



DEPARTMENTAL PROCEDURES MEMORANDUM

Subject: Permitting Enhancement: Coordination Between Permitting and Enforcement	Number: DPM-P-1
Supersedes: New	Date Issued: January 8, 2016

I. PURPOSE

The Department's mission is to protect California's people and environment from the harmful effects of hazardous substances which include hazardous waste. In fulfilling its mission, it is the Department's goal to make timely, technically sound, legally defensible, and consistent decisions regarding the permitting of hazardous waste facilities and the management of hazardous waste. This Departmental Procedures Memorandum (DPM) addresses how staff in the Hazardous Waste Management Program's (HWMP) Permitting Division (Permitting) and Enforcement and Emergency Response Division (Enforcement) will coordinate and communicate regularly before and after the Department makes a permitting decision.¹

II. APPLICABILITY

This DPM applies to HWMP. Additional information regarding coordination on financial responsibility (FR) issues will be addressed in a separate document.

III. PROCEDURES

1. New Permits/ Permit Renewals:

a. Pre-Application

- During the pre-application stage of the permit application review process, the Permitting Project Manager will request an enforcement staff be assigned to the project. The Permitting Project Manager will initiate an EnviroStor Work Request for assignment of Enforcement staff.

¹ This DPM is not a rule and does not create any legal obligations on behalf of the Department. This DPM outlines the Department's general procedures with respect to the subject area addressed herein. There may be project-specific circumstances that require Department staff to deviate from these procedures, and the extent to which the Department applies this DPM may depend on the facts of each project. Department staff should consult with their immediate supervisors if they have questions regarding the applicability of this DPM to their project.

- All Enforcement Branch Chiefs will receive and review the EnviroStor Work Request notification and assign the appropriate staff to work with the Permitting Project Manager. Subsequent EnviroStor requests will follow the same protocol.
- The Permitting Project Manager and the Enforcement staff will discuss the anticipated schedule and activities for the project and the process for regular coordination and communication.
- The Permitting Project Manager will conduct a file and EnviroStor review of the facility (in case of a permit renewal) to determine whether or not there are past enforcement-related issues or ongoing enforcement issues at the facility. The Permitting Project Manager and the Enforcement staff will discuss this information early in the process, preferably before the early site visit, to determine whether changes to the permit or additional permit conditions are necessary to address past enforcement-related issues.
- The Permitting Project Manager will coordinate with the Enforcement staff to determine whether there are any violations or issues related to the facility's FR requirements, including adequate and updated FR cost estimates and mechanisms. If there are any issues with the FR cost estimates or mechanisms, the Permitting Project Manager will discuss them with the facility, including the need to establish, maintain, update, or revise the FR cost estimates and/or mechanisms.
- The Permitting Project Manager will notify the Enforcement staff of upcoming site visits and scoping meetings. The Enforcement staff will attend at least one such site visit, unless determined otherwise by a Permitting Supervisor and/or Enforcement Supervisor.
- It is highly recommended that the Permitting Project Manager organize a team meeting involving staff from the Department's other Core Programs and Shared Services early in the review process to initiate timely coordination and regular communication.

b. Disclosure Statement Review

- The permit applicant is required to submit a Disclosure Statement (as defined in Health and Safety Code section 25112.5) concurrently with its permit application. The Department's Disclosure Statement Coordinator will gather and review necessary information and email the Enforcement staff and the Office of Criminal Investigations to request that they complete a Compliance Report.²
- The Enforcement staff and the Office of Criminal Investigations staff will provide a timely and complete Compliance Report and, if available, additional supporting documentation, to the Disclosure Statement Coordinator.

² Please note that this initial Compliance Report, in the Disclosure Statement review phase, is different from the detailed Compliance History Report and recommendation submitted by Enforcement to Permitting in the Technical Review phase.

c. Technical Review of Permit Application

- Once the permit application is determined to be administratively complete, the Permitting Project Manager will submit an EnviroStor Work Request for Enforcement staff's review of the permit application and attach a copy of Part A and Part B of the permit application or a link to the documents on EnviroStor.
- The Enforcement staff will review the permit application utilizing the Enforcement's *Review of Permit Applications* guidance document.³ The Permitting Project Manager may provide additional information and identify areas of specific focus or interest for the Enforcement staff to review. As needed, the Permitting Project Manager and the Enforcement staff will consult with each other during this review.
- The Permitting Project Manager will ensure that any FR-related issues are considered by the permit applicant, including adequate and updated FR cost estimates, before the technical review of the permit application is completed.
- The Permitting Project Manager will coordinate with the FR Unit⁴ to ensure that all FR-related issues, including adequate and updated FR cost estimates and mechanisms, are being addressed by the permit applicant before the technical review of the permit application is completed.
- Once the Enforcement staff completes the review of the permit application, he or she will send a memo via the Enforcement staff's Supervisor to the Permitting Project Manager and his or her Supervisor outlining the Enforcement staff's comments. If several sets of comments are provided, the memorandum accompanying the final set of comments will indicate that the Enforcement staff's review is complete.
- The Permitting Project Manager and the Enforcement staff will discuss the Enforcement staff's comments and incorporate them into the first Notice of Deficiency (NOD) to the extent applicable. The Permitting Project Manager will forward the draft NOD to the Enforcement staff prior to sending it to the permit applicant.
- The Enforcement staff will review any revised or additional information that the permit applicant submitted in response to a NOD to ensure that the new information addresses the Enforcement staff's concerns about the application.
- Once the Permitting Project Manager completes the review of the permit application for technical completeness, he or she will submit an EnviroStor Work Request for the Enforcement staff to prepare a Compliance History Report for the facility. The Compliance History Report will include compliance information about the facility, including, but not limited to, convictions, judgments, and settlements relating to violations of any statutory or regulatory requirements.
- The Enforcement Division Chief will send the final Compliance History Report to the Permitting Division Chief and they will meet to discuss any issues

³ The *Review of Permit Applications* guidance document is currently under final internal review.

⁴ The FR Unit is located in the Policy Implementation and Support Branch within the HWMP.

related to the compliance history and how the compliance history may impact the permit decision.⁵

d. Review of Draft Permit

- If the decision is made to proceed with processing the permit application, the Permitting Project Manager will prepare a draft permit and obtain his or her Supervisor's sign-off prior to providing the document for review by the Enforcement staff before it is public-noticed for comments.
- The Permitting Project Manager will initiate a new EnviroStor Work Request for Enforcement staff's review of the draft permit and attach a copy of the draft permit and any revised Part A and Part B of the permit application or a link to the documents on EnviroStor.
- The Enforcement staff will review the draft permit and provide the Permitting Project Manager with written comments. The Permitting staff and the Enforcement staff will discuss the Enforcement staff's comments and any necessary revision to the permit and attempt to resolve all identified issues before the final permit decision is made. If the Enforcement staff does not have comments about the draft permit or his or her comments were resolved after the dispute resolution process provided in Section 4, the Enforcement staff will send a memorandum via Enforcement staff's Supervisor to the Permitting Project Manager and his or her Supervisor indicating that the Enforcement staff has completed his or her review of the draft permit.

e. Review of Factsheets/Statement of Basis and Community Notices:

- The Permitting Project Manager will initiate a new EnviroStor Work Request for the Enforcement staff's review of, and assistance in preparing, any draft and final Factsheet/Statement of Basis and Community Notice to the extent that these documents address compliance information and enforcement history. The Permitting Project Manager will attach a copy of the documents or a link to the documents on EnviroStor.
- The Enforcement staff will review the documents for accuracy and provide necessary information and assistance in preparing the documents.

f. Public Meetings and Hearings

- The Permitting Project Manager may request the Enforcement staff's presence and assistance (including preparing presentation materials) at public meetings and hearings about the facility's compliance history. The Enforcement staff will make every effort, whenever possible, to comply with this request.

⁵ Enforcement is in the process of developing guidance and a standardized format for the Compliance History Report and recommendation.

g. Response to Comments:

- If during the public comment period, the Department receives enforcement- or compliance-related comments on the draft permit, the Enforcement staff will assist in reviewing and preparing responses to these comments. The Permitting Project Manager will initiate a new EnviroStor Work Request for the Enforcement staff's review of, and assistance in preparing, any draft and final response to public comments. The Permitting Project Manager will attach a copy of the documents or a link to the documents on EnviroStor. The Enforcement staff will review the response to comments document for accuracy and provide necessary information and assistance in preparing the document.

2. Other Document Review:

- The Permitting Project Manager will inform the Enforcement staff upon receipt of any other documents, such as requests for permit modification, closure/post closure plan or related revision, and permit condition implementation documents, that require the Enforcement staff's review and involvement. The Permitting Project Manager will initiate a new EnviroStor Work Request and attach a copy of the documents or a link to the documents on EnviroStor. The Permitting Project Manager and the Enforcement staff will meet to discuss expectations and timeframes for review.
- The Permitting Project Manager will also contact the FR Unit if FR issues arise as a result of any proposed permit modification, closure/post closure plan or related revision, or change of ownership; or the facility's submittal of other documents. A work request to the FR unit may need to be submitted.

3. Timeframes for Review:

- The Permitting Project Manager will provide a project schedule, including anticipated tasks, timelines, and due dates, to the Enforcement staff. The Enforcement staff will incorporate anticipated project activities into his or her work schedule. The Permitting Project Manager will provide updated project schedules and discuss them with the Enforcement staff at least monthly. The project schedule prepared by the Permitting Project Manager may also include anticipated tasks, timelines and due dates for the involvement of the Department's support program staff.
- Approximately one week prior to submitting an EnviroStor Work Request for the Enforcement staff's review of a particular document, the Permitting Project Manager will discuss a due date with the Enforcement staff based on the project schedule. This mutually agreed-upon due date will be shown in the EnviroStor Work Request.

Timeframes for Enforcement Staff's Review	
Enforcement Staff's Review	Suggested Timeframes (Calendar days)
Permit Application Review and Comment	Minimum 1 month/ prior to first NOD
Disclosure Statement – Compliance Report	2 weeks
Compliance History Report	3 weeks
Review of Draft Permit	1 month
Fact Sheet/ Statement of Basis and Community Notice	1 - 2 weeks
Response to Public Comments	2 weeks

4. Dispute Resolution:

- In the event of any disagreement between the Permitting Project Manager and the Enforcement staff about any issues addressed in this DPM, the Permitting Project Manager and the Enforcement staff will immediately refer the matter to their immediate Supervisors for resolution. If the Supervisors cannot resolve the matter, they will refer the matter to their respective Branch Chiefs. If the Branch Chiefs cannot resolve the matter, they will refer the matter to their respective Division Chiefs. If the Division Chiefs cannot resolve the matter, the Deputy Director of HWMP will make the final decision.
- As necessary, the Deputy Director of HWMP will be briefed during the dispute resolution process.

