

**Attachments to the October 19, 2006, Minutes
for the Los Angeles County
Integrated Waste Management Task Force**

October 12, 2006

TO: Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force

FROM: Coby Skye
Staff



2006 LEGISLATIVE YEAR IN REVIEW

The 2005-2006 California Legislative session has come to a close. Attached is an update regarding all bills the Task Force took a position on in 2006. The 2007-2008 legislative session will commence in December 2006.

If you have any questions, you may contact me at (626) 458-5163, Monday through Thursday from 7:00 AM to 5:30 PM.

**LOS ANGELES COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE
2006 LEGISLATIVE UPDATE YEAR IN REVIEW**

Bill Number	Task Force Position	Status	Summary
AB 32	Oppose unless Amended	Chaptered 9-27-06	Reduces statewide greenhouse gas emissions to 1990 levels by 2020. The Task Force opposed this bill because there were no provisions to reimburse local governments.
AB 727	Support in Concept	Dead	Would require the Waste Board to identify six solid waste facilities to test biomass conversion technologies.
AB 1688	Support	Chaptered 9-14-06	Authorizes illegal dumping officers to enforce illegal dumping laws.
AB 1966	Oppose Unless Amended	Dead	Includes powerplants producing electricity in the capital investment incentive program. The Task Force opposed this bill because it eliminated conversion technology facilities from qualifying.
AB 1980	Support	Chaptered 9-14-06	Grants City of Los Angeles security guards the power to arrest for activities relating to illegal dumping.
AB 1992	Support	Chaptered 9-22-06	Would replace the term garbage with the broader term "solid waste" for the purposes of defining illegal dumping.
AB 2118	Oppose	Dead	Would include "intent" language to develop a definition for "conversion technology".
AB 2253	Support	Chaptered 9-29-06	Would authorize a court to impound a vehicle for up to six months when used to illegally dump waste.
AB 2271	Support	Dead	Would expand the Rechargeable Battery Recycling Act and impose a fee of \$0.10 on the sales of non-rechargeable batteries.
AB 2296	Support if Amended	Chaptered 9-27-06	Requires the Waste Board to study financial assurance mechanisms for post-closure maintenance of landfills.
AB 2449	Oppose	Chaptered 9-14-06	Requires in-store collection of plastic bags for recycling. The Task Force opposed this bill because it usurps local control.
AB 2845	Support and Amend	Dead	Increase the amount the Department of Conservation is able to expend annually for payment for container recycling and litter cleanup activities.
AB 3001	Support	Dead	Would provide that on and after July 1, 2007 a personal computer would be considered a covered electronic device and subject to a \$6 at time of retail sale.
SB 369	Support	Chaptered 9-18-06	Would extend the sunset date for the RAC grant to June 30, 2010.
SB 1305	Support	Chaptered 7-12-06	Prohibits disposal of home-generated sharps in waste collection containers.
SB 1368	Oppose Unless Amended	Chaptered 9-29-06	Prohibits electric utilities from entering into long-term contracts for electricity purchases unless the source meets greenhouse gas emission standards. The Task Force opposed this bill because it created a double standard for facilities that generate electricity from biomass, biogas, or landfill gas energy.
SB 1778	Oppose	Dead	Would eliminate diversion credit for woody and green material as ADC. The Task Force opposed this bill because it jeopardizes local governments' ability to meet the mandates of AB 939.
SB 1835	Support	Vetoed 9-29-06	Would prohibit solid waste facility project proponents from circumventing, among other things, the land use permit process.

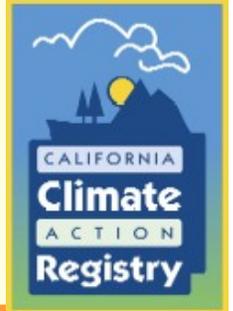
State Climate Policy and the California Registry

Los Angeles County
Solid Waste Management Committee
October 19, 2006

Joel Levin
Vice President

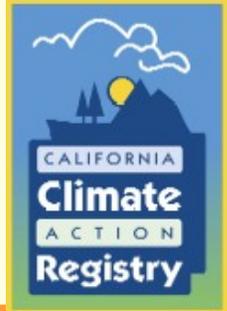


Main Topics



1. What is happening with climate change policy in California?
2. What is the role of the CA Registry in AB 32?
3. What is the California Climate Action Registry and how does it work?
4. What is the role of the Registry going forward?
5. Why should solid waste agencies participate in the Registry?

Governor Schwarzenegger June 1, 2005 Executive Order



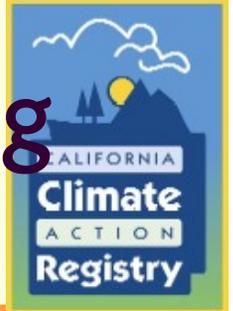
“As of today, California is going to be the leader in the fight against global warming.... I say the debate is over. We know the science. We see the threat. And we know the time for action is now.”

2020 Goal: Return to 1990
GHG emissions levels

- 25% below “business as usual”



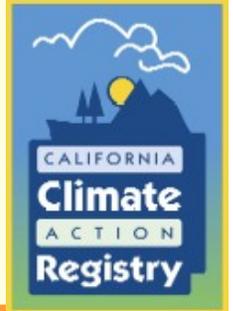
AB 32: California Global Warming Solutions Act



- Mandates the 2020 reduction target as state law.
- Gives Air Resources Board broad authority to regulate all “significant” sources of GHGs
- Mandatory reporting rule issued by January 1, 2008
- Reduction regulation goes into effect January 1, 2012

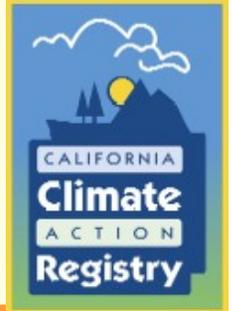
October 17, 2006

Executive Order



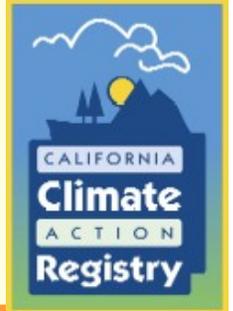
- Directs CARB on details of implementation of AB 32
- Sets up framework for a program of emissions trading with the northeastern states and Europe
- Instructs CARB to use CA Registry accounting standards

The Registry in AB 32: Standards



- *“Where appropriate and to the maximum extent feasible, incorporate the standards and protocols developed by the California Climate Action Registry....”*
- Executive Order reiterates this and instructs Registry to develop new standards for
 - Local Governments
 - Agriculture

The Registry in AB 32: Reporting Requirements



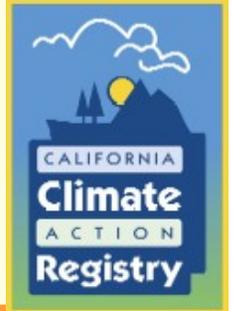
- *“Entities that voluntarily participated in the California Registry prior to December 31, 2006, and have developed a greenhouse gas reporting program, shall not be required to significantly alter their reporting or verification program except as necessary to ensure that reporting is complete and verifiable for the purposes of compliance with this division as determined by the state board.”*

The Registry in AB 32: Recognition for early action



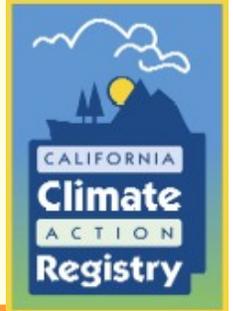
- *“Entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this section (1/1/12) receive appropriate credit for early voluntary reductions.”*

Multi-State Registry



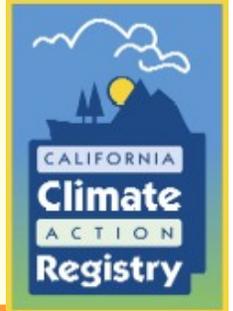
- The new Executive Order instructs the Registry to develop a multi-state GHG registry as the infrastructure for trading
 - Currently working with 30 states on this
 - Expect to roll-out late next year

Background of the CA Registry



- Established as a business initiative
- Public/private partnership created by state legislation in 2001
 - Created an accounting standard
 - Companies can establish a state-recognized baseline
 - Encourages voluntary public reporting and early actions for reduction
 - Board represents business, government, NGOs
- Defined a “standard of care” in California
 - Measure emissions and voluntary public reporting

Three Step Process

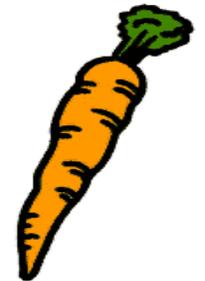


1. **Annual Inventory** according to the Registry protocols
 - CO₂ first 3 years, then all 6 Kyoto gases (CO₂, CH₄, N₂O, HFCs, PFCs, SF₆)
 - Direct stationary, mobile, process and fugitive emissions
 - Indirect emissions from electricity and steam
 - California, national or international reporting
 - Does not include emissions from product use
2. **Certify** emissions inventory results using Registry-approved certifiers
3. **Report** aggregated data publicly
www.climateregistry.org

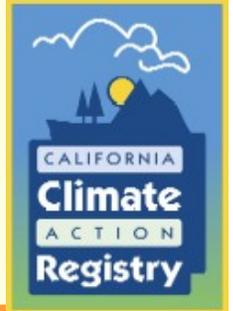
Registry Tools



- General Reporting Protocol
 - An operational handbook based on WRI/WBCSD guidelines
- Industry-Specific Protocols
- Certification Protocols
 - Goal: Low cost, transparent certification that can hold value over time
- **CARROT**: Climate Action Registry Reporting Online Tool
 - Web-based tool (www.climateregistry.org/CARROT)



Examples of Members



Solid Waste Companies

Allied Waste

NorCal Waste

Waste Management

Other Businesses

AT&T

BP

Eastman Kodak

Hewlett Packard

Kaiser Permanente

Rio Tinto Borax

Shell Oil

Southern California Edison

Southern California Gas Company

Local Government Agencies

Anaheim Public Utilities

Burbank Water and Power

City of Los Angeles

City of Santa Monica

Glendale Water & Power

Los Angeles Department of Water and Power

Los Angeles Community College District

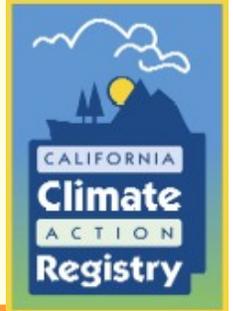
Pasadena Water & Power

Riverside Public Utilities

South Coast AQMD

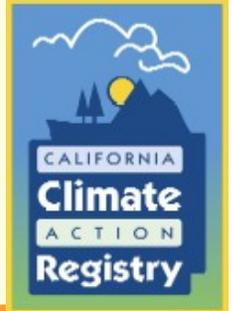
UCLA

Membership



- Current Total: 95
- Total tons registered: 200 million
 - Comparable to annual emissions of Turkey

Costs of Participation

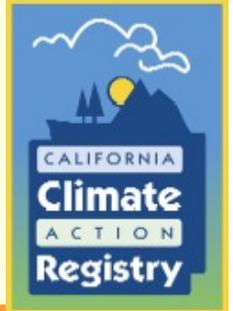


Annual Participation Fee

Annual Certification Fee

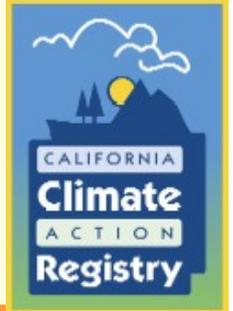
Staff time

Roles of the Registry Going Forward



- Voluntary entity registry
 - 3 flavors of members
- Multi-state registry
 - Will form the basis for trading between states
- Project registry
 - Both for mandatory and voluntary programs
- Working with CARB on successful implementation
- Developing new accounting standards
- Serving as a resource to our members

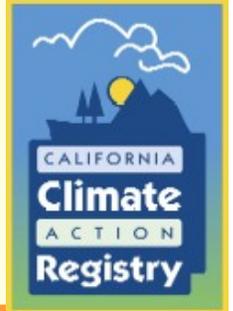
Why should your agencies join the Registry?



1. It's the right thing to do

- All scientific models show that climate change is a serious threat to public health and the environment in California.
- Public is very concerned about it.
- Landfills are about 2% of state GHG emissions
- The first step in any reduction strategy is measurement.

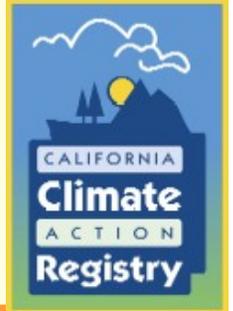
Why should your agencies join the Registry?



2. Protection for early action

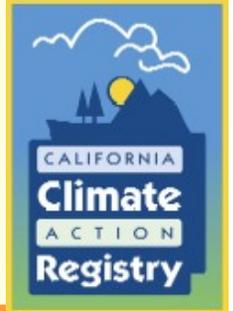
- Unclear if it will be an absolute requirement, but it builds credibility of your data and many members are doing it for risk management.

Why should your agencies join the Registry?



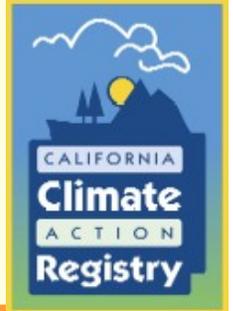
3. Lock in your reporting requirements
 - Gives you some certainty now around data requirements and reporting obligations

Why should your agencies join the Registry?



4. Prepare to participate in trading
 - Registry members will be rolled into the multi-state registry. Gives you a leg up on participation in trading programs with other states.

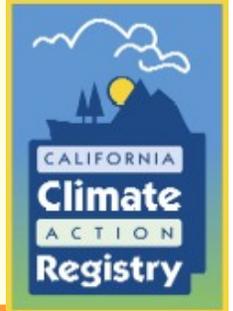
Why should your agencies join the Registry?



5. Get a seat at the table

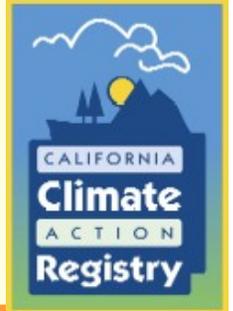
- Registry members have been very active in the policy debate around AB 32.
- Being in the Registry gives you credibility in Sacramento.
- Registry will be working to ensure that its members stay informed as the rule-making process moves forward
- Regular conference calls with policy-makers and information on key policy developments

Why should your agencies join the Registry?



7. Access to software and support
 - CARROT is designed to make GHG reporting as simple as possible.
 - Unlimited technical support from Registry to assist in reporting process.
 - If you have made a decision to track your GHGs, it's a lot easier as a Registry member.

Why should your agencies join the Registry?



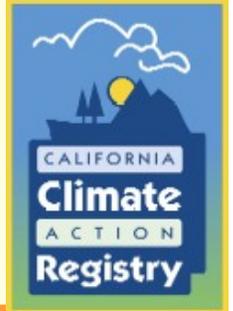
7. Build your environmental reputation
 - Participation in the Registry is the best way to demonstrate to constituents that you are serious about addressing climate change
 - Registry works hard to help its members tell their environmental story to the public



“Our participation in the Registry helps me do my job better. I regularly get inquiries about Edison’s GHG emissions—from management, the press and from our customers. With the Registry’s rigorous protocols and certification, I’m ready with accurate and detailed information.”

Howard Gollay, Southern California Edison

Contact Information



Joel Levin
Vice President,
Business Development
jlevin@climateregistry.org

California Climate Action Registry
515 S. Flower St.
Suite 1640
Los Angeles, CA 90071
213-891-1444

From: Mike Mohajer [mikemohajer@yahoo.com]
Sent: Monday, October 09, 2006 10:59 AM
To: Margo Reid Brown; Jeffrey Danzinger; Rosalie Mule; Gary Petersen; Pat Wiggins
Cc: Mark Leary; Howard Levenson; Mark De Bie; Bobbie Garcia; Ruiz, Carlos; Kenneth Murray
Subject: 10/17/06 CIWMB Meeting - Agenda Item 13 -- Proposed Permit Implementation Regulations (AB 1497)

Madam Chair and Members of the Board,

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), I would like to thank you for the opportunity to provide comments on the CIWMB staff responses to comments received on the Draft Permit Implementation Regulations dated September 11, 2006 and the proposed revisions to the subject regulations, Attachments I and II, respectively of the subject Agenda.

