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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 3@ Violations Scoring Procedure for Hazardous Waste Facility Operations

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Section 66271.55@ Hazardous Waste Facility Permit Decisions

## **66271.55 Hazardous Waste Facility Permit Decisions**

### **(a)**

Permit Decisions. The Department shall conduct a complete review of a facility's compliance history when making a decision to issue, deny, revoke, suspend, or modify a permit under this article.

### **(b)**

A complete review of the facility's compliance history shall include, but is not limited to, all of the following: (1) The facility's final compliance tier assignment based on the Facility VSP Score and all Class I violations and provisional and final inspection violation scores used to calculate the Facility VSP Score; (2) Class II and minor violations not quantified as part of the Facility VSP Score; (3) The facility's compliance with any permits, applicable orders, stipulations, agreements, settlement documents, judgments, decrees, grants of authorization, or other documents establishing requirements upon operations at the facility; hazardous waste laws and regulations; and any other applicable environmental laws and regulations; (4) The disclosure statement made pursuant to the requirements of Health and Safety Code sections 25112.5 and 25200.4; (5) The facility's safety record; (6) The facility's compliance with financial assurance or liability coverage requirements for closure, post-closure, or corrective action pursuant to article 8, chapter 14 and article 8, chapter 15 of this division, as applicable; (7) Information in audit reports provided to the Department pursuant to the requirements of

sections 66271.56 and 66271.57; and (8) Any other information allowed by law.

**(1)**

The facility's final compliance tier assignment based on the Facility VSP Score and all Class I violations and provisional and final inspection violation scores used to calculate the Facility VSP Score;

**(2)**

Class II and minor violations not quantified as part of the Facility VSP Score;

**(3)**

The facility's compliance with any permits, applicable orders, stipulations, agreements, settlement documents, judgments, decrees, grants of authorization, or other documents establishing requirements upon operations at the facility; hazardous waste laws and regulations; and any other applicable environmental laws and regulations;

**(4)**

The disclosure statement made pursuant to the requirements of Health and Safety Code sections 25112.5 and 25200.4;

**(5)**

The facility's safety record;

**(6)**

The facility's compliance with financial assurance or liability coverage requirements for closure, post-closure, or corrective action pursuant to article 8, chapter 14 and article 8, chapter 15 of this division, as applicable;

**(7)**

Information in audit reports provided to the Department pursuant to the requirements of sections 66271.56 and 66271.57; and

**(8)**

Any other information allowed by law.

**(c)**

A complete review of the facility's compliance history shall also include, but is not limited to, a review of the following information to the extent such information is readily available to the Department: (1) The owner's or operator's knowledge or intent in the commission of any violations; (2) The record of complaints received against the facility, including the facility's record of resolving such complaints; (3) Violations by the facility of requirements of other federal, state, or local environmental agencies; and (4) The facility's record with regard to returning to compliance and cooperation with the Department.

**(1)**

The owner's or operator's knowledge or intent in the commission of any violations;

**(2)**

The record of complaints received against the facility, including the facility's record of resolving such complaints;

**(3)**

Violations by the facility of requirements of other federal, state, or local environmental agencies; and

**(4)**

The facility's record with regard to returning to compliance and cooperation with the Department.