

CALIFORNIA ENVIRONMENTAL QUALITY ACT 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
1001 I Street
Mail Stop: SPWP/MS 11A
Sacramento, CA 95814

Project Title: Criteria for the Issuance of a Hazardous Waste Facility Permit or Permit Modification (Permit Decision Criteria) ([Regulation Reference Number R-2016-03](#))

Project Location: Statewide

County: All

Project Description:

California Senate Bill (SB) 673 requires the California Department of Toxic Substances Control (DTSC) to set regulatory requirements for Hazardous Waste Facility Permit decisions by considering a hazardous waste facility's compliance history, cumulative impacts to the surrounding community, including vulnerable populations, financial responsibility, facility personnel training, and completion of a health risk assessment. The proposed project is a statewide rulemaking that consists of approval of regulations (by adoption under the Administrative Procedure Act) adding and amending sections 66260.10, 66264.16, 66264.101, 66264.141, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.141, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147, 66270.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57, and 66271.58 to Division 4.5 of Title 22, California Code of Regulations, that implement the requirements of Division 20, Chapter 6.5, Article 14 of the Health and Safety Code.

These additions and amendments dictate how DTSC will consider each of the criteria listed in Health and Safety Code section 25200.21. Health and Safety Code section 25200.21 was enacted into law as part of Senate Bill 673 (SB 673, Stats. 2015, Chapter 611, section 1, effective January 1, 2016.) That provision authorizes and requires DTSC to adopt regulations to make changes to DTSC's hazardous waste facility permitting program. Section 25200.21 further specifies certain factors that DTSC must consider as part of its rulemaking effort. Each application for a hazardous waste facility permit will be reviewed to ensure compliance with Hazardous Waste Control Laws and the requirements in division 4.5 of Title 22 of the California Code of Regulations. Once DTSC determines that a facility application is technically complete, DTSC will then assess additional factors specified by statute and regulation to determine if the permit, permit renewal, or permit modification should be issued or denied. The proposal will require additional paperwork for the permit, but is not expected to create any direct or indirect alterations to the physical environment, with the possible exception of some minor, additional soil sampling.

Background:

DTSC is authorized by the United States Environmental Protection Agency (U.S. EPA) to issue hazardous waste facility permits in California that satisfy the requirement for facilities to obtain a permit from U.S. EPA if the facility operations are subject to regulation under the federal Resource Conservation and Recovery Act of 1976. ("RCRA," commencing with Title 42, United States Code, section 6901). In addition, DTSC is the state agency authorized under California law to issue permits to facilities subject to California hazardous waste facility permitting requirements (Hazardous Waste Control Law, "HWCL," commencing with California Health and Safety Code, section 25100), even if such facilities are not subject to RCRA permit requirements. The purpose of these permits is to detail how a facility must operate to ensure that hazardous waste management activities are conducted to prevent and address releases that could threaten public health and the environment and lead to potential cleanup obligations. Each permit is site-specific and establishes the technical and administrative standards to which a facility must adhere to in managing its hazardous waste. Currently, there are 113 permitted facilities, including 27 post closure facilities (closed and going through final remediation) in the state, that provide for the treatment, storage, or disposal of substances regulated as hazardous waste under federal law, state law, or both. A total of 1.82 billion pounds of California hazardous waste were handled in these facilities in 2012, with 62%

treated to the point where the waste no longer meets hazardous waste standards, and 38% placed in hazardous waste landfills.

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 Status¹: (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]
- General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title:

General Rule: It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Reasons Why Project is Exempt:

DTSC has determined with certainty that there is no possibility that the activity in question may have a significant effect on the environment because the project would not result in a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Project Manager Name	Project Manager Title	Phone #
Branch Chief Signature		Date
Branch Chief Name	Branch Chief Title	Phone #

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR:

¹ <https://environs.law.ucdavis.edu/volumes/33/1/behles.pdf>