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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 55@ Safer Consumer Products

|-&gt;

Article 5@ Alternatives Analysis

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Section 69505.9@ Department Review and Determinations for AA Reports and Work Plans

## **69505.9 Department Review and Determinations for AA Reports and Work Plans**

### **(a)**

Review Criteria. In reviewing AA Reports and Alternate Process AA Work Plans for compliance with the substantive and administrative requirements of this article, the Department shall consider: (1) Whether the AA Report or Alternate Process AA Work Plan was submitted timely; (2) Whether, and to what extent, the responsible entity considered and addressed all applicable provisions of this article pertaining to the preparation and submittal of an AA Report or Alternate Process AA Work Plan, whichever is applicable; (3) Whether, and to what extent, the responsible entity demonstrated that the conclusions of the AA were based on reliable information, when applicable.

#### **(1)**

Whether the AA Report or Alternate Process AA Work Plan was submitted timely;

#### **(2)**

Whether, and to what extent, the responsible entity considered and addressed all applicable provisions of this article pertaining to the preparation and submittal of an AA Report or Alternate Process AA Work Plan, whichever is applicable;

#### **(3)**

Whether, and to what extent, the responsible entity demonstrated that the conclusions of the AA were based on reliable information, when applicable.

**(b)**

Preliminary AA Reports and Alternate Process AA Work Plans.(1) Within sixty (60) days of receiving a Preliminary AA Report or Alternate Process AA Work Plan, the Department shall review the report or work plan for compliance with this article, and issue a notice of compliance, notice of deficiency, notice of disapproval, or notice of ongoing review. (2) Notice of Deficiency. (A) The Department shall specify in a notice of deficiency the areas of deficiency, the information required to cure the deficiency(ies), and the due date for submitting the necessary information, which may not exceed sixty (60) days from the date the notice of deficiency is issued. The responsible entity shall submit a revised report or revised work plan, whichever is applicable, by the due date specified, and address the areas of deficiency. (B) Within thirty (30) days of receipt of the additional information requested in the notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised report or revised work plan. (3) Notice of Disapproval. If the revised report or revised work plan does not fully address the identified areas of deficiency, the Department shall issue a notice of disapproval. The Department shall also issue a notice of disapproval if a revised report or revised work plan is not submitted by the due date specified under paragraph (2)(A). If the revised report or revised work plan is disapproved, the Department shall explain the basis for the disapproval. A disapproved revised report or revised work plan is not in compliance with section 69505.1(b). (4) Notice of Compliance. The Department shall specify in a notice of compliance for a Preliminary AA Report or Alternate Process AA Work Plan the due date for submitting the Final AA Report. The Department shall specify a due date twelve (12) months from the date the Department issues the notice of compliance, except that the Department may

specify an extended due date for submission of the Final AA Report if it determines based on information in the Preliminary AA Report or Alternate Process AA Work Plan that more time is needed. The Department may also specify an extended due date for submission of the Final AA Report if the responsible entity submits a request under section 69505.7(k)(1)(B).

**(1)**

Within sixty (60) days of receiving a Preliminary AA Report or Alternate Process AA Work Plan, the Department shall review the report or work plan for compliance with this article, and issue a notice of compliance, notice of deficiency, notice of disapproval, or notice of ongoing review.

**(2)**

Notice of Deficiency. (A) The Department shall specify in a notice of deficiency the areas of deficiency, the information required to cure the deficiency(ies), and the due date for submitting the necessary information, which may not exceed sixty (60) days from the date the notice of deficiency is issued. The responsible entity shall submit a revised report or revised work plan, whichever is applicable, by the due date specified, and address the areas of deficiency. (B) Within thirty (30) days of receipt of the additional information requested in the notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised report or revised work plan.

**(A)**

The Department shall specify in a notice of deficiency the areas of deficiency, the information required to cure the deficiency(ies), and the due date for submitting the necessary information, which may not exceed sixty (60) days from the date the notice of deficiency is issued. The responsible entity shall submit a revised report or revised work plan, whichever is applicable, by the due date specified, and address the areas of deficiency.

