

L.A. County LEA Implementation of Assembly Bill 1473

Presented by

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**Solid Waste Management Program/Local
Enforcement Agency**

AB 1473

Feuer Bill

- Approved by the Office of Administrative Law (OAL) on March 10, 2008
- California Integrated Waste Management Act of 1989 prohibits a person from operating a solid waste facility without a solid waste facility permit (SWFP).

AB 1473

- Requires the board to adopt emergency regulations to authorize an enforcement agency (EA), upon the board's concurrence, to issue a temporary SWFP to a person operating a solid waste transfer or processing station, or a composting facility, which as of January 1, 2008, is required under the act to have a SWFP but for which a permit has not been obtained.

AB 1473

- Requires the regulations to direct a person desiring to obtain a temporary SWFP to submit an application to the EA no later than 60 days from the effective date of the regulations.
- Requires the operator to obtain a SWFP from the EA having jurisdiction or cease activities for which a permit is required, as specified.

AB 1473

- A facility covered under a temporary SWFP needs to have been in operation on or before January 1, 2007.
- The owner/operator of a facility agrees to inspections, at least monthly, by the EA.

AB1473

- Requires a Local Enforcement Agency (LEA) to diligently notify the operators of all facilities within its jurisdiction of the availability of temporary SWFPs
- This requirement imposes new duties upon the LEAs
- Requires the board to expeditiously review and act on a proposed SWFP.

AB 1473

- Requires the board to adopt the regulations as emergency regulations
- Requires the Office of Administrative Law (OAL) to consider the regulations as necessary for the immediate preservation of the public peace, health and safety, or general welfare.

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- Requires the board to file the regulations with the OAL at the earliest feasible date or on March 1, 2008, whichever date is earlier.
- This bill provides for the regulations to remain in effect until July 1, 2010 and on that date become inoperative.
- The bill provides that its provisions become inoperative on July 1, 2010 and, as of January 1, 2011, would be repealed.

As a result of AB 1473, Section 44002.1 has been added to the California Public Resource Code (PRC)

Key elements of PRC

44002.1

- Focuses on owners/operators of facilities which collect and handle recyclable materials.
- These facilities include unregulated recycling, solid waste handling and composting facilities.

Key elements of PRC

44002.1

- As a result of greater efforts in California to increase diversion of solid waste from landfills, the board anticipates an increase in the number of new transfer/processing stations and composting facilities within the next five years.
- To address these trends, it has become necessary to provide a temporary permitting scheme to enable operators of existing solid waste facilities to obtain temporary permits more quickly than is possible under existing law, in order to protect the public health, safety and environment.

Key elements of PRC

44002.1

- The board has since adopted emergency regulations which authorize the EAs, upon the board's concurrence, to issue temporary SWFPs to those transfer, processing stations and composting facilities that as of January 1, 2008 are required to obtain a SWFP as required under this division and adopted regulations.

Key elements of PRC 44002.1

- Those persons requesting to obtain a temporary SWFP must submit a complete and correct application to the EA having jurisdiction no later than 60 days from the effective date of the regulations.
- If a temporary SWFP is obtained, then the person must obtain a permanent SWFP no later than June 30, 2010 or cease activities for which a SWFP is required.

Key elements of PRC 44002.1

- Only those facilities that have been in operation on or before January 1, 2007 can be covered under these temporary SWFPs.
- The EAs shall diligently notify operators of all facilities within their jurisdiction of the availability of SWFPs under these regulations.

Key elements of PRC

44002.1

- The board shall expeditiously review and act on a proposed SWFP submitted to it by an EA.

Title 14 CCR was
amended to add Article
3.1.1

Temporary Solid Waste
Facilities Permits

14 CCR Section 18218 thru Section 18218.9 are the sections which cite the requirements and authority regarding temporary permits.

How is the L.A. County LEA
implementing the requirements of
AB1473 ?

- Obtained a list from the California Dept. of Conservation/Division of Recycling of certified processors.
- Identified those facilities which are located within unincorporated L.A. County and in those cities the LEA has jurisdiction in.
- A letter explaining the requirements and copy of the Title 14 regulations covering temporary permits were hand delivered by LEA field staff to those facilities that were identified as possibly requiring a temporary permit.

- 30 recycling facilities were identified and information packets were provided to those facilities
- The LEA anticipates 5 to 6 facilities will be submitting applications for temporary permits.
- Facilities which have not been identified, and are required to obtain a temporary permit but have failed to do so will be issued a notice to cease and desist once they are identified.
- Facilities which submit an application after the required 60 day period must apply for a full SWFP.

THANK YOU

????QUESTIONS????