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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 66270.42.5@ Permit Modifications for Non-RCRA Activities

66270.42.5 Permit Modifications for Non-RCRA Activities

(a)

This section applies only to permit modifications involving activities that are not subject to permitting requirements under the federal act.

(b)

The following types of changes to a facility's authorization are not subject to the permit modification approval or procedural requirements of sections 66270.41 or 66270.42. Except as otherwise specified below, the owner or operator of the facility shall notify the Department in writing of any change within ten (10) calendar days after the change is put into effect: (1) changes in the expiration date of the permit to allow earlier permit termination, with prior written approval of the Department; (2) changes to the closure plan to reflect a decrease in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility, with prior written approval from the Department; (3) correction of non-substantive typographical errors; (4) a change in the legal name of the facility that does not include changes in ownership or operational control of the facility; (5) informational changes that do not impact the operation of the facility; (6) changes in frequency of or procedures for monitoring, reporting, sampling or maintenance activities that provide for more frequent monitoring, reporting, sampling or maintenance; (7) equipment replacement or upgrading with functionally equivalent components

(other than the structural unit itself), as long as the functional capacity of the unit is not increased or the unit is not being moved to another location, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department; (8) changes to waste sampling or analysis methods to conform with the Department's guidance or regulations; (9) changes to analytical quality assurance/control plan to conform to the Department's guidance or regulations; (10) changes in procedures for maintaining the operating record; (11) changes in frequency or content of inspection schedules that provide for more frequent or more thorough inspections; (12) changes in the training plan that increase the amount or type of training given to employees; (13) changes in emergency procedures that maintain or improve the effectiveness of the response; (14) relocation of emergency equipment; (15) changes to structures or equipment within the boundary of a permitted unit, but which the owner or operator certifies as not actively related to the storage, treatment, disposal or secondary containment of hazardous waste, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department; (16) changes to a permit required by another regulatory agency, if the activities affected by the permit are not directly related to hazardous waste management, and do not have an impact on the permitted hazardous waste management activity, may be made without notifying the Department; (17) For changes to a permit required by another regulatory agency, if the activities affected by the permit are related directly to hazardous waste management, but are not subject to the Department's permitting authority, they may be made with a written notice to DTSC at least 30 days prior to the intended change.

(1)

changes in the expiration date of the permit to allow earlier permit termination, with prior written approval of the Department;

(2)

changes to the closure plan to reflect a decrease in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility, with prior written approval from the Department;

(3)

correction of non-substantive typographical errors;

(4)

a change in the legal name of the facility that does not include changes in ownership or operational control of the facility;

(5)

informational changes that do not impact the operation of the facility;

(6)

changes in frequency of or procedures for monitoring, reporting, sampling or maintenance activities that provide for more frequent monitoring, reporting, sampling or maintenance;

(7)

equipment replacement or upgrading with functionally equivalent components (other than the structural unit itself), as long as the functional capacity of the unit is not increased or the unit is not being moved to another location, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department;

(8)

changes to waste sampling or analysis methods to conform with the Department's guidance or regulations;

(9)

changes to analytical quality assurance/control plan to conform to the Department's guidance or regulations;

(10)

changes in procedures for maintaining the operating record;

(11)

changes in frequency or content of inspection schedules that provide for more frequent or more thorough inspections;

(12)

changes in the training plan that increase the amount or type of training given to employees;

(13)

changes in emergency procedures that maintain or improve the effectiveness of the response;

(14)

relocation of emergency equipment;

(15)

changes to structures or equipment within the boundary of a permitted unit, but which the owner or operator certifies as not actively related to the storage, treatment, disposal or secondary containment of hazardous waste, with a written notice to the Department at least 30 days prior to the intended change, or such shorter time frame as may be approved by the Department;

(16)

changes to a permit required by another regulatory agency, if the activities affected by the permit are not directly related to hazardous waste management, and do not have an impact on the permitted hazardous waste management activity, may be made

without notifying the Department;

(17)

For changes to a permit required by another regulatory agency, if the activities affected by the permit are related directly to hazardous waste management, but are not subject to the Department's permitting authority, they may be made with a written notice to DTSC at least 30 days prior to the intended change.

(c)

The following changes to a facility's authorization require compliance with the Class 1* permit modification procedures (Class 1 modification procedures and prior written Departmental approval) specified in subsection (a) of section 66270.42: (1) changes in ownership or operational control of a facility, provided the procedures of section 66270.40(b) are followed; (2) changes to waste sampling or analysis methods that are other than those set forth in the Department's guidance or regulations; (3) changes in interim compliance dates, with prior written approval of the Department; (4) changes in procedures for decontamination of equipment or structures, with prior written approval of the Department; (5) 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 written approval of the Department; (6) changes to analytical quality assurance/control plan other than to conform to the Department's guidance or regulations; (7) removal of equipment from the emergency equipment list; (8) changes to the closure plan to reflect an increase in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility;

(1)

changes in ownership or operational control of a facility, provided the procedures of

section 66270.40(b) are followed;

(2)

changes to waste sampling or analysis methods that are other than those set forth in the Department's guidance or regulations;

(3)

changes in interim compliance dates, with prior written approval of the Department;

(4)

changes in procedures for decontamination of equipment or structures, with prior written approval of the Department;

(5)

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 written approval of the Department;

(6)

changes to analytical quality assurance/control plan other than to conform to the Department's guidance or regulations;

(7)

removal of equipment from the emergency equipment list;

(8)

changes to the closure plan to reflect an increase in the estimated maximum extent of operations or maximum inventory of waste on site at any time during the active life of the facility;

(d)

The following changes to a facility's authorization require compliance with the Class 2 permit modification procedures specified in subsection (b) of section

66270.42: (1) physical and operational changes to a facility except as specified

in subsections (b) or (c) of this section; (2) changes in the approved closure plan resulting from unexpected events occurring during closure, unless otherwise addressed in this section; (3) changes in frequency of, or procedures for, monitoring, reporting, sampling or maintenance activities that provide for less frequent monitoring, reporting, sampling or maintenance; (4) changes in frequency or content of inspection schedules that provide for less frequent or less thorough inspections; (5) changes in the training plan that decrease the type or amount of training given to employees; (6) changes in emergency procedures that reduce the effectiveness of the response; (7) changes in the expiration date of the permit to allow later permit termination. (8) permit modifications that are designated in section 66270.42(d)(2)(C) or Appendix I of this Article as Class 3 modifications, but are determined by the Department, on a case-by-case basis, to have no significant potential for environmental concerns or significant public interest. If the Department determines, based on the nature of the proposed modification, the level of public interest, or other factors, that the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c), the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).

(1)

physical and operational changes to a facility except as specified in subsections (b) or (c) of this section;

(2)

changes in the approved closure plan resulting from unexpected events occurring during closure, unless otherwise addressed in this section;

(3)

changes in frequency of, or procedures for, monitoring, reporting, sampling or

maintenance activities that provide for less frequent monitoring, reporting, sampling or maintenance;

(4)

changes in frequency or content of inspection schedules that provide for less frequent or less thorough inspections;

(5)

changes in the training plan that decrease the type or amount of training given to employees;

(6)

changes in emergency procedures that reduce the effectiveness of the response;

(7)

changes in the expiration date of the permit to allow later permit termination.

(8)

permit modifications that are designated in section 66270.42(d)(2)(C) or Appendix I of this Article as Class 3 modifications, but are determined by the Department, on a case-by-case basis, to have no significant potential for environmental concerns or significant public interest. If the Department determines, based on the nature of the proposed modification, the level of public interest, or other factors, that the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c), the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).

(e)

Notwithstanding subsections (b), (c) and (d) of this section, if the Department determines, on a case-by-case basis, that a proposed modification meets the criteria specified in section 66270.42(b)(6)(A)3, the modification shall be subject to the Class 3 permit modification procedures specified in section 66270.42(c).

(f)

For changes not specifically addressed in this section, a facility owner/operator may propose a classification for the desired modification(s). A written proposal shall be made to the Department, and shall include the rationale behind the proposed classification.

(g)

The Department may grant a temporary authorization pursuant to the procedures set forth in section 66270.42(e) for a Class 2 or Class 3 modification that is proposed for the purpose of effecting environmentally-beneficial changes to a facility.

(h)

Notwithstanding section 66270.72, the owner or operator of an interim status facility may, for activities that are not subject to permitting or interim status requirements under the federal act, notify or request any modification to the facility pursuant to this Article.