



3.0 RECEIVE APPLICATION

A new or revised hazardous waste facility permit application may be submitted to:

- c Establish a new facility.
- c Respond to DTSC calling in the Part B portion of the permit application.
- c Respond to a request by DTSC for an updated application as part of a DTSC initiated modification of an existing permit.
- c Request modification of an existing permit.
- c Request renewal of an existing permit.

Check and Date Stamp Application

Upon receipt, the application package (which may consist of one or more boxes of material) should be briefly checked to make sure all the material referred to in the transmittal was delivered with the shipment. If any material is found to be missing, the permit writer should immediately notify the applicant that some portions of the application were not delivered.

Regulatory deadlines (Cal. H&S Code, section 25199.6 and Title 22, Cal. Code of Regs., section 66271.2(c)) for processing the permit application begin upon receipt of the application. Thus, materials delivered should be time and date stamped in several places to indicate when the material was received by DTSC.

Administrative Completeness Review

Within ~~60~~ **30** days of receipt of the permit application, the permit writer must make a Completeness Determination, which is a finding of whether the application has all the required parts. The permit writer should use the "Administrative Completeness Review Checklist" (Appendix 3.1) for this review. If the application is incomplete, the permit writer should issue a Notice of Deficiency. After receiving additional application materials, submitted in response to the Notice of Deficiency, the permit writer must notify the applicant in writing within 60 days whether the application with the additional materials is complete. After an application is determined to be complete, DTSC may request additional information only when necessary to clarify, modify, or supplement previously submitted material. Once the application is considered administratively complete, the permit writer should begin a detailed, in-depth Technical Review, which evaluates facility operations for compliance with applicable technical standards ([Chapter 9.0, Phase I Technical Review](#)). This phase generally leads to DTSC accepting the application as technically complete and the applicant is so notified in writing. DTSC then prepares a draft permit ([Chapter 13.0, Permit Decisions](#)) and begins a 45-day public comment period.

NOTE: If the application was accompanied by a payment of the application fee, the Completeness Determination letter should state that the fee is being returned and that the facility will be billed by the Board of Equalization (BOE) for the application fee. Similarly, if the application was not accompanied by an application fee payment, the letter should state that a fee is due and that the facility will be billed by BOE for the application fee. ([see Chapter 5.0, Fees, for guidance on this issue.](#))

Determination of Persons to Assist with Review

Once it has been determined that all of the major components of the application are included with the application package, the permit writer should prepare an inventory of the sections of the application that will need to be reviewed by others. This inventory will be used in the next chapter, Project Planning, to plan the entire project schedule. The schedule includes a timeline for each of the additional reviewers. If the regional office has a shortage of clerical staff that can quickly complete a large photocopying request, the permit writer should submit a copy request for the sections of the

permit application that are going to be reviewed by others. This avoids unnecessary delays following project planning.

Health & Ecological Assessment

Both the need for a human health risk assessment (HRA) and the need for a biological survey and ecological risk assessment should be determined during the 60-day administrative review.

An HRA will usually be required to evaluate potential human health effects from routing emissions from the facility (e.g., vapors from volatile organic liquids stored in tanks and drums) and accident scenarios (e.g., spill of liquid hazardous waste leading to vapor cloud formation, fire resulting from spilled hazardous waste, explosion, and transportation accident).

The need for a biological survey should be discussed with Policy and Environmental Analysis Unit (PEAS) and the Human Health and Ecological Risk Division (HERD), and the need for an ecological risk assessment should be discussed with HERD. Generally, if an area is undeveloped, at a minimum, a biological survey will be required.

Set Up Official Permit File

If no official permit file currently exists for the facility being permitted, the permit writer should work with the file room clerk to set up an official permit file for the project. The application should be scanned for any material claimed by the applicant to be confidential or trade secret. Such material should be removed from the application package and placed in the locked, confidential file cabinet in the file room. All filing must be done in accordance with the DTSC Permitting filing protocol.

Consult with Public Participation Unit

The Public Participation Unit will need time to begin developing a mailing list and to determine whether a community assessment or public participation plan is required for the project. Consult with the Office of Program Audits and Environmental Analyses (OPAEA).

OPAEA can provide guidance and should be contacted early on in the permitting process to coordinate CEQA compliance activities.

KEY QUESTIONS

Questions to be considered during this phase are:

Was the application time and date stamped to show the official date and time of receipt?

Has all confidential or trade secret information been removed from the application package and placed in the locked, confidential file cabinet in the file room?

REQUIRED OUTPUTS

Expected outputs from this chapter are:

- c Date and time stamp application.
- c Letter acknowledging receipt of application to applicant.
- c Official permitting file set up.

c Confidential or trade secret information placed in the locked, confidential file cabinet.

APPLICABLE REGULATIONS AND STATUTES

State Laws and Regulations:

Title 14, Cal. Code of Regs.

