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# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



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**September 8, 2006**

**To: ALL INTERESTED PARTIES**

**FROM: CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
PERMITTING AND ENFORCEMENT DIVISION**

**SUBJECT: NOTICE OF CHANGES TO PROPOSED PERMIT  
IMPLEMENTATION REGULATIONS (AB 1497)**

A 60-day public comment period for these proposed regulations ran from April 7 through June 6, 2006. The California Integrated Waste Management Board (Board) held a public hearing on the proposed regulations on June 5, 2006. The proposed regulations are intended to address various permit-related issues, and clarify existing regulations that were mandated by the Legislature, directed by the Board, or identified at workshops with stakeholders (California Code of Regulations, Title 27, Division 2, Chapter 4, Articles 1, 2, 3, and 3.1, and to add to Article 3, subsections 21660.1 through 21660.4; and to amend Title 14, Division 7, Chapter 3, Articles 5.9 and 5.95 and Chapter 5, Articles 2.1, 2.2, and 3.0). This includes AB 1497 (Montanez, Chapter 823, Statutes 2003) requirements that the Board define "significant change in the design or operation of the solid waste facility that is not authorized by the existing permit" and establish public noticing requirements regarding permit revisions. It also includes Board direction to consider applying the public noticing and hearing regulatory requirements for new construction, demolition and inert (CDI) permit applications to other solid waste facilities in order to provide consistent noticing and hearing requirements for different types of solid waste facilities.

After considering comments received during the 60-day comment period and comments made at the public hearing, Board staff modified the proposed regulations. The Permitting and Enforcement Committee considered, and received public comments on, the proposed modifications at its meeting held on September 5, 2006. Having considered staff's recommendations, the comments received from the public, and the discussion of the matter by the Committee, the chair of the Permitting and Enforcement Committee directed Board staff to make further modifications to the proposed regulations and to initiate an additional 15-day comment period.

A copy of the full text of the regulations as originally proposed, with the newly proposed changes clearly indicated, is available on the Board's Web site at <http://www.ciwmb.ca.gov/Rulemaking/PermitImplem/>. Paper copies may also be obtained by contacting Bobbie Garcia at the address, e-mail, or telephone number listed below. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period. Under the



Administrative Procedures Act, Board staff is required to respond only to comments related to the newly proposed changes to the regulations. However, Board staff will consider and respond to any and all comments relative to the minor change list in Section 21620(a)(1) and the significant change list in Section 21620(a)(4).

The 15-day comment period extends from September 11 through September 26, 2006. **The Board must receive written comments on the proposed changes no later than 5:00 P.M. on September 26, 2006.** Please submit your written comments to:

Bobbie Garcia  
California Integrated Waste Management Board  
P.O. Box 4025, MS-10A  
Sacramento, CA 95812-4025  
Phone: (916) 341-6291  
FAX: (916) 319-7535  
E-MAIL: [SWFacPermit@ciwmb.ca.gov](mailto:SWFacPermit@ciwmb.ca.gov)

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

**Title 27. Environmental Protection****Division 2. Solid Waste****Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans****Subchapter 3. Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits****Article 1. General****§ 21563. CIWMB – Scope. (T14:§18200, §18200.1)**

(a) This Subchapter sets forth the method of application for a full solid waste facilities permit and procedures for review and action on the application package. This Subchapter also addresses related matters of exemptions from the solid waste facilities permit requirements, application for changes in design or operation, reinstatement of solid waste facilities permits after disciplinary actions, periodic reviews and revisions of solid waste facilities permits, and amending application information. Matters related to EA actions to amend, suspend or revoke solid waste facilities permits are included in Article 2, Chapter 5.

(b) The provisions of this Subchapter shall apply to solid waste facilities or disposal sites and any other operations requiring a full solid waste facilities permit SWFP pursuant to As Noted in this Division. Specific provisions of this Subchapter outlining the different responsibilities of the applicant, EA and the CIWMB may be found below as follows:

(1) Exemption from a solid waste facilities permit SWFP Article 1.

(2) Applicant Requirements Article 2.

(3) EA Requirements Article 3.

(4) CIWMB Requirements Article 3.1.

(c) Except as otherwise noted, for purposes of this chapter only, "facility" means solid waste facility, ~~and/or~~ disposal site or any other operation requiring a full solid waste facilities permit SWFP pursuant to As Noted in this division.

(d) For purposes of these articles (Articles 1-3.1), the following definitions apply:

(1) "Complete" means all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction have been addressed in the application package.

(2) "Correct" means all information provided by the applicant regarding the solid waste facility must be accurate, exact, and must fully describe the parameters of the solid waste facility. ~~This does not include verifying for correctness information contained in the land use and/or conditional use permit which the applicant submits pursuant to §21570(f)(9).~~

(3) "Application Filing" means the enforcement agency has determined the application package is complete and correct and the statutory time limit contained in Public Resources Code PRC Section §44008 commences.

(4) "Informational Meeting" means a meeting where the public is invited to hear and comment on the preliminary determination of the action to be taken by the EA on an accepted application package. The meeting is strictly informational and no official decision is made at the meeting regarding the formal

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determination on the solid waste facilities permit application. EA conducted Informational Meetings fulfill the requirements set forth in Public Resources Code §44004 related to holding a "public hearing", unless the EA substitutes another meeting/hearing that meets the provisions in §21660.4. The definition used herein, does not apply to public hearings/hearing panels set forth in Public Resources Code §44300, Chapter 4, Articles 1 and 2, having to do with ~~Denial~~ of solid waste facilities permits and related recourses.

(5) "Nonmaterial change" means a change that would require a change to the solid waste facilities permit but would not result in any physical change that would alter the approved design or operation of the facility. The definition is only for purposes of determining when a permit modification is needed as determined by the EA pursuant to §21665(d)(1).

(6) "Significant Change in the design or operation of the solid waste facility that is not authorized by the existing permit" means a change in design or operation of a solid waste facility where the EA has determined pursuant to §21665 that the change is of such consequence that the solid waste facilities permit needs to include further restrictions, prohibitions, mitigations, terms, conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment. The definition is only for purposes of determining when a permit needs to be revised and should not be utilized for making determinations relative to the California Environmental Quality Act (CEQA), Title 14, CCR §15000 et seq.

NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

## **Article 2. CIWMB – Applicant Requirements.**

### **§ 21570. CIWMB – Filing Requirements. (T14:§18201)**

(a) Any operator of a disposal site who is required to have a full solid waste facilities permit SWFP and waste discharge requirements pursuant to Public Resources Code, Division 31 and §20080(f) shall submit an application package for a solid waste facilities ~~permit~~ SWFP in duplicate to the EA pursuant to ¶(f). The applicant shall also simultaneously submit one copy of the application form and the Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall ensure demonstration of financial assurances to the CIWMB pursuant to Chapter 6 of this Subdivision.

(b) All other applicants who are required to have a full solid waste facilities permit SWFP shall submit an application package for a solid waste facilities permit SWFP in duplicate to the EA pursuant to ¶(f) and one copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. The applicant shall also simultaneously submit one copy of the application form to the RWQCB.

(c) Any application package submitted to the EA shall be accompanied by the fee specified by the EA pursuant to Public Resources Code ~~PRC~~ §44006(c).

(d) The application package shall require that information be supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility. The application package shall require, among other things, that the applicant and the owner give the address at which process may be served upon them.

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(e) All information in the application package shall be certified by the applicant and the owner of the site as being true and accurate to the best knowledge and belief of each. The applicant, owner of the facility, or both, shall supply additional information as deemed necessary by the EA.

(f) A complete and correct application package shall include, but not necessarily be limited to, the following items:

(1) Application For Solid Waste Facilities Permit/Waste Discharge Requirements Form (CIWMB E-1-77, Version 8-04, Appendix 1); and

(2) Complete and correct Report of Facility Information. In the case of disposal sites, this will be a Report of Disposal Site Information (RDSI) in the format of a JTD or a Disposal Site Facility Plan or Disposal Facility Report in the format of a JTD; and

(3) California Environmental Quality Act (CEQA) compliance information as follows:

(A) Evidence that there has been compliance with the CEQA, Division 13 (commencing with §21000) of the Public Resources Code, regarding the facility; or

(B) Information on the status of the application's compliance with the CEQA regarding the facility, including the proposed project description. Once there has been compliance with the CEQA regarding the facility, evidence of compliance shall be submitted to the EA; and

(4) Any CEQA Mitigation Monitoring Implementation Schedule; and

(5) Conformance finding information, including one of the following:

(A) Until a countywide or regional agency integrated waste management plan has been approved by the CIWMB, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code §50000; and that the facility is consistent with the city or county General Plan and compatible with surrounding land use, in accordance with Public Resources Code §50000.5; or

(B) After a countywide or regional agency integrated waste management plan has been approved by the CIWMB, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant to Public Resources Code §50001; and

(6) For disposal sites, completeness determination of Preliminary or Final Closure/Postclosure Maintenance Plan as specified in §§21780, 21865, and 21890 (Subchapter 4 of this Chapter); and

*[Note: The operator has the option of submitting the preliminary closure plan with the JTD, in which case the EA, RWQCB, and CIWMB would review it at the same time. If deemed complete by the reviewing agencies, the solid waste facilities permit application package could then be accepted for filing if all other information in the JTD is accepted by the EA. Or the operator can submit a stand alone preliminary closure plan to be deemed complete by reviewing agencies before the application package is submitted to the EA. For CIWMB purposes, all final closure/postclosure plans are stand alone documents but can be processed jointly with a proposed solid waste facilities permit revision as long as the final plan is determined complete prior to approval of the proposed solid waste facilities permit. The JTD Index prepared for the EA should show where each closure requirement is addressed in the closure/post-closure plan.]*

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(7) For disposal sites, current documentation of acceptable funding levels for Financial Assurance Mechanism (in accordance with Chapter 6, Division 2); and

(8) For disposal sites, current documentation of compliance with operating liability requirements in accordance with Chapter 6;

~~(9) Land use and/or entitlements for the facility (e.g., Conditional Use permits or zoning ordinance);~~

~~(10)~~ (9) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial survey to be completed at least once every five years or more frequently as determined by the EA enforcement agency. For disposal sites permitted for 20 tons-per-day or less, a ground aerial survey must be completed at least once every ten years. Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surface must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface. For the purposes of this section the following definitions apply:

(A) "base ground surface" - the best available excavation plan surface that existed prior to the placement of any waste;

(B) "CADD" - computer aided design and drafting;

(C) "compaction (fill) factor" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

(D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper surface;

(E) "existing ground surface" - the topography that exists at the time of the subject survey;

(F) "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction;

(G) "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;

(H) "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the disposal site;

(I) "net volume" - the fill volume less the cut volume;

(J) "site name" - the name of the disposal site for which the survey information is being submitted;

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(K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and lower surfaces;

(L) "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted, e.g., total volume including proposed expansion;

(M) "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface and proposed finished ground surface;

(N) "survey" - a comprehensive examination of the disposal site under the direction of registered civil engineer or licensed land surveyor for purposes of determining the topography of the base, existing and finished ground surfaces, and the volumes bound by those surfaces;

(O) "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction, thickness, color and other attributes;

(P) "volume calculation method" - grid, composite, section or other method approved by the enforcement agency.

