

ATTACHMENT F
(Updated)

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.

§ 18777. Role of the Local Task Force.

(a) The role of the Local Task Force (LTF) shall be to assist and advise the agency(ies) responsible for preparation of the Siting Element and the Summary Plan. The LTF shall guide the preparation and review of these documents prior to their circulation to reviewing agencies and to the Board, to aid in ensuring that the county or regional agency adequately plans for meeting future solid waste handling and disposal needs.

(b) Within 30 days of its establishment, the LTF shall determine and verify the remaining permitted combined disposal capacity of existing solid waste disposal facilities in the county or regional agency.

(c) If the county and the cities within the county determine that the representation of the current LTF is not adequately addressing the needs of the county, cities, or public, a new LTF may be established. The new LTF membership shall be approved as described in Public Resources Code Section 40950. Within 30 days of the establishment of the new LTF, a membership roster containing the names, phone numbers, and member representation shall be sent to the Board.

§ 21570. CIWMB -Filing Requirements. (T14:s18201)

(a) Any operator of a disposal site who is required to have a full solid waste facilities permit and waste discharge requirements pursuant to Public Resources Code, Division 31 and s20080(f) shall submit an application package for a solid waste facilities permit 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 shall submit an application package for a solid waste facilities permit 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 s44006(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.

(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 an Disposal 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 s21000) 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 s50000; -

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 s50000.5; 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 s50001; 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.]

(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) 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. For disposal sites permitted for 20 tons-per-day or less, a ground or 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 surfaces 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.

§ 21650. CIWMB -EA Processing Requirements. (T14:s18203) -

(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 s21570. If the EA finds the package meets the requirements of s21570, 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.

(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 s21570, 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 §'s 21660.2 and 21660.3. For modified solid waste facilities permits, the EA shall provide notice as required by s21660.3 after finding the permit application complete and correct and within 60 days of receipt of the application by the EA.

(f) Upon request of the applicant, the EA may accept an incomplete application package. As a condition of acceptance, the operator and the EA shall waive the

statutory time limit contained in Public Resources Code s44009.[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 s21570 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 s21570, the application package shall be accepted pursuant to ¶(c).

(g) No later than 60 days after the application package has been accepted as complete and correct and after conducting an informational meeting if required by ss 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 s21600, 14 CCR ss 17863, 17863.4, 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 s44009; -
- (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 s21675, within the last five years.
- (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. -

(h) 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 or hearing officer to challenge any condition in the solid waste facilities permit. In cases where a hearing panel or hearing officer may be requested, the EA shall notify the CIWMB within seven days of being noticed by the operator.

(i) The proposed solid waste facilities permit shall contain the EA's conditions. 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 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 shall take into consideration PRC s44012, 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 may also take into consideration other permits, entitlements and approvals when writing terms and conditions (e.g., conditional use permit, zoning, Air Pollution Control District/Air Quality Management District permits to construct and operate, Department of Toxic Substances Control hazardous waste facility permit, Department of Fish and Game permits, Coastal Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and other required local and county ordinances/permits)]