



Permit Mod Workshop



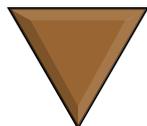
RCRA



Non-RCRA



Appendix I



DEPARTMENT

OF

TOXIC SUBSTANCES CONTROL

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June 29, 2010



Goal of Workshop

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Appendix I



- **Describe proposed changes and rationale**
- **Discussion of proposal and alternatives**
- **Allow for continuing communication**



Current Regulations

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Appendix I



- Starting Point - RCRA
- California – changed RCRA regulations to comply with CEQA, be broader in scope, and more stringent
- 2002 – Adoption of non-RCRA provisions
- 2010 – DTSC is updating regulations to reflect experience, statutory updates



Current Permit Modification Process

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Appendix I



- Class 1 (RCRA)-
 - 1 & CEQA exempt: 30 day advance notice, CEQA review, and mailing to facility list, Facility can change after 30 days if DTSC does not act.
 - 1*or subject to CEQA: DTSC must approve before change, CEQA review, mailing to facility list, and publish modification in newspaper
- Class 2 – publish modification in newspaper, 60 day comment period for public, provide copy modification request for public view, facility to hold public meeting, CEQA review, and DTSC approval
- Class 3 – publish modification in newspaper, 60 day comment period for public, provide copy modification request for public view, facility to hold public meeting, CEQA review, follow Chapter 21 procedures, and DTSC approval

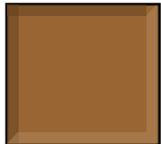


Current Class 1 Mods

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Appendix I



Requirement	Class 1: Listed non-RCRA	Class 1 & CEQA exempt - RCRA & non-RCRA	Class1* & subject to CEQA
Notice / App	30 day before & 10 days after	30 day before	30 day before
Mailing	no	yes	yes
Newspaper	no	no	yes
Pre-Approval	some	no	yes
CEQA review	some	yes	yes



Class 2 & 3 Mods

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Appendix I



■ Class 2

- Applies to both RCRA and non-RCRA mods
- Do everything required of Class 1*
- Provide copy of application for Public view
- Allow 60 days to comment
- Facility to hold public meeting

■ Class 3

- Do everything required of Class 2
- Follow permit Mod procedures of Chapter 21



Current Issues

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Appendix I



- **Confusion about Categories - Applications submitted under wrong category**
- **No CEQA Impact - all class 1 modifications have been either exempt from CEQA or no significant impact**
- **Unnecessary Delays & Extra work**
- **Inclusion of related Health & Safety Code Provisions**
- **RCRA Updates**



Solutions to Problems

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Appendix I



- Add better description of each Class category
- Reduce need for unnecessary review
- Level of review should reflect level of change
- Be more consistent with RCRA classification
- Update Regulations



Proposed Changes- 66270.42

Regulation



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Appendix I

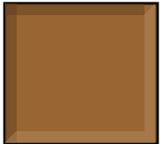


- **Class Descriptions** - opening paragraphs in (a), (b), and (c)
- **Class 1** -
 - Change 30 day pre-notice to 7 day post notice
 - Remove need for approval if subject to CEQA
 - Add requirement to include e-mail address
 - Remove newspaper notice requirement
- **Benefits** - reduce confusion, delays and review time.



Proposed Changes- 66270.42

Regulation



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Appendix I



■ Class 1* -

- Change notice requirement to within 90 days after approval
- Remove requirement to publish notice newspaper

■ Benefits -

- Requirements better reflect level of risk

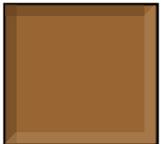


Proposed Changes- 66270.42

Regulation



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Appendix I



■ Class 2 -

- Add e-mail address to other information submitted
- Move requirement for comment period to subsection (6)(A)
- Remove restriction on new construction for waste management units

■ Benefits -

- Better communication though e-mail address
- Clarity
- Equal requirement new construction and other construction



Proposed Changes- 66270.42

Regulation



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Appendix I



■ Class 3 -

- Add e-mail address to other information submitted
- Move description of comment period to first sentence

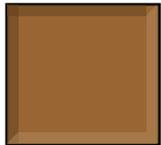
■ Benefits -

- Better communication though e-mail address
- Clarity: place important information first



Proposed Changes- 66270.42.5 non-RCRA

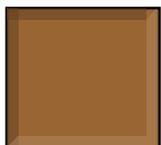
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Appendix I



■ Section deleted -

- Most modifications moved to Appendix I
- Some subsections deleted
- See non-RCRA Handout for specific changes

