

ATTACHMENT II

**Chapter 6 of the Los Angeles County
Countywide Siting Element, dated June 1997**

CHAPTER 6 FACILITY SITING CRITERIA

6.1 PURPOSE AND REQUIREMENTS

The purpose of this chapter is to assist local jurisdictions in carrying out their responsibilities with regard to land use planning by providing guidelines for the siting of transformation and land disposal facilities. Also discussed are programs for the involvement of the public at the earliest stages of the planning process to ensure their active awareness of the need as well as participation in the safe management of solid waste. The specific requirements are drawn from Section 18756 of Title 14 of the California Code of Regulations (CCR).

6.2 SPECIFIC REQUIREMENTS

Section 18756 of Title 14 of the CCR requires the following:

- a) To establish a new solid waste disposal facility or to expand an existing solid waste disposal facility, the County shall describe the criteria to be used in the siting process for each facility. The criteria shall include, but not be limited to, a description of the major categories of environmental considerations, environmental impacts, socioeconomic considerations, legal considerations, and additional criteria as developed by the County and cities.
- b) The CSE shall describe the process instituted Countywide to confirm that the criteria set forth in (a) of this section are included as part of the solid waste disposal facility siting process.
- c) No solid waste disposal facility shall be established that does not satisfy the minimum criteria that are listed in the Siting Element pursuant to Section 18756(a).
- d) A solid waste disposal facility not described in the Siting Element shall not be established unless an amendment to the Siting Element has been approved identifying and describing the facility, and the date of its inclusion in the element pursuant to Section 41721.5 of the PRC.
 - For Los Angeles County an amendment to the CSE shall be in the form of a Finding of Conformance, granted by the Los Angeles County Solid Waste Management Committee/ Integrated Waste Management Task Force.

6.3 SITING AND PERMITTING

6.3.1 Siting

Location of a suitable site is essential to the development of new solid waste disposal facilities. The site selection process involves the applicant, local land use authority, and Federal, State, and local regulatory/permitting agencies. The applicant's primary interest lies in the site's proximity to wastesheds, land availability, potential for obtaining State and local permits and community acceptance. The interest of the local land use authority centers around protection of the health of the residents, and the implementation of its planning policies/goals to ensure compatible land uses. The regulatory/permitting agencies are charged with responsibility to protect human health and natural resources and are concerned with the ability of the technology employed to safely contain or through transformation processes destroy the waste it handles.

The siting of any solid waste disposal facility is certain to arouse substantial local concern and opposition. Residents of communities where such facilities are proposed invariably assert that a more thorough search would produce a more suitable location than that being proposed. Such arguments are difficult to counter arbitrarily. Without a set of criteria which identifies the risks associated with such facilities and a rating system which permits an unbiased appraisal and comparison of all candidate sites, objective decisions are hard to make. To assist in this decision making process, criteria have been developed for the siting of solid waste disposal facilities. This siting criteria, listed in Appendix 6A, provides guidance and primary selection constraints for siting proposed solid waste disposal facilities.

This chapter has been prepared with the intent to assist the applicant, the local community, and the regulatory/permitting agencies in making responsible decisions. The siting criteria presented in Appendix 6A will assist those using them to accomplish the following objectives:

- Protect the residents
- Ensure the structural stability and safety of the facility
- Protect surface water
- Protect groundwater
- Protect air quality
- Protect environmentally sensitive areas
- Ensure safe transportation of solid waste
- Protect the social and economic development goals of the community

The siting criteria have been developed so as to provide planners and decision-makers with a uniform set of guidelines and standards that may be used as a tool to identify both

potential sites and significant siting concerns. However, an understanding of the basic engineering and operational characteristics of the various types of solid waste disposal facilities, their typical impacts, and the range of mitigation measures available is also essential when evaluating sites.

Facility planners and the public at large should, however, be aware of the inherent limitations of the criteria developed as the issues involved can be complex and controversial. While good criteria can focus the pertinent factors, they cannot remove all controversy from the process. Moreover, the final decision can be of a political nature. Early public involvement and environmental mediation are methods to consider for constructively channeling conflicts into compromise.

6.3.2 Permitting

6.3.2.1 Overview

Proponents proposing to construct solid waste disposal facilities in Los Angeles County must apply for and be issued a series of both ministerial and discretionary permits from local and/or State regulatory agencies. The standard permit processing framework is governed to a great degree by the requirements of the California Environmental Quality Act of 1970 and the Permit Streamlining Act of 1977.

The California Environmental Quality Act (CEQA) provides a process which requires that governmental decision-makers consider the environmental effects of their decisions and take measures to prevent significant, avoidable damage to the environment. The Permit Streamlining Act places time limits in the review and decision-making processes of public agencies.

The major permitting entities for solid waste disposal facilities include local governmental agencies having jurisdiction over land use and solid waste disposal facility operation (cities and County), the California Integrated Waste Management Board/appropriate Local Enforcement Agency, the California Regional Water Quality Control Boards: Los Angeles and Lahontan Regions, the California Department of Fish and Game, the South Coast Air Quality Management District, and the Los Angeles County Solid Waste Management Committee/ Integrated Waste Management Task Force. Table 6B-1 (in Appendix 6B) lists regulatory agencies having jurisdictional control over solid waste disposal facilities in Los Angeles County. Figure 6B-1 (also in Appendix 5B) delineates the jurisdictional boundaries for the Los Angeles and Lahontan Regional Water Quality Control Boards.

6.3.2.2 Ministerial Permits

Ministerial permits are permits with set and structured standards. The number of ministerial permits required is dependent on the type of facility and its proposed location.

These permits generally include:

- Fire
- Building
- Grading
- Plumbing
- Electrical
- Sewer
- Industrial Waste
- Underground Tank Storage of Hazardous Materials (fuels, oil, etc.)
- Road Construction
- Drainage and Flood

The required time for processing the above permits will vary with the type, size and complexity of the proposed project.

6.3.2.3 Discretionary Permits

Discretionary permits are permits issued by an agency that exercises judgment, deliberation or decision in issuing the permit, or has conditions or controls placed on the permit.

The State and local processes and permits that are critical in the permitting of solid waste disposal facilities are further discussed in Section 6.5, Permits. Section 6.5 discusses the regulatory overview, permitting requirements and the administration process for the following discretionary permits:

- Local Jurisdiction(s) Planning Agency
 - Land Use/Conditional Use Permit
 - General Plan consistency
- Air Quality Management Districts
 - Permit to Construct
 - Permit to Operate

- California Regional Water Quality Control Boards
 - Waste Discharge Requirements
 - Stormwater/National Pollutant Discharge Elimination System Permit
- Local Enforcement Agency/California Integrated Waste Management Board
 - Solid Waste Facility Permit
- Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
 - Finding of Conformance with the CSE/CoIWMP
- California Department of Fish and Game
 - Streambed Alteration Agreement, when applicable
- United States Department of the Interior, National Park Service

While the procedures for siting a solid waste land disposal/transformation facility are similar to those for siting any major industrial facility, solid waste disposal facilities are highly sensitive to public pressure. Proponents must therefore be prepared for a time-consuming permitting process and must fully comply with the requirements of CEQA. The permitting process has become even more difficult as a result of the decision-making process switching from local government authority to the jurisdiction of the Courts.

A permit application requires extensive technical documentation of the potential impacts and mitigating measures, as well as, detailed analysis pertaining to facility design, operation, maintenance, closure and post closure. In addition, the application must be supported by detailed site investigations and data analysis that satisfy permitting requirements. Lastly, the applicant must be able to demonstrate satisfactory financial capabilities. Currently, it could take in excess of ten years to site a solid waste disposal facility. Figure 6-1 provides an overview of the solid waste disposal facility permitting process.

6.4 PUBLIC PARTICIPATION IN THE SITING AND PERMITTING PROCESS

6.4.1 Overview

The siting of solid waste disposal facilities can be a highly volatile and emotional process. Public participation is included in the CSE as it is believed that a well-informed public is the key for successful siting of solid waste disposal facilities. The importance of early public involvement must be stressed to ensure adequate opportunities for their concern, involvement, and to welcome public input into the decision-making process so as to better serve public needs.

Most citizens are familiar with well-publicized waste management mistakes of the past and it is these visual pictures that shape their viewpoints. As such, a public involvement and education program can provide the public with information on solid waste management issues, enabling them to understand the importance of providing for the safe management of solid waste and demonstrating that alternative technologies and policies implemented today are safe and effective.

6.4.2 Public Participation

The importance of an effective public participation program, beginning at the earliest planning stages and continuing throughout the permitting process, cannot be emphasized enough. An effective public participation program should allow for the expression of public concerns, suggestions for alternatives and new strategies, as well as the review and assessment of the proposed measures. Such a program is essential to the acceptance and support of any plan developed.

To achieve this goal, a hierarchy of increasing public involvement levels has been recognized as follows:

1. Public Information
2. Public Education
3. Community Relations
4. Community Involvement
5. Public Participation

A description of each level is presented below:

6.4.2.1 Public Information

Public information is the first level in the public participation process. It is usually a one-way directional transfer of information. Information is gathered and made available to the public through channels such as libraries and public service announcements.

6.4.2.2 Public Education

Public education consists of providing the information on specific subjects to the public by means of brochures, seminars, and local schools, etc. The objective is to raise public awareness and stimulate thought. This process may or may not involve interaction between the two parties.

6.4.2.3 Community Relations

Community relations involves inviting the public to participate and the starting of a dialogue. At this level, the public usually already has an opinion regarding the relevant issues. Both the agencies and the public engage in discussions to reach a mutual goal that can best serve the entire community.

6.4.2.4 Community Involvement

Community involvement is the targeting of specific communities to raise their level of awareness regarding specific issues. Both the agencies and the public engage in discussions to reach a mutual goal that can best serve the entire community.

6.4.2.5 Public Participation

Public participation is the highest level of public involvement. The public is usually aware of the pros and cons of the subject matter(s). This is the stage where informed opinions are developed and educated decisions are made through negotiations between both sides.

6.4.3 Public Participation Programs

6.4.3.1 Overview

Public participation programs that facilitate understanding, negotiation, cooperation, and resolution can help to overcome mistrust and skepticism, as well as, avoid legal conflict. Once a facility is proposed, there may be only a short time to institute dialogue before individual viewpoints are established. Dialogue should be based on, among other things, credible information about the environmental integrity of a site, the need for the facility and its performance characteristics, and the financial stability, competence and integrity of the proposed facility operator. It is the responsibility of industry and government to provide the public with non-adversarial points of contact so as to reduce polarization early in the process and provide an opportunity for questions and concerns to be addressed with candor, clarity, and understanding. Responsive management is seen as a central part of comprehensive planning.

6.4.3.2 Process

Public involvement in the early stages is a critical factor in the proponent's understanding of the concerns of the public and the public's acceptance of the proposed site/facility. The public involvement process can be divided into three phases. The first is identification of issues and participants, the second is plan development; and third is the public participation program. By identifying the issues and participants, appropriate

informational techniques can be chosen to effectively encourage public participation in the siting process. The following summarizes the key components of a public involvement process.

6.4.3.2.1 Identification of Issues and Participants

Below are some factors that should be considered when identifying pertinent issues:

- The characteristics of the waste to be managed, including potential source areas;
- The location of the proposed facility and its proximity to population, surface water and groundwater, active faults, and important ecological systems;
- The characteristics of the site, including its topography, geology, hydrogeology and climate;
- The pathways available for release of solid waste constituents into the air, water and soil and the potential for human and ecosystem exposure;
- The design and operation of the proposed facility; and
- The safeguards and mitigation measures to be used at the facility.

Although some information on issues may not be available at the early stages of planning, these concerns should be addressed as soon as possible so that they become a part of the evaluation process.

Involving the appropriate people in a public participation program is another key factor in program effectiveness. A balance must be achieved between interested and/or affected parties and a workable group size. Participants should include representatives from the general population, community organizations and those who may have a general or particular interest in, or be affected by the siting decision.

Serious efforts must be made to inform, involve, and respond to their concerns. Possible participants to be considered are:

- General public
- Representatives of State, County, and local government agencies
- Businesses and industries
- Property owners in the vicinity of the site
- Public interest groups
- Environmental and conservation groups
- Ad hoc citizen groups

- Community and civic associations
- Local religious groups
- Media, including editorial boards

6.4.3.2.2 Plan Development

The plan development phase is the planning process to devise a mechanism and step by step process for bringing the public into the decision-making process. It should be recognized that the right of the public to participate in the decision-making process is derived from the fact that they will be affected by the consequences.

Below is a list of various techniques that can be employed to encourage understanding and the evaluation of a proposed siting project:

Information Techniques:

- Fact Sheets
- Newsletters
- Education of the media
- Use of news media
- Mailers

Consultation Techniques:

- Public meetings
- Public workshops
- Advisory committee drawing on major interest groups and representatives of the affected local community

6.4.3.2.3 Public Participation

Public participation programs promote conflict resolution by providing opportunities for individuals and groups with different viewpoints to explore alternative solutions. An important starting point of this process is to:

- Foster positive involvement and dialogue among the interested and affected parties;
- Define and focus issues that can identify the areas of real disagreement; and
- Provide ideas and information that may improve the quality of solutions and facilitate decision-making.

The following have been identified as possible avenues:

Citizens Advisory Committee

The membership of a Citizen Advisory Committee, usually selected by public officials, should represent a broad base of community interest including residents, and representatives selected by special and general interest groups (technical and environmental experts). A properly balanced and adequately staffed committee can ensure functional two-way communication and provide an on-going link between citizens and agencies involved in planning and siting.

Ad Hoc Committee

This body is usually a small group of people who have been assigned to research a specific problem in a limited time frame. Its membership, selected by the responsible local agency, should consist of those with the expertise necessary for the specific problem.

Public Meetings and Hearings

Public meetings and hearings can vary from a workshop to a formal, stenographically-recorded hearing. Both afford the opportunity for concerned citizens to formally present their views, often as a part of a project's permanent record or file.

6.5 PERMITS

6.5.1 Permitting

A complex set of regulations and standards govern the disposal of solid wastes. These regulations are administered by local, County, State, and Federal agencies. Many of the local and State regulations contain monitoring and reporting requirements for the purpose of assuring compliance with standards. Prior to implementation of a potential solid waste disposal facility, the appropriate permits must be obtained by the owner/operator of the facility. The purpose of this section is to describe the major permits and associated standards which would be applicable to a solid waste disposal facility and to describe some of the anticipated monitoring requirements. Each of the permitting agencies specifies requirements as conditions of granting permits. An overview of the solid waste disposal facility permitting process is shown on Figure 6-1.

6.5.2 Land Use Permit

6.5.2.1 Regulatory Overview

In California, city and county governments have broad authority to plan for and regulate land use. Cities and counties are required by State law to adopt a General Plan to govern

the physical development of lands in their jurisdictions. Zoning ordinances generally consist of text and maps specifying areas or zones, designated for such basic uses as residential, commercial, industrial, and agricultural. For each zone, the text of the zoning ordinance typically includes:

- An explanation of the purposes of the zone
- A list of the principal permitted uses
- A list of typical uses allowed for the designated zone and those uses allowed by a conditional use permit/land use permit
- Specific development standards such as lot size, density, building type, and setback

The conditional use/land use permit provision allows a local government to review and place conditions on an individual project to ensure that the project is suitable for the proposed use, and does not adversely affect neighboring land uses. This type of zoning ordinance provision can also be used to require the modification of an existing use permit should the existing land use be modified to a limited extent.

A local agency can also issue a "zoning variance" for development standards to a parcel, if special characteristics (e.g., lot size, shape, topography, location, or surroundings) deprive said parcel of the privileges that parcels in the same zoning designation have. However, zoning variances cannot be issued to allow uses not permitted under the zoning designation of the parcel in question.

If a proposed project in a specific location is not permitted by the zoning ordinance, then a zone change (or rezoning) must be obtained by the applicant. A zone change may require the General Plan to be amended so that it is consistent with the zoning ordinance.

The approval of General Plan amendments, zone changes, zoning variances, modifications to existing use permits, and conditional use/land use permits by the local agency are discretionary decisions and as such are subject to the requirements of the CEQA and public hearing requirements under State planning laws. The CEQA requires the lead agency in the permitting of solid waste disposal facilities, generally the County or city agency responsible for approving the conditional use/land use permit, to conduct an Initial Study of the proposed facility. If a potential significant environmental effect is identified, then an Environmental Impact Report is required. If the agency determines that the facility will not have any significant environmental effects or that any effects are able to be effectively mitigated, then a Negative Declaration is required.

In addition to the General Plan, the applicant should review the County Integrated Waste Management Plan (CoIWMP). This is of particular importance since the CoIWMP and its associated CSE designate sites for solid waste disposal facilities.

6.5.2.2 Permitting Requirements

The siting of a solid waste disposal facility requires the proponent to obtain a land use permit from a city or the County government, depending where the site is located. Zoning ordinances generally do not specifically designate lands that can be used for solid waste disposal facilities as a permitted use. However, solid waste disposal facilities have been authorized within specific zoning classifications when a conditional use/land use permit is obtained.

Each public agency in California is required to compile a list specifying in detail the information to be required of an application for a development project. The proponent of a solid waste disposal facility needs to fill out a development project application with the required information and submit it to the appropriate local agency (e.g., planning department). Generally the following is required:

- Information about the applicant
- Location of property and approximate size
- A description of the project
- A description of the site
- A description of how public services and utilities will be provided
- A discussion of the possible environment impacts

This information is used by the agency in determining conditions to be placed on the land use permit and in approving a General Plan amendment, if necessary. In addition, this information is used to determine if a request for a zone variance is appropriate. In reviewing this information, the local agency uses this information in their Initial Study for determining whether an Environmental Impact Report or Negative Declaration is required as mandated by CEQA.

6.5.2.3 Administrative Process

After the conditional use/land use permit application is submitted to the appropriate agency, the agency has 30 days in which to review the application for completeness and inform the applicant of those areas which are incomplete, if any.

Once the application is determined to be complete, the agency initiates the environmental review process under CEQA and orders the preparation of the appropriate environmental document. Following preparation of the final environmental document, a land use permit decision is made, usually by the local planning commission, board of zoning adjustment, or zoning administrator and/or local legislative body. The final permit decision is either approved, approved with conditions, or disapproved for the project.

If the project is approved, the conditional use/land use permit is issued with its stated conditions and, if necessary, associated zone change, zone variance, and/or General Plan amendment. If the final permit decision is disapproval, or if the conditions of the permit are judged unreasonable by the applicant or any other party, then the applicant/other party has the right to appeal the decision to the local legislative body (City Council or Board of Supervisors). Legislative bodies are usually not bound by the findings of a lower administrative body and may make their own determination on the project. If the outcome of the appeal is not satisfactory to the applicant or any other aggrieved party, then judicial relief can be sought.

The total length of time to receive the required land use permit(s) from lead and responsible agencies can be from 12 months to many years depending upon the complexity of the required environmental documentation. However, this time frame does not take into account challenges to the permit decisions and the judicial review associated with such activities.

6.5.3 South Coast Air Quality Management District

6.5.3.1 Air Quality Management Plan

For a project to be considered consistent with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP), it must conform to the local agency's general plan and to the guidelines of the Southern California Association of Governments (SCAG). The SCAG guidelines are primarily addressed to wastewater facilities, transportation systems, and residential/office developments that increase population or employment in a specific area (i.e., growth-oriented developments). Landfills are not considered to be growth-inducing developments. In order to be considered consistent with the AQMP, any proposed landfill sites must be designated as potential landfill sites in the appropriate County General Plan.

Prior to construction and start up, the SCAQMD would require a project proponent for a solid waste disposal facility to acquire a Permit to Construct (Rule 201) and a Permit to Operate (Rule 203). In addition, any proposed disposal facility would be required to comply with SCAQMD regulations regarding landfill gas collection and disposal systems, landfill gas flaring facilities, and other types of stationary facilities with potential emissions and would include monitoring and performance conditions. Specifically, these are Rules 1150.1 and 1150.2 for landfills, and Rule 473 for transformation facilities.

6.5.4 California Regional Water Quality Control Board

6.5.4.1 Regulatory Overview

The State of California through the Porter-Cologne Water Quality Control Act established nine Regional Water Quality Control Boards (RWQCBs) with the responsibility of developing water quality control plans for their respective basin and the State Water Resources Control Board to formulate and adopt State policy for water quality control. Within Los Angeles County there are two Regional Boards that have developed plans that identify the beneficial uses of waters in the basin that are to be protected, water quality objectives that protect those uses, and an implementation plan to accomplish those objectives. These are the Los Angeles Region and the Lahontan Region and their respective jurisdictions are identified in Figure 6B-1 (in Appendix 6B).

6.5.4.2 Water Quality Control Plans

The California Porter-Cologne Water Quality Act and the Federal Water Pollution Control Act Amendments of 1972 required that Water Quality Control Plans (Basin Plans) be prepared for each of the nine hydrologic basins in the state. The purpose of the Basin Plans is:

- To designate the beneficial use of the basin's water resources, including groundwaters and both fresh and marine surface waters.
- To set forth water quality objectives to protect or restore beneficial uses.
- To establish implementation plans to achieve these water quality objectives.
- To set up surveillance programs to monitor the effectiveness of the implementation plans.
- To serve as a basis for establishing eligibility requirements for state and federal grant funding in the construction and improvement of wastewater treatment facilities.

Beneficial uses and water quality objectives have been established for both surface and groundwaters throughout each basin. In order, to be consistent with the Basin Plan, a proposed solid waste disposal facility must not cause a deterioration of beneficial uses or cause water quality objectives to be exceeded.