~~(11)~~ (10) For disposal sites, one of the following:

(A)

(i) In-place density (pounds ~~lbs~~ of waste per cubic yard of waste). The in-place density is the estimated or measured density of in-place waste material achieved by mechanical or other means in the development of the current lift of the current operating waste cell, and

(ii) Waste-to-cover ratio, estimated, (volume:volume). The waste-to-cover ratio estimate is a unit-less expression of the proportion of the volumes of waste and cover that comprise a volume of compacted fill material, e.g. 4:1. The cover portion of the waste-to-cover ratio estimate should include only soil or approved daily or intermediate alternative cover that is not considered a waste material, i.e., payment of fees to the CIWMB is not required. The waste portion of the waste-to-cover ratio estimate should include only waste material for which payment of fees to the CIWMB is reported, or

(B) Airspace utilization factor (tons of waste per cubic yard of landfill airspace). The airspace utilization factor (AUF) is the effective density of waste material in the landfill. The AUF is recorded as the total weight of waste material passing over the landfill scales that is placed in a known volume of landfill airspace in a given period of time. The waste portion of the AUF should include only waste material for which payment of fees to the CIWMB is reported.

~~(12)~~ (11) List of all public hearings and meetings held and/or notices distributed that are applicable to the proposed solid waste facilities permit action.

NOTE: Authority cited: Sections 40002, 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44001-44017, 44100-44101, 44300-44301, 44500-44503 and 44813-44816, Public Resources Code.

**§ 21580. CIWMB – Submittal of an Incomplete Application Package (T14:§18203)**

The applicant may request, in writing, that the EA accept an incomplete application package. As a condition of acceptance, the applicant shall waive the statutory time limit contained in Public Resources Code PRG §44008. The application package shall conform to ~~section~~ §21570 within 180 days from the date the EA agrees to accept the package as incomplete or the application package shall be rejected. Upon submittal of

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an incomplete package, the applicant shall list the deficiencies in the package, reasons for the incomplete submittal, and a proposed schedule as to when the deficiencies will be submitted. For an application for a new or revised solid waste facilities permit, within 30 days after deeming the application complete, the EA shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3.

NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44001-44006 and 44007-44010, Public Resources Code.

**§ 21620. CIWMB – Change in Design or Operation. (new)**

(a) ~~Any applicant~~ This section applies to any operator proposing to make a significant change in the design (as defined in subsection 21663(a)(1)) or operation (as defined in subsection ~~division~~ 21663(a)(2)) of the facility, where such change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act and one of the following categories apply: (1) Minor Change - the change qualifies as a minor change pursuant to §21620(a)(1), in which case the operator shall comply with §21620(a)(1)(~~FE~~); (2) RFI Amendment - the EA has determined that an amendment to the RFI is required for the change, in which case the operator shall comply with §21620(a)(2); (3) Modified Permit - the EA has determined that the solid waste facilities permit requires modification pursuant to §21665(d), in which case the operator shall comply with §21620(a)(3); or (4) Revised Permit - the EA has determined that the solid waste facilities permit requires revision pursuant to §21665(e) or §21620(a)(4), in which case the operator shall comply with §21620(a)(4).

This section does not apply to changes to the facility, where such a change is not subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act.

**(1) Minor Changes**

An operator may implement a minor change without EA review and approval if all of the following criteria set forth in subdivisions (A) through (D) are met and the operator notifies the EA of the minor change as required under subdivision (F):

(A) the change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act;

(B) the change is consistent with State minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with §17200), and including financial assurances and operating liability criteria pursuant to Chapter 6 of this subdivision if applicable;

(C) the change is consistent with the terms and conditions in the current solid waste facilities permit; and

(D) the change does not conflict with the design and operation of the facility as provided in the current RFI. ~~is listed below:~~

(E) Minor changes include, but are not limited to, the following:

~~Alternative 1 Minor Change List contains proposed changes that were identified and fully supported by a workgroup consisting of stakeholders who actively participated in the informal regulatory process, including industry and EA representatives. Commenters should consider both the merit of the list concept as well as the content of the list. Should the changes listed below be kept on the list as is, edited, or deleted? Should new changes be added?~~

(i) Correction of typographical errors in any documents/documentation submitted by the owner or operator.



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(ii) Changes in the training plan that do not affect the type or decrease the amount of training given to employees.

(iii) Changes in any name and phone number, mailing address, or other contact information that does not include a change of the owner or operator.

(iv) Changes in emergency equipment (e.g., used for spill or release response) with the same functionally equivalent equipment at the same or higher level of quality.

(v) Replace equipment that consists of functionally equivalent components and specifications as the equipment being replaced, which does not cause any change to location or design from the formerly used equipment.

(vi) Changes in procedures for cleaning or decontamination of facility equipment or structures.

(vii) Changes in tanks used for storage of materials utilized as part of the operation of the facility such as fuel, motor oil, and water without a change in location and consistent with existing design and operation.

(viii) Changes in the rental company or location of where the back-up equipment may be sought.

~~Alternative 2 Optional Minor Change List contains additional changes that could be added to the Minor Change List shown in Alternative 1, above. These additional changes were identified and supported by 60 percent of a workgroup consisting of stakeholders who actively participated in the informal regulatory process, including industry and EA representatives. Commenters should consider if any of the changes listed below should be moved as is or edited to the Minor Change List, or dropped from further consideration.~~

(ix) Replacement of an existing environmental or operational monitoring point that has been damaged or rendered inoperable, without change to location or design of the monitoring point.

~~(#x)~~ Updated changes to other regulatory agency documents that are included by reference in a RFI only and will not result in a change to the design and/or operation that are within the LEA's authority.

~~(#xi)~~ Updated changes to other regulatory agency documents that are included by reference in a RFI only and will not result in a change to the design and/or operation.

~~(#xii)~~ Changes in containers used for temporary storage of materials separated for recycling that does not interfere with the design and operation of the facility.

~~(v)~~ Change in name only of owner/operator.

~~(#xiii)~~ Change in narrative information (e.g., background information) outside the permitted boundary.

~~(#xiv)~~ Change to facility signage wording consistent with State minimum standards.

~~(#xv)~~ Changes to improve personnel protective equipment and other safety procedures; needs to be consistent with OSHA.

~~(#xvi)~~ Changes to traffic patterns on site that do not affect off-site traffic, and/or adjacent improved properties.

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- 1 (xvii) Adjacent land use map.
- 2 (xviii) Change in location of facility records.
- 3 ~~(xii) Change in designated enforcement agency.~~
- 4 (xix~~ii~~) Changes in name, address, or phone number of contact in post-closure plan.
- 5 (xxi~~iv~~) Changes to equipment maintenance operations associated with the operation of the facility ~~that will~~
- 6 ~~not change design or operation.~~
- 7 (xxi~~iv~~) Purchase Acquisition of property adjacent to the facility if not used for solid waste activities
- 8 ~~operations.~~
- 9 (xxii~~iv~~) Updated changes to documents that are included by reference in a permit or RFI.
- 10 (xxiii~~iv~~) Regulation re-numbering as referenced in RFI.
- 11 (~~EE~~) the operator shall notice the EA at the time of the change or within 30 days ~~a reasonable time~~ after the
- 12 change has been made, and the following provisions shall apply:
- 13 (i) the notice shall be in writing and delivered to the EA by regular mail, email, or fax;
- 14 (ii) the operator shall identify the minor change in the notice and indicate the effective date of the change;
- 15 (iii) the notice is for informational purposes only and is not subject to EA compliance measures; however, if
- 16 the EA determines at a later date that the change does not meet the criteria for minor change, the EA shall
- 17 provide a finding to the operator in writing as to why the change did not qualify as a minor change and the
- 18 EA shall ~~may~~ require the operator to comply with all applicable requirements; and
- 19 (iv) During the regular 5-year permit review, the EA shall review the minor change notices and determine
- 20 which should be incorporated into the RFI.
- 21 **(2) Amendment to Report of Facility Information**
- 22 ~~(b)~~ For those changes in design or operation that do not qualify under subdivision (a)(1) and that require an
- 23 amendment to the RFI, the operator shall file an amendment to the RFI with the EA at least 180 days prior
- 24 to the proposed change unless otherwise determined by the EA. Notwithstanding, the EA may determine,
- 25 based on consultation with the applicant and review of the RFI amendment, that the change meets the
- 26 criteria in §21665(c), in which case the applicant may file an application less than 180 days prior to making
- 27 the proposed change. ~~b)~~ Proposed RFI~~s~~ or amendments to the RFI shall be accompanied by an application
- 28 form. All amendments shall be submitted as specified in §21570. The applicant shall only submit those items
- 29 listed in §21570(f) that have changed or are proposed to change, unless otherwise specified by the EA. Such
- 30 amendments or lack thereof may become the basis for changes in the solid waste facilities permit as
- 31 determined by the EA as described in §21665. The operator shall have the right to appeal the EA's decision
- 32 before the hearing panel.
- 33 **(3) Modified Permit**
- 34 If the change in design or operation does not qualify under subdivision (a)(1) or (a)(2) ~~meet the~~
- 35 requirements of §21665(e), but does meet the requirements of §21665(d) for a modified solid waste facilities

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1 permit, the operator shall submit an application package for a modified solid waste facilities permit pursuant  
2 to §21570 which the EA shall process pursuant to §21650.

3  
4 **(4) Revised Permit**

5 All other changes in design or operation require a revised solid waste facilities permit pursuant to §21665(e).

6 The operator shall submit an application package for a solid waste facilities permit revision pursuant to  
7 §21570 and which shall be processed by the EA pursuant to §21650.

8 ~~Alternative 3 Significant Change List contains proposed changes that were identified and~~  
9 ~~supported by 60 percent of a workgroup consisting of stakeholders who actively participated in~~  
10 ~~the informal regulatory process, including industry and EA representatives. Commenters~~  
11 ~~should consider both the merit of the list concept as well as the content of the list. Should the~~  
12 ~~changes listed below be kept on the list as is, edited, or deleted? Should new changes be~~  
13 ~~added?~~

14 Notwithstanding anything to the contrary in §21665(e), the following changes in design or operation are  
15 considered significant and require an application for a revised permit:

16  
17 (A) Increase in maximum amount of permitted tonnage of all waste received.

18  
19 (B) Increase in the facility's permitted acreage.

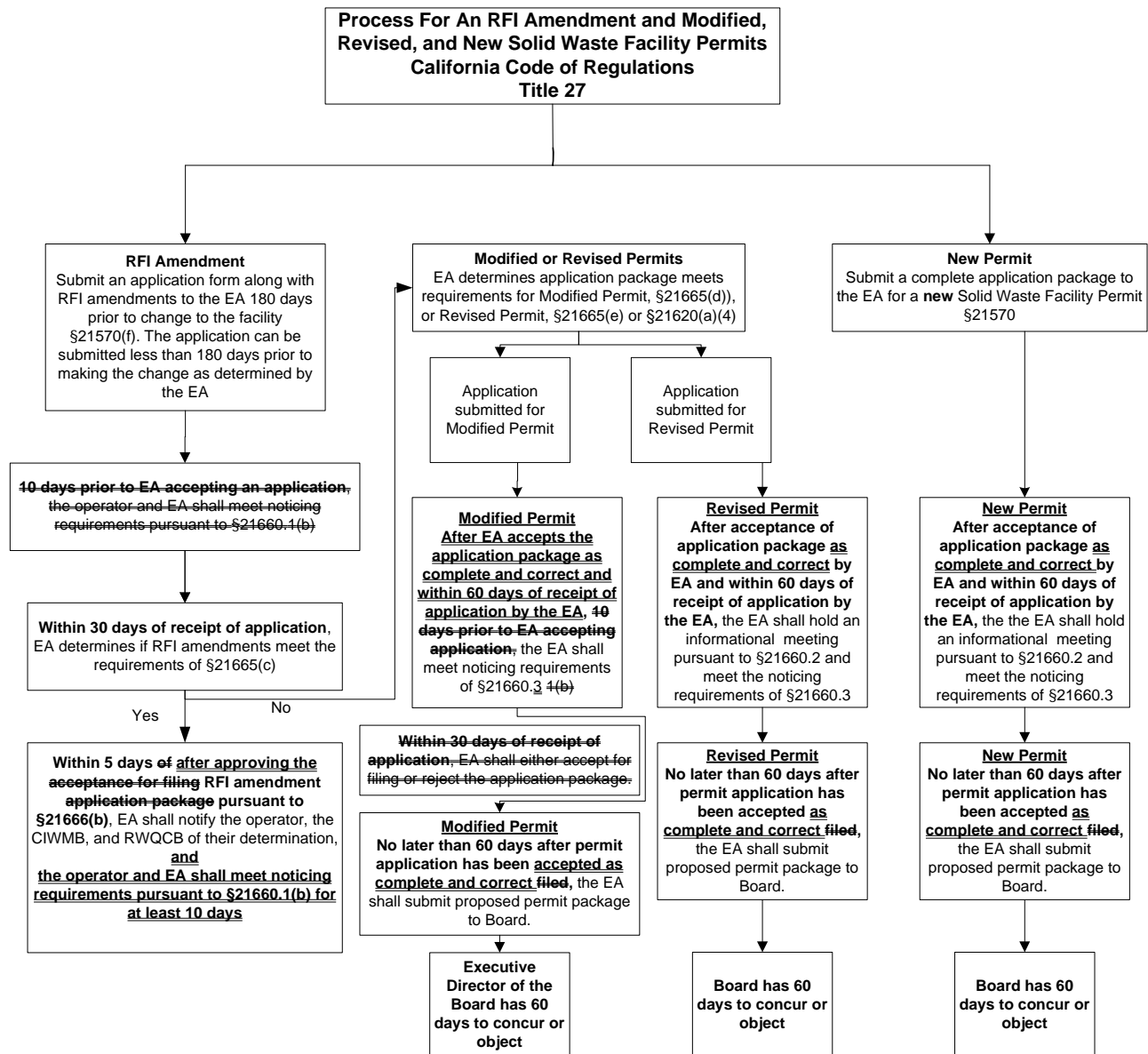
20  
21 (C) Increase in the permitted hours of operation.

22  
23 (D) For landfill, increase in permitted disposal footprint and/or permitted (final grade) the maximum overall  
24 height.

25 *Note: changes relative to only those items described in the RFI and not addressed in the current solid waste*  
26 *facilities permit as written by the LEA could be requested, after consultation, through an application pursuant*  
27 *to §21666. To help better understand the process for RFI amendment, and modified, revised and new solid*  
28 *waste facilities permits, but not to supplant the regulations, a flow diagram is provided below:*

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NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

### Article 3. CIWMB – Enforcement Agency (EA) Requirements

#### § 21650. CIWMB – EA Processing Requirements. (T14:§18203)

(a) Upon its receipt, the EA shall stamp the application package with the date of receipt. The EA shall examine the application package to determine whether it meets the requirements of §21570. If the EA finds the package meets the requirements of §21570, the application package shall be accepted and stamped with the date of acceptance. Notwithstanding any other provision of this division, the application package shall be deemed filed on the date of acceptance.

(b) The EA shall either accept or reject the application package within thirty days of its receipt.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(c) Within five days of filing, the EA shall notify the CIWMB, and the RWQCB if applicable, of its determination. The EA shall submit as its notification to the CIWMB a copy of the accepted application form. The EA shall also forward a copy of the application form to the RWQCB if applicable.

(d) If the EA determines that the application package does not meet the requirements of §21570, it shall reject and not file the application, and it shall, within five days of determination, so notify the applicant, the CIWMB, and the RWQCB if applicable, enumerating the grounds for rejection. The EA shall include in its notification to the CIWMB a copy of the rejected application form. The application package, together with the notice of rejection, shall be kept in the EA's file.

(e) After acceptance of an application for a new or revised full solid waste facilities permit as complete and correct and within 60 days of receipt of the application by the EA, the EA shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as required by §21660.3 after finding the permit application complete and correct and within 60 days of receipt of the application by the EA pursuant to §21660.1.

(ef) Upon request of the applicant, the EA may accept an incomplete application package. As a condition of acceptance, the operator and the EA enforcement agency shall waive the statutory time limit contained in ~~the Public Resources Code Section §44009. [Note: Section 21580 is the section for processing the applicant's waiver of timeframes and timing for noticing and holding an informational meeting after the EA deems a previously submitted incomplete package to be complete.]~~ The EA shall notify the applicant within 30 days if the applicant's request for review under this subsection has been accepted. If the application package does not conform with the requirements of §21570 within 180 days from the date of the EA agreeing to accept the package as incomplete the EA shall reject the application package, pursuant to ¶(d). If the EA finds the application package meets the requirements of §21570, the application package shall be accepted pursuant to ¶(c).

(fg) No later than ~~55-60~~ days after the application package has been accepted as complete and correct filed and after conducting an informational meeting if required by §§21660.2 and 21660.3, the EA shall mail to the CIWMB the following:

(1) A copy of the proposed solid waste facilities permit;

(2) The accepted application package;

(3) A certification from the EA that the solid waste facilities permit application package is complete and correct, including a statement that the RFI meets the requirements of §21600, 14 CCR §18221 or §§17863 17346.5, 18221.6, 18223.5, or 18227.

(4) Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status of the applicant's WDRs, as described in Public Resources Code ~~PRC~~ §44009.

(5) Any written public comments received on a pending application and a summary of comments received at the informational meeting and, where applicable, any steps taken by the EA relative to those comments. Subsequent to the transmittal of the proposed solid waste facilities permit, the EA shall, within five (5) days of receipt, provide a copy of any additional written public comments to the CIWMB.

(6) A solid waste facilities permit review report which has been prepared pursuant to §21675, within the last five years.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(7) EA finding that the proposed solid waste facilities permit is consistent with and is supported by existing CEQA analysis, or information regarding the progress toward CEQA compliance.

(gh) At the time the EA submits the proposed solid waste facilities permit to the CIWMB, the EA shall submit a copy of the proposed solid waste facilities permit to the applicant, the RWQCB if applicable, and any person so requesting in writing. The copy of the proposed solid waste facilities permit provided to the applicant shall also be accompanied by a form for request for hearing, which the applicant may use to obtain a hearing before a hearing panel to challenge any condition in the solid waste facilities permit. In cases where a hearing panel may be requested, the EA shall notify the CIWMB within seven days of being noticed by the operator.

(hi) The proposed solid waste facilities permit shall contain the EA's conditions ~~the EA proposes to include in the permit~~. The proposed solid waste facilities permit shall not contain conditions pertaining solely to air or water quality, nor shall the conditions conflict with conditions from WDRs issued by the RWQCB.

*[Note: The process to obtain a full solid waste facilities permit ~~SWFP~~ might not include the RWQCB if the facility is other than a landfill or disposal site. Therefore, EA submittals of forms and documents to the RWQCB will be made if applicable to the type of facility.*

When writing conditions pursuant to 21650(i) the EA should take into consideration PRC §44012, which requires the EA to ensure that primary consideration is given to protecting public health and safety and preventing environmental damage, and the long-term protection of the environment. The EA should be aware of and take into consideration other permits and approvals when writing terms and conditions]

NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 40055, 43103 and 44001-44014, Public Resources Code.

**§ 21660. CIWMB – ~~Public Notice and Comment; Recordkeeping Requirements. (T14-S18204)~~ Public Notice and Informational Meeting Requirements.**

This Section discusses the requirements for giving public notice and conducting informational meetings as defined in §21563(d)(4) when an application for an RFI amendment, modified solid waste facilities permit, revised solid waste facilities permit, or new solid waste facilities permit is submitted to an EA for consideration. Because the processing time for RFI amendments is less than it is for permits, the noticing requirements for RFI amendments are addressed separately from ~~and~~ modified, revised, and new solid waste facilities permits ~~are the same, they~~ which are addressed together. For new and revised ~~and new~~ full solid waste facilities permits there are additional requirements for ~~noticing and~~ conducting an informational meeting, ~~so new and revised solid waste facilities permits are described separately.~~ Under ¶(b) below is an index locator of the specific subsections for specific solid waste facilities permit applications.

(a) The following provisions shall be applied to applications for new solid waste facilities permits, revised and modified solid waste facilities permits, and RFI amendments.

(a1) The EA shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

(b2) Within 5 days after the EA approves the RFI amendment and within 5 days from the EA receiving the application for new, revised, and modified permits, the EA shall mail written notice of an application to every person who has submitted a written request for such notice.

(e3) Written public comments on an application shall be retained by the EA.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(b) Specific provisions relating to the content of notices, distribution and publishing of notices, and informational meetings may be found in subsequent sections as follows:

Content of Notice for RFI Amendment ~~and Solid Waste Facilities Permit Modification~~ Applications §21660.1(a)

Publication of Notice for RFI Amendment ~~and Solid Waste Facilities Permit Modification~~ Applications §21660.1(b)

Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications §21660.2

Contents of Notice of New, ~~and~~ Revised, and Modified Permit Applications and EA Conducted Informational Meeting §21660.3(a)

Notice Distribution for New, ~~and~~ Revised, and Modified Permit Applications and EA Conducted Informational Meeting §21660.3(b)

Substitute Meetings in Place of ~~for~~ EA-Conducted Informational Meetings §21660.4

Content of Notice of New and Revised Full Permit Applications Using Substituted Meeting or Hearing §21660.4(a)

Notice Distribution of New and Revised Full Permit Application Using Substituted Meeting or Hearing §21660.4(b)

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

## **§ 21660.1 Notice for RFI Amendment ~~and Solid Waste Facilities Permit Modification~~ Applications.**

### **(a) Content of Notice for RFI Amendment ~~and Permit Modification~~ Applications**

At a minimum, the public notice prepared pursuant to §21660.1(b) for RFI amendment ~~and solid waste facilities permit modification~~ applications approved by the EA shall include the following information:

(1) Name and location of facility applying for the RFI amendment ~~or solid waste facilities permit modification~~.

(2) Solid waste facilities permit/facility number.

(3) Date RFI amendment ~~or solid waste facilities permit modification~~ application was received by the EA.

(4) Description of the change proposed as an RFI amendment ~~or solid waste facilities permit modification~~.

(5) Date ~~by which~~ the EA approved ~~is required to act upon~~ the RFI amendment and the EA finding pursuant to §21665(c) ~~or the solid waste facilities permit modification~~.

~~(6) EA finding or preliminary finding pursuant to §21665(c)(1).~~

~~(7) (6) Information on the availability of appeals to challenge the EA's approval of the RFI amendment pursuant to Public Resources Code §44307.~~

~~(8) (7) Statement indicating where additional information about the approved application is available ~~(date, time, and location)~~ for public review.~~

~~(9) (8) EA and operator contact information.~~

### **(b) Publication of Notice for RFI Amendment ~~and Permit Modification~~ Applications**

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

In addition to the EA requirements in §21660(a), the operator shall prepare and post within 5 days after the EA approves at the time the application for at least 10 days is submitted to the EA a temporary notice at the facility entrance that meets the requirements of §21660.1(a); in addition the EA shall ensure that notices are distributed for RFI amendment ~~and solid waste facilities permit modification~~ applications as specified below that contain information pursuant to §21660.1(a). The publication (in hard copy or electronically) shall occur at one or more of the following locations within 5 days after the EA approves the application for at least 10 days ~~prior to EA taking action pursuant to §21666(a) or §21650(a):~~

(1) Posting of notice prepared and posted by the EA on EA's or the Local Jurisdiction's public notice board, if one exists, or

(2) Posting of notice prepared by the EA and posted by the operator on facility's web site, if one exists, or

(3) Posting of notice prepared and posted by the EA on EA's web site, if one exists, or

(4) Posting of notice prepared by the EA and posted by the Board on the Board's web site, provided that the EA provides the Board receives with a copy of the notice ~~3-15 days in advance to~~ after the EA approves ~~accepting~~ the application in order to allow the Board time for processing and posting of the notice.

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

**§ 21660.2 Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications.**

(a) EA shall conduct an informational meeting for all new and revised full solid waste facilities permit applications as determined by §21665. The EA shall hold an informational meeting on an application for a new full, ~~standardized or registration~~ solid waste facilities permit or an application for a full solid waste facilities permit revision required under this Article. The EA may require the operator(s) of the facility or facilities that are the subject of the informational meeting to pay all costs incurred by the EA in connection with the meeting. The informational meeting may be combined with another public meeting in which the EA participates that meets the criteria as specified in §§21660.2(b) and 21660.2(c).

(b) The informational meeting shall be held after acceptance of the application package as complete and correct by the EA and within 60 days of receipt of the application by the EA. The EA shall submit to the ~~EA~~ Board a copy of the informational meeting notice at time of issuance. The ~~EA~~ Board shall post the notice on its web site as a way to further inform the public.

(c) The informational meeting shall meet the following criteria:

(1) The meeting shall be held in a suitable location not more than one (1) mile ~~five (5) miles~~ from the facility that is the subject of the meeting; provided that, if no suitable and available location exists within one (1) mile ~~five (5) miles~~ of the facility, as determined by the EA, the EA may designate an alternative suitable location that is as close to the facility as reasonably practical.

(2) The meeting shall be held on a day and at a time that the EA determines will enable attendance by residents living in the vicinity of the facility that is the subject of the meeting.

(3) EAs may undertake additional measures to increase public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the meeting, including but not limited to additional posting at the facility entrance, noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site, posting in a local newspaper of general circulation, and multilingual notice and translation, and multiple meeting dates, times and locations.



## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(d) The EA may substitute a previous public meeting or hearing for the requirements in this Section pursuant to §21660.4 if the applicant does not object.

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

**§ 21660.3 Notice of New, ~~and Revised and Modified Permit Applications and EA Conducted~~ Informational meeting.**

**(a) Contents of Notice of New, ~~and Revised and Modified Permit Applications and EA Conducted~~ Informational Meeting**

The public notice prepared pursuant to §21660.3(b) for new, ~~or revised or modified~~ solid waste facilities permit applications shall include the following information:

(1) Name and location of the facility or proposed facility.

(2) Solid waste facilities permit/facility number (for existing permits).

(3) Purpose of the public informational meeting for new and revised full permits.

(4) Date the EA accepted the solid waste facilities permit modification/revision/new permit application.

(5) Description of the solid waste facilities permit modification/revision(s)/new permit.

(6) EA's preliminary determination pursuant to §21665 for modified and revised permits.

~~(7) EA finding pursuant to §21665(c)(1).~~

~~(7)~~ (7) Statement indicating where additional information about the application is available (Date, time, and location) for public review.

~~(8)~~ (8) Date, time, location of the public informational meeting for new and revised full permits.

~~(10)~~ (9) Options for submitting comments.

~~(11)~~ (10) Information on the availability of appeals to challenge the EA's issuance or denial of a modified, revised, or new permit pursuant to Public Resources Code §44307.

~~(12)~~ (11) EA and operator contact information.

**(b) Notice Distribution for New, ~~and Revised and Modified Permit Applications and EA~~ Conducted Informational Meeting**

In addition to the requirements in §21660(a) the EA shall prepare a meeting notice that contains information pursuant to §21660.3(a) and distribute the notice as follows:

(1) Posting of notice prepared and posted by the EA on the EA's or the Local Jurisdiction's public notice board, if one exists, and

(2)(a) For new and revised full permits, ~~the~~ EA shall post the notice in compliance with Government Code §65091, subdivisions (a)-(c), inclusive and with Public Resources Code §44004, subdivisions (h)(1)(A-C).

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(b) For new registration, standardized and modified permits, the EA shall post the notice in compliance with Government Code §65091, subdivisions (a)-(c), inclusive and with Public Resources Code §44004, subdivisions (h)(1)(A-C), except the EA shall post the notice within 5 days after finding the permit application complete and correct pursuant to §18104.2 for registration and §18105.2 for standardized; for modified permits, the EA shall post the notice after finding the permit application complete and correct and within 60 days of receipt of the application by the EA pursuant to §21650. ~~and~~

(3) For new and revised full permits, ~~the~~ the EA shall mail or deliver the notice 10 days prior to the date of the informational meeting to the governing body of the jurisdiction within which the facility is located and to the State Assembly Member and the State Senator in whose districts the facility is located. ~~and~~

(4) The EA may undertake additional measures to increase public notice and, for new and revised full permits, to encourage attendance by any persons who may be interested in the facility that is the subject of the informational meeting. These additional measures include but are ~~including but~~ not limited to additional posting at the facility entrance, noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site, posting in a local newspaper of general circulation, and multilingual notice and translation, and multiple meeting dates, times and locations.

