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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 5@ Expiration and Continuation of Permits

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Section 66270.63@ Permits for Land Treatment Demonstrations Using Field Test or Laboratory Analyses

## **66270.63 Permits for Land Treatment Demonstrations Using Field Test or Laboratory Analyses**

### **(a)**

For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of section 66264.272 of this division, the Department may issue a treatment demonstration permit. The permit shall contain only those requirements necessary to meet the standards in section 66264.272(c). The permit may be issued either as a treatment or disposal permit covering only the field test or laboratory analyses, or as a two-phase facility permit covering the field tests, or laboratory analyses, and design, construction operation and maintenance of the land treatment unit.(1) The Department shall issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit. (2)

If the Department finds that not enough information exists upon which it can establish permit conditions to provide for compliance with all of the requirements of article 13 of chapter 14 of this division the Department shall issue a treatment demonstration permit covering only the field test or laboratory analyses.

### **(1)**

The Department shall issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, substantial, although incomplete or

inconclusive, information already exists upon which to base the issuance of a facility permit.

**(2)**

If the Department finds that not enough information exists upon which it can establish permit conditions to provide for compliance with all of the requirements of article 13 of chapter 14 of this division the Department shall issue a treatment demonstration permit covering only the field test or laboratory analyses.

**(b)**

If the Department finds that a phased permit may be issued, the Department will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration clean-up activities, and any other conditions which the Department finds may be necessary under section 66264.272(c). The Department will include conditions in the second phase of the facility permit to attempt to meet all requirements listed in article 13 of chapter 14 of this division pertaining to unit design, construction, operation, and maintenance. The Department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.(1) The first phase of the permit will be effective as provided in section 66271.14(b) of this division. (2) The second phase of the permit will be effective as provided in subsection (d) of this section.

**(1)**

The first phase of the permit will be effective as provided in section 66271.14(b) of

this division.

**(2)**

The second phase of the permit will be effective as provided in subsection (d) of this section.

**(c)**

When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, the owner, or operator shall submit to the Department a certification, signed by a person authorized to sign a permit application or report under section 66270.11, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator shall also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Department approves a later date.

**(d)**

If the Department determines that the results of the field tests or laboratory analyses meet the requirements of section 66264.272 of this division, the Department will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with chapter 14, article 13, of this division, based upon the results of the field tests or laboratory analyses.(1) This permit modification may proceed under section 66270.42, or otherwise will proceed as a modification under section 66270.41(a)(2). If such modifications are necessary, the second phase of the permit shall become effective only after those modifications have been made. (2) If no modifications of the second phase of the permit are necessary, the Department will give notice of its final decision to the permit applicant and to each person who submitted written

comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in section 66271.14(b).

**(1)**

This permit modification may proceed under section 66270.42, or otherwise will proceed as a modification under section 66270.41(a)(2). If such modifications are necessary, the second phase of the permit shall become effective only after those modifications have been made.

**(2)**

If no modifications of the second phase of the permit are necessary, the Department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision on the second phase of the permit. The second phase of the permit then will become effective as specified in section 66271.14(b).