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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 4@ Permit Changes and Denials

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Section 66270.41@ Modification or Revocation and Reissuance of Permits

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 .) 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.

(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 (l)(3)) of a proposed transfer of the 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 (l)(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.