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

#### **§ 21660.4 Substitute Meetings in Place of ~~for~~ EA-Conducted Informational Meetings.**

The EA may substitute the meeting required under §21660.2 with a previously held public meeting on the same project, as described in the solid waste facilities permit application package and associated CEQA documents, if the public meeting took place within one year prior to the date the EA accepted the application as complete and correct, and the applicant does not object. In order for this substitution to be valid, the EA must have been involved in the previously held meeting to the degree of being present, recognized by the presider of the meeting, and available to answer questions regarding solid waste facilities permitting specifications from the public, other entities, or officials in attendance at the meeting.

#### **(a) Content of Notice of New and Revised Full Permit Applications Using Substituted Meeting or Hearing**

When a previously held public meeting is to be used to substitute for the meeting requirements in §21660.2 the EA shall prepare and distribute a notice pursuant to §21660.4(b) regarding the application for a new or revised full solid waste facilities permit as follows:

(1) Name and location of the facility or proposed facility.

(2) Solid waste facilities permit/facility number (for existing permits).

(3) Date and purpose of previously held public informational meeting.

(4) Date the EA accepted the solid waste facilities permit revision/new full permit application.

(5) Description of the solid waste facilities permit revision(s)/new full permit.

(6) EA's preliminary determination pursuant to §21665.

~~(7) EA finding pursuant to §21665(c)(1).~~

~~(7) Statement indicating where additional information about the application is available (date, time, and location) for public review.~~

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

~~(9)~~ (8) Options for submitting comments, if applicable.

~~(10)~~ (9) Information on the availability of appeals to challenge the EA's issuance or denial of a modified, revised, or new permit pursuant to Public Resources Code §44307.

~~(11)~~ (10) EA and operator contact information.

**(b) Notice Distribution for New and Revised Full Permit Application for Substituted Meeting or Hearing**

In addition to the requirements in §21660(a) the EA shall prepare a notice that contains information pursuant to §21660.4(a) and distribute the notice as follows:

(1) Posting of notice prepared and posted by the EA on the EA's or the Local Jurisdiction's public notice board, if one exists, and

(2) 10 days prior to the EA making a final determination, the EA shall post the notice in compliance with Government Code §65091, subdivisions (a)-(c), inclusive and with Public Resources Code §44004, subdivisions (h)(1)(A-C), and

(3) 10 days prior to the EA making a final determination, the EA shall mail or deliver the notice to the governing body of the jurisdiction within which the facility is located and to the State Assembly Member and the State Senator in whose districts the facility is located, and

(4) The EA may undertake additional measures to increase public notice to any persons who may be interested in the application, including but not limited to additional posting at the facility entrance, noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site, posting in a local newspaper of general circulations, and multilingual notice.

NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

**§ 21663. CIWMB – Issuance of Solid Waste Facilities Permit. (T14:§18208)**

(a) Upon compliance with the CEQA and this article, and upon the concurrence of the CIWMB for new and revised solid waste facilities permits, and the Executive Director of the CIWMB for modified solid waste facilities permits, the EA shall issue the solid waste facilities permit as provided in Public Resources Code section §44014. The solid waste facilities permit shall specify the person authorized to operate the facility and the boundaries of the facility. The solid waste facilities permit shall contain such conditions as are necessary to specify a design and operation for which the applicant has demonstrated in the proceedings before the EA the ability to control the adverse environmental effects of the facility.

(1) As used herein, "design" means the layout of the facility (including numbers and types of fixed structures), total volumetric capacity of a disposal site [or total throughput rate of a transfer/processing station, transformation facility, or composting facility] vehicular traffic flow, and patterns surrounding and within the facility, proposed contouring, and other factors that may be considered a part of the facility's physical configuration.

(2) As used herein, "operation" means the procedures, personnel, and equipment utilized to receive, handle and dispose of solid wastes and to control the effects of the facility on the environment.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

NOTE: Authority cited: Sections 40502 and 43200, Public Resources Code. Reference: Sections 43103, 44012 and 44014 Public Resources Code.

**§ 21665. CIWMB – Processing Proposed Changes at Solid Waste Facility Report of Facility Information (RFI) Amendments. (new)**

(a) The applicant shall submit an ~~RFI amendment~~ application package pursuant to §§21570 and 21600, or 14 CCR §§18221.5, 18221.6, 18223, 18223.5 or §17863 to the EA. The submittal shall contain only those items listed in §21570(f) that have changed, are proposed for change or as otherwise specified by the EA.

(b) The EA shall review the applicant's proposed change ~~amendments to the RFI and~~ determine if such a change qualifies as an amendment(s) to the RFI or is ~~lack thereof~~ are the basis for changes in the solid waste facilities permit in which case the EA shall determine if the proposed change will require a solid waste facilities permit modification or a solid waste facilities permit revision pursuant to the following provisions provided in subsequent ¶¶ as follows:

(1) RFI Amendment(s) ¶(c)

(2) Modified Solid Waste Facilities Permit ¶(d)

(3) Revised Solid Waste Facilities Permit ¶(e)

(c) **RFI Amendment(s)** - The EA may approve and file the proposed change as an amendment(s) to the RFI without revising or modifying the solid waste facilities permit if all of the following criteria are met:

(1) the EA finds that the proposed change is consistent with all applicable certified and/or adopted CEQA documents or has been determined by the EA that the change would not create any adverse environmental impacts and is exempt from the requirements of CEQA; and in that no subsequent EIR or Negative Declaration or supplemental EIR is warranted pursuant to Title 14, Chapter 3, Article 11, §§15162 or 15163, or if the EA finds that the change being requested is exempt from the requirements of CEQA pursuant to Title 14, Chapter 3, Article 5, §§15060 and 15061;

(2) the EA has deemed the proposed change acceptable and consistent with, but not limited to, State minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with §17200), and including financial assurances and operating liability criteria pursuant to Chapter 6 of this subdivision if applicable; and

(3) the EA finds the changes do not conflict with the terms and conditions in the current solid waste facilities permit SWFP.

~~(d) The EA shall determine if the RFI amendments meet the requirements of ¶(c) within 30 days of receipt.~~

~~(e) Within 5 days of acceptance for filing of the RFI amendment application package, the EA shall notify the operator, the CIWMB and the RWQCB of their determination. The EA shall include in their notification to the CIWMB, a copy of the amended RFI, and a copy of the application form along with the EA determination specified in ¶(d).~~

~~[Note: Submittal of an Application Form in ¶(c) is for tracking purposes.]~~

~~(f) In cases where amendments do not follow the criteria set in this section, the EA may either require the operator to submit an application for a revised SWFP pursuant to §21570, or deny the proposed~~

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

amendment, in which case the applicant shall have thirty (30) days within which to appeal the decision to the hearing panel.

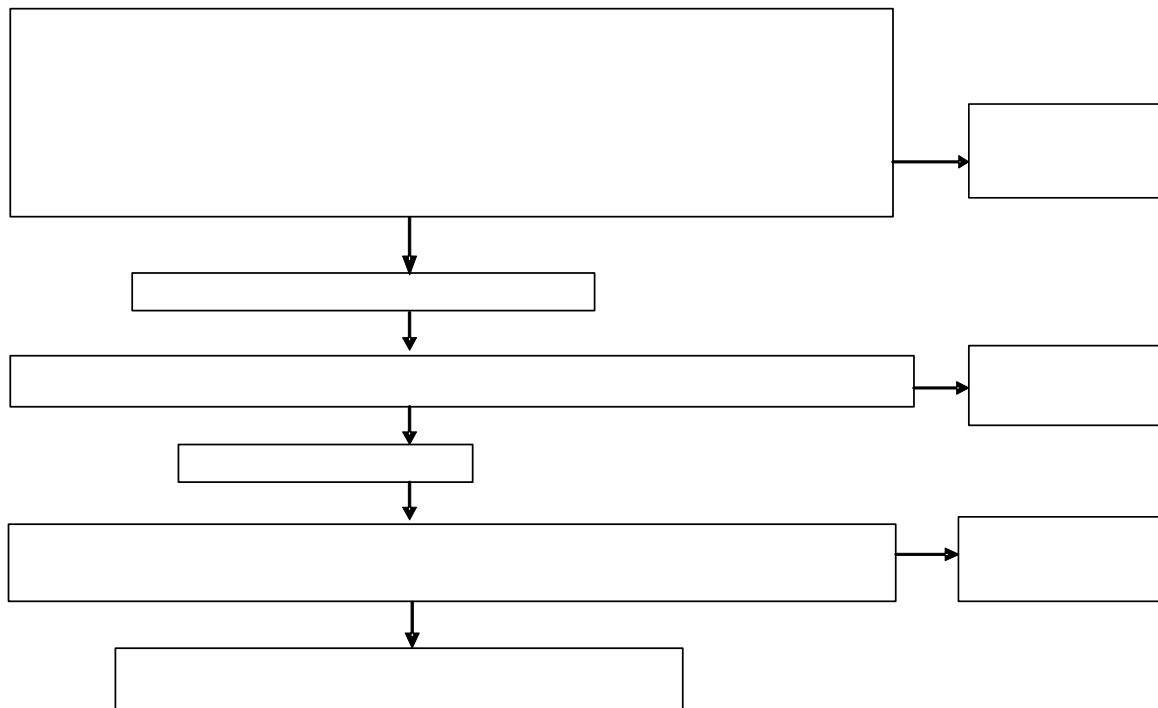
**(d) Modified Solid Waste Facilities Permit** - The EA may determine that the proposed change qualifies as a modified solid waste facilities permit if the proposed change does not meet all of the criteria specified under ¶(c) and meets any of the following criteria:

(1) the EA determines that the proposed change is a nonmaterial change as specified in §21563(d)(5), or

(2) the EA determines that the proposed change is such that the solid waste facilities permit does not need to include further restrictions, prohibitions, mitigations, conditions or other measures to adequately protect public health, public safety, ensure compliance with State minimum standards or to protect the environment.

