

## § 15160. Certification Process.

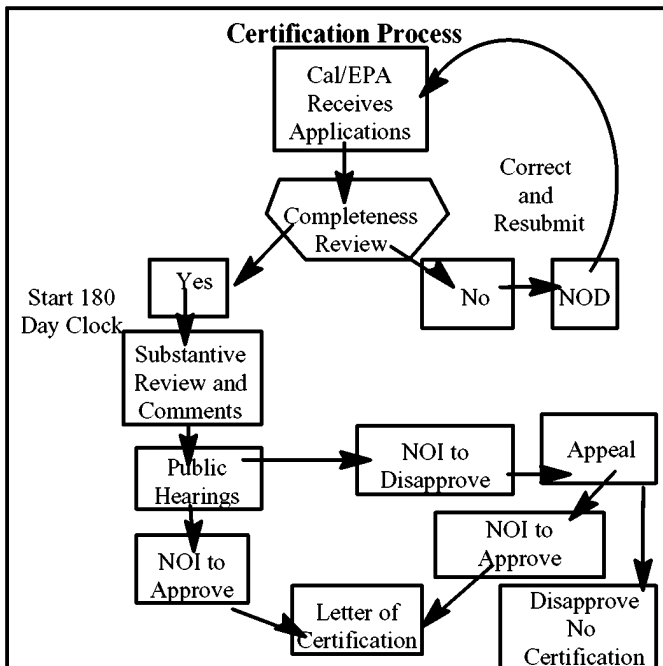


Figure 3

### (a) Completeness review.

(1) Each application shall be reviewed by the Secretary to determine whether all required information has been provided. Such review shall be finished within 90 days of receipt of the application. Within the 90-day review period:

(A) The Secretary shall send a notice of completeness to an applicant agency whose application has been determined to contain all necessary components; or

(B) The Secretary shall return an incomplete application to the applicant agency.

(i) The Secretary shall notify an applicant agency of an incomplete application by using a Notice of Deficiency (NOD).

(ii) In the NOD, the Secretary shall specify those provisions of the application that are not sufficient and the date by which the additional information is due.

### (b) State agency review and recommendation.

(1) Applications that are found to be complete shall be reviewed pursuant to HSC § 25404.3(b). In determining whether an applicant agency should be certified, the Secretary shall consider comments from the California Environmental Protection Agency and the following or their designee:

Director of Department of Toxic Substances Control (DTSC);

~~Director of the Office of Emergency Services (Cal OES); Assistant Secretary for Local Program Coordination and Emergency Response;~~

State Fire Marshal (SFM); and

Executive Director of the State Water Resources Control Board (State Water Board)

(2) Comments and recommendations to the Secretary shall be based on analysis of the application contents and consideration of the requirements of this division.

(c) Public hearing.

(1) The Secretary shall hold a public hearing regarding the application for certification.

(2) The Secretary may group public hearings for efficiency purposes.

(3) The Secretary shall consider comments received as part of the public hearing in the determination of whether an applicant should be certified.

(d) The Notice of Intent (NOI).

(1) The Secretary shall complete the review process and issue a NOI within 180 days of receipt of the complete application for certification.

(A) The Secretary shall issue a NOI to approve the application for certification if the Secretary finds the applicant agency should be certified.

(AB) The Secretary shall issue a NOI to disapprove the application for certification if the Secretary finds the applicant agency should not be certified. The NOI to disapprove shall identify those areas of the Unified Program application that are deficient.

(i) Within 30 days of receipt of a NOI to disapprove the application for certification, an applicant may appeal the Secretary's decision to disapprove the application. The appeal shall address the areas identified by the Secretary as deficient, and an amended application shall may be submitted.

(ii) In addition to its rights pursuant to (i) above, the applicant agency may request a second public hearing, at which time the Secretary shall hear the applicant agency's response to the reasons specified in the NOI to disapprove.

(iii) The appeal process shall be completed within 60 days of receipt of the appeal.

~~(B) The Secretary shall issue a NOI to approve if the Secretary intends to approve an application for certification.~~

~~(2) During periodic review of the Unified Program, or review of an amended application, if the Secretary finds the Unified Program or the Unified Program implementation amended application to be deficient, the Secretary shall issue a final NOI to withdraw certification and disapprove the application. The NOI shall identify those areas of the Unified Program amended application that are still deficient.~~

(e) Final Decision.

(1) The Secretary's final decision to approve or disapprove the application for certification shall be issued in writing to the applicant agency. The final decision shall be issued within 30 days of the appeal process issuing the NOI except as provided in section 15160(f). If the Secretary

approves the application for certification, the certification shall include the date upon which the CUPA's authority shall commence.

(2A) For purposes of this division and ~~the 22 CCR, title 22, d~~ Division 4.5, "certification" of a CUPA shall constitute "designation" pursuant to HSC ~~s~~ Section 25180, of the responsible agency implementing HSC cChapter 6.5 of the HSC, pursuant to ~~the 22 CCR, title 22, s~~ Section 66272.10.

~~(2) The Secretary's final decision to disapprove the application for certification shall be issued in writing to the applicant agency, within 30 days of issuing the initial NOI, or the final NOI after the appeal process has been completed.~~

~~(f) Certification Decision Appeal Process.~~

~~(1) Within 30 days of receipt of a NOI to disapprove certification, the applicant agency may respond to the reasons specified and correct the deficiencies in its application.~~

~~(2) Within 30 days of receipt of a NOI to withdraw certification, the CUPA may respond to the reasons specified and correct the deficiencies in its Unified Program.~~

~~(3) In addition to its rights pursuant to (1) above, the applicant agency may request a second public hearing, at which time the Secretary shall hear the applicant agency's response to the reasons specified in the NOI to disapprove.~~

~~(4) The appeal process shall be completed within 60 days of receipt of the appeal.~~

~~(5) The Secretary's final decision on the certification decision appeal shall be issued in writing.~~

Note: Authority cited: Sections 25404 and 25404.6(c), Health and Safety Code. Reference: Sections 25404(d), 25404.3 and 25404.4(a), Health and Safety Code.