**(B)**

Within thirty (30) days of receipt of the additional information requested in the notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised report or revised work plan.

**(3)**

Notice of Disapproval. If the revised report or revised work plan does not fully address the identified areas of deficiency, the Department shall issue a notice of disapproval. The Department shall also issue a notice of disapproval if a revised report or revised work plan is not submitted by the due date specified under paragraph (2)(A). If the revised report or revised work plan is disapproved, the Department shall explain the basis for the disapproval. A disapproved revised report or revised work plan is not in compliance with section 69505.1(b).

**(4)**

Notice of Compliance. The Department shall specify in a notice of compliance for a Preliminary AA Report or Alternate Process AA Work Plan the due date for submitting the Final AA Report. The Department shall specify a due date twelve (12) months from the date the Department issues the notice of compliance, except that the Department may specify an extended due date for submission of the Final AA Report if it determines based on information in the Preliminary AA Report or Alternate Process AA Work Plan that more time is needed. The Department may also specify an extended due date for submission of the Final AA Report if the responsible entity submits a request under section 69505.7(k)(1)(B).

**(c)**

Final AA Reports and Abridged AA Reports. (1) Within sixty (60) days of receiving an AA Report Addendum, the Department shall review the Final AA Report or Abridged AA Report, including the AA Report Addendum, for compliance with this

article, and shall issue a notice of compliance, notice of deficiency, notice of disapproval, or notice of ongoing review. If no AA Report Addendum is required under section 69505.8, the Department shall complete its review of the Final AA Report or Abridged AA Report within sixty (60) days of whichever of the following dates is applicable: (A) The close of the public comment period, if no public comments are received; or (B) Thirty (30) days after the close of the public comment period, if the Department determines after reviewing the public comments that there are no issues that need to be addressed in an AA Report Addendum. (2) Notice of Deficiency. (A) The Department shall specify in a notice of deficiency the areas of deficiency, the information required to cure the deficiency(ies), and the due date for submitting the necessary information to complete the Final AA Report or Abridged AA Report, which may not exceed sixty (60) days from the date of the notice of deficiency. The responsible entity shall submit a revised Final AA Report or revised Abridged AA Report by the due date specified, and address all areas of deficiency. The responsible entity may request and the Department may approve, under section 69505.1(c), a one-time extension of not more than ninety (90) days for submission of the revised Final AA Report or revised Abridged AA Report to correct the deficiencies. (B) Within sixty (60) days of receipt of the requested additional information, the Department shall issue a notice of compliance, a second notice of deficiency, or a notice of ongoing review. 1. If the Department issues a second notice of deficiency, the Department may grant no more than thirty (30) days for submission of the requested information. 2. Within sixty (60) days of receipt of the additional information requested in the second notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised Final AA Report or revised Abridged AA Report. (3) Notice of Disapproval.

If the revised Final AA Report or revised Abridged AA Report does not fully address the areas of deficiency identified in the second notice of deficiency, the Department shall issue a notice of disapproval. The Department shall also issue a notice of disapproval if a revised Final AA Report or revised Abridged AA Report is not submitted by the due date specified under paragraph (2)(A) or paragraph (2)(B)1., whichever is applicable. If the revised Final AA Report or revised Abridged AA Report is disapproved, the Department shall explain the basis for the disapproval. A disapproved revised Final AA Report or revised Abridged AA Report is not in compliance with section 69505.1(b).

**(1)**

Within sixty (60) days of receiving an AA Report Addendum, the Department shall review the Final AA Report or Abridged AA Report, including the AA Report Addendum, for compliance with this article, and shall issue a notice of compliance, notice of deficiency, notice of disapproval, or notice of ongoing review. If no AA Report Addendum is required under section 69505.8, the Department shall complete its review of the Final AA Report or Abridged AA Report within sixty (60) days of whichever of the following dates is applicable: (A) The close of the public comment period, if no public comments are received; or (B) Thirty (30) days after the close of the public comment period, if the Department determines after reviewing the public comments that there are no issues that need to be addressed in an AA Report Addendum.

