



## 1.0 INTRODUCTION

### HAZARDOUS WASTE FACILITY PERMITS

Under California and federal law, anyone who stores, treats or disposes of hazardous waste as described in the Health and Safety Code, Division 20, Chapter 6.5 (Cal. H&S Code) must obtain a permit or a grant of authorization from the Department of Toxic Substances Control (DTSC).

Historically, authorization was available only by obtaining a full hazardous waste facility permit, a Permit-By-Rule (PBR), or by the granting of a variance.

The California Legislature recognized that a full hazardous waste permit (required for all California businesses treating, storing, or disposing of hazardous waste) was much too complex and expensive for certain activities. Numerous revisions were made to California's laws governing the treatment and storage of hazardous waste. These revisions greatly reduced the time and expense needed for a business to obtain an authorization (a "permit") to treat and store hazardous waste.

These revisions which formed the Wright-Polanco-Lambert hazardous Waste Treatment Permit Reform Act of 1992 (AB 1772), matched the requirements placed on a hazardous facility more closely to the hazard posed by the facilities' operations.

The act established a five-tier permitting program which matches statutory/regulatory requirements imposed upon each category of hazardous waste facility to the degree of risk posed by them. The five permitting tiers, in descending order of regulatory oversight, are:

- (1) The Full Permit Tier - Includes all facilities requiring a RCRA permit, plus selected non-RCRA activities pursuant to Title 22 California Code of Regulations ( Title 22 Cal. Code of Regs).
- (2) The Standardized Permit Tier - A facility that manages waste not regulated under RCRA, but regulated as a hazardous waste by the State of California. These "off-site" facilities (facilities which do not generate the "California-only" waste but accept waste from other generators) include, but are not limited to recyclers, oil transfer stations, and precious metals recyclers. On-site facilities that are not regulated under RCRA are also eligible for Standardized Permit. For more detailed information on Standardized Permits, see DTSC's Fact Sheet on the Standardized Permit Tier and Cal. H&S Code section 25201.6.
- (3) The Permit by Rule Tier - A California-only (non-RCRA) onsite (wastes that are generated at the facility where they are treated) treatment permit for specific waste streams and treatment processes, such as concentrated metal-bearing wastes, concentrated acids or alkalis, wastes posing multiple hazards, and silver recovery. For more detailed information see DTSC's Tiered Permitting Fact Sheet 1772D, and Title 22 Cal. Code of Regs., sections 67450.1 through 67450.13.
- (4) The Conditional Authorization Tier - A California-only (non-RCRA) onsite treatment authorization for specific waste streams such as metal-bearing rinse waters, and mostly single-hazard wastes, some neutralization, and oil/water separation. For more detailed information see DTSC's Tiered Permitting Fact Sheet 1772C and Cal. H&S Code section 25200.3.
- (5) The Conditional Exemption Tier - A California-only (non-RCRA) onsite treatment authorization for small-quantity treatment and other low-risk treatment, including oil/water separation, container rinsing or destruction, gravity settling, and some neutralization. For more detailed information see DTSC's Tiered Permitting Fact Sheets 1772A, 1772B and Cal. H&S Code section 25201.5.

**NOTE: This manual discuss only the Full Permit Tier process.**

## BASIC GOALS OF THE PERMIT PROGRAM

The goals of the permit program are to:

1. Process and make final decisions on all operating and post-closure permit applications (new, renewal, or modifications) and closure applications within one year from the date of submittal.
2. Issue permits and approve closure plans which conform to all applicable RCRA and state laws, regulations, and guidance and are technically sound, legally enforceable, and administratively complete.
3. Involve the public in the permitting and closure decision making process.
4. Continuously seek ways to implement current public health and environmental protection policy through permit and closure conditions which strive to obtain maximum benefit with least cost to the facility being permitted.
5. Continuously upgrade the technical, administrative, and communications skills of permitting staff to ensure they can do the best job possible for the least cost to the state.
6. Organize work and project assignments and permit writer guidance and resource materials to accomplish the best job possible for the least cost to the state and applicant.
7. Meet or exceed all annual workplan commitments.

The permit writer's job is to organize and perform assigned work, complete all work products, and manage assigned projects in a manner that substantially contributes to the achievement of these goals.

