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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 2@ Permit Application

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Section 66270.10@ General Application Requirements

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 July 1, 1991, 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.

(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.

(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 July 1, 1991, 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.

(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.

(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.

(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.

(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.

(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).