

Chapter 20. The Hazardous Waste Permit Program

Article 1. General Information

66270.1. Purpose and Scope of These Regulations.

(a) Coverage.

(1) These permit regulations establish provisions for the issuance and administration of hazardous waste permits pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code.

(2) The regulations in this chapter cover basic permitting requirements, such as application requirements, standard permit conditions, and monitoring and reporting requirements. These regulations are part of a regulatory scheme implementing Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code, set forth in different parts of Title 22, California Code of Regulations.

(3) Technical regulations. The permit program has separate additional regulations that contain technical requirements. These separate regulations are used by the Department to determine what requirements shall be placed in permits if they are issued. These separate regulations are located in Chapters 14 and 16 of this division.

(b) Overview of the Permit Program. Not later than 90 days after the promulgation or revision of regulations in Chapter 11 of this division, which result in a waste becoming subject to the requirements of this division, generators and transporters of that hazardous waste, and owners or operators of hazardous waste facilities that transfer, treat, store, or dispose of that waste shall file a notification of that activity under Health and Safety Code Section 25153.6. After the promulgation of the Chapter 11 regulations, transfer, treatment, storage or disposal of the newly regulated hazardous waste by any person who has not applied for or received a permit is prohibited. A permit application consists of two parts, Part A (see Section 66270.13) and Part B (see Section 66270.14 and applicable sections in Sections 66270.15 through 66270.23). For "existing HWM facilities," the requirement to submit an application is satisfied by submitting only Part A of the permit application until the date the Department sets for submitting Part B of the application. (Part A consists of Forms 1 and 3 of the Consolidated Permit Application Forms.) Timely submission of both notification under Health and Safety Code Section 25153.6 and Part A qualifies owners and operators of existing HWM facilities (who are required to have a permit) for interim status under Section 25200.5 of the Health and Safety Code. Facility owners and operators with interim status are treated as having been issued a permit until the Department makes a final determination on the permit application. Facility owners and operators with interim status shall comply with interim status standards set forth in Chapter 15 of this division. For existing HWM facilities, the Department shall set a date, giving at least 60 days notice, for submission of Part B of the application.

There is no form for Part B of the application; rather, Part B shall be submitted in narrative form and contain the information set forth in the applicable sections of Sections 66270.14 through 66270.23. Owners or operators of new HWM facilities shall submit Parts A and B of the permit application at least 180 days before physical construction is expected to commence.

(c) Scope of the Permit Requirements. A permit is required for the "transfer", "treatment," "storage," and "disposal" of any waste which is hazardous waste pursuant to Section 66261.3. The terms "transfer", "treatment," "storage," "disposal," and "hazardous waste" are defined in Section 66260.10. Owners and operators of hazardous waste management units shall have permits during the active life (including the closure period) of the unit. Owners or operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to Section 66265.115) after January 26, 1983, shall have post-closure permits, unless they demonstrate closure by removal as provided under subsections (c)(5) and (6) of this section. If a post-closure permit is required, the permit shall address applicable Chapter 14 Water Quality Monitoring, Environmental Monitoring, Corrective Action, and Post-closure Care Requirements of this division. The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(1) Specific inclusions. Owners and operators of certain facilities require hazardous waste facility permits as well as

permits under other programs for certain aspects of the facility operation. Permits are required for:

(A) Injection wells that dispose of hazardous waste, and associated surface facilities that transfer, treat, store or dispose of hazardous waste.

(B) Transfer, treatment, storage, or disposal of hazardous waste at facilities requiring an NPDES permit. However, the owner and operator of a publicly owned treatment works receiving hazardous waste will be deemed to have a permit for that waste if they comply with the requirements of Section 66270.60^(b) (permit-by-rule for POTWs).
(a) - via 109-13

(C) Barges or vessels that dispose of hazardous waste by ocean disposal and onshore hazardous waste treatment or storage facilities associated with an ocean disposal operation. However, the owner and operator will be deemed to have a permit for ocean disposal from the barge or vessel itself if they comply with the requirements of Section 66270.60(a) (permit-by-rule for ocean disposal barges and vessels).

(2) Specific exclusions. The following persons are among those who are not required to obtain a permit:

(A) Generators who accumulate hazardous waste on-site for less than the time periods provided in Section 66262.34.

(B) Farmers who dispose of hazardous waste pesticides from their own use as provided in Section 66262.70.

(C) Transporters storing manifested shipments of hazardous waste in containers at a transfer facility, and transfer facilities storing manifested shipments of hazardous waste in containers, for a period of 144 hours or less, and meeting the requirements of Sections 66262.30 and 66263.18.

(D) Persons adding absorbent material to waste in a container (as defined in Section 66260.10 of this division) and persons adding waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and Sections 66264.17(b), 66264.171, and 66264.172 of this division are complied with.

(3) Further exclusions.

(A) A person is not required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

1. A discharge of a hazardous waste;
2. An imminent and substantial threat of a discharge of hazardous waste;

3. A discharge of a material which, when discharged, becomes a hazardous waste.

(B) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(4) Permits for less than an entire facility. The Department may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

(5) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under the standards of Chapter 15 of this division shall obtain a post-closure permit unless they can demonstrate to the Department that the closure met the standards for closure-by-removal or decontamination in Sections 66264.228, 66264.280(e), or 66264.258, respectively. The demonstration may be made in the following ways:

(A) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that the closure-by-removal or decontamination standards of

Chapter 14 of this division were met. If the Department believes that the Chapter 14 standards were met, the Department will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in paragraph (c)(6) of this section.

(B) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the Department for a determination that a post-closure permit is not required because the closure met the applicable closure-by-removal or decontamination standards of Chapter 14 of this division.

1. The petition shall include data demonstrating that the applicable Chapter 14 closure-by-removal or decontamination standards were met.

2. The Department shall approve or deny the petition according to the procedures outlined in subsection (c)(6) of this section.

(6) Procedures for closure equivalency determination.

(A) If a facility owner/operator seeks an equivalency demonstration under Section 66270.1 (c)(5), the Department shall provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within 30 days from the date of the notice. The Department shall also, in response to a request or at the Department's own discretion, hold a public hearing whenever such a

hearing might clarify one or more issues concerning the equivalence of the closure under Chapter 15 of this division to a closure-by-removal or decontamination under Chapter 14 of this division. The Department shall give public notice of the hearing at least 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

(B) The Department shall determine whether the closure under Chapter 15 of this division met the closure-by-removal or decontamination requirements of Chapter 14 of this division within 90 days of receipt of a petition requesting a closure equivalency determination. If the Department finds that the closure did not meet the applicable Chapter 14 standards, the Department shall provide the owner/operator with a written statement of the reasons why the closure failed to meet Chapter 14 standards. The owner/operator may submit additional information in support of an equivalency demonstration within 30 days after receiving such written statement. The Department shall review any additional information submitted and make a final determination within 60 days.

(C) If the Department determines that the facility did not close in accordance with the closure-by-removal or decontamination standards of Chapter 14 of this division, the facility is subject to post-closure permitting requirements.

(d) Where waste discharge requirements are established pursuant to Sections 13260 and 13263 of the Water Code, they shall be

incorporated as a condition of the Hazardous Waste Facility Permit issued to the applicant pursuant to this chapter to the extent the Department determines the waste discharge requirements are not less stringent than this division or Chapter 6.5 of Division 20 of the Health and Safety Code. The Department may establish in the permit more stringent requirements which the Department determines are necessary or appropriate to carry out this division of Chapter 6.5 of Division 20 of the Health and Safety Code.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.1.

66270.3. Considerations under Federal Law.

The following is a list of Federal laws that may apply to the issuance of permits under these rules. When any of these laws is applicable, its procedures shall be followed. When the applicable law requires consideration or adoption of particular permit conditions or requires the denial of a permit, those requirements also shall be followed.

(a) The Wild and Scenic Rivers Act. 16 U.S.C. Section 1273 et seq.) Section 7 of the Act prohibits the USEPA Regional Administrator and the Department from assisting by permit or otherwise the construction of any water resources project that would have a direct, adverse effect on the values for which a national wild and scenic river was established.

(b) The National Historic Preservation Act of 1966. (16 U.S.C. Section 470 et seq.) Section 106 of the Act and implementing regulations (36 CFR Part 800) require the USEPA Regional Administrator and the Department, before issuing a permit, to adopt measures when feasible to mitigate potential adverse effects of the licensed activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with the California State Office of Historic Preservation and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

(c) The Endangered Species Act. 16 U.S.C. Section 1531 et seq.) Section 7 of the Act and implementing regulations (50 CFR Part 402)

require the USEPA Regional Administrator and the Department to ensure, in consultation with the Secretary of the Interior or Commerce, that any action authorized by USEPA or the Department is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat.

(d) The Coastal Zone Management Act. (16 U.S.C. Section 1451 et seq.) Section 307 (c) of the Act and implementing regulations (15 CFR Part 930) prohibit USEPA and the Department from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the California State Coastal Zone Management Program, and the California Coastal Commission concurs with the certification (or the U.S. Secretary of Commerce overrides the Commission's nonconcurrence).

(e) The Fish and Wildlife Coordination Act. 16 U.S.C. Section 661 et seq. requires that the USEPA Regional Administrator and the Department, before issuing a permit proposing or authorizing the impoundment (with certain exemptions), diversion, or other control or modification of any body of water, consult with the State Department of Fish and Game exercising jurisdiction over wildlife resources to conserve those resources.

(f) Executive orders. [Reserved]

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.3.

66270.4. Effect of a Permit.

(a) The Department's issuance of a permit does not prevent the Department from adopting or amending regulations which impose additional or more stringent requirements than those in existence at the time a permit is issued and does not prevent the enforcement of these requirements against the owner or operator of a permitted facility. As part of any formal rulemaking, the Department shall specify the manner in which a proposed regulatory change is intended to apply to facilities which have been issued a hazardous waste facility permit.

(b) Notwithstanding subsection (a) above, the owner or operator of a facility which has been issued a hazardous waste facility permit shall comply with conditions of the permit as well as regulations adopted by the Department.

(c) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(d) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159, 25159.5 and 25202, Health and Safety Code; 40 CFR Section 270.4.