**(A)**

The close of the public comment period, if no public comments are received; or

**(B)**

Thirty (30) days after the close of the public comment period, if the Department determines after reviewing the public comments that there are no issues that need to be addressed in an AA Report Addendum.

**(2)**

Notice of Deficiency. (A) The Department shall specify in a notice of deficiency the areas of deficiency, the information required to cure the deficiency(ies), and the due date for submitting the necessary information to complete the Final AA Report or Abridged AA Report, which may not exceed sixty (60) days from the date of the notice of deficiency. The responsible entity shall submit a revised Final AA Report or revised Abridged AA Report by the due date specified, and address all areas of deficiency. The responsible entity may request and the Department may approve, under section 69505.1(c), a one-time extension of not more than ninety (90) days for submission of the revised Final AA Report or revised Abridged AA Report to correct the deficiencies. (B) Within sixty (60) days of receipt of the requested additional information, the Department shall issue a notice of compliance, a second notice of deficiency, or a notice of ongoing review. 1. If the Department issues a second notice of deficiency, the Department may grant no more than thirty (30) days for submission of the requested information. 2. Within sixty (60) days of receipt of the additional information requested in the second notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised Final AA Report or revised Abridged AA Report.

**(A)**

The Department shall specify in a notice of deficiency the areas of deficiency, the information required to cure the deficiency(ies), and the due date for submitting the necessary information to complete the Final AA Report or Abridged AA Report, which may not exceed sixty (60) days from the date of the notice of deficiency. The responsible entity shall submit a revised Final AA Report or revised Abridged AA Report by the due date specified, and address all areas of deficiency. The responsible entity may request and the Department may approve, under section 69505.1(c), a one-time extension of not more than ninety (90) days for

submission of the revised Final AA Report or revised Abridged AA Report to correct the deficiencies.

**(B)**

Within sixty (60) days of receipt of the requested additional information, the Department shall issue a notice of compliance, a second notice of deficiency, or a notice of ongoing review. 1. If the Department issues a second notice of deficiency, the Department may grant no more than thirty (30) days for submission of the requested information. 2. Within sixty (60) days of receipt of the additional information requested in the second notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised Final AA Report or revised Abridged AA Report.

**1.**

If the Department issues a second notice of deficiency, the Department may grant no more than thirty (30) days for submission of the requested information.

**2.**

Within sixty (60) days of receipt of the additional information requested in the second notice of deficiency, the Department shall issue a notice of compliance, a notice of disapproval, or a notice of ongoing review for the revised Final AA Report or revised Abridged AA Report.

**(3)**

Notice of Disapproval. If the revised Final AA Report or revised Abridged AA Report does not fully address the areas of deficiency identified in the second notice of deficiency, the Department shall issue a notice of disapproval. The Department shall also issue a notice of disapproval if a revised Final AA Report or revised Abridged AA Report is not submitted by the due date specified under paragraph (2)(A) or paragraph (2)(B)1., whichever is applicable. If the revised Final AA Report or revised Abridged AA Report is disapproved, the Department shall explain the basis for the disapproval. A disapproved revised Final AA Report or revised Abridged AA Report is not in compliance



with section 69505.1(b).

**(d)**

Notice of Ongoing Review. The Department shall specify in a notice of ongoing review the estimated date by which the Department expects to issue a notice of compliance or notice of deficiency, which shall be based on its available resources and the complexity of the document under review.

**(e)**

Issuance of Notices. All notices issued by the Department under this section shall be issued to the person who submitted the document, and a copy of the notice shall be sent by the Department to all persons identified in the document under subsections (c)(2) and (c)(3) of section 69505.7.