

## **ATTACHMENT F**

### **FINDING OF CONFORMANCE RELATED REGULATIONS**

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## **TITLE 14, CCR § 18755-18756.7**

### **§ 18755. General Requirements.**

- (a) The Siting Element shall demonstrate that there is a countywide or regionwide minimum of 15 years of combined permitted disposal capacity through existing or planned solid waste disposal and transformation facilities or through additional strategies.
- (b) The Siting Element shall describe and identify the areas, numbers and types of new solid waste disposal and transformation facilities, as well as the expansion of existing solid waste disposal and transformation facilities necessary to provide a minimum of 15 years of combined permitted disposal capacity.
- (c) If the requirements of subdivision (b) of this section cannot be demonstrated, then strategies shall be discussed for the transformation, disposal, or diversion of excess waste.
- (d) The Siting Element shall include the items identified in sections 18755.1 through 18756.7 of this article.
- (e) A "Siting Element" may be prepared by a regional agency when the regional agency is composed of two or more counties and all incorporated cities of those counties.
- (f) For the purposes of this article, "countywide" shall be defined as including the incorporated cities within the county and the unincorporated areas of the county. For purposes of this article, "county" shall include the Board of Supervisors as the legislative and executive body of county government, and any designated agency responsible for solid waste management.
- (g) For the purposes of this article, "regionwide" shall be defined as including the member agencies of the regional agency. For the purposes of this article, a "regional agency" shall be the governing entity created by a voluntary agreement between cities and counties for the purpose of complying with Part 2 of Division 30 of the Public Resources Code. A city or county which is a party to such an agreement shall be considered a "member agency" of the regional agency. A regional agency may authorize one district, as defined in subdivision (a) of Section 41821.2 of the Public Resources Code, to be included as a member of the regional agency.

### **§ 18755.1. Goals and Policies.**

(a) The Local Task Force (LTF) shall develop goals, policies, and procedures to provide guidance to the county to prepare the Siting Element. Based upon this guidance, the Siting Element shall include a statement on the goals and policies established by the county.

(b) The LTFs of each county, which are member agencies of a regional agency formed pursuant to section 18776(b) of this chapter, shall develop goals, policies, and procedures to provide guidance to the regional agency to prepare the Siting Element. Based upon this guidance, the Siting Element shall include a statement on the goals and policies of the regional agency.

(c) The goals shall be consistent with the mandates of Public Resources Code section 40051. The goals shall describe the method for the environmentally safe disposal of solid waste generated within the boundaries of the county and regional agency.

(d) The policies shall specify any programs, regulatory ordinances, actions, or strategies that may be established to meet the goals described in subdivision (c) of this section and to assist in the siting of solid waste disposal facilities. An implementation schedule shall be included which identifies tasks necessary to achieve each

### **§ 18755.3. Disposal Capacity Requirements.**

(a) Each county and regional agency, with assistance from the Local Task Force, shall include documentation in the Siting Element of the following information:

- (1) the January 1, 1990 disposal capacity in cubic yards and in tons established pursuant to CCR 18777(b);
- (2) the existing disposal capacity in cubic yards and in tons in the year the Siting Element is prepared; and
- (3) the disposal capacity in cubic yards and in tons in any year the Siting Element is revised.

(b) The anticipated disposal capacity needs shall be described in cubic yards and tons, on an annual basis and aggregated for a minimum 15-year period, beginning with the year in which the Siting Element is prepared, and any year the Siting Element is revised.

(c) Area(s) shall be selected where solid waste disposal facilities are envisioned to be expanded or sited and constructed for the purpose of meeting a required minimum of 15 years of combined permitted disposal capacity. Each county and regional agency shall consider the following in determining the areas where solid waste disposal facilities are planned to be expanded or sited and constructed:

- (1) the total amount of solid waste generated, expressed in cubic yards and in tons for volumetric capacity for the required 15-year period;

(2) the existing remainder of combined permitted disposal capacity in cubic yards and in tons for the required 15-year period; and

(3) an estimation of the total disposal capacity in cubic yards and in tons needed to meet a minimum of 15 years of combined permitted disposal capacity.

#### **§ 18755.5. Description of Existing Solid Waste Disposal Facilities**

(a) The Siting Element shall include an identification of each permitted solid waste disposal facility located countywide and regionwide. The description shall include, but not be limited to, the following information for each facility:

- (1) the name of the facility and the name of the facility owner and operator;
- (2) the facility permit number, permit expiration date, date of last permit review, and an estimate of remaining site life, based on remaining disposal capacity;
- (3) the maximum permitted daily and yearly rates of waste disposal, in tons and cubic yards;
- (4) the average rate of daily waste receipt, in tons and cubic yards;
- (5) the permitted types of wastes; and,
- (6) the expected land use for any site being closed or phased out within the 15-year planning period.

(b) The Siting Element description shall include a map showing each existing permitted solid waste disposal facility countywide and regionwide. The map shall be drawn to scale and the scale legend included on the map sheet. The type of map may be a 7.5 or 15 minute USGS quadrangle.

#### **18756. Criteria for Establishing New or for Expanding Existing Solid Waste Disposal Facilities**

(a) To establish a new solid waste disposal facility or to expand an existing solid waste disposal facility, the county and regional agency 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, cities, regional agency and member agencies. The following are examples of criteria that may be considered within those major categories:

- (1) Environmental Considerations (for example: geology and solids including faulting and seismicity, ground settlement, surface hydrology and ground water,

quantity and quality of ground water, surface water, surface water contamination, drainage patterns, etc.);

(2) Environmental Impacts (for example: air quality including climatic and meteorological conditions and emissions, visibility, cultural resources including regional setting, inventory and significance, paleontological resources including inventory and significance, vegetation, and wildlife, etc.);

(3) Socioeconomic considerations (for example: transportation including local and regional transportation systems, highways and major roadway corridors, rail transportation and corridors, land use including regional and local land uses such as military use, mineral extraction, agriculture, recreation/tourism, compatibility with existing and future land uses, consistency with county general plan(s) and future post-closure uses, economic factors including estimates of development costs and operational costs, etc.);

(4) Legal considerations (for example: federal, state, and local minimum standards and permits, liabilities, and monitoring, etc.);

(5) Additional criteria as may be included by the county, cities, regional agency and member agencies approving the Siting Element.

(b) The Siting Element shall describe the process instituted countywide or regionwide to confirm that the criteria set forth in (a)(1-5) of this section are included as part of the solid waste disposal facility siting process.

(c) The countywide Siting Element shall be approved by the county and the cities as described in Public Resources Code section 41721. The regionwide Siting Element shall be approved by the regional agency as described in section 18783(c) of this chapter. The Siting Element shall include: a resolution from each jurisdiction and member agency approving or disapproving of the Siting Element or any proposed amendment to the element; and a record of any jurisdiction or member agency failing to act upon the Siting Element.

(d) No solid waste disposal facility in the Siting Element shall be established that does not satisfy the minimum criteria that are adopted in the Siting Element pursuant to section 18756(a) of this article.

(e) A solid waste disposal facility not described within 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 PRC section 41721.5.

#### **§ 18756.1. Proposed Facility Location and Description**

(a) The Siting Element shall include a description of each proposed new solid waste

disposal facility and a description of each proposed expansion of an existing solid waste disposal facility for each county and regional agency included in the Siting Element which complies with the criteria identified in Section 18756 of this article. The description shall include the type of facility, location, size, volumetric capacity of the facility expressed in cubic yards and in tons, life expectancy (years), expansion options of the existing or proposed facility, and post-closure uses.

(1) Each Siting Element shall include one or more maps indicating the location of each proposed solid waste disposal facility and adjacent and contiguous parcels. The map(s) shall be drawn to scale and include the scale on the map sheet. The type of map(s) may be a 7.5 or 15 minute USGS quadrangle.

(b) A description shall be provided in the Siting Element of how each proposed solid waste disposal facility contributes to and maintains for each county or regional agency included in the Siting Element the minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article and is consistent with the diversion goals of Public Resources Code section 41780.

### **§ 18756.3. Consistency with City and County General Plans for New or Expanded Solid Waste Disposal Facilities**

(a) Reserved areas for proposed new or the expansion of existing solid waste disposal facilities shall be identified in the Siting Element. Verification shall be made that the expanded or proposed facilities are located in areas where the land use is designated or authorized for solid waste disposal facilities and that the areas are consistent with the applicable city and county general plans. Verification of general plan consistency shall include a resolution, notarized statement, or affidavit from each applicable city and the county. Proposed areas that are consistent with the current city and county general plans shall be reserved pursuant to the requirements of Public Resources Code sections 41702 and 41720.

(b) Proposed areas that are not situated in, coextensive with, or adjacent to an area authorized for land use as a solid waste disposal facility, within an applicable city and county general plan, may be "tentatively reserved" for future or expanded solid waste disposal facilities. Proposed areas that are inconsistent with applicable city and county general plans shall be tentatively reserved pursuant to the requirements of Public Resources Code sections 41710 through 41712.

(c) Proposed areas included in the Siting Element may be identified as "tentatively reserved" in the initial filing of a Countywide and Regionwide Integrated Waste Management Plan, as determined by Public Resources Code section 41791. However, by the first five-year revision of the Countywide and Regionwide Integrated Waste Management Plan all areas identified to assure the minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article must meet the requirements of Public Resources

Code section 41702.

**§ 18756.5. Strategies for Disposing of Solid Waste in Excess of Capacity When New or Expanded Sites Are Not Available.**

(a) The Siting Element shall provide an analysis describing the reasons why there are not available locations for establishing new or expanding existing solid waste disposal facilities within each county or regional agency included in the Siting Element. This analysis shall include a determination of whether the inability to establish new or to expand existing solid waste disposal facilities is due to the lack of locations with the appropriate physical or environmental site characteristics or because of other considerations; and,

(b) If new or expandable solid waste disposal facilities are not available, or are not sufficient to meet countywide or regionwide needs, each county and regional agency shall include strategies for disposing of solid waste. The discussion of strategies shall include, but is not limited to, the following:

(1) A description of the types (residential, commercial, industrial, and special) and quantities in cubic yards and in tons of waste in excess of remaining volumetric capacity of existing solid waste disposal facilities;

(2) A description of the diversion or export programs which will be implemented to safely handle and divert or dispose of excess solid waste. The description shall identify the existing solid waste disposal facilities, including those outside of the county or regional agency, that will be used to implement these strategies. The description shall document how the proposed programs shall provide the county or regional agency with sufficient disposal capacity to meet the required minimum of 15 years of combined permitted disposal capacity as described in CCR 18755(a) of this article.

**§ 18756.7. Siting Element Implementation**

(a) The Siting Element shall include, but not be limited to, the following:

(1) identification of local government agencies, Local Task Forces, regional agencies, organizations, and any others, responsible for implementing the countywide or regionwide solid waste disposal facility siting program;

(2) implementation schedules addressing each task identified in Section 18755.1(d) for a minimum of 15 years beginning with the year in which the element is prepared; and,

(3) identification of revenue sources sufficient to support the administration and maintenance of the countywide or regionwide solid waste disposal facility siting program.