5. Inspections of Hazardous Waste Facilities:

- While preparing for an inspection of a hazardous waste facility, the Enforcement staff, or the assigned inspector who is not the Enforcement staff, will consult with the Permitting Project Manager to ensure that the most current, effective permit documents are clearly identified and available for review by the Enforcement staff or the assigned inspector, including all permit modifications approved by the Department.
- The Enforcement staff or the assigned inspector, in coordination with the Permitting Project Manager, will contact the FR Unit by submitting a work request to see whether there are any violations or issues related to the facility's FR requirements, including adequate and updated FR cost estimates and mechanisms.
- The Enforcement staff or the assigned inspector will invite the Permitting Project Manager to accompany him or her on all inspections of the facility. If the Enforcement staff or the assigned inspector has specific concerns or

issues with the language of the permit or permit application, he or she will request the Permitting Project Manager's attendance at the inspection. It is highly recommended for Permitting Project Managers who are new to the Department or new to the project to attend an inspection to better understand the facility's operations and the permitting process.

- The Enforcement staff or the assigned inspector will give the Permitting Project Manager at least two weeks' advance notice of the planned inspection date. When the inspection is not planned so far in advance, the Enforcement staff or the assigned inspector will notify the Permitting Project Manager of the inspection date as soon as it is determined. The Enforcement staff or the assigned inspector and the Permitting Project Manager will communicate prior to the inspection to discuss concerns and issues related to the facility, the permit, or the permit application.
- The Permitting Project Manager will provide sufficient advance notice to the Enforcement staff of any upcoming site visits.

6. Enforcement Inquiries and Work Requests to Permitting

- Until such time when the Enforcement staff can submit an EnviroStor Work Request, the Enforcement staff will email his or her work requests and inquiries to the Permitting Project Manager. The Permitting Project Manager and the Enforcement staff member will agree on a completion date for the Permitting Project Manager's review and/or response prior to submittal of the work request.

7. Permitting Referrals:

- The Permitting Project Manager will immediately consult with the Enforcement staff regarding any potential or suspected violations observed during site visits.
- The Permitting Project Manager will also immediately contact the FR Unit about any potential or suspected violations that involve FR issues. A work request to the FR unit may need to be submitted.

8. Schedule Sharing:

- The most current inspection schedule (marked "confidential") will be made available to the Permitting Project Manager's Supervisor via EnviroStor. These inspection schedules are confidential because they have not been announced to the facility; and therefore, they cannot be shared with the facility.
- The Permitting Project Manager will post the permit review schedules on EnviroStor and make them available to the Enforcement staff separately.

9. Meetings:

- In addition to regular project-specific coordination meetings, the Enforcement Division Chief, Branch Chiefs, and Supervisors will meet with the Permitting

Division Chief, Branch Chiefs, and Supervisors at least twice a year to discuss Permitting's overall schedules, facility-specific schedules, goals, and annual workloads; identify high-visibility facilities and facilities with significant compliance issues; and address any outstanding issues, in order to expedite the permit application review process and ensure that the Department's permit decisions are timely, technically sound, legally defensible, and consistent decisions.

10. Cross-Training:

- The Permitting Project Manager and the Enforcement staff will identify opportunities for cross-training on topics such as hazardous waste management requirements, waste classification, financial responsibility, and effective permit writing, and attend the trainings, as appropriate.

CONTACTS: Please see the Permitting Departmental Procedures Memoranda SharePoint page for information about staff to contact if you have questions regarding this DPM. Questions and comments about this DPM can also be posted on SharePoint at: <http://dtsc-share/PP/PDPM/default.aspx>.

Date: October 16, 2015

 /s/ Barbara A. Lee

Barbara A. Lee, Director



DEPARTMENTAL PROCEDURES MEMORANDUM

Subject: Permitting Enhancement: Coordination Between Permitting and Office of Legal Counsel	Number: DPM-P-4
Supersedes: New	Date Issued:

I. PURPOSE

The Department’s mission is to protect California’s people and environment from the harmful effects of hazardous substances which include hazardous waste. In fulfilling its mission, it is the Department’s goal to make timely, technically sound, legally defensible, and consistent decisions regarding the permitting of hazardous waste facilities and the management of hazardous waste. This Departmental Procedures Memorandum (DPM) addresses how staff in the Hazardous Waste Management Program’s (HWMP) Permitting Division (Permitting) and the Office of Legal Counsel (OLC) will coordinate and communicate regularly before and after the Department makes a permitting decision.¹

II. APPLICABILITY

This DPM applies to Permitting and OLC. It also has limited application to the Office of Planning and Environmental Analysis (OPEA). Please refer to DPM-P-5, entitled “Permitting Enhancement: Coordination Between Permitting and Office of Environmental Planning and Analysis,” for additional information regarding coordination between Permitting and OPEA on permitting issues.

III. PROCEDURES

¹ This DPM is not a rule and does not create any legal obligations on behalf of the Department. This DPM outlines the Department’s general procedures with respect to the subject area addressed herein. There may be project-specific circumstances that require Department staff to deviate from these procedures, and the extent to which the Department applies this DPM may depend on the facts of each project. Department staff should consult with their immediate supervisors if they have questions regarding the applicability of this DPM to their project.

DPM-P-4

Permitting Enhancement: Coordination Between Permitting and OLC

1. General Provisions:

- For the purpose of this DPM, “days” means calendar days.
- When consultation with OLC staff is needed, the Permitting Project Manager will submit an EnviroStor Work Request for assignment of an OLC attorney. One of the Assistant Chief Counsels will review the EnviroStor Work Request and assign an OLC attorney to work with the Permitting Project Manager within ten days of the request. The Permitting Project Manager may contact the Assistant Chief Counsels by e-mail if the EnviroStor Work Request is not assigned within ten days. Subsequent EnviroStor Work Requests will follow the same protocol.
 - The Permitting Project Manager will obtain his or her supervisor’s sign-off on any document subject to OLC staff’s review prior to initiating the EnviroStor Work Request.
- If an expedited review is requested, the Permitting Project Manager will contact one of the Assistant Chief Counsels by telephone and/or e-mail in addition to submitting an EnviroStor Work Request. The Permit Project Manager will follow up with the expedited request by informing his or her Supervisor within three days of the request.
- The Permitting Project Manager will ensure, and continue to ensure throughout the permitting process, that the EnviroStor profile for the project is fully up to date and that all relevant documents are uploaded.
- The assigned OLC attorney will close out the EnviroStor Work Request no later than 30 days after the project is complete.

2. New Permits/ Permit Renewals:

a. Pre-Application

During the pre-application phase of the permit application review process, the Permitting Project Manager will consult with OLC staff on an as-needed basis.

b. Administrative Review of Permit Application

- The Permitting Project Manager will consult with the assigned OLC attorney on an as-needed basis.
- In the case of a permit renewal application, the Permitting Project Manager and his or her Supervisor will consult with OLC to determine whether or not there are any prior or ongoing California Environmental Quality Act (CEQA) or legal issues at the facility. If necessary, the Permitting Project Manager and the assigned OLC attorney will discuss this information early in the process, preferably before the early site visit, to determine whether changes to the

permit or additional permit conditions are necessary to address past permitting-, enforcement-, or cleanup-related issues.

c. Disclosure Statement Review

The permit applicant is required to submit a Disclosure Statement (as defined in Health and Safety Code section 25112.5) concurrently with its permit application. The Department's Disclosure Statement Coordinator (DSC) will gather and review necessary information in coordination with the Permitting Project Manager. On an as-needed basis, the DSC will provide the Disclosure Statement and additional information to the OLC attorney, who is assigned to assist the DSC, for review and consultation.

d. Technical Review of Permit Application

- During the technical review of the permit application, including the phase of issuing any Notice of Deficiency (NOD) and reviewing response to the NOD, the Permitting Project Manager will consult with the assigned OLC attorney, and provide documents for legal review, on an as-needed basis.
- If the Permitting Project Manager requests OLC staff's review, the Permitting Project Manager and OLC staff will discuss OLC staff's comments and incorporate them into the first NOD to the extent applicable. The Permitting Project Manager will forward the draft NOD to OLC staff prior to sending it to the applicant.
- OLC staff will review any revised or additional information that the applicant submits in response to NODs to ensure that the new information addresses OLC staff's concerns with the application on an as-needed basis.

e. Determination of CEQA Analysis and Documentation

- The Permitting Project Manager, the assigned OLC attorney, and OPEA staff will discuss the requirements for analysis and documentation pursuant to CEQA and the CEQA Guidelines.
- As needed, the assigned OLC attorney, in consultation with the Permitting Project Manager and OPEA staff, will review the initial environmental analysis. In the event of a dispute, OLC will determine whether a Notice of Exemption, Initial Study, Negative Declaration, Environmental Impact Report, or other environmental document will be prepared.

f. Review of Draft Permit and Related Documents

- If the decision is made to proceed with processing the permit application, the Permitting Project Manager will prepare a Draft Permit, Statement of Basis or

Fact Sheet, and Public Notice for review by the assigned OLC attorney before the draft permit is public-noticed for comments. As needed, the assigned OLC attorney may request to review the CEQA document and other related documents. The documents to be reviewed by the assigned OLC attorney will be reviewed and approved by the Permitting Project Manager's Supervisor by obtaining his or her Supervisor's sign-off before the documents are provided to the assigned OLC attorney for review. To the extent feasible, these documents will be provided to the assigned OLC attorney at the same time for review. The Permitting Project Manager will attach a copy of the documents to be reviewed by the assigned OLC attorney or provide a link to the documents in the EnviroStor Work Request. The Permitting Project Manager will also attach a copy of the permit application or provide a link to the permit application in the EnviroStor Work Request.

- The assigned OLC attorney will provide the Permitting Project Manager with written comments. They will discuss the comments and any necessary revisions to the above-mentioned documents and attempt to resolve all identified issues before the Draft Permit is public-noticed for comments. The assigned OLC attorney will notify the Permitting Project Manager and his or her Supervisor by signing in the designated area located on the DTSC sign-off sheet.

g. Public Meetings and Hearings

- In preparation for any public meeting or hearing, the Permitting Project Manager will consult with the assigned OLC attorney on an as-needed basis.

h. Draft Response to Comments

During the process of preparing the Department's response to public comments on the Draft Permit and CEQA documents, the Permitting Project Manager will consult with the assigned OLC attorney on an as-needed basis. The Permitting Project Manager will initiate a new EnviroStor Work Request for the assigned OLC attorney's review of, and assistance in preparing, any draft and final response to public comments. The Permitting Project Manager will attach a copy of the documents or provide a link to the documents in the EnviroStor Work Request. The assigned OLC attorney will review the draft response document after the Permitting Project Manager's Supervisor reviews and approves it, and assist in finalizing the document.

i. Review of Final Permit and Related Documents

- The Permitting Project Manager will prepare a Final Permit, Response to Comments, Notice of Final Permit Decision, cover letter to the facility, and

memo to file if necessary, for review by the assigned OLC attorney before the Final Permit is issued by the Department.