66270.5. Noncompliance and Program Reporting by the Department.

The Department shall prepare quarterly and annual reports on facilities and activities regulated under RCRA as detailed below. The Department shall submit any reports required under this section to the USEPA Regional Administrator. For purposes of this section only, permittees shall include interim status facilities, when appropriate.

(a) Quarterly reports. The Department shall submit quarterly narrative reports for major facilities as follows:

(1) Format. The report shall use the following format:

(A) Information on noncompliance for each facility;

(B) Alphabetize by permittee name. When two or more permittees have the same name, the lowest permit number shall be entered first;

(C) For each entry on the list, include the following information in the following order:

1. Name, location, and permit number of the noncomplying permittee.

2. A brief description and date of each instance of noncompliance for that permittee. Instances of noncompliance may include one or more of the kinds set forth in subsection (a)(2) of

this section. When a permittee has noncompliance of more than one kind, combine the information into a single entry for each such permittee.

3. The date(s) and a brief description of the action(s) taken by the Department to ensure compliance.

4. Status of the instance(s) of noncompliance with the date of the review of the status or the date of resolution.

5. Any details which tend to explain or mitigate the instance(s) of noncompliance.

(2) Instances of noncompliance to be reported. Any instances of noncompliance within the following categories shall be reported in successive reports until the noncompliance is reported as resolved. Once noncompliance is reported as resolved it need not appear in subsequent reports.

(A) Failure to complete construction elements. When the permittee has failed to complete, by the date specified in the permit, an element of a compliance schedule involving either planning for construction (for example, award of a contract, preliminary plans), or a construction step (for example, begin construction, attain operation level); and the permittee has not returned to compliance by accomplishing the required element of the schedule within 30 days from the date a compliance schedule report is due under the permit.

(B) Modifications to schedules of compliance. When a schedule of compliance in the permit has been modified under Section 66270.41 or 66270.42 because of the permittee's noncompliance.

(C) Failure to complete or provide compliance schedule or monitoring reports. When the permittee has failed to complete or provide a report required in a permit compliance schedule (for example, progress report or notice of noncompliance or compliance) or a monitoring report; and the permittee has not submitted the complete report within 30 days from the date it is due under the permit for compliance schedules, or from the date specified in the permit for monitoring reports.

(D) Deficient reports. When the required reports provided by the permittee are so deficient as to cause misunderstanding by the Department and thus impede the review of the status of compliance.

(E) Noncompliance with other permit requirements. Noncompliance shall be reported in the following circumstances:

1. Whenever the permittee has violated a permit requirement (other than reported under subsection (a)(2)(A) or (B) of this section), and has not returned to compliance within 45 days from the date reporting of noncompliance was due under the permit; or

2. When the Department determines that a pattern of noncompliance exists for a major facility permittee over the most recent four consecutive reporting periods. This pattern includes any

violation of the same requirement in two consecutive reporting periods, and any violation of one or more requirements in each of four consecutive reporting periods; or

3. When the Department determines significant permit noncompliance or other significant event has occurred such as a fire or explosion or migration of fluids into a USDW.

4. All other. Statistical information shall be reported quarterly on all other instances of noncompliance by major facilities with permit requirements not otherwise reported under subsection (a) of this section.

(b) Annual reports.

(1) Annual noncompliance report. Statistical reports shall be submitted by the Department on nonmajor RCRA permittees indicating the total number reviewed, the number of noncomplying nonmajor permittees, the number of enforcement actions, and number of permit modifications extending compliance deadlines. The statistical information shall be organized to follow the types of noncompliance listed in subsection (a) of this section.

(2) In addition to the annual noncompliance report, the Department shall prepare a "program report" which contains information (in a manner and form prescribed by the USEPA Regional Administrator) on generators and transporters and the permit status of regulated facilities. The Department shall also include, on a

biennial basis, summary information on the quantities and types of hazardous wastes generated, transported, treated, stored and disposed during the preceding odd-numbered year. This summary information shall be reported in a manner and form prescribed by the USEPA Regional Administrator and shall be reported according to USEPA characteristics and lists of hazardous wastes in Chapter 11 of this division.

(c) Schedule for all quarterly reports. No later than the last working day of May, August, November, and February, the Department shall submit to the USEPA Regional Administrator information concerning noncompliance with permit requirements by major facilities in the State in accordance with the following schedule.

QUARTERS COVERED BY REPORTS ON
NONCOMPLIANCE BY MAJOR DISCHARGERS
[Date for completion of reports]

January, February, and March	\1\May 31
April, May, and June	\1\August 31
July, August, and September	\1\November 30
October, November, and December	\1\February 28

\1\ -Reports shall be made available to the public for inspection and copying no later than this date.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.5.

Article 2. Permit Application

66270.10. General Application Requirements.

(a) Permit application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit a Part A and Part B permit application to the Department as specified in this Chapter. Persons currently authorized with interim status shall apply for permits when required by the Department. Persons covered by permits by rule (Section 66270.60) need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in Section 66270.61. Procedures for application, issuance and administration of research, development, and demonstration permits are found exclusively in Section 66270.65.

(b) Who applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner shall also sign the permit application.

(c) Completeness. The Department shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. The Department shall not issue a permit before receiving a complete application for a permit except for permits by rule, or emergency permits. An application for a permit is complete when the Department receives an application form and any supplemental information which are completed to the

Department's satisfaction, and the Department notifies the applicant in writing that the application is complete. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. The Department may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit.

(d) Information requirements. All applicants for permits shall provide information set forth in Section 66270.13 and applicable subsections in Sections 66270.14 through 66270.23 to the Department, using the application form (Application for a Hazardous Waste Permit, EPA Form 8700-23, revised 1/90) provided by the Department.

(e) Existing hazardous waste management facilities and interim status qualifications.

(1) Owners and operators of existing hazardous waste management facilities or of hazardous waste management facilities in existence on the effective date of statutory or regulatory amendments under the act that render the facility subject to the requirement to have a permit shall submit Part A of their permit application no later than:

(A) Six months after the date of publication of regulations which first require them to comply with the standards set forth in Chapter 15 or 16 of this division, or

(B) Thirty days after the date they first become subject to the standards set forth in Chapter 15 or 16 of this division, whichever first occurs.

(2) At any time after the effective date of these regulations, the owner and operator of an existing hazardous waste management facility may be required to submit Part B of their permit application. Any owner or operator shall be allowed 60 days from the date of request to submit a complete Part B of the application. The Department shall allow an owner or operator more time to submit a complete Part B if the owner or operator demonstrates to the satisfaction of the Department that additional time is required to complete Part B of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit Part B of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility shall submit a Part B permit application in accordance with the dates specified in Section 66270.73. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under RCRA or the Health and Safety Code that render the facility subject to the requirement to have a permit shall submit a Part B application in accordance with the dates specified in Section 66270.73.

(3) Failure to furnish a requested Part B application on time, or to furnish in full the information required by the Part B application, is grounds for termination of interim status under Chapter 21 of this division.

(f) New hazardous waste management facilities.

(1) No person shall begin physical construction of a new hazardous waste management facility or new HWM unit without having submitted Parts A and B of the permit application or a permit modification request and having received a finally effective permit or permit modification.

(2) An application for a permit for a new hazardous waste management facility (including both Parts A and B) may be filed any time after promulgation of those standards in Chapter 14, Article 9 et seq. of this division applicable to such facility. The application shall be filed with the Department. All applications shall be submitted at least 180 days before physical construction is expected to commence.

(g) Updating permit applications.

(1) If any owner or operator of a hazardous waste management facility has filed Part A of a permit application and has not yet filed Part B, the owner or operator shall file an amended Part A application:

(A) With the Department, no later than the effective date of regulatory provisions listing or designating wastes as hazardous in addition to those listed or designated under the previous regulations, if the facility is transferring, treating, storing, or disposing of any of those newly listed or designated wastes; or

(B) As necessary to comply with provisions of Section 66270.72 for changes during interim status.

(2) The owner or operator of a facility who fails to comply with the updating requirements of subsection (g)(1) of this section shall not receive interim status as to the wastes not covered by duly filed and approved Part A applications.

(h) Reapplications. Any hazardous waste management facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Department. (The Department shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

(i) Recordkeeping. Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under Sections 66270.10(d), 66270.13, and 66270.14 through 66270.23 for a period of at least 3 years from the date the application is signed.

(j) Exposure information.

(1) After August 8, 1985, any Part B permit application submitted by an owner or operator of a facility that transfers, stores, treats, or dispose of hazardous waste in a surface impoundment or a landfill shall be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to

hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information shall address:

(A) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(B) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (j)(1)(A) of this section; and

(C) The potential magnitude and nature of the human exposure resulting from such releases.

(2) By August 8, 1985, owners and operators of a landfill or a surface impoundment who have already submitted a Part B application shall submit the exposure information required in subsection (j)(1) of this section.

(k) The Department may require a permittee or an applicant to submit information in order to establish permit conditions under Sections 66270.32(b)(2) and 66270.50(d).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.10.

66270.11. Signatories to Permit Applications and Reports.

(a) Applications. All permit applications shall be signed as follows:

(1) For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who is authorized to perform similar policy- or decision making functions, which govern the operation of the regulated facility, for the corporation.

(2) For a partnership or sole proprietorship; by a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(A) The chief executive officer of the agency, or

(B) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).

(b) Reports. All reports required by permits and other information requested by the Department shall be signed by a person described in subsection (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in subsection (a) of this section;

(2) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) The written authorization is submitted to the Department.

(c) Changes to authorization. If an authorization under subsection (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) of this section shall be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(d) Certification. Any person signing a document under subsection (a) or (b) of this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.11

66270.12. Confidentiality of Information.

(a) In accordance with Section 66260.2, any information submitted to the Department pursuant to these regulations may be claimed as confidential by the submitter. Any such claim shall be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in Section 66260.2.

(b) Claims of confidentiality for the name and address of any permit applicant or permittee will be denied.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.12.

66270.13. Contents of Part A of the Permit Application.

All applicants for permits shall provide the following information to the Department using the Part A application (Application for a Hazardous Waste Permit, Form EPA 8700-23, revised 1/90) form provided by the Department.

(a) The activities conducted by the applicant which require it to obtain a permit.

(b) Name, mailing address, and location, including latitude and longitude of the facility for which the application is submitted.

(c) Up to four SIC codes which best reflect the principal products or services provided by the facility.

(d) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

(e) The name, address, and phone number of the owner of the facility.

(f) Whether the facility is located on Indian lands.

(g) An indication of whether the facility is new or existing and whether it is a first or revised application.

(h) For existing facilities, (1) a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas; and (2) photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas.

(i) A description of the processes to be used for transferring, treating, storing, and disposing of hazardous waste, and the design capacity of these items.

(j) A specification of the hazardous wastes listed or designated under Chapter 11 of this division to be transferred, treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be transferred, treated, stored, or disposed annually, and a general description of the processes to be used for such wastes.

(k) A listing of all permits or construction approvals received or applied for under any of the following programs:

(1) Hazardous Waste Management program under RCRA (42 U.S.C. commencing with Section 6921 or the Health and Safety Code commencing with Section 25100).

(2) UIC program under the federal SDWA (42 U.S.C. 6924).

(3) NPDES program under the federal CWA (33 U.S.C. 1342).

(4) Prevention of Significant Deterioration (PSD) program under the federal Clean Air Act (42 U.S.C. 7401 et. seq.).

(5) Nonattainment program under the federal Clean Air Act (42 U.S.C. 7501-7502).

(6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the federal Clean Air Act (42 U.S.C. 7412).

(7) Ocean dumping permits under the Federal Marine Protection Research and Sanctuaries Act (33 U.S.C. Section 1401, et. seq.).

(8) Dredge or fill permits under Section 404 of the federal CWA.

(9) Other relevant environmental permits.

(1) A topographic map extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste transfer, treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; each building and its use; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within 1/4 mile of the facility property boundary.

(m) A brief description of the nature of the business.

NOTE: Authority cited: Sections 208,. 25150 and 25159, Health
and Safety Code.

Reference: Sections 25159 and 25159-5, Health and Safety Code; 40
CFR Section 270.13.

66270.14. Contents of Part B: General Requirements.

(a) Part B of the permit application consists of the general information requirements of this section, and the specific information requirements in Sections 66270.14 through 66270.23 applicable to the facility. The Part B information requirements presented in Sections 66270.14 through 66270.23 reflect the standards promulgated in Chapter 14 of this division. These information requirements are necessary in order for the Department to determine compliance with the Chapter 14 standards. If owners and operators of hazardous waste management facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the Department and signed in accordance with requirements in Section 66270.11. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by an independent, qualified professional engineer registered in California. Geologic plans, specifications, reports or documents shall be prepared by or under the direction of, and shall be certified by, a geologist registered in California. Calculations and technical data supporting the certification need not be submitted with Part B but shall be retained by the owner or operator and be available for review by the Department.

(b) General information requirements. The following information is required for all hazardous waste management facilities, except as Section 66264.1 provides otherwise:

(1) A general description of the facility.

(2) Chemical and physical analyses of the hazardous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to transfer, treat, store or dispose of the wastes properly in accordance with Chapter 14 of this division.

(3) A copy of the waste analysis plan required by Section 66264.13(b) and, if applicable Section 66264.13(c).

(4) A description of the security procedures and equipment required by Section 66264.14, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(5) A copy of the general inspection schedule required by Section 66264.15(b). Include where applicable, as part of the inspection schedule, specific requirements in Sections 66264.174, 66264.193;(i), 66264.195, 66264.226, 66264.254, 66264.273, 66264.303 and 66264.602.

(6) A justification of any request for a waiver(s) of the preparedness and prevention requirements of Chapter 14, Article 3 of this division.

(7) A copy of the contingency plan required by Chapter 14, Article 4 of this division. Note: Include, where applicable, as part of the contingency plan, specific requirements in Section 6264.227.

(8) A description of procedures, structures or equipment used at the facility to:

(A) Prevent hazards in unloading operations (for example, ramps, special forklifts);

(B) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing).

(9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive or incompatible wastes as required to demonstrate compliance with Section 66264.17 including documentation demonstrating compliance with Section 66264.17(c).

(10) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and

stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(11) Facility location information;

(A) The owner or operator of a new facility or a facility undergoing substantial modification (a Class 3 modification specified in Section 66270.42(c) involving physical changes to the facility) shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided shall be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted shall show that either:

1. No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within 3,000 feet of a facility are present, based on data from:
 - a. Published geologic studies,
 - b. Aerial reconnaissance of the area within a five-mile radius from the facility.
 - c. An analysis of aerial photographs covering a 3,000 foot radius of the facility, and

d. If needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or

2. If faults (to include lineations) which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass within 200 feet of the portions of the facility where treatment, storage or disposal of hazardous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where transfer, treatment, storage or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where transfer, treatment, storage or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

(B) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification shall indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the 100-year flood

level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating or maintaining the facility to withstand washout from a 100-year flood.

(C) Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the 100-year floodplain. However, where the FIA map excludes an area (usually areas of the floodplain less than 200 feet in width), these areas shall be considered and a determination made as to whether they are in the 100-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation would be.

(D) Owners and operators of facilities located in the 100-year floodplain shall provide the following information:

1. Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as consequence of a 100-year flood.
2. Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection

devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout.

3. If applicable, and in lieu of subsections (b)(11)(C)1 and 2 of this section, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:

a. Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility.

b. A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the regulations under Chapters 14, 15, 16, 20 and 21 of this division.

c. The planned procedures, equipment and personnel to be used and the means to ensure that such resources will be available in time for use.

d. The potential for accidental discharges of the waste during movement.

(E) Existing facilities NOT in compliance with Section 66264.18(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(F) The owners and operators of surface impoundments, waste piles, land treatment facilities and landfills shall provide information regarding the depth to the saturated zone or groundwater table, including seasonal high levels for groundwater, known aquifers beneath the site and any aquifers having hydraulic continuity.

(12) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the hazardous waste management facility in a safe manner as required to demonstrate compliance with Section 66264.16. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in Section 66264.16(a)(3).

(13) A copy of the closure plan and, where applicable, the postclosure plan required by Sections 66264.112, 66264.118 and 66264.197. Include, where applicable, as part of the plans, specific requirements in Sections 66264.178, 66264.197, 66264.228, 66264.258, 66264.280, 66264.310, 66264.351, 66264.601 and 66264.603.

(14) For hazardous waste disposal units that have been closed, documentation that notices required under Section 66264.119 have been filed.

(15) The most recent closure cost estimate for the facility prepared in accordance with Section 66264.142 and a copy of the documentation required to demonstrate financial assurance under

Section 66264.143. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part B.

(16) Where applicable, the most recent post closure cost estimate for the facility prepared in accordance with Section 66264.144 plus a copy of the documentation required to demonstrate financial assurance under Section 66264.145. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part B.

(17) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of Section 66264.147. For a new facility, documentation showing the amount of insurance meeting the specification of Section 66264.147(a) and, if applicable, Section 66264.147(b), that the owner or operator plans to have in effect before initial receipt of hazardous waste for transfer, treatment, storage or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in Section 66264.147(c).

(18) A topographic map showing a distance of 2000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours shall be shown on the map. The contour interval shall be sufficient to clearly show the

pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of hazardous waste management facilities located in mountainous areas should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

- (A) Map scale and date.
- (B) 100-year floodplain area.
- (C) Surface waters including intermittent streams.
- (D) Surrounding land uses (residential, commercial, agricultural, recreational).
- (E) A wind rose (i.e., prevailing wind-speed and direction).
- (F) Orientation of the map (north arrow).
- (G) Legal boundaries of the hazardous waste management facility site.
- (H) Access control (fences, gates).

(I) Injection and withdrawal wells both onsite and offsite.

(J) Buildings; transfer, treatment, storage or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary and process sewerage systems, loading and unloading areas, fire control facilities, etc.)

(K) Barriers for drainage or flood control.

(L) Location of operational units within the hazardous waste management facility site, where hazardous waste is (or will be) transferred, treated, stored or disposed (include equipment cleanup areas).

(19) Any additional information related to the proposed activity or facility which is requested by the Department.

(20) For land disposal facilities, if a case-by-case extension for RCRA wastes has been approved by USEPA under 40 CFR Section 268.5 and by the Department under Section 66268.5, copies of the notices of approval for the extension are required. If a variance for non-RCRA wastes has been granted by the Department under Health and Safety Code Section 25143 and Section 66260.210 of this division, a copy of the letter granting the variance is required.

(c) Additional information requirements. The information specified in this subsection shall be submitted for each regulated unit at a

hazardous waste management facility. An owner or operator of a regulated unit that did not receive hazardous waste after February 2, 1985 shall submit this additional information only as it pertains to the water quality protection requirements of Article 6 of Chapter 14 of this division:

(1) A summary of the environmental monitoring data obtained during the interim status period under Sections 66265.90 through 66265.99 and Sections 66265.710 through 66265.714, where applicable.

(2) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, which at a minimum shall be determined at the times of expected highest and lowest annual elevations of the groundwater surface, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area).

(3) On the topographic map required under subsection (b)(18) of this section, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under Section 66264.95, the proposed location of monitoring points as required under Sections 66264.95 and 66264.705, and, to the extent possible, the information required in subsection (c)(2) of this section.

(4) A description of any plume of contamination or pollution that has migrated from a regulated unit at the time that the application was submitted that:

(A) Delineates the extent of the plume on the topographic map required under subsection (b)(18) of this section;

(B) Identifies the concentration of each constituent of concern throughout the plume or identified the maximum concentrations of each such constituent in the plume.

(5) Detailed plans and an engineering report describing the proposed environmental monitoring programs to be implemented to meet the requirements of Articles 6 and 17 of Chapter 14 of this division. This submission shall be prepared and certified by a geologist registered in California or a civil engineer registered in California.

