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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 45@ Requirements for Units and Facilities Deemed to Have a Permit by Rule

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Article 1@ Permit by Rule

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Section 67450.9@ Termination, Suspension and Denial of Authorization or Reauthorization, and Operating Restrictions for Units and Facilities Operating Under Permit by Rule

67450.9 Termination, Suspension and Denial of Authorization or Reauthorization, and Operating Restrictions for Units and Facilities Operating Under Permit by Rule

(a)

Notwithstanding the provisions of Chapter 21 of this division, the Department may revoke or suspend authorization or reauthorization for any TTU, FTU or facility operating or proposing to operate under a permit by rule as provided in this section. The Department may also deny authorization or reauthorization for any TTU operating or proposing to operate under a permit by rule as provided in this section. The Department shall base a decision on any one of the factors set forth in section 66270.43(a) or (b) or on Health and Safety Code section 25186 or on a finding that operation of the unit(s) or facility in question will endanger human health, domestic livestock, wildlife, or the environment. (1) Notice of revocation or suspension shall be provided to the applicant or permittee by certified mail with return receipt requested or by personal service; (2) An owner or operator whose authorization or reauthorization to operate a unit or facility under a permit by rule is revoked or suspended and who wishes to appeal the revocation or suspension shall appeal by submitting a letter to the Department, within ten (10) days of receipt of notice of denial, requesting a hearing. (3) Proceedings to appeal the Department's decision concerning revocation or suspension of

authorization to operate under a permit by rule shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.

(1)

Notice of revocation or suspension shall be provided to the applicant or permittee by certified mail with return receipt requested or by personal service;

(2)

An owner or operator whose authorization or reauthorization to operate a unit or facility under a permit by rule is revoked or suspended and who wishes to appeal the revocation or suspension shall appeal by submitting a letter to the Department, within ten (10) days of receipt of notice of denial, requesting a hearing.

(3)

Proceedings to appeal the Department's decision concerning revocation or suspension of authorization to operate under a permit by rule shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.

(b)

Notwithstanding the provisions of Chapter 21 of this division, the CUPA or authorized agency including the Department, may deny authorization or reauthorization for any unit or facility operating or proposing to operate under a permit by rule as provided in this section. The CUPA or authorized agency shall base a decision on any one of the factors set forth in section 66270.43(a) or (b) or on Health and Safety Code section 25186 or on a finding that operation of the unit(s) or facility in question will endanger human health, domestic livestock, wildlife, or the environment. (1) Notice of denial shall be provided to the applicant or permittee by certified mail with return receipt requested or by

personal service; (2) An owner or operator who is denied authorization or reauthorization to operate a unit or facility under a permit by rule and who wishes to appeal the denial shall appeal by submitting a letter to the CUPA or authorized agency, within ten (10) days of receipt of notice of denial, requesting a hearing.

(3) Proceedings to appeal a CUPA or authorized agency's decision concerning denial of authorization reauthorization to operate under a permit by rule shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.

(1)

Notice of denial shall be provided to the applicant or permittee by certified mail with return receipt requested or by personal service;

(2)

An owner or operator who is denied authorization or reauthorization to operate a unit or facility under a permit by rule and who wishes to appeal the denial shall appeal by submitting a letter to the CUPA or authorized agency, within ten (10) days of receipt of notice of denial, requesting a hearing.

(3)

Proceedings to appeal a CUPA or authorized agency's decision concerning denial of authorization reauthorization to operate under a permit by rule shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.

(c)

No treatment process which establishes an unpermitted waste pile, land treatment facility, surface impoundment, injection well, landfill or storage facility is eligible to operate under a permit by rule.

(d)

Any authorization to operate granted pursuant to section 67450.2(a), section 67450.2(b), section 66270.60(d)(5) or section 66270.60(d)(6) or reauthorization granted pursuant to section 67450.3(b) or section 67450.3(d) is contingent upon the accuracy of information contained in the notifications required by sections 67450.2(a) and (b), sections 67450.3(a) and (c), section 66270.60(d)(5)(A), and section 66270.60(d)(6)(A). Any misrepresentation or any failure to fully disclose all relevant facts shall render the authorization or reauthorization to operate null and void.