Currently, Subsection 21570(f)(9), Title 27 of the California Code of Regulations stipulates that the "complete" and "correct" application package for a Solid Waste Facility Permit (SWFP) must include a copy of the facility land use and/or conditional use permits. The proposed revisions to the existing regulations delete this requirement in its entirety. As indicated in our letter of September 26, 2006, a copy attached, we respectfully request that this existing requirement not be deleted. However; it is recommended that the Subsection 21570(f)(9) be revised to read: **"Land Use and/or entitlements for the facility (e.g., Conditional Use Permit or zoning ordinance). The EA is not responsible for verifying the 'correctness' of information contained in the land use permit and/or conditional use permit submitted by the applicant and/or the facility operator;"** **OR** substitute the deleted text with the following: **"A written confirmation by the host jurisdiction's planning agency or commission verifying that the proposed SWFP activities are consistent with the land use entitlements for the facility;"**

It should be noted that the CIWMB staff draft response as provided in the Attachment I of the subject Agenda fails to mention that the proposed deletion of Subsection 21570(f)(9) would result in a mandate on local enforcement agencies (LEAs), and concurrence by the CIWMB, to issue a SWFP to a facility that does **not** have a land use permit and/or appropriate entitlement from the host jurisdiction even in those cases that the proposed facility may be adjacent to immobile populations, schools, etc. The Task Force would appreciate being provided with a written response in re to the foregoing concern that clearly recognizes the deadlines and requirements of Sections 44008 and 44009 of the California Public Resources Code as well as those listed in Sections 21650(g), 21685(b)(6) and 21685(c) of the proposed regulations (Attachment II of the subject Agenda).

Pursuant to the California Integrated Waste Management Act of 1989 (AB 939) and Chapter 3.67 of the Los Angeles County Code, the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County and 88 cities in Los Angeles County with a combined population in excess of 10 million. Consistent with these responsibilities and to ensure a coordinated effort in providing a solid waste management system that is protective of public health, safety and the environment, the Task Force also addresses issues impacting the system on a Countywide basis.

Thank you for your consideration of our concern and proposal in re to the land use/entitlements. Based on information provided in Attachment I of the subject Agenda, it appears that a similar concern has also been expressed by the County of Los Angeles Department of Public Works as well as the Local Enforcement Agency for the County of Los Angeles and 85 cities in Los Angeles County (copies of their letters are attached).

Should you have any question regarding the subject matter, please contact me at 909-592-1147.

MIKE MOHAJER
mikemohajer@yahoo.com
P.O.Box 3334
San Dimas, CA 91773-7334

CC: County of Los Angeles Department of Public Works
Local Enforcement Agency for the County of Los Angeles and 85 cities in Los Angeles County
Each Member of the Los Angeles County IWM Task Force



DONALD L. WOLFE
CHAIRMAN

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

September 26, 2006

Margo Reid Brown, Chair
California Integrated Waste Management Board
Cal-EPA Building
1001 "I" Street
Sacramento, CA 95812-4025

Dear Chairperson Brown:

PROPOSED PERMIT IMPLEMENTATION REGULATIONS (ASSEMBLY BILL 1497)

On behalf of the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force), thank you for the opportunity to provide comments on the proposed Permit Implementation Regulations, dated September 5, 2006. The Task Force **strongly** recommends that the proposed regulations avoid promoting/creating any conflict between the host jurisdiction's land use permit/entitlement and the State's Solid Waste Facility Permit (SWFP).

As currently written, the proposed regulations would allow a SWFP be issued to a solid waste facility even though the SWFP may be in **direct conflict** with the design/operational parameters (e.g., hours of operation, daily capacity, type of waste accepted, etc.) established by the host jurisdiction through the land use permit process. More distressing, the proposed regulations would **delete existing** regulations which require facility applicant/operators to provide a copy of the land use permit/entitlement when applying for a SWFP. Instead, the proposal would allow the issuance of a SWFP (once the enforcement agency [EA] accepts the application as "**Complete**") even in situations where the facility has **not** yet been issued a new or revised local land use permit/entitlement. Such a conflict is contrary to Public Resources Code Section 40053 which is designed to ensure that the California Integrated Waste Management Board (CIWMB) does not adopt any regulations which may limit or weaken local government authority to impose a more restrictive standard on solid waste facilities within their jurisdiction.

Due to the proposed regulations' far-reaching public policy consequences, we **strongly** request the CIWMB address this issue prior to the final adoption of the proposed regulations. We believe that if this issue is not addressed, it would give the perception that State government has abdicated its fiduciary responsibility to protect public health, safety, and the environment by not collaborating with local governments on one of its most

important functions-- permit consistency; create public confusion and a legal dilemma as to which permit governs; and, weaken the host jurisdiction's land use authority. Furthermore, we believe the proposed regulations impact will fall disproportionately on poor and disenfranchised communities because they lack the necessary resources to defend their interests. Ultimately, the proposed regulations would undermine the intent of AB 1497 which is to improve the "conditions for communities with solid waste facilities located in their neighborhoods and ensure adequate consideration is given to environmental justice issues" [Assembly Bill 1497, Montanez, 2003].

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County with a combined population in excess of 10 million. Consistent with these responsibilities and to ensure a coordinated and cost-effective solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Specific Comments:

1. Title 27, Division 2, Chapter 4, Subchapter 3, Article 1, Section 21563(d)(6), Page 2, Line 15.

Specific Request – Delete the proposed new text: "The definition is only for purposes of determining when a permit needs to be revised and should not be utilized for making determinations relative to the California Environmental Quality Act (CEQA), Title 14, CCR Section 15000 et seq."

Discussion – The proposed new text is unnecessary, ambiguous, ill-defined, confusing, and may be interpreted to mean that a significant change activity is not subject to CEQA, or that the Local Enforcement Agency does not have the authority to require a new CEQA process and documentation for the proposed significant change activity.

2. Title 27, Division 2, Chapter 4, Subchapter 3, Article 2, Section 21570(f)(9), Page 4, Line 5.

Specific Request – Do not delete and instead revise to indicate "Land Use and/or entitlements for the facility (e.g., Conditional Use Permits or zoning ordinance). The EA is not responsible to verify the correctness of information contained in the land use permit and/or conditional use permit submitted by the applicant and/or the facility operator;" **OR** substitute the deleted text with the following: "a written confirmation by the host jurisdiction's planning agency or commission verifying that the proposed SWFP activities are consistent with the land use entitlements for the facility;"

Discussion – Pursuant to Section 44012 of the Public Resources Code, the primary purpose of the SWFP is to ensure the protection of public health and safety and the environment. If the proposed regulations are adopted in their current form, we believe solid waste facilities will be issued a SWFP that may be inconsistent with facility's design/operational parameters established by the host jurisdiction via the land use permit/entitlement. The criteria are often significantly more restrictive than the mitigation measures identified in the CEQA document. Since the land use permit is the primary vehicle for establishing the parameters for the "operation" of a solid waste facility, we do not believe it is possible for the EA/CIWMB to determine if a SWFP application is **complete** without ensuring consistency with the local land use permit. In addition, the proposed regulations would undermine local governments' land use authority since it would create a legal quandary as to which permit conditions govern. Such a conflict is contrary to Public Resources Code Section 40053 which is designed to ensure that the CIWMB does not adopt any regulations which may limit or weaken local government authority to impose a more restrictive standard on solid waste facilities within their jurisdiction.

The intent of Assembly Bill 1497 (Montanez, 2003) is to improve the "conditions for communities with solid waste facilities located in their neighborhoods and ensure adequate consideration is given to environmental justice issues." If the proposed text is adopted, it would also undermine the intent of AB 1497 since it would prohibit the CIWMB-approved local enforcement agencies from verifying if the applicant (or the facility operator) has the approval of the host jurisdiction. This is critical since local land use conditions are often the mechanism by which jurisdictions address environmental justice concerns and other issues raised by the community.

Our proposal would ensure consistency without imposing/recommending any additional duties to the CIWMB and/or EAs.

3. Title 27, Division 2, Chapter 4, Subchapter 3, Article 2, Section 21620(a)(4), Revised Permit, Page 9.

Specific Request – Expand the Subsection to read as follows: "(E) Increase in the facility's permitted site life and/or closure date."

Discussion – The above change will help address our concern expressed in item 2 above due to its potential significant impact on the community and the environment.

4. Title 27, Division 2, Chapter 4, Subchapter 3, Article 3, Section 21650(i), Page 12, Lines 16-19.

Specific Request – Expand the Subsection to read as follows: The EA should be aware of and take into consideration other permits/entitlements (e.g., **Conditional Use Permit or Zoning ordinance**) and approvals when writing terms and conditions]

Discussion – The above change will help address our concern expressed in item 2 above due to its potential significant impact on the community and the environment.

5. Title 27, Division 2, Chapter 4, Subchapter 3, Article 3, Section 21660.1(a)(7), Page 13, Lines 42 and 43.

Specific Request – Do not delete ". . . (date, time, and location) for public review."

Discussion – By retaining the above text, it will help address the concerns expressed in item 2 since it would provide interested parties with key logistical information. Our request is consistent with similar requirements already incorporated in other sections of the proposed regulations, including Section 21660.3(a)(7) and Section 21660.3(a)(7).

6. Title 27, Division 2, Chapter 4, Subchapter 3, Article 3.1, Section 21685(b)(6), Page 21, Line 27.

Specific Request – Do not and instead revise to indicate "Land Use and/or entitlements for the facility (e.g., Conditional Use Permits or zoning ordinance). The EA and the CIWMB are not responsible to verify the correctness of information contained in the land use permit and/or conditional use permit submitted by the applicant and/or the facility operator." **OR** substitute the deleted text with the following: "a written confirmation by the host jurisdiction's planning agency or

Margo Reid Brown, Chair
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commission verifying that the proposed SWFP activities are consistent with the land use entitlements for the facility;"

Discussion – The above language will help address our concerns expressed in item 2 above.

We thank you for your consideration of this request regarding issues that are of great importance to local governments. The continued development/operation of solid waste facilities rests on keeping the public's faith that these facilities are safe and that government has placed the protection of public health and safety and the environment as its number one priority. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Councilmember, City of Rosemead

MA:ro

P:\Sec\AB 1497_Oppose.doc

cc: Assembly Member Montanez
Assembly Member Diaz
Assembly Member Levine
Assembly Member Nunez
Senator Alarcon
Each Member of the California Integrated Waste Management Board
Executive Director, California Integrated Waste Management Board (Mark Leary)
California Integrated Waste Management Board (Howard Levenson, Mark De Bie, Bobbie Garcia)
Each Member of the Los Angeles County Board of Supervisors
Each City Mayor in Los Angeles County
Each City Manager in Los Angeles County
Each City Director of Planning in Los Angeles County
Each Member of the Los Angeles City Council
Each Member of the Los Angeles County Regional Planning Commission
League of California Cities, Los Angeles County Division
Southern California Association of Governments

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September 26, 2006
Page 6

San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
North Valley Coalition
Sun Valley Area Neighborhood Council
Sun Valley Neighborhood Improvement Organization
East Valley Coalition
Hacienda Heights Improvement Association
Each Member of the Los Angeles County Integrated Waste Management Task
Force
Each Member of the Facility and Plan Review Subcommittee of the Los Angeles
County Integrated Waste Management Task Force
Each City Recycling Coordinator in Los Angeles County



**COUNTY OF LOS ANGELES
Public Health**

JONATHAN E. FIELDING, M.D., M.P.H.
Acting Director and Health Officer

JOHN F. SCHUNHOFF, Ph.D.
Acting Chief Deputy

Environmental Health
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September 21, 2006

Ms. Bobbie Garcia
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025, MS-16
Sacramento, CA 95812-4025

Dear Ms. Garcia:

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS

Thank you for giving the Solid Waste Management Program (SWMP), acting as the Local Enforcement Agency (LEA) for the County of Los Angeles, an opportunity to comment on the proposed permitting implementation regulations. The SWMP has the following comments:

1. Section 21563(d)(6) – The section refers to the California Environmental Quality Act (CEQA) as Title 14 of the California Code of Regulations, Section 15000 et seq. Title 14 of the California Code of Regulations, [Division 2,] Section 15000 et seq. is the State CEQA Guidelines. A more appropriate citation would be Division 13 (commencing with Section 21000) of the Public Resources Code.
2. Section 21570(f)(9) – The requirement, currently in Title 27 of the California Code of Regulations, for a land and/or conditional use permit as part of a complete and correct permit application package has been deleted in its entirety. The SWMP believes that this may unnecessarily lead to conflicts between permits or other approvals, which have been issued by different regulatory agencies, regarding the same solid waste issues, e.g., hours for the receipt of waste. The land and/or conditional use permit is usually the first discretionary approval for a solid waste facility and is normally the result of compliance with the CEQA. If, due to local considerations, the land and/or conditional use permit had more restrictive hours for the receipt of waste than the CEQA document cited in the permit application package, the SWMP feels that the solid waste facility permit should not be used to circumvent the land and/or conditional use permit regarding solid waste issues, which are within the purview of the LEA. If anything, the stricter condition would better protect public health and safety, prevent environmental

Ms. Bobbie Garcia
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damage, and help ensure long-term protection of the environment. The SWMP respectfully requests that the requirement for a land and/or conditional use permit as part of a complete and correct permit application package be unchanged.

3. Section 21570(f)(11) – The word, “public,” should be inserted before “meeting” to clarify that the meetings held applicable to the proposed solid waste facilities permit are public meetings.
4. Section 21620(a)(1)(E)(xi) – With the latest deletion in the text, this subsection is the same as the previous subsection, 21620(a)(1)(E)(x), and should be deleted.
5. Section 21620(a)(1)(E)(xvi) – The phrase, “and/or adjacent improved properties,” was inserted. It is unclear what effect(s) is(are) intended to be prevented: physical, aesthetics, and/or financial. If adjacent improved properties are being protected, the argument could also be made that adjacent unimproved properties should be protected from changes to on-site traffic patterns. This phrase should be removed or rephrased to clarify how the inclusion of this phrase will protect public health and safety and prevent environmental damage.
6. Section 21660.2(c)(3) – The phrase, “noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site,” was inserted. However, without an outer limit as to the noticing distance or a definite number of notices to be issued, there is no way for the LEA to meet this noticing requirement, since there is a seemingly infinite number of residences and businesses beyond 300 feet. In addition, it has been the SWMP's experience that there are some members of the public who are not satisfied with an LEA's noticing even if the noticing complies with applicable statute. Thus, the inclusion of this phrase could expose LEAs to unnecessary criticism.

[Note: Although California Integrated Waste Management Board staff is required to respond only to newly proposed changes to the regulations, the SWMP has a comment regarding the single-underlined word, “additional.” This word indicates there are required noticing measures. However, Section 21660.2(c) does not list the required noticing measures or reference Government Code, Section 65091, subsections (a) – (c). Since the informational meeting for new and revised full solid waste facilities permits must meet noticing requirements in Section 21660.3, subsections (a) and (b), the SWMP suggests that subsection (c)(3) of Section 21660.2 be revised to reference Section 21660.3, as it pertains to new and revised full solid waste facilities permits, which includes additional noticing measures in subsection (b)(4).]
7. Section 21660.3(b)(2) – The two subsections, (a) and (b), should be changed to (A) and (B).
8. Section 21660.3(b)(4) – Please see comments regarding Section 21660.2(c)(3) above.
9. Section 21685(b)(6) – Please see comments regarding Section 21570(f)(9) above.

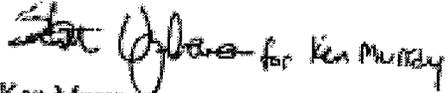
Ms. Bobbie Garcia
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10. Section 18104.1(h) – Please see comments regarding Section 21570(f)(11) above.

11. Section 18105.1(j) – Please see comments regarding Section 21570(f)(11) above.

If you have any questions, please contact Stan Uyehara at (626) 430-5542.

Very truly yours,

 Stan Uyehara for Ken Murray

Ken Murray
Chief Environmental Health Specialist

KM:su



COUNTY OF LOS ANGELES

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ALHAMBRA, CALIFORNIA 91802-1460

September 26, 2006

IN REPLY PLEASE
REFER TO FILE: EP-2

Ms. Bobbie Garcia
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025, MS-10A
Sacramento, CA 95812-4025

Dear Ms. Garcia:

PROPOSED PERMIT IMPLEMENTATION REGULATIONS (ASSEMBLY BILL 1497)

Thank you for the opportunity to provide comments on the proposed Permit Implementation Regulations. As previously discussed in our June 5, 2006, letter, and further enumerated below, we **strongly** recommend that the proposed regulations be revised to avoid creating any conflict between the host jurisdiction's land use permit and the State's Solid Waste Facility Permit (SWFP).

