



14.0 PRE-PUBLIC NOTICE CHECK



Prior to issuing a public notice about DTSC's decision to issue or deny a permit to the applicant, the permit writer must make a last-minute check of the facility's financial assurance status and operational compliance with all applicable regulatory standards.

Close coordination with the regional office financial assurance analyst is needed so that the most recent financial assurance determination is made no more than 60 days prior to what will be the final approval date. This will usually mean that a second financial assurance determination must be made immediately prior to the public notice (The first one having been made immediately following the closure/post-closure cost estimate approvals in [Chapter 9.9](#), Closure Plan). Before the financial assurance coordinator will re-analyze the financial assurance documents, the permit writer must re-approve the applicant's closure/post-closure cost estimates. If there has been an extensive delay between the first and second reviews, or if there has been a significant change in the scope or type of project being permitted, the permit writer may have to completely re-analyze the facility's cost estimates before re-approving them and giving them to the finance assurance coordinator to be re-analyzed.

For projects having a 45 day public notice period, only 15 days would remain at the end of the public notice period to issue the final permit. If, due to extensive public comments, it will take longer than 60 days since the last financial assurance check to complete DTSC's response to comments and make a final permit determination, a third financial assurance check would need to be made prior to the final permit being issued.

Close coordination with Statewide Compliance Division is also needed to determine the facility's enforcement status immediately prior to any public notice. If it is likely that Statewide Compliance Division will be taking enforcement action against the applicant facility, permit work may have to be suspended until after enforcement issues are resolved. The permit writer must work with the permitting senior and Branch Chief to make such decisions. It is also recommended that a pre-public notice inspection of the facility be made (with an Statewide Compliance Division inspector if possible) to determine whether the facility still meets compliance standards proposed in the draft permit. It is embarrassing to be publicly announcing DTSC's intent to issue an operating permit when the facility is not complying with required operating standards.

In some circumstances, facility operations or equipment may have deteriorated to the point that DTSC should place a hold on any public notice or final decision until the facility returns to compliance. A serious deterioration in the facility's operations or other types of new information (such as criminal violations) could trigger a decision to deny instead of issue the permit. The permit writer must work with the permitting senior and Branch Chief to make such decisions.

KEY QUESTIONS

Does the facility meet all financial assurance requirements as determined by the regional office financial assurance analyst?

Are there any enforcement or non-compliance issues that need to be resolved before the public notice or final permit is issued?

Are there any other reasons why DTSC should not be issuing a permit to the applicant facility, such as certain criminal violation.

REQUIRED OUTPUTS

1. A financial assurance determination made no more than 60 days prior to what will be the date of the final permit approval.
2. Confirmation from Statewide Compliance Division that no enforcement action is pending or planned against the facility.
3. A completed pre-public notice inspection of the facility to determine that the facility is still in compliance with proposed permit conditions and operating requirements.

APPLICABLE REGULATIONS AND STATUTES

State Laws and Regulations:

See listings in [Chapter 9.11](#), Financial Responsibility.

Federal Laws and Regulations:

Other Laws and Regulations:

POLICIES

DTSC Policies:

DTSC Management Memo #87-005, Financial Responsibility Permit Reviews and Permit Conditions. This policy is out of date and should not longer be used.

EPA Policies:

Other Policies:

INSTRUCTIONS TO APPLICANTS

Handouts to be Given to Applicants:

Examples to be Given to Applicants:

CEQA CONSIDERATIONS

LEGAL CONSIDERATIONS

INTERAGENCY AGREEMENTS & MOUs

COORDINATION WITH OTHERS

Other DTSC Units:

Environmental/Legislative/Industry Groups:

Other Agencies:

Special Requests:

STEP-BY-STEP PROCEDURES

Flow Charts:

Checklists:

TECHNICAL REFERENCES

EXAMPLES OF COMPLETED WORK PRODUCTS

TIMELINE AND PLANNING

Permit Processing Chart:

Workload Standards:

Statutory & Other Deadlines:

WP File Name: 4/CH1400_P.MAN

List of Examples:

List of Appendices:

List of References: