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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 66271.2@ Application for a Permit

66271.2 Application for a Permit

(a)

(1) Any person who requires a permit under Health and Safety Code section 25201 shall complete, sign, and submit to the Department an application for the permit required under section 66270.1. Applications are not required for permits by rule (section 66270.60). (2) The Department shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit. (See sections 66270.10 and 66270.13.) (3) Permit applications shall comply with the signature and certification requirements of section 66270.11.

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Permit applications shall comply with the signature and certification requirements of

section 66270.11.

(b)

[Reserved]

(c)

(1) No later than 30 calendar days after receipt of a permit application, the Department shall review the application for completeness (in accordance with the provisions of chapter 4.5 (commencing with section 65920) of division 1 of Title 2 of the Government Code and Health and Safety Code section 25199.6)), and notify the applicant in writing whether the application is complete. (2) If the application is incomplete, the Department's written notice to the applicant shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The Department shall specify in the notice of deficiency a date for submitting the necessary information. The applicant shall submit to the Department the materials necessary to make the application complete, as specified by the Department in the written notice of incompleteness. No later than 60 calendar days after receiving additional application materials, submitted in response to a notice of incompleteness, the Department shall notify the applicant in writing whether the application with the additional materials is complete. (3) If the application together with the additional materials is determined to be incomplete, the applicant may appeal the Department's determination to the Director. Such an appeal shall be made in writing within 30 days after the issuance of the incompleteness determination, and shall include a statement of the reasons supporting the appeal. The Director shall grant or deny the appeal in writing no later than 60 calendar days after receipt of the written appeal. (4) The application

shall not be deemed complete if the Department fails to make a written completeness determination within 60 calendar days or if the Director fails to provide a written response to an appeal within 60 calendar days. An application is deemed complete when the Department notifies the applicant in writing that the application is complete. (5) Nothing in this subsection shall preclude the applicant and the Department from mutually agreeing to an extension of any time limit specified in this subsection. (6) After the application is completed, the Department may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

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If the application is incomplete, the Department's written notice to the applicant shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The Department shall specify in the notice of deficiency a date for submitting the necessary information. The applicant shall submit to the Department the materials necessary to make the application complete, as specified by the Department in the written notice of incompleteness. No later than 60 calendar days after receiving additional application materials, submitted in response to a notice of incompleteness, the Department shall

notify the applicant in writing whether the application with the additional materials is complete.

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If the application together with the additional materials is determined to be incomplete, the applicant may appeal the Department's determination to the Director. Such an appeal shall be made in writing within 30 days after the issuance of the incompleteness determination, and shall include a statement of the reasons supporting the appeal. The Director shall grant or deny the appeal in writing no later than 60 calendar days after receipt of the written appeal.

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The application shall not be deemed complete if the Department fails to make a written completeness determination within 60 calendar days or if the Director fails to provide a written response to an appeal within 60 calendar days. An application is deemed complete when the Department notifies the applicant in writing that the application is complete.

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Nothing in this subsection shall preclude the applicant and the Department from mutually agreeing to an extension of any time limit specified in this subsection.

(6)

After the application is completed, the Department may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

(d)

The Department may deny a permit for any cause specified in Health and Safety Code section 25186.

(e)

If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under Health and Safety Code sections 25186, 25187, 25189.3 or 25200.8. If an applicant does not respond to three or more notices of deficiency regarding the same or different deficiencies or responds with substantially incomplete or substantially unsatisfactory information on three or more occasions, the Department shall initiate proceedings to deny the permit application in accordance with the requirements of this chapter. This section does not preclude the Department from initiating permit denial proceedings prior to sending three notices of deficiency.

(f)

If the Department decides that a site visit is necessary for any reason in conjunction with the processing of an application, the Department shall notify the applicant and a date shall be scheduled.

(g)

The effective date of an application is the date on which the Department notifies the applicant that the application is complete as provided in subsection (c) of this section.

(h)

For each application from a major new HWM facility the Department shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Department intends to: (1) prepare a draft permit; (2) give public notice; (3) complete the public comment period, including any public hearing; and (4) issue a final permit.

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