As currently written, the proposed regulations would allow an SWFP be issued to a solid waste facility even though the SWFP may be in direct conflict with the facility's design/operational parameters (e.g., hours of operation, daily capacity, type of waste accepted, etc.) established by the host jurisdiction through the land use permit process. Furthermore, the proposed regulations would delete existing regulations which require facility operators to provide a copy of the land use permit when applying for an SWFP, and would instead allow the issuance of a SWFP (once the Enforcement Agency accepts the application as "Complete" and "Correct") even in situations where the facility has not yet been issued a local land use permit. Such a conflict is contrary to Public Resources Code Section 40053 which is aimed at ensuring that the California Integrated Waste Management Board Waste Board (Waste Board) does not adopt regulations which may limit or weaken the authority of a local government to impose a more restrictive standard on solid waste facilities within their jurisdiction.

Due to the proposed regulations' far-reaching public policy consequences, we request the Waste Board address this issue prior to the final adoption of the proposed Regulations. If this issue is not addressed, it would create the perception that the State government has abdicated its fiduciary responsibility to protect public health, safety, and

the environment by not collaborating with local governments on a most important of functions--permit consistency; create public confusion and a legal dilemma as to which permit governs; and, weaken the host jurisdiction's land use authority. Most importantly, we believe the impact of the proposed regulations will fall disproportionately on poor and disenfranchised communities because they lack the necessary resources to defend their interests. Ultimately, the proposed regulations would undermine the intent of Assembly Bill 1497 which is to improve the "conditions for communities with solid waste facilities located in their neighborhoods and ensure adequate consideration is given to environmental justice issues" [Assembly Bill 1497, Montanez, 2003].

The following comments are provided:

1. Title 27, Division 2, Chapter 4, Subchapter 3, Article 1, Section 21563(d)(6), Page 2, Line 15.

Specific Request—Delete the proposed new text: "The definition is only for purposes of determining when a permit needs to be revised and should not be utilized for making determinations relative to the California Environmental Quality Act (CEQA), Title 14, CCR Section 15000 et seq."

Discussion—The proposed new text is unnecessary, ambiguous, ill-defined, confusing, and may be interpreted to mean that a significant change activity is not subject to CEQA, or that the Local Enforcement Agency does not have the authority to require a new CEQA process and documentation for the proposed significant change activity.

2. Title 27, Division 2, Chapter 4, Subchapter 3, Article 2, Section 21570(f)(9), Page 4, Line 5.

Specific Request—Do not delete "Land Use and/or entitlements for the facility (e.g., Conditional Use Permits or zoning ordinance);" **OR** substitute the deleted text with the following: "a written confirmation by the host jurisdiction's planning agency or commission verifying that the proposed permit activity is consistent with the land use entitlements for the facility."

Discussion—Pursuant to Section 44012 of the Public Resources Code, the primary purpose of the SWFP is to ensure the protection of public health and safety and the environment. If the proposed regulations are adopted in their current form, we believe solid waste facilities will be issued an SWFP that may be inconsistent with facility's design/operational parameters established by the

host jurisdiction via the land use permit/entitlement. The criteria are often significantly more restrictive than the mitigation measures identified in the CEQA document. For example, the Environmental Impact Report for a recent transfer station expansion analyzed an 8,500 tons per day project. However, the approved land use permit only allows a maximum tonnage of 5,000 tons per day and places many restrictions upon the facility's operation which were not analyzed in the Environmental Impact Report. Since the land use permit is the primary vehicle for establishing the parameters for the "operation" of a solid waste facility, we do not believe it is possible for the Waste Board to determine if an SWFP application is complete and correct without ensuring consistency with the local land use permit. In addition, the staff proposal would undermine local governments' land use authority since it would create a legal quandary as to which permit conditions govern. Such a conflict is contrary to Public Resources Code Section 40053 which is designed to ensure that the Waste Board does not adopt any regulations which may limit or weaken the authority of a local government to impose a more restrictive standard on solid waste facilities within their jurisdiction.

The intent of Assembly Bill 1497 (Montanez, 2003) is to improve the "conditions for communities with solid waste facilities located in their neighborhoods and ensure adequate consideration is given to environmental justice issues." If the proposed text is adopted, it would also undermine the intent of Assembly Bill 1497 since it would prohibit the Waste Board-approve local enforcement agencies from verifying that the information contained in the SWFP application is consistent with the local land use permit. This is especially relevant since local land use conditions are often the mechanism by which jurisdictions address environmental justice concerns and other issues raised by the community.

Our proposal would ensure consistency without imposing/recommending any additional duties to the Waste Board and/or Local Enforcement Agencies.

3. Title 27, Division 2, Chapter 4, Subchapter 3, Article 2, Section 21620(a)(4), Page 9, Line 25.

Specific Request—Expand the Subsection to read as follows:

"(E) Increase in the facility's permitted site life and/or closure date."

Discussion—The above change will help address our concern expressed in item 2 above due to its potential significant impact on the community and the environment.

4. Title 27, Division 2, Chapter 4, Subchapter 3, Article 3, Section 21650(i), Page 12, Lines 16-19.

Specific Request—Expand the Subsection to read as follows: ". . . . The Enforcement Agency should be aware of and take into consideration other permits/entitlements (e.g., **Conditional Use Permit or Zoning ordinance**) and approvals when writing terms and conditions]."

Discussion—The above change will help address our concern expressed in item 2 above due to its potential significant impact on the community and the environment.

5. Title 27, Division 2, Chapter 4, Subchapter 3, Article 3, Section 21660.1(a)(7), Page 13, Lines 42 and 43.

Specific Request—Do not delete ". . . . (date, time, and location) for public review."

Discussion—By retaining the above text, it will help address the concerns expressed in item 2 since it would provide interested parties with key logistical information. Our request is consistent with similar requirements already incorporated in other sections of the proposed regulations, including Sections 21660.3(a)(7) and 21660.3(a)(7).

6. Title 27, Division 2, Chapter 4, Subchapter 3, Article 3.1, Section 21685(b)(6), Page 21, Line 27.

Specific Request—Do not delete "Land Use and/or Conditional Use Permits;" **OR** substitute the deleted text with the following: "a written confirmation by the host jurisdiction's planning agency or commission verifying that the proposed permit activity is consistent with the land use entitlements for the facility..."

Discussion—The above language will help address our concerns expressed in item 2 above.

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We thank you for your consideration of this request regarding issues that are of great importance to local governments. If you have any questions, please contact me at (626) 458-3502, Monday through Thursday, 7 a.m. to 5:30 p.m.

Very truly yours,

DONALD L. WOLFE
Director of Public Works



CARLOS RUIZ
Assistant Division Engineer
Environmental Programs Division

MA:my
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cc: Each Member of the California Integrated Waste Management Board
Executive Director, California Integrated Waste Management Board (Mark Leary)
California Integrated Waste Management Board (Howard Levenson, Mark De Bie)
County of Los Angeles Department of Health Services (Ken Murray, Stan Uyehara,
Pete Oda)

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single-strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

- 1 **Title 27. Environmental Protection**
2 **Division 2. Solid Waste**
3 **Chapter 4. Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans**
4 **Subchapter 3. Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility**
5 **Permits**
6
7 **Article 1. General**
8
9 **§ 21563. CIWMB – Scope. (T14:§18200, §18200.1)**
- 10 (a) This Subchapter sets forth the method of application for a full solid waste facilities permit and
11 procedures for review and action on the application package. This Subchapter also addresses related matters
12 of exemptions from the solid waste facilities permit requirements, application for changes in design or
13 operation, reinstatement of solid waste facilities permits after disciplinary actions, periodic reviews and
14 revisions of solid waste facilities permits, and amending application information. Matters related to EA
15 actions to amend, suspend or revoke solid waste facilities permits are included in Article 2, Chapter 5.
- 16 (b) The provisions of this Subchapter shall apply to solid waste facilities or disposal sites and any other
17 operations requiring a full solid waste facilities permit SWFP pursuant to As Noted in this Division. Specific
18 provisions of this Subchapter outlining the different responsibilities of the applicant, EA and the CIWMB may
19 be found below as follows:
- 20 (1) Exemption from a solid waste facilities permit SWFP Article 1.
21 (2) Applicant Requirements Article 2.
22 (3) EA Requirements Article 3.
23 (4) CIWMB Requirements Article 3.1.
- 24 (c) Except as otherwise noted, for purposes of this chapter only, "facility" means solid waste facility, and/or
25 disposal site or any other operation requiring a full solid waste facilities permit SWFP pursuant to As Noted in
26 this division.
- 27 (d) For purposes of these articles (Articles 1-3.1), the following definitions apply:
- 28 (1) "Complete" means all requirements placed upon the operation of the solid waste facility by statute,
29 regulation, and other agencies with jurisdiction have been addressed in the application package.
- 30 (2) "Correct" means all information provided by the applicant regarding the solid waste facility must be
31 accurate, exact, and must fully describe the parameters of the solid waste facility. This does not include
32 verifying for correctness information contained in the land use and/or conditional use permit which the
33 applicant submits pursuant to §21570(f)(9).

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

4 (4) "Informational Meeting" means a meeting where the public is invited to hear and comment on the
5 preliminary determination of the action to be taken by the EA on an accepted application package. The
6 meeting is strictly informational and no official decision is made at the meeting regarding the formal
7 determination on the solid waste facilities permit application. EA conducted Informational Meetings fulfill the
8 requirements set forth in Public Resources Code §44004 related to holding a "public hearing", unless the EA
9 substitutes another meeting/hearing that meets the provisions in §21660.4. The definition used herein, does
10 not apply to public hearings/hearing panels set forth in Public Resources Code §44300, Chapter 4, Articles 1
11 and 2, having to do with ~~D~~denial of solid waste facilities permits and related recourses.

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

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

24 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 43021, and
25 43000-45802, Public Resources Code.

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

27 28 **§ 21570. CIWMB – Filing Requirements. (T14:§18201)**

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

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

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

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- 1 (c) Any application package submitted to the EA shall be accompanied by the fee specified by the EA
2 pursuant to Public Resources Code ~~PRC-§44006~~(c).
- 3 (d) The application package shall require that information be supplied in adequate detail to permit thorough
4 evaluation of the environmental effects of the facility and to permit estimation of the likelihood that the
5 facility will be able to conform to the standards over the useful economic life of the facility. The application
6 package shall require, among other things, that the applicant and the owner give the address at which
7 process may be served upon them.
- 8 (e) All information in the application package shall be certified by the applicant and the owner of the site as
9 being true and accurate to the best knowledge and belief of each. The applicant, owner of the facility, or
10 both, shall supply additional information as deemed necessary by the EA.
- 11 (f) A complete and correct application package shall include, but not necessarily be limited to, the following
12 items:
- 13 (1) Application For Solid Waste Facilities~~y~~ Permit/Waste Discharge Requirements Form (CIWMB E-1-77,
14 Version 8-04, Appendix 1); and
- 15 (2) Complete and correct Report of Facility Information. In the case of disposal sites, this will be a Report of
16 Disposal Site Information (RDSI) in the format of a JTD or a Disposal Site Facility Plan or Disposal Facility
17 Report in the format of a JTD; and
- 18 (3) California Environmental Quality Act (CEQA) compliance information as follows:
- 19 (A) Evidence that there has been compliance with the CEQA, Division 13 (commencing with §21000) of the
20 Public Resources Code, regarding the facility; or
- 21 (B) Information on the status of the application's compliance with the CEQA regarding the facility, including
22 the proposed project description. Once there has been compliance with the CEQA regarding the facility,
23 evidence of compliance shall be submitted to the EA; and
- 24 (4) Any CEQA Mitigation Monitoring Implementation Schedule; and
- 25 (5) Conformance finding information, including one of the following:
- 26 (A) Until a countywide or regional agency integrated waste management plan has been approved by the
27 CIWMB, the application shall include statements that: the facility is identified and described in or conforms
28 with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code §50000;
29 and that the facility is consistent with the city or county General Plan and compatible with surrounding land
30 use, in accordance with Public Resources Code §50000.5; or
- 31 (B) After a countywide or regional agency integrated waste management plan has been approved by the
32 CIWMB, the application shall include a statement that: the facility is identified in either the countywide siting
33 element, the nondisposal facility element, or in the Source Reduction and Recycling Element for the

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

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1 jurisdiction in which it is located; or, that the facility is not required to be identified in any of these elements
2 pursuant to Public Resources Code §50001; and

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

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

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

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

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

19 ~~(10) (9) For disposal sites permitted for more than 20 tons-per-day, a ground or aerial survey to be~~
20 ~~completed at least once every five years or more frequently as determined by the EA enforcement agency.~~
21 ~~For disposal sites permitted for 20 tons-per-day or less, a ground aerial survey must be completed at least~~
22 ~~once every ten years. Survey results must be submitted as a CADD or vector graphics data file including at~~
23 ~~least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing~~
24 ~~the existing and finished ground surfaces. For disposal sites where a change in permitted volume is~~
25 ~~proposed, a third stratum showing the base and proposed finished ground surface must be included. For~~
26 ~~each stratum the following information shall be included: site name, stratum name, surface1 name, surface2~~
27 ~~name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor,~~
28 ~~cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. If the base ground~~
29 ~~surface is uncertain, the operator is allowed to provide the best available information as a substitute for the~~
30 ~~actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the~~
31 ~~basis for using the substitute base ground surface. For the purposes of this section the following definitions~~
32 ~~apply:~~

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

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

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

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

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- 1 (D) "cut volume" - for any stratum, the volume removed by a cut of a lower surface to achieve the upper
2 surface;
- 3 (E) "existing ground surface" - the topography that exists at the time of the subject survey;
- 4 (F) "expansion (cut) factor" - the factor used to correct for expected expansion of a cut surface; this factor
5 should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis
6 of the volumetric correction;
- 7 (G) "fill volume" - for any stratum, the volume bound between the upper and lower surfaces;
- 8 (H) "finished ground surface" - the final fill plan surface as shown in the approved closure plan for the
9 disposal site;
- 10 (I) "net volume" - the fill volume less the cut volume;
- 11 (J) "site name" - the name of the disposal site for which the survey information is being submitted;
- 12 (K) "stratum (plural: strata)" - a particular volume of a solid waste landfill bound by specified upper and
13 lower surfaces;
- 14 (L) "stratum name" - a descriptive name for the stratum for which volumetric information is being submitted,
15 e.g., total volume including proposed expansion;
- 16 (M) "surface names" - names for the pair of surfaces that define a named stratum, e.g., base ground surface
17 and proposed finished ground surface;
- 18 (N) "survey" - a comprehensive examination of the disposal site under the direction of registered civil
19 engineer or licensed land surveyor for purposes of determining the topography of the base, existing and
20 finished ground surfaces, and the volumes bound by those surfaces;
- 21 (O) "vector graphics" - computer generated images comprised of lines and shapes of given origin, direction,
22 thickness, color and other attributes;
- 23 (P) "volume calculation method" - grid, composite, section or other method approved by the enforcement
24 agency.
- 25 ~~(11)~~ (10) For disposal sites, one of the following:
- 26 (A)
- 27 (i) In-place density (pounds ~~lbs~~ of waste per cubic yard of waste). The in-place density is the estimated or
28 measured density of in-place waste material achieved by mechanical or other means in the development of
29 the current lift of the current operating waste cell, and

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

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

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

14 NOTE: Authority cited: Sections 40002, 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44001-
15 44017, 44100-44101, 44300-44301, 44500-44503 and 44813-44816, Public Resources Code.

16 **§ 21580. CIWMB – Submittal of an Incomplete Application Package (T14:§18203)**

17 The applicant may request, in writing, that the EA accept an incomplete application package. As a condition
18 of acceptance, the applicant shall waive the statutory time limit contained in Public Resources Code PRC
19 §44008. The application package shall conform to ~~section~~ §21570 within 180 days from the date the EA
20 agrees to accept the package as incomplete or the application package shall be rejected. Upon submittal of
21 an incomplete package, the applicant shall list the deficiencies in the package, reasons for the incomplete
22 submittal, and a proposed schedule as to when the deficiencies will be submitted. For an application for a
23 new or revised solid waste facilities permit, within 30 days after deeming the application complete, the EA
24 shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3.

25 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44001-44006 and
26 44007-44010, Public Resources Code.