- As needed to adequately address public comments and to address any remaining concerns communicated by the facility or other governmental agencies, the assigned OLC attorney may request to review the final CEQA document and other final documents. The documents to be reviewed by the assigned OLC attorney must be reviewed and approved by the Permitting Project Manager's Supervisor before the documents are provided to the assigned OLC attorney for review. To the extent feasible, these documents will be provided to the assigned OLC attorney at the same time for review.
- The assigned OLC attorney will provide the Permitting Project Manager with written comments. They will discuss the comments and any necessary revisions to the above-mentioned documents and attempt to resolve all identified issues before the Final Permit is issued by the Department. The assigned OLC attorney will notify the Permitting Project Manager and his or her Supervisor in writing indicating that the assigned OLC attorney has completed his or her review of the documents by signing in the designated area for OLC on DTSC's sign-off sheet.

2. Other Document Review:

Upon receipt of any other documents, such as requests for permit modification, closure/post closure plan or related revision, and permit condition implementation documents, the Permitting Project Manager will consult with the assigned OLC attorney on an as-needed basis. The Permitting Project Manager will initiate a new EnviroStor Work Request, and attach a copy of the documents or provide a link to the documents in EnviroStor.

3. Timeframes for Review:

- The Permitting Project Manager will provide a project schedule, including anticipated tasks, timelines, and due dates, to the assigned OLC attorney. The assigned OLC attorney will incorporate anticipated project activities into his or her work schedule. The Permitting Project Manager will provide updated schedules and discuss them with the OLC attorney when schedules are revised. The project schedule prepared by the Permitting Project Manager may include anticipated tasks, timelines and due dates for the involvement of the Department's other Core Program and Shared Services staff.
- If an OLC attorney has been assigned to the project, approximately one week prior to submitting an EnviroStor Work Request for review of any document, the Permitting Project Manager will discuss a due date with the assigned OLC

attorney based on the project schedule. This mutually agreed-upon due date will be shown in the EnviroStor Work Request.

- The following table is a suggested timeframe for review by the assigned OLC attorney. It may vary based on the quality of the document, the complexity of the facility's operation, and any pending issues concerning the facility or the community.

Timeframes for OLC Review	
OLC Review	Timeframes for First Round of Review
Draft Permit, Statement of Basis or Fact Sheet and Public Notice	1 month
Draft Response to Comments	2 weeks to 1 month
Final Permit, Final Response to Comments, Notice of Final Permit Decision, cover letter to facility, and memo to file (if necessary)	1 week to 1 month
OLC Review of Other Documents Upon Request by OLC or Permitting Project Manager	Timeframes for First Round of Review
Permit Application	1 month
Disclosure Statement – Compliance Report	2 weeks
CEQA documents	2 weeks to 1 month
Community Notice or Update	3 days to 1 week

4. Dispute Resolution:

- In the event of any disagreement between the Permitting Project Manager and the assigned OLC attorney about any issues addressed in this DPM, the Permitting Project Manager and the assigned OLC attorney will immediately refer the matter to their immediate Supervisors and Assistant Chief Counsel

for resolution. If the Supervisors and Assistant Chief Counsel cannot resolve the matter, the matter will be referred to the respective Permitting Branch Chief for discussion with the Assistant Chief Counsel. If the Branch Chief and the Assistant Chief Counsel cannot resolve the matter, the matter will be referred to the Permitting Division Chief for discussion with the Assistant Chief Counsel. If the Permitting Division Chief and the Assistant Chief Counsel cannot resolve the matter, the Deputy Director of HWMP and the Chief Counsel will make the final decision. If the matter is still not resolved, the Director will make the final decision.

- As needed, the Deputy Director of HWMP, the Chief Counsel, and the Director will be briefed during the dispute resolution process.

5. Schedule Sharing:

- The assigned OLC attorney will communicate any delay in completing the Permitting Project Manager's EnviroStor Work Request at least seven days prior to the expiration of the projected completion date.
- Any significant delay in completing the Permitting Project Manager's EnviroStor Work Request may be subject to the Dispute Resolution process outlined in section 4 above.
- The Permitting Project Manager will post the permit project schedules on EnviroStor and make them available to OLC staff separately.

6. Meetings:

- In addition to regular project-specific coordination meetings, the Chief Counsel and the Assistant Chief Counsels will meet with the Permitting Division Chief, Branch Chiefs, and Supervisors at least twice a year to discuss Permitting's overall schedules, facility-specific schedules, goals, and annual workloads; identify facilities with high level of community interest and facilities with significant compliance issues, and address any outstanding issues, in order to expedite the permit application review process and ensure that the Department's permit decisions are timely, consistent, technically sound, and legally defensible.

7. Cross-Training:

- The Permitting Supervisors and Assistant Chief Counsels will identify opportunities for cross-training on topics such as effective permit writing, hazardous waste management requirements, waste classification, and attend the trainings as appropriate.

CONTACTS: Please see the Permitting Departmental Procedures Memoranda SharePoint page for information about staff to contact if you have questions regarding this DPM. Questions and comments about this DPM can also be posted on SharePoint at: <http://dtsc-share/PP/PDPM/default.aspx>.

Date: December 30, 2015

 /s/ Barbara A. Lee
Barbara A. Lee, Director



DEPARTMENTAL PROCEDURES MEMORANDUM

Subject: Permitting Enhancement: Coordination Between HWMP Permitting Division and Brownfields and Environmental Restoration Division in the Closure Process	Number: DPM-P-2B
Supersedes: New	Date Issued:

I. PURPOSE

The Department's mission is to protect California's people and environment from the harmful effects of hazardous substances which include hazardous waste. In filling its mission, it is the Department's goal to make timely, technically sound, legally defensible, and consistent decisions regarding the permitting of hazardous waste facilities and the management of hazardous waste.

This Departmental Procedures Memorandum (DPM) addresses how staff in the Hazardous Waste Management Program (HWMP) Permitting Division (Permitting) and the Brownfields and Environmental Restoration Division (Cleanup) will coordinate and communicate in the full or partial closure of a hazardous waste treatment, storage and disposal (TSD) facilities under permit or interim status. This document also addresses post-closure collaboration and responsibilities. This clarity is intended to make the closure and associated oversight activities more efficient, and to facilitate effective coordination and collaboration between Permitting and Cleanup throughout the life-cycle of permitting.¹

II. APPLICABILITY

This DPM applies to Permitting and Cleanup when engaged in activities related to hazardous waste facility permitting closure actions.

¹ This DPM is not a rule and does not create any legal obligations on behalf of the Department. This DPM outlines the Department's general procedures with respect to the subject area addressed herein. There may be project-specific circumstances that require Department staff to deviate from these procedures, and the extent to which the Department applies this DPM may depend on the facts of each project. Department staff should consult with their immediate supervisors if they have questions regarding the applicability of this DPM to their project.

III. PROCEDURES

1. Closure Notification

The Permitting Project Manager is responsible for DTSC's response to the notification of closure received from a facility. Upon receipt of notification from a facility that they intend to initiate closure, immediately transmit the notification of closure to the appropriate Project Manager (Permitting or Cleanup). A determination should be made quickly whether additional time is required for review of the closure plan, and the facility notified. Facilities with approved closure plans are required to provide notification 45 or 60 days prior, depending on the type of unit undergoing closure. An Interim Status facility must submit a closure plan to DTSC at least 180 days prior to the date closure is expected to begin. The Permitting Project Manager reviews, determines if the closure plan meets closure requirements, and submits the draft closure plan for public comment.

2. Closure Implementation

The coordination and respective responsibilities of Cleanup and Permitting in the hazardous waste facility closure process are shown in Table 1. Note that the table is a recommendation for Division of Labor; responsibilities between Permitting and Cleanup for any specific project can be adjusted through mutual agreement of Permitting and Cleanup. The approach can and should be adjusted to the satisfaction of the appropriate Permitting/Cleanup Branch Chiefs, or higher levels, as needed. Permitting will provide appropriate PCA charge codes – and site codes where applicable -- to Cleanup staff overseeing closures that are determined to be led by the Cleanup Program.

Closure Type	Permitting	Cleanup
Units anticipated for clean closure or units where waste will be left in place, <i>(i.e., that do not require extensive soil or groundwater remediation)</i>	<ul style="list-style-type: none">• Lead role including:<ul style="list-style-type: none">○ Project Management○ Receipt of the closure notification○ Review and approval of closure plan○ Oversight of implementation○ Public meetings○ Facility Interface○ Public-facing Envirostor updates○ OPEA interface and CEQA-related document preparation.	

Table 1. Respective Responsibilities of Permitting and Cleanup During Closure		
Closure Type	Permitting	Cleanup
Units requiring extensive cleanup action (<i>e.g., dirty closure</i>)	<ul style="list-style-type: none"> • Support role • Processes permit modifications and performs permit-related administrative activities • Reviews and determines whether a Post-Closure permit will be needed • Submits closure plans to Regional Water Quality Control Board (HSC 25246) 	<ul style="list-style-type: none"> • Lead role including <ul style="list-style-type: none"> ○ Project Management ○ Review and approval of closure plan ○ Oversight of implementation ○ Public meetings ○ Facility Interface ○ Public-facing Envirostor updates ○ OPEA interface and CEQA-related document preparation. ○ Coordinate with and inform Permitting Project Manager
Closures that Transition from Clean Closure to extensive cleanup	<ul style="list-style-type: none"> • Initially lead role, transition to support role. 	<ul style="list-style-type: none"> • Overall lead on implementation of closure after transition.
Partial closure (<i>portion of facility remains subject to operating permit</i>)	<ul style="list-style-type: none"> • Lead on operating permit requirements. • Lead on closures that do not require extensive cleanup. • Lead on permit modifications. 	<ul style="list-style-type: none"> • Lead on closures that require extensive remediation. • Closely coordinates with Permitting to ensure they are aware of project status and upcoming permit actions needed, and to obtain input on key plans and reports. • Lead in the communications with Office of Planning and Environmental Analysis (OPEA) on CEQA actions related to activities they are leading.
Post-Closure Care and Related Permits and Permit Modifications	<ul style="list-style-type: none"> • Places call-in letter for Post-Closure Permit or Mod Application to 	<ul style="list-style-type: none"> • If transitioning from “dirty closure” to post-closure care:

Table 1. Respective Responsibilities of Permitting and Cleanup During Closure		
Closure Type	Permitting	Cleanup
<p><i>(Note that if corrective action and post-closure care are ongoing at one facility, the groundwater monitoring may be integrated under the Cleanup Program [Corrective Action or Hazardous Substance Account]. Integration of post-closure groundwater monitoring under the Cleanup Program can be helpful to avoid delays caused by the need for permit mods for changes in wells; thereby moving cleanup action forward more efficiently. See DPM-P-2C regarding corrective action).</i></p>	<p>Facility</p> <ul style="list-style-type: none"> • Lead on permitting actions and modifications. • Project Manager for post closure care 	<ul style="list-style-type: none"> ○ Transfer assignment to Permitting PM through email or other written communication, confirming with Permitting Project Manager Supervisor. ○ Works with Permitting Project Manager to ensure they are aware of the post-closure care requirements, any special considerations or concerns. Coordinates 'transition' of post-closure management to permitting.

3. Closure Certification

After closure activities, the facility submits a closure implementation report that is reviewed by DTSC to assess whether the closure plan requirements have been met.

For those units/ facilities over which Cleanup is overseeing closure, the procedure is as follows.

Upon receipt of both the closure implementation report, the Cleanup PM acknowledges receipt of the document back to the facility. The Cleanup PM provides the report to the Permitting PM for review. The Permitting PM and Cleanup PM collaborate on the verification that the closure met the closure plan requirements. A meeting is recommended for this collaboration, although email may be acceptable if both PMs are in agreement. Upon determination that the report met the closure requirements, the Cleanup PM instructs the facility to submit the Closure Certification.

The Permitting PM approves closure certification, and updates Permitting Envirostor appropriately.

DPM-P-2B

Permitting Enhancement: Coordination Between Permitting Division and Brownfields and Environmental Restoration Division in Closure Actions

The Cleanup PM:

- Reviews closure certification and verification submittals from facility, and provides notification to facility of receipt of documents.
- Provides closure verification and certification submittals to Permitting.
- Provides recommendation regarding acceptance of the closure certification and other relevant input to Permitting.

Confirm that clean closure performance standard has been met; if not, refer site to Permitting for post-closure program.

4. Post-Closure

When closure activities cannot achieve “clean closure”, post-closure care is required. In these situations, after closure has been deemed complete, Permitting manages and oversees all Post-Closure care and related activities. These include: placing a reminder letter (previously referred to as a call-in letter) to the facility to require a permit application submittal for post-closure, overseeing the permit modification process, and overseeing the implementation of the post-closure care and related activities. Post-closure care typically includes regular groundwater monitoring, reporting, and operation and maintenance of any ongoing remediation systems (e.g., biovent, soil-vapor extraction, groundwater pump and treat systems).

5. Overall Coordination

Where closure activities at a facility are partially or fully led by Cleanup, the Cleanup PM should notify the Permitting Project Manager when approaching the time (at least 30 days prior) for the following:

- Completion of closure
- Determination that post-closure care will be required
- Actions requiring a permit modification or other permit activity (note that the Cleanup Project Manager may not be aware of situations that trigger permit modifications. The Permitting Project Manager and the Cleanup PM shall communicate prior to any action or change so that the Permitting Project Manager can identify situations that may trigger the need for a permit modification, e.g., completion of closure, change of closure plan, etc.)
- Actions requiring public involvement (e.g., completion of closure and associated permitting action)
- Actions requiring CEQA documentation, if any

The notification from Cleanup to the Permitting Project Manager will be by email or other form of written communication.

The Permitting Project Manager will share information of use to the Cleanup PM, such as community experience, public participation plan, and documents/ information of value to the CEQA document preparation.

For CEQA documents developed for a closure led by Cleanup, Cleanup is the lead author/ interface with OPEA. For closures led by Permitting, Permitting is the lead author/ interface with OPEA. In this situation, the Permitting Project Manager provides supporting documents, as available, and may help in the writing depending on workload and mutual agreement of the Cleanup and Permitting Project Manager and their Supervisors. CEQA documents for a closure action should not be integrated with unrelated actions at the Facility. Combining two otherwise unrelated actions into one CEQA document with one public comment period, can result in delaying both actions should an issue unique to one action arise that requires further study or otherwise delays progress. However, consult with OPEA to confirm an appropriate strategy for combining or separating CEQA documents.

Cleanup and Permitting leadership (Branch or Division Chiefs) will communicate quarterly by a meeting or email on the status of projects where actions managed by both Cleanup and Permitting at permitted hazardous waste management facilities.

6. Dispute Resolution

- In the event of a disagreement, scheduling issues, or other outstanding matters that are not resolved at the staff level, both staff will refer the matter to their immediate supervisors for resolution. If the supervisors are unable to resolve the matter, it will be referred to the two Branch Chiefs who will review and discuss the issue. If there is no resolution, the Cleanup and Permitting Division Chiefs will review and discuss the issue. If no resolution is reached, the Deputy Directors will be responsible for the final decision. If the matter is still not resolved, the Director will make the final decision
- For high visibility projects, the Deputy Directors should always be briefed on the decision process.

CONTACTS: Please see the SharePoint page at <http://dtsc-share/PP/PDPM/default.aspx> for information about staff to contact if you have questions regarding this DPM. Questions and comments about this DPM can also be posted on SharePoint page at <http://dtsc-share/PP/PDPM/default.aspx>.

Date: December 30, 2015

/s/ Barbara A. Lee
Barbara A. Lee, Director



DEPARTMENTAL PROCEDURES MEMORANDUM

Subject: Permitting Enhancement: Coordination Between HWMP Permitting Division and Brownfields and Environmental Restoration Division in the Corrective Action Process	Number: DPM-P-2C
Supersedes: New	Date Issued:

I. PURPOSE

The Department's mission is to protect California's people and environment from the harmful effects of hazardous substances which include hazardous waste. In filling its mission, it is the Department's goal to make timely, technically sound, legally defensible, and consistent decisions regarding the permitting of hazardous waste facilities and the management of hazardous waste.

This Departmental Procedures Memorandum (DPM) addresses how staff in the Hazardous Waste Management Program's (HWMP) Permitting Division (Permitting) and the Brownfields and Environmental Restoration Division (Cleanup) will coordinate and communicate in the corrective action process for a hazardous waste permitted facility. This DPM applies to all facilities being overseen by the Permitting Division. A facility that has withdrawn their permit application or a facility that has completed closure and is no longer submit to a permit, are not addressed by this DPM. This clarity will make the corrective action and associated oversight activities more efficient, and will facilitate effective coordination and collaboration between Permitting and Cleanup throughout the life-cycle of permitting.¹

II. APPLICABILITY

This DPM applies to Permitting and Cleanup when engaged in activities related to corrective action at permitted hazardous waste facilities. This DPM does not address coordination between RCRA corrective action and CERCLA site activities.

¹ This DPM is not a rule and does not create any legal obligations on behalf of the Department. This DPM outlines the Department's general procedures with respect to the subject area addressed herein. There may be project-specific circumstances that require Department staff to deviate from these procedures, and the extent to which the Department applies this DPM may depend on the facts of each project. Department staff should consult with their immediate supervisors if they have questions regarding the applicability of this DPM to their project.

III. CORRECTIVE ACTION

Within DTSC, corrective action effort is led by Cleanup. Cleanup and Permitting coordinate to ensure that appropriate actions are taken, and so that the Cleanup Project Manager and Permitting Project Manager are mutually informed of site activities and facility communications, as appropriate. This coordination is also performed so that the permit properly addresses compliance with the corrective action requirements. Following is a description of the responsibilities of each program, and points of coordination.

Processing of New Permit Applications/ Permit Renewals:

Permitted hazardous waste treatment, storage, and disposal facilities (including those subject to Standardized Permits) are subject to corrective action requirements.

The Permitting Project Manager determines if a facility seeking a permit renewal is undergoing corrective action or if there is a need for corrective action. The Permitting Project Manager will review Cleanup Envirostor information and/or email the Cleanup Project Manager or Supervisor to determine if there is an ongoing cleanup action. To determine if a site has ongoing corrective action under the Regional Water Quality Control Board, the Permitting Project Manager will check GeoTracker -- the State database that contains data for sites overseen by the Regional Water Quality Control Boards - <http://geotracker.waterboards.ca.gov/>. It should be noted that facilities where corrective action is ongoing by the Regional Water Quality Control Board may show as complete in the DTSC Cleanup Envirostor system. If there is no ongoing corrective action, the Permitting Project Manager assesses and determines, based on existing RCRA facility assessments (RFAs), phase I environmental assessment², site observations, enforcement history, facility operational history, and other information -- early in the permitting process -- if corrective action will be required. If it is determined that corrective action is required, the Permitting Project Manager consults with Cleanup, and requests a Cleanup Project Manager be assigned through an Envirostor work request. Note that the RFA or phase I environmental assessment is performed by Permitting.

Corrective action is ideally and most often implemented through a Corrective Action Consent Agreement (CACCA) or Corrective Action Order (CAO) between DTSC and the

² For purposes of corrective action, standardized permits are required to conduct a phase I environmental assessment. DTSC has developed a Phase I Environmental Assessment Checklist for corrective action at non-RCRA facilities as the law (HSC, sections 25200.14 and 25201.6(i)) allows in lieu of the federal process.

facility. In this approach, the permit language identifies that corrective action is ongoing, and refers to the CACA or CAO. Using the CACA or CAO, and minimizing reference to details in the permit is preferred because the corrective action process requires several years to implement, and the details are likely to change during the life of the permit. Permits that detail specific requirements (e.g., units requiring action, corrective measure, timeframes, etc.) require modification when changes occur, thereby unnecessarily extending the cleanup schedule due to the time required for permit modification. Including details of corrective action in the facility permit also creates the need for additional coordination and integrated work effort between Cleanup and Permitting as described later in this document.

2. Corrective Action:

The Cleanup Project Manager is in the lead role for all corrective action activities including responsibility for public outreach, public notice, and conformance with all relevant RCRA corrective action requirements. The Cleanup Project Manager establishes the order or agreement with facility for Corrective Action. The Cleanup Project Manager communicates regularly with Permitting Project Manager to inform them of the status of corrective action, and copies the Permitting Project Manager on key communications with Facility. The Cleanup Project Manager and the Permitting Project Manager should schedule a call/ meeting at the beginning of the corrective action process to plan key milestones that should be communicated to the Permitting Project Manager. As a rule of thumb, the Cleanup Project Manager should notify the Permitting Project Manager when approaching the time (a minimum of 30 days prior) for both starting and completing the following:

- Issuance of CACA (consent agreement) or CAO (order)
- Interim Measures
- RFI
- Corrective Measures Study
- Remedy Selection and Statement of Basis
- Corrective Measures Implementation
- Actions requiring CEQA documentation
- Actions requiring public participation
- Completion of Corrective Action
- Actions requiring a permit modification, such as changes (addition/ deletion) to monitoring wells identified in the permit or permit application or completion of corrective action. (Note that the Permitting Project Manager needs to work with the Cleanup PM so that they are aware of the situations that may trigger the need for a permit modification, e.g., completion of closure, change of closure plan, etc.)

Review of documents and communications with the facility related to the above-listed activities are the responsibility of the Cleanup Project Manager. The Permitting Project Manager shall forward any documents submitted by the facility related to cleanup activities to the Cleanup project Manager for action.

The Cleanup Project Manager will also notify the Permitting Project Manager when a facility has failed to comply with their corrective action requirements or is invoking the dispute resolution process. A copy of enforcement orders issued to the facility should be copied to the Permitting Project Manager. Notifications from the Cleanup Project Manager to the Permitting Project Manager will be provided by email or other form of written communication.

The Permitting Project Manager will notify the Cleanup PM when activities occur or are planned that could impact the Cleanup PM activities, such as public involvement activities, spills or releases at the facility, or decisions related to the facility, etc.

The Cleanup Project Manager is responsible for the scope, content, and implementation of items in the CACA or CAO. The Cleanup Project Manager and Permitting Project Manager work together to ensure the permit and consent agreement (or order) are coordinated through a meeting, email or other communication.

The Permitting Project Manager reviews communications and information provided by the Cleanup Project Manager, and remains informed of the overall status of corrective action activities at the Facility. If corrective action is specified in a permit and changes to the corrective action conditions specified in that permit require a permit modification, the Permitting Project Manager works with the Cleanup Project Manager to initiate the modification (CCR, title 22, section 66271.4[a]) and or oversee the Facility-initiated permit modification. The Permitting Project Manager determines the type of permit modification (e.g., Class I, Class II, or Class III) and associated permitting process requirements (e.g., public notice, public participation, and time frames).

Cleanup and Permitting leadership (Branch or Division Chiefs) communicate quarterly on general topic of cleanup and permitting actions at permitted hazardous waste management facilities. Note that the split of responsibilities between Permitting and Cleanup for any specific project can be adjusted through mutual agreement of Permitting and Cleanup. For example, the intent is not to change the approach on sites with ongoing corrective actions, being implemented in a manner different from that described in this DPM. The approach can and should be adjusted to the satisfaction of the appropriate Permitting/Cleanup Branch Chiefs, or higher levels, as needed.

CEQA documents for corrective action and permitting actions should generally be separate as a best practice. Combining the two into one CEQA document and related public comment period, can result in delaying both actions unnecessarily, should an issue unique to one action arise that requires further study or otherwise delays progress. Combining the two also creates a need for additional coordination and

integrated work effort between Permitting and Cleanup. However, consult with OPEA to confirm an appropriate strategy for combining or separating CEQA documents.

3. Dispute Resolution

- In the event of a disagreement, scheduling issues, or other outstanding matters that are not resolved at the staff level, both staff will refer the matter to their immediate supervisors for resolution. If the supervisors are unable to resolve the matter, it will be referred to the two Branch Chiefs who will review and discuss the issue. If there is no resolution, the Cleanup and Permitting Division Chiefs will review and discuss the issue. If no resolution is reached, the Deputy Directors will be responsible for the final decision. If the matter is still not resolved, the Director will make the final decision.
- For high visibility projects, the Deputy Directors should always be briefed on the decision process.

CONTACTS: Please see the SharePoint page at <http://dtsc-share/PP/PDPM/default.aspx> for information about staff to contact if you have questions regarding this DPM. Questions and comments about this DPM can also be posted on SharePoint page at <http://dtsc-share/PP/PDPM/default.aspx>.

Date: December 30, 2015

 /s/ Barbara A. Lee
Barbara A. Lee, Director



DEPARTMENTAL PROCEDURES MEMORANDUM

Subject: Permitting Enhancement: Coordination Between HWMP's Permitting Division and Brownfields and Environmental Restoration Program Support Services	Number: DPM-P-2A
Supersedes: New	Date Issued:

I. PURPOSE

The Department's mission is to protect California's people and environment from the harmful effects of hazardous substances which include hazardous waste. In fulfilling its mission, it is the Department's goal to make timely, technically sound, legally defensible, and consistent decisions regarding the permitting of hazardous waste facilities and the management of hazardous waste. This Departmental Procedures Memorandum (DPM) addresses how staff in the Hazardous Waste Management Program's (HWMP) Permitting Division (Permitting) and Brownfields and Environmental Restoration Program (Cleanup) Support Services will coordinate and communicate regularly before and after the Department makes a permitting decision.¹ The Support Services consist of:

- Human and Ecological Risk Office (HERO)
- Geological Services Branch (GSB)
- Engineering and Special Projects Office (ESPO)

II. APPLICABILITY

This DPM applies to Permitting and Cleanup's Support Services when engaged in activities related to hazardous waste facility permits, inspections of hazardous waste

¹ This DPM is not a rule and does not create any legal obligations on behalf of the Department. This DPM outlines the Department's general procedures with respect to the subject area addressed herein. There may be project-specific circumstances that require Department staff to deviate from these procedures, and the extent to which the Department applies this DPM may depend on the facts of each project. Department staff should consult with their immediate supervisors if they have questions regarding the applicability of this DPM to their project.

facilities, and reviewing permitting documents. Adherence to this DPM will help ensure DTSC compliance with the California Business and Professions Code (Geologists and Geophysicists Act, Section 7835 and Professional Engineers Act, Section 6735) which requires that professional geologic and engineering work at DTSC must be performed by or under the responsible charge of the professional licensed and proficient in the specific discipline that is appropriate to the geologic or engineering work being performed.

III. PROCEDURES

1. New Permits/ Permit Renewals / Permit Modifications:

a. Pre-Application

- During the pre-application stage of the permit application review process, the Permitting Project Manager will request that a Support Staff person from each of the three Support Services be assigned to the project depending on the proposed activities and site-specific conditions. The Permitting Project Manager will initiate an EnviroStor Work Request for assignment of Support Staff.
- All Support Staff Chiefs and their first-line supervisors will receive and review the EnviroStor Work Request notification, and assign the appropriate Support Staff to work with the Permitting Project Manager. Once assigned, the Support Staff will contact the Permitting Project Manager. Subsequent EnviroStor requests will be directed to the assigned Support Staff.
- The Permitting Project Manager will place the name(s) of the Support Staff in the “Contacts” section of EnviroStor for that project.
- The Permitting Project Manager and the Support Staff will discuss the anticipated schedule and activities for the project and the process for regular coordination and communication.
- The Permitting Project Manager and the Support Staff will conduct a file and EnviroStor review of the facility (in the case of a permit renewal) to determine whether or not there are past and current geological, toxicological or engineering-related issues at the facility. The Permitting Project Manager and Support Staff will consult regarding information necessary to facilitate this determination. Information may include geologic studies (including but not limited to seismic hazards, earthquake and fault zones, shaking intensity, landslides, tsunami and sea level rise inundation zones, liquefaction, soil type and shaking hazard, flood plain, and mineral land classification study areas), groundwater and vadose zone monitoring reports, groundwater inspections, permit modifications, risk assessment reports, or design reports (plans and specifications), tank systems assessment reports, ongoing corrective action

activities (overseen by either the Cleanup Program or under a DTSC permit), or observations from prior site visits. The Permitting Project Manager and the Support Staff will discuss this information early in the process, preferably before the early site visit, to determine whether changes to the permit application or additional permit conditions are necessary to address all issues.

- Upon completion of this coordination, the decisions/outcomes will be summarized by the Permitting Project Manager in a brief memorandum and uploaded to EnviroStor as mutually agreed upon by the Support Staff and Permitting Project Manager.
- The Permitting Project Manager will notify the Support Staff of upcoming site visits and scoping meetings through an additional EnviroStor Work Request. It is highly recommended that Support Staff attend at least one early site visit. The goal of this coordination is to allow all to become familiar with the facility and identify requirements early on in the permitting process.

General Activities:

- The Permitting Project Manager will organize an initial team meeting with all assigned Support Staff early in the permitting process to initiate timely coordination and regular communication.

Support Staff will do the following:

- HERO will consult with the Permitting Project Manager to determine what potential risks may be posed by the facility's current operations and possible future operations which generate hazardous waste.
- HERO will consult with the PPM to determine whether an existing Human and/or Ecological Risk Assessment should be updated, or a new one may be required. HERO can assist the Facility in developing the Scope of Work and review contract deliverables.
- GSB will work with Permitting Project Manager to determine that geologic studies (including but not limited to seismic hazards, earthquake and fault zones, shaking intensity, landslides, tsunami and sea level rise inundation zones, liquefaction, soil type and shaking hazard, flood plain, and mineral land classification study areas) are required and can assist in the scoping of deliverables.
- GSB will consult with the Permitting Project Manager regarding the environmental monitoring requirements (e.g., groundwater, soil, vadose zone, and landfill gas) for operating and post-closure facilities.
- GSB will conduct a groundwater audit or inspection to identify deficiencies in facilities with an existing groundwater monitoring

program. This should be done one to two years before the reminder of expiration / call-in letter is sent to the facility.

- GSB will review routine monitoring reports (e.g., groundwater and vadose zone) for facilities with an existing environmental monitoring program.
- ESPO will work with the Permitting Project Manager during scoping sessions to identify engineering documents, reports and technical specifications that should be included / addressed in the permit application.
- ESPO will review the tank certification requirements including applicable regulations to ensure the facility provides an accurate application package.

b. Technical Review of Permit Application

- Once the permit application is determined to be administratively complete, the Permitting Project Manager will submit an EnviroStor Work Request for Support Staff's review of the permit application. It is recommended that the Permitting Project Manager identify those parts of the application that require each Support Staff's review. The Permitting Project Manager will provide the Support Staff with a copy of Part A and Part B of the permit application (hard copy, email, or electronic copy) and any other relevant information.
- The Support Staff will perform a technical review of all applicable sections of the permit application for deficiencies and inconsistencies utilizing their specific guidance, protocols or professional judgement if specific protocols are not available. The Permitting Project Manager may provide additional information and identify areas of specific focus or interest for the Support Staff's review.

General activities. Support staff will do the following:

- HERO will review the sampling and analysis portion of a closure plan to determine if the plan design and/or the data quality objectives are adequate to support a conclusive risk assessment.
- HERO will work with the Permitting Project Manager and applicant's Consultants to develop the Health (and/or Ecological) Risk Assessment Work Plan, and review the draft and final report of the risk assessment.
- GSB will review geologic studies (including but not limited to seismic hazards, earthquake and fault zones, shaking intensity, landslides, tsunami and sea level rise inundation zones, liquefaction, soil type and shaking hazard, flood plain, and mineral land classification study areas).