■ Benefits -

- Clarity: specific modification all listed in Appendix
- All facilities have same procedures and options
- Facility can request different classification of modification



Legislative Provisions

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Appendix I



- Health & Safety Code 25200.15

- (a) Changes to structure or equipment not in permit
- Originally in non-RCRA subsection (b)(15)

- Proposal

- Handled under Appendix I, A 1. d Other administrative and informational changes
- Post notification



Legislative Provisions

Regulation



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Appendix I



■ Health & Safety Code 25200.15

- (b) Changes to structure or equipment in permit under Class 1*
- Must need specific conditions:
 - Change required by other agency
 - Not result in increase risk
 - Must sufficient information for DTSC to make determination
 - Can not increase permitted capacity
 - Shall enter written agreement and repay DTSC for work
 - Not already classified as Class 1 or 1*

■ Proposal

- Facility would submit proposed Class 1* modification request under 66270.42 (d)
- Alternative could be to list specific conditions in new subsection associated with Class 1* requirements such as 66270.42 (a)(4)



Legislative Provisions

Regulation



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Appendix I



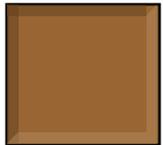
■ Health & Safety Code 25200.15

- (c) Equipment replacement or upgrade with functionally equivalent components is a Class 1 modification if specific conditions met:
 - Not subject to CEQA
 - Facility notifies DTSC within 7 days after change
 - Complies with all class 1 requirements
- Proposal
 - Handled under Appendix I, A 3 as Class 1

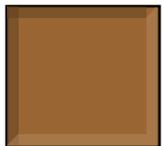


Proposed Changes- Appendix I

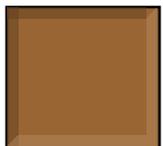
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Appendix I



■ Changes -

- Non-RCRA additions
- RCRA addition A 8.
- See proposed regulation on specific changes

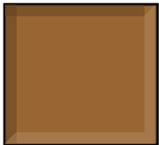
■ Benefits -

- Clarity: specific modification all listed in Appendix
- All facilities have same procedures and options
- Facility can request correct classification



Appendix I Changes

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Appendix I



A. General Permit Provisions

1. Administrative and informational changes. Class 1

- a. A change in the legal name of the facility that does not include changes in ownership or operational control of the facility.
- b. Informational changes that do not impact the operation of the facility.
- c. Changes to a permit required by another regulatory agency, if the activities affected by the permit are related directly to hazardous waste management, but are not subject to the Department's permitting authority.
- d. Other changes.

8. Changes to remove permit conditions that are no longer applicable (i.e. because the standards upon which they were based are no longer applicable to the facility). Class 1*

B. General Facility Standards

- 6. d. e-mail address
- 7 a. Construction Quality Assurance (CQA) ...

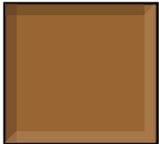
C. Water Quality and Environmental Protection

- 3. . Changes in statistical procedure for determining whether a statistically significant change in water
- Changed from Class 1 to Class 1**



Appendix I Changes

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Appendix I



E. Post-Closure

1. Changes in name, address, e-mail address, or phone number of contact in post-closure plan.

4. Changes to the expected year of final closure, where other permit conditions are not changed.

*Changed from Class 1 to Class 1**

F. Containers

2. Changes without modification of the container unit capacity.

b. Addition of a roof to a container unit without alteration of the containment system.

*Changed from Class 1 to Class 1**

4. Storage or treatment of different wastes in containers:

a. That require addition of units or change in treatment process or management standards,

*Changed from Class 1 to Class 1**



Appendix I Changes

Regulation



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Appendix I



I. Enclosed Waste Piles

3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

*Changed from Class 1 to Class 1**

M. Containment Buildings.

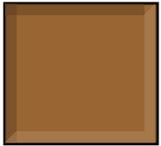
3. Replacement of a containment building with a containment building that meets the same design standards provided the unit capacity is not increased and the replacement containment building meets the same conditions in the permit.:

*Conditions "a" and "b" moved to description and modification changed from Class 1 to Class 1**



DISCUSSION

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Appendix I

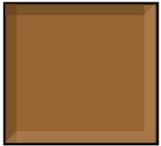


- Make sure rationale understood
- Focus on items identified earlier
- Specific changes most helpful



What Next

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Appendix I



- Continue to accept ideas for two weeks
- Draft new proposal based on comments
- Distribute draft or float ideas to interested parties (List Server)
- Public Notice of New Regulations