

**DRAFT NOTICE OF EXEMPTION**

To: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control  
Hazardous Waste Management Program  
P.O. Box 806, 1001 I Street, 11<sup>th</sup> floor  
Sacramento, CA 95812-0806

Project Title: Regulations for Water Quality Monitoring for Hazardous Waste Land Disposal Units

Project Location: Statewide

County: Statewide

Project Description:

The Department of Toxic Substances Control (DTSC) proposes regulations revising California Code of Regulations (Cal. Code Regs.), title 22, chapters 14 and 15, article 6 to streamline water quality monitoring requirements at hazardous waste land disposal facilities, including landfills, surface impoundments, waste piles and land treatment units.

The proposed regulations achieve several objectives: 1) flexibility for specific requirements that are technically inappropriate or not feasible based on site-specific conditions; 2) use of alternative requirements for assessing and cleaning up groundwater contamination when a release from a regulated hazardous waste land disposal unit has combined (commingled) with a release from another solid waste management unit (SWMU) in order to achieve a site-wide water monitoring and cleanup program; and 3) reduced frequency of select reporting or measurements consistent with federal requirements. The proposed draft rulemaking adopts select text based on two federal rulemakings: the Post-Closure Rule of 1998 and the RCRA Burden Reduction Initiative of 2006.

Fifty-seven facilities statewide are currently conducting water quality monitoring that could be affected by the revised regulations. There are, however, approximately 108 facilities statewide that, at some point in the future, might also be affected: 84 facilities are subject to Chapter 14 permitted facility standards; 24 facilities, all inactive, are currently subject to interim status (Chapter 15) standards, including 3 former off-site land disposal facilities because these facilities never received an operating or post-closure permit.

The proposed regulations establish two processes for amending the water quality monitoring requirements of regulated units: 1) Permitted facilities, and 2) Interim Status facilities.

**Permitted Facilities**

Changes to water quality monitoring plan requirements or changes implementing alternative requirements for a commingled plume at permitted facilities require DTSC to modify the facility's operating permit (or post-closure permit). Pursuant to the proposed regulations, the facility owner or operator must submit a report to DTSC demonstrating that each proposed alternative provides adequate protection of human health and the environment. The demonstration report must also include the rationale and all supporting data for each proposed alternative requirement. The permit modification process entails DTSC evaluation to ensure that public health and the environment are protected and includes CEQA compliance.

**Interim Status Facilities**

The proposed regulations contain an approval process for modification of water quality monitoring and response program components of approved closure and/or post-closure plans at interim status facilities. The facility owner or operator must submit a report to DTSC demonstrating that each proposed alternative provides adequate protection of human health and the environment. The demonstration report must also include the rationale and all supporting data for each proposed alternative requirement. The proposed regulations prohibit any modification prior to written approval of the facility specific alternative requirements by DTSC. In order to approve an alternative monitoring plan, DTSC must determine that human health and the environment are adequately protected. Such determination must also comply with CEQA requirements.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Department of Toxic Substances Control

Exemption Status: (check one)

- Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
- Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
- Categorical Exemption: [State type and section number]
- Statutory Exemptions: [State code section number]
- X General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: with certainty, no possibility of a significant effect on the environment

Reasons Why Project is Exempt:

The proposed regulatory revisions establish a process whereby facilities with regulated land disposal units may apply for specified alternatives to existing Water Quality Monitoring Program requirements. These revisions do not directly authorize changes to the facility’s current water quality monitoring plans, but require a review and determination by DTSC prior to the implementation of any facility specific changes. These regulations require that any alternative approved by DTSC must be adequately protective of human health and the environment, and nothing in this proposal exempts DTSC from the California Environmental Quality Act when DTSC considers a determination to approve a monitoring plan modification for a facility. Consequently, these regulatory changes do not have the potential to result in a significant effect on the environment.

Nancy Ostrom	Hazardous Substances Engineer	916-322-3385
Project Manager Name	Project Manager Title	Phone #
Branch Chief Signature		Date
Eduardo Nieto	Supervising Hazardous Substances Engineer	916-322-7893
Supervisor Name	Supervisor Title	Phone #

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: