



Permit Process Flowchart Summary

While there is some variability in how the Department of Toxic Substances (DTSC) reviews and processes hazardous waste facility permit applications, the Permit Process Flowchart provides a snapshot of DTSC's permit review procedure. Through improvements made as part of the Permitting Enhancement Work Plan, DTSC is streamlining and clarifying this complex review. The flowchart reflects a multitude of milestones and decision points involving various DTSC programs, such as the Office of Permitting; Enforcement and Emergency Response Division; Public Participation; Office of Planning and Environmental Analysis; and Office of Legal Counsel.

The major phases of the process are described below.

Pre-Application – DTSC meets with a facility as part of a pre-application meeting after either being contacted by a new facility that wants a permit or after DTSC has sent a call-in letter to an existing facility (generally sent 18-months prior to permit expiration, in the case of a renewal) stating that they must submit a permit renewal application to DTSC for review, if they would like to continue operating.

Application Submittal by Facility – The Facility submits a permit application to DTSC for review. The law requires an owner/ operator to submit a timely and complete application at least 180 days (six months) prior to the expiration of a permit, in the case of a renewal. The applicant also submits a “Disclosure Statement” to DTSC, which is used to evaluate the compliance history of the permit applicant.

Administrative Review - DTSC uses the Administrative Review Checklist to review the application to determine whether each required item is provided, not provided, or not applicable. If complete, DTSC sends an Administrative Completeness Letter to the applicant. If incomplete, DTSC specifies the portions that are missing and sends a letter to the facility, requesting additional information. The applicant may submit additional material or appeal the decision to the Director, who may uphold or overturn the determination or require the applicant to submit additional information.

Technical Review - DTSC uses a 1082-point Technical Review Checklist to evaluate whether the permit application meets the standards for hazardous waste facilities specified in regulation. This phase includes reviews by subject matter experts, such as geologists, engineers, scientists, toxicologists, and inspectors. If complete, DTSC sends a Technical Completeness Letter to the applicant. If there are excessive substantially incomplete deficiencies, DTSC issues a Notice of Intent to Deny. If the deficiencies are moderate, DTSC issues a Notice of Deficiency to the applicant and requests additional information, revisions, or resubmittal of the application. (As part of the Work Plan effort, DTSC will need to better clarify what is meant by excessive and moderate).

Draft Permit - Once the Permit application (original or revised) is determined to be technically complete, DTSC makes a tentative permit decision and prepares either a draft permit or a Notice of Intent to Deny a permit application. DTSC prepares a statement of basis or factsheet. DTSC provides public notice of the tentative decision through mail, newspaper, and radio and to announce the public comment period and/or public hearing. DTSC is required to provide at least 45 days for



public comment. DTSC must review and consider each comment received during the public comment period, and respond to significant comments. DTSC's permit decision must be made in compliance with the California Environmental Quality Act (CEQA). Appropriate CEQA analyses and documents are completed before the beginning of the public comment period on the draft decision; generally, the public comment period for a CEQA document and the draft decision are conducted concurrently. If a particular comment results in a change to the draft decision, the draft CEQA document is also revised.

Permit Decision - DTSC issues a final permit decision based on the administrative record, which includes, in part, written responses to all significant comments received as well as final CEQA analyses and associated documents.

Appeals Process - Petitions for review (appeals) must be filed within 30 days after the final permit decision. When a final permit decision is appealed, an independent Permit Appeals Officer is appointed by the Director to evaluate the petition for review and either grants or denies the appeal. Within a reasonable period of time following the filing of the petition for review, DTSC issues an order either granting or denying the petition for review. DTSC is required to provide public notice of any grant of review and which also sets forth a briefing schedule for the appeal. Notice of denial of review is only sent to the person(s) requesting review. The final action is taken when DTSC's Permit Appeals Officer determines whether to issue an order denying review or to make a decision on the merits. The decision is effective on the date of mailing of the order denying review or decision on the merits. *Please note that the Permit Process Flowchart does not currently reflect the appeals process.*