



Solid Waste Facilities Permit Five-Year Review Workshop

Sacramento, CA
July 24, 2012

AGENDA

Workshop will begin at 9:00 am
15 minute break midway



- Introduction and History
- Discussion of Issues
- Next Steps

Introduction and History

- Permit Review in Law and Regulation
- EAC Resolution 2011-04 (12/15/2011)
- CCDEH Letter (3/20/2012)

PRC 44015

A solid waste facilities permit issued or revised under this chapter shall be reviewed and, if necessary, revised at least once every five years.

PRC 44004 (b)

If the operator wishes to change the design or operation of the solid waste facility in a manner that is not authorized by the existing permit, the operator shall file an application for revision of the existing solid waste facilities permit with the enforcement agency. The application shall be filed at least 180 days in advance of the date when the proposed modification is to take place unless the 180-day time period is waived by the enforcement agency.

27 CCR 21640 (a)

Except as provided in §21680, all full SWFPs shall be reviewed and, if necessary, revised from the date of last issuance at least once every five years.

27 CCR 21640 (b)

No less than 150 days before the permit is due for review, the operator shall submit an application for permit review. The application shall be made in the manner specified in §§21570 and 21590 and shall contain the following:

- 1) Identify the proposed changes in design and operation; and
- 2) Updated amendments to the Report of Facility Information (RFI);

27 CCR 21640 (b) - cont'd

(3) For disposal sites only, the updated amendments shall include an estimate of the remaining site life and capacity;

(4) For disposal sites only, an amended closure plan as specified in §§21780, 21865, and 21890;

(5) For disposal sites, a copy of the most recently submitted detailed written estimate or latest approved estimate, whichever identifies the greatest cost, to cover the cost of known or reasonably foreseeable corrective action activities, pursuant to §22101.

27 CCR 21675 (a)

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

27 CCR 21685 (b)(2)

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

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

EAC Resolution 2011-04

1. *Permit reviews are routinely viewed by most LEAs as being conducted during a permit revision/modification.*
2. *Lack of ability to make administrative changes to the SWFP as part of the review process.*
3. *Five-Year reviews that ultimately lead to RFI Amendments & Permit Revisions are seen as redundant and ineffective process for both LEA and operator.*

EAC Resolution 2011-04 – cont'd

4. *LEA notice* to operator generally seen as inadequate.*
5. *Application timing, fees and processing conflicts exist within the Five-Year Permit Review regulations.*

*180 days

CCDEH Letter

- Acknowledged EAC Resolution 2011-04
- CCDEH Solid Waste Policy Committee indicated a desire for a “workshop for industry and other related parties” to allow for input to improve the Five-Year Permit Review process, at their January 2012 meeting.

Discussion of Issues Identified in EAC Letter

1. *“Permit reviews are routinely viewed by most LEAs as being conducted during a permit revision/modification.”*

Permit Review Report vs. Revision/Modification of SWFP

Is the review process equivalent to a permit revision/modification process?



Revisions and Modifications

- Operator submits a proposed change as a RFI Amendment. The LEA determines if the change will require the permit to be modified or revised.
- Depending on the change, the LEA might not review all documents other than the RFI.
- Results in changes being approved in the form of a modified or revised permit.

Permit Reviews

- Statute requires at least once every five years
- LEA is required to review all information in the record to identify changes
- LEA identifies possible actions requested by the operator
- Can capture applicable “minor changes” into the Report of Facility Information

What is Required in a Permit Review Report?

The Solid Waste Facilities Permit Review Report (§ 21675) shall include:

1. Documentation that the following have been reviewed:
 - a) the operator's submittal pursuant to §21640(b),
 - b) the current solid waste facilities permit and conditioning documents,
 - c) all RFI amendments since the last solid waste facilities permit review,
 - d) the CEQA, and
 - e) any other information in the record to identify any changes.
2. The solid waste facilities permit review report shall determine any actions required by the operator.

Reviews vs. Revisions/Modifications

	5-Year Permit Review	Revised Permit	Modified Permit
Purpose	“Holistic ” Prevent outdated permits 27 CCR § 21640	“Focused” Approve Changes 27 CCR § 21650	“Focused” Approve Non-Material Changes 27 CCR § 21655(d)
Initiated By	LEA	Operator	Operator
How Initiated?	LEA notice to operator stating date Application is due	Form CIWMB E-1-77 for RFI amendment(s) that includes supporting documents describing the requested changes	Form CIWMB E-1-77 for RFI amendment(s) that includes supporting documents describing the requested changes
LEA PROCESS			
30 Days	Document Submittal Operator submits Application (Form CIWMB E-1-77) & required review documents 27 CCR §§ 21640 & 21675	RFI Amendment Review LEA determines if Application can be approved as RFI Amendment	RFI Amendment Review LEA determines if Application can be approved as RFI Amendment
30 Days (60 Days)	NA	LEA accepts or rejects Permit Application (Complete & Correct) 27 CCR § 21650	LEA accepts or rejects Permit Application (Complete & Correct) 27 CCR § 21650
60 Days (120 Days)	NA	LEA prepares SWFP & holds informational meeting	LEA prepares SWFP
150 Days	Report to CalRecycle & Operator 27 CCR § 21675	NA	NA
60 Days (180 Days)	NA	CalRecycle concurs or objects LEA issues permit	CalRecycle concurs or objects LEA issues permit
Documents Reviewed	List in §21570 and proposed changes; RFI amendments and remaining site life/capacity 27 CCR §§ 21640 & 21675	List in §21570	List in §21570
Level of Analysis	Reviewing all aspects of the permit, supporting documentation relative to current and planned operations	Review requested changes in tonnages, hours, or other changes requiring permit conditions	Review requested non-material changes
LEA Determinations or Findings	Determination of actions required by the operator 27 CCR § 21675	Specified Findings related to permit approval, consistency with SMS and CEQA PRC §§ 44008, 44010, 44012, 44150(a), 50000(a), 27 CCR §§ 21563, 21570(f) and 21650(g)	Specified Findings related to permit approval, consistency with SMS and CEQA PRC §§ 44008, 44010, 44012, 44150(a), 50000(a), 27 CCR §§ 21563, 21570(f) and 21650(g)
Concurrence by CalRecycle	No	Yes	Yes
Public Notice	No	Yes 27 CCR § 21650	Yes 27 CCR § 21650
End Result	Report with determinations of actions required by operator	Approved changes	Approved Changes

Revisions/Modifications are Different from a Permit Review

- Permit reviews are based on the current permit & all information.
- LEAs are not required to review all information for revisions and modifications.
- In the revision/modification process, no directives are given to the operator as required in CCR 21675 for a PRR.
- The application form can only be used for one process.

Completing a Review During a Revision/Modification

One option: LEA prepares a review report during the revision process prior to submitting the package to CalRecycle.

Discussion of EAC Issues - cont'd

2. *“LEAs cannot make administrative changes to SWFPs as part of the review process.”*
- Current practice does allow the LEA to change the date for the next permit review on the first page of the permit.
- What could be allowed: LEA changes (names, addresses, department) and changes in operator name or address when there is no change in ownership.

Discussion of EAC Issues - cont'd

3. *“Five-Year reviews that ultimately lead to RFI Amendments & Permit Revisions are seen as redundant and ineffective process for both LEA and operator.”*
- For Review, Operators only submit what is listed in 27 CCR 21640.
- Reference to 27 CCR 21570 (Filing Requirements) only refers to use of the application form.
- No Complete and Correct Finding is required in the PRR process.

Submittals Required as Part of the Review:

Per 27 CCR 21640, an application form, with the “permit review” box checked and:

1. Identify the proposed changes in design and operation; and
2. Updated amendments to the Report of Facility Information (RFI);
3. For disposal sites only, the updated amendments shall include an estimate of the remaining site life and capacity;

Submittals Required as Part of the Review – cont'd:

4. For disposal sites only, an amended closure plan as specified in §§21780, 21865, and 21890.
5. For disposal sites, a copy of the most recently submitted detailed written estimate or latest approved estimate, whichever identifies the greatest cost, to cover the cost of known or reasonably foreseeable corrective action activities, pursuant to §22101.

What if Operator does not submit required items?

Possible options:

- Complete the PRR as required, cite missing items and provide findings to the best of LEA's knowledge, using documentation in house.
- Indicate a violation of 27 CCR 21640 and work with the operator to produce missing documentation.
- Even if the operator does not submit an application for permit review, an LEA can still review a permit.

Discussion of EAC Issues - cont'd

4. *“180 day LEA notice to operator generally seen as inadequate.”*

This is a regulatory minimum, LEA can choose to require a Permit Review Report at any time, and as such, can notice much earlier than the 180 days before it is due.

Discussion of EAC Issues - cont'd

5. *“Application timing, fees and processing conflicts exist within the Five-Year Permit Review regulations.”*
- There is flexibility in regulation to allow all review reports to be complete on time to meet the anniversary date.
 - A Permit Review is required at least once every five years.

Summary

- LEAs can review permits at anytime.
- No requirement to find a review submittal to be complete and correct.
- Options identified for flexibility for LEA to include a review at the same time as a revision/modification.
- At any given time, there should be a review report on file that is less than five years old.



Comment Period

Next Steps

- Additional comments/input may be submitted to: megan.fisher@calrecycle.ca.gov
- Discussion with CCDEH & EAC as follow-up to Resolution.

Thank you!