
c. <u>Changes to a permit required by another regulatory agency, if the activities affected by the permit are related directly to hazardous waste management, but are not subject to the Department's permitting authority.</u>	1
d. <u>Other changes.</u>	1
2. Correction of typographical errors.	1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance.	1
b. Other changes.	2
5. Schedule of compliance:	
a. Changes in interim compliance dates, with prior approval of the Department.	1*
b. Extension of final compliance date.	3
6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Department.	1*
7. Changes in ownership or operational control of a facility, provided the procedures of section 66270.40 (b) are followed.	1*
8. <u>Changes to remove permit conditions that are no longer applicable (i.e. because the standards upon which they were based are no longer applicable to the facility).</u>	1*
B. General Facility Standards	
1. Changes to waste sampling or analysis methods:	
a. To conform with Department guidance or regulations.	1
b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.	1*
c. To incorporate changes associated with underlying hazardous constituents in ignitable or	1*

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corrosive wastes	
d. Other changes.	2
2. Changes to analytical quality assurance/control plan:	
a. To conform with Department guidance or regulations.	1
b. Other changes.	2
3 Changes in procedures for maintaining the operating record.	1
4. Changes in frequency or content of inspection schedules.	2
5. Changes in the training plan:	
a. That affect the type or decrease the amount of training given to employees.	2
b. Other changes.	1
6. Contingency plan:	
a. Changes in emergency procedures (i.e., spill or release response procedures).	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.	1
c. Removal of equipment from emergency equipment list.	2
d. Changes in name, address, <u>e-mail address</u> , or phone number of coordinators or other persons or agencies identified in the plan.	1
7. Construction quality assurance plan:	
a. Changes that the <u>Construction Quality Assurance (CQA)</u> officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.	1
b. Other changes	2

NOTE: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification.

C. Water Quality and Environmental Protection

1. Changes to monitoring points:	
a. Changes in the number, location, depth, or design of monitoring points or background monitoring points of a permitted water quality or environmental monitoring system.	2
b. Replacement of an existing monitoring point that has been damaged or rendered inoperable, without change to location, design, or depth of the monitoring point.	1
2. Changes in a water quality or environmental sampling or analytical procedure or monitoring schedule, with prior approval of the Department.	1*
3. Changes in statistical procedure for determining whether a statistically significant change in water quality or environmental quality between monitoring points and background monitoring points has occurred, with prior approval of the Department.	<u>1</u> *
4. Changes in the point of compliance.	2
5. Changes in constituents of concern, monitoring parameters, or concentration limits:	
a. As specified in the water quality or environmental protection standard.	3

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- b. As specified for a detection monitoring program. 2
- 6. Detection monitoring program:
 - a. Addition of a detection monitoring program as required by sections 66264.99 (f)(3) and 66264.100(i)(3). 3
 - b. Changes to a detection monitoring program as required by section 66264.98 (l) or (m) or section 66264.706 (f), unless otherwise specified in this Appendix. 2
- 7. Evaluation or Compliance monitoring program:
 - a. Addition of an evaluation monitoring program as required by sections 66264.91 (a)(2) or (a)(3). 3
 - b. Changes to an evaluation monitoring program as required by section 66264.99 (h) or (i), unless otherwise specified in this Appendix. 2
 - c. Addition of a compliance monitoring program as required by section 66264.701 (a)(1). 3
 - d. Changes to a compliance monitoring program as required by section 66264.707 (e), unless otherwise specified in this Appendix. 2
- 8. Corrective action program:
 - a. Addition of a corrective action program as required by section 66264.91 (a)(4) or 66264.701(a)(2). 3
 - b. Changes to a corrective action program as required by section 66264.100 (k) or (1) or section 66264.708 (h), unless otherwise specified in this Appendix. 2