6.5.4.3 Subtitle D of the Federal Resource Conservation and Recovery Act

In October 1993, revisions to Subtitle D of the Federal Resource Conservation and Recovery Act (RCRA) became effective. These changes revised the minimum standards for solid waste disposal facilities by adding more in-depth design and location criteria for Municipal Solid Waste Landfills (MSWLFs). The revisions, which standardized siting and design criteria through out the Country, were partly based upon the already strict requirements mandated by the State of California and thus impacted solid waste management activities in California to a lesser degree. The amended Title 40 Code of Federal Regulations Part 257 revised the classification system for MSWLFs by defining several different types of solid waste land disposal facilities and structures. The newly created Part 258 mandated location restrictions, design and operating criteria, groundwater monitoring requirements, closure and post-closure requirements, and financial/liability requirements for MSWLFs/Class III landfills.

In response to the above action, the RWQCBs for the Los Angeles and Lahontan Regions amended their requirements for obtaining Waste Discharge Requirements Permit (WDRs) for all municipal solid waste landfills (Class III landfills) in the Los Angeles and Lahontan Regions in order to be fully consistent with Subtitle D. The principal revisions are reflected in more stringent design criteria for landfill/liners and location restrictions in and near floodplains and wetlands, and in and near areas of geologic instability; and more stringent requirements for groundwater monitoring. The Siting Criteria contained in Appendix 6A reflect the revisions and are consistent with Subtitle D of the RCRA.

6.5.4.4 Waste Discharge Requirements

The RWQCBs issue Waste Discharge Requirements permits for all landfills, based on the requirements for operating landfills set forth in Title 23, Division 3, Chapter 15 of the CCR, "Discharges of Waste to Land", and the requirements of Subtitle D of the RCRA. Waste Discharge Requirements permits establish conditions relating to water quality control that must be adhered to and require a comprehensive monitoring and reporting procedure. Waste Discharge Requirements permits also specify the types of wastes that may be accepted at the site.

In addition to these responsibilities, the RWQCBs have been delegated certain responsibilities associated with the Federal Clean Water Act, as amended, including the issuance of National Pollutant Discharge Elimination System (NPDES) permits for waste discharges to surface waters (e.g., through a pipe or confined channel).

To meet the water quality objectives of a Regional Board's implementation plan, NPDES permits and WDRs are adopted by the Regional Boards for discharges of waste that may affect groundwater and/or surface water quality and for discharges of waste that occur in a diffused manner (e.g., erosion from soil disturbance). NPDES permits and WDRs

permits set limitations of the type and quantity of surface waters or groundwaters of the State, and may specify engineering and technical requirements to ensure compliance.

Land disposal facilities will require a NPDES permit and/or WDRs permit if the facility could potentially affect surface or groundwater quality through waste discharges. Facilities that discharge treated wastewater to surface waters require a NPDES permit.

Specific regulations (Title 23, Division 3, Chapter 15 of the California Code of Regulations) concerning the water quality aspects of waste discharges to land, identify siting criteria, construction standards, water quality monitoring requirements, and closure and post-closure maintenance procedures for subsurface impoundments, landfills, waste piles, land treatment facilities, confined animal facilities and mining wastes.

6.5.4.4.1 Permitting Requirements

To apply for a WDRs permit, a "Report of Waste Discharge -Form 200" must be filed with the appropriate Regional Board 180 days prior to the start of the discharge. Title 23, Chapter 15, Article 9, of the CCR lists the required information that must be included in the "Report of Waste Discharge" and accompanying technical reports. A filing fee based upon the project's threat to water quality and complexity is also required. The Regional Board may also require additional information on a case-by-case basis.

WDRs permits must be obtained or waived by the Regional Board before a Solid Waste Facility Permit is issued by the appropriate Local Enforcement Agency/CIWMB. The CIWMB has agreed to incorporate WDRs into the Solid Waste Facility Permit to ensure consistency with the WDRs Permit.

To apply for a NPDES permit, an "Application for Permit to Discharge - Short Form D" must be filed with the appropriate Regional Board at least 180 days prior to beginning the waste discharges. Chapter 15, Article 9 lists the required information that must be included in the application .

6.5.4.4.2 Administrative Process

Waste Discharge Requirements

The "Report of Waste Discharge" and technical report are submitted to the appropriate Regional Board. The Executive Officer of the Regional Board then determines if the application is complete within 30 days and is responsible for notifying the applicant if additional information is required.

Once the application is complete, the Executive Officer then determines whether WDRs should be adopted, the discharge should be prohibited, or the requirements should be

waived by the Regional Board. The application is evaluated to determine whether the proposed discharge is consistent with the water quality objectives adopted by the Regional Board, the Water Quality Control Plan for the regional basin, and the Areawide Waste Treatment Management ("208") Plan. If the Executive Officer determines that WDRs should be adopted, then tentative requirements, including proposed effluent limitations, special conditions, and a monitoring program, is prepared. The tentative WDRs are distributed to all public agencies and individuals with a known interest in the project or who request the requirements.

Comments on the proposed requirements must be received within 30 days. After consideration is given to all comments, the Board holds a public meeting or a formal hearing at the request of the applicant on the tentative WDRs and either adopts the WDRs or modifies them before adopting them. Adoption requires a majority vote of the Board.

If the Executive Officer determines that the proposed waste discharge should be prohibited, then he/she must submit a report to the Regional Board stating the reasons for his action. The Executive Officer's report follows the same administrative process as outlined above. The Regional Board may concur with the recommendation to prohibit the discharge or require the Executive Officer to prepare WDRs.

NPDES Permit

The NPDES permit application is submitted to the appropriate Regional Board. The Executive Officer of the Regional Board determines within 30 days if the application is complete and notifies the applicant if additional information is required.

Once the application is determined to be complete by the Executive Officer, it is forwarded within 15 days to the Region IX office of the United States Environmental Protection Agency (i.e., Regional Administrator). The Regional Administrator has 20 days to review the NPDES permit application for completeness and to request any additional information from the applicant. If it is necessary to request additional information from the applicant, then the Administrator has an additional 20 days after the request to complete the review of the application and forward any comments to the Executive Officer.

The permit application is evaluated to determine whether the proposed discharge is consistent with the water quality objectives adopted by the Regional Board, the Water Quality Control Plan for the regional basin, the Areawide Waste Treatment Management Plan, and Federal effluent limitations.

If the Executive Officer determines that a NPDES permit should be issued for the waste discharge, then tentative waste discharge requirements are prepared including:

- Effluent limitations
- A schedule for complying with the discharge requirements
- Special conditions
- A discharge monitoring program

The tentative requirements are forwarded to the Environmental Protection Agency Regional Administrator for review. The Administrator then has 30 days (and may request an additional 30 days) to review the tentative requirements and submit any objections or comments to the Executive Officer.

While the Environmental Protection Agency Regional Administrator is reviewing the tentative requirements, a "Notice of Public Hearing" is prepared by the Executive Officer and a copy is sent to the applicant to circulate. Circulation instructions may require the applicant to do any of the following:

- Put up the notice in the post office and in other public places within the municipality closest to the area of discharge
- Post the notice at the entrance of the discharger's premises and in other nearby places
- Publish the notice in local newspapers or in a daily newspaper with general circulation

The applicant is required to submit proof to the Executive Officer of having complied with the instructions for circulating the notice within 15 days after it is posted or published.

The public notice is also mailed to agencies and individuals with known interest in the project or who request the notice. Reviewers of the tentative requirements will have 30 days to forward comments to the Executive Officer. Consideration is given to all comments and the tentative waste discharge requirements may be modified in response to the comments.

A public hearing must be held by the Regional Board. The tentative requirements may be adopted or modified and adopted by a majority vote of the Board at the hearing. The Environmental Protection Agency Regional Administrator has 10 days to review the adopted requirements; if objections are raised, then the NPDES permit does not become effective until the Executive Officer of the State Water Resources Control Board (SWRCB) modifies the permit to satisfy the Regional Administrator's objections.

If the Executive Officer of the Regional Board determines that a NPDES permit should not be issued after evaluating the application, then he must submit a report to the Regional Board stating reasons for his action. The Executive Officer's report then follows the same administrative process outlined above.

The Regional Board and/or Environmental Protection Agency may concur with the Executive Officer's recommendation or require the Executive Officer to prepare a NPDES permit.

6.5.4.4.3 Appeals Process

Any person may appeal the action of a Regional Board on WDRs or a NPDES permit by petitioning SWCRB within 30 days of the regional board's decision.

The petition should include:

- Specific action by the Regional Board that the petitioner is requesting the SWRCB to review
- Date on which the Regional Board acted
- Reasons that the action of the Regional Board was inappropriate
- Manner in which the petitioner is affected
- Specific action the petitioner requests the SWRCB to take
- Legal document known as "Points and Authorities", which discusses the legal issues raised by the petition

If a public hearing is requested, then the petition must state that additional evidence is available that was not presented to the Board or that evidence was improperly excluded by the Board. The nature of the evidence and the facts to support it must be included in the petition.

6.5.5 Finding Of Conformance

All solid waste disposal facilities must have a Finding of Conformance (FOC) with the CSE (exemptions are listed in Chapter 10 of the CSE, Section 10.4). An FOC provides that uniform compliance for public health and safety, and environmental protection is maintained between all jurisdictions, while ensuring consistency with the siting criteria established in this document. An FOC is necessary for incorporation of new solid waste disposal facilities or expansion of an existing facility into the CSE/CoIWMP. In addition, those solid waste disposal facilities which experience a significant change in operation, as defined in Chapter 10, are also required to obtain a Finding of Conformance with the CSE/CoIWMP. Chapter 10 discusses the Finding of Conformance process in greater detail.

- For solid waste disposal facilities in Los Angeles County the applicant must obtain an FOC with the CSE, from the Task Force, prior to issuance of the Solid Waste Facility Permit by the appropriate Local Enforcement Agency.

6.5.6 Solid Waste Facility Permit

6.5.6.1 Regulatory Overview

To improve waste management practices in California, the Z'berg-Kapiloff Solid Waste Control Act of 1976 (replaced by the California Integrated Waste Management Act of 1989) was enacted to require a permit and a permit enforcement program for solid waste disposal facilities. The Act established local enforcement authority to enforce the provisions and regulations within the Act and the State Minimum Standards for Solid Waste Handling and Disposal. Local enforcement agencies were designated by local governments and approved by the then California Waste Management Board to carry out these enforcement activities. The Los Angeles County Department of Health Services is the designated Local Enforcement Agency (LEA) for the unincorporated area of the County and for the majority of the incorporated cities. The Cities of Los Angeles, Long Beach, Vernon and West Covina have been designated as the LEAs for their respective jurisdictions. It should be noted that the California Integrated Waste Management Act of 1989 has incorporated and further expanded all requirements of the Z'berg-Kapiloff Solid Waste Control Act of 1976.

To obtain a Solid Waste Facility Permit (SWFP), a permit application must be filed with the LEA, or the California Integrated Waste Management Board (CIWMB), if there is no designated and certified LEA, a minimum of 120 days in advance of the date that the facility is to commence operation. Along with the application, appropriate technical reports detailing site specific information for the proposed facility must also be provided. This information is reviewed and analyzed to determine compliance with the State Minimum Standards for Solid Waste Handling and Disposal, as well as to determine conditions to be placed on the permit to conform with these standards. All other pertinent permits must be obtained and their respective status included in the application for consideration. Other permit procedures include review, and issuance or denial of the permit by the LEA or the CIWMB, and the opportunity for the applicant to appeal before a hearing panel if the permit is denied.

6.5.6.2 Permitting Requirements

The application for a SWFP consists of two parts: a general application form and a more detailed technical report - "Report of Facility Information" to be used to evaluate the design and operation of the proposed facility and for basing the conditions of the permit. The SWFP application form may be obtained from the LEA or the CIWMB. The appropriate Report of Facility Information, consisting of either a "Report of Disposal Site

Information", a "Report of Station Information", or a "Plan of Operation", must accompany the permit application. The determination of which technical report is appropriate is dependant upon the type and size of the facility as follows:

- a) A Report of Disposal Site Information (RDSI) must be submitted if the permit application is for a land disposal facility. The report must contain certain specified information, including:
- A description of the manner of operation to be conducted at the site and information on the types and relative quantities of waste to be received;
 - Indication of the approximate total acreage contained in the site, including the total estimated capacity and life expectancy of the site;
 - A map showing the general location of the proposed disposal site, including points of access to the site;
 - A plot plan which delineates the legal boundaries for which clear title is held by the applicant, and identification of the specific limits of the planned disposal area(s) showing relationships to the property boundary lines and adjacent land uses surrounding the site;
 - A description of the sequence of development stages of the disposal site operation, giving tentative implementation schedules for development, usage, site completion and closure, as well as a map showing the existing topographical contours of the completed disposal site;
 - Information of the underlying soils, geology, and groundwater occurrence, based on test borings conducted on the property; and description of all surface and subsurface drains which are to be used to control water on, or adjacent to the disposal site; and
 - Description of the location and type of monitoring wells necessary to ascertain groundwater quality and description of the landfill gas control system to be implemented.
- b) If a permit application is for a transformation facility (as defined by Section 40201, of the PRC) handling greater than 100 cubic yards per day, a Report of Station Information (RSI) must be submitted. The RSI must contain certain specified information, including:

- Plans and specifications for the station, including a site location map, a site plan, and identification of adjacent land uses and distances to nearby residences and structures;
 - An engineering report, describing the waste transfer process; air, water, and soil pollution control devices; and estimated quantities and types of solid wastes to be processed;
 - A description of the operations to be conducted at the station, an estimate of the design capacity, and an estimate of the anticipated daily capacity; and
 - Anticipated amount and planned method for final disposal of unrecoverable or nonmarketable residues or ashes, and volumes of quench or process water required, as well as planned method of treatment and disposal of any waste water.
- c) A Plan of Operation must be submitted if a permit application is for a transformation facility handling less than 100 cubic yards per day. The report must contain specified information, including:
- Description of type and nature of wastes received and not estimated quantities of waste anticipated to be received per day;
 - Schematic drawing of on-site traffic problems, buildings, and other structures, and description of traffic volumes and types;
 - Procedures for handling special wastes, e.g., infectious wastes, dead animals, etc.; and
 - Location and name of final disposal site

For all applications, the applicant must also submit a resume of the management organization that will operate the facility. In addition, the applicant must provide a compilation of the conditions, criteria, and requirements established, by the various approval agencies having jurisdiction over the facility.

6.5.6.3 Administrative Process

The Los Angeles County Department of Health Services is the designated Local Enforcement Agency for the unincorporated areas of the County and for the majority of the cities in the County. As with the County LEA, the Cities of Los Angeles, Long Beach, Vernon and West Covina, which have selected to be the sole enforcement authority for their jurisdiction, are required to submit a Local Enforcement Agency

Program Plan to the CIWMB for approval. The LEA program plans for the County and the cities are very similar.

The permit process begins with the filing of a permit application from a prospective facility proponent with the LEA. The LEA reviews and analyzes the information provided, along with other required information, including: land use permit; waste discharge requirements; air quality permit; various plans; and a Finding of Conformance with the County of Los Angeles CSE. The facility cannot start operation until a permit has been issued.

The LEA reviews the permit application for compliance with the State Minimum Standards for Solid Waste Handling and Disposal. If the application is determined to be incomplete, the LEA shall notify the applicant within five business days of its determination.

If the permit application is deemed complete, the application will be filed, and within a 55-day period, the LEA must prepare a proposed SWFP. The proposed SWFP will contain the conditions the enforcement agency proposes to include in the SWFP and proposed findings to satisfy the State standards. A copy of the proposed SWFP is submitted to the applicant, along with a form requesting a hearing, from which the applicant may use to obtain a hearing before the Hearing Panel to challenge any term or condition of the permit. The LEA maintains a current list of all pending applications for public notice and comment.

The LEA also submits a copy of the proposed SWFP to the CIWMB for concurrence. Within a 60-day period, the CIWMB will consider each proposed SWFP at a public meeting, at which time any person may also testify or offer comments. Written comments may be submitted to the CIWMB and will become part of the CIWMB's record of action. The CIWMB can either concur with or object to the proposed permit. Lack of action by the CIWMB within the 60-day period is considered as tacit concurrence.

Following concurrence by the CIWMB, the LEA will issue a SWFP. The permit will specify the person authorized to operate the facility and the boundaries of the facility. The permit will also include such conditions that are necessary to specify a design and operation that will control any adverse environmental effects of the facility.

If the permit is denied, the applicant can file an appeal with the LEA which then submits the appeal to a Hearing Panel. After a hearing, the decision of the Hearing Panel is the basis for an action by the LEA.

The LEA/CIWMB conducts a review of a solid waste facility permit every five years or sooner. The owner or operator of a solid waste disposal facility must submit a report,

prepared by a Registered Civil Engineer, to the LEA/CIWMB. The LEA will review the site design, implementation and operation plan to determine if any revisions are necessary. The LEA/CIWMB will submit a revised solid waste facility permit based on the findings of the report.

6.5.7 California Department of Fish and Game

6.5.7.1 Streambed Alteration Agreement

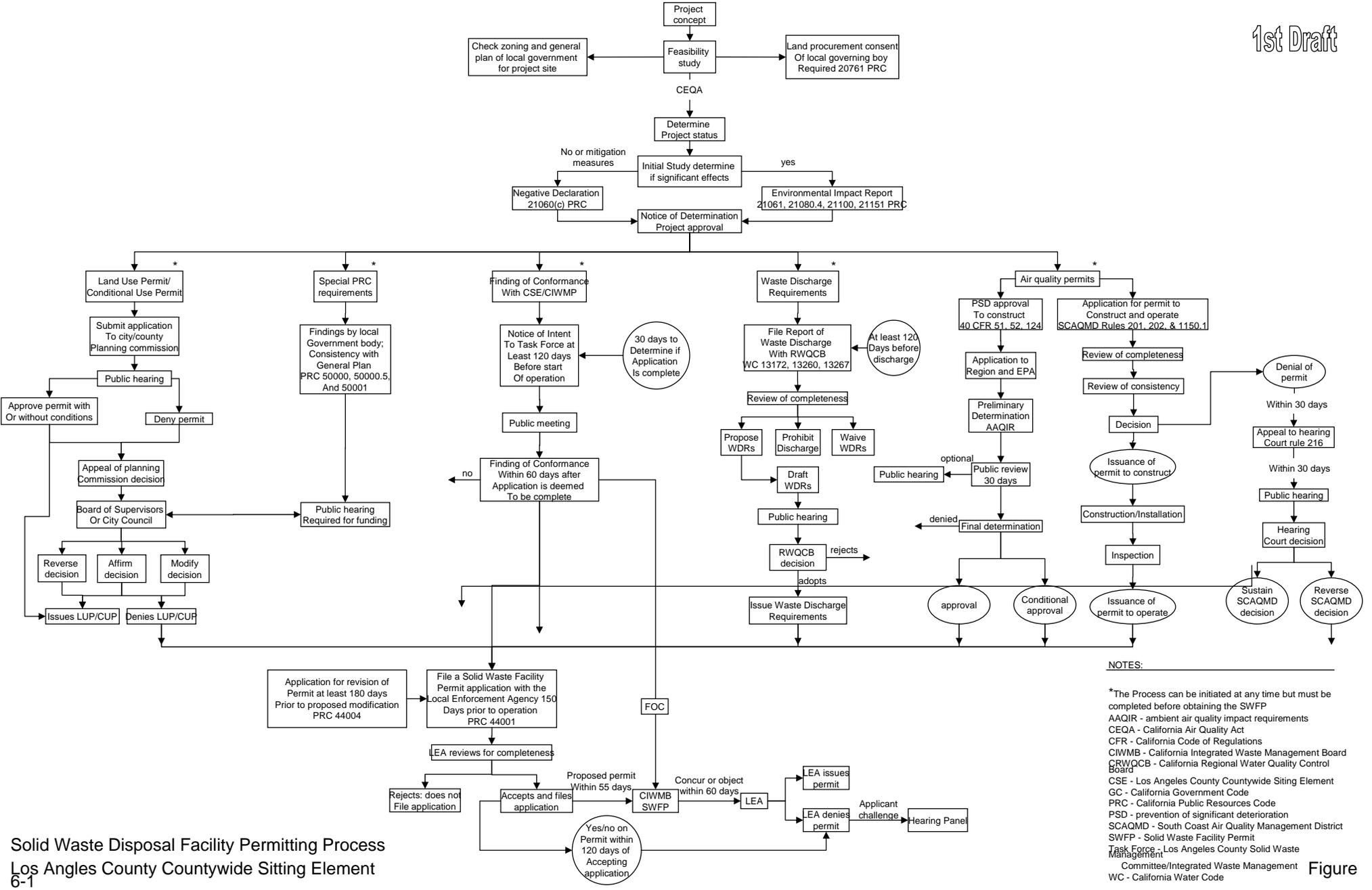
The California Department of Fish and Game requires a project proponent to acquire a Streambed Alteration Agreement for any project which impacts and/or alters a natural watercourse (USGS blue line watercourse). The Streambed Alteration Agreement specifies measures for the protection and/or restoration of any wetland habitat on the site.

6.5.8 Other Agencies

Finally, depending upon the situation and/or proposed location of a solid waste disposal facility, the following Federal and State agencies may need to be contacted regarding their respective jurisdictional control and required permits.

- United States Army Corps of Engineers, Los Angeles District
- United States Environmental Protection Agency, Region IX
- United States Department of the Interior, National Park Service, Pacific West Field Area
- California Coastal Commission

FIGURE 1
SOLID WASTE DISPOSAL FACILITY PERMITTING PROCESS



Solid Waste Disposal Facility Permitting Process
 Los Angeles County Countywide Siting Element
 6-1

Figure