**(e) Revised Solid Waste Facilities Permit** - The EA shall determine that the proposed change is a significant change as defined in §21563(d)(6) and requires a revised solid waste facilities permit if the proposed change does not meet the criteria for an RFI Amendment as specified under ¶(c) or a modified solid waste facilities permit as specified under ¶(d).

*Note: To help the affected public more readily understand the process used by the EA to determine whether a proposed change qualifies as an RFI amendment, modified solid waste facilities permit, or revised solid waste facilities permit, a decision tree is provided below; this diagram does not supplant any of these regulations:*



NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012 Public Resources Code.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

**§ 21666. CIWMB – Processing Report of Facility Information (RFI) Amendment(s).**

(a) The EA shall determine if the RFI amendment(s) meet the requirements of §21665(c) within 30 days of receipt and either accept or reject some or all of the amendment(s).

(b) Within 5 days of acceptance for filing of the RFI amendment application package, the EA shall notify the operator, the CIWMB and the RWQCB, if applicable, of its determination. The EA shall include in their notification to the CIWMB, a copy of the accepted RFI amendment(s), and a copy of the application form along with the EA determination specified in ¶(a).

[Note: Submittal of an Application Form in §21666 is for tracking purposes.]

(c) In cases where some or all of the amendment(s) do not follow the criteria set in §21665(c), the EA may either require the operator to submit an application for a modified or revised solid waste facilities permit pursuant to §21570, or deny the proposed amendment(s), in which case the applicant shall have thirty (30) days within which to appeal the decision to the hearing panel.

NOTE: Authority cited: Sections 40502 and 43200, Public Resources Code. Reference: Sections 43103, 44012 and 44014 Public Resources Code.

**§ 21675. CIWMB – Review of Solid Waste Facilities Permits. (T14:§18213)**

(a) Except as provided in §21680, all full solid waste facilities permits ~~SWFPs~~ shall be reviewed and if necessary modified or revised, from the date of last issuance at least once every five years. The EA shall give the operator notice of the five year review no less than 180 days before it is due.

(b) The EA shall review the operator's submittal in accordance with §21640 and prepare a solid waste facilities permit review report.

(1) The solid waste facilities permit review report shall include documentation that the following have been reviewed: the operator's submittal pursuant to §21640(b), the current solid waste facilities permit and conditioning documents, all RFI amendments since the last solid waste facilities permit review, the CEQA, and any other information in the record to identify any changes.

(2) The solid waste facilities permit review report shall determine any actions required by the operator.

(c) A copy of the solid waste facilities permit review report shall be submitted to the CIWMB within 150 days from receipt of the application for solid waste facilities permit review.

NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43103 and 44015 Public Resources Code.

**Article 3.1. CIWMB – CIWMB Requirements****§ 21685. CIWMB – Proposed Solid Waste Facilities Permit; CIWMB Processing Requirements. (T14:§18207, §17608)**

(a) The CIWMB shall stamp the proposed solid waste facilities permit with the date of receipt at the time the envelope is opened. The CIWMB shall consider each proposed solid waste facilities permit, any public testimony, and comments. Written comments may be submitted to the CIWMB and will become part of the CIWMB record. Such written comments shall be made available to the EA.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(b) The CIWMB shall not concur in issuance of the proposed solid waste facilities permit for new and revised solid waste facilities permits, and the Executive Director of the CIWMB for modified solid waste facilities permits, if the following information, if applicable, has not been submitted to the EA and the CIWMB pursuant to Public Resources Code PRC-§44009:

(1) Complete and correct Report of Facility Information as certified by the EA,

(2) EA's Solid Waste Facilities Permit Review Report pursuant to §21675,

(3) EA's proposed solid waste facilities permit written pursuant to this Subchapter.

(4)(A) Information that the facility is identified and described in or conforms with the County Solid Waste Management Plan (Public Resources Code PRC-§50000); and that the facility is consistent with the city or county General Plan and compatible with surrounding land use, in accordance with Public Resources Code PRC-§50000.5; or

(B) After a countywide or regional agency integrated waste management plan has been approved by the CIWMB, the EA's finding that the facility has met the requirements of Public Resources Code PRC-§50001.

(5) Documentation sufficient for the CIWMB to deem that a Preliminary or Final Closure/Postclosure Maintenance Plan is consistent with closure and postclosure maintenance state minimum standards (including, but not limited to, Chapters 3 and 4) for those portions of the plan subject to CIWMB jurisdiction, if applicable;

(i) For closure plans submitted as part of a JTD, the determination whether the plans are consistent with state minimum standards shall be made within 60 days of the plans being considered complete pursuant to §21860(c).

(ii) This preliminary determination shall constitute the staff recommendation for the Board consideration of concurrence with a solid waste facilities permit ~~SWFP~~ unless the application package, of which the JTD was a part, is amended or modified.

(iii) This determination is solely for the Board consideration of concurrence with a solid waste facilities permit ~~SWFP~~ and does not constitute any final determination for the closure plans review process pursuant to §21860.

~~(6) Land Use and/or Conditional Use Permits;~~

~~(7)~~ (6) (A) Current documentation of acceptable funding levels for Financial Assurances Documentation in accordance with Chapter 6, if applicable; and

(B) Current documentation of compliance with Operating Liability Requirements, if applicable (Chapter 6).

~~(8)~~ (8) The CIWMB shall ensure the facility is operating consistent with State Minimum Standards, pursuant to Subchapter 4 of Chapter 3 of this subdivision or applicable minimum standards in Title 14 (§17200 et seq.),

~~(9)~~ (9) The EA finding that existing CEQA documentation is consistent with and supports the proposed solid waste facilities permit and RFI or supporting information indicating the EA has found that approval of the

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

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proposed solid waste facilities permit would not lead to any adverse environmental impacts and is exempt from the requirements of CEQA.

(c) The CIWMB, with respect to ~~for~~ new and revised solid waste facilities permits, and the Executive Director of the CIWMB, with respect to ~~for~~ modified solid waste facilities permits, shall either concur or object to the issuance of the proposed solid waste facilities permit within sixty days of receipt, except as authorized by Public Resources Code ~~PRC~~ §44009, or by operator's consent. If the CIWMB or Executive Director objects to a proposed solid waste facilities permit, it shall accompany its objection with an explanation of its action, which may suggest conditions or other amendments that may render the proposed solid waste facilities permit unobjectionable; however, such suggestions do not constitute approval of the proposed solid waste facilities permit subject to incorporation of the suggestions. The Executive Director shall report to the CIWMB on his or her concurrence or denial of modified permits at its next regularly scheduled meeting or via a memo, and post this information on the CIWMB's web site or agenda.

(d) If an applicant or enforcement agency requests that revisions, additions or amendments be considered, these will be considered in accordance with the conditions specified in §21580 and ~~Subsection 1~~(e) of §21650 respectively.

NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44007-44010, and 44014 Public Resources Code.



**Title 14. Natural Resources****Division 7. California Integrated Waste Management Board****Chapter 3. Minimum Standards for Solid Waste Handling and Disposal****Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements****~~§ 17383.10. Public Hearing.~~**

~~(a) Provided that a comparable public hearing has not been held within the year preceding the EA's receipt of a complete and correct application, the EA shall hold an informational public hearing on an application for a Registration Permit or a Full Permit required under this Article. The EA may require the operator(s) of the facility or facilities that are the subject of the hearing to pay all costs incurred by the EA in connection with the hearing. The hearing may be combined with another hearing in which the EA participates that meets the criteria in this section. In the case of an application for a Full Permit, the hearing shall be held before the EA submits the proposed permit to the board for concurrence. In the case of an application for a Registration Permit, the hearing shall be held before the EA issues the permit. The EA shall submit to the board a statement that the hearing required by this section was held, in the case of a Full Permit, at the time the EA submits the proposed permit to the board for concurrence, or, in the case of a Registration Permit, at the time the EA submits a copy of the permit it has issued.~~

~~(b) The hearing shall meet the following criteria:~~

~~(1) Notice of the hearing shall be given pursuant to Government Code Section 65091, subdivisions (a) - (c), inclusive.~~

~~(2) Notice of the hearing shall also be given to the governing body of the jurisdiction within which the facility is located and to the State Assembly Member and the State Senator in whose districts the facility is located.~~

~~(3) The hearing shall be held in a suitable location not more than five (5) miles from the facility that is the subject of the hearing; provided that, if no suitable location exists within five (5) miles of the facility, as determined by the EA, the EA may designate an alternative suitable location that is as close to the facility as reasonably practical.~~

~~(4) The hearing shall be held on a day and at a time that the EA determines will enable attendance by residents living in the vicinity of the facility that is the subject of the hearing.~~

~~(c) EAs may undertake additional measures to extend public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the hearing.~~

~~NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020 and 43021 Public Resources Code.~~

**Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements****§17388.3 Inert Debris Engineered Fill Operations.**

Inert debris engineered fill operations shall submit EA Notifications, as set forth in CCR, Title 14, Section 18100 et seq. and shall comply with all applicable RWQCB waste discharge requirements.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(a) Each operator of an inert debris engineered fill operation shall submit a copy of its waste discharge requirements or a letter of exemption from the applicable RWQCB to the EA together with its notification of intent to operate.

(b) Inert debris engineered fill operations shall be inspected as necessary by the EA to verify compliance with State Minimum Standards. Inspections shall be conducted quarterly, unless the EA determines a lesser frequency is sufficient, but in no case shall the inspection frequency be less than annual. ~~To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.~~

(c) Each operator of an inert debris engineered fill operation shall file an "Operation Plan" (as specified in this Article, Section 17390) with the EA together with its notification of intent to operate. The information contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined in CCR, Title 14, Section 18101.

(d) All inert debris engineered fill operations shall comply with the State Minimum Standards set forth in Title 27 CCR, Division 2, Chapter 3.0, Subchapter 4, Article 1 (Operating Criteria), Article 3 (Handling, Equipment and Maintenance), and Article 4 (Controls) (except sections 20515, 20640, 20880, and 20890).

(e) By March 1 of each year, the operator shall report to the EA and the board the total amount of inert debris deposited during the previous year. However, the operator is not subject to the disposal reporting record requirements of Title 14 CCR, Division 7, Chapter 9, Article 9.2 or the disposal fee specified in Public Resources Code ~~PRC~~ Section 48000 and Revenue and Taxation Code Section 45151.

(f) All inert debris engineered fill operations, upon completion of cessation of fill activities for more than one year and upon any transfer of any part of the land subject to the operation prior to completion of fill activities, shall comply with the requirements in Title 27, Subsections 21170(a)(1, 2 and, if applicable, 3).

(g) Upon the final placement of waste at the site, the operator shall cover the site of fill with three feet of compacted soil above the fill area or with other final cover as determined by the EA. The EA may determine, on the basis of substantial evidence, that a lesser amount of final cover or no final cover is needed, based on potential impacts to the public health, safety and the environment.

(h) If an inert debris engineered fill operation exceeds any combination of the following requirements three (3) or more times within any two (2) year period which the EA determines constitutes a violation of this Article, the facility no longer qualifies for an EA Notification under this section. Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the operator must within 30 days apply for a Full Permit as if it were a CDI Waste Disposal Facility pursuant to Section 17388.5. In addition, the EA shall issue a cease and desist order pursuant to Section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate. The requirements to which this Subdivision applies are:

(1) Disposal of any wastes not authorized by Subsection 17388(l);

(2) Failure to comply with the requirements for certification by an engineer specified in Subsection 17388(l);

(3) Failure to comply with requirements for operator certification of materials disposed in the fill as required by Subsection 17388(l).

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(i) Inert debris engineered fill operations are not required to meet the notification requirements of this Article if the operation is occurring at a disposal facility that has a full solid waste facilities permit and the permit authorizes the activity either through a specific condition in the permit or as described and approved in the Report of Disposal Site Information.

NOTE: Authority cited: Sections 40502, 43020, 43021, and 48007.5, Public Resources Code. Reference: Sections 43020 43021, 48007.5, Public Resources Code.

**§ 17388.4. Inert Debris Type A Disposal Facilities.**

Inert debris Type A disposal facilities shall obtain Registration Permits and shall comply with the Registration Permit requirements as set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing at Section 18100), with the following requirements set out in CCR, Title 27, Division 2, Chapter 4, Subchapter 3, Article 2 (commencing at Section 21570) in the same manner as if they were municipal solid waste landfills, CCR, Title 14, Division 7, Chapter 9, and with all RWQCB waste discharge requirements.

(a) Each operator of an inert debris Type A disposal facility shall submit a copy of its waste discharge requirements or a letter of exemption from the applicable RWQCB to the EA together with its application for a Registration Permit.

(b) Inert debris Type A disposal facilities shall be inspected monthly by the EA in accordance with Public Resources Code PRC Section 43218. ~~To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.~~

(c) Each operator shall file with the EA, together with its application for a solid waste facilities permit, a Disposal Facility Plan (as more fully described in CCR, Title 14, Division 7, Chapter 5, Article 3.2, Section 18223.6).

(d) Each operator must comply with the closure and postclosure maintenance requirements of Title 27, CCR, Division 2, Subchapter 5, Article 2 (commencing with Section 21099).

(e) Each operator must comply with the financial assurance requirements for closure and postclosure maintenance, operating liability and corrective action set forth in Title 27 CCR, Division 2, Chapter 6 (commencing at Section 22200).

(f) The EA shall comply with the Enforcement Agency Requirements of Title 27 CCR, Division 2, Chapter 4, Subchapter 3, Article 3, commencing with Section 21650.

(g) Inert debris Type A disposal facilities shall maintain disposal reporting records and comply with the requirements set forth in Title 14 CCR, Division 7, Chapter 9, Article 9.2 (Disposal Reporting System), commencing at Section 18800.

(h) Inert debris Type A disposal facilities shall comply with the State Minimum Standards set forth in Title 27 CCR, Division 2, Chapter 3.0, Subchapter 4, Articles 1 (Operating Criteria), Article 3 (Handling, Equipment and Maintenance), and Article 4 (Controls) (except Sections 20880 and 20890).

(i) Each operator shall determine the weight of all material received at the facility for disposal and shall maintain records of the weight of materials as required herein. Until February 24, 2005, weight of material shall be determined by a conversion factor authorized by the EA for each waste type received. After that date, weight shall be determined by the use of scales, which may be located at the operation or off-site. Notwithstanding, operations in a rural city or rural county, as defined in Public Resources Code PRC Sections 40183 and 40184, and operations that will cease activities within three years from February 24,

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

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2004, as reflected in their Operation Plan may determine the weight of materials received by use of conversion factors authorized by the EA for each waste type or combination thereof received. Evidence of the accuracy of the conversion factors shall be provided to the EA annually.

(j) If an inert debris Type A disposal facility accepts for disposal any waste not authorized by, or pursuant to, Subsection 17388(k)(1) three (3) or more times within any two (2) year period which the EA determines constitutes a violation of this Article, the facility no longer qualifies for a Registration Permit under this Section. Upon the third such violation, the EA shall notify the operator in writing that the facility no longer qualifies for a Registration Permit, and the operator must within 30 days apply for a Full Solid Waste Facilities Permit as if it were a CDI Waste Disposal Facility pursuant to Section 17388.5. In addition, the EA shall issue a cease and desist order pursuant to Section 18304 directing, among other things, that the operator immediately cease accepting material at the site until the operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems appropriate.

NOTE: Authority cited: Sections 40502, 43020, 43021 and 48007.5, Public Resources Code. Reference: Sections 40053, 43020, 43021 and 48007.5, Public Resources Code.

**§ 17388.5. CDI Waste Disposal Facilities.**

CDI waste disposal facilities shall obtain full solid waste facilities permits and shall comply with all requirements promulgated by the board as set forth in CCR, Title 27, Division 2 in the same manner as if they were municipal solid waste landfill units.

(a) CDI waste disposal facilities shall maintain disposal reporting records and shall comply with the requirements set forth in Title 14 CCR, Division 7, Chapter 9, Article 9.2 (Disposal Reporting System), commencing at Section 18800.

(b) Each operator shall determine the weight of all material received at the facility for disposal and shall maintain records of the weight of materials as required herein. Until February 24, 2005, weight of material shall be determined by a conversion factor authorized by the EA for each waste type received. After that date, weight shall be determined by the use of scales, which may be located at the operation or off-site. Notwithstanding, operations in a rural city or rural county, as defined in Public Resources Code ~~PRC~~ Sections 40183 and 40184, and operations that will cease activities within three years from February 24, 2004, as reflected in their Operations Plan may determine the weight of materials received by use of conversion factors authorized by the EA for each waste type or combination thereof received. Evidence of the accuracy of the conversion factors shall be provided to the EA annually.

~~(c) To the greatest extent possible, all site inspections shall be unannounced and shall be conducted at irregular intervals.~~

NOTE: Authority cited: Sections 40502, 43020, 43021 and 48007.5, Public Resources Code. Reference: Sections 40053, 43020, 43021 and 48007.5, Public Resources Code.

**~~§ 17388.6. Public Hearing.~~**

~~(a) Provided that a comparable public hearing has not been held within the year preceding the EA's receipt of a complete and correct application, the EA shall hold an informational public hearing on an application for a Registration Permit or a Full Permit required under this Article. The EA may require the operator(s) of the facility or facilities that are the subject of the hearing to pay all costs incurred by the EA in connection with the hearing. The hearing may be combined with another hearing in which the EA participates that meets the criteria in this section. In the case of an application for a Full Permit, the hearing shall be held before the EA submits the proposed permit to the board for concurrence. In the case of an application for a Registration Permit, the hearing shall be held before the EA issues the permit. The EA shall submit to the board a~~

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

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~~statement that the hearing required by this section was held, in the case of a Full Permit, at the time the EA submits the proposed permit to the board for concurrence, or, in the case of a Registration Permit, at the time the EA submits a copy of the permit it has issued.~~

~~(b) The hearing shall meet the following criteria:~~

~~(1) Notice of the hearing shall be given pursuant to Government Code Section 65091, subdivisions (a) - (c), inclusive.~~

~~(2) Notice of the hearing shall also be given to the governing body of the jurisdiction within which the facility is located and to the State Assembly Member and the State Senator in whose districts the facility is located.~~

~~(3) The hearing shall be held in a suitable location not more than five (5) miles from the facility that is the subject of the hearing; provided that, if no suitable location exists within five (5) miles of the facility, as determined by the EA, the EA may designate an alternative suitable location that is as close to the facility as reasonably practical.~~

~~(4) The hearing shall be held on a day and at a time that the EA determines will enable attendance by residents living in the vicinity of the facility that is the subject of the hearing.~~

~~(c) EAs may undertake additional measures to extend public notice and to encourage attendance by any persons who may be interested in the facility that is the subject of the hearing.~~

~~NOTE: Authority cited: Sections 40502, 43020, 43021 and 48007.5, Public Resources Code. Reference: Sections 40053, 43020, 43021 and 48007.5, Public Resources Code.~~

## **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan Guarantees**

### **Article 2.1. LEA Certification Requirements**

#### **§ 18077. Enforcement Program Plan (EPP).**

(a) The LEA shall develop, adopt, and submit for board approval an EPP pursuant to Public Resources Code Section 43209(e). The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements pursuant to Public Resources Code Sections 43200, 43203, 43207, and 43209, 14 CCR Division 7, Chapters 3 and 5, and 27 CCR Division 2, Subdivision 1 (Section §20005 et seq.). At a minimum, the EPP shall include the following written components:

(1) a certification request letter;

(2) an accepted designation information package (DIP) pursuant to 14 CCR Section 18051;

(3) a statement of EPP goals and objectives;

(4) a copy of the enabling ordinance(s) or resolution(s) for the LEA jurisdictional authority;

(5) a copy of all local solid waste collection, handling, storage, and disposal statutes or ordinances;

(6) a comprehensive list of all types of solid waste facilities and disposal sites, and solid waste handling and collection vehicles within the jurisdiction;

(7) a time task analysis demonstrating the adequacy of staff resources pursuant to 14 CCR Section 18073;

(8) a demonstration of staff technical expertise;

(9) an operating budget demonstrating adequacy of budget resources pursuant to 14 CCR Section 18074;

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

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(10) a detailed staff training procedure pursuant to 14 CCR Section 18075;

(11) a procedure manual for solid waste facility permitting and closure or postclosure;

(12) a procedure manual for random and unannounced inspection and investigation, compliance assurance, enforcement, and hearing panel utilization; and

(13) a procedure manual for disposal site identification, assessment, and corrective actions.

NOTE: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200-43209, Public Resources Code.

## **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

### **§ 18083. LEA Duties and Responsibilities for Inspections.**

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, 27 CCR, Division 2, Subdivision 1 (Section 20005 et seq.), and its EPP, the LEA/EA shall inspect and investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites and equipment to verify compliance with the state minimum standards, solid waste facilities ~~iesy~~ permits, and related state solid waste laws and regulations within their purview for the protection of the environment and the public health. The LEA shall perform these inspections and related duties as required below, and forward inspection reports to the operator, and/or owner, and the board within 30 days of the inspection:

(1) Weekly, for sites operating on performance standards pursuant to 27 CCR Section 20695;

(2) monthly, for all active and inactive facilities, and for illegal sites and facilities, pending abatement by enforcement action(s);

(3) at the frequency required by the state minimum standards for each type of operation regulated under the EA Notification tier.

(4) quarterly, for closed sites, abandoned sites, and sites exempted pursuant to 27 CCR Section 21565. For closed sites, inspections shall be made until no potential threat exists to public health and safety or the environment. This determination shall be subject to board approval. For the purposes of this subsection, the enumeration, and the workload analysis, a closed site means a site that has ceased accepting waste and, should be closed, is undergoing closure, or has met applicable closure requirements;

(A) the board may approve an alternate inspection frequency for these sites where such an action will not result in adverse impact on public health and safety and the environment.

(5) if an LEA has been designated as the EA for waste tire facilities or entered into an agreement with the board through a grant program to inspect tire facilities, major waste tire facilities shall be inspected annually, minor waste tire facilities shall be inspected at least once every two and a half years pursuant to 14 CCR Section 18443;

(6) upon receipt of a complaint or emergency notification which cannot be resolved off-site;

(7) as necessary, pursuant to the EPP, upon receipt of a solid waste facilities permit application, revision, review, RFI amendment, or closure/postclosure plan; and

(8) pursuant to the EPP, for solid waste handling and collection equipment.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(b) As specified in their EPP pursuant to Section 18077, the LEA/EA ~~may~~ shall conduct any of the above inspections, whenever possible, without prior notice to the owner or operator, on randomly selected days, during normal business hours or the site's operating hours.

NOTE: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200, 43209, 43218, 44100 and 44101, Public Resources Code.

### Article 3.0. Regulatory Tier Requirements

#### § 18104.1 Filing Requirements.

Any operator proposing to operate a solid waste facility pursuant to a registration permit shall file an application using form CIWMB 83 "Registration Permit Application" (rev. 12/96), which is incorporated herein by reference, with the enforcement agency. The application shall be ~~which is~~ accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code ~~S~~section 44006(c). (See Appendix A.) This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3 or 3.1 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and type of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code ~~S~~section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction to be identified in any of these elements pursuant to Public Resources Code Ssection 50001 ~~of the Public Resources Code.~~

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to best of their knowledge and belief.

(g) Evidence that the application form was provided to the director of the local agency that oversees local use planning for the jurisdiction in which the site is located.

(h) List of all public hearings and meetings held and notices distributed that are applicable to the proposed solid waste facilities permit action.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

**§ 18104.2 Enforcement Agency Processing Requirements.**

(a) Upon receipt of an application filed pursuant to Section 18104.1, the enforcement agency shall mark the application with the date of receipt.

(b) The enforcement agency shall notify every person who has submitted a written request to be notified of any application.

(c) Within 30 days of receipt, the enforcement agency shall review the application to determine whether it meets the requirements of Section 18104.1.

(d) If the enforcement agency finds the application is complete and correct pursuant to Section 18104.1, it shall be accepted for filing and stamped with the date and time of acceptance.

~~e) The enforcement agency shall provide notice and conduct an informational meeting pursuant to Title 27 Sections 21660.2 and 21660.3, or pursuant to Title 27 Section 21660.34 prior to issuance of the solid waste facilities permit.~~

(ef) When an application is accepted for filing, the enforcement agency shall issue a registration permit by mailing an executed form CIWMB 81 "Registration Permit" (rev. 1/95), which is incorporated herein by reference, to the applicant. Form CIWMB 81, along with a copy of the accepted application, must be mailed to the applicant within five days of filing. (See Appendix A.)

(fg) The enforcement agency shall provide a copy of the registration permit to the board and to any person who has so requested in writing.

~~(gh)~~ If the enforcement agency finds that the application is not complete and correct pursuant to 18104.1, it shall not be accepted for filing. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant within five days.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

**§ 18104.7 Permit Review & Reissuance.**

(a) Every registration permit shall be reviewed at least once every five years from the date of issuance or reissuance.

~~(b) The board and Enforcement Agency shall notify the operator and the enforcement agency Board~~ 60 days before the registration permit is due for review.

(c) No fewer than 35 days before the registration permit is due for review, the operator shall submit either a certification that the information contained in the controlling registration permit is current, or shall file a new application pursuant to Section 18104.1.

(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18104.1, the enforcement agency shall follow the procedures set forth in Sections 18104.2 and 18104.3.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 44015, Public Resources Code.



## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

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**§ 18105.1. Filing Requirements.**

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application in duplicate with the enforcement agency ~~which is~~ accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code Section 44006(c). This application shall contain the following information:

(a) The name and address of the enforcement agency, and the section in Chapters 3 or 3.1 of Division 7 of this Title authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site map, and location map.

(c) Facility information, including, but not limited to, volume and types of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served on the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) One of the following:

(1) Evidence that there has been compliance with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, regarding the facility; or,

(2) Information on the status of the application's compliance with the California Environmental Quality Act regarding the facility. Once there has been compliance with the California Environmental Quality Act regarding the facility, evidence of compliance shall be submitted to the enforcement agency.

(g) Conformance finding information as follows:

(1) Until a countywide or regional agency integrated waste management plan has been approved by the board, the application shall include statements that: the facility is identified and described in or conforms with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section 50000; and that the facility is consistent with the city or county General Plan.

(2) After a countywide or regional agency integrated waste management plan has been approved by the board, the application shall include a statement that: the facility is identified in either the countywide siting element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements pursuant to Public Resources Code Section 50001 ~~of the Public Resources Code~~.

(h) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

(i) Evidence that the application form was provided to the director of the local agency that oversees local use planning for jurisdiction in which the site is located.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(j) List of all public hearings meetings held and notices distributed that are applicable to the proposed solid waste facilities permit action.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802 and 50000-50002, Public Resources Code.

**§ 18105.2. Enforcement Agency Processing Requirements.**

(a) Upon receipt of an application filed pursuant to Section 18105.1, the enforcement agency shall mark the application with the date of receipt.

(b) The enforcement agency shall notify every person who has submitted a written request to be notified of any application.

(c) Within 30 days of receipt, the enforcement agency shall review the application to determine whether it meets the requirements of Section 18105.1.

(d) If the enforcement agency finds the application is complete and correct pursuant to 18105.1(a-e) and (g-h), it shall be accepted for filing.

(e) The application shall be stamped with the date and time of acceptance.

(f) If the enforcement agency finds that the application is not complete and correct pursuant to 18105.1(a-e) and (g-h), it shall not be accepted for filing. A copy of the rejected application accompanied by explanation shall be mailed to the applicant within five days. (g) Within fifteen days of acceptance of an application for filing:

(1) The enforcement agency shall evaluate the information provided in the application and the proposed facility to determine whether or not the facility will be able to operate in compliance with the applicable minimum standards and standardized solid waste facilities permit terms and conditions.

~~2) The enforcement agency shall provide notice and conduct an informational meeting pursuant to Title 27 Sections 21660.2 and 21660.3, or pursuant to Title 27 Section 21660.34.~~

(23) If the enforcement agency finds that the application and facility meet the requirements set forth in subdivision (g)(1) of this section then the enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(34) If the enforcement agency finds that the application or facility do not meet the requirements set forth in subdivision (g)(1) of this section, the enforcement agency shall reject the application. A copy of the rejected application accompanied by an explanation shall be mailed to the applicant.

(h) If evidence of compliance with the California Environmental Quality Act, as required by Section 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008, if evidence of compliance with the California Environmental Quality Act has not been submitted within 120 days of the application's acceptance for filing, the enforcement agency shall reject the application and not issue the standardized permit.

## CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FOR 15-DAY COMMENT PERIOD.

Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

(i) Once the board has concurred in the issuance of the proposed standardized permit, pursuant to Section 18105.5, the enforcement agency shall issue the standardized permit.

(j) If the board objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board's decision, and the reasons for that decision, within five days of receipt of that decision.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 43000-45802, Public Resources Code.

**§ 18105.9. Permit Review and Reissuance.**

(a) Every standardized permit shall be reviewed at least once every five years from the date of issuance or reissuance.

(b) The ~~board~~ enforcement agency shall notify the operator ~~and the enforcement agency Board~~ 60 days before the standardized permit is due for review.

(c) No fewer than 35 days before the standardized permit is due for review, the operator shall submit either a certification that the information contained in the controlling solid waste facilities permit is current, or shall file a new application pursuant to Section 18105.1.

(d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and 18105.3 and the board shall follow the procedures set forth in Section 18105.5.

NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and 44015, Public Resources Code.