D. Closure

- 1. Changes to the closure plan:
 - a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Department. 1 *
 - b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the Department. 1 *
 - c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Department. 1 *
 - d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Department. 1 *
 - e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix. 2
 - f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under sections 66264.113(d) & (e) of chapter 14. 2
- 2. Creation of a new landfill unit as part of closure. 3
- 3. Addition of the following new units to be used temporarily for closure activities:
 - a. Surface impoundments. 3
 - b. Incinerators. 3
 - c. Waste piles that comply with the following requirements: 2
 - the waste pile is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated,
 - liquids or materials containing free liquids are not placed in the waste pile,
 - the waste pile is protected from surface water run-on by the structure or in some other manner,

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--the waste pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting, and

--the waste pile shall not generate leachate through decomposition or other reactions.

- d. Waste piles that do not comply with the requirements of D(3)(c) of this Appendix. 3
- e. Tanks or containers (other than specified below). 2
- f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Department. 1*

E. Post-Closure

- 1. Changes in name, address, e-mail address, or phone number of contact in post-closure plan. 1
- 2. Extension of post-closure care period. 2
- 3. Reduction in the post-closure care period. 3
- 4. Changes to the expected year of final closure, where other permit conditions are not changed. 1*
- 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure. 2

F. Containers

- 1. Modification or addition of container units:
 - a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below. 3
 - b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below. 2
 - c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in section 66268.8 (a)(2)(B), with prior approval of the Department. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1*
- 2. Changes without modification of the container unit capacity.
 - a. Modification of a container unit without increasing the capacity of the unit. 2
 - b. Addition of a roof to a container unit without alteration of the containment system. 1*
- 3. Storage of different wastes in containers, except as provided in F(4) below:
 - a. That require additional or different management practices from those authorized in the permit. 3
 - b. That do not require additional or different management practices from those authorized in the permit. 2

NOTE: See section 66270.42(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 4. Storage or treatment of different wastes in containers:
 - a. That require addition of units or change in treatment process or management standards, 1*

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provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in section 66268.8 (a)(2)(B). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).

- b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1
- 5. Modifications to conform to the Department's changes in empty container management practices. 2
- 6. Other changes in container management practices (e.g., aisle space; types of containers; segregation). 2
- G. Tanks.** 4
- 1.
 - a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G(1)(c), G(1)(d) and G(1)(e) below. 3
 - b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G(1)(d) and G(1)(e) below. 2
 - c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation. 2
 - d. After prior approval of the Department, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation. 1*
 - e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in section 66268.8 (a)(2)(B), with prior approval of the Department. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1*
- 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit. 2
- 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided: 1
 - The capacity difference is no more than 1500 gallons,
 - The facility's permitted tank capacity is not increased and
 - The replacement tank meets the same conditions in the permit.
- 4. Modification of a tank management practice. 2
- 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(c) below. 3
 - b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than those authorized in the permit, except as provided in G(5)(d) below. 2
 - c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 1*

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section 66268.8 (a)(2)(B). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028).

d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1

NOTE: See section 66270.42(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity. 3

2. Replacement of a surface impoundment unit. 3

3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system. 2

4. Modification of a surface impoundment management practice. 2

5. Treatment, storage, or disposal of different wastes in surface impoundments:

a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit. 3

b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit. 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in section 66268 (a)(2)(B), and provided that the unit meets the minimum technological requirements stated in section 66268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in section 66268.5 (h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1

6. Modifications of unconstructed units to comply with sections 66264.221 (c), 66264.222, 66264.223, and 66264.226(d) 1

7. Changes in response action plan:

a. Increase in action leakage rate 3

b. Change in a specific response reducing its frequency or effectiveness. 3

c. Other changes 2

NOTE: See section 66270.42(g) for modification procedures to be used for the management of a newly listed or identified wastes.

I. Enclosed Waste Piles

For all waste piles except those complying with the requirements of D(3)(c) of this Appendix, modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with D(3)(c) of this Appendix.

