

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: Board of Environmental Safety
Department of Toxic Substances Control
1001 I St., 25th Floor
Sacramento, CA 95814

Project Title: Appeal Procedures for Hazardous Waste Facility Permit Decisions (Emergency Rulemaking).

Project Location: Statewide.

County: This emergency rulemaking affects all counties in California.

Project Description: The Department of Toxic Substances Control ("DTSC") is authorized to grant, issue, modify and deny permits for hazardous waste facilities in California pursuant to the Hazardous Waste Control Law at chapter 6.5 of division 20 of the Health and Safety Code (commencing with section 25100). On July 12, 2021, Governor Gavin C. Newsom signed Senate Bill (SB) 158, which added article 2.1 of chapter 6.5 of division 20 of the Health and Safety Code (commencing with section 25125). SB 158 transferred the authority to hear and decide appeals of hazardous waste facility permit decisions from a permit appeals team within DTSC to the Board of Environmental Safety ("Board").

The rulemaking amends sections 66271.14, 66271.15 and 66271.18 of article 1 of chapter 21 of division 4.5 of title 22 of the California Code of Regulations. The regulations are being amended to provide that final permit decisions do not take effect for 30 days and while an appeal is pending with the Board, to provide procedures for the filing of appeals with the Board, to establish due process for the appeals process, to enact standards for the Board to hear and decide hazardous waste facility permit appeals, and to make conforming changes regarding the stay of permit decisions while appeals are pending. The Board has also adopted companion documents to aid in the administration of appeals, which include a set of more detailed rules of the administration of appeals, rules for the conduct of public hearings, and two appeal forms.

Name of Public Agency Approving Project: California Board of Environmental Safety.

Name of Person or Agency Carrying Out Project: California Board of Environmental Safety.

Exemption Status:

General Rule [14 CCR § 15061(b)(3)]

Exemption Title: No Possibility that the activity in question may result in a significant environmental effect.

Reasons Why Project is Exempt: The proposed regulation would not result in any change in land, air, water, minerals, flora, fauna, ambient noise, or objects of historic or aesthetic significance. The proposed regulation is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment. The Board finds with certainty that there is no possibility that the proposed regulation would have a significant effect on the environment.

Agency Contact Person: Swati Sharma, Executive Officer, (916) 639-9982

Signature: 
Swati Sharma, Executive Officer

Date: 3/23/2023

TO BE COMPLETED BY OPR ONLY

Date Received For Filing and Posting at OPR: