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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 21@ Procedures for Hazardous Waste Permit Decisions

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Article 1@ General Program Requirements

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Section 66271.13@ Reopening of the Public Comment Period

66271.13 Reopening of the Public Comment Period

(a)

(1) The Department may order the public comment period reopened if the procedures of this subsection could expedite the decisionmaking process. When the public comment period is reopened under this subsection, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Department's tentative decision to deny an application or prepare a draft permit is inappropriate, shall submit all reasonably available factual grounds supporting their position, including all supporting material, by a date, not less than sixty days after public notice under subsection (a)(2) of this section, set by the Department. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than twenty days after the date set for filing of the material, set by the Department. (2) Public notice of any comment period under this subsection shall identify the issues which the requirements of section 66271.13(a) shall apply. (3) On the Department's own motion or on the request of any person, the Department may direct that the requirements of subsection (a)(1) of this section shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) of this section will substantially expedite the decisionmaking process. The notice of the draft permit shall state whenever this has been done. (4) A comment period of longer

than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request longer comment periods and they shall be granted under section 66271.9 to the extent they appear necessary.

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Public notice of any comment period under this subsection shall identify the issues which the requirements of section 66271.13(a) shall apply.

(3)

On the Department's own motion or on the request of any person, the Department may direct that the requirements of subsection (a)(1) of this section shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) of this section will substantially expedite the decisionmaking process. The notice of the draft permit shall state whenever this has been done.

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A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request longer comment periods and they shall be granted under section 66271.9 to the extent they appear necessary.

(b)

If any data, information or arguments submitted during the public comment period, including information or arguments required under section 66271.12, appear to raise substantial new questions concerning a permit, the Department may take one or more of the following actions: (1) prepare a new draft permit, appropriately modified, under section 66271.5; (2) prepare a revised statement of basis under section 66271.6, a fact sheet or revised fact sheet under section 66271.7 and reopen the comment period under section 66271.13; or (3) reopen or extend the comment period under section 66271.9 to give interested persons an opportunity to comment on the information or arguments submitted.

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prepare a revised statement of basis under section 66271.6, a fact sheet or revised fact sheet under section 66271.7 and reopen the comment period under section 66271.13; or

(3)

reopen or extend the comment period under section 66271.9 to give interested persons an opportunity to comment on the information or arguments submitted.

(c)

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under

section 66271.9 shall define the scope of the reopening.

(d)

Public notice of any of the above actions shall be issued under section 66271.9.