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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 66270.51@ Continuation of Expiring Permits

66270.51 Continuation of Expiring Permits

(a)

The conditions of an expired permit continue in force under chapter 6.5 of division 20 of the Health and Safety Code until the effective date of a new permit (see section 66271.14) if: (1) the permittee has submitted a timely application under section 66270.14 and the applicable sections in section 66270.15 through section 66270.23 which is a complete (under section 66270.10(c)) application for a new permit; and (2) the Department through no fault of the permittee, does not issue a new permit with an effective date under section 66271.14 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(1)

the permittee has submitted a timely application under section 66270.14 and the applicable sections in section 66270.15 through section 66270.23 which is a complete (under section 66270.10(c)) application for a new permit; and

(2)

the Department through no fault of the permittee, does not issue a new permit with an effective date under section 66271.14 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b)

Effect. Permits continued under this section remain fully effective and enforceable.

(c)

Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Department may choose to do any or all of the following: (1) initiate enforcement action based upon the permit which has been continued; (2) issue a notice of intent to deny the new permit under section 66271.5. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit; (3) issue a new permit under chapter 21 of this division with appropriate conditions; or (4) take other actions authorized by these regulations.

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(3)

issue a new permit under chapter 21 of this division with appropriate conditions; or

(4)

take other actions authorized by these regulations.

(d)

If a permittee has submitted a timely and complete application under applicable State law and regulations, the terms and conditions of an USEPA-issued RCRA

permit continue in force beyond the expiration date of the USEPA-issued RCRA permit, but only until the effective date of the Department's issuance or denial of a State permit.