Chapter #s

Article 5. Preliminary Review of Projects and Conduct of Initial Study

Article 7. EIR Process

Article 8. Time Limits

Title 22, Cal. Code of Regs.

Sections

66260.2 Availability of Information, Confidentiality of Information.

66270.40 Transfer of Permits.

66270.41 Modification or Revocation and Reissuance of Permits.

66270.42 Permit Modification at the Request of the Permittee.

66270.51 Continuation of Expiring Permits.

66270.70 Qualifying for Interim Status.

66270.71 Operation During Interim Status.

66270.72 Changes During Interim Status.

66270.73 Termination of Interim Status.

66271.1 Purpose and Scope of procedures for issuing, modifying, revoking and reissuing, denying or terminating all hazardous waste facility permits.

66271.2 Application for a Permit.

66271.2(c) Limits DTSC completeness review time to 60 days from date of receipt of the application.

66271.4 Modification, Revocation and Reissuance, or Termination of Permits.

66271.18 Appeal of Decisions to Grant, Issue, Modify, or Deny Permits.

66271.19 Appeal of Decisions to Suspend and/or Revoke Permits.

66271.20 Computation of Time.

Appendix I to Section 66270.42 Classification of Permit Modifications.

Cal. H&S Code

Sections

25199.6 Limits DTSC completeness review time to 60 days from date of receipt of the application.

25200 General authority to issue permits.

25200.1 Requirement for financial assurance.

25200.5 General authority to grant interim status.

25200.6 Prohibition against issuing a permit for an injection well unless certain conditions are met.

25200.7 Establishes certain deadlines for issuing final permits to all facilities.

25200.8 Requires applicants to respond to notices of deficiencies from DTSC.

25200.9 Prohibits granting of interim status for certain facilities.

25200.11 Establishes certain deadlines for taking final action of certain applications.

25200.12 Defines modifications of offsite facilities operating under interim status to

	be discretionary projects for purposes of CEQA.
25200.13	Defines offsite facility.
25201	Requires owners and operators of hazardous waste facilities to hold a hazardous waste facilities permit and exempts certain household hazardous waste collection facilities from permit requirements.
25201.5	Exempts silver halide based recycling activities from a permit requirements.

Federal Laws and Regulations:

Other Laws and Regulations:

POLICIES

[See Chapter 8.0 for details of specific CEQA polices](#)

DTSC Policies:

EPA Policies:

Other Policies:

INSTRUCTIONS TO APPLICANTS

Handouts to be Given to Applicants:

Examples to be Given to Applicants:

CEQA CONSIDERATIONS

Pursuant to the requirements of the CEQA Guidelines (Title 14, Cal. Code of Regs., Article 5., section 15060), DTSC is allowed 30 days to review for completeness applications for permits or other entitlement for use. While conducting this review for completeness, DTSC should be alert for environmental issues that might require preparation of an Environmental Impact Report (EIR) or that may require additional explanation by the applicant.

Except as provided in CEQA Guidelines (Title 14, Cal Code of Regs., Article 7, section 15111), DTSC begins the formal environmental evaluation of the project after accepting an application as technically complete and determining that the project is subject to CEQA. Accepting an application as complete does not limit the authority of DTSC to require the applicant to submit additional information needed for the environmental evaluation of the project.

Generally, DTSC may obtain additional information for the environmental evaluation by requesting such information as part of the Notice of Deficiency process and through collection of such information throughout the Environmental Information Form.

If DTSC can determine that an EIR will be clearly required for the project based on information collected or if a mandatory EIR is required for the project pursuant to the requirements of Public Resources Code (PRC); Section 25151.1, DTSC may begin preparation of a draft Initial Study to assist in focusing the EIR or DTSC may proceed immediately to drafting the EIR. This initial study will then be used as support information for preparation of the EIR pursuant to the requirements contained in CEQA Guidelines (Title 14, Cal. Code of Regs., Article 7, section 15080).

LEGAL CONSIDERATIONS

INTERAGENCY AGREEMENTS & MOUs

[See Chapter 8.0](#) for details of specific CEQA requirements affecting preparation of EIRs through execution of third party MOUs.

COORDINATION WITH OTHERS

Other DTSC Units: [See Chapter 8.0](#) for details of specific CEQA requirements affecting coordination with other Programs.

Other DTSC Units:

Environmental/Legislative/Industry Groups:

Other Agencies:

Special Requests:

STEP-BY-STEP PROCEDURES

Flow Charts:

Checklists:

Appendix 3.1 Administrative Completeness Review Checklist

TECHNICAL REFERENCES

EXAMPLES OF COMPLETED WORK PRODUCTS

TIMELINE AND PLANNING

Permit Processing Chart:

Workload Standards:

Statutory & Other Deadlines:

WP File Name: 1/CH0300_P.MAN

List of Examples:

List of Appendices:

Attachment 3.1 Administrative Completeness Review Checklist

List of References: