

ATTACHMENT A

COPY OF CHAPTER 10 OF EXISTING CSE (dated June 1997)

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CHAPTER 10

FINDING OF CONFORMANCE

10.1 PURPOSE

The purpose of this chapter is to present the procedure for obtaining a Finding of Conformance (FOC) with the Los Angeles County, Countywide Siting Element which will provide a mechanism for the inclusion of new solid waste landfills or transformation facilities, or expansions of existing solid waste disposal facilities into the CSE. Additionally, the process will ensure that all new solid waste disposal facilities and expansions of existing solid waste disposal facilities are consistent with the CSE and its Siting Criteria as listed in Chapter 6. Furthermore, the FOC process which is implemented under the auspices of the Task Force, will provide a forum in which the public, local jurisdictions, public organizations, businesses, and industry may voice their opinions regarding each individual project.

10.2 SPECIFIC REQUIREMENTS

Section 18756 of Title 14 of the CCR requires that the CSE must describe the process instituted Countywide to confirm that the criteria set forth in that section are included as a part of the solid waste disposal facility siting process (please refer to Chapter 6).

10.3 REGULATORY OVERVIEW

The Solid Waste Control Act of 1976, gave the former California Waste Management Board (CWMB) a direct role in siting solid waste management facilities. It required the CWMB to make a determination that each proposed facility was in conformance with a local county solid waste management plan. In Los Angeles County, the County Solid Waste Management Committee has been the liaison for the former CWMB and the California Integrated Waste Management Board (CIWMB) for making a determination of consistency and for issuance of an FOC with the Los Angeles County Solid Waste Management Plan (CoSWMP).

Section 50000 of the California Public Resources Code (PRC) requires that until a countywide integrated waste management plan has been approved by the CIWMB, no person shall establish a new or expand an existing solid waste disposal facility in the county unless the proposed facility has been identified and described in or has been found to conform with the active county solid waste management plan, which was in compliance with and adopted in accordance with the laws of the former Title 7.3 of the California Government Code (prior to repeal by Assembly Bill 939, California Integrated Waste Management Act of 1989) and has been approved by the CWMB, the county and a majority of the cities with a majority of the incorporated population. The Task Force currently issues FOCs with the active Los Angeles County Solid Waste Management Plan, dated March 1984 and Revision A

dated August 1985, for solid waste disposal facilities in accordance to the procedures found in Chapter 7 of that document.

Section 50001 of the PRC requires that after a countywide integrated waste management plan has been approved by the CIWMB, no person shall establish a new or expand an existing solid waste disposal facility in the county unless the proposed facility has been identified in an approved countywide siting element, or amendment thereof. The County of Los Angeles will ensure that the Siting Criteria contained in the CSE are applied and that a land disposal or transformation facility is in conformance with the CSE through the FOC process. Additionally, any FOC granted by the Task Force to a solid waste disposal facility will serve as an approved amendment to the CSE.

10.4 APPLICABILITY OF FINDING OF CONFORMANCE

New solid waste disposal facilities, expansions of existing solid waste disposal facilities, or existing solid waste disposal facilities that institute a "significant change" to their operation must obtain an FOC with the CSE granted by the Task Force (exemptions are listed below).

For the purpose of the CSE, "significant change" is defined as: a) any change in the solid waste disposal facility's land use permit/conditional use permit, and/or Waste Discharge Requirements Permit that requires compliance with the requirements of the California Environmental Quality Act, as amended; b) any revision in the facility's Solid Waste Facility Permit; or c) any increase in daily permitted capacity as defined in Chapter 3 of the CSE.

Certain types of solid waste disposal/transformation facilities are exempt from an FOC with the CSE. These facilities include:

- Owner-operated Unclassified (inert) landfills which accept inert waste generated by the owner and providing the facility is allowed (as determined by the appropriate Local Enforcement Agency) to operate without a Solid Waste Facility Permit;
- Drilling mud disposal sites for short-term use; or
- Farm/ranch disposal sites for one- or two-family use.

Project proponents of solid waste disposal facilities, except those exempted above, must submit proposals to the Task Force for an FOC. Table 10-1 lists the minimum components that a facility proposal must contain.

Table 10-1
Finding of Conformance Submittal Requirements

Proponents of solid waste disposal (landfill and transformation) facilities, except otherwise exempted, must submit proposals to the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force for an FOC. The facility proposal shall contain the following minimum information:

1. Identity of project proponent, owner, and operator.
2. Description of project location.
3. Project implementation schedule (as applicable) including planned dates for construction start, construction completion, start-up, planned expansion, and closure.
4. Project design capacity or acreage as appropriate.
5. Description of waste material to be handled.
6. Identification of waste sources.
7. Projection of waste quantity to be handled at start-up and at five-year intervals in project's life.
8. Identification of waste transport corridors and destination.
9. Technology to be used for treatment facilities.
10. Planned site classification for disposal sites.
11. Planned end uses for the land for disposal sites.
12. Final environmental documentation (initial study, negative declaration, categorical exemption, or an Environmental Impact Report) including all Notices of Determinations showing the posting dates with the County Clerk/City Clerk and the State Office of Planning and Research.
13. Planned market for materials/energy recovered from resource recovery projects.
14. Description of proposed waste diversion/salvage programs to be operated at the facility.
15. Information and operations plan for meeting applicable permit/regulatory requirements.
16. Demonstration of compliance with siting criteria requirements as established in Chapter 6 of the CSE.
17. Demonstration of compliance with general plan consistency requirements as required by the California Public Resources Code, Section 50000.5 and 50001, as applicable. In addition, a copy of the appropriate land use permit shall also be provided.
18. A tarping program designed to prevent the accidental release of litter from vehicles entering and leaving the site.
19. A waste load-checking program designed to prevent disposal of hazardous and other unacceptable waste from the site.

Table 10-1 (continued)

20. A set of plans, drawn-to-scale, clearly identifying property lines, adjacent land uses, all structures such as scale house, administration buildings, locations of any above ground or underground storage tanks, surrounding streets and access roads, etc. The plans must be a minimum of 2 feet by 3 feet in dimension, clearly labeled and bearing the signature and seal of a California Registered Civil Engineer. For land disposal facilities, the plans must show initial and final grades for and delineate the extent of the fill area. For transformation facilities, the plans must show drainage and wastewater discharge lines, the incineration building and equipment, and materials recovery area (if any).

In addition, the facility owner/operator will be required to implement the following measures/programs:

1. Project proponents of new Class III landfills and owners/operators of expansions of existing Class III landfills shall be required to implement the following seismic monitoring requirements:
 - a) Install an accelerometer on site to measure seismic ground motions by a date to be established by the Task Force. A set of as-built plans signed and sealed by a California Registered Civil Engineer shall be provided to the Local Enforcement Agency and the Los Angeles County Department of Public Works, Environmental Programs Division for approval.
 - b) Following a major seismic event: 1) of magnitude 5.0 or greater in the Richter Scale, as recorded by the closest ground-motion monitoring device as maintained by the California Division of Mines and Geology, and 2) with an epicenter located within 25 miles from the Landfill (or as directed by the Task Force), thoroughly survey the landfill site for primary and secondary surface expressions of seismic activity (such as, surface ruptures, landslides, changes in spring flows, liquefaction, etc.). Submit a damage assessment report on the results of the survey to the Los Angeles County Department of Public Works, Environmental Programs Division and the Local Enforcement Agency for review. The assessment report must describe and discuss all features, including damage to the site and infrastructure caused by the seismic event, and the measures that will be taken to mitigate the impact.
2. All Class III landfill owners/operators shall be required to submit a description of the program that will be implemented at the facility to:
 - a) Minimize disposal of inert waste at their facility.
 - b) Maximize density of disposed materials.
 - c) Use green waste or other appropriate materials for use as landfill daily cover other than soil, subject to approval of the appropriate Local Enforcement Agency, the CIWMB, and other appropriate permitting agencies.
3. All solid waste disposal facility operators shall be required to submit a description of the program that will be implemented at the facility to:
 - a) Acquire and provide to the County all data necessary for cities in Los Angeles County and the County to comply with the mandates of Assembly Bill 939. Additionally, disposal facility operators will be encouraged to institute waste salvage operations in compliance with all applicable rules and regulations.
 - b) Discourage transportation of uncovered waste to the disposal facility through vehicle tarping enforcement at the gate.
 - c) Control litter on the streets, highways, and properties surrounding the disposal facility.

10.5 ADMINISTRATIVE PROCESS

The Task Force shall review and act on a proposed project which meets the requirements of the CSE. The Task Force has 30 days after the proposal is submitted in which to determine if the proposal is complete. Once a proposal has been determined to be complete, the Task force has 60 days in which to act upon the FOC. However, after the 60 days, the review period may be extended for an agreed upon period by mutual consent of both parties. The proposal will not be considered to be complete without: the certified final environmental document, the land use/conditional use permit, consistency with the local jurisdiction's General Plan, and all other materials listed in Table 10-1 of this Chapter.

In the review process, the Task Force:

1. Considers the project in relation to:
 - The goals, policies, and objectives of the CSE/CoIWMP;
 - The policies of the California Integrated Waste Management Board/ appropriate Local Enforcement Agency; and
 - The policies of the local jurisdiction's (city or the County as applicable) General Plan.
2. Evaluates the proposed site in relation to the Siting Criteria in the CSE.
3. Accepts comments from the local jurisdiction where the facility is to be located, as well as, any adjacent jurisdictions. The local jurisdictions shall be requested by the Task Force to comment on project implementation, proposed transportation routes, and planned end uses of the land (for landfills).
4. Examines the projected waste flow to the proposed project and analyses of Countywide/regionwide impacts.
5. Conducts a technical review of the project aimed specifically at the application of technology, residue disposal plans, the environmental assessment, and plans for meeting applicable permit requirements.
6. Considers other existing and planned projects in the same general area of the proposed project.
7. Determines whether or not the city or the County in which the site is located, has made a finding (of consistency) that the establishment or expansion of the site is consistent with that city or County's applicable general plan.

10.6 ACTIONS BY THE TASK FORCE

Upon review of the proposed project, the Task Force will convene a public meeting in order to make one of the following findings: (1) Issue an FOC or (2) Deny the request for an FOC.

10.6.1 Issue a Finding of Conformance

After a proposed project has met all the requirements to the satisfaction of the Task Force, an FOC will be issued by the Task Force.

10.6.2 Denial

A denial of an application for an FOC by the Task Force will include a full description of the reasons for denial. The basis of denial shall generally be a perceived conflict of the applicant's proposal with the policies, goals, and objectives of the CSE. A denial of an application does not preclude reapplication.

10.6.3 Local Enforcement Agency/California Integrated Waste Management Board

In accordance with Section 50001 of the PRC, prior to granting a Solid Waste Facility Permit, the appropriate Local Enforcement Agency (city or the County, as applicable) shall ensure that an FOC for the project has been granted by the Task Force. As such, upon granting an FOC, the Task Force shall forward a copy of the FOC to the appropriate Local Enforcement Agency and the California Integrated Waste Management Board. The Task Force shall also forward a copy of the FOC to the jurisdiction in which the facility is located.

10.6.4 Project Proponent Failure

If a project proponent with an FOC from the Task Force fails to meet the conditions of the finding, the Task Force may revoke the finding. Cause for revoking an FOC shall be documented in the notice of revocation to the local jurisdiction, appropriate Local Enforcement Agency, California Integrated Waste Management Board, and the facility proponent.