



DTSC Emergency Permits Overview

Session Code : TH-B3

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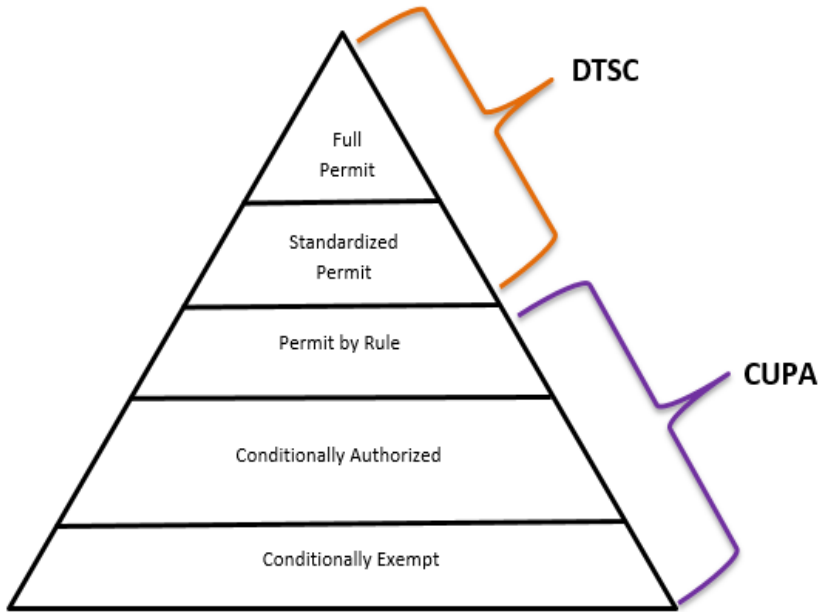
Disclaimer

The information provided in this training is not intended as a substitute for applicable laws and regulations. The information contained in this training is based upon the statutes and regulations in effect as of the date of the training. Interested parties are advised to keep apprised of subsequent changes to relevant statutes and regulations.

Where to Find Info on Emergency Permits

- Information on DTSC Webpage:
<https://dtsc.ca.gov/hazardous-waste-emergency-permits/>
- Email to Emergency Permits Inbox:
emer_permit@dtsc.ca.gov
- Phone
William Heung – 916-255-3246, Michelle Snapp 916-255-3647
- Title 22 66270.61:
<https://www.law.cornell.edu/regulations/california/22-CCR-66270.61>

The Universe of Haz Waste Permitting



- Emergency Permits used to address situations that are not covered under normal permitting means due to an “imminent and substantial danger to public/environment.”
- Emergency Permit can be a simple tool to use in certain situations.

Title 22 66270.61 – Emergency Permits

Cal. Code Regs. Tit. 22, § 66270.61 - Emergency Permits

[State Regulations](#) [Compare](#)

(a) Notwithstanding any other provision of this chapter or chapter 21 of this division, in the event the Department finds an imminent and substantial endangerment to human health or the environment the Department may issue a temporary emergency permit:

- (1) to an otherwise non-permitted facility, including but not limited to, a facility operating pursuant to interim status or a variance, etc., to allow transfer, treatment, storage, or disposal of hazardous waste; or
- (2) to a permitted facility to allow transfer, treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:

- (1) may be oral or written. If oral, it shall be followed in five days by a written emergency permit;
- (2) shall not exceed 90 days in duration;
- (3) shall clearly specify the hazardous wastes to be received, and the manner and location of their transfer, treatment, storage, or disposal;
- (4) may be terminated by the Department at any time without process if it is determined that termination is appropriate to protect human health or the environment;
- (5) shall be accompanied by a public notice published under section [66271.9](#) including:
 - (A) name and address of the office granting the emergency authorization;
 - (B) name and location of the permitted HWM facility;
 - (C) a brief description of the wastes involved;
 - (D) a brief description of the action authorized and reasons for authorizing it; and
 - (E) duration of the emergency permit; and
- (6) shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter and chapters 14 and 16 of this division.

Notes

Cal. Code Regs. Tit. 22, § 66270.61

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22)

Note: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 CFR Section [270.61](#).

