

CHAPTER 39: HAZARDOUS WASTE PROPERTY AND BORDER ZONE PROPERTY

CHAPTER OVERVIEW: This chapter establishes procedures for granting variance from designation of property as hazardous waste property or border zone property and criteria for variances from those designations.

Section 67390.1: This section was originally incorporated from existing Title 22, CCR, Section 67650. The Department examined this chapter carefully in response to comments made by the Office of Administrative Law in their disapproval notice for the first submission of these regulations. The Department determined that section 67390.1, as proposed, contained no regulatory requirements and, thus, did not meet the necessity standard. Thus, this section was deleted and Section 67390.2 was rewritten to contain the regulatory requirements of this chapter.

Section 67390.2: This section established criteria for variances from designation as hazardous waste property or border zone property. This section was originally incorporated from existing Title 22, CCR, Section 67651 and conforms to that regulation. The Department examined this chapter carefully in response to comments made by the Office of Administrative Law in their disapproval notice for the first submission of these regulations. The Department determined that section 67390.1, as proposed, contained no regulatory requirements and, thus, did not meet the necessity standard. The Department then rewrote this section to contain the regulatory requirements of this chapter. This section now sets forth the criteria for determining whether sufficient evidence exists for the Department to proceed with a determination of border zone property designation or removal according to the statutory process.