(6) If a detection monitoring program is required under Section 66264.91 and/or Section 66264.701 at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of Section 66264.98 and/or Section 66264.706. This submission shall address the following items specified under Section 66264.98 and 66264.706:

(A) A proposed list of constituents of concern for groundwater, surface water, air, soil-pore gas and soil-pore liquid, a proposed

list of hazardous constituents for air, soil and soil-pore gas and a proposed list of monitoring parameters for each medium that can provide a reliable indication of a release from a regulated unit;

(B) Proposed groundwater, soil-pore liquid and surface water monitoring systems required under Section 66264.98 and any air or soil-pore gas monitoring systems required under Article 17 of Chapter 14;

(C) Background values for each proposed monitoring parameter, hazardous constituent, and constituent of concern, or procedures to calculate such values; and

(D) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating monitoring data.

(7) If an evaluation monitoring program is required under Section 66264.91 and/or a compliance monitoring program is required under Section 66264.701 at the time of the permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish an evaluation monitoring program which meets the requirements of Sections 66264.99 and/or a compliance monitoring program under Section 66264.707. The owner or operator shall also submit an engineering feasibility study for a corrective action program necessary to meet the requirements of Sections 66264.100 and/or 66264.708, unless the owner or operator obtains written authorization from the Department prior to submittal of the permit application to submit a proposed permit schedule for

submittal of such a study. To demonstrate compliance with Sections 66264.99 and/or 66264.707, the owner or operator shall address the following items:

(A) A description of the wastes previously handled at the facility;

(B) A characterization of the contaminated or polluted groundwater, soil, soil-pore liquid, soil-pore gas, surface water or air, including concentrations of monitoring parameters, hazardous constituents and constituents of concern in each medium;

(C) For each medium, a proposed list of monitoring parameters for which evaluation monitoring will be undertaken in accordance with Sections 66264.97 and 66264.99 and/or for compliance monitoring under Section 66264.707;

(D) For each medium, background values, and any proposed concentration limits greater than background and/or alternate concentration limits for each constituent of concern and/or hazardous constituent based on the criteria set forth in Sections 66264.94 and/or 66264.704, including a justification for establishing any such concentration limits;

(E) Detailed plans and an engineering report describing the proposed monitoring system, prepared and certified by a geologist registered in California or a civil engineer registered in California, in accordance with the requirements of Sections 66264.97 and 66264.98 and/or Section 66264.707; and

(F) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating monitoring data.

(8) If a corrective action program is required under Sections 66264.91 and/or 66264.701 at the time of permit application, the owner or operator shall submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of Sections 66264.100 and/or 66264.7098. To demonstrate compliance with Sections 66264.100 and/or 66264.7098, the owner or operator shall address, at a minimum, the following items:

(A) A characterization of the contaminated or polluted groundwater, soil, soil-pore liquid, soil-pore vapor, surface water or air including concentrations of monitoring parameters, hazardous constituents and constituents of concern in each medium;

(B) A proposed list of hazardous constituents and constituents of concern for each medium;

(C) For each medium, the proposed concentration limits for each hazardous constituent and constituent of concern as set forth in Sections 66264.94 and/or 66264.704;

(D) Detailed plans and an engineering report describing the corrective action to be taken and proposed environmental monitoring programs, prepared and certified by a geologist registered in California or a civil engineer registered in California; and

(E) A description of how the environmental monitoring programs will demonstrate the adequacy of the corrective action.

(F) A proposed permit schedule for submittal of the information operator obtains written authorization from the Department prior to submittal of the permit application.

(d) Information requirements for solid waste management units.

(1) The following information is required for each solid waste management unit at a facility seeking a permit:

(A) The location of the unit on the topographic map required under subsection (b)(18) of this section.

(B) Designation of type of unit.

(C) General dimensions and structural description (supply any available drawings).

(D) When the unit was operated.

(E) Specification of all wastes that have been managed at the unit, to the extent available.

(F) When applicable, the information required under Section 66264.801.

(2) The owner or operator of any facility containing one or more solid waste management units shall submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.

(3) The owner/operator shall conduct and provide the results of sampling and analysis of groundwater, landsurface and subsurface strata, surface water, or air, which may include the installation of wells, where the Department ascertains it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

(e) California Environmental Quality Act (CEQA) Information Requirements. Unless the Department has determined that the activity to be permitted is exempt from the requirements of CEQA pursuant to Title 14, CCR Section 15061, the applicant shall submit with Part B of the permit application all information necessary to enable the Department to prepare an Initial Study meeting the requirements of Title 14, CCR Section 15063.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159, 25159.5, 25185.6 and 25200, Health and Safety Code; 40 CFR Section 270.14.

66270.15. Specific Part B Information Requirements for Containers.

Except as otherwise provided in Section 66264.170, owners or operators of facilities that transfer or store containers of hazardous waste shall provide the following additional information:

(a) A description of the containment system to demonstrate compliance with Section 66264.175. Show at least the following:

(1) Basic design parameters, dimensions, and materials of construction.

(2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system.

(3) Capacity of the containment system relative to the number and volume of containers to be transferred or stored.

(4) Provisions for preventing or managing run-on.

(5) How accumulated liquids can be analyzed and removed to prevent overflow.

(b) Sketches, drawings, or data demonstrating compliance with Section 66264.176 (location of buffer zone and containers holding ignitable or reactive wastes) and Section 66264.177 (c) (location of incompatible wastes), where applicable.

(c) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with Sections 66264.177 (a) and (b), and 66264.17 (b) and (c).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.15.

66270.16. Specific Part B Information Requirements for Tank Systems.

Except as otherwise provided in Section 66264.190, owners and operators of facilities that use tanks to transfer, store or treat hazardous waste shall provide a description of design and operation procedures which demonstrate compliance with the requirements of Sections 66264.192, 66264.194, 66264.198, and 66264.199, including the following additional information:

(a) A written assessment that is reviewed and certified by an independent, qualified, professional engineer registered in California as to the structural integrity and suitability for handling hazardous waste of each tank system including the containment system, as required under Sections 66264.191 (b) and (f) and 66264.192 (b);

(b) Dimensions, capacity, and shell thickness of each tank;

(c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(d) A diagram of piping, instrumentation, and process flow for each tank system;

(e) A description of materials and equipment used to provide external corrosion protection, as required under Section 66264.192

(b) (3);

(f) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with Sections 66264.192 (c), (d), (e) and (f);

(g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of Sections 66264.193 (a), (b), (c), (d), (e), (f) and (j);

(h) For tank systems for which a variance from the requirements of Section 66264.193 is sought (as provided by Section 66264.193 (g)):

(1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the ground water or surface water during the life of the facility, or

(2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

(i) Description of controls and practices to prevent spills and overflows, as required under Section 66264.194 (b); and

(j) For tank systems in which ignitable, reactive, or incompatible wastes are to be transferred, stored or treated, a description of how operating procedures and tank system and facility

design will achieve compliance with the requirements of Sections 66264.198 and 66264.199.

(k) References to design standards or other available information used (or to be used) in design and construction of the tank.

(l) A description of design specifications, including identification of construction materials and lining materials for the tank and secondary containment facilities (include pertinent characteristics such as corrosion or erosion resistance).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.16.

66270.17. Specific Part B Information Requirements for Surface Impoundments.

Except as otherwise provided in Section 66264.1, owners and operators of facilities that store, treat or dispose of hazardous waste in surface impoundments shall provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each surface impoundment;

(b) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of Section 66264.221. This submission shall address the following items as specified in Section 66264.221:

(1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by Section 66264.221(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(2) Prevention of overtopping; and

(3) Structural integrity of dikes, including information described in Section 66264.228(e)(18), whether or not dikes will remain after closure;

(c) Detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(d) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of Sections 66264.226(a) and (b). This information shall be included in the inspection plan submitted under Section 66270.14(b)(5);

(e) A certification by an independent, qualified, professional engineer, registered in California which attests to the structural integrity of each dike, as required under Section 66264.226(c). For new units, the owner or operator shall submit a statement by an independent, qualified, professional engineer, registered in California, that the engineer will provide such a certification upon completion of construction in accordance with the plans and specifications;

(f) A description of the procedure to be used for removing a surface impoundment from service, as required under Sections 66264.227(b) and (c). This information shall be included in the contingency plan submitted under Section 66270.14(b)(7);

(g) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under Section 66264.228(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how Sections 66264.228(a)(2) and (b) will be complied with. This information shall be included in the closure plan and, where applicable, the post-closure plan submitted under Section 66270.14(b)(13);

(h) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how Section 66264.229 will be complied with;

(i) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how Section 66264.230 will be complied with.

(j) A waste management plan for EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of Section 66264.231. This submission shall address the following items as specified in Section 66264.231:

(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.17.

66270.18. Specific Part B Information Requirements for Waste Piles.

Except as otherwise provided in Section 66264.1, owners and operators of facilities that store or treat hazardous waste in waste piles shall provide the following additional information:

(a) A list of hazardous wastes placed or to be placed in each waste pile;

(b) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of Section 66264.251. This submission shall address the following items as specified in Section 66264.251:

(1) The liner system (except for an existing portion of a waste pile). If an exemption from the requirement for a liner is sought, as provided by Section 66264.252(e), the owner or operator shall submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(2) Control of run-on;

(3) Control of run-off;

(4) Management of collection and holding units associated with run-on and run-off control systems; and

(5) Control of wind dispersal of particulate matter, where applicable;

(c) If a double liner and leak detection system is required, as noted by Section 66264.251(k), detailed plans and an engineering report describing how the requirements of Section 66264.251(k) will be complied with;

(d) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of Section 66264.254(a) and (b). This information shall be included in the inspection plan submitted under Section 66270.14(b)(5). If a double liner and leak detection system is required, pursuant to Section 66264.251(k), describe in the inspection plan how the inspection requirements of Section 66264.254(b)(3) will be complied with.

(e) If treatment is carried out on or in the waste pile, details of the process and equipment used, and the nature and quality of the residuals;

(f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of Section 66264.256 will be complied with;

(g) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how Section 66264.257 will be complied with;

(h) A description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under Section 66264.258(a). For any waste not to be removed from the waste pile upon closure, the owner or operator shall submit detailed plans and an engineering report describing how Sections 66264.310(a) and (b) will be complied with. This information shall be included in the closure plan and, where applicable, the post-closure plan submitted under Section 66270.14(b)(13).

(i) A waste management plan for EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27 describing how a waste pile in which any of these wastes has been or will be placed is or will be designed, constructed, operated, and maintained to meet the requirements of Section 66264.259. This submission shall address the following items as specified in Section 66264.259:

(1) The volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.18.

66270.19. Specific Part B Information Requirements for Incinerators.

Except as Section 66264.340 of this division provides otherwise, owners and operators of facilities that incinerate hazardous waste shall fulfill the requirements of subsection (a), (b), or (c) of this section.

(a) When seeking an exemption under Section 66264.340(b) or (c) of this division (ignitable, corrosive, or reactive wastes only):

(1) Documentation that the waste is listed as a hazardous waste in Chapter 11, Article 4 of this division, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or

(2) Documentation that the waste is listed as a hazardous waste in Chapter 11, Article 4 of this division, solely because it is reactive (Hazard Code R) for characteristics other than those listed in Sections 66261.23(a)(4) and (5), and will not be burned when other hazardous wastes are present in the combustion zone; or

(3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under Chapter 11, Article 3 of this division; or

(4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in

Section 66261.23(a)(1), (2), (3), (6), (7), or (8) of this chapter and that it will not be burned when other hazardous wastes are present in the combustion zone; or

(b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 66270.62; or

(c) In lieu of a trial burn, the applicant may submit the following information:

(1) An analysis of each waste or mixture of wastes to be burned including:

(A) Heat value of the waste in the form and composition in which it will be burned.

(B) Viscosity (if applicable), or description of physical form of the waste.

(C) An identification of any hazardous organic constituents listed in Chapter 11, Appendix VIII, of this division, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Chapter 11, Appendix VIII, of this division which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified and the basis for their exclusion stated. The waste analysis shall rely on analytical techniques specified in "Test Methods for the

Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 66270.6, and referenced in Chapter 11, Appendix III of this division), or their equivalent.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 66270.6).

(E) A quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in Section 66264.343 of this division.

(2) A detailed engineering description of the incinerator, including:

(A) Manufacturer's name and model number of incinerator.

(B) Type of incinerator.

(C) Linear dimension of incinerator unit including cross sectional area of combustion chamber.

(D) Description of auxiliary fuel system (type/feed).

(E) Capacity of prime mover.

(F) Description of automatic waste feed cutoff system(s).

(G) Stack gas monitoring and pollution control monitoring system.

(H) Nozzle and burner design.

(I) Construction materials.

(J) Location and description of temperature, pressure, and flow indicating devices and control devices.

(3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data shall include those items listed in subsection (c)(1) of this section. This analysis shall specify the POHCs which the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided.

(4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available.

(5) A description of the results submitted from any previously conducted trial burn(s) including:

(A) Sampling and analysis techniques used to calculate performance standards in Section 66264.343 of this division;

(B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement),

(C) The certification and results required by Section 66270.62(b)(7).

(6) The expected incinerator operation information to demonstrate compliance with Sections 66264.343 and 66264.345 of this division including:

(A) Expected carbon monoxide (CO) and oxygen (O₂) concentrations in the stack exhaust gas.

(B) Waste feed rate.

(C) Combustion zone temperature.

(D) Indication of combustion gas velocity.

(E) Expected stack gas volume, flow rate, and temperature.

(F) Computed residence time for waste in the combustion zone.

(G) Expected hydrochloric acid removal efficiency.

(H) Expected fugitive emissions and their control procedures.

(I) Proposed waste feed cut-off limits based on the identified significant operating parameters.

(7) Such supplemental information as the Department finds necessary to achieve the purposes of this section.

(8) Waste analysis data, including that submitted in subsection (c)(1) of this section, sufficient to allow the Department to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.

(d) The Department shall approve a permit application without a trial burn if it finds that:

(1) The wastes are sufficiently similar; and

(2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under Section 66264.345) operating conditions that will ensure that the performance standards in Section 66264.343 will be met by the incinerator.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety
Code; 40 CFR Section 270.19.

66270.20. Specific Part B Information Requirements for Land Treatment Facilities.

Except as otherwise provided in Section 66264.1, owners and operators of facilities that use land treatment to treat or dispose of hazardous waste shall provide the following additional information:

(a) A description of plans to conduct a treatment demonstration as required under Section 66264.272. The description shall include the following information;

(1) The wastes for which the demonstration will be made and the potential hazardous constituents in the waste;

(2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(3) Any specific laboratory or field test that will be conducted, including:

(A) The type of test (e.g., column leaching, degradation);

(B) Materials and methods, including analytical procedures;

(C) Expected time for completion;

(D) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.

(b) A description of a land treatment program, as required under Section 66264.271. This information shall be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program shall address the following items:

(1) The wastes to be land treated;

(2) Design measures and operating practices necessary to maximize treatment in accordance with Section 66264.273 (a) including:

(A) Waste application method and rate;

(B) Measures to control soil pH;

(C) Enhancement of microbial or chemical reactions;

(D) Control of moisture content;

(3) Provisions for unsaturated zone monitoring, including:

(A) Sampling equipment, procedures, and frequency;

(B) Procedures for selecting sampling locations;

(C) Analytical procedures;

(D) Chain of custody control;

(E) Procedures for establishing background values;

(F) Statistical methods for interpreting results;

(G) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in Section 66264.278 (a);

(4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to Section 66264.13;

(5) The proposed dimensions of the treatment zone;

(c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of Section 66264.273. This submission shall address the following items:

(1) Control of run-on;

(2) Collection and control of run-off;

(3) Minimization of run-off of hazardous constituents from the treatment zone;

(4) Management of collection and holding facilities associated with run-on and run-off control systems;

(5) Periodic inspection of the unit. This information shall be included in the inspection plan submitted under Section 66270.14 (b) (5);

(6) Control of wind dispersal of particulate matter, if applicable;

(d) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under Sections 66264.280 (a) (8) and 66264.280 (c) (2). This information shall be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 66270.14 (b) (13);

(e) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of Section 66264.281 will be complied with;

(f) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how Section 66264.282 will be complied with.

(g) A waste management plan for EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of Section 66264.283. This

submission shall address the following items as specified in Section 66264.283:

(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.20.

66270.21. Specific Part B Information Requirements for Landfills.

Except as otherwise provided in Section 66264.1, owners and operators of facilities that dispose of hazardous waste in landfills shall provide the following additional information:

(a) A list of the hazardous wastes placed or to be placed in each landfill or landfill cell;

(b) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of Section 66264.301. This submission shall address the following items as specified in Section 66264.301:

(1) The liner system and leachate collection and removal system (except for an existing portion of a landfill). If an exemption from the requirements for a liner and a leachate collection and removal system is sought as provided by Section 66264.301 (b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the ground water or surface water at any future time;

(2) Control of run-on;

(3) Control of run-off;

(4) Management of collection and holding facilities associated with run-on and run-off control systems; and

(5) Control of wind dispersal of particulate matter, where applicable;

(c) If a double liner and leak detection system is required, as provided by Section 66264.301 (a), the owner or operator shall submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of Sections 66264.303 (a) and (b). This information shall be included in the inspection plan submitted under Section 66270.14 (b) (5).

(e) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with Section 66264.310 (a), and a description of how each landfill will be maintained and monitored after closure in accordance with Section 66264.310 (b). This information shall be included in the closure and post-closure plans submitted under Section 66270.14 (b) (13).

(f) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of Section 66264.312 will be complied with;

(g) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how Section 66264.313 will be complied with;

(h) If containers of hazardous waste are to be landfilled, an explanation of how the requirements of Section 66264.315 or Section 66264.316, as applicable, will be complied with.

(i) A waste management plan for EPA Hazardous Waste Nos. FO20, FO21, FO22, FO23, FO26, and FO27 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of Section 66264.317. This submission shall address the following items as specified in Section 66264.317:

(1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(2) The attenuative properties of underlying and surrounding soils or other materials;

(3) The mobilizing properties of other materials co-disposed with these wastes; and

(4) The effectiveness of additional treatment, design, or monitoring techniques.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.21.

66270.22 [Reserved]

66270.23. Specific Part B Information Requirements for Miscellaneous Units.

Except as otherwise provided in Section 66264.600, owners and operators of facilities that transfer, treat, store, or dispose of hazardous waste in miscellaneous units shall provide the following additional information:

(a) A detailed description of the unit being used or proposed for use, including the following:

(1) Physical characteristics, materials of construction, and dimensions of the unit;

(2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of Sections 66264.601 and 66264.602, and

(3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of Section 66264.603.

(b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of Section 66264.601. If the applicant can demonstrate that the facility does not violate the environmental performance standards of Section 66264.601 and the

Department agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(c) Information on the potential pathways of exposure of humans or environmental receptors to waste constituents, hazardous constituents and reaction products, and on the potential magnitude and nature of such exposures.

(d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

(e) Any additional information determined by the Department to be necessary for evaluation of compliance of the unit with the environmental performance standards of Section 66264.601.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.23.

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AUTHOR: Linda Richards

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TYPIST: Carolina

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66270.25 [Reserved]

66270.26 [Reserved]

66270.27 [Reserved]

66270.28 [Reserved]

66270.29. Permit Denial.

The Department may, pursuant to the procedures in Chapter 21, deny the permit application either in its entirety or as to the active life of a hazardous waste management facility or unit only.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.29.

Article 3. Permit Conditions

66270.30. Conditions Applicable to All Permits.

The following conditions apply to all permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the appropriate regulations shall be given in the permit.

(a) Duty to comply. The permittee shall comply with all conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See Section 66270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate statute or regulation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit.

(c) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) In the event of noncompliance with the permit, the permittee shall take all reasonable steps to minimize or correct releases to the environment, and shall carry out all measures as are reasonable to prevent and correct adverse impacts on human health or the environment.

(e) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(f) Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(g) Property rights. The permit does not convey any property rights of any sort, or any exclusive privilege.

(h) Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, not to exceed 30 days unless a time extension is approved by the Department, any relevant information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

(i) Inspection and entry. The permittee shall allow an authorized representative of the Department, the State Water Resources Control Board or a Regional Water Quality Control Board, upon the presentation of credentials and other documents as may be required by law to:

(1) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by law, any substances or parameters at any location.

(j) Monitoring and records.

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by Section 66264.73(b)(9) of this division, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, certification, or application. This period may be extended by request of the Department at any time. The permittee shall maintain records from all groundwater monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.

(3) Records for monitoring information shall include:

(A) The date, exact place, and time of sampling or measurements;

(B) The individual(s) who performed the sampling or measurements;

(C) The date(s) analyses were performed;

(D) The individual(s) who performed the analyses;

(E) The analytical techniques or methods used; and

(F) The results of such analyses.

(k) Signatory requirements. All applications, reports, or information submitted to the Department shall be signed and certified (See Section 66270.11.)

(1) Reporting requirements. (1) Planned changes. The permittee shall give notice to the Department as soon as possible and at least 30 days in advance of any planned physical alterations or additions to the permitted facility.

(2) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee shall not transfer, treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee shall not transfer, treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in Section 66270.42, until:

(A) The permittee has submitted to the Department by certified mail or hand delivery a letter signed by the permittee and a

professional engineer, registered in California, stating that the facility has been constructed or modified in compliance with the permit; and

(B) 1. The Department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

2. If within 15 days of the date of submission of the letter in subsection (1)(2)(A) of this section, the permittee has not received notice from the Department of the Department's intent to inspect, prior inspection is waived and the permittee may commence transfer, treatment, storage, or disposal of hazardous waste.

(3) Transfers. This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary. (See Section 66270.40.)

(4) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(5) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) Twenty-four hour reporting.

(A) The permittee shall report any noncompliance which may endanger health or the environment orally within 24 hours from the time the permittee becomes aware of the circumstances, including:

1. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

2. Any information of a release or discharge of hazardous waste or of a fire or explosion from the hazardous waste facility, which could threaten the environment or human health outside the facility.

(B) The description of the occurrence and its cause shall include:

1. Name, address, and telephone number of the owner or operator;

2. Name, address, and telephone number of the facility;

3. Date, time, and type of incident;

4. Name and quantity of material(s) involved;

5. The extent of injuries, if any;

6. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

7. Estimated quantity and disposition of recovered material that resulted from the incident.

(C) A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Department may waive the 5-day written notice requirement in favor of a written report within 15 days.

(7) Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee shall submit a letter report, including a copy of the manifest, to the Department. (See Section 66264.72.)

(8) Unmanifested hazardous waste report. This report shall be submitted to the Department within 15 days of receipt of unmanifested waste. (See Section 66264.76.)

(9) Annual report. An annual report shall be submitted to the Department covering facility activities during the previous calendar year. (See Section 66264.75.)

(10) Other noncompliance. The permittee shall report all instances of noncompliance not reported under subsections (1)(4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in subsection (1)(6) of this section.

(11) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.30.

66270.31. Requirements for Recording and Reporting of Monitoring Results.

All permits shall specify:

(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in Chapters 14 and 16 of this division. Reporting shall be no less frequent than specified in the above regulations.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.31.

66270.32. Establishing Permit Conditions.

(a) In addition to conditions required in all permits (Section 66270.30), the Department shall establish conditions, as required on a case-by-case basis, in permits under Section 66270.50 (duration of permits), Section 66270.33 (a) (schedules of compliance), Section 66270.31 (monitoring), Section 66270.33 (b) (alternate schedules of compliance), and Section 66270.3 (considerations under Federal law).

(b) (1) Each permit shall include permit conditions necessary to achieve compliance with the statutes and regulations, including each of the applicable requirements specified in Chapters 14, 16, and 18 of this division. In satisfying this provision, the Department may incorporate applicable requirements of Chapters 14, 16 and 18 of this division directly into the permit or establish other permit conditions that are based on these chapters.

(2) In addition to conditions required in all permits, each permit issued shall contain terms and conditions as the Department determines necessary to protect human health and the environment.

(c) An applicable requirement is a statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit or prior to the modification or revocation and reissuance of a permit, to the extent allowed in Section 66270.41. Section 66271.13 (reopening of comment period) provides a means for reopening permit proceedings at the discretion of the Department where new requirements become effective during the

permitting process and are of sufficient magnitude to make additional proceedings desirable.

(d) New or reissued permits, and to the extent allowed under Section 66270.41, modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in this section and in Section 66270.31.

(e) Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements shall be given in the permit.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.32.

66270.33. Schedules of Compliance.

(a) The permit may, when appropriate, specify a schedule of compliance leading to compliance with the statutes and regulations.

(1) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(2) Interim dates. Except as provided in subsection (b) (1) (B) of this section, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(A) The time between interim dates shall not exceed one year.

(B) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(3) Reporting. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Department in writing, of its compliance or noncompliance with the interim or final requirements.

(b) Alternative schedules of compliance. A permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for transfer, treatment and storage hazardous waste management facilities, closing pursuant to applicable requirements; and, for disposal hazardous waste management facilities, closing and conducting post-closure care pursuant to applicable requirements) rather than continue to operate and meet permit requirements as follows:

(1) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(A) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(B) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

(2) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements.

(3) If the permittee is undecided whether to cease conducting regulated activities, the Department may issue or modify a permit to contain two schedules as follows:

(A) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(B) One schedule shall lead to timely compliance with applicable requirements;

(C) The second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;

(D) Each permit containing two schedules shall include a requirement that after the permittee has made a final decision under subsection (b) (3) (A) of this section it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(4) The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Department, such as resolution of the board of directors of a corporation.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.33.

66270.34 [Reserved]

[The following text is extremely faint and largely illegible. It appears to be a series of lines of text, possibly a list or a set of instructions, but the specific content cannot be discerned.]

66270.35 [Reserved]

66270.36 [Reserved]

66270.36 [Reserved]

66270.37 [Reserved]

66270.38 [Reserved]

66270.39 [Reserved]

Article 4. Permit Changes and Denials

66270.40. Transfer of Permits.

(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under Section 66270.40(b) or 66270.41(b)(2)) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate statute or regulation.

(b) Changes in the ownership or operational control of a facility may be made as a Class I modification with prior written approval of the Department in accordance with Section 66270.42. The new owner or operator shall submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees shall also be submitted to the Department. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of Article 8 of Chapter 14 of this division (Financial Requirements) until the new owner or operator has demonstrated to the Department that he or she is complying with the requirements of that article. The new owner or operator shall demonstrate compliance with Article 8 requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with Article 8, the Department shall notify

the old owner or operator in writing that he or she no longer needs to comply with Article 8 as of the date of demonstration.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.40.

66270.41. Modification or Revocation and Reissuance of Permits.

When the Department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see Section 66270.30), receives a request for revocation and reissuance under Section 66271.4, or conducts a review of the permit file) the Department may determine whether or not one or more of the causes listed in subsections (a) and (b) of this section for modification, or revocation and reissuance or both exist. If cause exists, the Department may modify or revoke and reissue the permit accordingly, subject to the limitations of subsection (c) of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See Section 66271.4(c)(2).) If cause does not exist under this section, the Department shall not modify or revoke and reissue the permit, except on request of the permittee or as provided in subsection (a)(5) of this section. If a permit modification is requested by the permittee, the Department shall approve or deny the request according to the procedures of Section 66270.42. Otherwise, a draft permit shall be prepared and other procedures in Chapter 21 shall be followed.

(a) Causes for modification. The following are causes for modification, but not revocation and reissuance, of permits; the

following may be causes for revocation and reissuance, as well as modification, when the permittee requests or agrees.

(1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(2) Information. The Department has received information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance.

(3) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.

(4) Compliance schedules. The Department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(5) Notwithstanding any other provision in this section, when a permit is reviewed by the Department, the Department shall modify the

permit as necessary to assure that the facility is in compliance with the currently applicable requirements in Chapters 10 through 16, 20 and 21 of this division and as necessary to protect human health and the environment.

(b) Causes for modification or revocation and reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

(1) Cause exists for termination under Section 66270.43, and the Department determines that modification or revocation and reissuance is appropriate.

(2) The Department has received notification (as required in the permit, see Section 66270.30(1)(3)) of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.41.

66270.42. Permit Modification at the Request of the Permittee.

(a) Class 1 modifications.

(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 calendar days before 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). 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 15061 may be made only with the prior written approval of the Department.

(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.

(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, 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 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 and 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 and telephone number of the permittee's contact person;

(D) Name 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 (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, 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.

(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.

(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 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.

(1) For Class 3 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 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 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 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 and 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 and telephone number of the permittee's contact person;

(D) Name 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, 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 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.

(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:

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 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 or containers of restricted wastes 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 listed or identified wastes.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under Chapter 11 of this division if the permittee:

(A) Was in existence as a hazardous waste facility with respect to the newly listed or characterized waste on the effective date of the final rule listing or identifying the waste;

(B) Submits a Class 1 modification request on or before the date on which the waste 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 becomes subject to the new requirements, the permittee shall discontinue managing the waste until Department approval of the Class 1 modification request is received;

(C) Is in compliance with the standards of Chapter 15 of this division;

(D) 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; and

(E) In the case of land disposal units, certifies that 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. If the owner or operator fails to clarify compliance with these requirements, the facility shall lose authority to operate under this section.

(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 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.42.

66270.43. Termination and Denial of Permits.

^(b)
~~(a)~~ The following are causes for terminating 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 modification or termination.

^(a)
~~(b)~~ The Department may deny^{, suspend, or revoke} a permit for any cause specified in Health and Safety Code Section 25186.

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

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159, 25159.5 and 25186, Health and Safety Code; 40 CFR Section 270.43.

66270.44 [Reserved]



66270.45 [Reserved]

66270.46 [Reserved]

66270.47 [Reserved]

66270.48 [Reserved]

66270.49 [Reserved]

Article 5. Expiration and Continuation of Permits

66270.50. Duration of Permits.

(a) Permits shall be effective for a fixed term not to exceed 10 years.

(b) Except as provided in Section 66270.51, the term of a permit shall not be extended by modification beyond the maximum duration specified in this section.

(c) When necessary to protect human health and safety or the environment, the Department shall issue a permit for a duration that is less than the full allowable term under this section.

(d) Each permit for a land disposal facility shall be reviewed by the Department five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in Section 66270.41.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.50.

66270.51. Continuation of Expiring Permits.

(a) The conditions of an expired permit continue in force under Chapter 6.5 of Division 20 of the Health and Safety Code until the effective date of a new permit (see Section 66271.14) if:

(1) The permittee has submitted a timely application under Section 66270.14 and the applicable sections in Section 66270.15 through Section 66270.23 which is a complete (under Section 66270.10 (c)) application for a new permit; and

(2) The Department through no fault of the permittee, does not issue a new permit with an effective date under Section 66271.14 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) Effect. Permits continued under this section remain fully effective and enforceable.

(c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Department may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit under Section 66271.5. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued

permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under Chapter 21 of this division with appropriate conditions; or

(4) Take other actions authorized by these regulations.

(d) If a permittee has submitted a timely and complete application under applicable State law and regulations, the terms and conditions of an USEPA-issued RCRA permit continue in force beyond the expiration date of the USEPA-issued RCRA permit, but only until the effective date of the Department's issuance or denial of a State permit.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.51.

66270.52-66270.59 [Reserved]

Article 6. Special Forms
of Permits

66270.60. Permits by Rule.

Notwithstanding any other provision of this chapter or Chapter 21 of this division, the following shall be deemed to have a permit if the conditions listed are met:

(a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:

(1) Has a permit for ocean dumping issued under Title 40 CFR Part 220 (Ocean Dumping, authorized by the Federal Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. Section 1420 et seq.);

(2) Complies with the conditions of that permit; and

(3) Complies with the following hazardous waste regulations:

(A) Section 66264.11, Identification number;

(B) Section 66264.71, Use of manifest system;

(C) Section 66264.72, Manifest discrepancies;

(D) Section 66264.73(a) and (b)(1), Operating record;

(E) Section 66264.75, Annual report; and

(F) Section 66264.76, Unmanifested waste report.

(b) Publicly owned treatment works. The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:

(1) Has an NPDES permit and has received waste discharge requirements issued by a Regional Water Quality Control Board;

(2) Complies with the conditions of that permit or discharge requirements; and

(3) Complies with the following regulations:

(A) Section 66264.11, Identification number;

(B) Section 66264.71, Use of manifest system;

(C) Section 66264.72, Manifest discrepancies;

(D) Section 66264.73(a) and (b)(1), Operating record;

(E) Section 66264.75, Annual report;

(F) Section 66264.76, Unmanifested waste report; and

(G) For NPDES permits issued after November 8, 1984,
Section 66264.801.

(4) If the waste meets all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

(5) Hazardous wastes generated by a POTW will not be exempted from the requirements of this chapter.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.60.

66270.61. Emergency Permits.

(a) Notwithstanding any other provision of this chapter or Chapter 21 of this division, in the event the Department finds an imminent and substantial endangerment to human health or the environment the Department may issue a temporary emergency permit:

(1) To an otherwise non-permitted facility, including but not limited to, a facility operating pursuant to interim status or a variance, etc., to allow transfer, treatment, storage, or disposal of hazardous waste; or

(2) to a permitted facility to allow transfer, treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:

(1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;

(2) Shall not exceed 90 days in duration;

(3) Shall clearly specify the hazardous wastes to be received, and the manner and location of their transfer, treatment, storage, or disposal;

(4) May be terminated by the Department at any time without process if it is determined that termination is appropriate to protect human health or the environment;

(5) Shall be accompanied by a public notice published under Section 66271.9 including:

(A) Name and address of the office granting the emergency authorization;

(B) Name and location of the permitted HWM facility;

(C) A brief description of the wastes involved;

(D) A brief description of the action authorized and reasons for authorizing it; and

(E) Duration of the emergency permit; and

(6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter and Chapters 14 and 16 of this division.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.61.

66270.62. Hazardous Waste Incinerator Permits.

(a) For the purposes of determining operational readiness following completion of physical construction, the Department shall establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Department may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to Section 66270.42 of this chapter.

(1) Applicants shall submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of Section 66264.343 of this division during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in Section 66264.345.

(2) The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of Section 66264.343 of this division based on its engineering judgment.

(b) For the purposes of determining feasibility of compliance with the performance standards of Section 66264.343 of this division and of determining adequate operating conditions under Section 66264.345 of this division, the Department shall establish conditions in the permit for a new hazardous waste incinerator to be effective during the trial burn.

(1) Applicants shall propose a trial burn plan, prepared under subsection (b)(2) of this section with Part B of the permit application.

(2) The trial burn plan shall include the following information:

(A) An analysis of each waste or mixture of wastes to be burned which includes:

1. Heat value of the waste in the form and composition in which it will be burned.
2. Viscosity (if applicable), or description of the physical form of the waste.
3. An identification of any hazardous organic constituents listed in Chapter 11, Appendix VIII of this division, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Chapter 11, Appendix VIII of this division which would reasonably not be expected to be found in the waste. The constituents excluded from analysis shall be identified, and the

basis for the exclusion stated. The waste analysis shall rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see Section 66270.6), or other equivalent.

4. An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," (incorporated by reference, see Section 66270.6), or their equivalent.

(B) A detailed engineering description of the incinerator for which the permit is sought including:

1. Manufacturer's name and model number of incinerator (if available).

2. Type of incinerator.

3. Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber.

4. Description of the auxiliary fuel system (type/feed).

5. Capacity of prime mover.

6. Description of automatic waste feed cut-off system(s).

7. Stack gas monitoring and pollution control equipment.
8. Nozzle and burner design.
9. Construction materials.
10. Location and description of temperature, pressure, and flow indicating and control devices.

(C) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

(D) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the Department's decision under subsection (b)(5) of this section.

(E) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator.

(F) A description of, and planned operating conditions for, any emission control equipment which will be used.

(G) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction.

(H) Such other information as the Department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section and the criteria in subsection (b)(5) of this section.

(3) The Department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Based on the waste analysis data in the trial burn plan, the Department will specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies shall be calculated during the trial burn. These trial POHCs will be specified by the Department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in Chapter 11, Article 4, of this division, the hazardous waste organic constituent or constituents identified in Appendix VII of that chapter as the basis for listing.

(5) The Department shall approve a trial burn plan if it finds that:

(A) The trial burn is likely to determine whether the incinerator performance standard required by Section 66264.343 of this division can be met;

(B) The trial burn itself will not present an imminent hazard to human health or the environment;

(C) The trial burn will help the Department to determine operating requirements to be specified under Section 66264.345; and

(D) The information sought in subsection (b)(5)(A) and (B) of this section cannot reasonably be developed through other means.

(6) During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:

(A) A quantitative analysis of the trial POHCs in the waste feed to the incinerator.

(B) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen (O₂) and hydrogen chloride (HCl).

(C) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs.

(D) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in Section 66264.343(a).

(E) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with Section 66264.343(b).

(F) A computation of particulate emissions, in accordance with Section 66264.343(c).

(G) An identification of sources of fugitive emissions and their means of control.

(H) A measurement of average, maximum, and minimum temperatures and combustion gas velocity.

(I) A continuous measurement of carbon monoxide (CO) in the exhaust gas.

(J) Such other information as the Department may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in Section 66264.343 of this division and to establish the operating conditions required by Section 66264.345 of this division as necessary to meet that performance standard.

(7) The applicant shall submit to the Department a certification that the trial burn has been carried out in accordance with the

approved trial burn plan, and shall submit the results of all the determinations required in subsection (b)(6) of this section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Department.

(8) All data collected during any trial burn shall be submitted to the Department following the completion of the trial burn.

(9) All submissions required by this subsection shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under Section 66270.11.

(10) Based on the results of the trial burn, the Department shall set the operating requirements in the final permit according to Section 66264.345 of this division. The permit modification shall proceed according to Section 66270.42.

(c) For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Department may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of Section 66264.345 of this division, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the

trial burn results by the applicant, and modification of the facility permit by the Department.

(1) Applicants shall submit a statement, with Part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of Section 66264.343 of this division, during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters in Section 66264.345 of this division.

(2) The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of Section 66264.343 of this division based on the Department's engineering judgment.

(d) For the purposes of determining feasibility of compliance with the performance standards of Section 66264.343 of this division and of determining adequate operating conditions under Section 66264.345 of this division, the applicant for a permit for an existing hazardous waste incinerator shall prepare and submit a trial burn plan and perform a trial burn in accordance with Section 66270.19(b) and subsections (b)(2) through (9) of this section or, instead, submit other information as specified in Section 66270.19(c). Applicants submitting information under Section 66270.19(a) are exempt from compliance with Sections 66264.343 and 66264.345 and, therefore, are exempt from the

requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application shall complete the trial burn and submit the results, specified in subsection (b)(6), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Department to establish a later date for submission of the Part B application or the trial burn results. Trial burn results shall be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Department shall specify a time period prior to permit issuance in which the trial burn shall be conducted and the results submitted.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.62.

66270.63. Permits for Land Treatment Demonstrations Using Field Test or Laboratory Analyses.

(a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of Section 66264.272 of this division, the Department may issue a treatment demonstration permit. The permit shall contain only those requirements necessary to meet the standards in Section 66264.272 (c). The permit may be issued either as a treatment or disposal permit covering only the field test or laboratory analyses, or as a two-phase facility permit covering the field tests, or laboratory analyses, and design, construction operation and maintenance of the land treatment unit.

(1) The Department shall issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit.

(2) If the Department finds that not enough information exists upon which it can establish permit conditions to provide for compliance with all of the requirements of Article 13 of Chapter 14 of this division the Department shall issue a treatment demonstration permit covering only the field test or laboratory analyses.

(b) If the Department finds that a phased permit may be issued, the Department will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or

laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration clean-up activities, and any other conditions which the Department finds may be necessary under Section 66264.272 (c). The Department will include conditions in the second phase of the facility permit to attempt to meet all requirements listed in Article 13 of Chapter 14 of this division pertaining to unit design, construction, operation, and maintenance. The Department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

(1) The first phase of the permit will be effective as provided in Section 66271.14 (b) of this division.

(2) The second phase of the permit will be effective as provided in subsection (d) of this section.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, the owner or operator shall submit to the Department a certification, signed by a person authorized to sign a permit application or report under Section 66270.11, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator shall also submit all data collected during the field

tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Department approves a later date.

(d) If the Department determines that the results of the field tests or laboratory analyses meet the requirements of Section 66264.272 of this division, the Department will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with Chapter 14, Article 13, of this division, based upon the results of the field tests or laboratory analyses.

(1) This permit modification may proceed under Section 66270.42, or otherwise will proceed as a modification under Section 66270.41.

(a) (2). If such modifications are necessary, the second phase of the permit shall become effective only after those modifications have been made.

(2) If no modifications of the second phase of the permit are necessary, the Department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in Section 66271.14 (b).

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.63.

66270.64 [Reserved]

66270.65. Research, Development, and Demonstration Permits.

(a) The Department may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under Chapter 14 or 16 of this division. Any such permit shall include such terms and conditions that shall assure protection of human health and safety, livestock, wildlife and the environment. Such permits:

(1) Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in subsection (d) of this section, and

(2) Shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Department deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and safety, livestock, wildlife and the environment, and

(3) Shall include such requirements as the Department deems necessary to protect human health and safety, livestock, wildlife and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as the Department deems

necessary regarding testing and providing of information to the Department with respect to the operation of the facility.

(b) If an applicant demonstrates to the satisfaction of the Department that the expedited review and issuance of a permit under this section is necessary for the protection of human health and safety, and the environment, the Department shall modify or waive permit application and permit issuance requirements in Chapters 20 and 21 of this division to the extent necessary to protect human health and safety and the environment except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

(c) The Department shall order an immediate termination of all operations at the facility at any time the Department determines that termination is necessary to protect human health and safety, livestock, wildlife and the environment.

(d) Any permit issued under this section may be renewed not more than three times. Each such renewal shall be for a period of not more than 1 year.

Note: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Section 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.65.

66270.66-66270.69 [Reserved]

Article 7. Interim Status

66270.70. Qualifying for Interim Status.

(a) Any person who owns or operates an "existing HWM facility" or a facility in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a permit shall have interim status and shall be treated as having been issued a permit to the extent the owner or operator has:

(1) Complied with the requirements of Health and Safety Code Section 25153.6 pertaining to notification of hazardous waste activity. Existing facilities not required to file a notification under Health and Safety Code Section 25153.6 shall qualify for interim status by meeting subsection (a) (2) of this section.

(2) Complied with the requirements of Section 66270.10 governing submission of Part A applications.

(b) When the Department determines on examination or reexamination of a Part A application that it fails to meet the standards of these regulations, it shall notify the owner or operator in writing that the application is deficient, and specify the grounds for the Department's belief that the application is deficient. The Department may also notify the owner or operator that the owner or operator is therefore not entitled to interim status. The owner or operator will then be subject to enforcement for operating without a permit.

(c) Subsection (a) of this section shall not apply to any facility which has been previously denied a permit or if authority to operate the facility has been previously terminated.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code;
40 CFR Section 270.70.

*

66270.71. Operation during Interim Status.

(a) During the interim status period the facility shall not:

(1) Transfer, treat, store, or dispose of hazardous waste not specified in Part A of the permit application;

(2) Employ processes not specified in Part A of the permit application; or

(3) Exceed the design capacities specified in Part A of the permit application.

(b) Interim status standards. During interim status, owners or operators shall comply with the interim status standards in Chapter 15 of this division.

Note: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25200.5, Health and Safety Code; 40 CFR Section 270.71.

66270.72. Changes during Interim Status.

(a) Except as provided in subsection (b) of this section, the owner or operator of an interim status facility may make the following changes at a facility:

(1) Transfer, treatment, storage, or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to transfer, treat, store or dispose of the hazardous wastes on the effective date of the listing or identification) if the owner or operator submits and receives Department approval of a revised Part A permit application prior to such transfer, treatment, storage or disposal;

(2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Department approves the change because:

(A) There is a lack of available transfer, treatment, storage, or disposal capacity at other hazardous waste management facilities, or

(B) The change is necessary to comply with a Federal, State, or local requirement.

(3) Changes in the processes for the transfer, treatment, storage, or disposal of hazardous waste or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Department approves the change because:

(A) The change is necessary to prevent a threat to human health and the environment because of an emergency situation, or

(B) The change is necessary to comply with a Federal, State, or local requirement.

(4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of Chapter 15, Article 8 (Financial Requirements) of this division, until the new owner or operator has demonstrated to the Department compliance with the requirements of that article. The new owner or operator shall demonstrate compliance with Article 8 requirements within six months of the date of the change in the ownership or operational control of the facility. Upon demonstration to the Department by the new owner or operator of compliance with Article 8, the Department shall notify the old owner or operator in writing that it no longer needs to comply with Article 8 as of the date of demonstration. All other interim status duties are transferred

effective immediately upon the date of the change in ownership or operational control of the facility.

(5) Changes made in accordance with an interim status corrective action order issued by the USEPA under 42 U.S.C. Section 6928(h) or other Federal authority, by the Department under Article 8, commencing with Section 25180, of Chapter 6.5 of Division 20 of the Health and Safety Code, or by a court in a judicial action brought by the USEPA or by the Department. Changes under this subsection are limited to the transfer, treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(b) Except as specifically allowed under this subsection, changes listed under subsection (a) of this section shall not be made if they amount to reconstruction of the hazardous waste management facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new hazardous waste management facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

(1) Changes made solely for the purposes of complying with the requirements of Section 66265.193 for tanks and ancillary equipment.

(2) If necessary to comply with Federal, State, or local requirements, changes to an existing unit, changes solely involving

tanks or containers, or addition of replacement surface impoundments that satisfy the standards of 42 U.S.C. Section 6924(o).

(3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been transferred, treated, stored, or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

(4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

(5) Changes necessary to comply with an interim status corrective action order issued by the USEPA under 42 U.S.C. Section 6928(h) or other Federal authority, by the Department under Article 8, commencing with Section 25180, of Chapter 6.5 of Division 20 of the Health and Safety Code, or by a court in a judicial proceeding brought by the USEPA or the Department, provided that such changes are limited to transfer, treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

(6) Changes to transfer, treat or store, in tanks or containers, hazardous wastes subject to land disposal restrictions imposed by Chapter 18 of this division or 42 U.S.C. Section 6924, provided that such changes are made solely for the purpose of complying with Chapter 18 of this division or 42 U.S.C. Section 6924.

Note: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section 270.72.

66270.73. Termination of Interim Status.

Interim status terminates when:

(a) Final administrative disposition of a permit application is made; or

(b) Interim status is terminated as provided in Section 66270.10(e)(3).

(c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless one of the following applies:

(1) Part A of the facility's permit application specifies that only non-RCRA hazardous waste will be disposed of at the facility; or

(2) The owner or operator of the facility does both of the following:

(A) Submits a Part B application for a permit for such facility prior to that date; and

(B) Certifies that such facility is in compliance with all applicable ground-water monitoring and financial responsibility requirements.

(d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Health and Safety Code that render the facility subject to the requirement to have a permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement unless one of the following applies:

(1) Part A of the facility's permit application specifies that only non-RCRA hazardous waste will be disposed of at the facility; or

(2) The owner or operator of the facility does both of the following:

(A) Submits a Part B application for a permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and

(B) Certifies that such facility is in compliance with all applicable ground water monitoring and financial responsibility requirements.

(e) For owners or operators of any land disposal unit that is granted authority to operate under Section 66270.72(a)(1), (2) or (3), on the date 12 months after the effective date of such requirement, unless one of the following applies:

(1) Part A of the facility's permit application specifies that only non-RCRA hazardous waste will be disposed of at the facility; or

(2) The owner or operator certifies that such unit is in compliance with all applicable ground water monitoring and financial responsibility requirements.

(f) For owners or operators of each incinerator facility on November 8, 1989, unless one of the following applies:

(1) Part A of the facility's permit application specifies that only non-RCRA hazardous waste will be incinerated at the facility; or

(2) The owner or operator of the facility submits a Part B application for a permit for an incinerator facility by November 8, 1986.

(g) For owners or operators of any facility (other than a land disposal or an incinerator facility) on November 8, 1992, unless one of the following applies:

(1) Part A of the facility's permit application specifies that only non-RCRA hazardous wastes will be transferred, treated, or stored at the facility; or

(2) The owner or operator of the facility submits a Part B application for a permit for the facility by November 8, 1988.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.
Reference: Sections 25159, 25159.5, 25200.5 and 25200.7, Health and Safety Code; 40 CFR Section 270.73.

66270.74-66270.79 [Reserved]

66270.8 [Reserved]

Appendix I - Classification of Permit Modifications

Modifications	Class
A. General Permit Provisions	
1. Administrative and informational changes.	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*

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- a. To conform with Department guidance or regulations. 1
- b. 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, or phone number of coordinators or other persons or agencies identified in the plan. 1

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. 1*

- 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

 - 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 (l) 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

- 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,

-- 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, 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. 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
4. Storage or treatment of different wastes in containers:
 - a. That require addition of units or change in treatment process 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 Section 66268.8(a)(2)(B). This modification is not applicable to dioxin-containing wastes (F020, 021,

022, 023, 026, 027, and 028).

1

- 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

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

5. Other changes in container management practices (e.g., aisle space; types of containers; segregation).

2

G. Tanks

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

1*

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

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
- 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

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

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

K. Land Treatment

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

1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed rate limit, or an organic chlorine 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

2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a waste feed limit, or an organic chlorine 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 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 or particulate from the combustion gases, or by changing other features of the incinerator 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 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 combustion gas temperature, minimum combustion gas residence time, or oxygen concentration in the secondary combustion chamber. 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. Incineration of different wastes:

a. If the waste contains a POHC that is more difficult to incinerate than authorized by the permit or if incineration 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 incinerate than authorized by the permit and if incineration 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 incineration 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 fuel that is not specified in the permit. 1*

* Class 1 modifications requiring prior Department approval.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

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