27 **§ 21620. CIWMB – Change in Design or Operation. (new)**

28 (a) ~~Any applicant~~ This section applies to any operator proposing to make a significant change in the design
29 (as defined in subsection 21663(a)(1)) or operation (as defined in subsection ~~division~~ 21663(a)(2)) of the
30 facility, where such change is subject to the authority of the EA acting pursuant to the Integrated Waste
31 Management Act or regulations promulgated under such Act and one of the following categories apply: (1)
32 Minor Change - the change qualifies as a minor change pursuant to §21620(a)(1), in which case the
33 operator shall comply with §21620(a)(1)(~~FE~~); (2) RFI Amendment - the EA has determined that an
34 amendment to the RFI is required for the change, in which case the operator shall comply with
35 §21620(a)(2); (3) Modified Permit - the EA has determined that the solid waste facilities permit requires
36 modification pursuant to §21665(d), in which case the operator shall comply with §21620(a)(3); or (4)
37 Revised Permit - the EA has determined that the solid waste facilities permit requires revision pursuant to
38 §21665(e) or §21620(a)(4), in which case the operator shall comply with §21620(a)(4).

39
40 This section does not apply to changes to the facility, where such a change is not subject to the authority of
41 the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act.

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

1
2 **(1) Minor Changes**

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

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

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

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

12 (D) the change does not conflict with the design and operation of the facility as provided in the current RFI
13 **pursuant to §21600, 14 CCR §§17346.5, 17863.4, 18221.6, 18223.5, or 18227.** is listed below:

14 (E) **Provided that they satisfy the criteria set forth in subdivisions (a)(1)(A – D), M** minor changes
15 include, but are not limited to, the following:

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

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

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

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

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

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

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

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

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

- 1 (viii) Changes in the rental company or location of where the back-up equipment may be sought.
- 2 ~~**Alternative 2 Optional Minor Change List contains additional changes that could be added to the**~~
- 3 ~~**Minor Change List shown in Alternative 1, above. These additional changes were identified and**~~
- 4 ~~**supported by 60 percent of a workgroup consisting of stakeholders who actively participated in**~~
- 5 ~~**the informal regulatory process, including industry and EA representatives. Commenters**~~
- 6 ~~**should consider if any of the changes listed below should be moved as is or edited to the Minor**~~
- 7 ~~**Change List, or dropped from further consideration.**~~
- 8 (ix) Replacement of an existing environmental or operational monitoring point that has been damaged or
- 9 rendered inoperable, without change to location or design of the monitoring point.
- 10 ~~(#x) Updated changes to other regulatory agency documents that are included by reference in a RFI only~~
- 11 ~~and will not result in a change to the design and/or operation that are within the LEA's authority.~~
- 12 **(iiiix) Updated changes to other regulatory agency documents that are included by reference in**
- 13 **a RFI only** and will not result in a change to the design and/or operation.
- 14 ~~(#xii) Changes in containers used for temporary storage of materials separated for recycling that does not~~
- 15 ~~interfere with the design and operation of the facility.~~
- 16 ~~(v) Change in name only of owner/operator.~~
- 17 ~~(#xiii) Change in narrative information (e.g., background information) outside the permitted boundary.~~
- 18 ~~(#ixiiix) Change to facility signage wording consistent with State minimum standards.~~
- 19 ~~(#ixixiv) Changes to improve personnel protective equipment and other safety procedures—needs to be~~
- 20 ~~consistent with OSHA.~~
- 21 ~~(#xvi) Changes to traffic patterns on site that do not affect off-site traffic, and/or adjacent~~ **improved**
- 22 ~~properties.~~
- 23 (xvii) Adjacent land use map.
- 24 (xviii) Change in location of facility records.
- 25 ~~(xii) Change in designated enforcement agency.~~
- 26 ~~(#xviii#) Changes in name, address, or phone number of contact in post-closure plan.~~
- 27 ~~(#ixiv) Changes to equipment maintenance operations associated with the operation of the facility that will~~
- 28 ~~not change design or operation.~~

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

1 ~~(xxiv)~~ Purchase Acquisition of property adjacent to the facility if not used for solid waste activities
2 operations.

3 ~~(xxiv)~~ Updated changes to documents that are included by reference in a permit or RFI.

4 ~~(xxiii)~~ Regulation re-numbering as referenced in RFI.

5 ~~(E)~~ the operator shall notice the EA at the time of the change or within 30 days ~~a reasonable time~~ after the
6 change has been made, and the following provisions shall apply:

7 (i) the notice shall be in writing and delivered to the EA by regular mail, email, or fax;

8 (ii) the operator shall identify the minor change in the notice and indicate the effective date of the change;

9 (iii) the notice is for informational purposes only and is not subject to EA compliance measures; however, if
10 the EA determines at a later date that the change does not meet the criteria for minor change, the EA shall
11 provide a finding to the operator in writing as to why the change did not qualify as a minor change and the
12 EA shall ~~may~~ require the operator to comply with all applicable requirements; and

13 (iv) During the regular **5-year** permit review, the EA shall review the minor change notices and determine
14 which should be incorporated into the RFI.

15 **(2) Amendment to Report of Facility Information**

16 ~~(b)~~ For those changes in design or operation that do not qualify under subdivision (a)(1) and that require an
17 amendment to the RFI, the operator shall file an amendment to the RFI with the EA at least 180 days prior
18 to the proposed change unless otherwise determined by the EA. Notwithstanding, the EA may determine,
19 based on consultation with the applicant and review of the RFI amendment, that the change meets the
20 criteria in §21665(c), in which case the applicant may file an application less than 180 days prior to making
21 the proposed change. ~~h)~~ Proposed RFI's or amendments to the RFI shall be accompanied by an application
22 form. All amendments shall be submitted as specified in §21570. The applicant shall only submit those items
23 listed in §21570(f) that have changed or are proposed to change, unless otherwise specified by the EA. Such
24 amendments or lack thereof may become the basis for changes in the solid waste facilities permit as
25 determined by the EA as described in §21665. The operator shall have the right to appeal the EA's decision
26 before the hearing panel.

27 **(3) Modified Permit**

28 If the change in design or operation does not qualify under subdivision (a)(1) or (a)(2) ~~meet the~~
29 requirements of §21665(c), but does meet the requirements of §21665(d) for a modified solid waste facilities
30 permit, the operator shall submit an application package for a modified solid waste facilities permit pursuant
31 to §21570 which the EA shall process pursuant to §21650.

32 **(4) Revised Permit**

34 All other changes in design or operation require a revised solid waste facilities permit pursuant to §21665(e).
35 The operator shall submit an application package for a solid waste facilities permit revision pursuant to
36 §21570 ~~and~~ which shall be processed by the EA pursuant to §21650.

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

~~1 **Alternative 3 Significant Change List contains proposed changes that were identified and**
2 **supported by 60 percent of a workgroup consisting of stakeholders who actively participated in**
3 **the informal regulatory process, including industry and EA representatives. Commentors**
4 **should consider both the merit of the list concept as well as the content of the list. Should the**
5 **changes listed below be kept on the list as is, edited, or deleted? Should new changes be**
6 **added?**~~

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

9
10 (A) Increase in maximum amount of permitted tonnage of all waste received.

11
12 (B) Increase in the facility's permitted acreage.

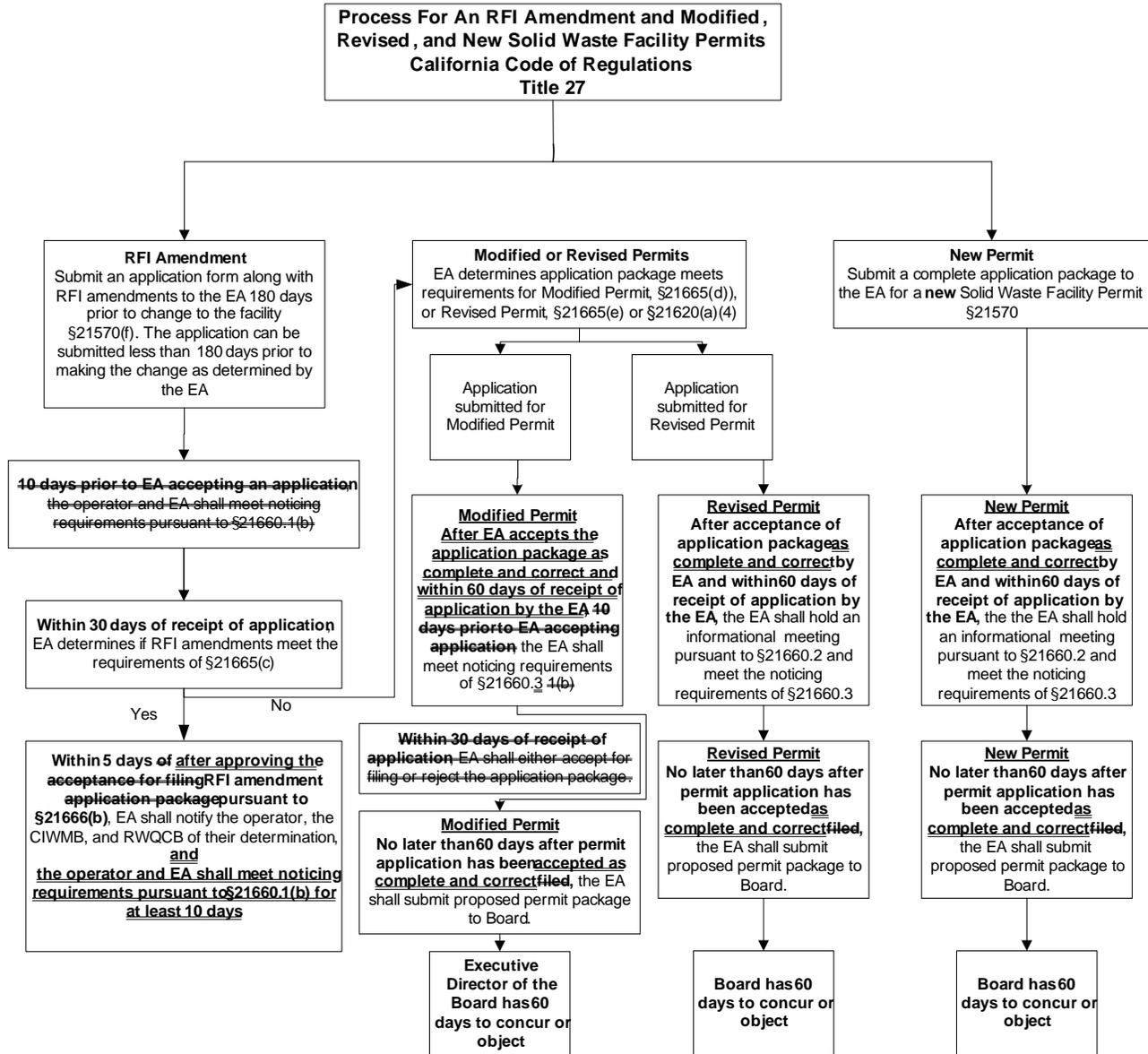
13
14 (C) Increase in the permitted hours of operation.

15
16 (D) For landfill, increase in permitted disposal footprint and/or permitted (final grade) the maximum overall
17 height.

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

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Text shown in **bold single underline** (additions) and ~~bold single-strikeout~~ (deletions) depict proposed changes made after the 15-day comment period.



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

Article 3. CIWMB – Enforcement Agency (EA) Requirements

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

(a) Upon its receipt, the EA shall stamp the application package with the date of receipt. The EA shall examine the application package to determine whether it meets the requirements of §21570. If the EA finds the package meets the requirements of §21570, the application package shall be accepted and stamped with

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CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

1 the date of acceptance. Notwithstanding any other provision of this division, the application package shall be
2 deemed filed on the date of acceptance.

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

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

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

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

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

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

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

31 (2) The accepted application package;

32 (3) A certification from the EA that the solid waste facilities permit application package is complete and
33 correct, including a statement that the RFI meets the requirements of §21600, 14 CCR ~~§18221 or~~
34 §§17863.4, 17346.5, 18221.6, 18223.5, or 18227.

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

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

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

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

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

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

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

22 When writing conditions pursuant to 21650(i) the EA should take into consideration PRC §44012, which
23 requires the EA to ensure that primary consideration is given to protecting public health and safety and
24 preventing environmental damage, and the long-term protection of the environment. The EA should also be
25 aware of and take into consideration other permits, entitlements and approvals when writing terms and
26 conditions (e.g., conditional use permit, zoning, Air Pollution Control District/Air Quality
27 Management District permits to construct and operate, Department of Toxic Substances Control
28 hazardous waste facility permit, Department of Fish and Game permits, Coastal Commission
29 approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and
30 other required local and county ordinances/permits)]

31 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 40055, 43103 and 44001-
32 44014, Public Resources Code.

33
34 **§ 21660. CIWMB – Public Notice and Comment; Recordkeeping Requirements. (T14-S18204)**
35 **Public Notice and Informational Meeting Requirements.**

36 This Section discusses the requirements for giving public notice and conducting informational meetings as
37 defined in §21563(d)(4) when an application for an RFI amendment, modified solid waste facilities permit,
38 revised solid waste facilities permit, or new solid waste facilities permit is submitted to an EA for
39 consideration. Because the processing time for RFI amendments is less than it is for permits, the noticing
40 requirements for RFI amendments are addressed separately from ~~and~~ modified, revised, and new solid

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1 ~~waste facilities permits are the same, they~~ waste facilities permits which are addressed together. For new and revised ~~and new full~~
2 solid waste facilities permits there are additional requirements for ~~noticing and~~ conducting an informational
3 meeting, so new and revised solid waste facilities permits are described separately. Under ¶(b) below is an
4 index locator of the specific subsections for specific solid waste facilities permit applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **§ 21660.1 Notice for RFI Amendment ~~and Solid Waste Facilities Permit Modification~~**
28 **Applications.**

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

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

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- 1 (1) Name and location of facility applying for the RFI amendment ~~or solid waste facilities permit~~
2 modification.
- 3
- 4 (2) Solid waste facilities permit/facility number.
- 5
- 6 (3) Date RFI amendment ~~or solid waste facilities permit modification~~ application was received by the EA.
- 7
- 8 (4) Description of the change proposed as an RFI amendment ~~or solid waste facilities permit modification.~~
- 9
- 10 (5) Date ~~by which~~ the EA approved ~~is required to act upon~~ the RFI amendment and the EA finding pursuant
11 to §21665(c) ~~or the solid waste facilities permit modification.~~
- 12
- 13 ~~(6) EA finding or preliminary finding pursuant to §21665(c)(1).~~
- 14
- 15 ~~(7) (6) Information on the availability of appeals to challenge the EA's approval of the RFI amendment~~
16 ~~pursuant to Public Resources Code §44307.~~

17 ~~(9) (7) Statement indicating where additional information about the approved application is available (~~date,~~~~
18 ~~time, and location) for public review.~~

19

20 ~~(9) (8) EA and operator contact information.~~

21

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

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

30

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

33

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

35

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

37

38 (4) Posting of notice prepared by the EA and posted by the Board on the Board's web site, provided that the
39 EA provides the Board ~~receives with~~ a copy of the notice ~~3-45 days in advance to~~ after the EA approves
40 accepting the application in order to allow the Board time for processing and posting of the notice.

41

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

44

45 **§ 21660.2 Informational Meeting for New and Revised Full Solid Waste Facilities Permit**
46 **Applications.**

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

8
9 (b) The informational meeting shall be held after acceptance of the application package as complete and
10 correct by the EA and within 60 days of receipt of the application by the EA. The EA shall submit to the
11 ~~EA~~Board a copy of the informational meeting notice at time of issuance. The ~~EA~~Board shall post the notice on
12 its web site as a way to further inform the public.

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

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

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

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

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

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

29
30 **§ 21660.3 Notice of New, ~~and~~ Revised and Modified Permit Applications and EA Conducted**
31 **Informational Meeting.**

32
33 **(a) Contents of Notice of New, ~~and~~ Revised and Modified Permit Applications and EA Conducted**
34 **Informational Meeting**

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

37
38 (1) Name and location of the facility or proposed facility.

39
40 (2) Solid waste facilities permit/facility number (for existing permits).
41

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

2
3 (4) Date the EA accepted the solid waste facilities permit modification/revision/new permit application.

4
5 (5) Description of the solid waste facilities permit modification/revision(s)/new permit.

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

8
9 ~~(7) EA finding pursuant to §21665(c)(1).~~

10
11 ~~(7) Statement indicating where additional information about the application is available (Date, time, and~~
12 ~~location) for public review.~~

13
14 ~~(8) Date, time, location of the public informational meeting for new and revised full permits.~~

15
16 ~~(9) Options for submitting comments.~~

17
18 ~~(10) Information on the availability of appeals to challenge the EA's issuance or denial of a modified,~~
19 ~~revised, or new permit pursuant to Public Resources Code §44307.~~

20
21 ~~(11) EA and operator contact information.~~

22
23 **(b) Notice Distribution for New, ~~and Revised and Modified Permit Applications and EA~~**
24 **Conducted Informational Meeting**

25
26 In addition to the requirements in §21660(a) the EA shall prepare a meeting notice that contains information
27 pursuant to §21660.3(a) and distribute the notice as follows:

28
29 (1) Posting of notice prepared and posted by the EA on the EA's or the Local Jurisdiction's public notice
30 board, if one exists, and

31
32 (2)(Aa) For new and revised full permits, ~~the~~ EA shall post the notice in **the manner set forth in**
33 **compliance with** Government Code §65091, subdivisions (a)-(c), inclusive and with Public Resources Code
34 §44004, subdivisions (h)(1)(A-C).

35
36 (Bb) For new registration, standardized and modified permits, the EA shall post the notice in **the manner**
37 **set forth in compliance with** Government Code §65091, subdivisions (a)-(c), inclusive and with Public
38 Resources Code §44004, subdivisions (h)(1)(A-C), except the EA shall post the notice within 5 days after
39 finding the permit application complete and correct pursuant to §18104.2 for registration and §18105.2 for
40 standardized; for modified permits, the EA shall post the notice after finding the permit application complete
41 and correct and within 60 days of receipt of the application by the EA pursuant to §21650. ~~and~~

42
43 (3) For new and revised full permits, ~~the~~ EA shall mail or deliver the notice 10 days prior to the date of the
44 informational meeting to the governing body of the jurisdiction within which the facility is located and to the
45 State Assembly Member and the State Senator in whose districts the facility is located. ~~and~~

46 (4) The EA may undertake additional measures to increase public notice and, for new and revised full
47 permits, to encourage attendance by any persons who may be interested in the facility that is the subject of

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

1 the informational meeting. These additional measures include but are ~~including but~~ not limited to
2 additional posting at the facility entrance, noticing beyond 300 feet if the nearest residence or business is
3 not within 300 feet of the site, posting in a local newspaper of general circulation, and multilingual notice
4 and translation, and multiple meeting dates, times and locations.

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

7
8 **§ 21660.4 Substitute Meetings in Place of ~~for~~ EA-Conducted Informational Meetings.**

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

16
17 **(a) Content of Notice of New and Revised Full Permit Applications Using Substituted Meeting or**
18 **Hearing**

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

22
23 (1) Name and location of the facility or proposed facility.

24
25 (2) Solid waste facilities permit/facility number (for existing permits).

26
27 (3) Date and purpose of previously held public informational meeting.

28
29 (4) Date the EA accepted the solid waste facilities permit revision/new full permit application.

30
31 (5) Description of the solid waste facilities permit revision(s)/new full permit.

32
33 (6) EA's preliminary determination pursuant to §21665.

34
35 ~~(7) EA finding pursuant to §21665(c)(1).~~

36
37 ~~(7) Statement indicating where additional information about the application is available (date, time, and~~
38 ~~location) for public review.~~

39
40 ~~(8) Options for submitting comments, if applicable.~~

41
42 ~~(9) Information on the availability of appeals to challenge the EA's issuance or denial of a **modified,**~~
43 ~~revised, or new permit pursuant to Public Resources Code §44307.~~

44
45 ~~(10) EA and operator contact information.~~

46

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single underline**~~ (deletions) depict proposed changes made after the 15-day comment period.

1 **(b) Notice Distribution for New and Revised Full Permit Application for Substituted Meeting or**
2 **Hearing**
3

4 In addition to the requirements in §21660(a) the EA shall prepare a notice that contains information
5 pursuant to §21660.4(a) and distribute the notice as follows:
6

7 (1) Posting of notice prepared and posted by the EA on the EA's or the Local Jurisdiction's public notice
8 board, if one exists, and
9

10 (2) 10 days prior to the EA making a final determination, the EA shall post the notice in **the manner set**
11 **forth in compliance with** Government Code §65091, subdivisions (a)-(c), inclusive and with Public
12 Resources Code §44004, subdivisions (h)(1)(A-C), and
13

14 (3) 10 days prior to the EA making a final determination, the EA shall mail or deliver the notice to the
15 governing body of the jurisdiction within which the facility is located and to the State Assembly Member and
16 the State Senator in whose districts the facility is located, and

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

21 NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43103, 44004
22 and 44012, Public Resources Code.
23

24 **§ 21663. CIWMB – Issuance of Solid Waste Facilities Permit. (T14:§18208)**

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

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

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

39 NOTE: Authority cited: Sections 40502 and 43200, Public Resources Code. Reference: Sections 43103, 44012 and 44014
40 Public Resources Code.
41

42 **§ 21665. CIWMB – Processing Proposed Changes at Solid Waste Facility Report of Facility**
43 **Information (RFI) Amendments. (new)**

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

1 (a) The applicant shall submit an RFI ~~amendment~~ application package pursuant to §§21570 and 21600, or
2 14 CCR §§ ~~18221.5~~, 18221.6, ~~18223~~, 18223.5, **18227**, or §17863.4 to the EA. The submittal shall contain
3 only those items listed in §21570(f) that have changed, are proposed for change or as otherwise specified by
4 the EA.

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

10 (1) RFI Amendment(s) _____ ¶(c)

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

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

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

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

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

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

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

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

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

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

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

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

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

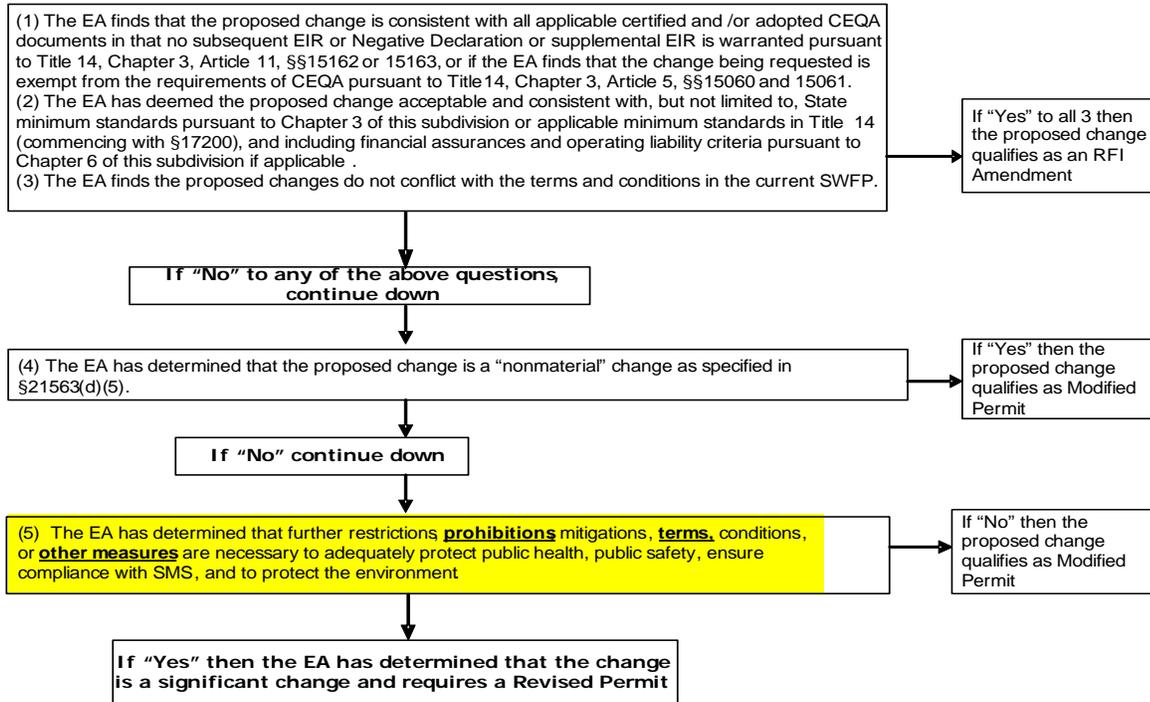
7 (2) the EA determines that the proposed change is such that the solid waste facilities permit does not need
8 to include further restrictions, prohibitions, mitigations, **terms**, conditions or other measures to adequately
9 protect public health, public safety, ensure compliance with State minimum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

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

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

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.



1

2 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43103, 44004 and
3 44012 Public Resources Code.

4 **§ 21666. CIWMB – Processing Report of Facility Information (RFI) Amendment(s).**

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

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

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

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

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

3
4 **§ 21675. CIWMB – Review of Solid Waste Facilities Permits. (T14:§18213)**

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

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

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

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

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

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

19
20 **Article 3.1. CIWMB – CIWMB Requirements**

21
22 **§ 21685. CIWMB – Proposed Solid Waste Facilities Permit; CIWMB Processing Requirements.**
23 **(T14:§18207, §17608)**

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

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

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

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

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

35 (4)(A) Information that the facility is identified and described in or conforms with the County Solid Waste
36 Management Plan (Public Resources Code PRC-§50000); and that the facility is consistent with the city or

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

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1 county General Plan and compatible with surrounding land use, in accordance with Public Resources Code
2 ~~PRC~~-§50000.5; or

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

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

9 (i) For closure plans submitted as part of a JTD, the determination whether the plans are consistent with
10 state minimum standards shall be made within 60 days of the plans being considered complete pursuant to
11 §21860(c).

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

15 (iii) This determination is solely for the Board consideration of concurrence with a solid waste facilities permit
16 ~~SWFP~~ and does not constitute any final determination for the closure plans review process pursuant to
17 §21860.

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

19 ~~(7)~~ (6) (A) Current documentation of acceptable funding levels for Financial Assurances Documentation in
20 accordance with Chapter 6, if applicable; and

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

22 ~~(8)~~ (8) The CIWMB shall ensure the facility is operating consistent with State Minimum Standards, pursuant
23 to Subchapter 4 of Chapter 3 of this subdivision or applicable minimum standards in Title 14 (§17200 et
24 seq.),

25 ~~(9)~~ (9) The EA finding that existing CEQA documentation is consistent with and supports the proposed solid
26 waste facilities permit and RFI or supporting information indicating the EA has found that approval of the
27 proposed solid waste facilities permit would not lead to any adverse environmental impacts and is exempt
28 from the requirements of CEQA.

29 (c) The CIWMB, with respect to ~~for~~ new and revised solid waste facilities permits, and the Executive Director
30 of the CIWMB, with respect to ~~for~~ modified solid waste facilities permits, shall either concur or object to the
31 issuance of the proposed solid waste facilities permit within sixty days of receipt, except as authorized by
32 Public Resources Code ~~PRC~~-§44009, or by operator's consent. If the CIWMB or Executive Director objects to
33 a proposed solid waste facilities permit, it shall accompany its objection with an explanation of its action,
34 which may suggest conditions or other amendments that may render the proposed solid waste facilities
35 permit unobjectionable; however, such suggestions do not constitute approval of the proposed solid waste

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Text shown in **bold single underline** (additions) and ~~**bold single underline**~~ (deletions) depict proposed changes made after the 15-day comment period.

1 facilities permit subject to incorporation of the suggestions. ~~The Executive Director shall report to the~~
2 CIWMB on his or her concurrence or denial of modified permits at its next regularly scheduled meeting or via
3 a memo, and post this information on the CIWMB's web site or agenda.

4 (d) If an applicant or enforcement agency requests that revisions, additions or amendments be considered,
5 these will be considered in accordance with the conditions specified in §21580 and ~~Subsection 1~~(e) of
6 §21650 respectively.

7
8 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44007-44010, and
9 44014 Public Resources Code.

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

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1 **Title 14. Natural Resources**

2 **Division 7. California Integrated Waste Management Board**

3 **Chapter 3. Minimum Standards for Solid Waste Handling and Disposal**

4
5 **Article 5.9. Construction and Demolition and Inert Debris Transfer/Processing Regulatory**
6 **Requirements**

7
8 ~~**§ 17383.10. Public Hearing.**~~

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

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

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

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

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

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

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

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

35
36 **Article 5.95. Construction and Demolition Waste and Inert Debris Disposal Regulatory**
37 **Requirements**

38
39 **§17388.3 Inert Debris Engineered Fill Operations.**

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single underline**~~ (deletions) depict proposed changes made after the 15-day comment period.

- 1 Inert debris engineered fill operations shall submit EA Notifications, as set forth in CCR, Title 14, Section
2 18100 et seq. and shall comply with all applicable RWQCB waste discharge requirements.
- 3 (a) Each operator of an inert debris engineered fill operation shall submit a copy of its waste discharge
4 requirements or a letter of exemption from the applicable RWQCB to the EA together with its notification of
5 intent to operate.
- 6 (b) Inert debris engineered fill operations shall be inspected as necessary by the EA to verify compliance
7 with State Minimum Standards. Inspections shall be conducted quarterly, unless the EA determines a lesser
8 frequency is sufficient, but in no case shall the inspection frequency be less than annual. ~~To the greatest~~
9 ~~extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals.~~
- 10 (c) Each operator of an inert debris engineered fill operation shall file an "Operation Plan" (as specified in
11 this Article, Section 17390) with the EA together with its notification of intent to operate. The information
12 contained in the Plan shall be reviewed by the EA to determine whether it is complete and correct as defined
13 in CCR, Title 14, Section 18101.
- 14 (d) All inert debris engineered fill operations shall comply with the State Minimum Standards set forth in Title
15 27 CCR, Division 2, Chapter 3.0, Subchapter 4, Article 1 (Operating Criteria), Article 3 (Handling, Equipment
16 and Maintenance), and Article 4 (Controls) (except sections 20515, 20640, 20880, and 20890).
- 17 (e) By March 1 of each year, the operator shall report to the EA and the board the total amount of inert
18 debris deposited during the previous year. However, the operator is not subject to the disposal reporting
19 record requirements of Title 14 CCR, Division 7, Chapter 9, Article 9.2 or the disposal fee specified in Public
20 Resources Code ~~PRC~~ Section 48000 and Revenue and Taxation Code Section 45151.
- 21 (f) All inert debris engineered fill operations, upon completion of cessation of fill activities for more than one
22 year and upon any transfer of any part of the land subject to the operation prior to completion of fill
23 activities, shall comply with the requirements in Title 27, Subsections 21170(a)(1, 2 and, if applicable, 3).
- 24 (g) Upon the final placement of waste at the site, the operator shall cover the site of fill with three feet of
25 compacted soil above the fill area or with other final cover as determined by the EA. The EA may determine,
26 on the basis of substantial evidence, that a lesser amount of final cover or no final cover is needed, based on
27 potential impacts to the public health, safety and the environment.
- 28 (h) If an inert debris engineered fill operation exceeds any combination of the following requirements three
29 (3) or more times within any two (2) year period which the EA determines constitutes a violation of this
30 Article, the facility no longer qualifies for an EA Notification under this section. Upon the third such violation,
31 the EA shall notify the operator in writing that the facility no longer qualifies for an EA Notification, and the
32 operator must within 30 days apply for a Full Permit as if it were a CDI Waste Disposal Facility pursuant to
33 Section 17388.5. In addition, the EA shall issue a cease and desist order pursuant to Section 18304
34 directing, among other things, that the operator immediately cease accepting material at the site until the
35 operator has demonstrated to the EA that it has corrected the violation and eliminated the cause of the
36 violation. Notwithstanding, the EA may at any time take any additional enforcement action the EA deems
37 appropriate. The requirements to which this Subdivision applies are:
- 38 (1) Disposal of any wastes not authorized by Subsection 17388(l);

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

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

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

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

11 **§ 17388.4. Inert Debris Type A Disposal Facilities.**

12 Inert debris Type A disposal facilities shall obtain Registration Permits and shall comply with the Registration
13 Permit requirements as set forth in CCR, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing at
14 Ssection 18100), with the following requirements set out in CCR, Title 27, Division 2, Chapter 4, Subchapter
15 3, Article 2 (commencing at Ssection 21570) in the same manner as if they were municipal solid waste
16 landfills, CCR, Title 14, Division 7, Chapter 9, and with all RWQCB waste discharge requirements.

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

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

23 (c) Each operator shall file with the EA, together with its application for a solid waste facilities permit, a
24 Disposal Facility Plan (as more fully described in CCR, Title 14, Division 7, Chapter 5, Article 3.2, Ssection
25 18223.6).

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

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

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

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

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

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

4 (i) Each operator shall determine the weight of all material received at the facility for disposal and shall
5 maintain records of the weight of materials as required herein. Until February 24, 2005, weight of material
6 shall be determined by a conversion factor authorized by the EA for each waste type received. After that
7 date, weight shall be determined by the use of scales, which may be located at the operation or off-site.
8 Notwithstanding, operations in a rural city or rural county, as defined in Public Resources Code PRC
9 Sections 40183 and 40184, and operations that will cease activities within three years from February 24,
10 2004, as reflected in their Operation Plan may determine the weight of materials received by use of
11 conversion factors authorized by the EA for each waste type or combination thereof received. Evidence of
12 the accuracy of the conversion factors shall be provided to the EA annually.

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

23 NOTE: Authority cited: Sections 40502, 43020, 43021 and 48007.5, Public Resources Code. Reference: Sections 40053,
24 43020, 43021 and 48007.5, Public Resources Code.

25 **§ 17388.5. CDI Waste Disposal Facilities.**

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

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

32 (b) Each operator shall determine the weight of all material received at the facility for disposal and shall
33 maintain records of the weight of materials as required herein. Until February 24, 2005, weight of material
34 shall be determined by a conversion factor authorized by the EA for each waste type received. After that
35 date, weight shall be determined by the use of scales, which may be located at the operation or off-site.
36 Notwithstanding, operations in a rural city or rural county, as defined in Public Resources Code PRC
37 Sections 40183 and 40184, and operations that will cease activities within three years from February 24,
38 2004, as reflected in their Operations Plan may determine the weight of materials received by use of
39 conversion factors authorized by the EA for each waste type or combination thereof received. Evidence of
40 the accuracy of the conversion factors shall be provided to the EA annually.

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

3 NOTE: Authority cited: Sections 40502, 43020, 43021 and 48007.5, Public Resources Code. Reference: Sections 40053,
4 43020, 43021 and 48007.5, Public Resources Code.

5 ~~**§ 17388.6. Public Hearing.**~~

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

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

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

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

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

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

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

30 NOTE: Authority cited: Sections 40502, 43020, 43021 and 48007.5, Public Resources Code. Reference: Sections 40053,
31 43020, 43021 and 48007.5, Public Resources Code.

32
33 **Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility**
34 **Permits; Loan Guarantees**

35
36 **Article 2.1. LEA Certification Requirements**

37
38 **§ 18077. Enforcement Program Plan (EPP).**

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

6 (1) a certification request letter;

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

8 (3) a statement of EPP goals and objectives;

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

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

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

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

14 (8) a demonstration of staff technical expertise;

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

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

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

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

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

21
22 NOTE: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200-
23 43209, Public Resources Code.

24
25 **Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities**

26
27 **§ 18083. LEA Duties and Responsibilities for Inspections.**

28 (a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5,
29 27 CCR, Division 2, Subdivision 1 (Section 20005 et seq.), and its EPP, the LEA/EA shall inspect and
30 investigate solid waste collection, handling, and storage, solid waste facilities, operations and disposal sites
31 and equipment to verify compliance with the state minimum standards, solid waste facilitiesy permits, and
32 related state solid waste laws and regulations within their purview for the protection of the environment and
33 the public health. The LEA shall perform these inspections and related duties as required below, and forward
34 inspection reports to the operator, and/or owner, and the board within 30 days of the inspection:

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

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

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

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

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

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

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

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

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

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

19
20 NOTE: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200,
21 43209, 43218, 44100 and 44101, Public Resources Code.

22 23 **Article 3.0. Regulatory Tier Requirements**

24 25 **§ 18104.1 Filing Requirements.**

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

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

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

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

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

4 (e) Conformance finding information as follows:

5 (1) Until a countywide or regional agency integrated waste management plan has been approved by the
6 board, the application shall include statements that: the facility is identified and described in or conforms
7 with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section
8 50000; and that the facility is consistent with the city or county General Plan.

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

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

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

18 (h) List of all public hearings and other meetings open to the public that have been held and/or
19 copies of notices distributed that are applicable to the proposed solid waste facilities permit action.

20 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021,
21 43000-45802 and 50000-50002, Public Resources Code.

22
23 **§ 18104.2 Enforcement Agency Processing Requirements.**

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

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

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

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

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

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Text shown in **bold single underline** (additions) and ~~**bold single-strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

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

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

10 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
11 43000-45802, Public Resources Code.

12 **§ 18104.7 Permit Review & Reissuance.**

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

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

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

20 (d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to
21 Ssection 18104.1, the enforcement agency shall follow the procedures set forth in Ssections 18104.2 and
22 18104.3.

23 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
24 44015, Public Resources Code.

25 **§ 18105.1. Filing Requirements.**

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

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

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

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

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

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

6 (f) One of the following:

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

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

12 (g) Conformance finding information as follows:

13 (1) Until a countywide or regional agency integrated waste management plan has been approved by the
14 board, the application shall include statements that: the facility is identified and described in or conforms
15 with the County Solid Waste Management Plan, or otherwise complies with Public Resources Code Section
16 50000; and that the facility is consistent with the city or county General Plan.

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

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

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

26 (j) List of all public hearings **and other** meetings **open to the public that have been** held **and/or**
27 **copies of** notices distributed that are applicable to the proposed solid waste facilities permit action.

28 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021,
29 43000-45802 and 50000-50002, Public Resources Code.

30 **§ 18105.2. Enforcement Agency Processing Requirements.**

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

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Text shown in **bold single underline** (additions) and ~~**bold single strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

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

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

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

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

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

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

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

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

26 (h) If evidence of compliance with the California Environmental Quality Act, as required by Section
27 18105.1(f), has not been submitted within 15 days of acceptance of the application as complete, then the
28 decision required by Section 18105.2(g) shall be held in abeyance until compliance with this requirement
29 has been demonstrated. Unless waived by the applicant pursuant to Public Resources Code Section 44008,
30 if evidence of compliance with the California Environmental Quality Act has not been submitted within 120
31 days of the application's acceptance for filing, the enforcement agency shall reject the application and not
32 issue the standardized permit.

33 (i) Once the board has concurred in the issuance of the proposed standardized permit, pursuant to Section
34 18105.5, the enforcement agency shall issue the standardized permit.

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS FROM 15-DAY COMMENT PERIOD. Text shown in double underline (additions) and ~~double-strikeout~~ (deletions) depict proposed changes made after the 60-day comment period.

Text shown in **bold single underline** (additions) and ~~**bold single-strikeout**~~ (deletions) depict proposed changes made after the 15-day comment period.

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

4 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
5 43000-45802, Public Resources Code.

6 **§ 18105.9. Permit Review and Reissuance.**

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

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

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

14 (d) If an operator files a certification as specified in subsection (c) above or a new application pursuant to
15 Section 18105.1, the enforcement agency shall follow the procedures set forth in Sections 18105.2 and
16 18105.3 and the board shall follow the procedures set forth in Section 18105.5.

17 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
18 44015, Public Resources Code.

Solid Waste

The solid waste management system infrastructure provides an essential public service to the citizens of California. There are three basic components in the solid waste management system: collection, processing to remove recyclable and compostable materials, and disposal of waste that cannot be recycled. These three components, coupled with the implementation of waste reduction and recycled material market development programs, ensure that the integrity of the solid waste management system is well maintained for the citizens of California.

Timely and adequate collection of solid waste protects public health and safety, and the environment. An effective collection system prevents unsightly, vector-propagating, and odorous waste accumulation outside of residences and businesses. This also results in minimizing illegal disposal, discharge of waste to surface water bodies, and impacts to ecologically sensitive habitats.

Processing of waste involves the systematic separation and removal from the waste stream of valuable and recyclable materials, and of illegally disposed hazardous waste. Processing is done at transfer/processing facilities or conventional recycling centers prior to landfilling of residual waste.

Processing also involves converting green waste into biofuel, mulch, and compost. Removing recyclable materials and producing biofuel, mulch, and compost conserves scarce natural resources and assists jurisdictions in meeting the State's 50 percent waste reduction mandate. Processing

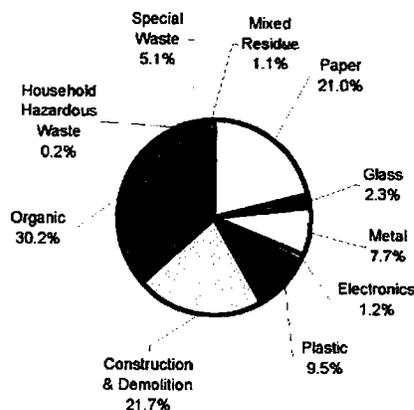


Figure 1:
Material Classes in California's Overall Disposed Waste Stream, 2003

is also crucial in maximizing the life of landfills. California landfills play a vital role in managing the variety of wastes generated by residents and businesses daily. They operate under some of the most stringent environmental standards in the country.

Findings

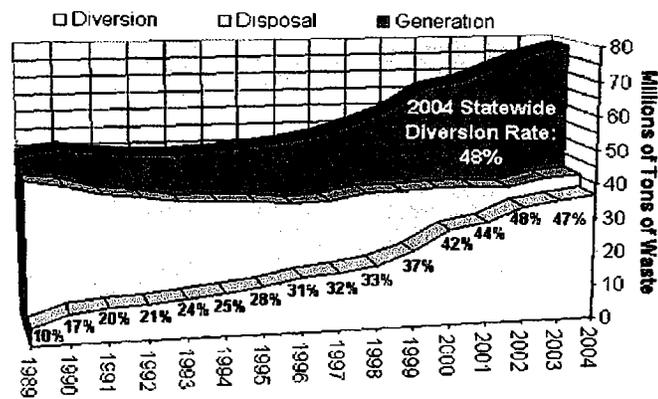
This evaluation indicates that a strong and sound solid waste management system exists in California. The long-range vision of policy decision makers, solid waste facility operators, manufacturing companies, and citizens are key elements to a properly managed solid waste management system. The State has sufficient long term disposal capacity to meet the demands of the population beyond 2025. To conserve the State's disposal capacity and preserve its natural resources, Californians have made a conscious effort to recycle 48 percent of all waste. A synopsis of the solid waste infrastructure is described below:

Collection Facilities: Most collection vehicle fleets are modern and have an average age of less than eight years. A majority of these vehicles are automated. Reducing improves safety and reduces reliance on manpower injuries. Furthermore, most hauling companies have scheduled vehicle preventive maintenance programs to minimize breakdown and lost of collection services. Employees also receive safety training on a routine basis to further reduce injuries and improve service to the public. To assist in recycling efforts, many collection companies provide multiple bins that allow source separation of recyclables and green waste from the waste stream. Some jurisdictions offer services for bulky items pick up. In addition, some companies specialize in the collection of single stream recyclables which further increases diversion. Most air districts are also requiring the collection vehicles to use alternative fuels which will improve air quality.

Transfer / Processing and Composting Facilities: California's transfer/processing and composting facilities are considered to be among the best in the nation with respect to policy, technology, and effectiveness. Although current levels of capacity are sufficient, new facilities or upgrades to existing facilities will be necessary to meet the demands of future population growth within the State. Continued development and expansion of high-value recyclable markets, including construction and demolition and organic materials, as well as improvements in processing technologies, will further expand the State's diversion capabilities and increase processing efficiency. Increased public recycling awareness and education along with manufacturer responsibility to use and produce recyclable materials are critical to achieving California's recycling goals.

Disposal Facilities: Since the implementation of Federal regulation Subtitle D in 1993, new landfills and expansion of existing landfills are subject to strict liner system design requirements. A large number of active landfills that commenced operation prior to Subtitle D, and are unlined, will be entering the post-closure maintenance period in the next 10 years. Due to the potential environmental impacts of landfills, the disposal system is heavily regulated by a multitude of regulatory agencies. As a result, operators are required to implement best management practices and abide by permit conditions that would ensure environmentally sound and safe operation of a landfill. Controlling air emissions, preventing groundwater impacts, and preventing landfill gas migration needs to be a priority of all landfill facilities.

Policies and Programs: For over a decade, local governments have been the leaders in implementing a host of award-winning recycling, waste reduction and pollution prevention programs in the State. The public's increasing sensitivity to the environment has resulted in continually increasing levels of waste reduction, from 25 percent in 1995 to 48 percent in 2004. The CIWMB adopted a zero waste goal, and the State Legislature is currently considering increasing the statewide diversion rate above 50 percent. Some jurisdictions have even reached diversion rates of 60 percent. Many California landfills, composting facilities, transfer/processing facilities, and manufacturing companies have garnered recognition and won awards from various organizations and regulatory agencies for their state-of-the-art design, operation, and effective waste reduction programs.



Figures in percent are the statewide diversion rate.

Figure 2:
Annual Waste Generated, Diverted, and Disposed from 1989 to 2004

However, population and economic growth continues to drive development in California, increasing waste generation and utilization of natural resources. These trends, coupled with reduced availability of suitable sites for new solid waste management facilities, will require public policy makers to continue finding creative solutions to meet solid waste management needs. State and local governments must rethink their programs to incorporate intrinsic environmental protection and meet new challenges by considering multi-disciplinary perspectives. This includes incorporating “Green Building” practices and shifting incentives to promote “greener” industries and processes. Government and the private sector must also continue to improve public educational programs and facilitate participation in recycling programs for residents and businesses to better utilize our limited resources. Manufacturing companies must also further the implementation of onsite recycling programs, use recycled materials in the manufacturing process, and produce goods that can be easily recycled, while minimizing products that will harm the environment. The overall grade for Solid Waste in California is B.

Public Policy Considerations

Notwithstanding its present favorable condition, there are some challenges that must be addressed to ensure that the system continues to provide the high level of service expected by the citizens of California. Continued development and funding will be required for these solid waste infrastructure needs:



- Conversion technologies need to be studied and developed that environmentally, technically, and economically feasible. They will optimize waste diversion systems and extract energy from materials that cannot be easily recycled.
- Waste reduction and diversion strategies must continue to be pursued to minimize environmental impacts associated with mining of materials and product manufacturing. Furthermore, markets for recycled materials, specifically construction and demolition debris and organics, need to be expanded.
- Transfer/processing facilities, recycling centers, and composting facilities need to be established and/or expanded where needed to ensure that California’s infrastructure serves the total population.
- Energy recovery from landfill gas must be fully implemented to reduce dependence on fossil fuels.

-
- Agreements and legislation must be established to increase the role of manufacturers in designing products using recycled materials and to minimize environmental impacts throughout the production and consumption cycle. Furthermore, manufacturers must be encouraged to create products and components that are economical to recycle and/or environmentally friendly once they enter the waste stream.
 - Public education must be increase in order to transition from a “Throw Away” society to a “Zero Waste” society.
 - Collection centers must be established in remote rural communities in order to minimize illegal disposal of tires, household hazardous waste, and electronic waste.

Security

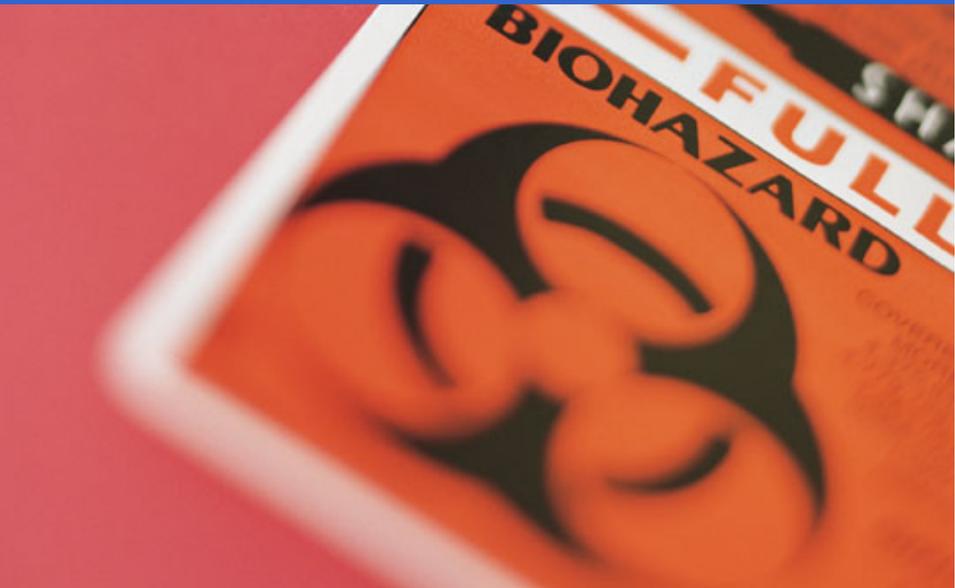
Overall, the solid waste management system is adequately secure. Many of the facilities are surrounded by man-made barriers or natural barriers that deter acts of crime and property damage. However, as urban sprawl continues and encroaches upon these facilities, operators will need to reevaluate their existing security systems and make improvements as needed.

Infrastructure Funding

The cost to maintain the current B grade for the solid waste infrastructure (i.e. collection, processing, landfilling, policy and programs) is estimated at \$5 billion per year or \$50 billion over the next 10 years. In addition to maintaining current structures and operations, this money is also used to meet the many federal, state, and local regulations that the solid waste industry (and landfills in particular are) is subject to. This money is also needed to close landfills as they reach capacity and to site new ones to meet the needs of California’s growing population. The current funding levels meet the projected needs as long as agencies and facility operators continue programming funds at present levels.



Household Hazardous Waste/ Electronic Waste Collection Program





Presented by

Armine Kesablyan
and
Lee Miller

County of Los Angeles
Department of Public Works
Environmental Programs Division

Update on Household Hazardous Waste and Electronic Waste Collected

FY 2005/2006

***On average, 53 Events
Conducted Annually***

Total HHW Collected

- **7 million lbs = 3,500 tons**

53% of the Total HHW was recycled

Total E-Waste Collected

- **1.9 million lbs – 995 tons**
- **1% increase from last year**

100% of the E-Waste was recycled



Update on Household Hazardous Waste and Electronic Waste Collected

Total HHW and E-Waste Diverted from Class III Landfills in the County of Los Angeles



HHW/E-Waste Collection Program



HHW/E-Waste Collection Program



Update on U-Waste Collected

FY 2005/2006

Total U-Waste Collected

2.1 million lbs

- **Fluorescent Lamps – 9,648 lbs**
- **Household Batteries – 24,568 lbs**
- **Rechargeable Batteries – 31,792 lbs**
- **Mercury thermostats – 452 lbs**

- ***95% of U-Waste was recycled!***

Since the sunset of the new U-Waste regulation – the Program has experienced a 7.5% increase of U-waste materials at its events



Antelope Valley Environmental Collection Center



- Since the opening in August 2005 – in the past one year 7,750 participants – **55% increase**
- Over 600,000 lbs of HHW collected – **30% increase**
- Over 650,000 lbs of E-Waste Collected – **75% increase**

City of LA Permanent Collection Centers



- **Six permanent centers available**

- **East LA**
- **West LA**
- **Playa Del Rey**
- **San Pedro**
- **Sun Valley**
- **Glendale (new)**

- **County partially funds these centers**

- **Centers available to all residents in LA County**

City of LA Permanent Collection Centers



- **FY 2005-2006, County Participation - 15,661**
- **37% of the participants are non-City of LA residents**
- **FY 2005-2006**
 - **E-Waste Collected – over 2.5 million**
 - **U-Waste Collected – 2.8 million**
 - **Total HHW – 6.9 million**

Future of the HHW/E-Waste Program



- **Permanent Centers**
- **Expand number of events conducted annually**
- **Enhance Public Outreach efforts**

HHW/E-Waste Program



QUESTIONS?

NOTICE OF PROPOSED RULEMAKING

Title 27:	Environmental Protection
Division 2:	Solid Waste
Chapter 3:	Criteria for All Waste Management Units, Facilities, and Disposal Sites
Subchapter 4:	Criteria for Landfills and Disposal Sites
Article 6:	Gas Monitoring and Control at Active and Closed Disposal Sites
Sections:	20918, et seq.

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 27, California Code of Regulations (27 CCR), Division 2, Chapter 3, Subchapter 4, Article 6, §20918 et seq. The proposed changes (1) modify the regulations governing landfill gas monitoring and control at active disposal sites by incorporating the more detailed criteria presently applicable only to closed disposal sites and (2) include appropriate cleanup language for clarity and consistency.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on October 30, 2006.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

John Bell
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 16
Sacramento, CA 95812-4025

e-mail: <mailto:jbelle@ciwmb.ca.gov>
Fax: (916) 319-7181
Phone: (916) 341-6368

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for December 4, 2006. The hearing will be held in the Coastal Hearing Room (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 10:00 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing submit written copies of their testimony at the hearing. The Coastal Hearing Room is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC §40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and solid waste processing and disposal. Existing landfill gas monitoring and control regulations for disposal sites in the post-closure care period are much more comprehensive than the regulations for active disposal sites. At its September 17, 2004 meeting, the CIWMB Permitting and Enforcement Committee directed staff to implement the CIWMB-funded 2004 GeoSyntec Landfill Facility Compliance Study recommendation that “the landfill gas monitoring and control regulations for the active life of the landfill be changed so that they are as comprehensive as the regulations for gas monitoring and control during the post-closure care period.” This would provide consistency as well as additional guidance to solid waste Local Enforcement Agencies (LEAs) at active disposal sites, which like closed sites, may have gas-related compliance issues. This should also bring increased compliance with landfill gas issues at active sites.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that there is a need to modify existing active disposal site gas monitoring and control regulations to include the more detailed criteria for closed disposal sites along with appropriate clean-up language as a means of providing clarity and consistency with state law.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code §11349 and the plain English requirements of Government Code §§11342.580 and 11346.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §§40502, 43020, and 43021 provide authority for this proposed regulation change. The purpose of the proposed regulation is to implement, interpret and make specific PRC Section 44009.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D of the Resource Conservation and Recovery Act (42 U.S.C.A. §§6901 et seq.), the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that the proposed regulation changes will result in no costs or savings to state agencies, no costs to any school districts that are required to be reimbursed under Part 7 (commencing with §17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulation changes would not have a statewide adverse economic impact on small businesses including the ability of California businesses to compete with businesses in other states. Due to the capital investment required, few small businesses establish and operate solid waste landfills. As such these regulations will not affect small business in that no small business is

required to comply with the regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of the regulations.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses with California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action. The CIWMB estimates that 25 private landfills could incur projected annual increases in compliance costs. The economic analysis indicates a net total statewide cost of the proposed regulations of \$60,000 over a five-year period.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

John Bell
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 16
Sacramento, CA 95812-4025
e-mail: <mailto:jbelle@ciwmb.ca.gov>
Fax: (916) 319-7178
Phone: (916) 341-6368

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Michael Wochnick
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 20
Sacramento, CA 95812-4025
e-mail: <mailto:mwochnic@ciwmb.ca.gov>
Fax: (916) 319-7334
Phone: (916) 341-6318

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting John Bell at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/ActiveGas/> Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulation changes as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text – with changes clearly indicated – available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will transmit any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**Title 27, Environmental Protection
Division 2, Solid Waste**

**Chapter 3 Criteria for All Waste Management Units, Facilities, and Disposal Sites
Subchapter 4. Criteria for Landfills and Disposal Sites**

Article 6. Gas Monitoring and Control at Active and Closed Disposal Sites

§20917. CIWMB - Scope and Applicability. [Reserved]

§20918. CIWMB - Exemptions. ~~(T14:§17783.17)~~

A disposal site other than a MSWLF unit, may be granted an exemption to all or any portion of the requirements of Article 6 of this Subchapter if the operator can demonstrate to the satisfaction of the EA, that there is no potential for adverse impacts on public health and safety and the environment, based upon but not limited to: the amount, nature and age of refuse; projected landfill gas generation; and remoteness of the ~~facility disposal site~~. Exemptions ~~and alternatives~~ shall be reviewed by the EA in conjunction with the five (5) year permit review, and, based on the results, the EA may extend or terminate the exemption. Any exemption granted by the EA shall be in writing and shall contain substantial evidence that justifies the exemption.

Note:

Authority cited: Section 40502, Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code; and Title 40, Code of Federal Regulations, Section 258.23.

§20919. CIWMB - Gas Control. ~~(T14:§17705)~~

Where the EA enforcement agency, the local fire control authority, or the CIWMB has cause-reason to believe a hazard or nuisance is being or may be created by landfill ~~decomposition~~ gases, ~~they it~~ shall so notify the owner operator. Thereafter, as directed by the EA, the local fire control authority, or the CIWMB, the site ~~owner operator~~ shall cause the site to be monitored for presence and movement of landfill gases, and shall take necessary action to control such gases. ~~The site owner shall inform the operator of any actions ordered by the EA, the local fire control authority or the CIWMB concerning gas control methods.~~ The monitoring program shall be developed pursuant to the specifications of the above agencies. The monitoring program shall not be discontinued until authorized to do so in writing by the requiring agency. Results of the monitoring shall be submitted to the appropriate agencies. If monitoring indicates ~~methane landfill~~ gas movement away from the site, the owner operator shall, within a period of time specified by the requiring agency, construct a gas control system approved by that agency. The agency may waive this requirement if satisfactory evidence is presented indicating-demonstrating that adjacent properties are safe from hazard or nuisance caused by ~~methane landfill~~ gas movement. The operator shall duly inform the ~~disposal site owner EA~~ of possible landfill gas problems.

Note:

Authority cited: Section 40502 Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code.

~~§20919.5. CIWMB—Explosive Gases Control. (T14:§17258.23.)~~

~~(a) Owners or operators of all MSWLF units must ensure that:~~

~~(1) The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components); and~~

~~(2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.~~

~~(b) Owners or operators of all MSWLF units must implement a routine methane monitoring program to ensure that the standards of ¶(a) are met.~~

~~(1) The type and frequency of monitoring must be determined based on the following factors:~~

~~(i) soil conditions;~~

~~(ii) the hydrogeologic conditions surrounding the facility;~~

~~(iii) the hydraulic conditions surrounding the facility; and~~

~~(iv) the location of facility structures and property boundaries.~~

~~(2) Except as provided in ¶(f), the minimum frequency of monitoring shall be quarterly.~~

~~(c) If methane gas levels exceeding the limits specified in ¶(a) are detected, the owner or operator must:~~

~~(1) immediately take all necessary steps to ensure protection of human health and notify the EA;~~

~~(2) within seven days of detection, place in the operating record the methane gas levels detected and a description of the steps taken to protect human health; and~~

~~(3) within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, and notify the EA that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.~~

~~(4) The EA with concurrence by the CIWMB pursuant to 40 CFR 258.23(e)(4) may establish alternative schedules for demonstrating compliance with ¶(c)(2) and ¶(c)(3).~~

~~(d) For purposes of this section, "lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees Celsius and atmospheric pressure.~~

~~(e) The EA shall forward notifications and approvals pursuant to §20919.5(e)(1) and (e)(3) to the CIWMB pursuant to 40 CFR 258.23(e)(1) and (e)(3).~~

~~(f) For those MSWLF's that accept for disposal 20 tons or less of municipal solid waste per day based on an annual average, the EA, with concurrence by the Board, may establish alternative frequencies for explosive gas monitoring after consideration of the unique characteristics of small communities, climatic and hydrogeologic conditions, and protect of human health and the environment. Any proposal to allow an alternative frequency shall be available for public review for a minimum of 30 days to allow affected parties the opportunity to comment. Documentation of the considerations, public comment, and Board concurrence for any alternative frequency shall be placed in the operating record. The Executive Director or the EA may condition, limit, suspend, or terminate an operator's use of an alternative monitoring frequency if it is determined that the alternative frequency would cause harm to public health and safety, or the environment.~~

Note:

Authority cited: Section 40502, 40508, 43020, 43021, and 43030 Public Resources Code.

Reference: Sections 43020, 43021 and 43103, Public Resources Code; and Title 40, Code of Federal Regulations, Section 258.23.

§20920. CIWMB - Scope and Applicability for Gas Monitoring and Control Requirements ~~During Closure and Postclosure.~~ (T14:§17760)

(a) Sections 20921 through 20937 set forth the performance standards and the minimum substantive requirements for landfill gas monitoring and control as it relates to [active solid waste disposal sites and to](#) proper closure, postclosure maintenance and ultimate reuse of solid waste disposal sites to assure that public health and safety and the environment are protected from pollution due to the disposal of solid waste.

(b) Sections 20921 through 20937 apply to all of the following:

(1) Active solid waste disposal sites;

~~(2)~~ Solid waste disposal sites that did not commence complete closure prior to August 18, 1989, which was fully implemented by November 18, 1990, in accordance with all applicable requirements; and

~~(3)~~ New postclosure activities at any solid waste disposal site that may jeopardize the integrity of a previously closed sites or pose a threat to public health and safety or the environment.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

§20921. CIWMB - Gas Monitoring and Control ~~During Closure and Postclosure. (T14:§17783)~~

(a) To provide for the protection of public health and safety and the environment, the operator shall ensure that landfill gases generated at a disposal site ~~are is~~ controlled in ~~accordance with~~ such a manner as to satisfy the following requirements:

(1) The concentration of methane gas must not exceed 1.25% by volume in air within any portion of any on-site structures.

(2) The concentration of methane gas migrating from the ~~landfill disposal site~~ must not exceed 5% by volume in air at the disposal site permitted facility ~~property~~ boundary or an alternative boundary approved in accordance with §20925.

(3) Trace gases shall be controlled to prevent adverse acute and chronic exposure to toxic and/or carcinogenic compounds.

(b) The EA, with concurrence by the CIWMB, shall evaluate and, if it complies with the requirements of §§20921 – 20937 to the satisfaction of the EA and CIWMB, approve a gas monitoring and control program submitted by the disposal site operator.

(1) New disposal sites and lateral expansions of existing disposal sites shall comply with these regulations prior to receipt of waste in the new or expanded area.

(2) Disposal sites which have received their final shipment of waste shall comply with these regulations immediately. Disposal sites which are actively implementing final closure activities at the time these regulations become effective shall comply with these regulations in accordance with the time schedule contained in the approved final closure plan.

(3) Existing disposal sites which have not yet received their final shipment of waste shall comply with these regulations in accordance with the following schedule.

(A) For disposal sites which are permitted to receive greater than 20 tons of waste per operating day shall comply with these regulations by (1 year from effective date).

(B) For disposal sites which are permitted to accept less than or equal to 20 tons of waste per operating day shall comply with these regulations by (2 years from effective date).

[Note: CIWMB staff is seeking input from stakeholders as to the appropriateness of the timelines specified in ¶¶(b)(3)(A) and (B) above.]

(~~bc~~) The gas monitoring and control program implemented pursuant to §§20921 - 20937 shall continue ~~for a period of thirty (30) years or~~ until the operator receives written authorization to discontinue by the EA with concurrence by the CIWMB pursuant to 40 CFR 258.61(b). Authorization to cease gas monitoring and control shall be based on a demonstration by the operator that there is no potential for gas migration beyond the property disposal site permitted facility boundary or into on-site structures. The operator's ~~D~~ demonstration of this proposal shall be supported by data collected and any ~~additional~~ necessary studies.

(~~ed~~) The gas monitoring and control program required pursuant to §§20921 - 20937; shall be ~~described as part of included in~~ the JTD and preliminary and final closure and postclosure maintenance plans. The implementation of the gas monitoring and control program shall be described in detail in the JTD and the preliminary and final closure and postclosure maintenance plans to the satisfaction of the EA and CIWMB.

(~~de~~) ~~The~~ G gas monitoring and control ~~systems program~~ shall be modified, during the operation and closure and postclosure maintenance periods; to reflect changing on-site and adjacent land uses. Postclosure land use at the site shall not interfere with the function of gas monitoring and control systems. The operator may request a reduction of monitoring or control activities based upon the results of monitoring data collected. The request for reduction of monitoring or control activities shall be submitted in writing to the EA and CIWMB.

(f) For the purposes of this article, for disposal sites that do not have a solid waste facilities permit, the disposal site permitted facility boundary shall be as defined in the most recently approved closure and/or postclosure maintenance plan or other appropriate document (e.g., assessor's parcel map).

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

§20923. CIWMB - Monitoring (~~T14:§17783.3~~)

(a) To ensure that the conditions of §20921 are met, the operator shall implement a gas monitoring and control program at the disposal site ~~in accordance with~~ that satisfies the following requirements:

(1) the gas monitoring network shall be designed by a registered civil engineer or a certified engineering geologist; and shall ensure detection of the presence of landfill gas migrating beyond the disposal site ~~landfill property~~ permitted facility boundary and also into on-site structures; and

(2) The monitoring network shall be designed to account for the following specific site characteristics and potential migration pathways or barriers, including, but not limited to:

(A) local soil and rock conditions;

(B) hydrogeological conditions at the disposal site;

(C) the hydraulic conditions surrounding the disposal site;

(D) locations of buildings and structures relative to the waste disposal area;

(E) adjacent land use; and inhabitable structures within 1000 feet of the disposal site permitted facility ~~property~~ boundary;

(F) man-made pathways, such as underground construction; and

(G) the nature and age of the waste and its potential to generate landfill gas.

Note:

Authority Cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43201 and 43103, Public Resources Code and Title 40, Code of Federal Regulations, Section 258.23; ~~and Section 66796.22(d) Government Code.~~

History See Title 14 for 4. Points of history.

§20925. CIWMB - Perimeter Monitoring Network. ~~(F14:§17783.5)~~

(a) Location

(1) Perimeter subsurface monitoring wells shall be installed around the waste ~~deposit-perimeter-disposal footprint~~ but not within refuse. In some cases the installation of monitoring wells may not be necessary around the entire perimeter of the disposal site may not warrant the installation of monitoring wells permitted facility boundary. In ~~this~~ such a case, the operator shall demonstrate to the satisfaction of the EA that landfill gas migration could not occur due to geologic barriers and that no inhabitable structure or other property or land use, such as agricultural lands, within 1,000 feet of the ~~property-disposal site permitted facility~~ boundary ~~are-is~~ threatened by landfill gas migration.

(2) Perimeter monitoring wells shall be located at or near the disposal site ~~property-permitted facility~~ boundary. The operator may establish an alternate boundary closer to the waste ~~deposit-area-disposal footprint~~ based on a knowledge of the site factors in §20923(a)(2). When compliance levels are exceeded at the alternate boundary, the operator shall install additional monitoring wells closer to the ~~property-permitted facility~~ boundary, pursuant to §20937.

(b) Spacing

(1) The minimum lateral spacing between adjacent monitoring wells shall not exceed 1,000 feet, unless ~~it can be established to the satisfaction of the EA, the operator demonstrates, based on the factors specified in §20923(a)(2), that there is no potential for adverse impacts on the public health and safety and the environment from such wider spacing.~~

(2) The spacing of monitoring wells shall be determined based upon, but not limited to: the nature of the structure to be protected and its proximity to the refuse. Wells shall be spaced to align with gas permeable structural or stratigraphic features, such as dry sand or gravel, off-site or on-site structures, and areas of dead or stressed vegetation that might be ~~due to-caused by landfill~~ gas migration.

(3) Probe-Monitoring well spacing shall be reduced as necessary to protect persons and structures threatened by landfill gas migration.

(c) Depth

(1) The depth of the wellbore of all monitoring wells shall equal the maximum depth of waste ~~as measured within 1,000 feet of the monitoring point~~. The number and depths of monitoring probes within the wellbore shall be installed in accordance with the following criteria, except as specified in ¶(c)(2) of this section.

(A) a shallow probe shall be installed 5 to 10 feet below the surface;

(B) an intermediate probe shall be installed at or near half the depth of the waste;

(C) a deep probe shall be set at or near the depth of the waste;

(D) the specified depths of monitoring probes within the wellbore shall be adjusted, based on geologic data obtained during drilling, and probes shall be placed adjacent to soils which are most conductive to gas flow;

(E) All probes shall be installed above the permanent low seasonal water table, above and below perched ground water, and above bedrock; and

(F) When the depth of the waste does not exceed 30 feet, the operator may reduce the number of probes to two, with one probe located in the shallow zone as indicated above; and the other located adjacent to permeable soils at or near the depth of the waste.

(2) Exclusions or modifications to the requirements specified in ¶(c)(1) of this section may be requested ~~for certain disposal sites (i.e., filled pits, cut and trench, and canyon fills).~~ When conditions limit the practicality or do not warrant the installation depth criteria, (e.g., filled pits, cut and trench, and canyon fills). In those cases, the operator shall propose an alternate system of equivalent probe depths. The proposal must demonstrate ~~to the satisfaction of the EA,~~ that probes located at these depths are sufficient to detect migrating landfill gas and provide protection to public health and safety and the environment.

(3) The EA may require an increase in the number of monitoring wells or probes, ~~or~~ the depth of the wellbore, or modify the depths of monitoring probes within a wellbore to ensure compliance with §20921(a). The operator is not precluded from utilizing existing gas monitoring ~~probes-wells~~ of an alternate design, ~~when the operator demonstrates to the satisfaction of the EA,~~ that such ~~probes-wells~~ have been installed in a manner that ensures the detection of landfill gas migrating from the disposal site.

(d) Monitoring Well Construction

(1) Monitoring wells shall be drilled by a licensed drilling contractor, ~~or where in-house drilling capability exists,~~ by a drilling crew under the supervision of the design engineer or engineering geologist. Wells shall be logged during drilling by ~~or~~ a geologist or geotechnical engineer. Soils shall be described using the ASTM Designation: D2488 84 method for visual classification, Standard Practice for Description and Identification of Soils (Visual Manual Procedure), which is incorporated by reference. Rock units shall be described in a manner appropriate for geologic investigation.

(2) A record of each monitoring well shall be maintained by the operator and submitted to the EA upon request. The record shall include:

(A) a ~~facility~~ map of the disposal site drawn to a scale proposed by the design engineer or engineering geologist, sufficient to show the location of all monitoring wells. ~~The~~ Each well must be identified with a number that corresponds to the well log. Surface elevations at the wellheads shall be denoted on the map;

(B) well logs, including the names of the person(s) logging the hole; and

(C) an as-built description, including a well detail which indicates probe material and depth, extent and type of filter pack, thickness and material used for seals, extent and material used for backfill, size and interval of perforations, and a description of any shutoff valves or covers.

(3) To isolate monitored zones within the wellbore, and prevent contamination of perched ground water and permanent ground water, the operator shall provide a minimum seal of five (5) feet of bentonite at the surface and between the monitored zones.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~
Reference: Section 43021 and 43103, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

§20931. CIWMB - Structure Monitoring. ~~(T14:§17783.7)~~

(a) To ensure that the requirements of §20923(a)(1) are met, the monitoring network design shall include provisions for monitoring ~~on-site all~~ structures within the disposal site permitted facility boundary, including but not limited to, buildings, subsurface vaults, utilities, or any other areas where potential landfill gas buildup would be of concern may cause adverse impacts to the public health or safety or the environment. ~~The proposal shall address on-site structures, both adjacent to and on top of the waste deposit area.~~

(b) Methods for monitoring on-site structures may include, but are not limited to: periodic monitoring, utilizing either permanently installed monitoring probes or gas surveys; and continuous monitoring systems.

(c) Structures located on top of the waste disposal ~~area-footprint~~ shall be monitored on a continuous basis.

(d) When practical, structures shall be monitored after they have been closed overnight or for the weekend to allow for an accurate assessment of gas accumulation. Areas of the structure where gas may accumulate shall be monitored and may include, but are not limited to, areas in, under, beneath and around basements, crawl spaces, floor seams or cracks, and subsurface utility connections.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code, ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code, ~~and Section 66796.22(d), Government Code.~~

§20932. CIWMB - Monitored Parameters. ~~(T14:§17783.9)~~

(a) All monitoring ~~probes wells~~ and on-site structures shall be ~~sampled monitored~~ for methane during the monitoring period. ~~The EA may require that a sample may be collected for laboratory analysis~~ ~~Sampling~~ for specified trace gases ~~may be required by the EA~~ when there is a possibility of acute or chronic exposure due to ~~carcinogenic or toxic compounds hazardous materials~~.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code, ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code, ~~and Section 66796.22(d), Government Code.~~

§20933. CIWMB - Monitoring Frequency. ~~(T14:§17783.11)~~

(a) At a minimum, quarterly monitoring is required.

(1) The EA may require more frequent monitoring based upon site specific factors, ~~including those noted in §20923(a)(2), or as needed to protect public health or safety or the environment.~~ ~~When more frequent monitoring is necessary, the requiring agency shall notify the operator.~~

(b) More frequent monitoring may also be required at those locations where results of monitoring indicate that landfill gas migration is occurring or is accumulating in structures.

(c) The operator shall increase the monitoring frequency, as is necessary, to detect migrating gas and ensure compliance with §20921.

(b) For those MSWLF's that are permitted to accept for disposal 20 tons or less of municipal solid waste per day based on an annual average, the EA, with concurrence by the CIWMB, may reduce the frequencies for monitoring landfill gas after consideration of the unique characteristics of the MSWLF and its surroundings, climatic and hydrogeologic conditions, and protection of public health and safety and the environment. Any proposal by an operator for a reduced monitoring frequency shall be made available by the EA for public review for a minimum of 30 days to allow interested persons the opportunity to comment. The operator shall place in the operating record of the MSWLF documentation of the considerations, public comment, and EA approval and CIWMB concurrence for any alternative frequency. No reduced monitoring frequency shall be approved unless the EA and the CIWMB determine that the alternative monitoring schedule adequately protects the public health and safety and the environment. The Executive Director or the EA may condition, limit, suspend, or terminate an operator's use of an alternative monitoring frequency if s/he or it determines that the alternative frequency may cause harm to public health and safety, or the environment.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code, ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code ~~and Title 40, Code of Federal Regulations, Section 258.23, and Section 66796.22(d), Government Code.~~

§20934. CIWMB - Reporting. ~~(T14:§17783.13)~~

(a) ~~Provided that t~~The results of landfill gas monitoring ~~demonstrate that none of the monitoring wells show gas concentrations or distribution in excess of the levels specified in §20921(a), the operator shall be submitted the results~~ to the EA within ninety (90) days of sampling, ~~provided that compliance levels are maintained.~~ When

compliance levels are exceeded in any probe at any ~~probe well~~, the requirements of §20937 shall apply. The monitoring reports shall include:

- (1) the concentrations of ~~the~~ methane, as measured at each probe within each well and within each on-site structure;
- (2) the concentrations of specified trace gases, if required by the EA;
- (3) the documentation of date, time, barometric pressure, atmospheric temperatures, general weather conditions, and probe pressures at the time the sample was taken;
- (4) the names of sampling personnel, apparatus utilized, and a brief description of the methods used; and
- (5) a numbering system to correlate monitoring results to a corresponding well and probe location.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

§20937. CIWMB – Reporting and Control of Excessive Gas Concentrations. ~~(F14:§17783.15)~~

(a) When the results of landfill gas monitoring indicate concentrations of methane or trace gases in excess of the compliance levels ~~required by specified in~~ §20921(a), the operator shall:

- (1) Immediately ~~Take~~ all ~~immediate~~ steps necessary to protect public health and safety, and the environment and notify the EA by telephone or electronic means.
- (2) ~~Notify the EA in writing within five (5) working days of learning that compliance levels have been exceeded, and indicate what has been done or is planning to be done to resolve the problem. Within seven (7) days of detection of excessive landfill gas concentrations.~~

~~(3A)~~ Verify ~~accuracy~~ validity of results by reviewing the following:

- ~~(A)~~ probe readings;
- ~~(B)~~ possible liquid interference;
- ~~(C)~~ control well influence; and
- ~~(D)~~ barometric pressure effects.

(B) place in the operating record a description of and submit a letter to the EA that describes:

(i) the levels of methane and trace gas detected;

(ii) the nature and extent of the problem;

(iii) the steps the operator has taken to protect public health and safety and the environment; and

(iv) any further corrective actions that the operator or others need to take to adequately protect public health and safety and the environment.

~~(4) Within ten (10) working days, submit to the EA a letter which describes the nature and extent of the problem, and any immediate corrective actions that need to be taken to protect public health and safety, and the environment.~~

(3) Within 60 days of detection, implement a remediation plan for the methane gas releases, place a copy of the plan in the operating record, forward a copy of the plan to the EA and CIWMB, and notify the EA that the plan has been implemented. The plan shall describe the nature and extent of the problem and the proposed remedy.

~~(54)~~ Construct a gas control system that meets the criteria of §20939, designed by a registered civil or mechanical engineer, within a period of time specified by the EA. Installation of the system shall be in accordance with a design and in a manner approved for construction by the EA in coordination, if applicable, with the RWQCB.

(b) The EA, with concurrence by the CIWMB, may establish an alternative schedule for demonstrating compliance with subdivisions (a)(2) and (3) pursuant to 40 CFR 258.23(c)(4).

(c) The EA shall forward notifications and approvals made pursuant to ¶¶(a)(1), (2) and (3) to the CIWMB.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code and Title 40, Code of Federal Regulations, Section 258.23; ~~and Section 66796.22(d), Government Code.~~

§20939. CIWMB – Control of Excessive Gas Concentrations.

~~(b)~~ A landfill gas control system shall be designed to:

(1) Prevent methane accumulation in on-site structures from exceeding the level specified in §20921(a);

(2) Reduce methane concentrations at ~~monitored property~~ the disposal site permitted facility boundaries ~~ies to below compliance levels;~~ the level specified in §20921(a);

(3) Reduce trace gas concentrations to the level specified in §20921(a); and

(4) Provide for the collection, ~~and~~ treatment, and ~~or~~ disposal of landfill gas condensate produced ~~at the surface within the disposal site.~~ Condensate generated from landfill gas control systems shall not be recirculated into the landfill unless the landfill has a liner and a properly operating leachate collection and removal system and analysis of the condensate demonstrates, to the satisfaction of the EA, that ~~it is acceptable to allow such~~ recirculation into the landfills which have a liner and an operating leachate collection systems will not harm the public health or safety or the environment and the applicable RWQCB has approved such discharge pursuant to §20200(d).

~~(e)~~ Subsurface landfill gas control systems may include, but are not limited to, one or more of the following:

(1) Active perimeter or interior control systems which are designed to accommodate the maximum expected flow rate from the disposal site; and provide access for system monitoring and flow rate adjustment. The control system shall be operated to ensure that gas is controlled at a sufficient rate without overpulling, to maximize control and not production, and to ensure adequate control for compliance with §209231(a).

(2) Perimeter air injection systems which shall be installed in native soil between the refuse and the area to be protected. Injection wells shall not be located in the refuse. The system shall be designed and operated to prevent air infiltration into the landfill but maintain ~~methane landfill gas~~ concentrations to compliance levels.

(3) Passive systems, including cutoff trenches, slurry walls, and vent trenches, when used shall be constructed with an impermeable geomembrane liner. The passive systems shall be installed to the depth of permanent low seasonal ground water or keyed into a low permeability layer below the limit of migration. ‡

~~(e)~~ ~~When the results of monitoring in on site structures indicate levels in excess of those specified in §20923(a), the operator shall take appropriate action to mitigate the effects of landfill gas accumulation in on site structures.~~ Landfill Ggas control measures to protect structures; and public health and safety; shall include one or more of the following:

- (1) Flexible membrane liners,
- (2) Active collection systems,
- (3) Passive collection systems designed to be upgraded to an active system,
- (4) Alarms,
- (5) Ignition source control,
- (6) Utility collars installed within structures and outside in trenches, and
- (7) Ventilation.

(~~e~~d) To ensure that the landfill gas control system is operating at optimum efficiency to control landfill gas, the operator shall provide for system monitoring and adjustment.

(~~f~~e) To provide for the safe, efficient operation of the landfill gas control system, the operator shall implement a maintenance program in accordance with the following requirements:

(1) A site specific operations and maintenance manual shall be maintained and kept current to reflect any expansion or modifications to the gas control system;~~:-~~

(2) An operations and maintenance manual shall provide for periodic inspections and servicing of gas control equipment; ~~and:-~~

(3) Operations and maintenance shall be recorded and the records shall be retained by the operator.

(~~g~~f) Construction Quality Assurance/Quality Control

(1) The operator shall be responsible for providing inspections, as needed, to ensure the integrity of the system.

(2) Prior to construction, the designer shall obtain and review all applicable test reports, shop drawings, and manufacturer's certificates to verify that all equipment used or to be used in the gas control system has been manufactured in accordance with industry standards.

Note:

Authority cited: Sections 40502 and 45020, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

Reference: Section 43021 and 43103, Public Resources Code; ~~and Section 66796.22(d), Government Code.~~

§20945. [Reserved by SWRCB]