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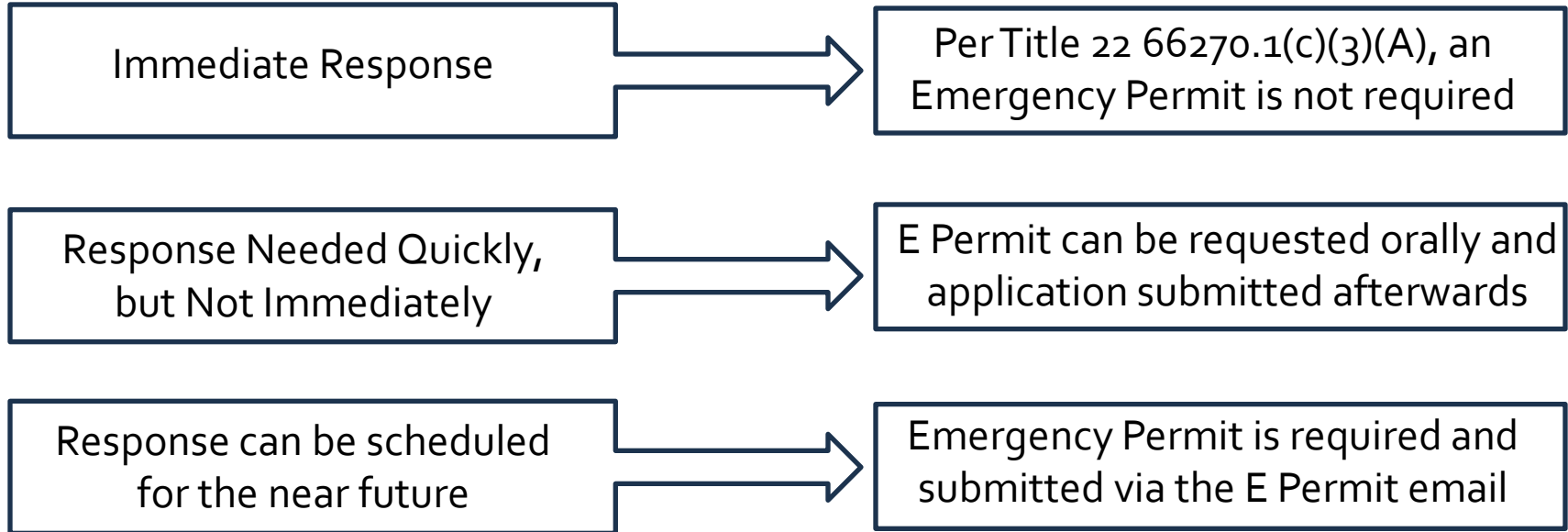
Emergency Permit Basics

- Does not cost anything to the Applicant.
- Includes a Public Notification Process (CCR 22 66271.9).
- Includes a CEQA evaluation, but usually falls under a similar exemption for emergency situations.
- Requires notification to the CUPAs.
- Conditions are largely at the discretion of DTSC based on our experience and expertise.

Emergency Permit Basics

- Applications are received via the Emergency Permit email (emer_permit@dtsc.ca.gov).
- Permit can only be authorized for a maximum of 90 days.
- Application must have sufficient detail of the entire management process.
- Proposal must be consistent with all existing regs and requirements.
- At conclusion, applicant must notify DTSC.

Emergency Permit - Level of Urgency



Example 1: Expired Chemicals

- University Research Laboratory discovered expired chemicals that are shock/temperature sensitive (aka, they can explode!).
- Items need to be stabilized chemically before transportation offsite to a hazardous waste facility.
- E Permit issued for the treatment of chemicals.
- Permit conditions included work done within buffer zone with no ignition sources close by.



Example 2: Unexploded Ordinance (UXO)

- Unexploded Ordinance discovered at Southern California beach.
- Military Explosive Ordnance Disposal Mobile Unit responded and moved UXO to safe storage area.
- Permit to transport UXO to Military Base Bombing Range to treat.
- Initial removal (from beach to temporary storage) considered immediate response.



Example 3: Abandoned Warehouse

- Unknown material discovered in an abandoned warehouse. Local officials determined it was unstable and possibly explosive.
- CUPA called DTSC for guidance, after several discussions, determined that it best to move to nearby open and secure area to detonate.
- Licensed hauler brought in and moved material.
- Permit to treat material with proper cleanup procedures.