DPM-P-2A

Permitting Enhancement: Coordination Between Permitting Division and Cleanup Division

Support Units: HERO, GSB, ESPO

- GSB will review the environmental (groundwater, soil, and vadose zone) monitoring and sampling and analysis plan portion of a closure plan and post-closure plan.
 - ESPO will review and approve geotechnical plans.
 - ESPO will review and provide initial comments / approval of the cost estimates for Closure, Post-closure and Corrective Action, if requested.
 - ESPO will review and approve design plans and specifications and initiate tank systems (which include secondary containment), seismic and load bearing evaluations, and certifications at the earliest stage of the process. This will include closure and Post-Closure activities.
 - ESPO will review and approve selection of equipment and treatment systems for cleanup of contaminated soil and groundwater, if applicable.
 - ESPO will review the tank design portion of the closure plan.
 - ESPO will provide engineering support related to construction and implementation of the selected remedy to clean up contaminated soil, air and water, as applicable.
- The Permitting Project Manager and the Support Staff will consult with each other during this review.
 - When Support Staff prepares a memorandum:
 - The Support Staff will prepare a draft memorandum addressed to the Permitting Project Manager identifying any deficiencies and inconsistencies. The Support Staff will follow their internal review process in preparing the draft memorandum.
 - Once the Support Staff has completed the draft memorandum, the Support Staff will provide the Permitting Project Manager with a draft memorandum by email or hard copy. The Permitting Project Manager will review the draft memorandum and provide feedback to the Support Staff within two weeks. The Permitting Project Manager will ensure project requirements and Hazardous Waste Management Program policies and procedures are addressed in the Support Staff memorandum. The draft memorandum is for internal review and should not be provided to the facility.
 - The Support Staff will work with the Permitting Project Manager on format and content of the draft memorandum so that specific sections can be easily referenced in the Notice of Deficiency (NOD).
 - Once the Support Staff and Permitting Project Manager agree that the memorandum can be finalized, the Support Staff will finalize the memorandum following their internal process within 5 to 7 business days.
 - The Support Staff will upload a PDF electronic copy of the final memorandum to the EnviroStor work request and closeout the work request.

- The Permitting Project Manager will attach the memorandum to the NOD that is sent to the facility. A copy of the NOD that includes the Final Memorandum(s) will be uploaded to EnviroStor.
- For subsequent revisions to the permit application or if the facility prepares a response to comment document based on the NOD, the Permitting Project Manager will follow the same technical review process as described above. The Permitting Project Manager will provide Support Staff with the Final Part A and Part B of the permit application as a hard copy, email or electronic copy as part of the EnviroStor Work Request.
- If all deficiencies have been addressed, or if there are no problems with the application, the Support Staff will prepare a final memorandum within 5 to 7 business days of making this determination that states such, and describes the portions of the document that were reviewed. The Support Staff will provide the Permitting Project Manager with an original signed copy or an email with a PDF of the final signed memorandum.

c. Preparation of Draft Permit

- If the decision is made to proceed with issuing a draft permit for public notice, the Permitting Project Manager will prepare a draft permit.
- The Permitting Project Manager will initiate a new EnviroStor Work Request for Support Staff's assistance with preparation of the sections of the draft permit that cover topics pertinent to the specific areas of expertise of the various Technical Support groups. The Permitting Project Manager will provide the Support Staff with a copy of the draft permit as a hard copy, email, or electronic copy as part of the EnviroStor Work Request, as needed by the Support Staff.
- The Support Staff will assist with preparation of the permit conditions applicable to their expertise.
- The Support Staff will provide the Permitting Project Manager with written comments or with "track-changes" edits to the draft permit. If necessary, the Permitting staff and the Support Staff will meet to discuss the comments and any necessary revision to the draft permit and attempt to resolve all identified issues before the draft permit is public noticed.
- Support Staff will close out the EnviroStor work request once the draft permit Support Staff comments have been accepted or otherwise addressed.

d. Preparation of Factsheet/Statement of Basis and Community Notices:

- The Permitting Project Manager will initiate a new EnviroStor Work Request for the Support Staff's assistance in preparing a Factsheet/Statement of Basis and Community Notice to the extent that these documents address technical information specific to the Support Staff. The Permitting Project Manager will provide the Support Staff with a copy of the documents as a hard copy, email, or electronic copy as part of the EnviroStor Work Request, as needed by the Support Staff.
- The Support Staff will review the documents for accuracy and provide necessary information and assistance in preparing them within the agreed to timeframe placed in the Work Request.
- Support Staff will close out the EnviroStor Work Request after delivery of the final comments.

e. Public Meetings and Hearings

The Permitting Project Manager will confer with the Support Staff to determine if Support Staff should attend and/or make presentations at public meetings and hearings to provide technical information. The Support Staff may also assist with preparing presentations and presentation materials. The Permitting Project Manager will provide the Support Staff with a copy of the documents as a hard copy, email, or electronic copy as part of the EnviroStor Work Request, as needed by the Support Staff.

f. Response to Public Comments:

- If during the public comment period, the Department receives technical comments on the draft permit, the Support Staff will assist in reviewing and preparing the responses to these comments. The Permitting Project Manager will initiate a new EnviroStor Work Request for the Support Staff's review of, and assistance in preparing, any draft and final responses to public comments. The Permitting Project Manager will provide the Support Staff with a copy of the documents as a hard copy, email, or electronic copy as part of the EnviroStor Work Request, as needed by the Support Staff. The Support Staff will review the response document for accuracy and provide necessary information and assistance in preparing the document.
- Support Staff will close out the EnviroStor Work Request after delivery of the final comments.

2. Other Document Review:

- The Permitting Project Manager will inform the Support Staff upon receipt of any other documents, such as requests for permit modifications, closure/post closure plans, and permit condition implementation documents including and not limited to routine monitoring reports (e.g., groundwater and vadose zone), that are pertinent to the specific areas of knowledge and expertise to request the review of such documents and Support Staff involvement. The Permitting Project Manager will initiate a new EnviroStor Work Request, and will provide the Support Staff with a copy of the documents as a hard copy, email, or electronic copy as part of the EnviroStor Work Request, as needed by the Support Staff. The Permitting Project Manager and the Support Staff will discuss expectations and timeframes for review.
- Support Staff will close out the EnviroStor Work Request after delivery of the final comments.

3. Timeframes for Review:

- The Permitting Project Manager will provide Support Staff a project schedule, including anticipated tasks, timelines, number of hours, and due dates, prepared in consultation with the Support Staff. The Support Staff will incorporate anticipated project activities into his or her work schedule. The Permitting Project Manager will provide updated project schedules and discuss them with the Support Staff at least monthly. The project schedule prepared by the Permitting Project Manager may also include anticipated tasks, timelines and due dates for the involvement of the Department's other support program staff.
- Prior to submitting an EnviroStor Work Request for the Support Staff's review of a particular document, the Permitting Project Manager will discuss a due date with them based on the project schedule. This mutually agreed-upon due date will be shown in the EnviroStor Work Request.
- Support Staff will close out the EnviroStor Work Request after delivery of the final comments.

Timeframes for Cleanup Support Staff's Review	
Cleanup Support Staff's Review	Suggested Timeframes
Pre-Application Scoping and Support	1 month/ prior to expected application submittal when possible
Initial Technical Review of Permit Application	6 weeks to 3 months
Subsequent Technical Review	1 month
Preparation of Draft Permit	1 to 3 months
Preparation of Factsheet/Statement of Basis and Community Notice	2 weeks
Response to Public Comments	5 weeks
Other Document Reviews	1 to 3 months

4. Dispute Resolution:

- In the event of any disagreement between the Permitting Project Manager and Support Staff about Support Staff comments, work products, or tasks included in this DPM, the Permitting Project Manager and Support Staff should attempt to resolve the disagreement. If the Permitting Project Manager and Support Staff cannot resolve the issue, the Permitting Project Manager and the Support Staff from each Unit will refer the matter to their immediate Supervisors for resolution. If the Supervisors cannot resolve the matter, they will refer the matter to their respective Branch Chiefs. If the Branch Chiefs cannot resolve the matter, they will refer the matter to their respective Division Chiefs. If the Division Chiefs cannot resolve the matter, the Deputy Director of HWMP will make the final decision.
- As necessary, the Deputy Director of HWMP will be briefed during the dispute resolution process.

5. Meetings:

- In addition to regular project-specific coordination meetings, the Cleanup Division Chiefs, Branch Chiefs, and Supervisors will meet with the Permitting Division Chiefs, Branch Chiefs, and Supervisors at least twice a year to discuss Permitting's overall schedules, facility-specific schedules, goals, and annual workloads; identify high-visibility facilities and facilities with significant issues; and address any outstanding issues, in order to expedite the permit

application review process and ensure that the Department's permit decisions are timely, technically sound, legally defensible, and consistent.

6. Cross-Training:

- The Permitting Project Manager and the Support Staff will identify opportunities for cross-training on topics such as hazardous waste management requirements, waste classification, Risk Assessment, Risk Communication, geological, engineering and design requirements, and effective permit writing, and attend the trainings as appropriate.

CONTACTS: Please see the SharePoint page for information about staff to contact if you have questions regarding this DPM. Questions and comments about this DPM can also be posted on the SharePoint page at <http://dtsc-share/PP/PDPM/default.aspx>.

Date: December 30, 2015

/s/ Barbara A. Lee
Barbara A. Lee, Director



DEPARTMENTAL PROCEDURES MEMORANDUM

Subject: Permitting Enhancement: Coordination Between HWMP's Permitting Division and Financial Responsibility Unit	Number: DPM-P-3
Supersedes: New	Date Issued:

I. PURPOSE

The Department's mission is to protect California's people and environment from the harmful effects of hazardous substances which include hazardous waste. In fulfilling its mission, it is the Department's goal to make timely, technically sound, legally defensible, and consistent decisions regarding the permitting of hazardous waste facilities and the management of hazardous waste.

This Departmental Procedures Memorandum (DPM) addresses how staff in the Hazardous Waste Management Program's (HWMP) Permitting Division (Permitting) and the Financial Responsibility Unit of the Policy Implementation and Support Branch of HWMP (FR Unit) will coordinate and communicate regularly before and after the Department makes a permitting decision.¹

II. APPLICABILITY

This document applies to Permitting and the FR Unit. Please refer to the Coordination DPM-P-01 between Permitting and Enforcement for additional information regarding coordination with the FR Unit on permitting and enforcement issues.

The purpose of financial assurance requirements is to ensure that owners and operators of hazardous waste facilities establish and maintain adequate financial

¹This DPM is not a rule and does not create any legal obligations on behalf of the Department. This DPM outlines the Department's general procedures with respect to the subject area addressed herein. There may be project-specific circumstances that require Department staff to deviate from these procedures, and the extent to which the Department applies this DPM may depend on the facts of each case. Department staff should consult with their immediate supervisors if they have questions regarding the applicability of this DPM to their site.

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assurances², to pay for the implementation of the approved facility closure, post-closure and address any third party liability issues including sudden and non-sudden accidental occurrences. The goal of financial assurance is to guarantee that if the facility is abandoned, goes out of business, files for bankruptcy, “walks away,” or is shut down, DTSC will have adequate financial resources to hire a contractor to close and maintain the facility so it does not pose any financial risk or burden onto California taxpayers.

Regular coordination and communication between Permitting and FR Unit staff prior to, and after the issuance of every permit will help assist the facility to submit, update and maintain adequate financial assurance mechanism(s) at least equal to the closure and post-closure cost estimates Validated by the Permitting Division³. This coordination is designed to ensure the FR Unit’s review of each facility’s financial assurance is considered before Permitting allows a facility to operate as a result of its permit decision.

III. PROCEDURES

1. New Permits/ Modifications /Permit Renewals: These procedures are intended to outline Permitting and FR Unit coordination efforts as they relate to the issuance, modifications and renewal of hazardous waste facility permits.

a) General Considerations

- The FR Unit will assist the Permitting Project Manager by answering questions from the owner or operator regarding financial assurance mechanisms.

b) Administrative Review of Permit Application

- At the time the Administrative completeness letter is sent to the facility, the Permitting Project Manager will include a reference to the financial responsibility requirements, instructing the facility to contact the FR Unit for

² The term “assurance” means a pledge or guarantee.

³The term “Validated” means the cost estimates have been reviewed and confirmed, the Permitting Project Manager has successfully followed the process summarized in the “Workplan for Closure and Post-Closure Cost Estimate Review for Hazardous Waste Facilities” and has received a memorandum from the Senior Engineer that the closure and post closure cost estimates are accurate and adequate.



information and guidance in establishing and/or updating their financial assurance mechanism(s). Some examples of acceptable methods of financial assurance for closure and/or post closure costs that can be used by a facility (one or a combination of the following mechanisms) are: a closure Trust Fund, a Surety Bond guaranteeing payment into a closure Trust Fund, a Surety Bond guaranteeing performance of closure (Performance Bond), a closure Letter of Credit, Closure Insurance, a Financial Test/Corporate Guarantee for Closure.

c) Technical Review of Permit Application/Timeframes for Review

- Once the permit application is determined to be administratively complete, technical review begins. As part of this process the Permitting Project Manager will be responsible for checking and approving the applicant's closure and post closure plan, reviewing the accuracy of the cost estimate submitted by the applicant, and ensuring that the cost estimate(s) submitted by the facility is validated by Permitting's designated Senior Engineer per the procedures outlined in the "Work Plan for Closure and Post-Closure Cost Estimate Review for Hazardous Waste Facilities." This review process is illustrated on a flowchart attached to this DPM and is located on the last page of this document as "Attachment A."

The Work Plan is located at the following SharePoint site:

DTSCNet > Core Programs > Hazardous Waste Management Program > Office of Permitting > Documents > Guidance and Policies > Closure and Post Closure Cost Estimates.

The Work Plan can be also be found by clicking on the link below:

<http://share/core/HWMP/Permitting/Documents/Forms/AllItems.aspx?RootFolder=%2fcore%2fHWMP%2fPermitting%2fDocuments%2fGuidance%20and%20Policies%2fClosure%20and%20Post%20Closure%20Cost%20Estimates&FolderCTID=&View=%7bB2968128%2d80A1%2d47FF%2d940E%2dC001F44BE666%7d>

- If the Permitting Project Manager finds the plans and/or cost estimates to be deficient, he/she will prepare a "Draft Cost Estimate Deficiencies

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Memorandum” and submit the memorandum to the designated Senior Engineer. The designated Senior Engineer will discuss the cost estimate review with the Permitting Project Manager, provide a quality assurance review of the cost estimate deficiencies, inform the Permitting Division Branch Chief(s) of the deficiencies, and finalize and sign the “Cost Estimate Deficiencies Memorandum.”

- The Permitting Project Manager and the designated Senior Engineer will work with the facility owner and/or operator to resolve the deficiencies.
- When he/she becomes aware of a need to update closure and/or the post-closure cost estimate, the Permitting Project Manager will notify the FR Unit within five business days, if changes to the financial assurance mechanism(s) type or amount are expected.
- Once the cost estimate memo is validated by the designated Senior Engineer, the Permitting Project Manager will submit through EnviroStor a request for the FR Unit to conduct a review of the adequacy of the applicant’s financial assurance mechanism(s). The Permitting Project Manager must upload the cost estimate validation memo as part of their EnviroStor work request after he/she completes the procedures outlined in the “Workplan for Closure and Post Closure Cost Estimate Review for Hazardous Waste Facilities. The Permitting Project Manager will also ensure all relevant information affecting the FR Unit review is included in the comment section of the EnviroStor work request. The work request must also specifically state what type of FR review is being requested in support of their permitting decision⁴.
- The Chief of the FR Unit will review the EnviroStor work request within five (5) working days of receipt to ensure all required documents are uploaded. If not, the FR Unit will notify the Permitting Project Manager and their supervisor that the Permitting Project Manager’s work request will not be accepted (and will request the EnviroStor work request be deleted).
- The Permitting Project Manager will re-submit the EnviroStor work request within ten (10) working days and will ensure the cost estimate validation memo is uploaded, as required.

⁴ Examples of types of FR Unit review requested by Permitting Project Managers: after a change in ownership, facility name, closure, permit conditions or any other permit modifications.



- The FR Unit Analyst will use the cost estimate amount approved in the validation memo as the basis for assuring the financial assurance mechanism(s) provided is at least equal to the approved/validated amount.
- The Permitting Project Manager will work closely with the FR Unit after submittal of the work request and provide all requested information in a timely manner. During the review process, the Permitting Project Manager will have regular communication, as needed, with the FR Analyst and Enforcement.
- Upon completion of the FR review any deficiencies found will be reflected in the FR Unit's Notice of Findings (NOF) letter mailed to the facility. A copy of the NOF letter will be sent to the Permitting Project Manager and their supervisor. The Permitting Project Manager will upload the NOF onto EnviroStor within five (5) business days of receipt.
- The Permitting Project Manager will forward a copy of the NOF letter to Enforcement staff and supervisor.
- The Permitting Project Manager will communicate with the FR Unit and Enforcement staff to follow up on the status of the facility's compliance correction with regard to the Financial Assurance deficiencies by contacting the FR Analyst and Enforcement on a monthly basis.
- Within thirty (30) days of receipt of the NOF letter from the FR Unit, the Permitting Project Manager will call the facility and inquire if it has returned to compliance by correcting the deficiencies identified by the FR Analyst in their NOF letter.
- If the facility is in non-compliance⁵ at the time of the Permitting decision, the Permitting Project Manager will not issue a permit. The Permitting Project Manager will immediately inform and consult with his/her supervisor, management, the Office of Legal Counsel (OLC) and the Director's Office to discuss and determine how DTSC will proceed with the next step for the permit application.

⁵ For purposes of this DPM, the term "non-compliance" means the facility has not met their FR obligation.



- When the review of the financial assurance mechanism is complete, the FR Unit Analyst will prepare and upload a PDF electronic copy of the final memorandum to the EnviroStor work request and close out the work request.
- The Permitting Project Manager will immediately contact the FR Unit when any original financial assurance mechanism(s) are received by the regional office by telephone or e-mail. The original financial assurance mechanism(s) should be sent, via overnight courier or overnight mail to the FR Unit Sacramento office location listed below.⁶ The Permitting Project Manager will contact the FR Unit to verify they sent the original financial assurance mechanism(s) via overnight courier or overnight mail. The FR Unit will confirm receipt of the original financial assurance mechanism(s) by sending an e-mail to the Permitting Project Manager. The FR Unit will ensure the original financial assurance mechanism(s) is placed into a file in a secure, locked area.

2. Other “Triggers” to contact the FR Unit:

The Permitting Project Manager will immediately contact the FR Unit within five business days via a general EnviroStor work request for their input on any unique conditions/terms of a permit when there are any conditions that might impact the financial assurance mechanism(s) such as a change in ownership, in facility name, closures, permit conditions or any other permit modifications. Any of these conditions will require a review and update of the prior Permitting cost estimate according to the procedures outlined in the “Workplan for Closure and Post-Closure Cost Estimate Review for Hazardous Waste Facilities,” referenced on page 4 and will require involvement of the FR Unit to conduct a review and update of the adequacy of the facility’s financial assurance mechanism(s) on file.

The Permitting Project Manager will either update the existing, or initiate a new EnviroStor Work Request for the FR Unit to conduct a review of the adequacy of the facility’s financial assurance mechanism(s) on file. If an update to a current EnviroStor request is submitted, the Permitting Project Manager will clearly state, in bold or red, the nature of the change of information affecting the FR review. The Permitting Project Manager will follow the same procedures summarized on page 5.

⁶ The envelope should be addressed to: Department of Toxic Substances Control (DTSC), Financial Responsibility Unit, 8800 Cal Center Drive, Sacramento, CA 95826.



Once the FR Unit is informed of the facility's change in status, their review of the facility's financial assurance mechanism(s) will be completed within thirty (30) days of receipt.

3. Required Procedure to Guarantee and Ensure that Closure, Post Closure and Corrective Action requirements are met before any release of Financial Assurance Funds or Mechanism(s):

- For purposes of this DPM, "Guarantee" means there will be no authorization for any release or partial release of financial assurance mechanism(s) without the Permitting Project Manager verifying:
 - 1) the Certification of Closure report was prepared by an Independent Registered Professional Engineer;
 - 2) he/she has reviewed the content of the Certification of Closure report **and** has reviewed the revised closure plan and cost estimates for accuracy and consistency of content;
 - 3) he/she has drafted and submitted a draft closure certification approval letter to Permitting's designated Senior Engineer for validation of the amount requested for release;
 - 4) he/she has received notification from Permitting's designated Senior Engineer that they have validated the amount to be released as evidence by the stamp on their validation memo;
 - 5) he/she sent a copy of the approval letter, and a copy of the validation memo to the FR Unit Chief within five (5) days of receipt, and
 - 6) he/she has confirmed the receipt of the documents by the FR Unit Chief for inclusion into the facility's file.

- For purposes of this DPM, the "Certification of Closure Report" is the document prepared by an Independent Registered Professional Engineer, and submitted on behalf of a facility, which verifies and certifies:
 - 1) All of the requirements of the closure and/or post-closure plan have been satisfied; and
 - 2) The facility is no longer required to have financial assurance mechanisms in place by the owner or operator.

