

ATTACHMENT 4

Permitting & Enforcement Committee Meeting
Agenda Item Attachment

PERMIT COMPLIANCE STRATEGY SUPPLEMENTAL
DOCUMENTS

Subject: Most frequently cited obstacles to obtaining permit revisions and possible solutions to overcome them.

Obstacles to Acheiving Goal	Possible Solutions
Lack of definition of minimum document acceptance factors for RDSIs etc. for Board concurrence	Permit desk manual update or LEA advisory
Board staff disagrees with LEA's determination that document is acceptable	1. Review committee comprised of Board staff settles disagreement. 2. Take permit to Board and let Board decide
High LEA staff workload slows process	1. Early consultation with Board staff 2. Board staff assistance in reviewing docs
Lack of definition and agreement of the scope of Board concurrence	Define scope of Board concurrence in Regs or Board Policy/LEA advisory
Lack of definition of what is required for Board concurrence	Develop a checklist and place into Regs or Board policy/LEA advisory
Reviewing specific documents, or parts of documents that are the sole jurisdiction of other agencies - 1220 issues	Fully implement 1220
CEQA	1.Focus on solid waste issues, on-site, not off-site 2. CCDEH sponser legislation for CEQA relief.
Financial Assurances or 5% gas violations	Use long term violation policy so it won't hold up permit
Preliminary Closure Plans	Develop simple computer model to determine Financial Assurance estimates

Facilities With Significant Change Violations

SWIS No.	FACILITY	JURISDICTION	NATURE OF CHANGE	ENFORCEMENT ORDER?	DURATION	STATUS
04-AA-0002	Neal Road LF	Butte Co.	Tonnage, lateral expansion	Yes	Short-term	Not on workplan (WP), application package est. 3/97
06-AA-0003	Maxwell Transfer Station	Colusa Co.	Tonnage Increase (from SVTS to LVTS)	Yes	Long-term	LEA rec'd application package 11/13/96
10-AA-0006	Coalinga DS	Fresno Co.	Tonnage increase	Yes	Short-term	Application received by LEA on 9/20/96
12-AA-0005	Cummings Road LF	Humboldt Co.	Tonnage increase	Yes	Long-term	N&O required application package by 11/96 (late); operator is preparing landfill gas control plan; proposed permit revision estimated for spring 1997
12-AA-0033	City Garbage Transfer Station	Humboldt Co.	Tonnage Increase	Yes	Long-term	N&O requires permit application submittal in 1/97
14-AA-0003	Lone Pine DS	Inyo Co.	Vertical expansion	Yes	Long-term	Operator submitted application to LEA which was deemed incomplete; operator is working to resolve deficiencies
14-AA-0004	Independence DS	Inyo Co.	Vertical Expansion	Yes	Short-term	On WP, application submittal by 8/97
14-AA-0005	Bishop-Sunland LF	Inyo Co.	Tonnage increase and lateral expansion	Yes	Long-term	Operator submitted application to LEA which was deemed incomplete; operator is working to resolve deficiencies

Facilities With Significant Change Violations

SWIS No.	FACILITY	JURISDICTION	NATURE OF CHANGE	ENFORCEMENT ORDER?	DURATION	STATUS
14-AA-0006	Shoshone DS	Inyo Co.	Tonnage increase and vertical expansion	Yes	Long-term	WP/N&O requires application submittal by 6/97
14-AA-0007	Tecopa DS	Inyo Co.	Vertical expansion	Yes	Long-term	WP/N&O requires application submittal by 6/97
15-AA-0045	Boron DS	Kern Co.	Use of Alternative Daily Cover (ADC)	Yes	Short-term	Per WP, N&O requires application submittal by 8/97
15-AA-0050	Arvin Sanitary Landfill	Kern Co.	Tonnage increase	Yes	Long-term	Per WP, N&O requires application submittal by 7/97
15-AA-0052	Lost Hills Sanitary Landfill	Kern Co.	Tonnage increase	Yes	Long-term	Per WP, N&O requires application submittal by 2/97
15-AA-0055	Kern Valley Sanitary Landfill	Kern Co.	Tonnage increase and lateral expansion	No	Short-term	On a WP, but will close soon
15-AA-0061	Taft Sanitary Landfill	Kern Co.	Tonnage increase	Yes	Long-term	Per WP, N&O requires application submittal by 3/97
15-AA-0062	Tehachapi Sanitary Landfill	Kern Co.	Tonnage increase, closing to public, and changes in hrs of operation	Yes	Long-term	Per WP, N&O requires application submittal by 11/97
24-AA-0001	Highway 59 Landfill	Merced Co.	Tonnage, lateral and vertical expansion, night operations	Yes	Short-term	Not on WP, revision of permit est. mid-1997
26-AA-0001	Walker Sanitary Landfill	Mono Co.	Tonnage increase	Yes	Long-term	On WP, application submittal by 4/97
26-AA-0003	Pumice Valley Landfill Site	Mono Co.	Tonnage increase	Yes	Long-term	On WP, application submittal by 4/97
26-AA-0004	Benton Crossing Landfill	Mono Co.	Tonnage increase, accepting sludge	Yes	Long-term	On WP, application submittal by 4/97

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Facilities With Significant Change Violations

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SWIS No.	FACILITY	JURISDICTION	NATURE OF CHANGE	ENFORCEMENT ORDER?	DURATION	STATUS
33-AA-0017	Blythe Sanitary Landfill	Riverside Co.	Tonnage increase	No	Long-term	Not on WP, proposed permit expected 2/97 or 3/97
34-AA-0007	Dixon Pit Landfill	Sacramento Co.	Tonnage increase	Yes	Long-term	Operator not in compliance with N&O, LEA pursuing legal action
36-AA-0051	Colton Refuse Disposal Site	San Bernardino Co.	Tonnage increase, site life, elevation	Yes	Long-term	On WP, application submittal by 6/97
37-AA-0010	Otay Annex LF	San Diego Co.	Tonnage increase	No	Long-term	Not on WP, application est. 12/97
37-AA-0023	Miramar LF	San Diego Co.	Tonnage increase	No	Long-term	LEA has received application, working with operator to resolve deficiencies
37-AA-0200	Barrett Junction Transfer Station	San Diego Co.	Tonnage increase	No	Short-term	Not on WP, in CEQA process, permit application est. 5/97
40-AA-0001	Paso Robles Landfill	San Luis Obispo Co.	Tonnage increase and vertical expansion	Yes	Short-term	In CEQA process with CIWMB as lead agency
42-AA-0011	Foxen Canyon Landfill	Santa Barbara Co.	Tonnage increase, lateral expansion, HHW collection area	Yes	Long-term	Not on WP, application package est. 6/97
42-AA-0016	City of Santa Maria Landfill	Santa Barbara Co.	HHW collection center	Yes	Long-term	Not on WP, permit application est. 1/97
43-AM-0001	City of Palo Alto	Santa Clara Co.	Tonnage Increase	Yes	Long-term	Draft permit expected by 3/97
43-AN-0007	Zanker Road Landfill	Santa Clara Co.	Tonnage Increase	No	Long-term	Permit application due 12/96
47-AA-0002	Yreka Landfill	Siskiyou Co.	Tonnage Increase	Yes	Short-term	Not on WP, permit application est. 2/97
47-AA-0003	Black Butte Landfill	Siskiyou Co.	Tonnage Increase	No	Short-term	Not on WP, LEA and Board staff in process of developing a permitting schedule

Facilities With Significant Change Violations

SWIS No.	FACILITY	JURISDICTION	NATURE OF CHANGE	ENFORCEMENT ORDER?	DURATION	STATUS
54-AA-0008	Woodville Disposal Site	Tulare Co.	Tonnage increase and expansion	Yes	Long-term	In CEQA process, permit application expected mid-1997

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CIWMB Enforcement Policy
Draft Permit Compliance Strategy, Part B
January 17, 1997

PRC § 44004(b) requires an operator of a solid waste facility to apply for a permit revision 150 days prior to making any significant changes in operation or design. For chronic Significant Change permit violations (chronic is one which is documented 5 months in a row by the LEA), there are two basic options LEAs have used to get the operator back into compliance:

- 1) Cause the operator to return to operations as authorized by the existing SWFP until the SWFP is revised; or
- 2) Cause the operator to pursue a permit revision while allowing the violation to continue under a Notice and Order.

The Enforcement Policy workgroup agreed that option 1 is the default action an LEA should take under normal circumstances. It was also agreed, however, that under special circumstances, there are cases where option 2 is the preferred alternative, environmentally speaking. Further, it was agreed that the facilities should meet certain criteria in order to be eligible for option 2, and that adherence to the criteria should be documented.

Currently the criteria in the 1990 Permit Enforcement Policy are not well defined and there is no way to make certain the criteria are met. This has resulted in facilities being able to violate SWFP requirements and, in most cases, predictably be assured of continuing the violations under a N&O until the permit is revised. Under this scenario, there is not much of a deterrent regarding the commission of significant change violations. This could inadvertently encourage permit violations and result in a circumvention of PRC § 44004. In addition, the SWFP can sometimes lose its effectiveness as a conditioning document.

LEAs and the Board need to ensure there is a sufficient deterrent to committing significant change violations and that SWFPs are effective as conditioning documents.

Possible Solutions:

- A) Make regulatory changes which would only allow the use of option 1. This would eliminate the problem, but allow zero flexibility for LEAs.
- B) Maintain option 1 as currently employed. Develop well defined criteria that must be met prior to implementing option #2 and place in regulations. Require documentation that the criteria have been met prior to implementing option

#2. Optional: hold a local hearing prior to implementing option #2.

C) Maintain option 1 as currently employed. Develop regulations which allow temporary waivers of permit conditions where the operator requests such a waiver prior to instituting a significant change in design or operation. Again, specific criteria would have to be met in order for the LEA to waive the permit conditions. The waiver would be embodied in some type of stipulated agreement which would make specific findings regarding the meeting of the criteria and allow the change while setting interim limitations and conditions. This option would probably require a statutory change in order to implement. Optional: hold a local hearing prior to approving the waiver.

Suggested criteria to be met in order to implement solutions B or C:

- The facility does not pose a potential or actual threat to public health and safety or the environment
- There are no feasible legal alternatives for handling the waste
- Causing the operator to revert back to permitted levels, or not allowing the waiver, would be likely to result in adverse impacts on public health and safety or the environment
- The facility is in compliance with state minimum standards
- There is an updated Report of Facility Information, acceptable to the EA, which can be used to establish interim operating limits in the N&O or Stipulated Agreement
- The operator has obtained a local land use permit authorizing the change in operation or design, if applicable
- California Environmental Quality Act requirements have been met, as applicable
- The change in the facility is consistent with local government planning objectives

D) Include facilities with significant change permit violations on the Inventory as a deterrent. This may entail pursuit of a statutory change, due to the fact that the Inventory is specifically for State Minimum Standard violations, not Permit violations. This option would be in addition to A, B or C above.

Preliminary Recommendation

Of the 37 sites with significant change violations left on the list, 28 of them have 1978/79 permits. As these "grandfathered" permits are revised, there will be less and less of a need to implement option #2 allowing the operator to continue to violate

the SWFP under a Notice and Order while pursuing a permit revision.

In addition, by September of 1997, approximately 32 of the remaining 37 sites will have either obtained a revised permit or submitted a permit revision application package. Regulations would take approximately a year to develop and approve, meaning that the majority of facilities the regulations were intended to address would no longer be in violation.

Therefore, in the short term, Board staff recommends continuing to diligently pursue permit revisions of the sites on the list with 78/79 permits. Once these permits have been revised, Board staff can reassess the situation to see if there is still a problem of a great enough magnitude to justify implementing one of the above solutions, and pursuing the development of regulations or statutory changes.