## SCOPE OF INSTRUCTIONS

These instructions are intended to be used by DTSC permitting staff for processing an application (new, renewal, or modification) for operating a simple hazardous waste storage and/or treatment facility. They provide directions and guidance on managing the hazardous waste permitting process for a facility with the following characteristics:

1. The facility meets the definition of a RCRA and/or non-RCRA hazardous waste facility.
2. The facility meets the state definition of a storage and/or treatment hazardous waste facility and, therefore, requires a hazardous waste facility permit to be issued by the Department of Toxic Substances Control (DTSC).
3. The facility is either an onsite or offsite hazardous waste facility.
4. The hazardous waste storage and/or treatment at the facility utilizes containers and tanks only.
5. If the facility meets the criteria for a Resource Recovery (recycling) Facility [CCR-22 66266.10(a)], it is seeking a Series A Resource Recovery Facility Permit [CCR-22 66266.7].
6. If the facility is seeking a permit to operate as a treatment facility, it meets the definition of a "mini" or "small" offsite treatment facility [Cal. H&S Code 25205.1(d) and (g)] or any size onsite treatment facility
7. The facility is requesting a permit that meets the definition of a "full permit" under the DTSC's

tiered permitting program [AB 1772, 1991].

8. The facility's hazardous waste management units are:

- Operating under a grant of interim status.
- "new" units, that is, are proposed and are not yet built or are not currently being operated in such a manner as to require a hazardous waste facility permit.
- "existing," permitted hazardous waste management units that are proposed to be "modified" as a Class 1, 2 or 3 modification. [CCR-22 66270.41 and 66270.42].
- "existing," permitted hazardous waste management units operating under a permit which is due to expire (renewal).

9. The facility meets the above criteria and is seeking an "Emergency Permit," as authorized by CCR-22 66270.61.

These instructions do not fully cover the permitting process for the following types of facilities and conditions:

- NOT: The facility involves "treatment" of hazardous waste and meets the definition of a "large treatment facility," that is, the facility has a capacity to treat or recycle 1,000 tons or more of hazardous waste during any one calendar month [H&SC 25205.1(d)]. NOTE: CEQA, Public Resources Code, section 21151.1(a)(2) requires a CEQA EIR to be prepared as a prerequisite to permitting a "large hazardous waste treatment facility."
- NOT: The facility disposes of hazardous waste consistent with the definition of a hazardous waste disposal facility.
- NOT: The facility uses a hazardous waste incinerator unit to treat (onsite and/or offsite) hazardous waste.
- NOT: The facility stores and/or treats hazardous waste in units which are not containers and tanks. For example, the facility uses incineration, land-treatment, or surface impoundments to store or treat hazardous waste.
- NOT: The facility uses a transportable or mobile treatment unit to treat onsite and/or offsite hazardous waste.
- NOT: The facility's permitting process will require the issuance of an Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA). (Public Resources Code; Section 21000 et seq. and Title 14, California Code of Regulations; Section 15000 et seq.)
- NOT: The facility's permitting process will require a formal written Health Risk Assessment to be approved by DTSC prior to approving the permit and/or CEQA analysis (Public Resources Code; Section 21000 et seq. and Title 14, California Code of Regulations; Section 15000 et seq.).
- NOT: The facility's permit application is being "denied." The instructions assume that the permit will be issued. Once DTSC decides that the permit application is to be denied, as defined in CCR-22 66272.1, the permit writer must seek additional information as to the procedure for denying a permit application--specifically, DTSC revision of permit denial policy # 87-15. A copy of this revision is included as Appendix 13.1 to these instructions.

NOT: The facility falls under the definition of a Resource Recovery (recycling) Facility [CCR-22 66266.10(a)], and the facility qualifies for a Series B Resource Recovery Facility Permit [CCR-22 66266.8 and 66266.10(b)] or Series C Resource Recovery Facility Permit [CCR-22 66266.9 and 66266.10(b)].

NOT: The facility is eligible for a standardized permit, or permit-by-rule, or conditional authorization or conditional exemption pursuant to the Health and Safety Code.

NOT: The facility is being issued an Extremely Hazardous Waste Permit.

For a permitting project for which these instructions do not apply, the permit writer should consult applicable DTSC guidance documents.

