

|->

Title 22@ Social Security

|->

Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

|->

Chapter 21@ Procedures for Hazardous Waste Permit Decisions

|->

Article 1@ General Program Requirements

|->

Section 66271.4@ Request for Modification, Revocation and Reissuance, or Revocation of Permits

66271.4 Request for Modification, Revocation and Reissuance, or Revocation of Permits

(a)

Permits may be modified, revoked and reissued, or revoked either at the request of any interested person (including the permittee) or upon the Department's initiative. However, permits may only be modified, revoked and reissued, or revoked for the reasons specified in section 66270.41 or 66270.43 or Health and Safety Code section 25186. All requests shall be in writing and shall contain facts or reasons supporting the request.

(b)

If the Department decides the request is not justified, the Department shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or revocation are not subject to public notice, comment, or hearings.

(c)

(1) If the Department tentatively decides to modify or revoke and reissue a permit under section 66270.41 or 66270.42(c), the Department shall prepare a draft permit under section 66271.5 incorporating the proposed changes. The Department may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Department shall require the submission of a

new application. (2) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued. (3) "Class 1 and 2 modifications" as defined in sections 66270.42(a) and (b) are not subject to the requirements of this section.

(1)

If the Department tentatively decides to modify or revoke and reissue a permit under section 66270.41 or 66270.42(c), the Department shall prepare a draft permit under section 66271.5 incorporating the proposed changes. The Department may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the Department shall require the submission of a new application.

(2)

In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(3)

"Class 1 and 2 modifications" as defined in sections 66270.42(a) and (b) are not

subject to the requirements of this section.

(d)

All draft permits prepared under this section shall be based on the administrative record as defined in section 66271.8.

(e)

If the Department decides to revoke a permit, it shall initiate adjudicatory proceedings under the Administrative Procedure Act (Gov. Code § 11500 et seq.) by serving an Accusation on the holder of the permit.