1. Modification or addition of waste pile units:

a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity. 3

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- b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity. 2
- 2. Modification of waste pile unit without increasing the capacity of the unit. 2
- 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit. 1*
- 4. Modification of a waste pile management practice. 2
- 5. Storage or treatment of different wastes in waste piles:
 - a. That require additional or different management practices or different design of the unit. 3
 - b. That do not require additional or different management practices or different design of the unit. 2
- 6. Conversion of an enclosed waste pile to a containment building unit. 2

NOTE: See section 66270.42(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity. 3
- 2. Replacement of a landfill. 3
- 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system. 3
- 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system. 2
- 5. Modification of a landfill management practice. 2
- 6. Landfill different wastes:
 - a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system. 3
 - b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system. 2
 - c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in section 66268.8 (a)(2)(B), and provided that the landfill unit meets the minimum technological requirements stated in section 66268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1
 - d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in section 66268.5 (h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028). 1
- 7. Modifications of unconstructed units to comply with sections 66264.251 (c), 66264.252, 66264.253, 66264.254(c), 66264.301(c), 66264.302, 66264.303(c), and 66264.304. 1
- 8. Changes in response action plan:
 - a. Increase in action leakage rate 3
 - b. Change in a specific response reducing its frequency or effectiveness 3
 - c. Other changes 2

NOTE: See section 66270.42(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

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1. Lateral expansion of or other modification of a land treatment unit to increase areal extent. 3
 2. Modification of run-on control system. 2
 3. Modify run-off control system. 3
 4. Other modifications of land treatment unit component specifications or standards required in permit. 2
 5. Management of different wastes in land treatment units:
 - a. That require a change in permit operating conditions or unit design specifications. 3
 - b. That do not require a change in permit operating conditions or unit design specifications. 2
- NOTE: See section 66270.42(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
 - a. Increase rate or change method of waste application. 3
 - b. Decrease rate of waste application. 1
 7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions. 2
 8. [Reserved]
 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to section 66264.278 (j)(1). 3
 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements. 3
 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements. 2
 12. Changes in background values for hazardous constituents in soil and soil-pore liquid. 2
 13. Changes in sampling, analysis, or statistical procedure. 2
 14. Changes in land treatment demonstration program prior to or during the demonstration. 2
 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Department's prior approval has been received. 1*
 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Department. 1*
 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration. 3
 18. Changes in vegetative cover requirements for closure. 2
- L. Incinerators, Boilers, and Industrial Furnaces:**
1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 3

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2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 2
 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 3
 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The Department may require a new trial burn to demonstrate compliance with the regulatory performance standards. 2
 5. Operating requirements:
 - a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The Department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 3
 - b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls. 3
 - c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit. 2
 6. Burning different wastes:
 - a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The Department will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means. 3
 - b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit. 2
- NOTE: See section 66270.42(g) for modification procedures to be used for the management of newly listed or identified wastes.
7. Shakedown and trial burn:
 - a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown periods for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn. 2
 - b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Department. 1*
 - c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Department. 1*
 - d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Department. 1*
 8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit. 1*

M. Containment Buildings.

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1. Modification or addition of containment building units:
 - a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity 3
 - b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity 2
 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit 2
 3. Replacement of a containment building with a containment building that meets the same design standards provided the unit capacity is not increased and the replacement containment building meets the same conditions in the permit. 1^{*}
 - a. ~~The unit capacity is not increased~~ 4
 - b. ~~The replacement containment building meets the same conditions in the permit~~ 4
 4. Modification of a containment building management practice 2
 5. Storage or treatment of different wastes in containment buildings:
 - a. That require additional or different management practices 3
 - b. That do not require additional or different management practices 2
- N. Corrective Action**
1. Approval of a corrective action management unit pursuant to article 15.5 of chapter 14. 3
 2. Approval of a temporary unit or time extension for a temporary unit pursuant to article 15.5 of chapter 14. 2
-

^{*}Class 1 modifications requiring prior Department approval

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6, 58004, and 58012, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.42, 40 CFR Part 270, Appendix I.