## ASSUMED KNOWLEDGE AND TRAINING IN RISK COMMUNICATION AND PUBLIC INVOLVEMENT

These instructions assume that the permit writer has been adequately trained and knows certain information about managing a hazardous waste facility permitting project. They also assume that the permit writer has earned at least a scientific or engineering undergraduate degree that included course work applicable to the technical aspects of hazardous waste management. In addition, they assume the permit writer has undergone and adequately passed training or instructions provided by DTSC in the following areas:

1. The 40 hour introductory DTSC Hazardous Waste Safety Course.
2. Basic familiarity with applicable laws and regulations including:
  - California Health and Safety Code, Division Chapter 6.5.
  - California Code of Regulations, Title 22, Division 4.5.
  - California Environmental Quality Act (CEQA, Public Resources Code; Section 21000 et seq. and Title 14, California Code of Regulations; Section 15000 et seq.).
  - The Federal Resource Conservation and Recovery Act (RCRA).
  - Title 40, Code of Federal Regulations, Parts 260 - 270.
  - The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
3. Instructions on the laws, regulations and methods for determining if a material is a federal waste, a state waste, a federal hazardous waste or a state hazardous waste.
4. RCRA Authorization.
5. The DTSC organization, legislative duties and mission statement.

If the permit writer is unfamiliar with any of the above topics, he/she should seek training in the topic(s) he/she is deficient in before beginning a hazardous waste permitting project.

## BASIC PERMIT WRITER'S LIBRARY

These instructions serve as a road map through the plethora of laws, regulations, guidance, policies, and other such information related to permitting hazardous waste facilities. [Appendix 1.1](#) is a listing of references that must be included in the basic permit writer's library. These references should be

located in a central place, conveniently available to all regional office permit writers. Regional office permitting seniors are individually and collectively responsible for maintaining this library and inventorying and reordering missing materials on a quarterly basis. Each permit writer should have a personal copy of items marked with an asterisk.

## RECOMMENDED STRATEGY

It is recommended that all permit writers take a three phase approach to completing each chapter in these instructions:

1. **Familiarization Review.** Upon starting each chapter, the permit writer should first collect copies of all laws and regulations, checklist sections, instructions to applicants, and references listed in the chapter. The cited laws and regulations should be carefully read and understood before proceeding through the instructions to applicants and any of the listed technical guidance. Once the instructions to applicants and guidance has been read, the permit writer should locate and read the portions of the application that address the requirements of the chapter.
2. **Detailed Review.** After the permit writer is familiar with all of the basic requirements and details of the chapter and application, the permit writer should carefully re-review the application, following the appropriate sections of the permit application review checklist, comparing the information presented in the application with listed statutory and regulatory requirements, the instructions to applicants, and technical guidance. The permit writer should keep careful notes on how the application either complies with or meets each requirement and flag any sections of the application that may need an in-depth follow-up to examine specific details of the facility or facility operation. Deficiencies noted during this detailed review serve as the basis for the Notice of Deficiency (NOD) (Chapter 10.0) that is issued to the applicant following completion of all of the technical review steps.
3. **In-Depth Follow-up.** For each item flagged during the detailed technical review, the permit writer should conduct an in-depth follow-up review or investigation to determine whether questioned details of the facility or facility operation fulfill all requirements. Questions may be posed to the applicant, or the permit writer may need to inspect or re-inspect the details of the facility in question. As above, deficiencies found during this follow-up review would be included in the NOD.

## DTSC OBLIGATIONS UNDER RCRA AUTHORIZATION

Effective August 1, 1992, DTSC was authorized by the U. S. Environmental Protection Agency (U.S. EPA) to administer the California State hazardous waste management program in lieu of the federal Resource Conservation and Recovery Act (RCRA). U. S. EPA has declared DTSC's regulatory program to be equivalent to the federal program.

The August 1992 authorization is for the base (1976) RCRA program and amendments adopted under the Hazardous and Solid Waste Amendments of 1984 (HWSA). RCRA regulations promulgated prior to December 20, 1990 are included in this initial authorization.

WP File Name: 1/CH0100\_P.MAN

List of Examples:

List of Appendices:

- [Li](#) [Acronyms.](#)
- [1.1](#) [Basic Permit Writer's Library.](#)
- [1.2](#) [Listing of Policies and Procedures That Directly Affect the Permitting Program](#)
- [1.3](#) [Listing of Management Memos That Directly Affect the Permitting Program](#)

List of References: