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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 20@ The Hazardous Waste Permit Program

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Article 1@ General Information

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Section 66270.5@ Noncompliance and Program Reporting by the Department

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 non-compliance 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.

(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.

(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.

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 non-compliance 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.

(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.

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.

(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

March1May 31 April, May, and June1August 31 July, August, and

September1November 30 October, November, and December1February 28 1

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