Example 4: PCB Contaminated Oil

- Permitted Used Oil Facility received a truckload of waste oil with PCB > 5 ppm. Per the permit, Facility cannot receive and must remove the contaminated oil within 10 days.
- Unable to find facility to take this oil within 10 days.
- E Permit issued for temporary storage until proper waste facility was available to accept.
- Permit conditions included isolation and safety of oil until transportation offsite.



Example 5: Fire Damaged Cylinders

- After wildfire event, waste removal company was contacted with multiple requests to deal with fire damaged gas cylinders (acetylene, oxygen, sulfur hexafluoride).
- Fire damaged cylinders cannot be transported per 49CFR 173.301.
- Gas from cylinders would be emptied and flared/treated.
- DTSC determined that Air District, CUPA and local Fire Dept be contacted, but no E Permit needed.



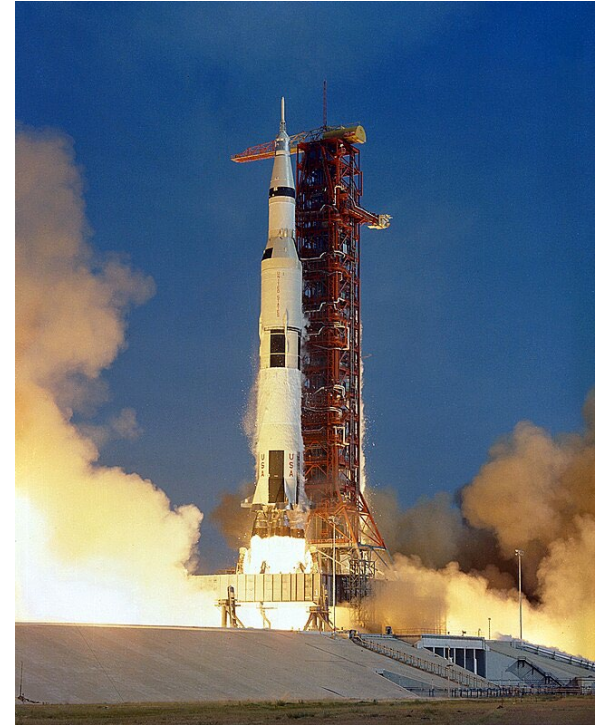
Example 6: Landfill Received Haz Waste

- Landfill received a load of waste that was inappropriately manifested and included hazardous levels of lead not suitable for disposal at this landfill.
- Facility requested E Permit to perform in situ treatment to stabilize hazardous material.
- Permit was denied.
 - Waste was in a secured location and presented no immediate harm
 - DTSC allowed treatment under a Corrective Action Order.



Example 7: Rocket Testing Materials

- Airforce base planned to perform a remote detonation test. Unburned propellant fragments may potentially be scattered across test area.
- Requested E Permit to burn material onsite instead of transport to OB/OD area.
- E Permit was granted, but ultimately not used as material was determined to be safe to transport.



Example 8: Pipeline Cleaning

- Natural Gas Pipe Cleaning was performed in a residential neighborhood. Wastes generated were stored in a 20-yard bin for disposal within 90 days.
- Due to the high risk of vandalism and potential exposures, Facility requested to move materials to a nearby secured location with its own EPA ID number.
- E Permit issued for transport of materials to nearby facility. Future disposal would occur under the EPA ID Number of new location.



What's the Point?

- Emergency Permits allow DTSC to be involved to provide technical support.
- Emergency Permits allow DTSC to place conditions for hazardous waste management to better protect human health and the environment.
- Emergency Permits require public notification of hazardous waste management activities.

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Other DTSC Resources

- Lower Tiered Permit Info:
 - Matt Mullinax - Matthew.Mullinax@dtsc.ca.gov
 - Parampreet Basra - Parampreet.Basra@dtsc.ca.gov
- Regulatory Assistance:
 - Hotline (800-72TOXIC) or email RAO@dtsc.ca.gov.
- CEQA Questions:
 - CEQAReview@dtsc.ca.gov
- New Permits:
 - NewPermits@dtsc.ca.gov



Any Questions?

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