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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 4@ 4. Board of Environmental Safety

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Section 66271.71@ Stays of Permit Decisions Pending Appeal by the Board of Environmental Safety

## **66271.71 Stays of Permit Decisions Pending Appeal by the Board of Environmental Safety**

### **(a)**

Automatic Stay. If notice of an appeal is filed with the Board of Environmental Safety ("Board") pursuant to paragraph (3) of subsection (a) of Section 66271.72, the effect of the final permit decision shall be stayed until the later of either the dismissal of a petition in full pursuant to subsection (b) of section 66271.72, or the denial of a petition on the merits pursuant to subsection (d) of section 66271.72. If the permit involves a new facility, the applicant shall be without a permit for the proposed new facility while the stay remains in effect.

### **(b)**

Effect of Stay. The effect of the stay imposed under subsection (a) of this section shall be limited to the issues that are accepted by the Board pursuant to subsection (b) of section 66271.72. Uncontested conditions which are not severable from those contested shall be stayed together with the contested conditions. Stayed provisions of permits for existing facilities shall be identified by the Board in the initial order issued pursuant to subsection (b) of section 66271.72. All other provisions of the permit for the existing facility shall remain fully effective and enforceable.

### **(c)**

Temporary Authorizations. If notice of an appeal is filed with the Board pursuant to

paragraph (2) of subsection (a) of section 66271.72, the permittee shall be without the temporary authorization until the appeal is decided by the Board pursuant to subsection (d) of section 66271.72.

**(d)**

Existing Permits. Any facility or activity holding an existing permit shall: (1) comply with the conditions of that permit during any modification or revocation and reissuance proceeding under section 66271.4; and (2) to the extent conditions of any new permit are stayed under this section, comply with the conditions of the existing permit which correspond to the stayed conditions, unless compliance with the existing conditions would be technologically incompatible with compliance with other conditions of the new permit which have not been stayed.

**(1)**

comply with the conditions of that permit during any modification or revocation and reissuance proceeding under section 66271.4; and

**(2)**

to the extent conditions of any new permit are stayed under this section, comply with the conditions of the existing permit which correspond to the stayed conditions, unless compliance with the existing conditions would be technologically incompatible with compliance with other conditions of the new permit which have not been stayed.

**(e)**

Existing Stays. Any stay in effect on May 1, 2023 shall terminate on May 31, 2023 unless notice of an appeal is filed with the Board pursuant to subsection (a) of section 66271.72 on or before May 31, 2023, in which case the stay shall be extended until the later of either the dismissal of a petition for review in full pursuant to subsection (b) of section 66271.72, or the denial of a petition on the

merits pursuant to subsection (d) of section 66271.72.