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- The Permitting Project Manager will:
 - Verify that the Certification of Closure Report was prepared by an Independent Registered Professional Engineer (IRPE); and
 - Ensure the content of the Certification of Closure report prepared by the IRPE is accurate by reviewing the closure or post-closure plan previously submitted by the facility; and comparing it to the information contained in the Certification of Closure Report for consistency of content.
- If the Permitting Project Manager has ensured the accuracy of the content of the Certification of Closure Report **and** has reviewed the revised closure or post-closure plan and cost estimate; he/she will submit a draft closure certification approval letter (approval letter) to Permitting's designated Senior Engineer for validation of the amount to be released.
 - For partial closures, the Permitting Project Manager will review the revised closure plan and cost estimate and re-check the documents for accuracy in order to ensure the appropriate and accurate amount of the financial assurance mechanism(s) will be released in the future. After his/her review, the Permitting Project Manager will submit the revised cost estimate to Permitting's designated Senior Engineer for validation as part of this process, as summarized below.
- If the Permitting Project Manager receives notification from Permitting's designated Senior Engineer that the requested amount to be released cannot be validated as submitted, the Permitting Project Manager will facilitate the resubmission of the Certification of Closure Report by the IRPE and/or the requested or required information for completion of the required verification process within 30 calendar days after notification.
- If the Permitting Project Manager receives notification from Permitting's designated Senior Engineer that she/he has validated the amount to be released and has forwarded the stamped validation memo with the draft

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approval letter and supporting documentation back to the Permitting Project Manager; he/she will finalize the approval letter.

- The Permitting Project Manager will send a copy of the finalized approval letter or a memorandum along with a copy of the Certification of Closure Report prepared by the IRPE, to the facility. The Permitting Project Manager will send a cc: of the final approval letter or memorandum to the FR Unit Chief indicating the owner or operator is no longer required to have financial assurance mechanism(s) in place for the facility.
- The FR Unit Chief will take the copy of the finalized approval letter or memorandum with attachment and place it in the FR file for that facility.
- When the facility contacts the FR Unit for the release of a portion of or all of their financial mechanism(s), the assigned FR Unit Analyst will check the facility's file to ensure it contains the required final approval letter, and validation memo from the Permitting Project Manager indicating/certifying that requirements of the closure and/or post-closure plan have been satisfied; and that the facility is no longer required to have financial assurance mechanism(s) in place by the owner or operator.
- After the FR Unit Chief/Analyst verifies all of the required documentation summarized above is contained in the facility's file, the Chief of the FR Unit will initiate the release of all or the designated portion of the financial mechanism(s) within ten (10) working days of receiving the request.

Permitting's designated Senior Engineer will:

- Validate the amount to be released indicated in the draft approval letter prepared and submitted by the Permitting Project Manager;
- Attach a copy of the stamped validation memo to the draft approval letter or memorandum and supporting documentation, along with a copy of the Certification of Closure Report prepared by the IRPE attached; and return the

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documents to the Permitting Project Manager. She/he will also send a cc of the stamped validation memo to the Chief of the FR Unit within five (5) working days after completion of the validation process;

- If the amount to be released cannot be validated as submitted, the designated Senior Engineer will inform the Permitting Project Manager no later than ten (10) working days after completion of their review.

4. Other Document Review:

- Permitting will immediately contact the FR Unit within five business days when any financial assurance related documents, such as original or documents submitted as evidence of financial assurance mechanism(s)⁷, bank and/or other account statements, are sent to the Permitting Project Manager in error. The Permitting Project Manager will send the financial assurance related document(s) via overnight courier or overnight mail to the FR Unit Sacramento office location listed below.⁸
- Permitting and FR Unit staff will regularly communicate, meet, delineate expectations, and discuss the timeframe for review, as summarized in 5. below.

5. Timeframe for Review:

a) Review of the Financial Assurance Mechanism

- The FR Unit Analyst will require a minimum of thirty (30) calendar days to complete their FR review. The completion of the FR review will be based on the number of pending request received by the FR Unit at the time the Permitting Project Manager submits the EnviroStor Work Request. If the

⁷Some examples of acceptable financial assurance mechanism(s) are listed on page 2 of this DPM.

⁸The envelope should be addressed to: Department of Toxic Substances Control (DTSC), Financial Responsibility Unit, 8800 Cal Center Drive, Sacramento, CA 95826.



Permitting Project Manager needs the timeframe to be expedited, they will provide their reason to their Branch Chief and the FR Unit and Branch Chief and request an expedited review.

6. Dispute Resolution:

- In the event of a disagreement between the Permitting Project Manager and the FR Unit Analyst, regarding scheduling issues, and other outstanding matters that are not resolved at the staff level, both staff will refer the matter to their immediate supervisor and Chief of the FR Unit for resolution. If the supervisor and Chief of the FR Unit are unable to resolve the matter, it will be referred to the Branch Chiefs – who will meet and confer. If there is no resolution, the Policy and Program Support and Permitting Division Chiefs will meet and confer. If no resolution is reached, the Hazardous Waste Management Program Deputy Director and the Deputy Director will be responsible for the final decision.
- For high visibility projects, the Deputy Director should always be briefed on the decision process.

7. FR Unit Questions and Work Requests to Permitting:

- Currently, EnviroStor does not allow FR Unit to submit Work Requests to Permitting. Therefore, the Chief of the FR Unit and FR Unit Analysts will resolve their issues through direct communication with the Permitting Project Manager, via e-mail, and other documented communication in addition to their telephone contact. The Permitting Project Manager will follow up with the FR Unit's request within five (5) working days of the request date to ensure a timely response. After the resolution of the issue, the conversation will be downloaded within five (5) working days and will become part of the FR Unit's file for that facility. In the event of an emergency, the issue will be elevated via the procedures previously outlined dispute resolution protocol.

8. Meetings:

- In addition to regular project-specific and coordination meetings, the Policy and Program Support Division Chief, Branch Chiefs, and Supervisors shall

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meet with the Permitting Division Chief, Branch Chiefs, and Supervisors and/or their designees at least twice a year to discuss overall permitting program schedule goals, facility specific schedules, and annual workloads; identify high visibility facilities and facilities with significant compliance issues;

and address any outstanding issues in order to expedite the review process and provide for more effective and enforceable permits.

9. Cross-Training:

- As needed, Permitting and FR Unit staff will continue to identify opportunities to consult and include input into upcoming Permitting Division trainings that have a Financial Responsibility component.

CONTACTS: Please see the Permitting Departmental Procedures Memoranda SharePoint page for information about staff to contact if you have questions regarding this DPM. Questions and comments about this DPM can also be posted on SharePoint at: <http://dtsc-share/PP/PDPM/default.aspx>.

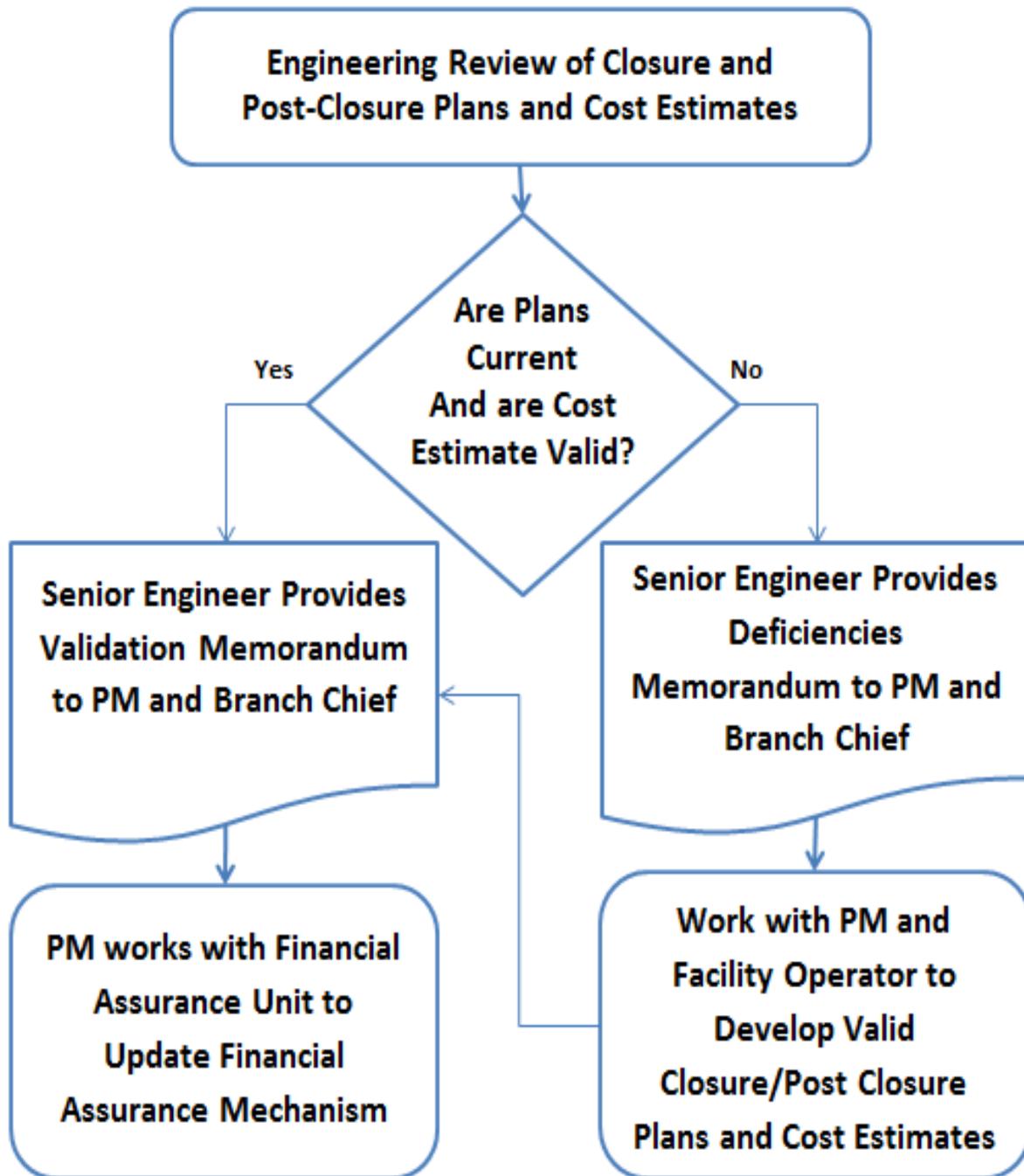
Date: January 4, 2016

/s/ Barbara A. Lee

Barbara A. Lee, Director

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ATTACHMENT A: The review stage is based on Permitting’s new process shown on the flow chart and described below.

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Stage 1- Review of the Closure and Post-Closure Plans and Cost Estimates by engineering staff.

Stage 2- Identify deficiencies in the Cost Estimate in a Deficiencies Memo to the PM.

Stage 3- Work with PM and Operator to Update the Cost Estimate.

Stage 4- Provide a Validation Memo if the Cost Estimate is valid.

Stage 5- PM works with the FR Unit to Update the Financial Assurance Mechanism, if required.

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