

## **67390.2 Information Required for a Variance**

### **(a)**

Upon receipt of a written request made pursuant to Health and Safety Code sections 25223 or 25224 the Department shall review all available documents and other written information with regard to the property concerned and notify the requester whether sufficient evidence exists for the Department to issue a written variance from a land use restriction imposed by the department, or removal of such restriction.

### **(b)**

In determining whether sufficient evidence exists for the Department to proceed with a variance pursuant to Health and Safety Code sections 25223 and 25224 the Department shall take into account:(1) the hazardous characteristics of the wastes that caused the land to be restricted, such as, but not limited to, toxicity, reactivity, corrosivity, flammability, persistence, bioaccumulative characteristics, and infectiousness; (2) factors affecting the potential for movement of any waste constituents away from the site through air, water, or soil, such as, but not limited to, the quantity of the wastes, physical state of the wastes, volatility of the wastes, solubility of the wastes, soil binding characteristics of the wastes, soil permeability, geological characteristics, hydrological characteristics, meteorological characteristics, flood potential and site terrain; (3) factors affecting the potential for exposure of any population within 2,000 feet of the wastes such as, but not limited

to, containment of the wastes, accessibility of the wastes, ground water use, wells, surface water use, existing and potential land use, sensitive environments, and critical habitats.

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**(2)**

factors affecting the potential for movement of any waste constituents away from the site through air, water, or soil, such as, but not limited to, the quantity of the wastes, physical state of the wastes, volatility of the wastes, solubility of the wastes, soil binding characteristics of the wastes, soil permeability, geological characteristics, hydrological characteristics, meteorological characteristics, flood potential and site terrain;

**(3)**

factors affecting the potential for exposure of any population within 2,000 feet of the wastes such as, but not limited to, containment of the wastes, accessibility of the wastes, ground water use, wells, surface water use, existing and potential land use, sensitive environments, and critical habitats.