STATE OF CALIFORNIA

Pete Wilson, Govern

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, California 95814

Meeting of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

July 9, 1991
9:00 am

NOTICE AND AGENDA

Note: **Items are listed in the order they are scheduled to be considered. Changes in the order may occur.**

If written comments are to be submitted to the Committee, 20 copies should be provided.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

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For further information contact:
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1020 Ninth Street, Suite 100
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AMENDMENT TO NOTICE AND AGENDA

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THE FOLLOWING ITEM IS ADDED TO THE AGENDA AS NO. 21A:

CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR BFI COMPTON TRANSFER STATION, LOS ANGELES COUNTY.

Notice: The Committee may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126(a) and (q), respectively.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JULY 9, 1991

AGENDA ITEM # 1

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facility's Permit for the Glennville Transfer Station, Kern County

BACKGROUND:

Facility Facts

Project:	New permit for a proposed small volume transfer processing station
Facility Type:	Transfer Processing Station
Name:	Glennville Transfer Station, Facility No. 15-AA-0298
Location:	One mile east of Glennville, off of Highway 155
Setting:	The facility is located adjacent to the existing Glennville Sanitary Landfill. There are no structures within 1,000 feet. In addition to the landfill, the surrounding land use is agricultural (cattle grazing).
Operational Status:	Proposed facility
Permitted Daily Capacity:	99 cubic yards per day
Area:	1.1 acres
Owner:	The County of Kern
Operator:	L. Dale Mills, Director Kern County Public Works Department
LEA:	Kern County Environmental Health Services Department

Project Description The proposed permit is to authorize operation of a small volume transfer station, a 1.1 acre facility. An expected average of 86 cubic yards of waste will be received per operating day. The site will be permitted to operate only 2 days per week (Sunday and Wednesday) from 8:00 A.M. to 4:00 P.M. Based on Kern County's estimate of 350 pounds per cubic yard, the site will receive an average of 15 tons per day.

Kern County proposes this facility to replace the existing Glennville Sanitary Landfill as the disposal site for the communities of Glennville, Alta Sierra, and Woody. The County is in the process of reducing the number of small landfills in outlying areas and consolidating waste disposal at regional sites.

Only non-hazardous solid waste such as paper, glass, plastic, metals, green waste, demolition, and inert wastes will be accepted at Glennville Transfer Station. No liquid wastes, asbestos, special wastes, or hazardous waste will be accepted. Transfer trailers will be used to collect and haul refuse to a Kern County landfill.

Environmental Controls A hazardous waste screening program will be implemented to prevent illegal disposal. In the future, a household hazardous waste drop off area will be provided after the necessary authorization is received from the Department of Health Services.

Resource Recovery Programs The facility operator will be required to sort through refuse on the tipping pad to recover such materials as ferrous and non-ferrous metals, glass, cardboard, plastic, and newspaper. A recycling area with receptacles for public use will also be provided. The Kern County Local Task Force estimates a 14% materials recovery rate based the rate at the Glennville Sanitary Landfill. The LTF also states that the operator will be required by the County to recover target materials in certain amounts, based upon their Waste Generation Study.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste facilities permit. Since the permit was received on June 19, 1991, the last day the Board could act is August 19, 1991.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

   The LEA has determined that the Glennville Transfer Station is found in the Kern County Solid Waste Management Plan, 1988 revision. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the Kern County General Plan, according to County Board of Supervisors' Resolution #90-593. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   According to the Report of Facility Information, dated May 12, 1991, recycling of metals, glass, cardboard, plastic, and newspaper will take place at the facility. The public will drop off recyclables in bins, and station operators will salvage reclaimable materials from the tipping floor.

   Kern County Local Task Force staff anticipate recovery from this facility will be about 13 tons/month, which is approximately 14% of the amount of waste to be received. This is based in current recycling levels at the Glennville Sanitary Landfill, and adjusted upwards slightly. The County presently has a Landfill Salvage Program; this transfer station, which replaces the landfill, will have a comparable program but greater amounts of materials are expected to be recovered.

   Kern County staff also stated that the facility will be required to recover target materials in certain amounts based on what the County's Waste Generation Study shows is feasible. If waste diversion requirements necessitate that this facility recover greater amounts of materials, a contingency plan to increase recovery rates at the station will be enacted.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). Kern County Department of Public Works prepared a Negative Declaration (SCH #90020246)

for the proposed project. As required by CEQA, the negative declaration (ND) identified the project's potential adverse environmental impact and mitigation measures that would reduce the impact to a less than significant level. Board staff reviewed the ND and provided comments to the Kern County on June 15, 1990. The County prepared and submitted a response to comments which adequately addressed Board comments.

A MMIS has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the establishment of the Glennville Transfer Station are identified and incorporated in the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with and that the ND is adequate and appropriate for the Board's use in evaluating the proposed facility.

STAFF RECOMMENDATIONS:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-48 concurring in the issuance of Solid Waste Facilities Permit No. 15-AA-0298.

ATTACHMENTS:

1. Permit Decision No. 91-48
2. Location Map
3. Site Map
4. Permit No. 15-AA-0298
5. Mitigation Monitoring and Implementation Schedule

Agenda Item Prepared By: David Ohl Phone: 327-9354

Agenda Item Approved by: [illegible] Phone: 7-9178

Legal Review: [illegible] Date/Time 29 Jun 91 14h30

California Integrated Waste Management Board
Permit Decision No. 91-48
July 17 - 18, 1991

WHEREAS, the Kern County Environmental Health Services Department, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Glennville Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 15-AA-0298.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17 - 18, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2

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Attachment 3

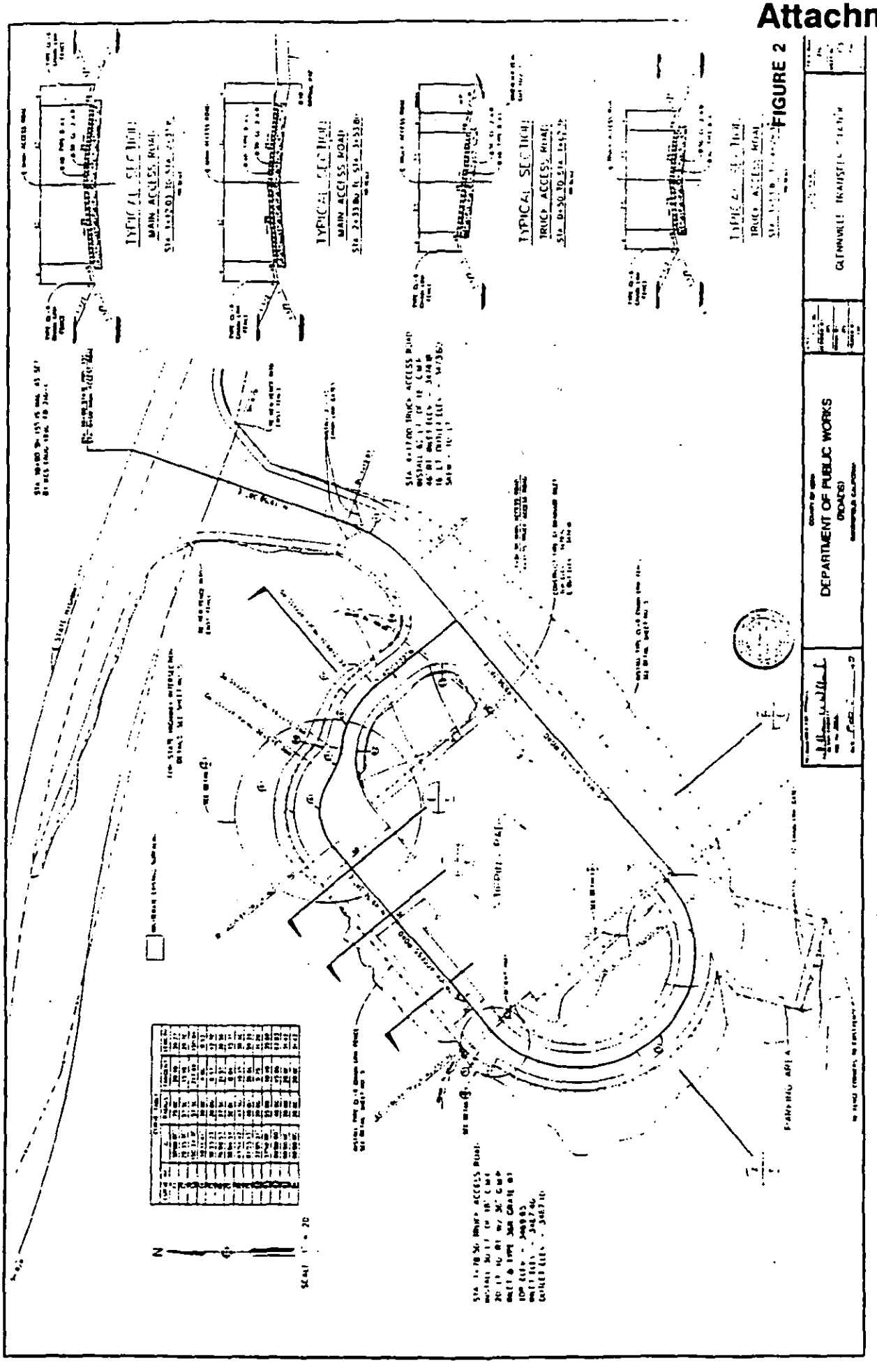

FIGURE 2

Attachment 4

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: small volume transfer/ processing station	FACILITY/PERMIT NUMBER: 15-AA-0298
NAME AND STREET ADDRESS OF FACILITY: Glennville Transfer Station 1 mile east of Glennville on Highway 155. Glennville, CA	NAME AND MAILING ADDRESS OF OPERATOR: Kern County Department of Public Works 2700 "M" Street, Suite 500 Bakersfield, CA 93301	
PERMITTING ENFORCEMENT AGENCY: Kern Co. Environmental Health Services Dept.	CITY/COUNTY: Bakersfield/Kern County	

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED: Steve McCalley APPROVING OFFICER Steve McCalley, Director NAME/TITLE	AGENCY ADDRESS: Environmental Health Services Department 2700 "M" Street, Suite 300 Bakersfield, CA 93301	
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB: JUN 19,1991	CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

MB (Rev. 7/84)

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GLENNVILLE TRANSFER STATION
SOLID WASTE FACILITY PERMIT
S.W.I.S. 15-AA-0298

FINDINGS

1. Description of Station Design and Operation

A. Owner/Operator

Name of Station: Glennville Transfer Station
Owner: Kern County
Operator: Kern County Public Works Department

This permit is for a Small Volume Transfer/Processing Station, designed to reclaim salvageable materials from domestic and commercial refuse. The remainder is transferred for disposal off site. The facility is owned by Kern County and operated by Kern County Public Works Department.

Operator employs contracted agents to perform site operations while remaining in a supervisory role.

B. Location

The 1.1-acre facility is located on a 33-acre parcel one mile east of Glennville, off Highway 155, being described as all that portion of the southeast quarter of Section 30, Township 25 South, Range 31 East, MDB&M, County of Kern, State of California, being a parcel of land described as:
The southeast quarter of the northwest quarter of the southwest quarter of said Section 30;
ALSO
The southwest quarter of the northwest quarter of the southwest quarter of said Section 30;
ALSO
The north half of the northwest quarter of the southeast quarter of the southeast quarter of said Section 30;
ALSO
The north half of the northeast quarter of the southwest quarter of the southeast quarter of said Section 30.
Containing 33.0 acres.

Detailed maps showing on-site structures, entry roads, and structures within 1,000 feet are included as part of the Plan of Operation, dated May 12, 1991.

C. Physical Structures

The facility is a processing and transfer unit. The facility includes the following features:

1. One paved tipping area
2. Storage for recovered materials
3. Paved parking area for transfer vehicles, employees, and the public
4. Access roads, utilities, and fencing
5. Hazardous waste storage locker, pad, and fenced enclosure
6. Chemical toilet, hand and eye wash station, and bottled water dispenser
7. Roll-off containers for waste receipt

D. Waste Types

The facility receives the following types of nonhazardous solid waste:
1. Domestic
2. Commercial
3. Street refuse
4. Construction and demolition

E. Waste Quantities

The maximum permitted daily capacity for this facility is 99 cubic yards per day. The average daily processing through-put rate is 15.0 tons per day (TPD). The sustainable daily load capacity is 17.5 TPD. The maximum (peak) daily load capacity is 17.5 TPD. Design capacity of the facility is 21 TPD. These weights are based on a conversion factor of one (1) cubic yard of refuse equals 350 pounds.

F. Method of Operation.

Refuse traffic, including both public and commercial vehicles, enters the facility using the entrance off Highway 155. The public drives in, drops off any recyclable materials in the designated receptacles, and unloads refuse on the tipping pad. Commercial vehicles deposit waste directly onto the tipping pad. An operator screens incoming loads, directs traffic, controls litter, and salvages reclaimable materials. Processing at the facility includes sorting of waste, salvaging, and storage of material for recycling. Recovered glass, cardboard, plastic, and metals are placed in receptacles located in an area designated for recycling. Cardboard, appliances, large pieces of metal, and wood wastes are separated by hand. The remainder of the waste is pushed into 40-cubic-yard roll-off bins by a loader. Recovered materials are stored until sufficient quantities are accumulated for transport to reprocessors, a maximum of 90 days.

Nonsalvageable and nonmarketable wastes characterized as nonhazardous are loaded into a 40-cubic-yard roll-off bin, then transferred to a Kern County sanitary landfill.

G. Resource Recovery/Salvaging Operations

Resource recovery at the facility includes the salvaging of:
1. Aluminum cans
2. California Redemption Plastics
3. Cardboard

4. Ferrous Scrap
5. Glass
6. Newsprint
7. Nonferrous Scrap

H. Hazardous Waste Screening

Prior to initiating household hazardous waste collection, the operator shall obtain the required permits and authorization from Department of Health Services.

The waste load checking program shall consist of the following activities: regular visual inspection of incoming loads entering the facility and regular visual inspections of the waste deposited at the facility.

Vehicles delivering wastes to the site will be visually inspected before being routed to the tipping pad. Incoming packer loads are unloaded on the tipping floor and visually inspected by facility personnel prior to separation. All personnel are trained in hazardous waste recognition and proper handling and communication procedures. If any unacceptable wastes are observed prior to unloading, the vehicle will be turned away. If a discharged load appears to contain unacceptable wastes, the hauler will be ordered to reload and remove the waste from the station. The hauler will be given a brochure on proper handling of household hazardous waste.

Incidents of hazardous materials release or threatened release capable of creating a substantial probability of harm are immediately reported to the LEA (805-861-3636) and to the State Office of Emergency Services, Hazardous Materials Division (916-427-4287).

A household hazardous waste storage locker, pad, and enclosure are provided at the site. This area includes an emergency eyewash.

Accumulated wastes stored in the household hazardous waste storage locker are removed within 90 days or as specified by DOHS or the LEA.

Signs are posted at the facility entrance indicating the schedule of charges, hours of operation, and listing the general types of material which will be or will not be accepted.

Additional measures may be required on request of the Board.

I. Permit Modification and Revisions

With prior approval of the Kern County Planning and Development Department and the Kern County Environmental Health and Services Department (LEA), an additional operating day may be added if sufficient quantities of waste are received to warrant such action. The Negative Declaration will be modified if necessary.

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J. Operating Days and Hours

Per the plan of operation, hours of waste receipt and processing are 8:00 a.m. to 4:00 p.m. Sundays and Wednesdays.

2. Conditioning Documents and Agencies

The following documents condition the design and operation of this facility:

A. Plan of Operation, dated May 12, 1991.

B. Conditional Use Permit 4, Map 15; July 9, 1990.

C. General Plan Amendment 1, Map 15; July 9, 1990.

D. Negative Declaration (SCH #90020246), adopted July 9, 1990, by the Kern County Board of Supervisors; Mitigation Monitoring Implementation Schedule dated July 9, 1990.

E. Surface Water Management Plan.

F. Mitigation Monitoring Implementation Schedules (included as Appendix A).

G. Notice of Determination (State Clearinghouse No. 90020246), dated July 12, 1990.

3. The following findings are required pursuant to Government Code, Section 66796.32:

A. This facility is consistent with the County Solid Waste Management Plan (CoSWMP), referenced on page 13-15, Section 13.7.1.2, 1988 Revision.

B. This permit is consistent with the standards adopted by the California Integrated Waste Management Board.

C. This facility has been determined to be in conformance with, and designated within, the Kern County General Plan (General Plan Amendment 1, Map 15).

4. The design and operation of this facility shall be in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.

5. The Kern County Board of Supervisors adopted a Mitigated Negative Declaration (SCH #90020246) dated July 9, 1990.

6. The Kern County Fire Department has approved all current plans for the design and operation of this facility, pursuant to Public Resources Code, Section 44151.

7. This facility is compatible with the surrounding land use plan, as determined by the Kern County Department of Planning and Development Services.

8. The Kern County Air Pollution Control District has determined this facility is capable of complying with applicable rules and regulations, provided conditions of approval are satisfied (correspondence of May 9, 1991).

CONDITIONS

1. Requirements

   A. This facility shall be operated in compliance with the State Minimum Standards for solid waste handling and disposal.

   B. This facility shall be in compliance with all federal, state, and local requirements and enactments.

   C. Additional information concerning the design and operation of this facility shall be furnished upon written request of the LEA.

   D. Site access shall be granted for the purpose of inspection without prior notification to the LEA or other agencies conditioning this permit.

   E. Any significant change in facility operation or design shall require amendment of the Plan of Operation Document, and the Kern County Environmental Health Services Department shall be notified at least 120 days prior to the proposed modification.

   F. This facility shall be operated so as to not emit air pollutants sufficient to cause a public nuisance or health hazard (KCAPCD Rule 419 and California Health and Safety Code, Section 41700).

   G. The operator shall use chemical toilets approved by the LEA.

2. Prohibitions

   A. The following are prohibited at this facility:

      1. The salvaging of cosmetics, food, beverages, or any materials capable of impairing public health.

      2. Burning of waste and/or receipt of combusting wastes or woodstove ashes.

      3. Scavenging by public.

      4. Littering.

      5. Smoking or eating within on-site structures, processing, loading, and storage areas, except where designated.

6. Receipt and processing of hazardous wastes except as approved under the Household Hazardous Waste Plan contained within the Plan of Operation dated May 12, 1991.

7. Receipt and processing of biohazardous and medical wastes.

8. Receipt and processing of pressurized gas cylinders.

9. Receipt and processing of automotive exhaust systems or components containing free liquids, such as crankcase and gear oils, brake fluids, or acids. The receipt and storage of automotive batteries is exempted from this requirement.

10. Receipt and processing of friable asbestos-containing materials.

11. Release of wash-down water from tipping floor off site without prior authorization from the Regional Water Quality Control Board and the Kern County Environmental Health Services Department.

12. Receipt and processing of radioactive materials requiring state or federal license and regulation.

13. Vector propagation and harborage.

14. Off-site discharge of dust or odors sufficient to constitute a health hazard or public nuisance.

15. Public access to processing, loading, and storage areas without adequate supervision and attention to safety.

16. Receipt and processing of liquid wastes, sludge, septage, and volatile organic liquids.

17. Receipt of fluorescent or mercury vapor lighting in quantities constituting a hazard (25+ tubes per load).

18. Excessive emissions of dusts, vapors, gases in processing areas.

19. Off-site parking of uncleaned or fully loaded refuse transfer vehicles, except under emergency conditions which are documented.

20. Burial or storage of any waste within the boundaries of the Glennville Sanitary Landfill.

21. Receipt and processing of drugs, poisons, or pesticides.

22. Receipt and processing of dead animals.

3. Specifications

A. The LEA, through this solid waste facilities permit, may prohibit or condition the handling of solid waste to protect the public health and safety or to mitigate adverse environmental effects.

B. Any change that would cause the design or operation of this facility not to conform with the terms and conditions of this permit is prohibited. Any significant change that may be proposed for this facility shall require submission of an amended Report of Facility Information and application for a Revised Solid Waste Facilities Permit to the LEA.

C. The facility has a permitted maximum capacity of up to 17.5 tons (99 cubic yards) per operating day and shall not receive more than this amount without first obtaining a revision of the permit.

D. A change in operator of this facility will require a new permit.

E. No vehicle shall be parked overnight with wastes therein.

F. Hazardous waste handling operations resulting from unforeseen accidental release or Household Hazardous Waste Collection Events shall be in compliance with Title 22, California Code of Regulations, Chapter 30.

G. Emergency eyewash, handwash, first aid station, and toilet facilities shall be readily accessible to facility employees and public at the facility.

H. Public access to processing and storage areas shall be defined and marked with limit lines and appropriate signs.

I. All equipment and processing and receiving areas shall be provided with adequate, properly maintained and situated railings, curbs, backup barriers, grates, fences, and safety devices. Site employees shall receive adequate safety training in the prevention of backing accidents and fire protection.

J. Telephones shall be located in the facility, with current emergency contact names and numbers prominently posted.

K. Supervisory personnel shall complete an OSHA-approved 24-hour Hazardous Material Awareness and Safety Course, updated on a yearly basis. Workers in receipt and processing areas shall be trained in hazardous waste recognition and emergency communication. Site personnel shall also receive adequate training in safety, care and use of personal protective equipment and site maintenance.

L. No residual wastes shall remain on the tipping pad during periods that the site is closed. Unprocessed waste in the public disposal area shall be removed to an approved roll-off container before the end of each operating day.

M. Solid waste storage containers (bins) shall be durable, easily cleanable, safe, and leakproof.

N. All incoming and outgoing loads shall be covered or secured to prevent refuse or reclaimed materials from falling or blowing off transport vehicles.

O. Unpaved access roads shall be sufficiently moistened to prevent dust emissions during periods of use.

P. Safety equipment shall be provided for all employees operating equipment or sorting/separating/processing waste at this facility, as required by CAL OSHA and Federal OSHA standards. Safety equipment shall include, but not be limited to:

1. Dust masks
2. Safety helmets, in designated areas
3. Steel-toed, puncture-proof work boots
4. Work gloves
5. Ear protection
6. Eye protection
7. Protective aprons
8. Fire safety equipment
9. Tyvek outerwear
10. First aid supplies

Q. Permittee shall ensure that safety equipment is worn or used by facility employees.

4. Provisions

A. This permit is subject to review by the Local Enforcement Agency and may be modified, suspended, or revoked for sufficient cause after a hearing.

B. Hazardous waste shall not be stored at this site longer than 90 days unless approval has been given by the Department of Health Services.

C. To assist in the implementation of the County Source Reduction and Recycling Element and to achieve the state-mandated 25% (Jan 1, 1995) 50% (Jan. 1, 2000) rate, this facility shall:

1. Maintain the area established for a drop-off recycling operation on site, accessible to the public during hours of operation for controlled salvaging, particularly of recyclable and reusable materials such as newspapers, glass, California redemption plastics, and aluminum cans.

2. The operator will retain the right of refusal of any material which is not considered reusable or recyclable because of economics or the inability to handle properly unless otherwise specified by the Local Enforcement Agency.

3. The operator will publish and post at the facility a current list of acceptable recyclable or reusable materials.

4. Material stockpiled on site will be stored in an orderly fashion and maintained so as not to create a nuisance. All waste shall be recycled or reused within time frames set forth in the Station Plan Of Operation or as specified by the Local Enforcement Agency. Unless otherwise specified, a maximum period of 90 days will be established for turnover of recycled material.

5. Self-Monitoring

The following items shall be monitored by the operator of this facility:

A. A daily log of the number and type of vehicles utilizing the site during a specified time period shall be reported to the LEA on a quarterly basis.

B. Quantities and types of wastes received each month shall be reported to the Local Enforcement Agency on a quarterly basis.

C. Quantities and types of goods recycled and/or salvaged shall be maintained and reported to the LEA on a quarterly basis.

D. Results of the hazardous waste screening program shall be maintained and reported to the LEA on a monthly basis and summarized in the quarterly report.

E. The permittee shall ensure that comprehensive site safety evaluations are conducted at least annually by a Certified Industrial Hygienist or Registered Professional Safety Engineer.

F. Noise levels shall be monitored to prevent health hazards to persons using the site and to any nearby residents. A log of noise complaints shall be maintained and reported to the Local Enforcement Agency on a monthly basis.

Appendix "A"

Mitigation Monitoring Implementation Schedules

Glennville Transfer Station
Solid Waste Facility Permit

The following summary presents key monitoring requirements for this operation. Those identified as "Permit Conditions" are self-monitoring requirements of the operator, to be verified by inspections performed by the Local Enforcement Agency. Monitoring items from the Negative Declaration are annotated "CEQA." Monitoring and compliance schedules established by the Conditional Use Permit are identified "CUP" and require self-monitoring, with reports to the Kern County Department of Planning and Development Services. The requirement for an annual inspection for compliance with the local and state fire preventative regulations references the Kern County Fire Department.

Monitoring and Reporting Summary

A. Prior to Development and Initial Waste Receipt.

1. Method of water supply and sewage disposal shall be approved by the Kern County Environmental Health Services Department (CUP & CEQA).

2. Site assessment by qualified biologist(s) prior to initiation of construction for presence or absence of sensitive, rare, or endangered animal or plant species (CUP & CEQA).

3. A groundwater quality analysis shall be conducted to determine consistency of water quality in accordance with Title 22 of the California Administrative Code (CUP & CEQA).

4. A surface water management plan shall be approved by the Department of Planning and Development Services (CUP & CEQA).

5. Approved Reports, Workplans and Programs (CUP & Permit).

   a. Health and Safety

      (1) Emergency Procedure Manual (CUP).
      (2) Protective Equipment and Compliance Schedule (CUP).
      (3) Household Hazardous Waste (CUP).

B. Beginning with Initial Waste Receipt

1. Daily Site Monitoring

   a. Daily Operations Log - all incoming loads with date and time in site, traffic counts, patrol of fences, and site maintenance (Permit).

b. Log of Special Occurrences - to include rejected loads, fires, injuries, spills, unauthorized or otherwise improper waste acceptance, discovery of archaeological/historical resources during construction, and occurrence of extreme adverse weather conditions (Permit).

c. Load Check Program - number and description of loads randomly or selectively checked, with waste characterization and results (disposal, rejection). Lack of load checks during any one 24-hour period shall also be indicated on daily log (Permit).

d. Hazardous Waste Screening - results logged daily (Permit).

e. Resource Recovery/Salvage Operations - types of recovered goods, weight/volumes logged daily (Permit).

f. Complaints - citizen and customer environmental nuisance notifications (CUP).

2. Monthly Monitoring

a. Quantities and type of waste discharged in cubic yards (Permit).

b. Number and type of vehicles assessed under Load Check Program (Permit).

c. Results of Hazardous Waste Screening Program (Permit).

d. Summary of resource recovery/salvage operations (Permit).

e. Litter - routine surveillance of access roads for litter and illegal dumping, cleanup within 1/4 mile of facility boundary, on-site litter fencing, and cleanup (Permit).

3. Quarterly

a. Report number of vehicles using facility (Permit).

b. Report of special occurrences at facility (Permit).

c. Report of quantities of waste received (Permit).

d. Report of quantities of goods recycled (Permit).

e. Report on hazardous waste screening program (Permit).

4. Annually

a. Summary Report - all operations (Permit).

b. Fire Code Site Review (Kern County Fire Department).

c. Site evaluation by a Certified Industrial Hygienist or Registered Professional Safety Engineer

C. Change in Operations and/or Facility Design

1. 120 days prior - Notify LEA (Permit).

2. Immediate notification of LEA of any changes in site operation that could impact the environment (Permit).

3. Site evaluation by a Certified Industrial Hygienist or Registered Professional Safety Engineer.

cm: jrw

(glenn-m.mis)

MONITORING MITIGATION AND IMPLEMENTATION SCHEDULE

1. Use of potable water from offsite well and chemical toilets for site shall be under permit from Kern County Environmental Health Services Department.

2. Prior to issuance of the Solid Waste Facilities Permit, the applicant shall comply with the recommendations of the State Department of Fish and Game (DFG) after review of the spring biota study and appropriate monitoring mitigation measures shall be incorporated into the Solid Waste Facilities Permit by the Kern County Environmental Health Services Department.

3. Prior to the issuance of the Solid Waste Facilities Permit, a groundwater quality analysis shall be conducted to determine consistency of water quality and Title 22 of the California Administrative Code; said report (i.e. SWAT report) shall be filed with the Kern County Environmental Services Department.

4. Prior to the issuance of the Solid Waste Facilities Permit, a surface water management plan shall be submitted to the Department of Planning and Development Services and Environmental Health Services for review and approval; the appropriate monitoring mitigation measure shall be incorporated into the Solid Waste Facilities Permit by the Environmental Health Services Department.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JULY 9, 1991

AGENDA ITEM # 4

ITEM: Concurrence in the Issuance of a New Solid Waste Facilities Permit for Ponderosa Transfer Station, Yuba County

BACKGROUND:

Facility Facts

Project:	New Permit to allow operation of a proposed Transfer Station at the Ponderosa Landfill Site.
Facility Type:	Large Volume Transfer Station
Name:	Ponderosa Transfer Station, Facility No. 58-AA-0010
Location:	Ponderosa Landfill Site, 17219 Ponderosa Way, Brownsville
Setting:	Rural, proposed facility surrounded by Ponderosa Landfill
Operational Status:	Proposed facility
Permitted Maximum Daily Capacity:	96 tons per operating day
Area:	0.625 acre parcel on the 40 acre Ponderosa Landfill property
Owner/Operator:	Remo Scocci, Yuba-Sutter Disposal Inc.
Landowner:	U.S. Department of the Interior, Bureau of Land Management
Local Enforcement Agency:	Yuba Co. Department of Environmental Health

Project Description Yuba County proposes this facility to replace the existing Ponderosa Landfill. Closure activities will commence at the landfill within the next year. The proposed transfer station will be constructed on a hill immediately adjacent to the landfill entrance. The public will park their vehicles on a concrete pad on the upper level. A transfer trailer, parked on a concrete pad at the base of a concrete wall, will receive the wastes. The public will transfer the wastes directly to the transfer trailer. There will be no machinery involved in the transfer of wastes to the trailer. The transfer trailer will be sheltered from the weather by an overhanging roof. A small wood frame structure or trailer will provide shelter for the attendant. The average daily throughput is expected to be 20 tons per day. The transfer station will be open three day per week from 9:00 a.m. to 4:00 p.m.

The transfer station will be located in an area of the landfill that has never received waste, and is adequately separated from the footprint of waste. Consequently, a separate Solid Waste Facilities Permit for the transfer station has been submitted. The transfer station has been designed such that operations will not impact the closure of the landfill. The access roads for the transfer station will not be on areas that have received waste.

Environmental Controls Due to the transfer station's proximity of fill areas of the Ponderosa Landfill to the proposed transfer station, gas monitoring probes will be installed adjacent to the transfer station to detect the migration of landfill decomposition gases.

The proposed facility will implement a hazardous waste screening program that will include random inspections of incoming loads and regular inspection of wastes deposited at the facility, training of facility personnel in hazardous waste recognition and handling, and installation of signs indicating that hazardous wastes are not accepted.

Odors at the site will be controlled by periodic clean-up of the facility. Rodents and insects will be controlled by qualified professionals if they become a problem. The access roads to the facility are graveled and short, so dust is not expected to be a problem. A sump will collect any liquids that leak from the transfer trailer. The concrete slab the holds the transfer trailer will be sloped so that liquids drain to the sump. When the sump is half-full, it will be pumped out and the contents transported to the sewage treatment plant.

Resource Recovery Operations No resource recovery or salvage operations are planned at this facility. However, refuse containing significant amounts of recyclables will be taken to the YSDI Integrated Waste Recovery Facility (IWRF). Loads that do not contain appreciable amounts of recyclables will not be taken to the IWRF. These loads will be routed directly to the YSDI Landfill.

After construction of the proposed transfer station, the operator will investigate the feasibility of establishing a buy back center for presorted recyclables.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on June 21, 1991, the last day the Board could act is August 20, 1991.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the permit and supporting documentation and find the proposed permit is acceptable for the Board's consideration of concurrence. In making this determination the following requirements were considered:

1. Consistency with Board Standards

   The LEA has made a finding that the proposed permit is consistent with standards adopted by the Board. Board staff agrees with this determination based upon the proposed design and operation of the facility.

2. Conformance with County Solid Waste Management Plan

   The LEA has certified that the facility is in conformance with the Yuba-Sutter Bi-County Solid Waste Management Plan. Staff agrees with said certification.

3. Consistency with County General Plan

   The LEA has determined that the proposed Ponderosa Transfer Station is consistent with the County General Plan. The LEA's finding is based on the Yuba County Planning Department's determination as stated in the Yuba County Environmental Assessment No. 90-04. Staff agrees with said finding.

4. Waste Diversion Goals

The Sutter-Yuba Integrated Waste Management Authority has advised Board staff that the Ponderosa Transfer Station is essential to Bi-County AB 939 activities. The northeast corner of Yuba County, which will be served by the proposed transfer station, is remote, rural, and scarcely populated. As such, this area would not support diversion activities such as curbside recycling. The transfer station will route all loads containing recoverable materials to the Integrated Waste Recovery Facility (IWRF) in Marysville. It is expected that the IWRF will divert 15-35 percent of the wastestream from disposal.

5. California Environmental Quality Act (CEQA)

CEQA requires that the environmental impacts of any project be considered by all public agencies with discretionary authority over the project. Concurrence with the issuance of a revised Solid Waste Facilities Permit is a discretionary act by the Board and requires CEQA compliance.

The Yuba County Department of Planning and Building Services prepared and certified a Negative Declaration (SCH# 91032007) for the Ponderosa Landfill Transfer Station. As required, the environmental document identifies the project's potential adverse environmental impacts. CIWMB staff reviewed the ND and offered comments to the County. The County responded adequately to staff's comments and approved the ND with the County Clerk on May 1, 1991. This documentation was submitted to the State Clearinghouse on June 10, 1991 for posting of a Notice of Determination. A Mitigation Monitoring and Implementation Schedule (MMIS) is to be prepared and adopted by the lead agency and submitted to the Board for review (Attachment No. 5). The environmental document submitted for the revised SWFP appears to be complete and adequate for the proposed project.

After reviewing the draft MMIS and a copy of the Notice of Determination (NOD), staff confirm that CEQA has been fully complied with, and the ND is adequate and appropriate for the Board's use in evaluating the proposed Ponderosa Transfer Station.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-49 concurring in the issuance of Solid Waste Facilities Permit No. 58-AA-0010.

ATTACHMENTS:

1. Permit Decision No. 91-49
2. Location Map
3. Site Map
4. Permit No. 58-AA-0010
5. Mitigation Monitoring and Implementation Schedule

Prepared by: Michael Kuhn Phone: 327-9287

Reviewed by: [illegible] Phone: 327-9182

Legal review: [illegible] Date/Time: 7-1-91 Bh4f

California Integrated Waste Management Board

Permit Decision No. 91-49

July 17 - 18, 1991

WHEREAS, the County of Yuba, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, the issuance of a new Solid Waste Facilities Permit for the Ponderosa Transfer Station; and

WHEREAS, Board staff has evaluated this permit proposal for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all State and local requirements for this proposed permit have been met, including conformance with the Yuba County Solid Waste Management Plan, consistency with the Yuba County General Plan, consistency with waste diversion requirements, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 58-AA-0010.

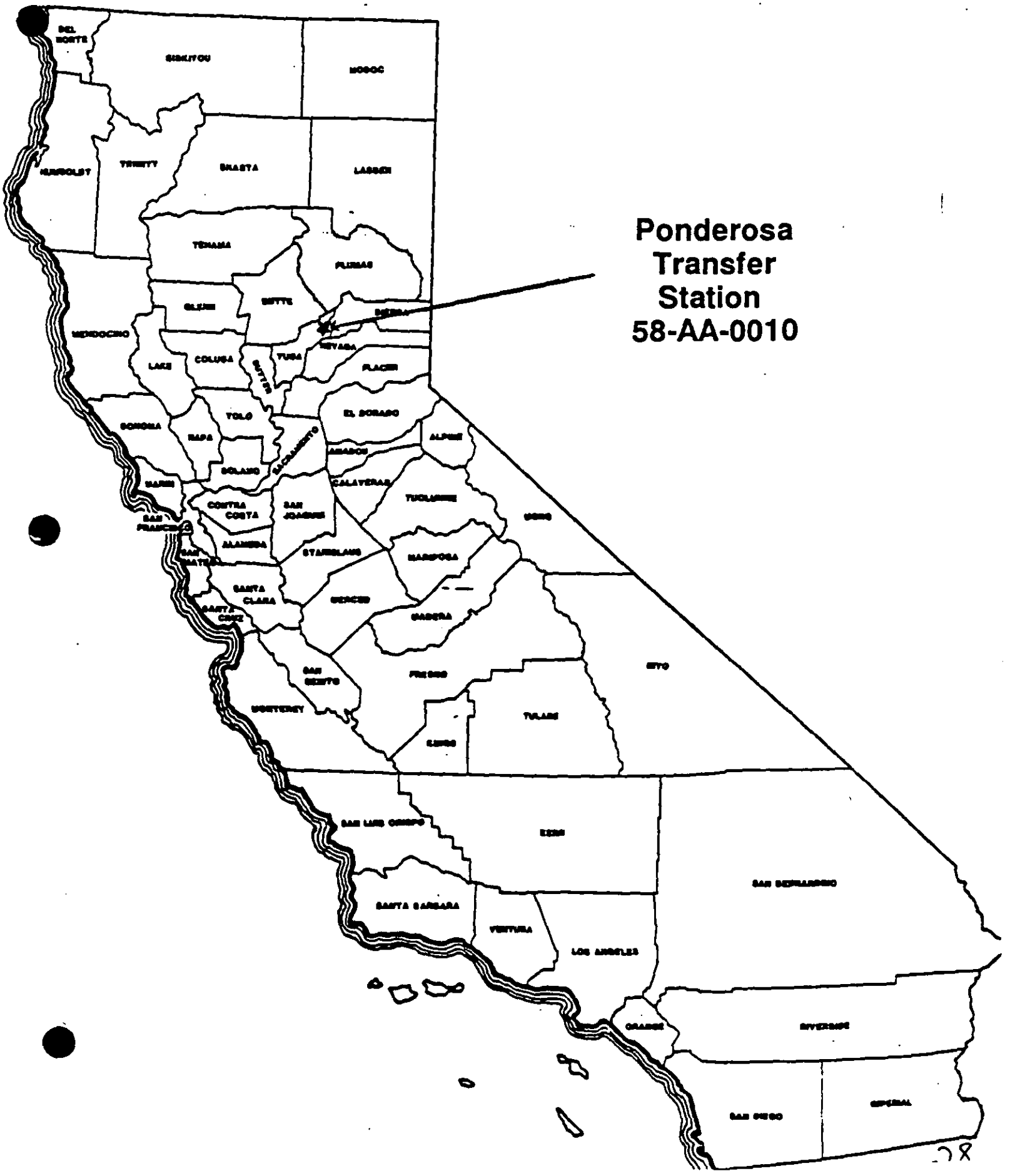
CERTIFICATION

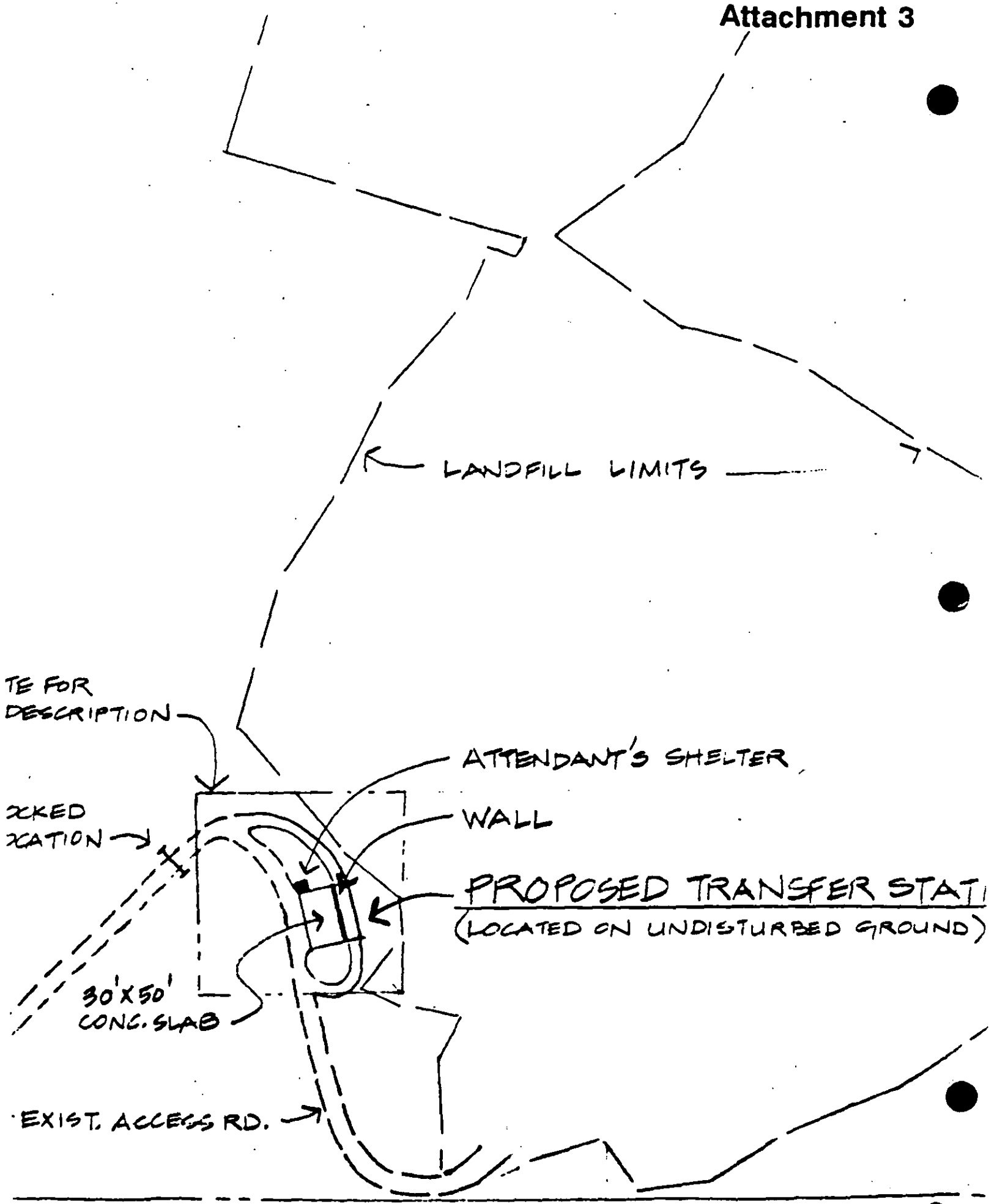
The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17 - 18, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2




LANDFILL LIMITS
TE FOR
DESCRIPTION
ATTENDANT'S SHELTER
WALL
XCKED
XCATION
PROPOSED TRANSFER STAT
(LOCATED ON UNDISTURBED GROUND)
30'X50'
CONC. SLAB
EXIST. ACCESS RD.

SITE PLAN

Attachment 4

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Transfer Station	58-AA-0010

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Ponderosa Transfer Station 17219 Ponderosa Way Brownsville, Ca. 95962	Yuba Sutter Disposal, Inc. 3001 N. Levee Road Marysville,Ca. 95901

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Yuba County Public Health Department Environmental Health Division	Marysville/Yuba County

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED:

APPROVING OFFICER
William Irvine, M.D.,
Acting Health Officer
NAME/TITLE

AGENCY ADDRESS
Yuba County Public Health Department
Environmental Health Division
938 14th Street
Marysville ca 95901

AGENCY USE/COMMENTS

FACILITY FILE CARBON COPY
ORIGINAL TO ~~FILE #~~ Proposed Permit my drawer
SUBMITTED BY MGL DATE 6-25-91
COPY TO DP/MS/JMK ~~SEAL~~
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PERMIT RECEIVED BY CWMB: JUN 20 1991

CWMB CONCURRANCE DATE

PERMIT REVIEW DUE DATE

PERMIT ISSUED DATE

CWMB (Rev. 7/84)

PONDEROSA TRANSFER STATION PERMIT

FINDINGS:

1. Description of Station Design and Operation:

A. Name of Station: Ponderosa Transfer Station
Lessee: County of Yuba
Facility Owner/Operator: Yuba-Sutter Disposal, Inc.
Landowner: Bureau of Land Management

B. The station is located at Ponderosa Landfill, 17219 Ponderosa Way, Brownsville. Yuba County leases a 40 acre parcel from the U.S. Department of The Interior, Bureau of Land Management. Currently the Ponderosa Landfill is being operated at this site, however the landfill is planned to be closed in the near future. A general location map and site plans are provided in the Report of Facility Information, Exhibit B. The 40 acre parcel A.P.# 50-200-035 is NE 1/4 of NW 1/4 of Section 34, T19N R6E MDM. The .625 acre plot where the transfer station will be located on is NW 1/4 of SE 1/4 of the SW 1/4 of the NE 1/4 of the NW 1/4 of section 34, T19N, R6E, MDM.

C. The station includes the following features:

1. Partially covered, elevated, concrete slab for unloading.
2. Transfer trailer parked on concrete slab.
3. Attendants shelter.
4. Separate storage containers for presorted items such as: glass, plastic, aluminum and other metals, newspaper, cardboard, tires and white goods. The buy-back of presorted goods will only be conducted if feasible to the operator.
5. Portable toilet.
6. Parking area for employees and public.
7. Access roads, utilities and fencing.

The maximum daily throughput of the station is 64 tons per day.

D. The station will only receive wastes that can be disposed of at the Class III Yuba Sutter Disposal, Inc. (Y.S.D.I.) Landfill. No special wastes shall be received at the station. Wastes are expected to be 90% residential, 8% commercial and 2% demolition.

E. Average daily throughput is expected to be 20 tons per day based on Ponderosa Landfill records and a conversion factor of 8 cubic yards per ton-loose

density.

The maximum daily throughput is 64 tons per day. The maximum peak load capacity is 96 tons per day.

F. Refuse traffic will enter the station from La Porte Road (paved) to Ponderosa Way (graveled) to Jiggs Road (graveled). The public will unload waste from private vehicles directly into a Y.S.D.I. transfer trailer. There will be no salvaging, volume reduction, compacting or shredding at the site.

The maximum time that unsorted waste will remain at the site is seventy two hours. Waste shall be removed from the site every Tuesday morning so that between Tuesday and Saturday no waste will be stored at the site. Refuse trailers will be covered during non-operational hours. The transfer trailer at the site will be hauled to the Y.S D.I. Landfill or the Integrated Waste Recovery Facility.

A site attendant will collect fees, direct the public, and check loads for hazardous material. It is expected that 60 to 100 private vehicles (autos with trailers, pick ups, etc.) will bring waste to the station each day of operation.

G. No resource recovery or salvage operations are planned for this station. The refuse from this station may be disposed of at the Y.S.D.I. Integrated Waste Recovery Facility where resource recovery would take place.

1) If transfer trailer loads from the station do not contain appreciable amounts of recyclables, the loads may be taken directly to the Y.S.D.I. Landfill.

2) Even though there is no source reduction at the station this should not hinder Yuba County in meeting the AB 939 recycling goals.

A buy back center for the publics' presorted goods may be operated at this site if feasible for the operator. Batteries and waste oil shall be handled in a manner approved by the local enforcement agency and the board.

H. The hazardous materials screening program at the facility will identify and remove hazardous materials from the wastestream.

The load checking program at minimum shall include: random inspection of incoming loads; regular visual inspection of the wastes deposited at the facility; training of facility personnel in hazardous waste recognition and proper hazardous waste handling procedures; reporting incidents of unlawful disposal to the State Toxic Substances Control Division (916) 855-7786, and the Yuba County Public Health Department, Division of Environmental Health (916) 741-6251; installation of signs at the facility's entry way indicating that no hazardous wastes are accepted; a list of unacceptable wastes.

Additional measures may be required upon the request of the Enforcement Agency or the Board.

I. There are no anticipated changes in design or operation in the next five years, changes that are not sanctioned by this permit may require a C.E.Q.A. Review.

J. The station will be open the same days that the Ponderosa Landfill has historically been open Saturday, Sunday, and Monday from 9:00 a.m. to 4:00 p.m.

Water service is provided by Yuba County Water Agency. A portable toilet will be provided for employees. An on-site sewage disposable system may be constructed in the future.

No vehicles will be washed at the site. The amount of waste water in contact with refuse is anticipated to be minimal. The cement slab underneath the receiving trailer will be sloped toward a sump to collect any liquid that may leak from the trailer. The waste water will be pumped when the sump is filled to 50% of holding capacity. The waste water will be disposed of at an approved waste water treatment plant.

A sign will be posted at the transfer station entrance indicating that no hazardous wastes will be accepted. The sign will also list common unacceptable wastes.

A sign will also be posted with the name of station operator and telephone number, schedule of charges and hours of operation.

Litter will be controlled by care in unloading and by utilizing personnel to keep the area clean as part of daily cleaning operations. All loose materials and litter will be cleaned daily. A series of deflection plates or guides will cover the opening between the concrete wall and the top edge of the transfer trailer, channeling the refuse and dust into the trailer. As

needed portable litter fencing of varying height shall be placed at strategic locations to minimize the spread of litter. All trailers shall be covered while in transit to prevent litter from blowing out.

2. Agencies and documents which condition the operation and use of the facility:

   A. Revised Report of Station Information, Dated August 4, 1990, revised October 4, 1990 and addendums dated December 4, 1990 and May 28, 1991. Prepared by Kit R. Burton, Consulting Engineer.

   B. Negative Declaration and mitigation monitoring implementation plan (SCH# 91032007), adopted April 15, 1991.

   C. Lease Agreement between the property owner and the lessee, dated March, 1968, Amended June, 1991.

   D. Contractual agreement between the facility operator and the facility contract operator, dated July, 1990.

3. The following findings are required pursuant to the Public Resources Code, Sections 50000, 44009 and 50000.5., respectively.

   A. This permit is consistent with the Bi-County Solid Waste Management Plan (Bi-CoSWMP) Dated November 30, 1979. A letter of concurrence was issued by the Integrated Waste Management Authority December 28, 1990.

   B. This permit is consistent with standards adopted by the California Integrated Waste Management Board.

   C. The Yuba County Planning Department has determined that this facility is consistent with the Yuba County General Plan as stated in Yuba County Environmental Assessment No. 90-04.

4. Based on the proposed design and operation of the facility the LEA has determined that the facility will be in compliance with state minimum standards.

5. The December 20, 1990 letter from the State Department of Forestry and Fire Protection, requiring a 150 foot clearance of all flammable material around the periphery of the transfer station. Sound living trees and isolated shrubs may be left within the 150 foot clearance provided they do not present a means of fire spreading to the wildland vegetation. The clearance shall be maintained when site improvements are made and the facility constructed.

6. The local governing body has made a written finding that surrounding land use is compatible with the facility operation.

7. A Notice of Determination has been filed with the State Clearinghouse for this project.

CONDITIONS:

REQUIREMENTS:

1. This facility shall comply with state minimum standards for solid waste handling and disposal.

2. This facility shall comply with all federal, state, and local requirements and enactments, including all mitigating measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6.

3. Any additional information required by the LEA shall be provided.

4. The transfer trailer pad shall incorporate a sump which shall be designed and installed to collect any leakage from the transfer design.

5. When the sump is no more than half-full it shall be pumped to remove the liquid. The liquid shall be containerized and disposed via sanitary sewer at the Y.S.D.I. Landfill. If the liquid is suspected to contain hazardous materials then it shall be handled appropriately (upon arrival) at the Y.S.D.I. Landfill.

6. Signs shall be posted displaying a representative list of wastes which are unacceptable at the transfer station.

7. A trained attendant shall be on site to detect and screen hazardous wastes.

8. All brush species and dead trees shall be removed and live trees thinned within 150 feet of the transfer station.

9. A water supply system for fire protection shall be installed. The system shall provide a minimum fire flow of 200 gpm for 20 minutes. The system shall provide a 1.5 inch fire hose and nozzle for the suppression of refuse fires.

10. The attendant shall remain on site to observe for smoldering fires that may start in the transfer trailer. The attendant shall observe the trailer a minimum of one hour after the last load of waste has been placed in the trailer. Y.S.D.I. shall adopt these practices into its employee training program.

11. Two landfill gas probes shall be installed at the transfer station, one on each side of the upper level slab, both of which will be located at the side of the upper slab nearest the landfill. The location of the gas probes shall be indicated on the plans submitted to the Department of Planning and Building Services for building permit application.

PROHIBITIONS:

The following acts are prohibited at the station:

1. Accepting waste for which this facility is not approved, such as: hazardous waste, infectious waste, liquid waste, dead animals, waste water treatments sludge.

2. Conducting unacceptable activities at the facility: e.g., burning of wastes and scavenging.

3. This property shall not be used as a pistol range.

SPECIFICATIONS:

1. The local enforcement agency may prohibit or condition the handling or disposal of solid waste to protect the public health or safety or to mitigate adverse environmental impacts.

2. Any change that would cause the design or operation of the station not to conform to the terms and conditions of the permit is prohibited; such a change would be considered a significant change and require a permit revision.

3. The station has a permitted capacity of 96 tons per operating day and shall not receive more than this amount without first obtaining a revision of the permit.

4. A change in the operator pursuant to sections 44004 or 44005 of the Government Code will require a new permit.

PROVISIONS:

1. This permit is subject to regular review by the local enforcement agency and may be modified, suspended, or revoked for sufficient cause after a hearing.

2. The operator shall submit to the LEA copies of a plan for the closure of the Ponderosa Landfill and a plan for the post closure maintenance of the Ponderosa landfill for approval by the LEA, the Regional Water Quality Control Board and the California Integrated Waste Management Board. Final plans are due two years prior to complete site closure.

SELF MONITORING:

1. The operator shall maintain a record of landfill gas levels at the station. These records shall be made available to the LEA upon request.

2. The operator shall maintain a record of the number of vehicles utilizing the site during each 24 hour period that the station is operating. These records shall be made available to the LEA upon request.

3. The operator shall maintain records of all materials collected for recycling. Quarterly reports of the kinds and quantities of materials collected for recycling shall be made available to the LEA upon request.

4. The operator shall maintain a log of all unusual occurrences such as fires, explosions, human injury accidents, hazardous waste incidents, etc. All unusual occurrences shall be reported to the LEA as soon as possible, but in no event more than 48 hours after the incident occurs.

5. The operator shall notify the LEA of all complaints relevant to the conditions of the permit, received by the operator.

6. Results of the hazardous waste load checking program shall be reported and made available to the LEA upon request.

MITIGATION MONITORING PLAN
Ponderosa Landfill Transfer Station - EA 90-04

1. The transfer trailer pad shall incorporate a sump which shall be designed and installed to collect any leakage from the transfer trailer.

2. When the sump is no more than half-full it shall be pumped to remove the liquid. The liquid shall be containerized and disposed via sanitary sewer at the Y.S.D.I. Landfill. If the liquid is suspected to contain hazardous materials then it shall be handled appropriately at the Y.S.D.I. Landfill.

3. Signs shall be posted displaying a representative list of wastes which are unacceptable at the transfer station.

4. A trained attendant shall be on site to detect and screen hazardous wastes.

5. All brush species and dead trees shall be removed and live trees thinned within 150 feet of the transfer station.

6. A water supply system for fire protection shall be installed. The system shall provide a minimum fire flow of 200 gpm for 20 minutes. The system shall provide a 1.5 inch fire hose and nozzle for the suppression of refuse fires.

7. The attendant shall remain on site to observe for smoldering fires that may start in the transfer trailer. The attendant shall observe the trailer a minimum of one hour after the last load of waste has been placed in the trailer. Yuba Sutter Disposal Inc. shall adopt these practices into its employee training program.

8. Two landfill gas probes shall be installed at the transfer station, one on each side of the upper level slab, both of which will be located at the side of the upper slab nearest the landfill. The location of the gas probes shall be indicated on the plans submitted to the Department of Planning and Building Services for building permit application.

1. Mitigation Measure - The transfer trailer pad shall be designed and installed to collect any leakage from the transfer trailer.

   Monitoring Responsibility - Yuba County Department of Planning and Building Services.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - Sump shall be correctly installed prior to finalization of building permit.

   Monitoring Frequency and Duration - Sump shall be shown on plans included with building permit application. Sump shall be monitored for correct installation during building permit inspections.

   Performance Criteria - Sump installation shall be tested to demonstrate that trailer leakage onto the pod will migrate towards sump and if in sufficient quantity will drain into sump.

2. Mitigation Measure - When the sump is no more than half-full it shall be pumped to remove the liquid. The liquid shall be containerized and disposed via sanitary sewer at the Y.S.D.I. Landfill. If the liquid is suspected to contain hazardous materials then it shall be handled appropriately at the Y.S.D.I. Landfill.

   Monitoring Responsibility - Yuba County Department of Environmental Health.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - The 50 gallon sump shall be emptied before becoming half-full.

   Monitoring Frequency and Duration - The sump shall be monitored during periodic checks by the Department of Environmental Health.

3. Mitigation Measure - Signs shall be posted displaying a representative list of wastes which are unacceptable at the transfer station.

Monitoring Responsibility - Yuba County Department of Environmental Health and Department of Planning and Building Services.

Compliance Verification - Yuba County Department of Environmental Health.

Initial Implementation Phase - Plans showing sign design and format shall be submitted to Department of Planning and Building Services prior to issuance of building permit. The sign text shall be subject to review and approval of the Department of Environmental Health.

Monitoring Frequency and Duration - After approval of plans, monitoring sign installation will be a one-time field check.

Implementation Completion Phase - Signs shall be installed prior to commencement of operations.

4. Mitigation Measure - A trained attendant shall be on site to detect and screen hazardous wastes.

Monitoring Responsibility - Yuba Sutter Disposal Inc. shall be responsible for monitoring.

Compliance Verification - Yuba County Department of Environmental Health.

Initial Implementation Phase - Employees shall be trained by Y.S.D.I. to detect and screen hazardous wastes prior to assignment as attendant.

Monitoring Frequency and Duration - The Department of Environmental Health shall review the Y.S.D.I. training program to ensure that the program is adequate.

5. Mitigation Measure - All brush species and dead trees shall be removed and live trees thinned within 150 feet of the transfer station.

Monitoring Responsibility - California Department of Forestry and Fire Protection shall be responsible for monitoring. Y.S.D.I. shall be responsible for maintaining the 150 foot clearance zone.

Compliance Verification - California Department of Forestry and Fire Protection.

Initial Implementation Phase - Brush clearing and thinning measures implemented prior to finalization of building permit.

Monitoring Frequency and Duration - Brush clearing and thinning shall be checked prior to finalization of building permit. The clearance zone shall be checked at two-year intervals after building permit issuance.

Performance Criteria - The measures shall be implemented in such a manner to prevent a sustained continuous crown fire.

6. Mitigation Measure - A water supply system for fire protection shall be installed. The system shall provide a minimum fire flow of 200 gpm for 20 minutes. The system shall provide a 1.5 inch fire hose and nozzle for the suppression of refuse fires.

Monitoring Responsibility - California Department of Forestry and Fire Protection and Yuba County Department of Planning and Building Services.

Compliance Verification - California Department of Forestry and Fire Protection.

Initial Implementation Phase - The equipment shall be installed prior to finalization of building permit.

Monitoring Frequency and Duration - The equipment shall be checked for installation during building permit inspections.

Performance Criteria - The water system shall provide 200 gpm for 20 minutes through a 1.5 inch hose and nozzle.

7. Mitigation Measure - The attendant shall remain on site to observe for smoldering fires that may start in the transfer trailer. The attendant shall observe the trailer a minimum of one hour after the last load of waste has been placed in the trailer. Yuba Sutter Disposal Inc. shall adopt these practices into its employee training program.

   Monitoring Responsibility - Yuba Sutter Disposal Inc.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - Y.S.D.I. shall submit a copy of its training program to the Department of Environmental Health prior to building permit finalization.

   Monitoring Frequency and Duration - This is a one time check to ensure that the measure is adopted into the employee training program.

8. Mitigation Measure - Two landfill gas probes shall be installed at the transfer station, one on each side of the upper level slab, both of which will be located at the side of the upper slab nearest the landfill. The location of the gas probes shall be indicated on the plans submitted to the Department of Planning and Building Services for building permit services.

   Monitoring Responsibility - Yuba-Sutter Disposal Inc. and Yuba County Department of Planning and Building Services.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - Gas probes shall be installed prior to finalization of building permit.

   Monitoring Frequency and Duration - Gas probes shall be monitored weekly until a pattern of readings evolves. When a pattern of readins evolves then monitoring shall be quarterly.

   Performance Criteria - If gas concentrations exceed maximum allowable levels then the site shall be investigated and appropriate remediation measures shall be taken.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JULY 9, 1991

AGENDA ITEM # 5

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Lebec Interim Transfer Station

BACKGROUND:

Facility Facts

Project:	New permit for a large volume transfer processing station
Facility Type:	Transfer processing station
Name:	Lebec Interim Transfer Station, Facility No. 15-AA-302
Location:	West of Interstate 5, approximately 1 mile north of the Los Angeles County line
Setting:	Within the permitted boundaries of the Lebec Sanitary Landfill; surrounding land use also includes open space, commercial, open residential and residential
Operational Status:	Proposed facility
Permitted Daily Capacity:	120 tons per day
Area:	1.1 acres
Owner:	The County of Kern
Operator:	L. Dale Mills Kern County Public Works Department
Contract Operator:	Valencia Construction
LEA:	Kern County Environmental Health Services Department

Project Description Kern County proposes this facility to replace the existing Lebec Sanitary Landfill as a disposal site for Lebec residents. The landfill is in the process of being closed after the discovery of an active fault in the area. Kern County has indicated that the operation of the transfer station in the near future is imperative.

The proposed permit is to authorize operation of a large volume transfer station. An expected average of 90 tons of material per day will be received. The station is proposed to operate daily except for Thanksgiving and Christmas. The facility will be open from 9 to 11 hours per day depending on the time of year.

This facility will consist of a tipping pad, a recycling/salvage area, and a proposed household hazardous waste storage area. Transfer trailers will be used to collect and haul refuse to a Kern County landfill. Only non-hazardous domestic and commercial solid waste will be received by this site. Liquid wastes, asbestos, special wastes, and hazardous wastes are prohibited.

Environmental Controls A hazardous waste screening program will be implemented to prevent illegal disposal. In the future, the site may also be used as a location for household hazardous waste collection programs.

Resource Recovery Programs The Kern County Local Task Force (LTF) estimates a materials recovery rate of 10% (by weight) from this facility. This is based upon the recovery rate at the landfill, and adjusted upward slightly as it is anticipated that more material will be recovered. Cardboard, plastics, non-ferrous and ferrous metal, glass, and batteries will be separated from the refuse on the tipping floor. Recycling receptacles will also be available to the public. The LTF also indicates that the facility operator will be required to recover target materials in certain amounts, based on the County's Waste Generation Study.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste facilities permit. Since the permit was received on June 24, 1991, the last day the Board could act is August 23, 1991.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

The LEA has certified that this facility is consistent with the County Solid Waste Management Plan (CoSWMP), Amendment 5, 1988 Revision. Board staff agrees with said certification.

2. Consistency with General Plan

The LEA has certified that the County determined this facility is in conformance with the Kern County General Plan. Board staff agrees with this certification.

3. Consistency with Waste Diversion Requirements

According to the Report of Station Information dated May 15, 1991, recycling of aluminum, cardboard, newspaper, California redemption plastics, glass, white goods, and batteries will take place at the facility. The public can drop recyclables in bins, and station employees will salvage reclaimable materials from the tipping floor.

Kern County Local Task Force staff estimate that the anticipated recovery from this facility would be about 200 tons/month which is approximately 10% of all waste received. This amount is based on current recycling levels at the Lebec Sanitary Landfill and adjusted upward slightly. The County presently has a Landfill Salvage Program; this transfer station, which replaces the landfill, will have a comparable program, but greater amounts of materials are expected to be recovered.

If waste diversion requirements necessitate that this facility recover greater amounts of materials, a contingency plan to increase the recovery rate at the station will be enacted.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). The Kern County Department of Public Works prepared a Negative Declaration (SCH #90020554) for the proposed project. As required by CEQA, the Negative Declaration (ND) identified the project's potential adverse environmental impacts and mitigation measures that would reduce those impacts to a less than significant level. Board staff reviewed the ND and provided comments to the County on August 10, 1990. The County prepared and submitted a response which adequately addressed Board comments. The Notice of Determination was approved on

January 28, 1991.

A MMIS has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the establishment of the Lebec Interim Transfer Station are identified and incorporated in the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and the ND is adequate and appropriate for the Board's use in evaluating the proposed facility.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-50 concurring in the issuance of Solid Waste Facilities Permit No. 15-AA-0302.

ATTACHMENTS:

1. Permit Decision No. 91-50
2. Location Map
3. Site Map
4. Permit No. 15-AA-0302
5. Mitigation Monitoring and Implementation Schedule

Agenda Item Prepared By: David Ohl Phone: 327-9354

Agenda Item Approved By: J. Swakie Phone: 7-9178

Legal Review: K Cauhem Date/Time 6/29 14h24

California Waste Management Board
Permit Decision No. 91-50
July 17 - 18, 1991

WHEREAS, the Kern County Environmental Health Services Department, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Lebec Interim Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 15-AA-302.

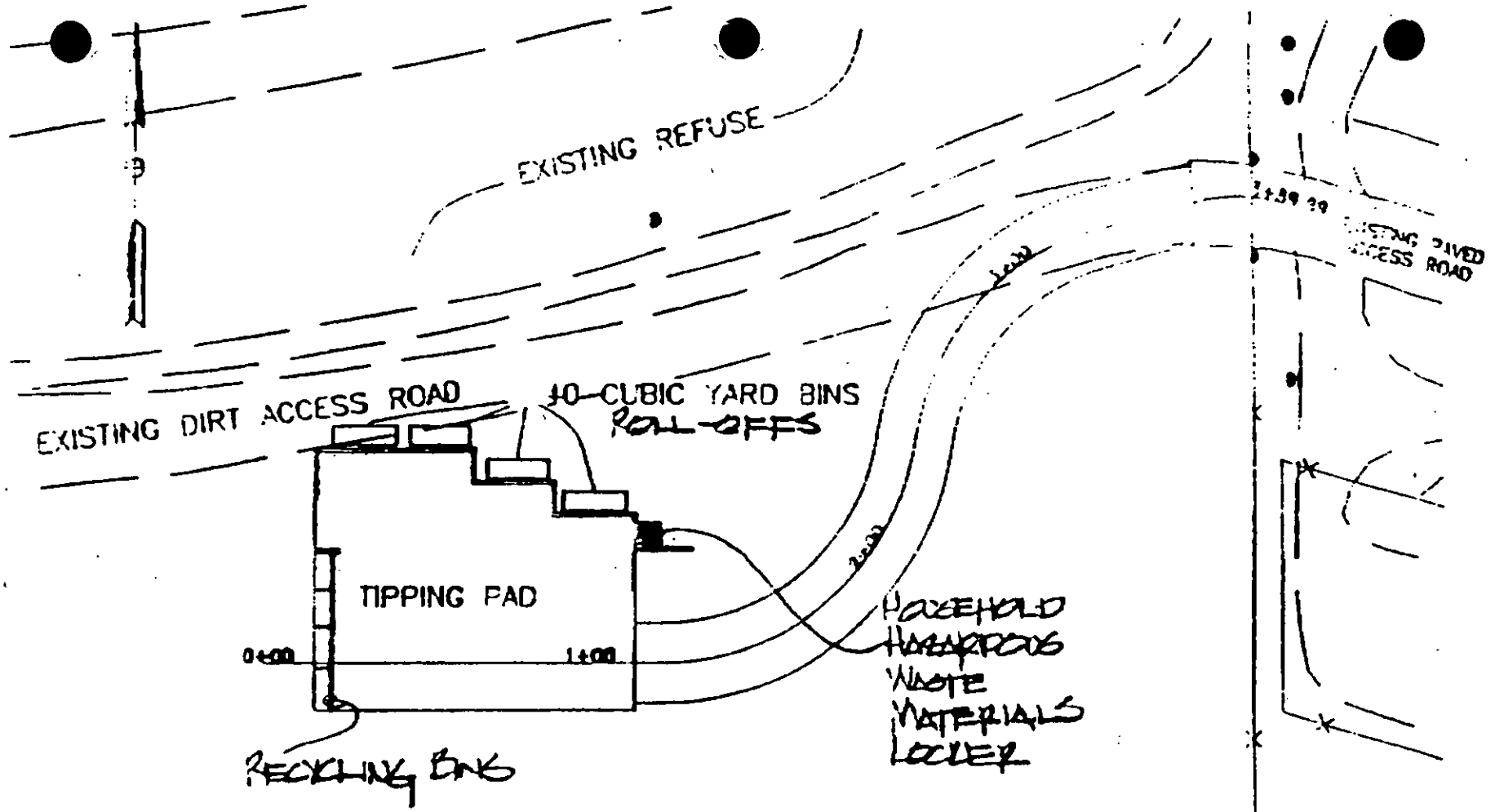
CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17 - 18, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2



LEBEC SANITARY LANDFILL

Designed By CMP Drawn By CMP Checked By RDS	RECOMMENDED APPROVAL: Design Engineer APPROVED _____ 19 _____ Director	COUNTY OF KERN DEPARTMENT OF PUBLIC WORKS BAKERSFIELD, CALIFORNIA	SITE PLAN LEBEC INTERIM TRANSFER STATION

Attachment 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY large volume transfer station	FACILITY/PERMIT NUMBER 15 AA 0302
NAME AND STREET ADDRESS OF FACILITY Interim Lebec Large Volume Transfer Station Portion of Section 33 and 34, T9N, R19W,SBB&M Lebec, CA	NAME AND MAILING ADDRESS OF OPERATOR Kern County Public Works Department 2700 "M" Street, Suite 500 Bakersfield, CA 93301	
PERMITTING ENFORCEMENT AGENCY Kern Co. Environmental Health Services Dept.	CITY/COUNTY Bakersfield / Kern County	

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED: APPROVING OFFICER Steve McCalley, Director NAME/TITLE	AGENCY ADDRESS Kern Co. Environmental Health Services Dept. 2700 "M" Street, Suite 300 Bakersfield, CA 93301	
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB JUN 24 1991	CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

LEBEC INTERIM TRANSFER STATION
SOLID WASTE FACILITY PERMIT
S.W.I.S. 15-AA-0302

FINDINGS

1. Description of Station Design and Operation

A. Owner/Operator

Name of Station: Lebec Interim Transfer Station
Owner: Kern County
Operator: Kern County Public Works Department

This permit is for an interim large volume transfer/processing station, designed to reclaim and process salvageable materials from domestic and commercial refuse. The remainder is transferred for disposal off site. The facility is owned by Kern County and operated by Kern County Public Works Department.

Operator employs contracted agents to perform site operations while remaining in a supervisory role.

B. Location

The 1.1-acre facility is located within the permitted boundaries for the Lebec Sanitary Landfill (Facility 15-AA-0056) on a portion of Sections 33 and 34, T9N, R19W, SBB&M, one mile north of Los Angeles County line, west of Interstate 5. A general location map and site plans are provided in the Report of Station Information (RSI 5/90).

C. Physical Structures

The facility is a processing, salvage, and transfer unit. The facility includes the following features:

1. One paved tipping area.
2. 40-cubic-yard steel bins.
3. Storage area for recovered materials.
4. Paved area for transfer vehicles, employees, and the public.
5. Access roads, utilities, fencing, and landscaping.
6. Hazardous materials storage locker, pad, and fenced enclosure.
7. Water distribution lines, emergency eyewash, and fire safety equipment. Potable water supplied by Lebec County Water District.
8. Drop-off storage containers.
9. Chemical toilet.
10. Sheltered area and telephone.

D. Waste Types

The facility receives nonhazardous domestic and commercial solid wastes.

E. Waste Quantities

Permitted daily capacity is 120 tons per day (TPD).
Average daily capacity = 90 tons per day (TPD)
Maximum sustainable capacity = 100 TPD
Maximum peak capacity = 120 TPD
These weights are based on a conversion factor of one (1) cubic yard of refuse equals 350 pounds.

F. Method of Operation

Refuse traffic, including both public and commercial vehicles, enters the facility using the entrance off Landfill Road. The public drives in, drops off any recyclable materials in the designated receptacles, and unloads refuse on the tipping pad. Commercial vehicles deposit waste directly onto the tipping pad. An operator screens incoming loads, directs traffic, controls litter, and salvages reclaimable materials. Processing at the facility includes sorting of waste, salvaging, and storage of material for recycling. Recovered glass, cardboard, plastic, and metals are placed in receptacles located in an area designated for recycling. Cardboard, appliances, large pieces of metal, and wood wastes are separated by hand. The remainder of the waste is pushed into 40-cubic-yard roll-off bins by a loader. Recovered materials are stored until sufficient quantities are accumulated for transport to reprocessors, a maximum of 90 days.

Nonsalvageable and nonmarketable wastes characterized as nonhazardous are loaded into a 40-cubic-yard roll-off bin, then transferred to a Kern County sanitary landfill.

G. Resource Recovery/Salvaging Operations

Resource recovery at the facility includes the salvaging of:

1. Cardboard
2. Aluminum cans
3. Glass
4. Newsprint
5. Ferrous scrap
6. Nonferrous scrap
7. Plastics

Automobile batteries shall be handled in a method approved by the LEA.

H. Hazardous Waste Screening

The waste load checking program shall consist of the following activities: regular visual inspection of incoming loads deposited at the facility; regular visual inspections of the waste deposited at the facility.

Vehicles delivering wastes to the site will be visually inspected before being routed to the tipping pad. Incoming packer loads are unloaded on the tipping floor and visually inspected by facility personnel prior to separation. All personnel are trained in hazardous waste recognition and proper handling and communication procedures. If any unacceptable wastes are observed in the load, the vehicle will be turned away. If a discharged load appears to contain unacceptable wastes, the hauler will be ordered to reload the wastes and remove them from the station. The hauler will be given a brochure on proper handling of household hazardous waste.

Incidents of hazardous materials release or threatened release capable of creating a substantial probability of harm are immediately reported to the LEA and to the State Office of Emergency Services.

A household hazardous waste storage locker, pad, and enclosure are provided at the site. This area includes an emergency eyewash station.

Accumulated wastes stored in the household hazardous waste storage locker are removed within 90 days or as specified by DOHS or the LEA.

Signs are posted at the facility entrance indicating the schedule of charges, hours of operation, and listing the general types of material which will be or will not be accepted.

I. Permit Modification and Revisions

This is an interim transfer station, subject to closure prior to the five-year review date.

J. Operating Days and Hours

According to the Report of Station Information, operating days and hours of waste receipt and processing are every day as follows:

7 a.m. to 4 p.m.	November, December, January, February
7 a.m. to 5 p.m.	March, April, September, October
7 a.m. to 6 p.m.	May, June, July, August

The site is closed Christmas and Thanksgiving.

2. The following documents condition the design and operation of this facility:

A. Report of Station Information dated May 1991.

B. Conditional Use Permit 24, Map 237; January 28, 1991, expiring January 28, 1996.

C. Mitigated Negative Declaration (SCH #90020554), certified January 28, 1991; Mitigation Monitoring and Implementation Schedule, January 28, 1991.

D. General Plan Amendment 2, Map 237.

E. Surface Water Management Plan.

3. The LEA certifies the following:

   A. This facility is consistent with the County Solid Waste Management Plan (CoSWMP), Amendment 5, 1988 Revision, on February 5, 1991.

   B. This permit is consistent with the standards adopted by the California Integrated Waste Management Board.

   C. This facility has been determined to be in conformance with, and designated within, the Kern County General Plan (General Plan Amendment 2, Map 237).

4. The design and operation of this facility shall be in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.

5. The Kern County Fire Department has approved all current plans for the design and operation of this facility, pursuant to Public Resources Code Section 44151.

6. This facility is compatible with the surrounding land use plan, as determined by the Kern County Department of Planning and Development Services.

7. The Kern County Air Pollution Control District has determined this facility is capable of complying with applicable rules and regulations, provided conditions of approval contained herein are satisfied (correspondence of April 8, 1991).

8. The facility is in compliance with the California Environmental Quality Act of 1970 (CEQA), the State CEQA Guidelines, and the Kern County Guidelines for Implementation of CEQA and State CEQA Guidelines. A "Mitigated Negative Declaration" with monitoring plans was certified January 28, 1991.

CONDITIONS

1. **Requirements:**

   A. This facility shall be operated in compliance with the State Minimum Standards for solid waste handling and disposal.

   B. This facility shall be in compliance with all federal, state, and local requirements and enactments, including all mitigation measures given in any certified document filed pursuant to Public Resources Code, Section 21081.6.

   C. Additional information concerning the design and operation of this facility shall be furnished upon written request of the LEA.

   D. Site access shall be granted for the purpose of inspection without prior notification to the LEA or other agencies conditioning this permit.

   E. Any significant change in facility operation or design shall require amendment of the Plan of Operation Document, and the Kern County Environmental Health Services Department shall be notified at least 120 days prior to the proposed modification.

   F. This facility shall be operated so as to not emit air pollutants sufficient to cause a public nuisance or health hazard (KCAPCD Rule 419 and California Health and Safety Code, Section 41700).

2. **Prohibitions:**

   A. The following are prohibited at this facility:

      (1) The salvaging of cosmetics, food, beverages, or any materials capable of impairing public health

      (2) Burning of waste or receipt of hot or combusting wastes or wood stove ashes

      (3) Scavenging by the public

      (4) Off-site migration of waste or litter

      (5) Receipt and processing of explosives

      (6) Receipt of fluorescent or mercury vapor lighting in quantities constituting a hazard (25+ per load)

      (7) Receipt and processing of drugs, poisons, or pesticides

      (8) Receipt and processing of hazardous wastes

(9) Receipt and processing of biohazardous or medical wastes

(10) Receipt and processing of pressurized gas cylinders

(11) Receipt and processing of automotive exhaust systems or components containing free liquids, such as crankcase and gear oils, brake fluids, or acids. The receipt and storage of automotive batteries is exempted from this requirement.

(12) Receipt and processing of friable asbestos-containing materials

(13) Receipt and processing of liquid wastes, sludge, septage, or volatile organic liquids

(14) Receipt and processing of radioactive materials requiring state or federal license and regulation

(15) Receipt of dead animals.

(16) Vector propagation and harborage

(17) Off-site discharge of dust or odors sufficient to constitute a health hazard or public nuisance

(18) Public access to processing, loading, and storage areas without adequate supervision and attention to safety requirements

(19) Smoking or eating within on-site structures, receiving, processing, or storage areas, except where designated

(20) Off-site parking of uncleaned or fully loaded refuse transfer vehicles, except under emergency conditions which are documented

(21) Burial or storage of any wastes from the facility within the boundaries of the Lebec Sanitary Landfill.

3. **Specifications:**

A. The LEA, through this solid waste facilities permit and Appendix A, "MMIS," may prohibit or condition the handling of solid waste to protect the public health and safety or to mitigate adverse environmental effects.

B. Any change that would cause the design or operation of this facility not to conform with the terms and conditions of this permit is prohibited. Any significant change that may be proposed for this facility shall require submission of an amended Report of Facility Information and application for a Revised Solid Waste Facilities Permit to the LEA.

C. The facility has a permitted maximum capacity of 120 tons per operating day and shall not receive more than this amount without first obtaining a revision of the permit.

D. A change in operator of this facility will require a new permit.

E. No residual material is permitted to remain at the facility in excess of 48 hours, except hazardous waste per Finding "H." No vehicle shall be parked overnight with wastes therein.

F. In the event of unforeseen or accidental release of hazardous waste, handling operations shall be in compliance with Title 22, California Code of Regulations, Chapter 30.

G. Emergency eyewash, handwash, toilet, and first aid provisions shall be readily accessible to facility employees and public in processing areas.

H. Public access to processing and storage areas shall be defined and marked with limit lines and appropriate signs.

I. All equipment and processing and receiving areas shall be provided with adequate, properly maintained and situated railings, curbs, backup barriers, grates, fences, and safety devices.

J. Telephones shall be located at the station, with current emergency contact names and numbers prominently posted.

K. Site employees shall receive adequate safety training in the prevention of backing accidents and fire protection. Supervisory personnel shall complete an OSHA-approved 24-hour Hazardous Material Awareness and Safety Course, updated on a yearly basis. Workers in receipt and processing areas shall be trained in hazardous waste recognition and emergency communication. Site personnel shall also receive adequate training in operations, maintenance, and safety. A comprehensive safety manual shall be maintained on site for employee use.

L. The station shall be cleaned daily, with no residual wastes left on the tipping floor overnight.

M. Solid waste storage containers (bins) shall be durable, easily cleanable, safe, and leakproof.

N. All incoming and outgoing loads shall be covered or secured to prevent refuse or reclaimed materials from falling or blowing off transport vehicles.

O. Unpaved access roads shall be sufficiently maintained to prevent dust emissions during periods of use.

P. Safety equipment shall be provided for all employees operating equipment or sorting/separating/processing waste at this facility, as required by CAL OSHA and Federal OSHA standards. Safety equipment shall include, but not be limited to:

(1) Dust masks
(2) Safety helmets, in designated areas
(3) Steel-toed, puncture-proof work boots
(4) Work gloves
(5) Ear protection
(6) Eye protection
(7) Protective aprons
(8) Fire safety equipment
(9) First aid supplies
(10) Tyvek outerwear

Q. The operator shall ensure that safety equipment is maintained in satisfactory condition and worn or used by facility employees.

4. PROVISIONS

A. This permit is subject to review by the Local Enforcement Agency and may be modified, suspended, or revoked for sufficient cause after a hearing.

B. Household hazardous wastes shall not be stored at this site longer than 90 days or as specified by the Department of Health Services or the LEA.

C. Material stockpiled on site shall be stored and maintained in a manner to prevent nuisances, vector harborage, odors, or litter problems. All wastes shall be recycled or reused within time frames described in the Report of Station Information. Unless otherwise specified, a maximum period of 90 days will be established for turnover of recycled materials.

D. The landfill operator and contractor shall be informed about the presence of the Valley Oak on the Lebec Sanitary Landfill property. All soil disturbances within ten feet of a Valley Oak tree dripline should be prohibited where feasible. Acorns from on site shall be planted to replace any destroyed Valley Oak trees. Five acorns shall be planted for every one destroyed Valley Oak.

E. The surface water management plan is subject to review by the Regional Water Quality Control Board.

5. SELF-MONITORING

The following items shall be monitored by the operator of this facility:

A. A daily log of the number and type of vehicles utilizing the site shall be reported to the LEA on a quarterly basis.

B. A log of special occurrences shall be maintained by the contractor or operator on a daily basis to include: fire, explosion, accidents, acceptance and/or disposal of hazardous waste or other inappropriate wastes, closures, and rejection of waste loads. An entry of "no occurrence" shall be entered on days nothing special occurs. This report shall be submitted to the Local Enforcement Agency on an quarterly basis.

C. Quantities and types of wastes received each month, including household hazardous waste screening, shall be reported to the Local Enforcement Agency on a monthly basis.

D. Quantities and types of goods recycled and/or salvaged shall be maintained, reported to the LEA on a quarterly basis, and summarized in the annual report.

E. The operator shall conduct monthly noise level monitoring and shall report results to the LEA on a quarterly basis.

F. The operator shall ensure that a comprehensive site safety evaluation is conducted at least annually by a Certified Industrial Hygienist or Registered Professional Safety Engineer.

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Appendix "A"

Mitigation Monitoring Implementation Schedules

The following summary presents key monitoring requirements for this operation. Those identified as "Permit Conditions" are self-monitoring requirements of the operator, to be verified by inspections performed by the Local Enforcement Agency. Monitoring items from the Negative Declaration are annotated "CEQA." Monitoring and compliance schedules established by the Conditional Use Permit are identified "CUP" and require self-monitoring, with reports to the Kern County Department of Planning and Development Services. The requirement for an annual inspection for compliance with the local and state fire preventative regulations references the Kern County Fire Department.

Monitoring and Reporting Summary

A. Prior to Development and Initial Waste Receipt

1. Method of water supply and sewage disposal shall be approved by the Kern County Environmental Health Services Department (CUP & CEQA).

2. Site assessment by qualified biologist(s) prior to initiation of construction for presence or absence of sensitive, rare, or endangered animal or plant species (CUP & CEQA).

3. A surface water management plan shall be approved by the Local Enforcement Agency (CUP & CEQA).

4. The following reports, workplans, and programs shall be submitted to and approved by the LEA (CUP & Permit):

   a. Health and Safety

      1) Emergency Procedure Manual
      2) Protective Equipment and Compliance Schedule
      3) Household Hazardous Waste Plan
      4) Surface Water Management Monitoring Plan

5. Submission of water distribution plans to the Local Enforcement Agency (CUP & CEQA).

6. The operator shall report to the LEA any disturbance of Valley Oak trees located on site (CUP & CEQA).

B. Beginning with Initial Waste Receipt

1. Daily Site Monitoring

a. Daily Operations Log - traffic counts, results of load-checking, and site maintenance (Permit).

b. Log of Special Occurrences - A log of special occurrences shall be maintained on a daily basis to include: fire, explosion, accidents, acceptance and/or disposal of hazardous waste or other inappropriate wastes, closures, and rejection of waste loads. An entry of "no occurrence" shall be entered on days nothing special occurs (Permit).

c. Resource Recovery/Salvage Operations - types of recovered goods, weight/volumes logged daily (Permit).

d. Complaints - citizen and customer environmental nuisance notifications (CUP).

2. Monthly Monitoring

a. Quantities and types of waste discharged in tons (Permit).

b. Number and type of vehicles assessed under Load Check Program (Permit).

c. Results of Household Hazardous Waste Screening Program (Permit).

d. Summary of resource recovery/salvage operations (Permit).

e. Noise level monitoring.

3. Annually

a. Summary Report - all operations (Permit).

b. Fire Code Site Review (Kern County Fire Department).

c. Site evaluation by a Certified Industrial Hygienist or Registered Profession Safety Engineer.

C. Change in Operations and/or Facility Design

a. 120 days prior - Notify LEA (Permit).

b. Immediate notification of LEA of any changes in site operation that could impact the environment (Permit).

MITIGATION MEASURES

LEBEC INTERIM TRANSFER STATION

Facility No. 15-AA-302

1. Prior to the issuance of the Solid Waste Facilities Permit, a surface water management plan for the facility shall be submitted to the Kern County Environmental Health Services Department for review and approval. The appropriate Monitoring Program for the Mitigation Measures shall be incorporated into the Solid Waste Facilities Permit by the Environmental Health Services Department.

2. The landfill operator and contractor shall be informed about the presence of the Valley Oak on the Lebec Sanitary Landfill property. The Valley Oak is found to exist at the south and west sides of the project. All soil disturbance within 10 feet of a Valley Oak Tree dripline shall be prohibited where feasible.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 8

ITEM: Consideration of Issuance of Notice and Order 91-02 to Del Norte County Department of Public Works, Operator of the Crescent City Landfill.

BACKGROUND:

In 1977, the State Solid Waste Management Board approved designation of the Humboldt-Del Norte County Health Department as Local Enforcement Agency (LEA) for Del Norte County via Resolution No. 77-81-LEA. This designation was in effect until termination by the County of Humboldt on October 1, 1990. California Integrated Waste Management Board (Board) staff have been acting as Enforcement Agency for the County of Del Norte since November of 1990 and in this capacity, have been inspecting the Crescent City Disposal Site on a monthly basis.

ANALYSIS:

Board staff recorded eleven violations and three areas of concern during the November, 1990 site inspection. The site was found to be:

- operating outside the terms and conditions of the governing Solid Waste Facilities Permit due to increased tonnage;
- operating two years prior to reaching site capacity without an acceptable Closure/Postclosure Maintenance Plan;
- and operating in violation of several significant State Minimum Standards (cover, leachate control, drainage and erosion control, grading of fill surfaces).

The site has been issued several Orders from the North Coast Regional Water Quality Control Board (NCRWQCB), and is currently operating under Cease and Desist Order 90-70 which requires site closure pursuant to Chapter 15 regulations by October 1, 1991. At this time, NCRWQCB staff is proposing to their Board an extension of this date at their September 1991 meeting.

Board staff circulated a draft Notice and Order to the operator in December of 1990. Discussions were held with the Public Works' Director informing him of staff's intent to issue the Notice and Order. Monthly meetings with the Public Works' Director followed until his retirement in May of 1991.

Much time has been used in coordinating efforts by several Board Divisions to aid the County in resolving the problems. The retirement of the County's staff engineer involved with solid waste in January, 1991, and the retirement of the Director of Public Works in May, 1991, has lead to further delays.

The County is fully aware of the deficiencies at the landfill, but does not have the means to resolve the problem expeditiously. There is a recruitment effort to hire both a new Public Works Director and a Solid Waste Coordinator, but this may take a long period of time. In the interim, a "working group" of county employees was formed to manage solid waste issues. This group consists of the interim County Administrative Officer, the interim Director of Public Works, and the Director of Planning and Building Inspection.

Board staff has noted some improvement in site operations since the November, 1990 inspection. The following violations still remain:

- records
- site security
- grading
- cover
- leachate
- drainage
- permit conditions

According to the most current Periodic Site Review of December, 1989, the site will reach capacity by 1992. Despite several letters from Board staff, site operators have yet to submit a complete Closure/Postclosure Maintenance Plan. Also, the site has been using composted fish waste mixed with native sandy soil as cover. This practice has not been approved by the Board.

In accordance with State laws, regulations, and the Board's Permit Enforcement Policy, Board staff prepared Notice and Order 91-02.

The Notice and Order will require the operator to apply for a revised Solid Waste Facilities Permit and submit closure and postclosure maintenance plans by October 1, 1991. It will limit the amounts and types of waste the site may receive. The operator will be required to submit plans for disposal of wastes after closure of the Crescent City Disposal Site.

The Notice and Order will also require the operator to immediately begin daily cover operations, and to cease and desist leachate discharges from the site.

In addition, the Notice and Order will require the operator to install surface drainage control systems by October 1, 1991, and provide a grading plan by September 1, 1991. All grading and drainage work will be required to be completed by September 15, 1991.

STAFF COMMENTS:

By issuing Notice and Order 91-02 the Board will require the operator to bring the site into compliance with all State requirements by the indicated dates. The issuance of the Notice and Order will also allow the Board to pursue further action, if required.

It would be expected that without a Notice and Order, there would be further delays in bringing the site into compliance with State requirements.

Attachments:

1. Board Notice and Order 91-02

Prepared by: Paul Forsberg Steve Andrews Phone: 3-0128

Reviewed by: Ronald R Blair Phone: 2-6172

Legal review: [illegible] Date/Time 7-2-91 09h 45

NOTICE AND ORDER 91-02
of the
California Integrated Waste Management Board
Enforcement Agency
1020 9th Street
Sacramento, CA 95814

IN THE MATTER OF:
CRESCENT CITY DISPOSAL SITE
Facility No. 08-AA-0006
Hight Access Road
Crescent City, CA 95531

NOTICE & ORDER
(Title 14, California Code of Regulations, Sec.18304)

TO: Carl Brown, Acting Director
Del Norte County Dept. of Public Works
700 5th Street
Crescent City, CA 95531

PLEASE TAKE NOTICE that this agency, as Enforcement Agency, has determined that operation of the above referenced facility constitutes operation of a Solid Waste Facility in violation of the Terms and Conditions of Solid Waste Facilities Permit # 08-AA-0006 in that the following Sections of Division 30 of the Public Resources Code (PRC), Title 7.3 of the Government Code (GC), and Title 14 of the California Code of Regulations (14 CCR) are being violated as follows:

1. Solid Waste Facilities Permit
The governing July 24, 1978 Solid Waste Facilities Permit allows for the acceptance of 30 tons of solid waste per day. The site is currently accepting over 50 tons of solid waste per day. This constitutes a violation of PRC Section 44014(b) which prohibits the operator from operating outside the permit terms and conditions.

2 (a). Financial Mechanism for Closure/Postclosure Maintenance
Pursuant to GC Section 66796.22(b)(1), all landfill operators are required to certify to the California Integrated Waste Management Board (Board) and the Local Enforcement Agency (LEA) the accomplishment of the following: 1) preparation of initial cost estimates; 2) establishment of acceptable financial mechanisms; and 3) the annual deposit of sufficient funds for ensuring closure and postclosure maintenance. Based on the Board's letters of April 8 and July 24, 1990, the required certifications remain incomplete and continue to be a violation of the Government Code.

2 (b). Closure and Postclosure Maintenance Plans
Pursuant to GC 66796.22(b)(2), the landfill operator is required to prepare final closure and postclosure maintenance plans (plans) for approval by the LEA, the Regional Water Quality Control Board, and the Board. This

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Section prohibits the operation of a solid waste landfill for more than one year beyond the date the plan was due. Final plans are due two years prior to closure. The latest Periodic Site Review, dated December, 1989, states that the landfill will reach capacity by 1992. Thus, the plan due date was December 31, 1990.

In the Board's letter of August 24, 1990, staff found the final plans, dated February, 1990, incomplete. The operator was requested to resubmit the revised final plans to the Board by September 28, 1990. The revised final plans have not yet been received.

3. Violations of State Minimum Standards (14 CCR)

(a) **Daily Cover - 14 CCR 17682:** Refuse often is exposed throughout portions of the active face. This section requires that cover material compacted to a minimum thickness of six (6) inches be placed over the entire working face at least every 24 hours.

(b) **Leachate Control - 14 CCR 17704:** This regulation requires that site operators take adequate steps to monitor, collect, treat, and effectively dispose of leachates. This site has no leachate collection or disposal system. As a result, an uncontrolled 3,240 gallon leachate discharge occurred at the site during a nine day period in February of 1990.

(c) **Drainage and Erosion Control - 14 CCR 17708:** The site's surface drainage system was only partially in place and was not operable as of May 22, 1991. There is no engineered system in place to carry surface runoff away from the fill areas as required by this section.

(d) **Grading of Fill Surfaces - 14 CCR 17710:** Ponding was observed over fill in several areas on and around the road which circles the upper, active portion of the site. Standing water was observed during all inspections conducted during the 1990/1991 rainy season. All fill surfaces must be graded to prevent ponding of surface waters and to promote lateral runoff.

YOU ARE THEREFORE ORDERED TO:

1) Submit an application for a revised Solid Waste Facilities Permit by October 1, 1991. The application must be accompanied by a current Report of Disposal Site Information, Periodic Site Review, and CEQA determination. The application and supporting documents must describe site operations up to the point of closure. During the interim period while a permit revision is being processed, you may accept no more than the following amounts of solid and liquid wastes each month (The amounts of waste below are based on an average of specific waste categories received at

the landfill during June, July, and August of 1990):

- 9,400 cubic yards of municipal solid waste
- 850 cubic yards of fish waste
- 66,000 gallons of cheese whey
- 84,000 gallons of septic waste
- 255,000 gallons of sewage sludge
- 100 animals
- 300 tires;

2. a) Submit final closure and postclosure maintenance plans (C&PCMP's) by October 1, 1991. The plans shall include the items listed in 14 CCR 18262.3 and 18265.3 and be based on the closure standards found in 14 CCR Article 7.8, as well as an acceptable financial mechanism in accordance with 14 CCR Chapter 5, Article 3.5;

   b) Submit a time schedule within 30 days of receipt of this document which outlines the county's plans for disposal of wastes after closure of the Crescent City Disposal Site;

3. (a) Immediately begin placing cover material, compacted to a minimum thickness of six (6) inches, over all refuse in the active face area on a daily basis;

   (b) Take immediate action to cease and desist any leachate discharges from the site;

   (c) By October 1, 1991, install a surface drainage control system in accordance with Waste Discharge Requirements 89-83, Construction Specifications C1 and C2;

   (d) By September 1, 1991, provide an interim grading plan which describes site development and contouring up to the point of site closure. The active fill area and surrounding lower road must be graded, in accordance with this plan, to prevent ponding of surface waters and to promote lateral runoff of precipitation by September 15, 1991.

PLEASE TAKE FURTHER NOTICE If the above actions are not completed or complied with by the specified timelines, that on or after October 1, 1991, the California Integrated Waste Management Board, acting as Enforcement Agency, may:

1. Issue a Corrective Actions Order pursuant to PRC Section 45401.

2. Petition the Superior Court for an injunction to enjoin said violations. Should such an injunction be granted, continued violation may be punishable as contempt of court.

3. Initiate an action to modify, suspend or revoke Solid Waste Facilities Permit Number 08-AA-0006 for the site.

4. Bring an action in the Superior Court to impose civil penalties in an amount not to exceed $10,000 per day for each day of violation occurring after October 1, 1991.

DATED: _____

STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

BY: _____
Bernard R. Vlach, Acting Chief
Enforcement Division
California Integrated Waste Management Board

D E C L A R A T I O N

I declare under penalty of perjury that the following is true and correct:

1. I am duly employed as a Waste Management Specialist at the California Integrated Waste Management Board.

2. The allegations of the foregoing Notice and Order 91-02 are known to me of my personal knowledge to be correct. This knowledge was obtained by:

   a. A site inspection conducted by myself on November 28, 1990.

   b. A site inspection conducted by myself on January 10, 1990, and monthly thereafter.

   c. A review of records on file at the California Integrated Waste Management Board.

Executed at 1020 9th St., Suite 300, Sacramento, California, 95814, on _____.

_____

Paul D. Forsberg
Waste Management Specialist

D E C L A R A T I O N

I declare under penalty of perjury that the following is true and correct:

1. I am duly employed as a Waste Management Specialist at the California Integrated Waste Management Board.

2. The allegations of the foregoing Notice and Order 91-02 are known to me of my personal knowledge to be correct. This knowledge was obtained by:

   a. A site inspection conducted by myself on December 18, 1990.

   c. A review of records on file at the California Integrated Waste Management Board.

Executed at 1020 9th St., Suite 300, Sacramento, California, 95814, on _____.

_____

Mark de Bie
Waste Management Specialist

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 9

ITEM: Consideration of Regulations for Local Enforcement Agency Designation and Certification

BACKGROUND:

One of the many provisions of Assembly Bill 939 (Sher, 1989) requires the California Integrated Waste Management Board (Board) to develop regulations for the designation and certification of Local Enforcement Agencies (LEAs). Now codified as Public Resources Code (PRC) Section 43200, AB 939 mandates that the Board adopt LEA designation and certification regulations by August 1, 1991. Additionally, all LEAs must be designated and certified by August 1, 1992, or the Board will assume the role of LEA for that jurisdiction. The law requires that the regulations specify requirements in the following areas:

(1) Technical expertise.
(2) Adequacy of staff resources.
(3) Adequacy of budget resources.
(4) Training requirements.
(5) Existence of at least one permitted solid waste facility within the jurisdiction.
(6) No operational involvement in any of the types of facilities it enforces.

The PRC allows four separate types of certification for which an LEA may be designated:

(1) Solid waste landfills;
(2) Solid waste incinerators; and
(3) Transfer and processing stations.
(4) Litter, odor, and nuisance regulations at solid waste landfills.

The law requires the regulations to address LEA duties and responsibilities, and establish standards for LEA performance. Once certified by the Board, LEAs become agents of the state and carry out State solid waste management permitting, inspection, and enforcement duties at the local level.

At the Committee's April 3, 1991 workshop, the following timeline for adoption of the regulations was proposed:

October 1990	Research and prepare outline
November 1990	Initial drafting
December 1990	In-house review
January 1991	Final draft
April 1991	Board Committee review of Section 100 changes
April 1991	Board Committee workshop
May 1991	Board adoption of preliminary regulations and official Notice
(45 day public	comment period begins May 24)
June 1991	Board Committee workshop
(45 day public	comment period ends July 8)
July 1991	Board Committee final review
July 1991	Board consideration of adoption of final regulations

The regulatory language has undergone extensive in-house review. Prior to May 8, 1991, Board staff received 25 written comments from LEAs and other interested parties. Board staff discussed the proposed regulations at three meetings of the Enforcement Advisory Council (EAC) held on February 7 and 28, 1991, and May 2, 1991. Staff also heard many oral comments from interested parties. All of these suggestions and comments were examined and addressed resulting in many changes to the proposed language.

At the Committee's May 8, 1991 meeting, the Committee directed staff to notice the proposed regulations with the Office of Administrative Law (OAL) beginning the required 45-day official written public comment period. The regulations were noticed by OAL on May 24, 1991 beginning the 45 days. On June 12, 1991 the Committee conducted a public workshop in Southern California to receive oral testimony on the regulations. On July 8, 1991 the Committee also held a public hearing on the proposed regulations in Sacramento.

ANALYSIS:

At the time this agenda item was prepared Board staff had received six sets of written comments during the official 45-day public comment period and five people gave testimony at the June 12, 1991 workshop. Staff have responded to all comments received or made by the time this agenda item was prepared. The comments and their responses can be found in attachment No. 1. All LEAs, cities, counties, and interested parties received copies of the proposed regulations, its statement of reasons, and regulatory notice. Board staff have made every effort to incorporate the

comments and suggestions received, however a few major issues remain. Commentors raised six major issues concerning the proposed regulations.

LEA Minimum Staffing

The first of these involves the requirement for at least one full time staff person for performing LEA duties. The PRC requires that LEAs perform environmental health duties as implied by the types of certifications available. Environmental health expertise remains the most essential function of the LEA. The Board's Waste Management Specialists, for example, must meet extensive education, training and experience requirements. The Board is currently spending about $9,000.00 per field employee for initial equipment and training with annual training and maintenance costs of $4,000.00 per employee. LEAs must also function as the central agency responsible for insuring the protection of human health and the environment from the adverse affects of solid waste handling and disposal. For these reasons, the regulations mandate at least one full time person for performing the functions of an LEA. The regulations allow for the formation of Joint Powers Agreements (JPAs), so local agencies can pool their resources and lessen the financial impact of establishing an LEA in rural areas. Local agencies may also contract for services with other LEAs or qualified professionals.

Comprehensive Program

A second concern raised by some existing LEAs, involved the requirement for LEAs to be a single comprehensive agency. Often local jurisdictions utilized one agency for handling LEA health issues and another for other LEA functions. Two and sometimes three local agencies became responsible for separate LEA functions. In the past, this situation led to confusion and duplication of effort. The public found multiple LEAs to be non-responsive, and some LEA duties were neglected due to inter-agency confusion. Experience has shown multiple LEAs within a single jurisdiction are cumbersome and lead to communication, enforcement, and permitting problems.

Conflict of Interest

The third area of concern deals with the requirement for LEAs to be free from any potential conflict of interest. Historically, some LEAs fell under the supervision of those that directly operated or were in other ways responsible for the operation of solid waste facilities. LEAs, in such positions, found problems obtaining funding when enforcement actions were taken against public landfill operators. The proposed regulations forbid LEAs

from reporting directly to any agency, short of the local governing body, that operates a solid waste facility.

Re-Designation

In the fourth area of concern, existing LEAs worried about the designation process when many cities existed within a county-wide LEA. State law requires a majority of the cities within a county (with a majority of the population) to designate the county as LEA for a county-wide LEA to be formed. The regulations allow existing, comprehensive, sole LEAs to re-designate by re-affirmation of existing city resolutions. This process should make designation by counties containing many cities less onerous.

Line Item Budgeting

In the fifth concern some LEAs objected to separate line item budgeting for demonstrating the adequacy of resources. Jurisdictions with extensive budgets found this requirement to be overly burdensome. LEAs are a separate entity within local governments, and line item accounting is required to insure adequate resources for LEAs as required by law. Budgets must be submitted annually based on the LEA's fiscal year. A line item budget is the only way the Board can fully insure that funds designated for LEA use are actually used for the correct program.

Inter-Jurisdictional Proposals

The sixth concern raised involved how these regulations would impact inter-jurisdictional solid waste transfer proposals such as rail haul plans. The regulations allow for the formation of JPAs or contracts for the purposes of forming a LEA that may cross local jurisdictions. The formation of JPA or contract LEAs between the involved jurisdictions will help streamline waste transfer proposals while still preserving local control as mandated by the PRC. The regulations do not preclude an LEA from contracting with an other LEA for support services.

Staff expects about one-third of the approximately 120 existing LEAs to be dropped for statutory reasons. About 30 to 40 LEAs may re-designate by re-affirmation of existing resolutions.

Staff will discuss any comments received too late for inclusion in this agenda item.

STAFF COMMENTS:

Based on the public comments received staff has prepared an amended version of the regulations which can be found in attachment No. 2. Portions of the regulations that have been

changed from the May 24, 1991 officially noticed version are indicated by underlining. Text added is indicated by redline and text deleted is noted by ~~strikeout~~. Staff will individually indicate the changes and note the reasons for amending the proposed regulations.

The Committee has two options when considering these proposed regulations:

1) The Committee could approve the regulations with specific changes. The Committee could use some, all, or none of the changes proposed by staff. The Committee could also include other changes. This option is appropriate if the current language of the regulations can be made acceptable with specific amendments. Using this option the regulations will go to the full Board for consideration, then be re-noticed by OAL for a 15-day sufficiently related public comment period. During this comment period the public can comment only on the changes made to the originally noticed version. After the 15-day comment period the regulations will come back to the Committee and the full Board for consideration of further changes to the regulatory language. If no further changes are warranted at that time, then the regulations can go to OAL for completion of the rulemaking procedure. Using this option will give the Board the widest possible flexibility in addressing the concerns of the public, while still meeting the August 1, 1991 statutory deadline.

2) The Committee could disapprove the regulations and instruct staff to re-write and re-notice the proposed regulations for another 45-day public comment period. This option is appropriate if major changes to the regulatory language are warranted. Using this option the Committee would instruct staff on how the regulations are to be re-written. This option will not allow the Board to meet its August 1, 1991 statutory deadline, but will allow for the concerns of the public to be addressed.

Prepared by: _____ Phone 3-3624

Reviewed by: _____ Phone 2-6172

Legal review: _____ Date/Time 7-2-91 9:45am.

Attachments: 1) Comments Received and Responses
2) Proposed Regulations

SUMMARY OF COMMENTS AND RESPONSES:

TITLE 14: CALIFORNIA CODE OF REGULATIONS

Chapter 5

General Comments

Comment: We are concerned with language in the proposed regulations which seems to indicate that an LEA is solely responsible for carrying out solid waste management inspection enforcement and permitting functions within its jurisdiction. This language may impact private waste transfer projects.

Response: The proposed regulations address the above comment in the following sections: 18011(a)(4), 18051(c)(a), 18052(a), 18070(b) and 18072(a). It is the intent of these regulations to provide a single comprehensive solid waste management agency (an LEA or an enforcement agency) for each jurisdiction in the state. Black's Law Dictionary (Revised Fourth Edition) defines: "sole" as meaning; single or individual; separate; the opposite of joint. Existing regulation in 14 CCR Division 7, Section 17225.7, defines "Solid Waste Management" as "solid waste management-- includes a planned program for effectively controlling the generation, storage, collection, transportation, processing and reuse, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives".

Webster's New-World Dictionary (Second College Edition, 1989) defines "comprehensive": 1. dealing with all or many of the relevant details; inclusive; 2. able to comprehend fully.

Additionally, the LEA duties and responsibilities are set forth in statute and existing regulations for inspection enforcement and permitting including corrective actions, closure and postclosure, as well as site investigations, assessments, characterizations, remediation alternatives and the handling if solid waste, related to permitted, closed, abandoned, exempt, illegal, and inactive sites and facilities.

Reference: 2.1

Comment: In discussions with the Board staff, it has been suggested that a joint powers agreement be used to address the problem of a county LEA operating in another jurisdiction. While this arrangement may work, it does pose some practical problems. Each time a new MRF/transfer station comes on line the original JPA may have to be modified requiring the approval of all participating parties. This could prove to be a lengthy and cumbersome process.

Response: The issue of control and jurisdiction is a local concern, and should be resolved accordingly. The Board recognizes that it is difficult to obtain agreement among several local jurisdictions on common issues, but to accommodate a project of this magnitude, it may be necessary. Use of a JPA is only a suggestion by Board staff and many other avenues may exist to solve the problems associated with transport of waste between existing jurisdictions.

No regulatory changes are warranted by this comment.

Reference: 2.10

Comment: The operator requests that the Board make accommodations for the "agent contracted" LEA approach.

Response: The proposed regulations allow for this type approach as long as no conflict of interest is involved. Proposed regulations allow other types of enforcement arrangements that could be used instead of the "agent contracted" LEA.

No regulatory changes are warranted by this comment.

Reference: 2.11

Comment: The county desires the ability to inspect and reject loads that originate outside of its jurisdiction.

Response: LEAs only have power and authority in their own jurisdiction. If they wish to address concerns in another jurisdiction, they must to so through the LEA in that jurisdiction. If local governing bodies wish to create a special district or joint powers agreement for solid waste issues, they can do so by designating a sole enforcement agency for the proposed jurisdiction.

No regulatory changes are warranted by this comment

Reference: 2.7

Comment: The operators of a regional transport and disposal project propose to enter into a contract with the operator of a

MRF/transfer station that would allow them, or their designated agent, the right to inspect and reject loads at the facility where they originate. They intend to contract for these inspections with an LEA that regulates them in another jurisdiction. The operator seeks clarification on how the proposed regulations would affect such an arrangement.

Response: Load inspections, or checks, are an operator function and may also be a condition of the permit outlined in the waste discharge requirements. A regional transport and disposal project may contract with facility operators to inspect loads, in addition they can also contract with an agent to provide these services. This agent could be an LEA from another jurisdiction as long as no conflict of interest exists. However, allowing an LEA to contract with an operator to provide services in one jurisdiction while regulating that operator in another jurisdiction would present a conflict of interest. Section 18072(b) of the proposed regulations, and Government Code Sections 87100 et seq., 1090 et seq., and 1125 et seq. prohibit conflict of interest.

No regulatory changes are warranted by this comment.

Reference: 2.8, 2.9

Comment: Would the Board be capable of performing all of the duties and responsibilities required of the LEA if the Board were to assume the enforcement role?

Response: Should it become necessary, the Board is prepared to become the Enforcement Agency and perform all duties required by statute and regulation

Reference: 5.7

Comment: The regulations should allow for co-LEAs because of the difficulty in separating the publicly operated solid waste disposal functions from the health and environmental functions.

Response: The Board rejects the suggestion that the regulations allow for co-LEAs. It has been shown that a single comprehensive agency is more effective at performing the duties of an LEA. Co-LEAs are inconsistent in their application of State Minimum Standards. It is more efficient for operators and the public to deal with a single agency rather than multiple agencies. Board experience since 1976 has shown that co-LEAs are not clear on their responsibilities and many were not even aware of their designation. The Board report titled The Effectiveness of Enforcement of the State Minimum

Standards for Solid Waste Handling and Disposal (January 1982), supports the concept of a sole LEA. There is no need to separate operational solid waste functions from health and environmental functions because a sole LEA can regulate both aspects of solid waste management.

No regulatory change is warranted by this comment.

Reference: A2.1

Comment: Section 43207 of the PRC does not allow operating units to be LEAs. This provision is confusing. How will it effect co-LEAs? The regulations should clarify this point.

Response: The Board agrees that PRC Section 43207 does not allow a local governmental department or agency which is the operating unit as defined in 14 CCR 18011(a)(15), to become an LEA. The proposed regulations will effect co-LEAs in two ways. Based on statute the LEA cannot be an operating unit and the regulations allow for only a single LEA per jurisdiction. Therefore, those LEAs existing as either an operating unit or as a co-LEA will not be able to function after August 1, 1992. No regulatory change is warranted by this comment.

Reference: A2.2

Comment: We agree with the single LEA per jurisdiction concept. However, we have concerns over regional solid waste programs which collect, transport and dispose of waste in a manner spanning more than one jurisdiction.

Response: The proposed regulations do not preclude in any way the formation of a special district by the affected local governing bodies. This act would be accomplished by an appropriate agency designation as an LEA for Board concurrences and certification. The PRC mandates designation of local agencies in a specific manner. It is up to the localities to elect the method of designation. The issue of control and jurisdiction is a local concern and must be resolved accordingly. The Board recognizes that it may be difficult to obtain agreement among several local jurisdictions on common issues. It is, however, a public matter beyond the Board's scope and authority. The issue of allowing authority extensions beyond jurisdictional boundaries is a local one to be resolved by the involved parties. The Board will continue to recognize the authority of the properly designated and certified LEA. Any mutual arrangements must ultimately conform to, and flow through, the properly designated and certified LEA. No regulatory change is warranted by this comment.

Reference: 2.2, 2.4, 2.6

Comment: We believe the following sections will adversely impact private waste transfer projects: Sections 18011(a)(14), 18070(b), 18072(a), and 18081(a)(1).

Response: The Board rejects the suggestion that the proposed regulations apply to private operators or facility operators. The definition of "Local Enforcement Agency" has been formed to meet the statutory and regulatory requirements of PRC Division 30 and 14 CCR Division 7. Specifically, the definition provides for a clear and necessary definition which meets the statutory requirements of PRC Sections 43200, 43201, 43207 and 43209, the Administrative Procedures Act, Government Code Section 11340 and CCR Title 1. It defines the extent of the duties and responsibilities of an LEA to prevent conflict of interest between operators of Solid Waste Facilities and the Enforcement Agencies which regulate Solid Waste Facilities. Additionally, the use of the term "Operating Unit" as defined in the regulations (Section 18011) clarifies the Statute (PRC 43207) further and provides the necessary conditions to meet the statutory requirements set for LEA and operators in PRC Division 30 and the expanded regulations found in this chapter.

No regulatory changes are warranted by this comment.

Reference: 2.3

Comment: The Board should not discourage the use of rail hauls for waste.

Response: The Board staff rejects the suggestion that the proposed regulations discourage the use of rail hauls. The regulations address local enforcement agencies or proposed enforcement agencies, not operators of solid waste facilities and sites. The designation of LEA jurisdictions, the designation of LEAs, the creation of contracts or JPAs and the creation of special districts are all duties and responsibilities of local governments (i.e: cities, counties, cities and counties, joint powers districts, and special districts) pursuant to statutes PRC Section 43203, and Government Code 6500. Additionally, under the proposed regulations, conflicts of interest are not allowed pursuant to PRC 43207 and the proposed certification regulations.

No regulatory changes are warranted by this comment.

Reference: A6.1, A7.1

Comment: The commentor raises two of the many ways conflict of interest issues are mitigated: 1) Contracts, and 2) Independent Hearing Panels.

Response: The "conflict of interest issues" related to the proposed regulations are manifold and may occur in the: LEA vs. Operator, LEA consultants vs. Operator consultants, LEA vs. the "Operating Unit", Consultants that are "Facility Operators", Hearing panel members that are also Facility Operators, and the lack of an independent hearing panel where publicly operated facilities or sites exist in a jurisdiction, are just a few examples. Additional conflict of interest issues may arise if LEAs contract out for inspection, permitting and enforcement duties instead of with another LEA, or the Board.

Specifically, "Contracts" allowed in the proposed regulations (Sections 18050, 18051 and 18072) address the "conflict of interest" between an LEA and consultants for engineering duties (not inspection, enforcement and permitting duties of an LEA) as provided in statutes and regulations. LEA consultants shall not be "operators", "facility operators" or "operating units" (as defined in statute and these regulations) in the LEAs jurisdiction. LEA consultants shall not be "facility operators" as defined in 81011(a)(10) so as to preclude any conflict of interest in an LEA jurisdiction pursuant to Section 18072. However, a facility operator in one jurisdiction could be an LEA in another jurisdiction, as long as it is not an "operating unit" in the other jurisdiction. Only local public agencies can be designated as LEAs pursuant to 14 CCR Section 18051, and only local governing body's can designate local agencies as enforcement agencies pursuant to PRC Section 43203. Additionally, only local agencies that are not "operating units" in the designated jurisdiction can be LEAs pursuant to PRC Section 43207.

14 CCR Section 18050 states....."a local governing body may enter into a contract or joint powers agreement with another LEA for enforcement, inspection and permitting duties within its territorial jurisdiction". Existing LEAs not issued certification and not obtaining Board approval of its EPP and designation under PRC Division 30, and 14 CCR Division 7 will cease to exist after August 1, 1992.

No regulatory changes are warranted by this comment.

Reference: 3.1(B), 3.2(A)

Comment: There are references in the regulations to an LEA being "sole" agency within a jurisdiction. Yet there are also references to Counties or Cities having contracts, or joint

power agreements with another County or City for their duties. Can you have more than one LEA in any one jurisdiction?

Response: There can be only one LEA in a designated jurisdiction. A jurisdiction can be a County, a City, and City and County, or any combination of cities, counties, or cities and counties. Unincorporated areas, joint powers agreements and special districts created for solid waste issues, may also designate. Joint powers agreements and special districts, are in most instances, a vehicle for pooling resources and designating an enforcement agency to be the sole LEA for a combination of counties, cities, and/or counties and cities. Some possible scenarios include, a jurisdiction(s) lacking an LEA contracting with another having an LEA. Another possibility is two or more jurisdictions all having LEAs and wanting a special district and that designates one of the LEAs or a new sole LEA. The last possibility is multiple jurisdictions each having no LEAs and designating one common LEA for their combined jurisdictions. These possibilities are consistent with the "sole" LEA per jurisdiction regulatory requirement, as they re-define a jurisdiction for the designation. All designations are subject to Board approval and certification issuance.

No language change is warranted by this comment.

Reference: 6.1

Comment: The use of hearing panels will eliminate conflict of interest for LEAs that are operators. The regulations should allow for LEAs to also be operators.

Response: PRC Section 43207 already prohibits what this comment suggests. Furthermore, Board experience with waivers for LEA-Operators, which were permissible in the repealed regulations, demonstrates general failure in the enforcement of regulations by an entity in itself. No regulatory language change is warranted by this comment.

Reference: A2.4

Article 1

Section 18011

Comment: Section 18011(6). Most of the older "closed" sites have no documentation on how closure was conducted. Does this make them "abandoned sites"?

Response: The Board cannot answer the posed question without further information. The site status and history needs to be defined and then applied to the definition of: "abandoned site", "inactive site", "closed site", or "permitted site". The proposed regulatory definition of "abandoned site" states: ...."a site that has ceased accepting waste, but is not closed, and where there is no responsible party as determined by the Local Enforcement Agency and the Board".

Sites that have ceased accepting waste before 1972 would have no closure/postclosure plans requirements and maintenance except those existing in applicable enactments, local ordinances and land use permits, or RWQCB requirements for the site (i.e. RWQCB waste discharge requirements, local land use codes, and applicable enactments).

Sites that have ceased accepting waste between 1972 and 1988 would have to meet the applicable enactments at the time the site ceased accepting waste. Specifically, the enactments of the RWQCB, Chapter Fifteen (15), Title 14 CCR, and Government Code requirements for closure and site maintenance, monitoring, assessment, corrective actions and site security, in addition to local enactments and any land use changes, apply.

All sites that ceased receiving wastes after Jan 1, 1988 are required to meet the Closure/Postclosure regulations found in 14 CCR Division 7, and PRC Division 30. The immediate Health & Safety requirements of the Board, the RWQCB, the Air Resources Board (ARB), and the local Air Pollution Control Board, and local ordinances apply. Changes in land use at the site also apply. Those sites meeting PRC Division 30 and 14 CCR Division 7, Chapters 3 & 5 requirements would be "Closed Sites".

No regulatory change is warranted by this comment.

Reference: 5.1

Comment: In Section 18011(a)(11), how can exempt facilities be allowed? Statute does not allow for exemptions.

Response: The existing regulatory language allowing permit exemptions under specific conditions is contained in 14 CCR Section 18215. The statutory authorities for this regulation are PRC sections 40502 and 43020. The statutory reference is PRC Section 43020. No regulatory changes are warranted by this comment.

Reference: A1.2

Comment: The commentor quotes PRC Section 43207: "No local governmental department or agency which is the operating unit for solid waste handling or disposal operation shall be the enforcement agency for the types of solid waste handling of disposal operation it conducts".

Furthermore, the commentator would like the term "special district" found in the definition of "local agency" Section 18011(a)(13) explained, and the term local public agency or department defined.

Response: The statutory requirement of PRC Section 43207 is further defined and clarified in the definition of "operating unit" found in Section 18011(a)(15). A special district of "District" as it is used in this Chapter refers to any district formed pursuant to this Chapter to provide a LEA jurisdiction, or designated jurisdiction, for the solid waste issues of enforcement, permitting and inspection pursuant to PRC Division 30, and 14 CCR Division 7. Furthermore, a "District" can be a city or county, city and county, or any municipal or county or public district such as the following: Fire district, Drainage district, Mosquito abatement district, School district, Tax district, Sanitary district, Water district, Improvement district, or one created for solid waste issues. A local public agency or department is a major subdivision of a local governing body such as the Public Health Department, Environmental Health Department, or the Public Works Department. For the purposes of this Chapter, the local public agency or department means a department, agency, or bureau of a local governing body separate from the local governing body's department, agency, or bureau that is the "operating unit" for solid waste handling, facilities, or sites pursuant to PRC Section 43207, and 14 CCR Section 18011(a)(13).

No regulatory change is warranted by this comment.

Reference: 3.1(A)

Comment: Section 18011(14). Solid Waste Management in 14 CCR, Section 17225.70 includes ... the control of generation, reuse, and conversion. Under many IWM plans, this function has been assigned to recycling coordinators or IWM authorities. How then, can the LEA be "solely" responsible for carrying our solid waste management?

Response: An LEAs responsibility in comprehensive solid waste management lies in the permitting, enforcement and inspection of solid waste facilities, sites, and handling of solid waste in its jurisdiction. The operator of solid waste facilities and sites including, materials recovery

facilities, disposal sites, facilities, etc., by statute cannot have the LEA responsibility (PRC Section 43207). An LEA cannot be the operating unit for solid waste handling or disposal operations for which it has enforcement duties and responsibilities in its jurisdiction, pursuant to PRC Section 43207.

No regulatory change is warranted by this comment.

Reference: 5.2

Comment: Section 18011(a)(14) should be changed so that abandoned vehicles and litter programs are not included in the definition.

Response: The Board rejects the suggestion that abandoned vehicles and litter programs not be included in Section 18011(a)(14). Statutory law (PRC Section 43200(b)(4) requires the Board to issue four (4) types of certification including: "Inspection and Enforcement of litter, odor, and nuisance at solid waste landfills" to local agencies seeking certification to be designated as an LEA. PRC Section 40191(a) defines "solid waste" and incudes "abandoned vehicles..." and "...parts there of," "trash," "paper," etcetera, as definitions.

Additionally, PRC Section 43209 requires the enforcement agency within its jurisdiction and consistent with its certification by the Board to do all of the following:

> (a) Enforce applicable provisions of this chapter and the regulations adopted thereunder, and under Section 43020, pertaining to the minimum standards for solid waste handling and disposal for the protection of air, water, and land, and land from pollution and nuisances....
>
> (e) Adopt an enforcement program consisting of regulations necessary to implement this chapter and the standards adopted pursuant thereto, and to establish specific local standards for solid waste handling.... However, any such regulations shall be consistent with this title and all regulations adopted by the Board.

The majority of LEAs existing now are Environmental Health Agencies/Departments that have on-going litter enforcement and abandoned vehicle removal programs in the state and their jurisdictions in addition to solid waste programs or elements.

No regulatory changes are warranted by this comment.

Reference: A3.1, A3.2

Section 18020

Comment: The file maintenance requirements of Section 18020 should allow for electronic data filing.

Response: The Board rejects the suggestion that there is any limitation on the type of medium that the required files/records may take. Existing regulatory language in 14 CCR Section 18020(a) uses the term "papers." If the LEA uses more than one medium for its records and files, each medium shall reference and cross reference the other so as to provide for finding all records and files that an enforcement agency is required to maintain by statute and regulation or other enactment. No regulatory changes are warranted by this comment.

Reference: A1.3

Comment: The Board should establish a filing system because of the length of some records and the long time they need to be stored.

Response: The Board rejects the suggestion that it should establish a filing system because of the length of some records and the long time they need to be stored. The Board has, keeps, and will maintain all records and files it generates or receives from other Federal, State, local Agencies/Departments, and their cities, counties and any other public entities as well as private operators, applicants, and correspondents. The Board now maintains files, reports, documents, records, etc., in several different mediums, including: paper, electronic data bases, computer software and word processing records, film, video tape, audio tape, court reporters transcripts, as well as older printed records, maps, documents, reports and deliverables in a written paper medium. The Board's Solid Waste Information System (SWIS) is a large electronic data base holding all inspection data for all sites and facilities now int the Boards inventory, as well as all new additions that are reported to the Board, or discovered by the Board. No regulatory changes are warranted by this comment.

Reference: A1.4

Article 2

Section 18050

Comment: Section 18050(a) should be clarified. Is contracting out for the entire jurisdiction, or for only one facility or function?

Response: The Board rejects the suggestion that Section 18050(a) should be clarified. Section 18050 is the Scope of Article 2 of this Chapter. Contracting out for LEA duties and responsibilities is set forth in the certification sections of this chapter, Article 2.1; specifically in Sections 18072(a) and (b). The separate issue of contracts for LEA duties and responsibilities other than enforcement, inspection, and permitting in the jurisdiction may be contracted out to public and private entities for "engineering" requirements on a site by site basis only. LEA duties and responsibilities of permitting enforcement and inspection is an all or nothing proposition limited to a designated and certification holding Local Enforcement Agency (LEA) in the total designated jurisdiction.

The proposed regulations allow for only a single or "sole" LEA per jurisdiction and not for each facility or site. With more than 1000 permitted facilities, and several thousand illegal, closed, abandoned, exempt, and inactive sites in the state, allowing a single LEA per site is not practical.

Under existing stature and existing and proposed regulations, the LEA jurisdictions are limited to cities, counties, Joint Powers Agreements (JPA), special districts, and contracts between these public jurisdictions. Additionally, only local governing bodies of city, county, or city and county, JPA, or special districts can designate an LEA for its jurisdiction pursuant to PRC Section 43203. Facilities, public or private, and LEAs cannot designate jurisdictions.

No regulatory changes are warranted by this comment.

Reference: A2.3

Comment: "Enforcement Agency" should be LEA in Draft May 7, 1991, lines 23, 197 and 835.

Response: The Board rejects the suggestion that the term is improperly used in these sections. The use of the term "enforcement agency" in line 23 is existing language and is consistent in usage in that the statutory definition implies the

designated local agency or the existing LEA until August 1, 1992.

The use of the term "enforcement agency" in line 197 is consistent with the statutory process in PRC Section 43203 in that a local governing body may designate a local agency as its enforcement agency pursuant to 14 CCR 18050.

The use of the term "enforcement agency" in line 835 is existing regulatory language and is consistent in usage in that the Board or an LEA can be the enforcement agency for a jurisdiction. The Board and an LEA are enforcement agencies for solid waste issues under PRC Division 30, and 14 CCR Division 7.

Reference: 1.12

Section 18051

Comment: Considering the requirements of Sections 18051 and 18052, will health related LEAs have to be designated or re-designated?

Response: Pursuant to PRC Section 43203, only local governing bodies can designate. Existing LEAs and future proposed LEAs all need to be designated, receive certifications, and get their EPP and designation approved to become LEAs under AB 939. (PRC Division 30, Sections 43200-43208)

No CO-LEAs, and dual or triple LEAs are allowed for a given jurisdiction. Only local governing bodies with existing LEAs that are the sole or single LEA for the existing jurisdiction can use the Section 18052 process for developing their local governing bodies designation information package to be designated.

All proposed new or future sole local agencies that are to be the LEA are to be designated by the local governing body(s) and use Section 18051 to develop their designation information package to be designated.

No regulatory changes are warranted by this comment.

Reference: A3.3

Comment: In types of certifications, Section 18051, the definitions of MRFs, recycling facilities, and other types of facilities need definitions.

Response: The 14 CCR Section 18051 does not address types of certifications but the Designation of Local Agency. The

definition of Materials Recovery Facility (MRF) is found in 14 CCR Section 18270(a)(36). Other and numerous definitions of facility types are found in the following statutory and regulatory sections: PRC Sections 40060-40201, and 43200-44817; 14 CCR Sections 17225.00-17225.74, and 17761, 18011, and 18720.

No regulatory changes are warranted by this comment.

Reference: A2.8

Comment: "Designated Agency" should be "Designated Local Agency" in Draft May 7, 1991, lines 229, 230, 234, 237, 238, 271, 274, 406, 422, and 476.

Response: The Board rejects this suggestion for the following reasons:

1) The usage of "Designated Agency" in lines 229, 230, 234 and 422 are existing language in the regulation. Lines 237, 271, 274, 406 and 470 are consistent with the existing regulatory language from the 1976 Act, and the new Act.

2) The use of "Designated Agency" is existing language and the continued use is consistent with existing language in this Chapter and with the Administrative Procedures Act (APA), and CCR Title 1. The suggestion does not provide additional clarity to the proposed regulations and only lengthens and extends the regulatory language to no purpose. The Board in this case does not wish to add to the APA process and wishes to meet the requirements of Government Code Section 11340 et sequens.

Reference: 1.11

Comment: The commentor raises two of the many ways conflict of interest issues are mitigated: 1) Contracts, and 2) Independent Hearing Panels.

Response: The "conflict of interest issues" related to the proposed regulations are manifold and may occur in the following interactions: LEA vs. Operator, LEA consultants vs. Operator consultants, LEA vs. the "Operating Unit", Consultants that are "Facility Operators", Hearing panel members that are also Facility Operators, and the lack of an independent hearing panel where publicly operated facilities or sites exist in a jurisdiction, and other examples. Additional conflict of interest issues may arise if LEAs contract out for inspection, permitting and enforcement duties instead of with another LEA, or the Board.

Specifically, "Contracts" allowed in the proposed regulations (Sections 18050, 18051 and 18072) address the "conflict of interest" between an LEA and consultants for engineering duties (not inspection, enforcement and permitting duties of an LEA) as provided in statutes and regulations. LEA consultants shall not be "operators", "facility operators" or "operating units" (as defined in statute and these regulations) in the LEAs jurisdiction. LEA consultants shall not be "facility operators" as defined in 81011(a)(10) so as to preclude any conflict of interest in an LEA jurisdiction pursuant to Section 18072. However, a facility operator in one jurisdiction could be an LEA in another jurisdiction, as long as it is not an "operating unit" in the other jurisdiction. Only local public agencies can be designated as LEAs pursuant to 14 CCR Section 18051, and only local governing body's can be designated local agencies as enforcement agencies pursuant to PRC Section 43203. Additionally, only local agencies that are <u>not</u> "operating units" in the designated jurisdiction can be LEAs pursuant to PRC Section 43207.

14 CCR Section 18050 states "...a local governing body may enter into a contract or joint powers agreement with another LEA for enforcement, inspection and permitting duties within its territorial jurisdiction." Existing LEAs not issued certification and not obtaining Board approval of its EPP and designation under PRC Division 30, and 14 CCR Division 7 will cease to exist after August 1, 1992.

No regulatory changes are warranted by this comment.

Reference: 3.1(B), 3.2(A)

<u>Comment</u>: The commentor sites 14 CCR Section 18051: "Designation of a Local Agency (page 6) (b)(6); "certified statement that designated local agency is not the operating unit." Older drafts of the proposed regulations provided for mitigation to any conflict of interest."

<u>Response</u>: The Board rejects the suggestion that old drafts of the regulations provided for mitigation to any conflict of interest. The existing language of 14 CCR 18051(a)(2), 18051(a)(6)(B), and 18051(a)(6)(C) no longer is allowed in that the statutory section on which they stood (i.e.: Government Code Section 66796) has been repealed with the Chaptering of AB 939 (Statutes of 1989, Chapter 1095).

AB 939 repealed the allowance of limitations on solid waste handling or disposal operations within its subject matter and territorial jurisdiction of the local governing body.

Additionally, with the repeal of Government Code Section 66796, Sections 18051(a)(6)(B and C) also have no basis in

statute and therefore specific measures defined by the proposed LEA or its local governing body to alleviate any conflicts between its role as an operator and its role as enforcement agency are not allowed. Existing statute does not allow an operating unit to be an LEA (PRC Section 43207).

Finally, with the repeal of Government Code Section 66796, conditional waivers to allow the enforcement agency to be a facility operator in the jurisdiction have been repealed and are also not allowed in PRC Division 30.

The existing text of 14 CCR Section 18051 which has been stricken out was done so to reflect the repeal of Government Code Section 66796 and the chaptering of AB 939 (PRC Division 30).

The Board rejects the suggestion that Subsections 18051(a)(6)(B and C) were stricken for other than statutory reasons. Article 2.1 covers certification requirements which are separate issues in the overall process of approving an LEA.

No regulatory changes are warranted by this comment.

Reference: 3.2(B)

Comment: You need to mention any contact of joint powers agreement in Section 18051, to justify designation.

Response: The Board rejects this suggestion for the following reasons. All contracts and joint powers agreements must be part of the designation information package if they relate the designation of the jurisdiction and or to another LEA. Contracts set forth for certification must be addressed in the LEAs EPP. Contracts for engineering duties cited in 18072 are also to be addressed (pursuant to 18073 and 18074) to provide for demonstration of adequacy of staff and budget resources in the EPP.

No regulatory changes are warranted by this comment.

Reference: 3.3

Section 18052

Comment: Section 18052 should include procedures for new LEA designations.

Response: The Board rejects the suggestion that the proposed regulations are lacking a regulatory procedure for

processing designations for new local agencies (aka LEAS).

Section 18051 is the general process in concert with PRC Sections 43203 through 43209 to designate existing LEAs or proposed "new" local agencies.

Section 18052 was developed pursuant to the Enforcement Advisory Council (EAC) (all members being existing LEA Directors and managers) which represents all of the State LEAs. Section 18052 provides for existing sole LEAs in a jurisdiction an option in the designation methods in PRC Section 43203. (See Initial Statement of Reasons for Section 18052)

No regulatory changes are warranted by this comment.

Reference: A3.4

Comment: Section 18052(C)(2). How can the LEA be separated from the public agencies that are operating units when Section 18011(14) requires the LEA to be "solely responsible" for carrying out all the management functions of 14 CCR Section 17225.70?

Response: The duties and responsibilities of solid waste management as set forth in 14 CCR Section 17225.70, related to LEAs, are limited to inspection, enforcement, and permitting duties and responsibilities pursuant to PRC 43200 through 43207. An LEA cannot be the operating unit in its jurisdiction pursuant to PRC Section 43207.

An LEA can demonstrate separation from public agencies or departments that are operating units by meeting the requirements of Sections 18050, 18051(a)(6), 18051(C)(2) and (3), 18073, 18074(a) and 18077(a).

In its Designation Information Package (DIP), the LEA has to demonstrate that it is a public agency/department, separate and distinct from the public agency/departments that operate disposal facilities in the jurisdiction. Additionally, the LEA must demonstrate that its budget is separate and distinct from the operating budget of the waste disposal agency/department in the local governing bodies jurisdiction. There are no statutes and regulations which limit the number and type of operating units in a jurisdiction.

No regulatory changes are warranted by this comment.

Reference: 5.3

Section 18054

Comment: The term "Local Agency" should be "Designated Local Agency" in Draft May 7, 1991, lines 393 and 558.

Response: The Board rejects the suggestion that term is improperly used. In line 393 of Section 18054 of the May 7, 1991 draft, the use of "local agency" is correct in that only a "local agency" can be designated. See the statutory definition of "enforcement agency" , PRC Section 43010, and regulatory definition of "Local Agency" and "Local Enforcement Agency" in 14 CCR, Section 18011(a)(13 & 14). The Board would not contact any other agency than the "designated" local agency and its local governing body for designation purposes. No definition of "designated local; agency" is set forth in 18050.

Reference: 1.9

Section 18055

Comment: Section 18055 should include the effective date of 1 August 1992 in accordance with statutes.

Response: Yes, the Board agrees that the proposed language of 14 CCR, Section 18055(a) should include the effective date of August 1, 1992. The effective date is in statute (PRC 43201) but regulatory language should be consistent with statute pursuant to the APA and CCR Title 1.

The regulatory language in (a) is to be changed to read: "After August 1, 1992, no designated agency shall...."

Reference: A2.6

Comment: A gap exists between the time the regulations are adopted, and when LEAs will have authority. A "grand-fathered authority" for existing LEAs is necessary.

Response: We have accepted the first comment and respond as follows: Subsection (a) will be prefaced by "After August 1, 1992." The second comment regarding grand-fathering existing LEAs is in conflict with the statutory requirements for LEA certification based on Board adopted regulations pursuant to PRC Division 30, Chapter 2, Article 1, beginning with section 43200. No change to the existing language is warranted by this comment.

Reference: 1.2

Section 18056

Comment: Section 18056. We are unable to find any provision for allowing an LEA to withdraw from a designation. If, for example, a city should fail to pay the necessary costs for services to an LEA, the LEA may wish to discontinue being designated by the city.

Response: The reason that withdrawal of designation is not addressed via the LEA is that Statute (PRC Section 43203 and 43206) allows only the local governing bodies in the jurisdiction to designate or withdraw designation in the methods set for in PRC Section 43203. The LEAs are not empowered to designate or dedesignate themselves pursuant to Statute.

No regulatory change is warranted by this comment.

Reference: 5.4

Comment: Section 18056(b) expressly conditions the withdrawal of designation on Board approval, yet it is the local governing body that designates and should be able to withdraw.

Response: The Board rejects the suggestion that the proposed regulations do not allow withdrawal of designation by the local governing body. Public Resources Code (PRC) Section 43206 states: "A designation made pursuant to this Article may be withdrawn in the same manner in which it was made." Therefore, the local governing bodies can, by statute not regulation, withdraw their own existing designation as allowed by the methods set forth in PRC Section 43203.

The Board also rejects the suggestion they shall expressly condition the withdrawal. Existing regulation states that the Board may expressly condition a withdrawal on Board approval of the new designation.

No regulatory changes are warranted by this comment.

Reference: A2.7

Section 18060

Comment: Section 18060--Appointment of Hearing Panel (page 9)(a)--How can a local governing body appoint an independent hearing panel (section 18081(a)(a2)) if a conflict of interest exists?

Response: The Board rejects the suggestion that only after a "conflict of interest" exists a independent hearing panel will be appointed by the local governing body. Section 18060 specifically provides for two types of hearing panels in a jurisdiction. The designated local agency's local governing body shall appoint itself as the hearing panel and/or appoint an independent hearing panel pursuant to 18081(d)(2) and PRC Sections 44800 and 44801. In the draft May 13, 1991 proposed regulations subsection 18060(a) [line 483] and subsection (d) [line 506] contained errors. Section 18081(a)(2) should read 18081(d)(2) in both lines noted.

All hearing panel appointments shall be made up front in the designation information package from each local governing body. Without a complete designation information package accepted by the Board, no further processing of the package will be forth coming pursuant to Section 18054(a).

No change to the regulatory language is warranted by this comment.

Reference: 3.6

Comment: Hearing panels eliminate any conflict of interest in the jurisdiction.

Response: As it related to "hearing panels," the Board rejects the suggestion that a conflict of interest shall exist if, when in the jurisdiction there exists publicly operated facilities or sites and an independent hearing panel is appointed to hear cases related to publicly operated facilities and sites. Section 18060 and Section 18081(d)(2) in concert with PRC Sections 44800 and 44801 cover the possible hearing panel options and allow the local governing body options as to gave one or two hearing panels to meet both statutory and proposed regulatory requirements.

No change to the regulatory language is warranted by this comment.

Reference: 3.7

Comment: "--Title 14, existing regulations, page 4;" Section 18060 deals with appointment of independent hearing panels to limit conflicts of interest when the LEA also operates solid waste facilities.

Response: The Board agrees that existing regulatory language of 14 CCR Section 18060 sets forth the requirement of hearing panels and the comment section addresses possible conflict in Government code Section 66796.58. AB 939 repealed Government Code Section 66796.85, and PRC Division 30 does

not allow any conflict of interest, nor does the PRC Division 30 allow an LEA to also be an operator pursuant to PRC Section 43207. Therefore, existing statute does not allow operating units to be LEAs and an independent hearing panel is required when publicly operated facilities or sites exist in a jurisdiction pursuant to 14 CCR 18081.

No change to the regulatory language is warranted by this comment.

Reference: 3.8

Section 18070

Comment: If a county wished to become the sole LEA only for the unincorporated area, would the Board or other LEAs be designated in the remaining city jurisdiction?

Response: Yes, 14 CCR Section 18051 and PRC Section 43203 address designation mechanisms. In the absence of a designation and/or certification, the Board becomes the enforcement agency and is reimbursed for the cost of its services by that jurisdiction. No regulatory change is warranted by this comment.

Reference: 5.5

Section 18071

Comment: This comment is regarding subsection (c). It states "an additional certification to perform permitting, inspection, and enforcement duties in another jurisdiction." ISOR page 28.

Response: It appears the commentator needs an explanation since no specific comment is made. This Subsection is intended to address situations where an LEA is not certified in a type of certification it currently needs to perform additional duties. These duties were not part of its jurisdiction upon initial certification sought by the LEA. This subsection provides for a mechanism whereby an LEA can request additional lacking certification(s).

No change to the proposed language is warranted by this comment.

Reference: 3.4

Section 18072

Comment: We oppose the use of the term "solely" as used in Section 18072(a): "The LEA shall have one or more full time staff members dedicated solely for solid waste issues." "Solely" implies that 100% of that dedicated staff members time would be working on solid waste issues. No statutory requirements could be found in your referenced PRC Sections which support the use of the word "Solely" in the subject context.

Your proposed Sections 18082 through 18084 prescribe the LEA duties and responsibilities for Permitting, Inspections, and Enforcement. Section 18073 requires the LEA to compute and certify adequate FULL TIME EQUIVALENT (FTE) staff resources in its Enforcement Program Plan. The resultant FTE will not result in a full years worth of staff time for most of the existing LEAs in the state. Also, much of the work could be performed by other public and private entities as provided in Section 18072, therefore requiring less full time staff. Our duties as stipulated in your regulations would not require a full time staff person. However, we believe the decision as to staffing is a local decision, is best made by the local agency.

Response: The Board rejects this suggestion of removing the requirement of at least one or more full time staff members dedicated "solely" for solid waste issues for the following reasons: The Public Resource Code (PRC) requires that LEAs perform environmental health duties as implied by the types of certifications available. Environmental health expertise remains the most essential function of the LEA. The Board's Waste Management Specialists, for example, must meet extensive education, training and experience requirements. The Board is currently spending about $9,000.00 per field employee for initial equipment and training with annual training and maintenance costs of $4,000.00 per employee for OSHA-required health & safety reasons. Additional technical training can easily double these figures.

LEAs must function as the central agency responsible for insuring the protection of human health and the environment from adverse affects of solid waste handling and disposal. When LEAs must divide their duties between Solid Waste and other duties, the Board has no assurances that the required Solid Waste duties are actually performed. Historically, the Board has found that during funding shortages, local jurisdictions often adjust LEA duties away from Solid Waste issues to other concerns such as food and restaurant inspections. The PRC implies that LEAs are agents of the State at the local level. Without at least at least one full time staff member an LEA will have difficulty functioning as the central agency responsible for solid waste. Those existing or future LEAs and their

jurisdictions which have less than a person-year of workload (i.e. one full FTE workload) have the option of expanding their jurisdictions so as to provide sufficient facilities, and sites, to justify one or more full time staff members dedicated solely to solid waste issues. Other options included in the proposed regulations are to contract with another LEA, form a joint powers jurisdiction, or a special district, or have the Board be the Enforcement Agency.

The Board rejects the suggestion that it is not empowered to prepare and adopt Certification Regulations. The referenced PRC Sections (i.e. PRC Section 40502 & 43200) do give the Board the power to prepare and adopt Certification Regulations for Local Enforcement Agencies. Specifically, the Board is to prepare and adopt certification regulations including, but not limited to: 1) Technical expertise, 2) Adequacy of staff resources, 3) Adequacy of budget resources, and 4) Training requirements.

The Board rejects the suggestion that at least one full time staff member is not needed in a jurisdiction. To provide sufficient: inspection, permitting, maintenance of records corrective actions, site assessments, follow-up inspections, staff, staff training, staff technical expertise and experience, and staff time for all of the above, the LEA shall provide adequate enforcement, permitting, inspection, administration, closure/postclosure, and corrective action duties and responsibilities, at least one full time staff member is needed.

Throughout the State, at this time, there are only 14 cities of the 462 incorporated cities which are existing LEAs and that have at least one permitted solid waste facility. Six of the 14 cities, that are existing LEAs, have only one permitted solid waste facility. Additionally, there are 58 existing County LEAs for a potential of 520+ LEAs in the State.

LEA duties have been expanded by recent legislation, and include permitting, enforcement, and inspection requirements for closed, abandoned, inactive, illegal, permitted, and exempt solid waste facilities and sites, as well as the inspection of solid waste handling facilities and vehicles. The law requires LEAs allocate additional technical equipment and training, including sufficient staff, staff time for training for experience, and health and safety issues for all aspects of LEA duties and responsibilities.

Existing and future proposed LEAs with jurisdictions having 1 or a few permitted solid waste facilities (especially only transfer of composing stations, and Materials Recovery Facilities) may find it difficult to generate fees to fund all the duties and responsibilities of an LEA.

Duplicating the staff expertise, equipment, training and administration and infrastructure in a county or JPA by maintaining a city as an LEA is not efficient for enforcement, permitting, and inspection duties and responsibilities.

A majority of current LEAs welcome the concept of at least one full time staff position as a program wishes to enhance the knowledge and performance of the local program. Allowing a small workload jurisdiction LEA to exist does not provide for the necessary and expanding training and on going technical expertise necessary to provide up to date technical expertise for the requirements of PRC Division 30 and 14 CCR Division 7, for Solid Waste Facilities (SWF) and disposal sites. A jurisdiction with less than one full year (P.Y.) of work should contract out to another LEA or form a JPA, or special district, with other cities or counties to provide ongoing LEA services in all aspects of solid waste management.

Most LEAs or proposed LEAs with a jurisdiction having less than on full year (FTE) full time equivalent work load should also find that the necessary requirements of demonstrating certification adequacy for such a jurisdiction to be difficult. When the FTE staff member (dedicated "solely" to part time LEA duties and part time to <u>other</u> duties <u>not</u> related directly to LEA duties and responsibilities) does not allow the designated FTE staff person to pursue training and expertise necessary to provide technical expertise in <u>all</u> aspects if solid waste issues and management in addition to maintain proficiency with the monitoring and testing equipment that do exist, or may arise in the jurisdiction. For example, three counties or cities with 1/3 P.Y. workload <u>each</u>, could create a special district, Joint Powers Agreement, or contract with each other and support a full time staff person, and train only one staff person instead of three separate individuals.

PRC Section 43213 provides for the Local Governing Body to provide its LEA with sufficient funds through fee's in the jurisdiction to fund the required LEA program.

For the Board to provide for the optimum protection of the public health and safety as well as the environment throughout the State, and to maintain competent well trained, experienced staff at the local level, the minimum staffing level for each jurisdiction must provide for sufficient staff time to maintain on going training experience and minimum competency in <u>all</u> aspects of Solid Waste Management. Within a given jurisdiction, solid waste management issues include, but are not limited to: Monthly inspections of all solid waste facilities and sites within the jurisdiction (PRC 43218); inspection, enforcement and permitting of: permitted, abandoned, illegal, inactive,

closed, exempt facilities and sites as well as the transportation, processing, and handling of solid waste in the jurisdiction.

Of the 460 plus incorporated cities in California, 49 are existing LEAs for their jurisdictions. Only 14 of the 49 existing city LEAs will, as of this date, remain LEAs under the statutory requirements of PRC Section 43207 and 43200(a)(5)if they are re-designated and receive certification. Seven (7) of the remaining 14 have only one PSWF.

Under the existing proposed regulatory language of Chapter 5, those existing seven (7) city LEAs with only one PSWF would find it difficult to fund and staff an LEA with sufficient certification requirements to cover all aspects that exist, or may exist in the future, for the additional requirements of: closure/postclosure, corrective actions, inspection frequencies, permitting, and enforcement duties and responsibilities in the jurisdiction pursuant to PRC Division 30 and 14 CCR Division 7.

There is approximately 107 existing LEAs (County and City) in the State, and 460+ cities and 58 counties. All 58 counties (except one) can meet the requirement of PRC Section 43200(a)(5), and only 14 of the 49 existing city LEAs.

The 1982 Report of the Effectiveness of Enforcement of the State Minimum Standards for Solid Waste Handling and Disposal (which does not include the duties and responsibilities of an LEA under PRC Division 30, and 14 CCR Division 7 as now existing in the statutes and proposed in regulations) a LEA Evaluation of 40 of the 121 LEAs in the state had the following findings:

1) Several agencies were unaware of their designation, thirty percent maintain insufficient records.

2) Eighty-five percent (85%) employed one part time staff person to solid waste enforcement, most of whom had received little or no training.

3) Discerning the source of funding for local waste enforcement activities was often difficult. While twenty-seven of the forty (40) charged fees as authorized by law, half of those relied on other funding sources to support their programs. Eighty percent (80%) of the cost of local enforcement was derived from funds other than the legally authorized solid waste enforcement fees.

4) Seventy-five percent (75%) had filed NO reports with the Solid Waste Information System, which is a major

element of the States enforcement records.

5) Solid waste enforcement training receives little emphasis at the local level. Only a few agencies were found to provide any type of formal solid waste enforcement training for their staff. Most agencies rely on training seminars conducted by the Board. Informal on the job orientation for new employees is the common means of training in solid waste enforcement.

6) Activities of the agencies evaluated reveal a wide range of both scope and effectiveness of enforcement programs. Some programs consist of facility inspections only. Enforcement programs in metropolitan areas usually include the enforcement of storage, collection and transportation in addition to disposal standards. A few agencies were also designated by county governments as the solid waste management plan liaison agency. A number of agencies which have no solid waste facilities within their jurisdiction were unaware that an enforcement agency designation had been made by their legislative body, or specifically who was designated.

7) Managers of the forty (40) agencies that had inspection programs revealed familiarity with complaint filing procedures. However, managers were unfamiliar with the use if the Notice and Order Program.

8) Funding for solid waste enforcement is not clearly identified in many city and county budgets, and most budgets do not specifically allocate funds for solid waste enforcement programs. Funding for enforcement positions frequently is included in the total budget of a larger unit, and is not specifically identified for solid waste enforcement. However, a few organizational budgets contain a precise amount for solid waste enforcement. In conclusion, the existing LEA status has resulted in a reduction of skill.

Finally, the Board entertained the requirement that an LEA jurisdiction with a work load of less than 1.0 PY (1.0 FTE per year) for solid waste management not be issued certification, and therefore not receive designation approval by the Board. By allowing a local governing body to designate a local agency for a jurisdiction with less than 1.0 PY of workload, but yet still fund the LEA and staff it so as to maintain a minimum level of expertise, training and competency throughout the State was preferred to the aforementioned requirement.

Reference: 1.1A

Comment: The provisions of Section 18072 for a Sole LEA should not adversely impact the implementation of large scale waste transportation projects such as rail hauling.

Response: The Board rejects the suggestion that the proposed regulations ("would") adversely impact the implementation of large scale waste transportation projects such as rail hauling.

The Board can not control the local governing bodies of cities, counties, special districts, and joint powers agreements, or contracts between local governments. Public Resource Code (PRC) Section 43203 states: "The designation of the enforcement agency shall be made by any one of the following procedures: a) The board of supervisors of the county may designate the enforcement agency to carry out this chapter in the county. The designation is subject to the approval by a majority of the cities within the county which contain a majority of the population if the incorporated areas of the county except in those counties which have only two cities in which case the designation is subject to approval by the city which contains the majority of the population of the incorporated area of the county. b) The county and the cities within the county may enter into a joint exercise of powers agreement pursuant to Section 6500 of the Government Code for the purpose of establishing an enforcement agency to carry out this chapter in the jurisdiction of the joint powers agency. c) a city council may designate an enforcement agency to carry out this chapter in the city. d) The board of supervisors of the county may designate an enforcement agency to carry out this chapter in the unincorporated areas of that county.

The proposed regulations would give additional options to local governing bodies to create for solid waste issues, LEA jurisdictions so designated by the local governing bodies in agreement. Specifically, a local governing body (LGB) or bodies may enter into a contract or joint powers agreement with another LEA out side their jurisdiction for the enforcement inspection and permitting duties within its (LGB) territorial jurisdiction. If a group of local jurisdictions (LGBs) wish to create a new jurisdiction separate from their jurisdiction and a distinct subset of one or more existing city(s) and or county(s) jurisdictions for the purpose of "large scale waste transportation projects" such as rail hauling, the existing proposed regulations do allow this option. The proposed regulations do allow for specifically designated jurisdictions with a single sole LEA for that designated jurisdiction but, does not allow overlapping jurisdictions or dual or simultaneous LEAs in a given jurisdiction.

No regulatory changes are warranted by this comment.

Reference: A5.1

Comment: The sole LEA requirements of Section 18072 should not impact the implementation of Joint Powers Agreements (JPAs).

Response: The Board rejects the suggestion that the proposed regulations impact the implementation of JPAs. Existing statute (Government Code Section 6500 et sequins) sets forth the requirements of joint powers agreements between cities, counties, the state, public districts or public corporations.

The Board has no regulatory power in the existing statutes governing JPAs. The Board is empowered under the PRC to prepare and adopt certification regulations for local enforcement agencies. To avoid by practice and in statutory mandate conflict of interests, the Board has in the proposed certification regulations required that only a one single sole separate LEA exist for a given jurisdiction. And the Board also wishes to avoid any conflicts that may occur when there exist two or more local enforcement agencies in a given jurisdiction. The regulated public should have to respond and work with a single agency that speaks with one voice.

See Initial Statement of Reasons for Sections: 18011(a)(14), 18070, 18071, 18072, 18073 18074 and 18075.

No regulatory changes are warranted by this comment.

Reference: A5.2

Comment: Section 18072(b), Technical Expertise (pg. 13): (b); "counties of cities may have contracts or joint powers agreements with another county, city or a joint powers jurisdiction LEA to provide enforcement, inspection, and permitting duties and responsibilities in the designated jurisdiction of the local governing body. The above contracts shall preclude conflict of interest between the cities or counties, their designated LEA, or the LEAs consultants and facility operators in the jurisdiction."

Response: The above comment does not apply to the rule making process in that the subsection is not properly quoted and does not reflect the proposed existing language as found in the May 13, 1992 draft. See the Statement of Reasons section for further explanation of this subsection.

No change to the regulatory language is warranted by this comment.

Reference: 3.5

Comment: We believe Section 18072(a) will adversely impact private waste transfer projects.

Response: The Board rejects the suggestion that the regulations apply to private operators of solid waste facilities and sites. Section 18072 of the proposed regulations sets forth the certification requirements related to technical expertise of LEAs. The designating local governing body's enforcement agency has to maintain sufficient staff numbers and technical expertise of each member to fulfill its duties and responsibilities and maintain its certifications and designation. It is the responsibility of the LEAs to provide enforcement, inspection and permitting duties of an LEA and not the load checking responsibilities and duties of an operator pursuant to an operators permit to operate a Solid Waste Facility. The terms and conditions of the facility Permit include waste discharge requirements of the Regional Water Quality Control Boards which may require a load checking program as a condition of the permit. Load checking is not directly a requirement of the State minimum standards as set forth in Chapter 3 of Division 7, Title 14 CCR. Pursuant to 14 CCR Section 17742, a site shall not accept hazardous wastes unless the site has been approved for the particular waste involved, and liquid wastes and sludges may be accepted at a site only as approved by the California Regional Water Quality Control Board, the local health entity, and the enforcement agency pursuant to 14 CCR Section 17743. It is the responsibility of the owner/operator of a solid waste facility or site to provide for operator responsibilities and duties under all relevant enactments and permits.

Reference: 2.5

Comment: A full time employee (FTE) will not result in a full years worth of staff work for the us, and most existing LEAs in the state also have less than one full year FTE.

Response: The Board agrees that at this time, some LEAs have less than a one person year (one year of FTE) workload. However, eighty five plus percent (85%+) of the counties have at least one PY (one year FTE) of workload at this time under PRC Division 30, and 14 CCR Division 7.

Reference: 1.1B

Comment: The commentor states that "in fact, the entire County of Santa Clara, with 10 active landfills, 2 transfer stations, and several closed sites would not require one full time staff member solely dedicated to solid waste issues in the County of Santa Clara."

Response: The Board rejects the statement that the workload exists as they have stated in their written comment. The County of Santa Clara has 23 inventoried Solid Waste Facilities and sites, and 20 Solid Waste Assessment sites for water (including 5 transfer stations and 18 landfills). [The Water Resources Control Board also show 20 SWAT sites as of June 22, 1989]

The work load for 23 facilities, each with one inspection per month including the required reporting for inspection duties alone is above one PY per year, not taking into account numerous other duties and responsibilities of an LEA.

Reference: 1.1C

Comment: We are fully committed to accomplishing the required tasks. However, we believe the decision as to staffing is a local decision, best made by the City. Finally, if your Board insists on requiring a "solely" dedicated (100% of his/her time) staff person, we (as provided for in the California Constitution) request reimbursement for these mandatory additional costs (difference between mandatory full time, and the required part time).

Response: The Board rejects this suggestion. Assembly Bill 939, Statutes of 1989, Chapter 1095, Section 37 states no reimbursement is required.

PRC Section 43213 states: "The enforcement agency may, upon a majority vote of its local governing body, prescribe, revise, and collect fees or other charges from each operator of a solid waste facility, or from any person who conducts solid waste handling if the local governing body having rate-setting authority has approved rate adjustments to compensate the solid waste hauler or solid waste facility for the amount of the surcharge imposed pursuant to this section. The fee or other charge shall be based on weight, volume, or type of solid waste which is received or handled by any such operator or person or on any other appropriate basis or any combination of the foregoing. In no case shall the fee or other charge imposed by the enforcement agency under this section exceed the actual cost of the solid waste enforcement authorized under this title."

Reference: 1.1D

Comment: This comment addresses subsection (a)(8-10). It assumes the Procedure Manuals referred to are Board manuals and requests that the regulations specifically identify these manuals, and require their being included in the EPP by reference only.

Response: The beginning of the section clearly states that the LEA shall develop, submit for Board approval, and adopt an EPP. The EPP content is then outlined including a minimum list of components. The regulation is clearly without reference to any Board materials to be included in the EPP. Additionally, PRC Section 43209(d) requires the LEA to develop the program. This comment is based on an incorrect assumption and does not warrant any change to the proposed language.

Reference: 1.3

Comment: We recommend deletion in Subsection (1) of 18072(a) of the May 7, 1991 Draft Regulations...of the portion..."beyond the technical abilities of the LEAs staff, shall"...and replace with "may".

Response: The Board rejects the recommendation of deleting the requirement of providing sufficient technical expertise to carry out the LEA engineering duties and responsibilities set forth in PRC Division 30 and 14 CCR Division 7. When an engineering review beyond the technical expertise of the professionals making up the LEAs staff exists, the LEA must provide sufficient technical expertise to fulfill the duties and responsibilities of an LEA, and protect the public health and safety, and the environment.

To meet these duties and responsibilities required for certification, the LEA must provide for the necessary contract duties via sufficient funding demonstrated in the Adequacy of Budget section of its E.P.P.

To be a responsible LEA and to maintain sufficient technical expertise as needed without requiring a full time staff professional(s) to meet 18072(a)(1) requirements, the LEA has to provide some mechanism to keep abreast of the latest technology and methods consistently arising at solid waste facilities and sites. This includes technologies related to Closure/Postclosure, Corrective Actions, Alternative Covers, Mitigation, and Monitoring of sites and facilities as well as health and safety issues of the staff and public.

Reference: 1.4

Comment: We ask if Section 18072(a)(1 and 2) use of the term "public and private entities" as specified in the LEAs EPP mean you

have to specify, by name, the public or private entity (consultant) or if you can designate a selection of consultant (entity) at the time of review.

Response: The public or private entities do not have to be identified up front, but the contract funds are to be identified and available each year. The only requirements are that the LEA provide for the consultation mechanism where required, and have the funds set aside for such need when it arises, not after. Funds for consultation, both engineering and legal, are required in Section 18073 and 18074 under Adequacy of Staff and Budget Resources.

No specific consultants have to be identified up front, but this would be wise to identify one or more entities both private and public which meet the requirements for consultants before documents, data, reports and other deliverables are received, and used, by the LEA. Use of, and fees paid to illegal and unapproved consultants, may cause the LEA to lose its certification as well as its designation. Reports, data, documents, etc. from unapproved consultants that are used to meet duties and responsibilities of LEAs, or consultants that are in conflict of interest with facilities and sites in the jurisdiction, and contracted for by the LEA are grounds for withdrawal of designation.

Reference: 1.5

Article 2.1

Section 18073

Comment: "Local Agency" should be "LEA" in Draft of May 7, 1991, line 656.

Response: The Board rejects the suggestion that the term is improperly used in this section. The use of "local agency" is correct in Section 18073(a)(3), line 656, since the local agency is not an LEA yet. Additionally, existing LEAs are also not LEAs after August 1, 1992 unless issued certifications. In general, all existing LEAs and future LEAs are local agencies in that none have been issued certifications, and existing LEAs lacking certifications after August 1, 1992 will also revert to local agencies without authority to be an LEA.

Reference: 1.10

Section 18074

Comment: Line item accounting items may not be used by all local agencies. Section 18074(a)(1) should be deleted allowing the LEA flexibility in demonstrating adequate budget resources.

Response: Section 18074(a) does not require local agencies to use line item accounting to figure their budget. It allows the LEA to use any budget accounting process capable of identifying expenditures and revenues which are adequate to fulfill their LEA duties and responsibilities. Only those documents submitted to the Board to demonstrate adequacy of budget resources must be of the line item accounting type or method. Because line item accounting is commonly used by cities and counties, and for consistency in reviewing budget demonstration, this method is preferred.

No regulatory changes are warranted by this comment.

Reference: 1.6

Section 18075

Comment: The Board has never offered any guidance or training relating to solid waste collection.

Response: Section 18075 of the proposed regulations state that LEA personnel shall be trained in solid waste management. The entire responsibility for the training program is not the Boards alone, it is to be coordinated with other state and local agencies. Since solid waste collection is generally governed by local ordinances, and the standards for collection are addressed in 14 CCR Division 7, Chapter 3, Article 5, then the local agencies should have primary responsibility for training in this area.

No regulatory changes are warranted by this comment.

Reference: 4.13

Comment: Clarify the definition "Board approved seminars and workshops."

Response: Board approved seminars and workshops are those that are either sponsored by the Board or are endorsed by the Board as providing useful training in their subject areas.

No regulatory changes are warranted by this comment.

Reference: 4.14

Section 18077

Comment: With reference to Section 18077(a)(10), the Board should establish uniform procedures for inspecting abandoned sites.

Response: This comment assumes the status of a site as being "abandoned," alters the standards for regulation and compliance at solid waste facilities and disposal sites. It does not. Inspecting an abandoned site is the same as inspecting any site, the same standards apply. However, that is not to say achieving compliance is the same. Subsection 18077(a)(10) does not limit local creativity and flexibility in the methodology of complying with existing statutes and regulations. No regulatory change is warranted by this comment.

Reference: A1.5

Article 2.2

Section 18081

Comment: The lead agency requirement of Section 18081 conflicts with the administration functions of existing new facilities.

Response: There is no Lead Agency requirement in the proposed regulation. (14 CCR Division 6, Article 4 addresses Lead Agency requirements.) No proposed regulatory language change is warranted by this comment.

Reference: A3.5

Comment: This comment addresses elements of this section as being extraneous and reiterating requirements of other sections, creating confusion, in addition to being poorly worded.

Response: The comments in the reference were based on a May 7, 1991 draft version of the regulation. Subsequent to this date, in the May 13, 1991 version submitted for the official public comment period, this section was extensively redone eliminating and modifying various subsections to insure clarity, necessity and non-duplication. No change to existing language is warranted by this comment

Reference: 1.7, 1.8

Comment: This comment is regarding Subsection 18081(d)(2), the independent hearing panel requirement for jurisdictions having publicly operated solid waste facilities or disposal sites.

Response: PRC Section 44800 addresses the types of hearing panels required under statute. This subsection of the regulations is necessary to clarify the circumstances under which an independent hearing panel is necessary. As the purposed regulation states, when a publicly operated solid waste facility or disposal site exists in the LEA's jurisdiction an independent hearing panel is required. This provision precludes potential conflict of interest which could result if a local governing body, which is involved in solid waste operation, arbitrates enforcement issues for its public sites. No proposed language changes are warranted by this comment.

Reference: 3.9

Comment: The status of Solid Waste Management Programs referred to in Sections 18052 and 18054 is unclear if the LEA is not approved.

Response: The plans addressed in the existing language of 14 CCR Sections 18052 and 18054 are the County Solid Waste Management Plans (Co-SWMPs) which are an element of the County General Plan.

Pursuant to AB 939, the Co-SWMPs have been repealed. However, clean-up legislation for AB 939 in AB 2296 (Chapter 1617 of the Statutes of 1990) allows the existing Co-SWMPs to stand until the Countywide Integrated Waste Management Plan (CIWMP) is in place for the county. The LEAs Enforcement Program Plan (EPP) is to be consistent with the applicable "Co-SWMP" or "CIWMP" and the EPP is to be revised when the "plan" changes.

No regulatory changes are warranted by this comment.

Reference: A2.5

Section 18083

Comment: This comment is specific to Subsection 18083(a)(5): Most older closed sites have limited closure information. What would be their postclosure maintenance period duration?

Response: 14 CCR Division 7, Chapter 3, Article 7.8, requires monitoring and maintenance of environmental protection systems until it can be documented that there no longer

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exists any threat to public health, safety, or the environment. No propose language change is warranted by this comment.

Reference: 5.6

Section 18084

Comment: Section 18084(a)(3) should distinguish between major and minor permit violations.

Response: There exists no statutory or regulatory intent or actual distinction as to major or minor permit violations. All permit violations are to be handled in the same manner. It is not within the intent or scope of this rulemaking to modify existing solid waste facility permit regulations. No proposed regulatory language change is warranted by this comment.

Reference: A1.1

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities Permits; Loan Guarantees

Article 1. Definitions and General Provisions

18010. Scope.

(a) This chapter is adopted pursuant to and for the purpose of implementing the California Integrated Solid Waste Management Act of 1989 (ACT) commencing with Section 40000 of the Public Resources Code (PRC) ~~Z'berg-Kapiloff Solid Waste Control Act of 1976. Chapter 3 (commencing with Section 66795) of Title 7.3 of the Government Code~~, as it may be amended from time to time. ~~No attempt has been made in these regulations to reproduce the provisions of the Act. Therefore,~~ T~~t~~hese regulations should be read together with the Act. ~~Where the regulations stipulate form approval by the board, the board delegates the approval of local enforcement agency forms to the executive officer.~~

(b) This Chapter implements those provisions of the Act relating to solid waste facilities and disposal sites, and application of minimum standards for solid waste handling and disposal (Chapter 3 of this Division) to such facilities. Nothing in this chapter is intended to limit the authority of the enforcement agency or the board to enforce the minimum standards as they apply to collection, storage, and removal of solid wastes pursuant to the provisions of Sections 43209 and 43300 of the Public Resources Code (PRC). ~~66796.10 and 66796.691 of the Government Code.~~ Nothing in this Chapter is intended to limit the authority of the state or local health agencies. ~~to enforce minimum standards for solid waste handling and disposal for the protection of the public health, adopted pursuant to Section 66770 of the Government Code and Section 4520 of the Health and Safety Code.~~

NOTE: Authority cited for Chapter 5 (Sections 18010-18354, not consecutive): Sections 40502, 43020, 43200, and 43214 of the Public Resources Code (PRC). ~~66790, Government Code.~~
Reference: Sections 43200 - 45601 of the Public Resources Code ~~66795-66796.82, Government Code.~~

18011. Definitions.

~~(a) Except as otherwise provided in this chapter, the definitions contained in the Nejedly-Z'berg-Dills Solid Waste Management and Resource Recovery Act of 1972 and the Z'berg-Kapiloff Solid Waste Control Act of 1976, as those acts have been and may be amended, shall govern construction of this chapter, and terms defined in those acts and used herein are to be given their statutory meanings unless the context otherwise requires.~~

(a) ~~(b)~~ Unless the context otherwise requires, the following definitions shall govern construction of this Chapter:

(1) "Abandoned site" means a site that has ceased accepting waste but is not closed, and where there is no responsible party as determined by the local enforcement agency and the board.

(2) ~~(1)~~ "Act" means the California Integrated Solid Waste Management Act of 1989. ~~Z'berg-Kapiloff Solid Waste Control Act of 1976.~~

(3) ~~(2)~~ "Applicant" means the proposed operator of a facility.

(4) ~~(3)~~ "Certified" means submitted and stated under oath, affirmation, or penalty of perjury.

(5) "Certification" means certification by the Board of an enforcement agency pursuant to Section 43200 of the Public Resources Code and Articles 2.1, and 2.2 of this Chapter.

(6) "Closed site" means a solid waste disposal site that has ceased accepting waste and has documentation that closure was conducted in accordance with applicable statutes, regulations, and local ordinances.

(7) ~~(4)~~ "Enactment" means a federal, state, regional, or local statute, ordinance, regulation, permit, or similar provision having the force of law.

(8) ~~(5)~~ "Enforcement action" means an action of the enforcement agency or the board, taken pursuant to the act or this chapter, including, but not limited~~,~~ to issue~~ing~~ a notice and order, a cease and desist order, ~~to issue~~ cleanup or abatement order, or a corrective action order; to institute a proceeding to modify, suspend, or revoke a permit; to institute a judicial proceeding to obtain an injunction; or to institute a judicial action to obtain civil penalties.

~~(6) "Enforcement agency" means the local agency designated pursuant to Section 66796 of the Government Code for the purposes of carrying out the provisions of the Act and the board when acting in the place of such local agency.~~

(9) ~~(7)~~ "Facility" means a solid waste facility as defined in Public Resources Code Section 40194 or disposal site as defined in Public Resources Code Section 40122.

(10) "Facility operator" means the operating unit, and other person(s) who through a lease, franchise agreement or other arrangement with the owner of the property is granted the approval to operate a solid waste facility, disposal site, transfer or processing station, composting station, or solid waste handling system, or the owner of the property.

(11) "Illegal site" means a solid waste disposal site that is not permitted and not exempt from obtaining a permit and is not a closed site.

(12) "Inactive site" means a site that is temporarily idle, for a specific period ~~or~~ due to known circumstance and not part of the normal operation pattern contained in the solid waste facilities permit.

(13) "Local Agency" means a local public agency or department of a county or a city, a joint powers jurisdiction, or a special district.

(14) ~~(8)~~ "Local Enforcement Agency" (LEA) means an enforcement agency with board certification(s) totally separate from the operating unit(s) of the local governing body. An LEA is a comprehensive solid waste management agency which performs enforcement, inspection, and permitting duties for handling, permitted, closed, abandoned, exempt, illegal, and inactive facilities. An LEA is solely responsible for carrying out solid waste management in its jurisdiction as defined in 14 CCR 17225.70 and Division 30 of the Public Resources Code. Upon certification(s) the LEA shall be an agent of the state. ~~any enforcement agency other than the board.~~

(15) "Operating unit" means a local agency within the jurisdiction of the designating local governing body that operates, causes to operate, or administers contracts or agreements for any portion of a facility or solid waste handling and disposal system.

(16) ~~(9)~~ "Owner of the property" means the person or persons owning the fee interest in the property and the person ~~and~~ or persons owning any leasehold interest in the property.

(17) ~~(10)~~ "Permit" means a solid waste facilities permit.

(18) ~~(11)~~ "Property" means the real property on which a facility or disposal site, any part thereof, or any support structure exists or is proposed to exist, including any portion of such real property that is not occupied by the facility or any support structure but that is contained within the legal description of the land on which the facility is located as that description is set forth in the most recently recorded deed.

(19) ~~(12)~~ "Violation" means violation of an enactment.

Note: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Section 43200 of the Public Resources Code.

18012. Mailing and Delivery.

Except as otherwise provided in this chapter, any requirement of this chapter that a document be transmitted, delivered, provided, or sent to any person shall be satisfied in one of the following ways: by personal delivery to the person, by personal delivery to an address the person has given, or by first class United States mail, postage prepaid, to an address the person has given.

Note: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Section 43200 through 45601 of the Public Resources Code.

18013. Mailing Documents to the Board.

18020. Maintenance of Files.

(a) Every enforcement agency shall maintain a file on each disposal site and facility within its jurisdiction. These files shall include all solid waste facilities that ~~has~~ have been granted a permit or that are ~~is~~ or have ~~has~~ been the subject of an application for a permit. The file on each facility or site shall contain all applications, permits, notices, orders, reports, correspondence and other documents pertaining to the facility or site, which have been initiated or received by the enforcement agency. However, the enforcement agency, pursuant to Section 44102 of the Public Resources Code, shall separately maintain all papers relating to the facility or site for which a request for confidential treatment has been made, and such papers shall be suitably protected until such time as it has been determined that confidential treatment is not required.

(b) The file for each facility or site shall bear a number, which shall consist of from one to six letters and one to five numerals. The letters shall be identical for all files maintained by a single enforcement agency and shall be assigned by the board at the time the designation of the enforcement agency is approved by the board. The numerals shall be assigned sequentially by the board.

(c) Each enforcement agency shall maintain a current list of all files it maintains. The list shall be available for public inspection upon request.

(d) All ~~papers in the~~ files and their contents shall be retained by the enforcement agency for as long as a facility or disposal site physically exists, and until written discard approval is given by the board. ~~at least six years.~~

(e) Upon certification each LEA shall maintain a separate and current chronological log of the enforcement and legal actions, taken pursuant to 14 CCR 18084 and Article 4 of this Chapter related to this Division and Part 4 and 5 of Division 30 of the Public Resources Code. This log shall be retained by the LEA as a file, and shall include at a minimum the following information: facility or site name, address, facility number, the action type, the date issued, and the outcome of the action(s).

~~Comment: This section is intended to facilitate the statewide implementation of the Act by providing some consistency in the maintenance of records among the many enforcement agencies. By giving each facility a single file, all pertinent records should be more easily located. The file numbers are to be preceded by an alphabetic code identifying the enforcement agency to minimize the chance that papers sent to the board will be misplaced.~~

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code. ~~66790(f), Government Code.~~
Reference: Sections 43200, 43209, 44102, 45000, 45200, 45201, 45300, and 45301 of the Public Resources Code. ~~66790, 66796.10 and 66796.36, Government Code.~~

Article 2. Designation of a Local ~~Enforcement~~ Agency and the Appointment of Hearing Panels

18050. Scope. This Article sets forth the requirements for the designation of a local agency as an enforcement agency, ~~establishment and designation of enforcement agencies~~ and the establishment of hearing panels pursuant to the California Integrated Solid Waste Management Act of 1989. ~~Z'berg-Kapiloff Solid Waste Control Act of 1976.~~
A local governing body of a city, county, or a joint powers body may designate a single local agency to be its enforcement agency pursuant to Section 18051 of this Article. Upon board approval of the designation and certification(s) of the local agency pursuant to Articles 2.0, 2.1, and 2.2 of this Chapter, the designated local agency shall become the local enforcement agency (LEA) in the designated jurisdiction. A local governing body may enter into a contract or joint powers agreement with another LEA for enforcement, inspection and permitting duties within its territorial jurisdiction. This action is subject to board approval of the designation and certification of the contract LEA or the joint powers LEA.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 45601 of the Public Resources Code.

18051. Designation of a Local ~~Enforcement~~ Agency.

(a) After the effective date of this chapter, each local governing body that wishes to designate a local agency shall so notify the board. ~~and on or before July 1, 1977, notice shall be given the board of the designation of each local enforcement agency having jurisdiction to enforce the Act.~~
(b) The notice of designation, by the local governing body of ~~each~~ a local ~~enforcement~~ agency, ~~shall include~~ shall be made in a designation information package which includes a completed California Integrated Waste Management Board form #1000 (Notice of Designation) and all of the following information:
(1) The name or title of the designated agency;
(2) The territorial jurisdiction of the designated agency ~~and any limitation on the types of solid waste handling or disposal operations within its subject matter and territorial jurisdiction~~;

(3) The mailing address of the designated agency;

(4) The name, address, and telephone number of the designated agency's director or other person responsible for ~~its~~ management of the designated agency;

(5) The name and mailing address of ~~its~~ the designated agency's local governing body (i.e., its legislative body);

(6) ~~Either~~ A ~~a~~ certified statement that the designated local agency is not the operating unit for any solid waste handling or disposal operation, solid waste facility, or disposal site in the designated jurisdiction ~~or provision of the following information:~~ and

~~(A)~~ (7) An enumeration of every solid waste facility and disposal site in the jurisdiction including permitted, closed, abandoned, exempt, illegal, and inactive facilities. ~~handling and disposal facility operated by the designated agency~~. The enumeration shall include the site address or location, the owner(s) and operator(s) names, addresses, and phone numbers, and shall state whether the site or facility lies within the unincorporated area of the jurisdiction, or within an incorporated city and the city name.

~~(B) specification of measures that have been taken to alleviate any conflicts between its role as an operator and its role as enforcement agency, and~~

~~(C) any other information the designated agency finds relevant to the question of whether the board should conditionally waive the requirement that no facility operator serve as enforcement agency.~~

(c) The designation information package ~~notice of designation~~ shall be accompanied by certified copies of all resolutions and other official documents necessary to establish the manner in which ~~subsection (a) of Section 66796 of the Government Code~~ Article 1 of Chapter 2 (commencing with Section 43200) and Article 3 of Chapter 4 (commencing with 44800) of the Public Resources Code and Section 18060 of this Chapter ~~has~~ have been satisfied~~.~~ including:

(1) a cover letter requesting approval of the designation by the board;

(2) an organizational chart documenting the separation of the designated agency from public agencies or departments that are the operating units under the local governing body;

(3) an organizational chart documenting the organization of the designated agency;

(4) an identification of each required hearing panel pursuant to Section 18060 of this Chapter; and

(5) a tabulation of city resolutions including the listing of all city names, their populations, and the percent of cities and populations approving the designation for the jurisdiction.

(d) For any solid waste facility to which the provisions of Chapter 6.5 (commencing with section 25100) of Division 20 of the Health and Safety Code apply, the local governing body shall designate either the State Department of Health or the county health entity, in accordance with the department's decision and the board's concurrence.

~~**Comment:** In a single city or in the unincorporated territory of a single county there may be more than one enforcement agency, where it has been determined that a division of enforcement jurisdiction is desirable. For example, where the enforcement agency is the operator of a facility, enforcement jurisdiction over its own facility may be vested in another entity~~.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 and 43203 through 43207 of the Public Resources Code ~~66796, Government Code.~~

~~**18052. Designation in County Solid Waste Management Plans.**~~

~~(a) If a county solid waste management plan purports to designate an enforcement agency, that designation shall be deemed to satisfy the requirements of Section 18051 if, and only if, both of the following are satisfied:~~
~~(1) The county and a majority of the cities within the county containing a majority of the population of the incorporated area of the county have each approved the plan after September 28, 1976, and~~
~~(2) The contents of the plan evidenced an intention to vest in the designated agency the powers of an enforcement agency under the Act.~~
~~(b) Approval of a county solid waste management plan by the board does not constitute approval of the designation of an enforcement agency therein.~~
~~(c) If the county and its cities have designated an enforcement agency in a plan being considered by the board after the effective date of this chapter, the board shall review the plan and the proposed designation concurrently. If an enforcement agency is designated in a plan that satisfies subsection (a) of this section and that was approved by the board before the effective date of this chapter, within thirty days after this chapter becomes effective the board shall review the designation in the same manner it reviews a designation made pursuant to the provisions of Section 18051.~~

~~Comment: Several county solid waste management plans adopted and approved in 1976 refer to an "Enforcement Agency." However, where the plans were drafted and voted on before the Act was passed by the Legislature and signed by the Governor, it cannot fairly be assumed that the local governing bodies intended to vest the specified agency with the considerable powers created by the Act. Thus, such references can be interpreted as designations for purposes of the Act only where the ratification took place after enactment of the statute.~~

Note: Authority cited: 40502, 43020, and 43200 of the Public Resources Code.

18052. Redesignation of Existing LEAs.

(a) LEAs existing on August 1, 1991, which are the sole LEA in their jurisdiction, currently carrying out a comprehensive solid waste management program, and meeting all designation requirements pursuant to 14 CCR 18051, may provide to the board, certified copies of their existing designation resolutions accompanied by a letter of affirmation from the cities and county to fulfill the requirement of 14 CCR 18051(c). Any changes in the LEA's existing jurisdictional authority must be established with the appropriate resolutions pursuant to Public Resources Code Section 43203 and 14 CCR 18051.

(b) Within 30 days of the effective date of this Chapter, each existing LEA which intends to be redesignated and seek certification(s) shall notify the board in writing.

(1) Each local governing body that intends to redesignate an existing LEA, after the effective date of this Chapter, shall submit to the board a complete designation information package pursuant to Section 18051(b and c) of this Chapter. Each redesignated LEA shall submit to the board a complete request for certification(s) in the form of an Enforcement Program Plan (EPP) pursuant to Article 2.1, and Section 18077 of this Chapter by the schedule below:

(A) Local governing bodies of or within a county of over 500,000 population by 90 days from the effective date of this Chapter.

(B) Local governing bodies of or within a county with a population between 500,000 and 100,000 by 150 days from the effective date of this Chapter.

(C) Local governing bodies of or within a county of under 100,000 population by 180 days from the effective date of this Chapter.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 and 43203 through 43207 of the Public Resources Code.

~~18053. Distribution of Notice of Designation.~~

~~(a) Within seven days of receipt of a notice of designation submitted pursuant to Section 18051 or made in a county solid waste management plan pursuant to Section 18052, the board shall transmit notice of the designation to the State Department of Health and to any person who has requested in writing that such notice be provided.~~

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
~~Reference: Section 66796.21, Government Code.~~

18054. Review of ~~Proposed~~ Designation.

~~(a) No less than thirty days after distribution of the notice of designation, as provided in Section 18053, the board shall review the proposed designation, the recommendation of the State Department of Health, and any other comments at a public meeting.~~
~~(b) The board shall approve or disapprove the proposed designation within forty-five days of receipt of the notice of designation given pursuant to Section 18051. If the designation is made in a county solid waste management plan as provided in subsection (a) of Section 18052, the board shall approve or disapprove the proposed designation within forty-five days of approval of the plan.~~

(a) Upon receipt of the designation information package, pursuant to Sections 18051 and 18052, the board staff shall, within 45 days, review the designation and notify the local agency and the designating local governing body in writing whether or not the proposed designation information package is complete and accepted by the board staff. Should the designation information package be incomplete, the local governing body shall provide to the board the specific missing information thereby starting a new 45 day review period from the date of resubmittal.

~~(c) Upon approving or disapproving a proposed designation, the board shall give notice of such action to the agency proposed therein, to the local governing body, and to the State Department of Health.~~

(b) ~~(d) It is the policy of~~ ~~In addition, t~~The board shall use the following criteria when~~, in~~ reviewing ~~proposed~~ designations~~,~~:

(1) ~~To insure that~~ the designated agency ~~designated to enforce the health related standards~~ shall ~~has~~ demonstrate capability and experience in the enforcement of public health and environmental regulations;~~,~~ and

(2) ~~To guarantee that~~ the designation and certification must be ~~is~~ consistent with the enforcement scheme contemplated in the Ceountywide Integrated Waste Management Plan upon its adoption and the LEA's EPP. ~~solid waste management plan, insofar as the scheme is consistent with state law and other board policies.~~

(3) The board may elect to issue temporary LEA certifications and/or destination approval for specific time periods.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200, 43203, and 43204 of the Public Resources Code. ~~66796, 66796.21, Government Code; Section 17207, 14 Cal. Admin. Code.~~

18055. Effective Date of Designation~~; Filing of Papers~~.

(a) After August 1, 1992, ~~N~~no designated agency shall be, nor shall any designated agency have the powers of, a local enforcement agency pursuant to this chapter until the designation is approved by the board and upon certification(s) issued by the board.

~~(b) If papers are to be filed with the enforcement agency prior to board approval of designation, they shall be transmitted to the board in the manner specified in Section 18352. Upon board approval of the designation, the board shall, within five business days, transmit all papers filed with it to the local enforcement agency. Any papers received by the board prior to approval of the designation for filing with the enforcement agency shall be deemed received by the enforcement agency either as of the date of approval of the designation or as of August 15, 1977, whichever is earlier.~~

(b) Those LEAs existing on Aug 1, 1991 shall have their designation(s) reapproved by the board upon issuance of their certification(s).

~~Comment: Subsection (b) of this section, together with Section 18070, insures that at all times persons seeking to file papers with the enforcement agency can be certain of a legally sufficient method of filing. Papers are held by the board pending approval of designation of the enforcement agency to insure an unbroken chain of custody of all documents.~~

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Section 43200 through 43219 of the Public Resources Code ~~66796.21, Government Code.~~

18056. Withdrawal of Designation.

(a) A designation of an LEA ~~enforcement agency~~ may be withdrawn by the local governing bodies that originally made the designation. No approval of the board is required for the withdrawal. However, board approval of a new designation is required. Notice of the withdrawal shall be given to the board, a minimum of 90 days in advance of the effective date of the withdrawal, in the same manner as notice of designation is given. If after 30 days from the withdrawal of designation, ~~a designation is withdrawn and~~ no new local agency ~~local enforcement agency~~ is designated and issued certification(s), then the board shall become the enforcement agency.

(b) A withdrawal of designation may be expressly conditioned on board approval of the new designation.

(c) Notice of designation of a new local agency, ~~local enforcement agency~~ upon withdrawal of a previous designation, shall be made in the manner specified in Section 18051.

(d) If the board withdraws its approval of a designation of an LEA or certification(s) of an LEA, pursuant to Article 1 of Chapter 2 (commencing with Section 43200) of the Public Resources Code, the board shall become the enforcement agency until such time that a designated agency is issued certification by the board.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43203, 43206, and 43216 of the Public Resources Code. ~~66796, Government Code.~~

18060. Appointment of Hearing Panel(s).

(a) Before the board can approve a designation ~~Within thirty days of board approval of a designation of an enforcement agency~~, the designated local agency's local governing body shall appoint ~~designate~~ itself as the hearing panel and/or appoint an independent hearing panel pursuant to Section 18081(ad)(2). ~~Until such appointment is made, the local governing body shall serve as the hearing panel~~.

(b) Certified notice of the appointment of a hearing panel(s) shall be given the board and shall include the following:

(1) The name of each member~~,~~ and hers or his position in the local governing body;

(2) the address to which filings and correspondence shall be mailed;

(3) indication whether ~~the~~ each hearing panel was appointed pursuant to Section 44800 or Section 44801 of the Public Resources Code. ~~subsection (1) or subsection (2) of Government Code Section 66796.58~~;

(4) If a ~~the~~ hearing panel is appointed pursuant to Section 44801 of the Public Resources Code ~~subsection (2) of Government Code Section 66796.58~~, an indication of which person is the technical expert in solid waste management, which person is the member of the local governing body, and which person is the representative of the public at large; and

(5) the date, terms and conditions of the appointment.

(c) Certified notices of appointments to vacant positions on the hearing panel shall be given in the same manner.

(d) When the board serves as the enforcement agency, hearing panels shall be as set forth in 14 CCR Sections 18081(~~a~~d)(2), and 18353.

~~Comment: There is an apparent possible conflict in Government Code Section 66796.58 where the local governing body does not consist of five members. In order to avoid the disfavored conclusion that subsection (1) of Section 66796.58 is inapplicable in such cases--a proposition having no independent support--it must be concluded that the five member requirement of Section 66796.58 applies only to independent hearing panels.~~

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200, 43209, 44800, and 44801 of the Public Resources Code ~~66796.58, Government Code.~~

~~18070. Directory of Enforcement Agencies and Hearing Panels.~~

MOVED TO 18078

~~The board shall maintain a statewide directory of enforcement agencies and hearing panels. The directory shall include a description of the jurisdiction and mailing address of each and shall be open to public inspection pursuant to Article 4 of Chapter 1 of this division. The board shall promptly respond to inquiries by the public regarding the identity or location of an enforcement agency or hearing panel.~~

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.

534 **ARTICLE 2.1 LEA Certification Requirements**

535 **Section 18070. Scope.**

536 (a) This article sets forth the LEA certification types, the
537 requirements for certification including, but not limited to:
538 technical expertise, adequacy of staff resources, adequacy of
539 budget resources, training, and the LEA's Enforcement Program
540 Plan (EPP), which the designated local agency shall develop,
541 submit for board approval, and adopt pursuant to Public Resources
542 Code Section 43209(e) and Section 18077 of this Chapter, and the
543 periodic review of the LEA certification(s) pursuant to Article
544 2.2 of this Chapter.
545 (b) After certification(s) are issued and upon board approval,
546 the designated local agency shall become the sole LEA in its
547 jurisdiction, and shall maintain and comply with its board
548 approved EPP to exercise its statutory power and authority
549 pursuant to Division 30 of the Public Resources Code and 14 CCR
550 Division 7. The LEA shall enforce the state and local minimum
551 standards for solid waste collection, handling, storage, and
552 disposal for the protection of the air, water, and land from
553 pollution and nuisance, and for the protection of the public
554 health, safety, and the environment. This Article also addresses
555 board directories of hearing panels and enforcement agencies.

556 NOTE: Authority Cited: Sections 40502, 43020, and 43200 of the
557 Public Resources Code.
558 Reference: Sections 43200 through 45601 of the Public Resources
559 Code.

560 **Section 18071. Types of Certification**

561 (a) The Board may approve a designated local agency and issue
562 certification(s) to the local agency in one or more of the
563 following types of certifications:
564 (1) Type "A": permitting, inspection, and enforcement of
565 regulations at solid waste disposal sites;
566 (2) Type "B": permitting, inspection, and enforcement of
567 regulations at solid waste transformation facilities;
568 (3) Type "C": permitting, inspection, and enforcement of
569 regulations at transfer and processing stations, materials
570 recovery facilities, and composting facilities; and
571 (4) Type "D": inspection and enforcement of litter, odor, and
572 nuisance regulations at solid waste landfills.

(b) In jurisdictions where LEAs lack a certification to permit a new type of facility, the permit applications, for that type of facility, shall be filed with the board. The LEA shall, within 120 days of the permit application, obtain certification for this facility type, or the board shall review the performance of the LEA pursuant to Section 18051 and Article 2.2 of this Chapter and compliance with Public Resources Code Section 43201.

(c) An LEA lacking a specific certification type pursuant to 18071(a), may submit a new complete EPP for board review, and request issuance of an additional certification to perform permitting, inspection, and enforcement duties in another jurisdiction, or inspection and enforcement duties in its jurisdiction, both pursuant to Article 2.1 of this Chapter, and subsequent to board approval.

(d) When in the LEAs jurisdiction only one permitted solid waste disposal facility exists and its permit is surrendered, the LEA shall retain its type "A" certification, unless the LEA certification is withdrawn by the board.

(1) For LEAs to be issued Type "D" certification they shall be required to have type "A" certification.

(e) A designated local agency shall demonstrate that it meets the certification requirements for each certification type requested. The LEA shall maintain compliance with the requirements of this Chapter.

(f) Sections 18071 through 18075 of this Article set forth the LEA certification requirements pursuant to Public Resources Code Section 43200.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, and 43209 of the Public Resources Code.

Section 18072. Technical Expertise

(a) Performance of enforcement, inspection, and permitting duties and responsibilities of comprehensive solid waste management issues shall reside solely within an LEA. The LEA shall have one or more full time staff members dedicated solely for solid waste issues. For all certification types the dedicated staff shall be composed of: at least one registered environmental health specialist, pursuant to Sections 514 through 534 of the Health and Safety Code, or person(s) meeting the requirements of Section 520 of the Health and Safety Code, as certified by the LEA program director or manager.

(1) ~~In addition f~~For type "A" certification, pursuant to 14 CCR 18071(a)(1), LEA review of documents or reports generated pursuant to engineering requirements of Public Resources Code Division 30 and 14 CCR Division 7 beyond the technical abilities of the LEA's staff, shall be performed by public and private entities as specified in the LEA's EPP, whose staff meet the definitions contained in 14 CCR ~~Division 7 Chapter 3 Article 7.8 Section~~ 17761(a) (6), (40), and (51), and may be contracted for by the LEA.

(2) ~~In addition f~~For type "B" and "C" certifications, pursuant to 14 CCR 18071(a)(2 and 3), LEA review of documents or reports generated pursuant to engineering requirements of Public Resources Code Division 30 and 14 CCR Division 7, may be performed by public and private entities, as specified in the LEA's EPP, under contract to the LEA, which meet the definitions contained in 14 CCR ~~Division 7 Chapter 3 Article 7.8 Section~~ 17761(a) (6), (40), and (51).

(b) Counties or cities may have contracts or joint powers agreements with another county, city, or a joint powers jurisdiction LEA to provide enforcement, inspection, and permitting duties and responsibilities in the designated jurisdiction of the local governing body(s), with approval of the board. The above contracts or joint powers agreements shall preclude conflict of interest between the cities or counties, their designated LEA, or the LEA's consultants and facility operators in the jurisdiction. The consulted professionals defined in 14 CCR Section 17761(a) (6),(39),(40),(41), and (51), shall not be facility operators or consultants for solid waste facilities or disposal sites within the LEA's jurisdiction.

(c) Any opinion, report, analysis, or other deliverable provided to an LEA through contract or joint powers agreement shall be endorsed, affirmed or denied by the contracting LEA.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, 43207, and 43209 of the Public Resources Code.

Section 18073. Adequacy of Staff Resources.

(a) The LEA shall demonstrate the adequacy of its staff resources by submitting results of the following analyses:

(1) the number and type of operating and non-operating solid waste facilities, disposal sites, and collection and handling equipment;

(2) the number of annual compliance and projected complaint inspections based on the previous years records and anticipated additions or deletions;

(3) the time allocation requirements of local agency staff for:
(A) inspections, travel, research, analysis of findings, and documentation;
(B) enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;
(C) permit activities including reviews, modifications and revisions, and closure or postclosure activities, including applications and plan reviews, site evaluations and investigations, and documentation;
(D) corrective actions including: review and approval of site investigations, assessments, characterizations, remediation alternatives, and corrective measures;
(E) training including field, meetings, seminars, workshops, courses, and literature reviews;
(F) management including day to day operation scheduling, and supervision; and
(G) support staff both technical and non-technical.
(4) The staff resources shall be computed based on an Full Time Equivalence (FTE) not to exceed 230 eight hour work days per year per person. The FTE baseline hours shall be identified in the EPP.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, and 43209 of the Public Resources Code.

Section 18074. Adequacy of Budget Resources.

(a) The LEA shall maintain a budget accounting process capable of identifying expenditures and revenues which are adequate to fulfill their LEA duties and responsibilities pursuant to its board approved EPP, this chapter, and Part 4 and 5 of Division 30 of the Public Resources Code. Additionally, LEAs shall, at the beginning of each fiscal year upon adoption by the local governing body, submit to the board supporting information demonstrating budget adequacy.
(1) the LEA shall use generally accepted line item accounting methods that demonstrate adequate budget resources. In demonstrating adequate budget resources, the LEA shall account for all anticipated expenditures, including but not limited to the following:
(A) staffing pursuant to 14 CCR 18073;
(B) monitoring and testing materials and equipment;
(C) health and safety protection equipment and materials for staff;
(D) travel and per diem for training seminars, conferences, etc.;

(E) enforcement actions including staff time and independent legal counsel costs to preclude conflict of interest and lack of timely initiation of legal actions pursuant to 14 CCR 18051(b)(6) and 14 CCR 18084;
(F) consultant and technical support;
(G) transportation; and
(H) agency overhead.
(2) LEAs shall identify their revenue by sources and amounts. Sources may include, but are not limited to:
(A) Funds from LEA Grant(s) Account;
(B) Permitting Fee(s);
(C) Inspection or Service Fee(s);
(D) Post Closure Fee(s);
(E) Tipping or Tonnage Fee(s);
(F) 5 Year Permit Review Fee(s);
(G) General Fund; and
(H) Other (specify).

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, 43207, and 43209 of the Public Resources Code.

Section 18075. Training Requirements.

(a) LEA personnel shall be trained in solid waste management. The LEA's training program shall be coordinated with the Board as well as other state and local agencies, be part of the LEA's Enforcement Program Plan pursuant to 14 CCR 18077, and provide specific training in the following areas:
(1) permitting, inspection, and enforcement duties and responsibilities pursuant to Public Resources Code Division 30,Parts 4 and 5, 14 CCR Division 7, and local ordinances and resolutions relating to solid waste collection, handling, processing, storage, and disposal;
(2) inspection techniques and scheduling;
(3) preparation for hearing panel and court proceedings;
(4) administration practices within a solid waste enforcement program;
(5) monitoring equipment, data evaluation, and interpretation of the results as related to solid waste management;
(6) attendance of board approved seminars and workshops; and
(7) field staff health and safety training in the categories of: planning of field inspections, safety equipment, on-site procedures, decontamination and hazard recognition and avoidance.
(8) For type "A" certification, specific training in performance standards pursuant to 14 CCR Section 17683, when applicable.

NOTE: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43200 through 43204, and 43209 of the Public Resources Code.

Section 18076 Request for and Review of Certification.

(a) Within 30 days of the receipt of a request for certification(s), the board shall notify the requesting local agency in writing as to whether the request in the form of an Enforcement Program Plan (EPP) pursuant to Section 18077 of this Chapter is:

(1) complete and accepted and shall be reviewed; or

(2) the EPP is incomplete and what specific information is missing, and needs to be submitted to the board to provide for a complete EPP. The board will require the agency to provide the specific missing information, thereby starting a new 30 day process from the date of resubmital.

(b) When an EPP is complete and accepted, the board shall have 60 days from the date of the acceptance, to conduct a review of the designation and certification information in the EPP. ~~Subsequently, the staff shall generate a report and finding recommending issuance or denial of certification(s) and approval or disapproval of the designation and the EPP. The LEA may elect to be present when this agenda item is heard to concur or appeal the staff recommendation.~~

(1) The board shall issue a certification(s) decision ~~in the form of a resolution~~ stating which types of certification are to be issued or denied, and that the designation and EPP are approved or disapproved. A copy of the board decision shall be sent to the requesting agency, its local governing body, and all appropriate State agencies.

(2) If during the review process the board finds any specific deficiencies, it shall notify the requesting agency within 30 days from the date of acceptance for review. A new 60 day review period shall begin on the date of resubmittal.

(c) After approval of the EPP, the board shall periodically review the LEAs enforcement program plan (EPP) and its implementation of the permitting, inspection, and enforcement programs pursuant to Public Resources Code Sections 43209 and 43214.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference:Section 43200 through 43209 of the Public Resource Code.

Section 18077. Enforcement Program Plan. (EPP)

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

(1) a certification request letter;

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

(3) a statement of EPP goals and objectives;

(4) a demonstration of staff technical expertise;

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

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

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

(8) a procedure manual for solid waste facility permitting and closure or postclosures;

(9) a procedure manual for inspection, investigation, compliance assurance, enforcement, and hearing panel utilization;

(10) a procedure manual for disposal site identification, assessment, and corrective actions;

(11) a detailed staff training procedure pursuant to 14 CCR 18075;

(12) a time task analysis demonstrating the adequacy of staff resources pursuant to 14 CCR 18073; and

(13) an operating budget demonstrating adequacy of budget resources pursuant to 14 CCR 18074.

NOTE: Authority Cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43200 through 43209 of the Public Resources Code.

180708. Directory of Enforcement Agencies and Hearing Panels.

The board shall maintain a statewide directory of ~~enforcement agencies and~~ hearing panels, and local enforcement agencies as approved and issued certification(s) by the board. The directory shall include a description of the jurisdiction and mailing address of each and shall be open to public inspection pursuant to Article 4 of Chapter 1 of this division. The board shall promptly respond to inquiries by the public regarding the identity or location of an enforcement agency or hearing panel.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200, 43201, 43204, 44800, and 44801 of the Public Resources Code.

845 **Article 2.2 LEA Performance Standards,**
846 **Evaluation Criteria, and Duties**
847 **and Responsibilities.**

848 **Section 18080. Scope.**

849 (a) This Article, pursuant to Public Resources Code Section
850 43214, sets forth the LEA's duties and responsibilities,
851 performance standards, certification maintenance requirements,
852 and board evaluation of LEAs.

853 NOTE: Authority Cited: Sections 40502, 43020, 43200, and 43214 of
854 the Public Resources Code.
855 Reference: Sections 43209, 43214, 43215, 43216, and 43219 of the
856 Public Resources Code.

857 **Section 18081 LEA Performance Standards and**
858 **Evaluation Criteria**

859 (a) In performing its permitting, closure and postclosure,
860 inspection, and enforcement functions, the LEA shall meets its
861 duty requirements and comply with the standards pursuant to
862 Public Resources Code Division 30, Parts 4, 5, and 6; 14 CCR
863 Division 7 and its EPP. Deviation from these standards may
864 result in a performance review by the board pursuant to Public
865 Respurces Code Sections 43214, 43215 and 43219, including
866 establishment of LEA compliance schedules or withdrawal of
867 designation and certification(s). The board's evaluation and
868 decisions will consider the severity of the deviation(s) as
869 related to the potential negative impacts on public health,
870 safety or the environment.
871 (b) The LEA shall be assessed for compliance with the
872 certification requirements pursuant to Article 2.1 and 2.2 of
873 this Chapter, Public Resources Code Section 43209, and its board
874 approved EPP.
875 (c) All facilities and disposal sites within the LEA's
876 jurisdiction shall:
877 (1) be in compliance with the State minimum standards and the
878 terms and conditions of the solid waste facility permits; and
879 (2) be permitted or exempted; or
880 (3) be under appropriate enforcement action(s) pursuant to 14
881 CCR Section 18084 to remedy any violations.
882 (d) All LEAs shall retain their certification(s) and
883 designation by maintaining compliance with their board approved
884 EPP and this Chapter.

(1) The LEA shall provide for, obtain, and maintain the necessary technical, safety and regulatory equipment, clothing and vehicles for field inspectors. The LEA shall identify in its board approved EPP what constitutes "necessary" for staff safety and field monitoring, measurement, inspection, and enforcement requirements for all its solid waste management duties and responsibilities and its certification(s).

(2) The local governing body of the LEA shall maintain an independent hearing panel for permit, enforcement and appeal purposes, when in the jurisdiction of the LEA there exists a publicly operated solid waste facility or disposal site, as per Section 18060 of this Chapter and Sections 44800 through 44817 of the Public Resources Code.

(3) The LEA shall provide for technical review of corrective actions and post closure land use pursuant to Section 45300 of the Public Resources Code.

(4) The components of the EPP shall be reviewed and amended annually, by the LEA, to reflect any changes. The amended components shall be submitted to the board for approval.

(e) The LEA shall perform all applicable duties related to the California Environamental Quality Act.

NOTE: Authority cited: Sections 40502, 43020, 43200, 43203, and 43214 of the Public Resources Code.
Reference: Sections 43200 through 43204, 43207, and 43209 of the Public Resources Code.

Section 18082. LEA Duties and Responsibilities for Permitting and Closure or Postclosure.

(a) The LEA shall implement the solid waste facility permitting regulations pursuant to Public Resources Code Division 30, Parts 4 and 5 and 14 CCR Division 7, Chapter 5, and its EPP as follows:

(1) applications:

(A) verify the submission of required documents, site and personal information, and fees;

(B) evaluate the application documents for accuracy and conformity to the EPP and the appropriate state standards cited in subsection (a) of this Section;

(C) review for short and long term environmental impacts, damage, and proposed mitigation measures;

(D) decide whether or not to accept the application and proceed with a proposed permit for board approval;

(E) initiate appropriate public notice and comment period; and

(F) submit copies of the above documents, notices, comments, and responses to the board.

928 (2) proposed permit:
929 (A) prepare permits with specific conditions for design,
930 operation, and adverse environmental effect, monitoring and
931 mitigation;
932 (B) submit proposed permits to the board and the applicant;
933 (C) allow a waiting period for review, concurrence, or
934 objection by the board, and modification by the LEA as required;
935 (D) allow permit review, concurrence, or objection by the
936 applicant, and a hearing panel process if necessary;
937 (E) issue or deny the issuance of the solid waste facilities
938 permit, upon satisfactory conclusion of the above process; and
939 (F) the LEA shall act upon applications and plans to generate a
940 proposed solid waste facilities permit within the required
941 regulatory or statutory time frames.
942 (3) closure and postclosure:
943 (A) pursuant to Public Resources Code Division 30 Part 4 and 5
944 and 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5,
945 Articles 3.4 and 3.5, and the EPP, the LEA shall require any
946 person owning or operating a solid waste landfill to submit for
947 LEA and board approval the following:
948 1. plans for the landfill closure and postclosue maintenance;
949 2. estimates of closure and postclosure maintenance costs; and
950 3. financial mechanisms to insure adequate availability of
951 funds.

952 NOTE: Authority Cited: Sections 40502, 43020, 43200, and 43214 of
953 the Public Resources Code.
954 Reference: Sections 43200, 43209, 43500 through 43606, 44001
955 through 44017, 44300, and 44301 of the Public Resources Code.

956 **Section 18083. LEA Duties and Responsibilities for**
957 **Inspections.**

958 (a) Pursuant to Public Resources Code Division 30, Parts 4 and
959 5, and 14 CCR Division 7, Chapters 3 and 5, and its EPP, the LEA
960 shall inspect and investigate solid waste collection, handling,
961 storage, solid waste facilities and disposal sites and equipment
962 to verify compliance with the state and local minimum standards
963 for the protection of the environment and the public health. The
964 LEA shall perform these inspections and investigations and
965 forward the required documents to the operator, or owner and the
966 board within the statutory time frame for the following
967 inspections types:
968 (1) monthly, for all active and inactive sites;
969 (2) weekly, for sites operating on performance standards
970 pursuant to 14 CCR 17683;

(3) as necessary pursuant to the EPP upon receipt of a permit application, revision, modification, review, or closure application;
(4) upon receipt of a complaint or emergency notification which cannot be resolved off-site;
(5) quarterly, for closed sites for the duration of the postclosure maintenance period pursuant to 14 CCR 17788;
(6) quarterly, for abandoned sites, and sites exempted pursuant to 14 CCR 18215; and
(7) monthly, for illegal sites and facilities pending abatement by enforcement action(s).

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

Section 18084. LEA Duties and Responsibilities for Enforcement.

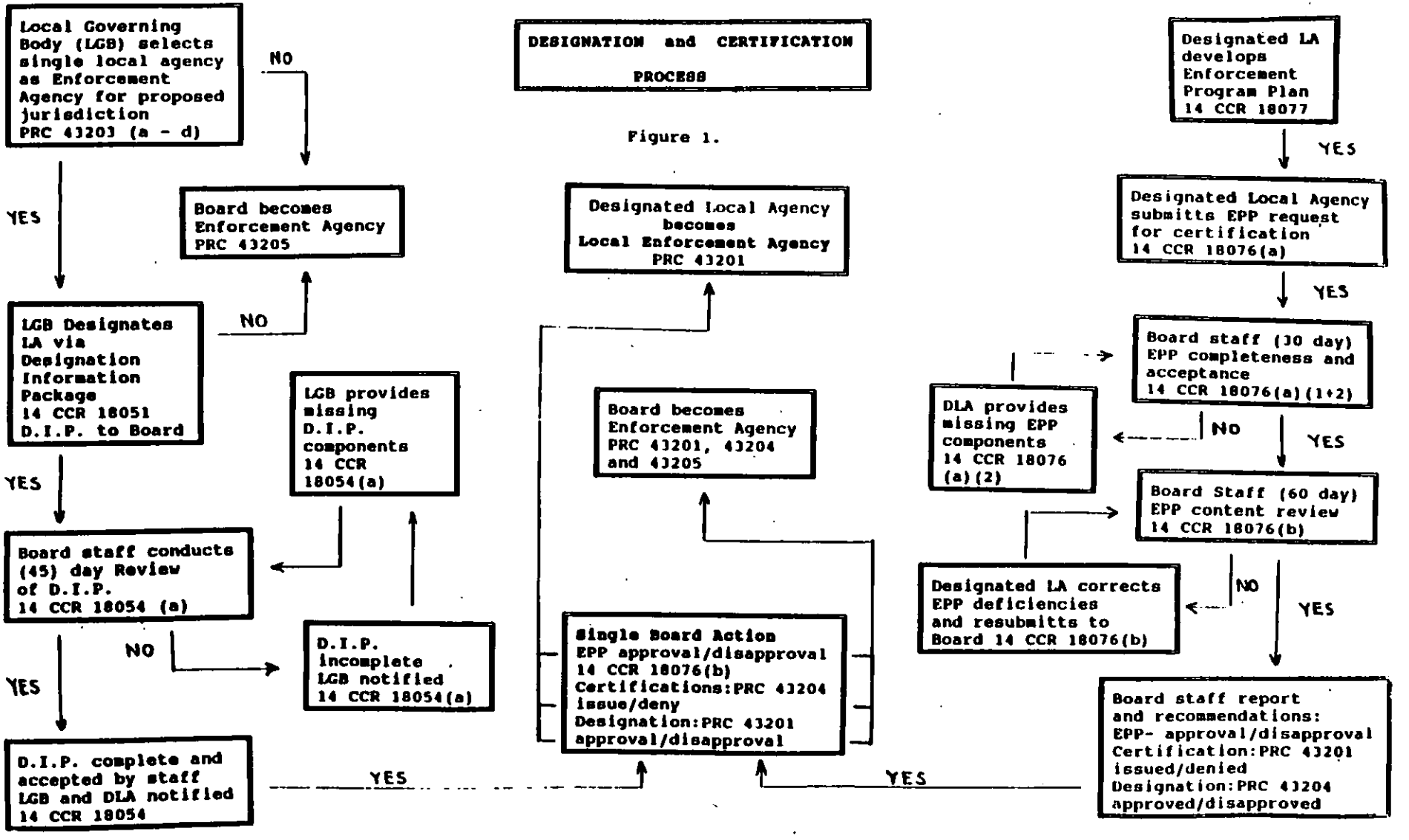
(a) If during an inspection, investigation, or at any other time, the LEA finds a solid waste facility or disposal site is in violation of state or local standards, or the terms and condition of the permit, the LEA shall enforce the applicable provisions as required by PRC Division 30, 14 CCR Division 7, Chapter 5, Article 4, and its EPP. The LEA enforcement actions shall address the following categories of violations:
(1) operational violations pursuant to 14 CCR Division 7, Chapter 3 and Division 30 of the Public Resources Code;
(2) emergency violations, these are violations pursuant to subsection (1) above which present an imminent threat to public health, safety, or the environment an require immediate action pursuant to Part 5, Division 30 or the Public Resources Code;
(3) permit violations, these are violations pursuant to Public Resources Code Division 30 Part 4, Chapter 3 and 14 CCR Division 7, Chapter 5;
(4) closure and postclosure violations, these are violations pursuant to Public Resources Code Division 30,Part 4, Chapter 2, Articles 3 and 4, Part 5, and 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5;
(b) LEA enforcement action options include, but are not limited to: 14 CCR Division 7 Chapter 5, Article 4 and Public Resources Code Division 30 Parts 4 and 5.

1011 (c) If in the course of an enforcement action, the LEA deems
1012 legal counsel to be necessary to achieve enforcement, compliance,
1013 relief, or the assessment of monetary penalties through the
1014 courts, the LEA shall utilize legal counsel which will be
1015 prepared to initiate legal proceedings within 30 days of
1016 notification.
1017 (d) If an LEA has knowledge of a permit violation, but fails to
1018 issue a Notice and Order as required by 14 CCR 18304, the board
1019 may assume that responsibility and investigate the LEA's
1020 designation and/or certification.
1021

1022 NOTE: Authority cited: Sections 40502, 43020, 43200, and 43214 of
1023 the Public Resources Code.
1024 Reference: Sections 43209, 43504, 44013, 44016, and 44500 through
1025 45601 of the Public Resources Code.

DESIGNATION and CERTIFICATION PROCESS

Figure 1.



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page 1

NOTICE OF DESIGNATION OF LOCAL AGENCY (14 CCR SECTIONS 18051 & 18052)

_____
(Name of Agency)

_____
(Street Address)

_____
(City) (State) (Zip)

_____
(Date)

TO: CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PLEASE TAKE NOTICE that the _____ **has**
(Name of Local Agency)
been designated as the local agency in:

_____

_____ on _____
(County, City, or Special District) (Date)

( ) Attached is a sheet listing additional jurisdictions.

1. The designation was made in accordance with California Public Resources Code Section 43203, using the following procedure:

   a. ( ) The local agency was designated by the County Board of Supervisors, and was approved by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county;

   b. ( ) A joint exercise of powers agreement pursuant to Government Code Section 6500, was formed as referenced in Public Resources Code Section 43203(b);

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c. ( ) The local agency was designated by the _____

_____ since the city
(City)
has decided to designate a separate enforcement agency;

d. ( ) The County Board of Supervisors designated the local agency for the unincorporated areas of the county.

2. The above designation _____ in specific accordance
(is) (is not)
with the designation indicated in the County-wide Integrated Waste Management Plan.

3. The following are exceptions to our territorial jurisdiction shown in the first paragraph of this NOTICE: (Please include a map clearly identifying the jurisdictional boundaries)

_____

_____

_____

4. The name and address of the governing body of this local agency is:

_____
(NAME)

_____
(Street Address) (City) (State) (Zip Code)

_____
(Telephone Number)

5. Name and address of the hearing panel of this local agency is/are:

_____
(Name(s))

_____
(Street Address) (City) (State) (Zip Code)

(_____)_____
(Telephone Number)

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6. The person responsible for direction, or management, of the local agency and its designated persons are:

_____
(Name of Local Enforcement Agency Program Manager)

_____
(Telephone No.)

_____
(Name of Contact Person)

_____
(telephone No.)

7. All resolutions and other documents relevant to compliance with Public Resources Code Section 43203, and Title 14 California Code of Regulations Sections 18051 and 18052, have been certified and are enclosed.

8. The undersigned certifies that the designated local agency is not the operating unit for any solid waste handling or disposal operation, solid waste facility, or disposal site in the designated jurisdiction.

9. Attached is a listing of every permitted, closed, abandoned, exempt, illegal, and inactive solid waste facility and disposal site in the local agency jurisdiction.

Signed by _____

_____
(Typed or Printed Name)

_____
(Title)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 10

ITEM: Consideration of Facilities Evaluation Report for the Colusa County Local Enforcement Agency Jurisdiction

BACKGROUND:

The Facility Evaluations Branch of the Board's Enforcement Division conducts annual inspections of all solid waste facilities in conjunction with inspections conducted by the Local Enforcement Agency (LEA). Each LEA jurisdiction is considered as a discrete unit and all facilities within each LEA jurisdiction are inspected as a group. The purpose of the inspections is to identify any non-complying solid waste facilities and to evaluate LEA performance as agents of the State. A Facility Evaluations Report (FER) summarizing Board staff findings is prepared for each LEA jurisdiction.

The Colusa County Department of Environmental Health is the designated LEA for Colusa County. Within the LEA's jurisdiction are: two active, permitted landfills; one active, permitted transfer station; one inactive site that is permitted as both a landfill and a transfer station; and eight closed, illegal or abandoned sites. During February 1991, each active solid waste facility and disposal site within Colusa County was inspected by Board staff in conjunction with the LEA pursuant to Public Resources Code (PRC) Section 43219(a). Closed, illegal, and abandoned sites which could be located were also inspected.

ANALYSIS:

Facility Compliance

During the annual inspection of solid waste facilities within the Colusa County LEA jurisdiction, Board staff documented violations of applicable state laws and regulations at two of the three active sites. Four violations of State Minimum Standards were cited for Evans Road Landfill (06-AA-0001) and two violations were cited for Maxwell Transfer Station (06-AA-0003).

PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate State Minimum Standards. The Board has designated this inventory as the State List of Non-Complying Facilities.

On June 24, 1991 Board staff met with the Colusa County LEA, at an "exit interview" for the Facility Evaluations process. During that meeting the LEA verified that each violation of State Minimum Standards, documented during the annual state inspections

had been corrected. Board staff has concluded that no facilities within this jurisdiction should be issued notice by the Board for inclusion on the State List of Non-Complying Facilities.

LEA Performance

The Colusa County LEA has generally implemented an acceptable enforcement program. No significant violations of state minimum requirements were documented during the evaluation, pursuant to PRC Section 43219. However, the LEA failed to act in a timely manner on the permit violations at Evans Road Landfill (06-AA-0001) and Five Year Permit Reviews at Evans Road Landfill and Maxwell Transfer Station (06-AA-0003). Also, closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Plan.

The Colusa County LEA has been very cooperative while working with Board staff. The LEA was helpful in locating illegal sites within Colusa County. The LEA made special arrangements for Board staff to access private property for the purpose of landfill gas testing. Also, the LEA was present at all times during the annual state inspections.

STAFF COMMENTS:

Facility Compliance

The Colusa County LEA has verified that violations of State Minimum Standards identified during the annual state inspections have been corrected. Board staff has concluded that no facilities within this jurisdiction should be issued notice by the Board for inclusion on the State List of Non-Complying Facilities.

LEA Performance

While the Colusa County LEA has generally implemented an acceptable enforcement program, Permit and Closure violations exist at two facilities within this jurisdiction. Until these violations are corrected the LEA enforcement program cannot be rated as "acceptable". Therefore, Board staff has concluded that at this time, the Colusa County LEA should be rated as "Acceptable with Improvement".

List of Attachments:

1. Facility Evaluation Report for the Colusa County LEA

Prepared by: James W Cundy Phone 3-3658

Reviewed by: Bernie R Vlach Phone 2-6172

Legal review: L Cauthen Date/Time 7-1-91 13h59

Facility Evaluation Report

Colusa County, LEA Jurisdiction 06-AA

C I W M B

Prepared By:

James W. Omand
Waste Management Specialist
Facility Evaluations
Enforcement Division

July, 1991

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Public Resources Code
Division 30, Part 1
Chapter 1, Article 1
Section 40001

"The Legislature declares that the responsibility for solid waste, management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe management of all solid waste generated within the state..."

FACILITY EVALUATION REPORT

COUNTY OF COLUSA, LEA 06-AA

EXECUTIVE SUMMARY

The Colusa County Department of Environmental Health is the designated Local Enforcement Agency (LEA) for Colusa County. There are two active landfills, one active transfer station, one inactive landfill, one inactive transfer station, and eight closed, illegal or abandoned facilities within the LEA's jurisdiction.

During February 1991, each solid waste facility and disposal site within Colusa County was inspected or visited by California Integrated Waste Management Board (Board) staff in conjunction with the LEA, pursuant to Division 30, Public Resources Code (PRC) Section 43219(a).

Two of the three active solid waste facilities were found to be in violation of at least one State Minimum Standard. However, at the FER exit interview on June 24, 1991, the LEA verified that all violations of State Minimum Standards idenified during the annual state inspections have been corrected. Therefore, no facilities in the Colusa County LEA's jurisdiction are recommended for inclusion on the State List of Non-Complying Facilities at this time.

No significant violations of state minimum requirements reflecting on the LEA effectiveness were identified during the evaluation pursuant to PRC Section 43219. Therefore, Board staff will not recommend that the Board initiate a formal performance review of the LEA pursuant to PRC Section 43219.

While the Colusa County LEA has generally implemented their Enforcement Program at an acceptable level, the LEA failed to act in a timely manner on the permit violations at Evans Road Landfill and Five Year Permit Reviews at Evans Road Landfill and Maxwell Transfer Station. Also, closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Plan. Board staff will therefore recommend that the Board rate the Colusa County LEA's performance as "Acceptable with Improvement". This means that the LEA will need to attain a higher level of performance by August 1, 1992 in order to meet the Board's proposed standards for LEA redesignation/certification.

FACILITY EVALUATION REPORT
COLUSA COUNTY, LEA JURISDICTION, 06-AA

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PROGRAM GOALS

The purpose of the California Integrated Waste Management Board's Facility Evaluation Program is to ensure that all solid waste facilities in California (including closed, illegal, abandoned, and exempted sites) meet the requirements of applicable State laws and regulations. This program has been established in order to protect the health, safety and well-being of the citizens of California, and to protect the environment. With the passage of AB 939, the primary focus of the Facility Evaluation Program is to monitor all solid waste facilities in order to determine operator compliance and LEA effectiveness in meeting their direct enforcement responsibilities. Local Enforcement Agencies (LEAs) have the primary responsibility for ensuring the correct operation and closure of solid waste facilities. As agents of the state, they enforce State laws and regulations and implement California Integrated Waste Management Board (Board) policies.

PROGRAM AUTHORITY

The Facility Evaluation program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) "The board, in conjunction with an inspection conducted by the enforcement agency, shall conduct each year at least one inspection of each solid waste facility in the state" (PRC Section 43219 [a]),

2) "The board shall maintain an inventory of solid waste facilities which violate state minimum standards" (PRC Section 44104 [a]).

3) "Whenever a solid waste facility is proposed to be included in the inventory, the board shall give notice thereof by certified mail to the disposal site owner and the operator of the solid waste facility. If, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory" (44104[b]). The inventory has been designated by the Board as the **State List of Non-Complying Facilities**.

4) "If the board identifies significant violations of state minimum requirements that were not identified and resolved through previous inspections by the enforcement agency, the board shall conduct a performance review of the enforcement agency within 120 days ..." (PRC Section 43219 [b]).

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered individually. To initiate the annual Facility Evaluation process within an LEA jurisdiction, Board staff meets with the LEA to discuss the evaluation process, the LEA's responsibilities during the evaluation, the overall status of facilities and the Board's LEA redesignation /certification process. Permitting, closure/postclosure maintenance and other pertinent issues are also discussed.

Each active solid waste facility within the LEA's jurisdiction is then inspected by Board staff in conjunction with one of the regular monthly inspections conducted by the LEA. Facilities are evaluated for compliance with applicable sections of Division 30 of the Public Resources Code and Title 14 of the California Code of Regulations. Inspection reports are completed and transmitted to the LEA, operator and other responsible agencies pursuant to PRC Section 43219(a). All closed, illegal, abandoned, and exempt sites which can be located are also visited and assessed.

Based upon the State inspection reports and a review of pertinent documents and files, a Facilities Evaluation Report (FER) is prepared. Upon completion, a final draft FER is transmitted to the LEA and the results and findings are discussed with the LEA at an interagency meeting designated as the "exit interview". The LEA's comments are then included in the final FER which is then presented to the Board's Permitting and Enforcement Committee for their consideration.

An FER contains recommendations for Board action regarding:

1. Intent to include any facility found in violation of any State Minimum Standard on the State List of Non-Complying Facilities unless all violations are corrected within 90 days of Board notice pursuant to PRC Section 44104.

2. Initiation of a formal Performance Review of the Enforcement Agency if significant violations of state minimum requirements had not been identified and resolved by the LEA pursuant to PRC Section 43219.

3. An LEA overall performance rating of "Acceptable", "Acceptable with Improvement" or "Unacceptable".

FACILITY / LEA EVALUATION CRITERIA

FACILITY EVALUATION CRITERIA

Any solid waste facility which is found to be in violation of any State Minimum Standard during a state inspection will be recommended for inclusion on the State List of Non-Complying Facilities pursuant to PRC Section 44104. The site operator or owner would then have 90 days to correct all documented violations to avoid inclusion on the list pursuant to PRC Section 44104.

> **Solid Waste Facility** is defined as a disposal facility, a disposal site, or a solid waste transfer or processing station pursuant to PRC Section 40194 and 40121, 40122, 40200.
>
> **State Minimum Standard** is defined as a regulation included in Title 14, California Code of Regulations (CCR), Chapter 3, Minimum Standards for Solid Waste Handling and Disposal (State Minimum Standards).

All facilities included on the list then have one year to correct the violation(s) under an enforcement order issued by the LEA pursuant to PRC Section 44106. Facilities already operating under an LEA enforcement order prior to being listed would continue to work under the existing order as long as this order requires the facility to be in full compliance within one year of being listed.

If an existing LEA enforcement order for a site being placed on the list does not require compliance within one year of the listing date, a new LEA enforcement order would need to be issued which requires the operator to be in compliance within one year of listing pursuant to PRC Section 44106. If a facility fails to achieve full compliance within the one year of listing, the LEA is required to revoke the operator's Solid Waste Facility Permit until the violations of State Minimum Standards are remedied pursuant to PRC Section 44106.

LEA EVALUATION CRITERIA

The rating of LEA performance is a two step process concluding with the rating of the LEA as "Acceptable", "Acceptable with Improvement" or "Unacceptable".

1st Step: Significant Violations of State Minimum Requirements

Section 43219 of the PRC states that if the Board identifies significant violations of state minimum requirements during its annual inspections that were not previously identified and resolved by the LEA, the Board must conduct a formal Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced by an LEA as an agent of the State. This is not to be confused with State Minimum Standards which only include regulations contained in 14 CCR Chapter 3 (Minimum Standards for Solid Waste Handling and Disposal).

Significant violation is defined as:

a) Failure by the LEA to identify and resolve any condition at a solid waste facility which threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the public health, welfare, or safety pursuant to PRC Section 45300 and/or 14 CCR 18304.

b) Failure by the LEA to: a) identify any solid waste facility being operated by any person except as authorized by a Solid Waste Facilities Permit (SWFP) in violation of PRC Section 44002, b) identify any permitted operator operating a facility outside the terms and conditions of a SWFP in violation of PRC Section 44014 ,**and** c) resolve either of these violations pursuant to PRC Section 45000, 14 CCR 18304, 18307, and the Board's Permit Enforcement Policy (PEP) dated November 27, 1990.

c) Failure by the LEA to identify any solid waste facility being operated which has never had a SWFP in violation of PRC Section 45000, 44001 and/or 44002 **and** failure by the LEA to resolve this violation(s) pursuant to PRC Section 45000 and 14 CCR 18304.

d) Failure by the LEA to identify and resolve conflicts of interest where the LEA is managing the contract or is the operator of a solid waste disposal site in violation of PRC Section 43207.

e) Failure to implement a basic LEA enforcement program as indicated by a failure to: a) identify and resolve a large number of operational violations at one or more disposal sites, b) regularly conduct monthly inspections of solid waste facilities pursuant to PRC Section 43218,

,or, e) perform LEA duties or responsibilities as required by 30 PRC or 14 CCR.

f) Failure by the LEA to petition the superior court to impose, assess, and recover civil penalties pursuant to PRC Section 45200, 45201, and 14 CCR 18305 when a disposal site owner or operator has failed to comply with an enforcement order issued by the LEA <u>or</u> failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a facility operator or owner has failed to comply with State Minimum Standards after being on the State List of Non-Complying facilities for one year.

<u>Resolve</u> is defined as an LEA having exercised all appropriate enforcement actions necessary to force an operator or owner to comply with state laws and regulations including but not limited to PRC Section 44106, 45000, 45200, 45201, 45300, and 14 CCR 18304, 18305, and 18307. The definition of resolve does not necessarily mean that a violation has been completely corrected, but that the LEA has taken the necessary enforcement action to advance the correction of the violation.

If an LEA has failed to identify and resolve any significant violations of state minimum requirements, staff will recommend to the Board that a formal LEA Performance Review be conducted within 120 days pursuant to PRC Section 43219. If there are no significant violations or all significant violations have been identified and resolved, staff will recommend that the Board not initiate a formal LEA Performance Review pursuant to PRC Section 43219.

2nd Step: LEA Performance Rating

This step involves Board staff concluding whether LEA performance is rated as "Acceptable", "Acceptable with Improvement", or "Unacceptable".
This rating is based on Step 1 findings as well as the LEA's performance in meeting its duties and responsibilities.

As stated in Step 1, if an LEA fails to identify and resolve any significant violation of state minimum requirements staff may recommend that the Board conduct a formal performance review of the LEA. This finding would also cause staff to recommend that the LEA'S performance be rated as "Unacceptable".

If the LEA has identified and resolved all significant violations as outlined in Step 1, staff will recommend that the Board rate the LEA'S performance as either "Acceptable" or "Acceptable with Improvement".

An "Acceptable" rating is recommended for those LEAs which meet most or all of their LEA duties and responsibilities and would have little or no problem meeting the LEA Certification regulations now being promulgated by the Board. An "Acceptable with Improvement" rating is recommended for those LEAs which have not met most or all of their LEA duties and responsibilities and are likely to have trouble meeting the Board's new LEA Certification regulations.

LEA compliance with the following LEA duties and responsibilities are a primary consideration used to determine between an LEA performance rating of Acceptable with Improvement or Acceptable:

1) The LEA has conducted monthly inspections of active, and illegal sites pursuant to PRC Section 43218.

2) The LEA has conducted quarterly inspections of inactive, closed, abandoned, and exempt sites pursuant to PRC Section 43218.

3) The LEA has conducted weekly inspections of sites operating on performance standards pursuant to 14 CCR 17683.

4) The LEA has transmitted monthly inspection reports to the Board within 30 days pursuant to PRC Section 43218.

5) The LEA has conducted solid waste facility inspections of each site in its jurisdiction in conjunction with the Board's annual inspections pursuant to PRC Section 43219.

6) The LEA has investigated Written Reports of Violations pursuant to 14 CCR 18302 and 18303.

7) The LEA has taken appropriate enforcement action pursuant to PRC Section 45000, 14 CCR 18304, and 14 CCR 18307.

8) The LEA has conducted applicable 5-year permit reviews pursuant to 14 CCR 18213.

9) The LEA has conducted timely reviews of Preliminary and Final Closure/Postclosure Maintenance plans pursuant to 14 CCR 18270.

COLUSA COUNTY LEA

Colusa County is located in the Sacramento Valley with it's western boundaries extending into the Northern Coast Ranges. According to the 1990 U.S. census report, the population of Colusa County was 16,150. Colusa is rural in nature and is characterized by farming and ranching. The climate is typically hot, dry summers and cool, wet winters.

On May 24, 1977, in a resolution by the Colusa County Board of Supervisors, Colusa County Public Works and Colusa County Health Department were designated as joint LEAs for Colusa County. This proposal was submitted to the California Waste Management Board for approval. The Board found this proposal to be unacceptable, because of possible conflict of interest between Public Works as an operator and it's role in enforcement (pursuant to Government Code Section 66796 [d]). The Colusa County Board of Supervisors redesignated the County LEA to be the Department of Health on July 22, 1977. The designation of Colusa County Health Department as Colusa LEA was approved by the Board on December 2, 1977 (resolution No. 77-113-LEA). Currently the LEA is the Colusa County Department of Environmental Health which is under the Colusa County Health Department. Dr. John Heckman is the County Health Officer and Mr. Richard Dickson is the designated LEA contact person.

There are twelve known sites within the LEA'S jurisdiction, of which three are active and permitted **(Figure 1)**. The active permitted sites are Evans Road Landfill (06-AA-0001), Stonyford Landfill (06-AA-0002), and Maxwell Transfer Station (06-AA-0003). Charter Evaporation Resource Recovery System is an inactive, permitted site and is permitted as both a transfer station (06-AA-0006) and a landfill (06-AA-0007).

The eight other sites in Colusa County have never been permitted by the Board. A Notice of Operation for Colusa State Park was submitted to the Board in 1982. However, the permit process was never completed for this site and the file has been archived. The remaining seven illegal sites have been referred to the Board's Closed, Illegal and Abandoned Sites Branch.

FACILITY INSPECTION RESULTS

On January 24, 1991, Board staff met in Sacramento with a representative of the Colusa County LEA. The purpose of this meeting was to explain the new California Integrated Waste

COLUSA COUNTY LEA 06-AA
FACILITIES EVALUATION REPORT

FIGURE 1

FACILITY INVENTORY (Page 1 of 1)

					CLOSURE	TONAGE				WASTE	SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	YEAR	DAILY	IN PLACE	ACRES	SETTING	SPECIAL	AIR	WATER
EVANS ROAD LANDFILL	06-AA-0001	LANDFILL	ACTIVE	12/8/78	2003	30 TONS		25	RURAL	SEPTAGE	05-AUG-88	01-JUL_88
STONYFORD DISPOSAL SITE	06-AA-0002	LANDFILL	ACTIVE	7/14/81	2021	1TON/DAY		8	RURAL	SEPTAGE	05-AUG-88	01-JUL-88
MAXWELL TRANSFER STATION	06-AA-0003	TRANSFER	ACTIVE	2/21/85		40cy/day		10	RURAL			
COLUSA STATE PARK	06-AA-0005	LANDFILL	ARCHIVE	ILLEGAL	UNKNOWN				RURAL			
CHARTER EVAPORATION RESOURCE RECOVERY SYSTEM	06-AA-0006	TRANSFER	NOT ACTIVE	11/17/89	2009	315 TONS	NONE	102 ac	RURAL	DRL MUD BRN WTR		
CHARTER EVAPORATION RESOURCE RECOVERY SYSTEM	06-AA-0007	LANDFILL	NOT ACTIVE	11/17/89	2009	420 TONS	NONE	102 ac	RURAL	DRL MUD BRN WTR		
OLD WILLIAMS DUMP		LANDFILL	CIA	NONE	UNKNOWN				RURAL			
HAULSEY DUMP		LANDFILL	CIA	NONE	UNKNOWN							
LURLINE DUMP		LANDFILL	CIA	NONE	UNKNOWN				RURAL			
MNF #41-1 (FOUTS SPRINGS SITE)		LANDFILL	CIA	NONE	1972		1500 cy		FORREST			
MNF #41-2 (UPPER TROUGH RIDGE)		LANDFILL	CIA	NONE	1970		300 cy		FORREST			
MNF #41-3 (LOWER TROUGH RIDGE)		LANDFILL	CIA	NONE	1970		300 cy		FORREST			
MNF #42-1 (STONYFORD DUMP SITE)		LANDFILL	CIA	NONE	1972		2500 cy		FORREST			

DRL MUD = DRILLING MUDS
BRN WTR = BRINE WASTEWATER
CIA = CLOSED\ILLEGAL\ABANDONED

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Management Board (CIWMB) programs, as they are being developed under AB 939. Those present at the meeting were: Richard Dickson (Colusa County Environmental Health), Andy Marino (CIWMB, Facilities Evaluation), Mike Kuhn (CIWMB, Permits), Gabe Aboushnab (CIWMB, LEA Evaluation) and James Omand (CIWMB, Facilities Evaluation). Mr. Dickson was given a copy of the Permit Enforcement Policy and a schedule of dates was established for Colusa County facility inspections.

During February 1991, each permitted site in Colusa County was assessed for compliance with applicable sections of Division 30 of then Public Resources Code and Title 14, California Code of Regulations (CCR). Subsequently the closed, illegal, abandoned, and exempt sites which could be located were also visited and assessed.

Five violations and four areas of concern were identified at the permitted sites within the LEA's jurisdiction. LEA facility inspection results for the last year compared with the results of Board's annual inspection are presented in **Appendix B**. The Board's annual State Inspection Reports for active permitted solid waste facilities in the LEA's jurisdiction are attached as **Appendix C**. Several closed, illegal and abandoned sites were identified that require further assessment. These sites will be referred to the Board's Closed, Illegal and Abandoned Sites Branch.

ACTIVE, PERMITTED FACILITIES

Evans Road Landfill (06-AA-0001)
This facility is a Class III Landfill located on Evans Road approximately seven miles southwest of Williams. This site is the primary disposal facility for Colusa County and is operated by the Colusa County Department of Public Works. This is a 123 acre site with 25 acres being used for current waste disposal activities and the remaining 98 acres being proposed for expansion. The land surrounding this site is almost exclusively agricultural and is used primarily for grazing of stock and cultivation of orchards.

On February 21, 1991, accompanied by a representative of the LEA, Board staff conducted an inspection of this facility. Four Violations and three Areas of Concern were identified during this inspection. Details of this inspection can be found on the attached inspection report (Appendix C).

Stonyford Disposal Site (06-AA-0002)
This site is a Class III Landfill located approximately one mile south of Stonyford. The land surrounding this site is gently sloping terrain covered by open grass and oak trees. No residents are located within 1,000 feet of the site. The total site property

comprises 48 acres, of which 8 acres are currently being used for waste disposal.

On February 22, 1991, accompanied by an LEA representative, Board staff conducted an inspection of this facility. One Area of Concern was identified during this inspection. Details of this inspection can be found on the attached inspection report (Appendix C).

Maxwell Transfer Station (06-AA-0003)
This site is a small volume transfer station and is located approximately one mile south of Maxwell on Highway 99. The facility includes an elevated dumping platform and several 40 cubic yard bins. Solid wastes are transferred directly from vehicles to the bins. The bins are taken to Evans Road Landfill for land disposal.

On February 22, 1991, accompanied by an LEA representative, Board staff conducted an inspection of this facility. Two Violations were identified during this inspection. Details of this inspection can be found in the attached inspection report (Appendix C).

INACTIVE, PERMITTED SITES

Charter Evaporation Resource Recovery System (06-AA-0006 and 06-AA-0007)
This proposed facility is a 102 acre site located three miles northwest of Arbuckle. Land surrounding the site is agricultural and there are no dwellings within 1000 feet of the site. The site is permitted by CIWMB as both a Landfill and Transfer/Processing facility. The facility was proposed for the processing and/or disposal of two types of designated wastes: brine wastewater, and drilling muds and cuttings. Although the permits were issued in 1989, construction of this proposed facility has never commenced.

Board staff, accompanied by a representative of the LEA, visited this site on February 21, 1991. At that time no construction had begun, and the site consisted of only a dirt road and several groundwater monitoring wells. Currently there is activity to re-permit this facility by another operator.

ARCHIVED FILES

Colusa State Park 06-AA-0005
This is an illegal site that is located at 12th and Levee streets in the City of Colusa. It was formerly used by the City of Colusa to dispose of leaves and street sweepings. A State Park has been constructed directly over the previous disposal area.

In March 1991, Board staff tested this site for the presence of landfill gas. Gas was detected at concentrations that were below regulatory concern. Information that CIWMB Enforcement staff has gathered on this site will be forwarded to the Closed, Illegal and Abandoned Sites Branch.

CLOSED/ILLEGAL/ABANDONED SITES

Old Williams Dump

This site is located on Freshwater Road between Old Highway 99 and Highway 20, and is approximately one mile northeast of the town of Williams. This site is reported to be an old " burn dump " that was used by the residents of Williams and local farm residents. The area of the site is estimated to be 3-5 acres. Currently the Colusa County Farmers Cooperative is constructed on top of the old site. In March of 1991, Board staff tested this site for the presence of landfill gas. Gas was detected at concentrations that were below regulatory concern. The information that enforcement staff has gathered regarding this site will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch for further evaluation.

Haulsey Disposal Site

This site is located on the east side of the levee about 1/2 mile northeast of the end of Brown Road. The site is approximately one acre in size. All putrescible waste have been excavated and removed and currently only inert materials are present on the site. The information that Enforcement staff has gathered on this site will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch for further evaluation.

Lurline Road Dump

This site is directly north of Lurline Road approximately two miles west of the town of Colusa. The area surrounding this site is agricultural and there were no structures within 1000 feet of the site. This site shows signs of recent illegal dumping. The information that Enforcement staff has gathered on the site will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch.

Mendocino National Forest (MNF) Disposal Sites

Board staff identified four disposal sites in Colusa County that are within the boundaries of the Mendocino National Forest (Figure 1). During May 1991, Forest Service Personnel accompanied Board staff to each of these sites. All four sites have been inactive since the early 1970's. None of the sites showed signs of resent disposal activity. The Forest Service has contracted a private consultant to prepare an evaluation report for each of these sites.

The State of California Department of Health Services is currently evaluating these Forest Service sites for the presence of toxics. The information that Enforcement staff has gathered on these sites will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch.

NON-COMPLYING FACILITIES

During the annual state inspections two of the three active facilities within this LEA jurisdiction were found to be in violation of one or more State Minimum Standard. At the LEA exit interview held on June 24, 1991, Mr. Dickson verified that all violations of State Minimum Standards had been corrected. Board staff therefore recommend that none of the facilities within the Colusa County LEA jurisdiction be placed on the State List of Non-Complying Facilities.

LEA PERFORMANCE

The results of rating the Colusa County LEA's performance against the LEA evaluation criteria are presented in **Figure 2**. For the most part, the LEA has taken appropriate enforcement action in an attempt to bring non-complying facilities within its jurisdiction into compliance with State laws and regulations. This has primarily consisted of conducting regular inspections, issuing Notice of Violations and following up on the next scheduled inspection to insure the operator corrects the violations within one month.

The County has hired a new Director of Environmental Health (LEA) who started work in March of 1990. The Director has continued to work well with Board staff and is currently attempting to implement all Board regulations and policies. The LEA has been conscientious in doing monthly SWIS inspections at the active sites within this jurisdiction **Appendix B**. Inspection reports from Colusa County have been sent to the Board within the required 30 days. The inactive Charter Evaporation Resource Recovery System has not been inspected on a monthly basis, however this seems reasonable since there has never been any construction or disposal activities at this site. Because regulations for the inspection of Closed, Illegal and Abandoned (CIA) sites have yet to be developed, the Colusa County LEA was not evaluated regarding inspection of CIA sites.

Board Permit Branch staff considers the Colusa County LEA to be out

COLUSA COUNTY 06-AA
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

Figure 2

FACILITY NAME / SWIS #	EVANS ROAD LANDFILL 06-AA-0001		STONYFORD LANDFILL 06-AA-0002		MAXWELL TRANSFER STA. 06-AA-0003	
FACILITY VIOLATIONS	V	AOC	V	AOC	V	AOC
30 PRC, 14 CCR, Other (* = Emergency Violation)	4	3	0	1	2	0
LEA PERFORMANCE						
30 PRC 43219 - Significant violations (a through f)						
a. 30 PRC 45300 - Emergency violation idenified and resolved	C		C		C	
b. 14 CCR 18340 - Notice & Order issued for permit violation (Permit Enf. Policy)	C		C		C	
c. 30 PRC 45000, 44001, 44002 - Active site, No SWFP - appropriate enf. action taken	C		C		C	
d. 30 PRC 43207 - Conflict of interest	C		C		C	
e. 30 PRC, 14 CCR - Failure to implement LEA program	C		C		C	
f. 14 CCR 18305 - Enforcement of Notice and Orders	C		C		C	
30 PRC 43218 - Monthly inspections of active, inactive, and illegal sites	C		C		C	
14 CCR CH.3 ART. 7.8 - Quarterly inspections of closed, abandoned, and exempt sites	N/A		N/A		N/A	
14 CCR 17683 - Weekly inspection of performance standards sites	C		C		C	
30 PRC 43218 - Inspection reports sent within 30 days	C		C		C	
30 PRC 43219 (a) - Yearly inspections conducted with Board staff	C		C		C	
14 CCR 18302, 18303 - Investigated reports of violations	C		C		C	
14 CCR 18304, 18307 30 PRC 45000 - Appropriate enforcement action taken (N & O / Compliance Schedules)	V		C		C	
14 CCR 18213 - Five Year Permit Review	V		C		V	
14 CCR 18270 - Review of Closure/Postclosure plans	V		C		C	

V = violation; AOC = Area of Concern; C = Compliance; N & O = Notice and Order; N/A = Not Applicable; AG = Attorney General

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of compliance for a Five Year Permit Review on both Evans Road Landfill (06-AA-0001) and Maxwell Transfer Station (06-AA-0001). Also, Board staff has concluded that the violation of the terms and conditions of the operators SWFP for Evans Road Landfill should have been dealt with in a more timely manner.

Closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Maintenance Plan. The Colusa County LEA is working with Board staff to develop Closure/Postclosure Plans for solid waste facilities in Colusa County.

The Colusa County LEA has been very cooperative while working with Board staff. Mr. Dickson was present at all times during the yearly State Inspections. Also, Mr. Dickson made special arrangements for Board staff to access private property for the purpose of landfill gas testing at CIA sites. Mr. Dickson has submitted a draft Notice and Order for the Violations at Evans Road Landfill (06-AA-0001). Board staff has made comments on the Notice and Order and Mr. Dickson is in the process of finalizing the document.

At the exit interview on June 24, 1991 Mr. Dickson verified that all violations, identified during the annual state inspections, had either been corrected or adressed by a compliance order.

LEA COMMENTS

On June 24, 1991 Board staff met with Richard Dickson to discuss the final draft of the Facility Evaluation Report for Colusa County. During the meeting Mr. Dickson pointed out that a minimal number of operational (State Minimum Standards) violations were idenified by the FER for facilities in Colusa County. Mr. Dickson indicated that he has inherited the non-operational problems, and he has not had sufficient time to solve these problems. Mr. Dickson said that the Colusa County LEA program places a high priority on compliance with regulations, and he emphasized the importance of cooperation between Board staff and local enforcement. Mr. Dickson expressed his disagreement with the proposed LEA Certification Regulations that require a full-time person devoted to solid waste within each jurisdiction. Mr. Dickson submited written comments to the FER dated June 25, 1991 **(Appendix A)**.

RECOMMENDATIONS

1. Board staff documented at least one violation of minimum standards at each of the following sites: Evans Road Landfill

(06-AA-0001); Maxwell Transfer Station (06-AA-0003). As of the exit interview conducted with the LEA on June 24, 1991, the LEA had verified that all violations of State Minimum Standards had been corected.

Board staff will recommend that none of the facilities within this LEA jurisdiction be placed on the State List of Non-Complying Facilities.

2. No significant violations of state minimum requirements were identified during the evaluation pursuant to PRC Section 43219. Therefore, Board staff will not recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219.

3. While the Colusa County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed to take timely action on: the permit violations at Evans Road Landfill (06-AA-0001); Five Year Permit Review for Evans Road Landfill and Maxwell Transfer Station (06-AA-0003). In addition closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Maintenance Plan. Board staff will therefore recommend that the Board rate the Colusa County LEA's performance as "Acceptable with Improvement".

A performance rating of "Acceptable with Improvement" means that a higher level of performance will be needed in order for the Colusa County LEA to meet the proposed standards for LEA re-designation/ certification by August 1, 1992.

Board staff will be available to assist the Colusa County LEA to improve implementation of its Enforcement Program.

APPENDICES:

A. LEA Written Comments

B. LEA Inspection Summary

C. Facility Inspection Reports

COUNTY OF COLUSA
PUBLIC HEALTH DEPARTMENT

☐ Public Health (916) 458-5177
☒ Environmental Health (916) 458-7717
☐ Child Health & Disability Program (CHDP) 458-5177
☐ Animal Control (916) 458-4500
☐ California Children Services (CCS) (916) 458-5177

P.O. Box 610 • 251 E. Webster Street • Colusa, CA 95932

June 25, 1991

TO: John K. Bell, Assistant Chief
Enforcement Division
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

FROM: Richard S. Dickson
Director of Environmental Health

RE: Written Comments From Meeting on Colusa County Facilities Evaluation Report (FER)

On June 24, 1991 a meeting was conducted at Colusa County Environmental Health (LEA) to comment and discuss the draft FER. The following staff of CIWMB met with Richard Dickson: John K. Bell, Andy Marino, James Omaud, Michael Finch and Michelle Marconi.

Comments and discussion were taken as informal minutes by Mr. Omaud, to be incorporated into the FER. This letter will serve as written comments from this department on the FER.

The LEA was given a performance rating of "Acceptable with Improvement". Clarification of this department's current status is necessary to have a full understanding of the performance rating. The LEA came under a new director in March of 1990.

Since March 1990, facility inspections have been current. The Evans Road Landfill submitted for a permit review in June of 1990. Stonyford Landfill submitted for permit review in October of 1990. Both permit reviews were withdrawn by this department to add CIWMB requested information to the Report of Disposal Site Information (RDSI). Evans Road Landfill's EIR is in the final phases. The engineering studies for closure of Solid Waste Unit #1 are currently in progress.

A notice and order will be served on Colusa County Public Works for compliance at Evans Road Landfill. The notice and

order requires compliance with CIWMB inspection violations, permit review and submission, tonnages, wastes received, site operation, terms and conditions, and site size.

Until the last few years, proactive enforcement at solid waste facilities was not accomplished by LEAs and CIWMB. With increased efforts by both agencies, mainly for facility compliance, many violations have been noted throughout the state. This department has made a concerted effort to bring about compliance at all facilities. It is extremely important that a cooperative atmosphere be maintained between LEAs and CIWMB.

This department requests that these comments be included in the FER.

RSD/mb

APPENDIX B
COLUSA COUNTY LOCAL ENFORCEMENT AGENCY FACILITIES EVALUATION REPORT
INSPECTION SUMMARY - EVANS ROAD LANDFILL, 06-AA-0001
4/90 TO 3/91

EVANS ROAD LANDFILL 06-AA-0001	RECORDS	PERSONNEL	SIGNS	SECURITY	ROADS	SCREENING	SANITATION	COMMUNICATIONS	LIGHTING	SAFETY	UNLOADING	CLEANUP	REMOVAL	COMPACTING	GRADING	COVER	SALVAGING	NUISANCE	FIRE	LEACHATE	GAS	DUST	VECTORS	DRAINAGE	LITTER	NOISE	ODOR	TRAFFIC	EQUIPMENT	MAINTENANCE	PERMIT
28-MAR-91																A															
21-FEB-91	V		V												A										A						
25-JAN-91																									A						
27-DEC-90																								A							
19-NOV-90																								A							
18-OCT-90															A																
01-OCT-90																															
29-AUG-90															A							V									
27-JUL-90																						A									
22-JUN-90																								V						V	
30-MAY-90																						A			V						
27-APR-90																									A						

RESULTS OF CIWMB ANNUAL INSPECTION OF 02/21/91

21-FEB-91	A		V	A																				V							V

V = VIOLATION
A = AREA OF CONCERN

APPENDIX B
COLUSA COUNTY LOCAL ENFORCEMENT AGENCY FACILITIES EVALUATION REPORT
INSPECTION SUMMARY - STONYFORD LANDFILL, 06-AA-0002
4/90 TO 3/91

STONYFORD LANDFILL 06-AA-0002	RECORDS	PERSONNEL	SIGNS	SECURITY	ROADS	SCREENING	SANITATION	COMMUNICATIONS	LIGHTING	SAFETY	UNLOADING	CLEANUP	REMOVAL	COMPACTING	GRADING	COVER	SALVAGING	NUISANCE	FIRE	LEACHATE	GAS	DUST	VECTORS	DRAINAGE	LITTER	NOISE	ODOR	TRAFFIC	EQUIPMENT	MAINTENANCE	PERMIT
21-MAR-91																															
22-FEB-91																A									A						
31-JAN-91																V							V								
27-DEC-90																A															
21-NOV-90					A											V							A								
19-OCT-90					A											V									V						
25-SEP-90																V									V						
27-AUG-90																V							V		V						
27-JUL-90																															
26-JUN-90																															
30-MAY-90					V																				V						
25-APR-90																															

RESULTS OF CIWMB ANNUAL INSPECTION OF 02/21/91

22-FEB-91																A															

V = VIOLATION
A = AREA OF CONCERN

APPENDIX B
COLUSA COUNTY LOCAL ENFORCEMENT AGENCY
FACILITIES EVALUATION REPORT - INSPECTION SUMMARY
MAXWELL TRANSFER STATION 06-AA-0003
4/90 TO 3/91

MAXWELL TRANSFER STATION 06-AA-0003	RECORDS	SAFETY	UNLOADING	CLEANUP	REMOVAL	NUISANCE	VECTORS	DRAINAGE	LITTER	OTHER
18-MAR-91										V
22-FEB-91				V						V
30-JAN-91										
13-DEC-90										
21-NOV-90										
11-OCT-90				V					V	
26-SEP-90				V					V	
24-AUG-90										
27-JUL-90			V							V
18-JUN-90										
30-MAY-90										V
25-MAR-90										

RESULTS OF CIWMB ANNUAL INSPECTION OF 02/22/91

22-FEB-91										V

V = VIOLATION
A = AREA OF CONCERN

Chron

STATE OF CALIFORNIA

Pete Wilson

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

March 22, 1991

Dr. John Heckman, Health Officer
Colusa County Health Department
251 East Webster Avenue
P.O. Box 610
Colusa, CA 95923

RE: State Inspection Report - Evans Road Landfill - Facility File No. 06-AA-0001

Dear Dr. Heckman:

California Integrated Waste Management Board (Board) staff conducted a State Inspection of the Evans Road Landfill on February 21, 1991, pursuant to Division 30, Public Resources Code (PRC), Sections 43214 and 43219 (a). Enclosed is a copy of the State Inspection Report.

The following violations of the PRC and Title 14, California Code of Regulations (CCR) were documented during the investigation:

PRC 44014(b) - Terms and Conditions
14 CCR 17657 - Entry Signs
14 CCR 17798 - Drainage and Erosion Control
14 CCR 18255 - Submittal of Closure\Postclosure Maintenance Plans

In addition, Areas of Concern were noted with the following section of the CCR:

14 CCR 17636 - Weight/Volume Records
14 CCR 17658 - Site Security
14 CCR 17777 - Final Site Face

Appropriate enforcement action(s) should be pursued as necessary by the Local Enforcement Agency (LEA) to ensure that all applicable codes and regulations are being met at this site (30 PRC 43209).

14 CRC 18304 requires an LEA having knowledge of a Permit Violation to issue a Notice and Order to the operator to undertake activity to remedy the violation. As indicated in the

- Printed on Recycled Paper -

January 24, 1991 meeting between Board staff and the LEA, enforcement action should follow the guidelines of the Permit Enforcement Policy (PEP) dated June 26, 1990 and mailed to each LEA on January 29, 1991 (attached). If an LEA has knowledge of a Permit Violation and fails to issue a Notice and Order as required, the Board may assume that responsibility, and investigate the LEA's designation.

Also, please be aware that Closure\Postclosure activities have been initiated at this site without an approved Closure\Postclosure Maintenance Plan, in violation of 14 CCR 18255.

A Facilities Evaluation Report (FER) will follow when the review of your enforcement program and all State Inspection Reports of facilities within your jurisdiction are completed. We have tentatively scheduled to present the Colusa County FER to the Board's Permitting and Enforcement Committee at their May 15, 1991 meeting in Sacramento.

If you have any questions or comments, please call James Omand, your enforcement division contact person, at (916) 323-3658. Questions regarding Closure\Postclosure maintenance should be directed to Kim Schwab of the Board's Closure/Postclosure Maintenance Branch at (915) 327-9337.

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor
Facility Evaluations Branch
Enforcement Division

JWM:JWO

EVANS2.LTR

Enclosures

cc: Russell Gum, Colusa County Department of Public Works
Scott Walker, Central Valley Regional Water Quality Control Board
Harry Krug, Colusa County Air Pollution Control District
Gary Cox, Arbuckle Fire Department

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

JAN 2 9 1991

To: ALL LOCAL ENFORCEMENT AGENCIES

Subject: Permit Enforcement Policy

On November 27, 1990, the California Integrated Waste Management Board (Board) adopted the June 26, 1990 version of the Permit Enforcement Policy (PEP). Attached is a copy for your use. The policy affirms the Board's position that Local Enforcement Agencies (LEAs) should take enforcement action when limits established by Solid Waste Facilities Permits are exceeded. The policy provides LEAs with a framework for enforcing Division 30 Public Resources Code (PRC) section 45000.

The policy embodies the following concepts:

1) All Solid Waste Facilities Permits (permit) were and are intended to establish limits on the design and operations of facilities.

2) Exceeding the limits of a permit is a violation of PRC section 44004 and CCR section 18211(c) requiring enforcement action. The only appropriate action by an LEA to remedy permit violations is to issue a Notice and Order that would bring the facility into compliance.

3) The policy applies to violations of permit terms and conditions, not to general and specific violations of State Minimum Standards for the operations of solid waste facilities. However, the policy does not preclude enforcement action for those types of violations. In some cases a Notice and Order will address both permit and State Minimum Standard violations.

4) A Notice and Order that includes a time schedule for compliance should bring the facility into compliance within a reasonable time but in no case beyond August 1, 1992.

5) No protracted compliance schedule can be incorporated into any Notice and Order for any facility that has known environmental or public health and safety problems.

6) The Notice and Order shall, in its most liberal form, maintain the status quo of the facility, and prohibit the operator from further violating the same or different permit terms and conditions.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD POLICY

ENFORCEMENT OF SOLID WASTE FACILITIES PERMITS

Purpose:

Public Resources Code, Section 44002, prohibits the operation of any solid waste facility in the State except as authorized by the terms and conditions of a solid waste facilities permit (Permit). At least every five years, a facility operator must cooperate with the LEA in a Permit Review.

In many of the Permits that are now being reviewed, LEAs are finding significant changes in the design or operation of the facilities. These changes are violations of an operator's Permit (Permit Violations).

Permit Violations include, but are not limited to, the following:

- exceeding authorized daily tonnages
- accepting unauthorized types of wastes
- expanding into unpermitted areas
- expanding beyond authorized height limits
- operating previously permitted solid waste facilities without permits.

Title 14, California Code of Regulations (CCR), section 18304, requires any LEA having knowledge of a Permit Violation to issue a Notice and Order to the operator to undertake activity to remedy the violation. There is no provision in the Public Resources Code or in regulation for waiving Permit Violations.

The purpose of this policy is to provide:

- standard guidance for LEAs so there is consistent enforcement of Permits statewide.

- a consistent procedure which will return site activities to the terms of the Permit instead of forcing litigation for noncompliance.

Policy:

1. Nothing in this policy permits a facility to be operated in violation of the State Minimum Standards.

2. This policy shall not restrict or prohibit an LEA from taking enforcement action at any solid waste facility. The LEA can issue a Notice and Order, when appropriate, for any

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violation, including violations of the State Minimum Standards. However, if an LEA has knowledge of a Permit Violation but fails to issue a Notice and Order as required by 14 CCR 18304, the Board may assume that responsibility, and investigate the LEA's designation.

3. When an LEA determines that a Permit Violation exists, the LEA shall issue a Notice and Order pursuant to 14 CCR 18304. The Order shall require the operator to make the site's operations consistent with permitted levels within an appropriate time frame determined by the LEA. In determining the appropriate time frame for compliance, the LEA shall consider whether or not:

a) a hardship or other compelling reasons exist to maintain the facility design or operation which cause the Permit Violation(s),

b) all other waste management alternatives were considered and none would relieve the problem,

c) the costs and benefits to the public health and environment were thoroughly considered for each alternative,

d) the facility design and operation which cause the Permit Violation pose a threat to the environment or to public health and safety, and

e) the facility design and operation which cause the Permit Violation are consistent with local government planning objectives.

4. If the LEA determines that the operator cannot make the site's operations consistent with permitted levels within the appropriate time frame initially determined by the LEA, as referenced in paragraph three (3) above, the LEA should consider allowing the operator to enter into a Stipulated Order of Compliance. Such an Order must comply with the requirements of 14 CCR 18304 and should include the following:

a) a date-certain for compliance with the terms and conditions of the Permit, (Since all current LEAs will have to be certified according to Board regulations by August 1, 1992, no Stipulated Order of Compliance shall extend beyond that date.)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT
DISPOSAL SITES

FACILITY: Evans Road Landfill

SWIS #: 06-AA-0001

INSPECTION DATE: 2/21/91

LOCATION: Evans Road, 3 mi. south of Maxwell

OWNER: Colusa County

OPERATOR: Co A County Public Works

LEA: Richard Dickson, Colusa County Environmental Health

INSPECTOR: James Omand

ACCOMPANIED BY: Jack Miller, Richard Dickson, Boxing Cheng

ACREAGE: 40 Permitted

PERMITTED TONNAGE: 30 tons/day

ACTUAL TONNAGE: 44 tons/day
140 tons/day including

SITE TELEPHONE #: (916) 473-2345

REQUIRED COVER FREQUENCY: 48 hrs.

PERMIT ISSUE DATE: 11/24/78

LAST PERMIT REVIEW: 11/24/78

LAST PERIODIC SITE REVIEW: 6/18/90

LIQUID WASTES ACCEPTED: Yes

HAZARDOUS WASTES ACCEPTED: Permitted, bu not accepted

GAS/LEACHATE CONTROLS: No

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

PERMITS

[] [] ■ PRC 44002 - Site operator is authorized by SWFP

■ [] [] PRC 44014(b) - Operator compliance with SWFP terms and conditions

[] [] ■ 14 CCR 18213 - 5-year permit review

RECORDS

[] [] ■ 17606 - Recording - Site description filed at beginning of site use

[] [] ■ 17607 - Periodic Site Review

[] Completed every 5-year period from date of SWFP issuance

[] Review of site design, implementation and operation

[] Estimate of remaining site life

[] Conclusions and recommendations

[] Review completed and signed by a registered civil engineer

COMMENTS: PRC 44014(b) - Terms and Conditions. No operator of a solid waste facility sh make significant change in design or operation of any solid waste facility except in conformance with terms and conditions of a solid waste facilities permit. This facility found to be accepting ash without authorization under it's current permit. This facilit was found to be accepting daily tonage in considerable excess of it's permitted amount.

Section Supervisor [signature] 3/20/91

Waste Management Specialist [signature] 3/

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V A C — V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

[] [] [redacted] 17616 - Report of Disposal Site Information -RDSI on file and kept curr[redacted]
[] [] [redacted] 18222 - Report of Disposal Site Information
[] (a) Statement of site operation
[] (b) Types and quantities of wastes received
[] (c) Total acreage of site and projected life expectancy
[] (d) Topographic location map
[] (e) Plot plan showing legal boundaries
[] (f) Disposal area identified on plot plan with distance to nearest struct
[] (g) Sequence of site development
[] (h) Topographical site map with proposed final elevations
[] (i) Geological and hydrogeological site information
[] (j) Drainage and water control system
[] (k) Leachate management
[] (l) Monitoring well information
[] (m) Landfill gas management
[] (n) Final site use
[] (o) Resume of management organization
[] (p) List of agency approvals

DESIGN
[] [] [redacted] 17626 - Design Responsibility
[] [] [redacted] 17628 - General Design Parameters
[] [] [redacted] 17629 - Public Health Design Parameters

[] [redacted] [] 17636 - Weight/Volume Records
[] Records of weights or volumes kept in a form and manner approved by LEA
[] Records accurate to within 10 percent
[] [] [redacted] 17637 - Subsurface Records
[] Records of cuts made in natural terrain where fill will be placed
[] Depth to groundwater records kept
[] Other cuts which may affect safe operation or impact adjoining propert[redacted]s
[] [] [redacted] 17638 - Special Occurrences - Log kept at sites which accept 100 yd^3 of [redacted]te,
[] [] [redacted] 17639 - Inspection of Records - Records open to insp. during normal business

SIGNS
[] [] [redacted] 17656 - Identification Signs - Public access points signed including name of operator
[redacted] [] [] 17657 - Entry Signs - Public sites shall have an entry sign which includes:
[] Schedule of charges
[] Hours of operation
[] Listing of materials which either will or will not be accepted

SECURITY
[] [redacted] [] 17658 - Site Security
[] Adequate perimeter barrier or topographical constraint
[] Open storage or ponding of haz. materials separately fenced and identified

ROADS
[] [] [redacted] 17659 - Access Roads
[] Reasonably smooth surface
[] Designed to minimize dust generation
[] Designed to minimize tracking of material onto public roads
[] [] [redacted] 17660 - Internal Roads
[] Roads used by the pubic are maintained and passable in all weather conditi
[] Roads used by the public are signed with directions to the operating area

COMMENTS: 14 CCR 17636 - Weight\Volume Records. The weight and volume records for this facility must include all waste received. At the time of this inspection, the operator not including the tonage for ash as part of the daily tonage for this facility. Please aware, when the ash tonage is included, this facility is greatly exceeding it's permitt daily tonage.
14 CCR 17656 - Identification Signs. Each point of access, from a public road to a [redacted]li waste facility, shall be identified by a sign indicating the name of the site operat[redacted]. site did not provide this identification sign.
14 CCR - 17658 - Site Security. see bottom of page 3.

Waste Management Specialist [signature]

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V A C — V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

SANITATION

[] [] ■ 17666 - Sanitary Facilities - Facilities for site personnel available at the s or in the immediate vicinity

[] [] ■ 17667 - Water Supply - Potable water available for site personnel

COMMUNICATION

[] [] ■ 17668 - Communications Facilities
- [] Where hazardous wastes are accepted or where personnel are on duty, communication facilities are available on site
- [] Unattended facilities which accept non-hazardous waste have signs at highwa turnoff and at the entrance which state "no communications facilities available at the site"

LIGHTING

[] [] ■ 17669 - Lighting - Site/equipment equipped with lighting where operations are conducted during hours of darkness

SAFETY

[] [] ■ 17670 - Personnel Health and Safety - Safety equipment in use as per LEA direct

PERSONNEL

[] [] ■ 17671 - Availability - Adequate numbers of qualified personnel available
[] [] ■ 17672 - Training - Site operators are adequately trained
[] [] ■ 17673 - Supervision - Adequate site supervision provided by operator
[] [] ■ 17674 - Site Attendant - Sites open to the public must have:
1) attendant on duty during operating hours, or
2) regularly scheduled inspections by the site operator

CONFINED UNLOADING

[] [] ■ 17676 - Confined Unloading
- [] Unloading confined to as small an area as practicable
- [] Adequate control of windblown material

SPREADING/COMPACTING

[] [] ■ 17677 - Spreading and Compacting - Loose layers do not exceed two feet before compaction

SLOPES/CUTS/GRADING

[] [] ■ 17678 - Slopes and Cuts
- [] Slope of working face allows adequate compaction
- [] Depth of cuts and slopes of trench sides approved by LEA

[] [] ■ 17710 - Grading of Fill Surfaces - Filled surfaces graded to promote lateral runoff of precip. and to prevent ponding

COVER

[] [] ■ 17680 - Stockpiling - Stockpiles do not interfere with site operations
[] [] ■ 17681 - Availability of Cover Material - Adequate supply of cover material ava
[] [] ■ 17682 - Cover
- [] Working face adequately covered
- [] Proper frequency of cover

N/A 17683 - Performance Standards
- [] (a) Vectors
- [] (b) Odor
- [] (c) Fire
- [] (d) Litter
- [] (e) Moisture infiltration

[] [] ■ 17684 - Intermediate Cover
- [] Adequate [illegible] intermediate cover areas
- [] Intermediate [illegible] on all areas which have received no wastes for 180 days

COMMENTS: 14 CCR 176[illegible] [illegible] security. The two septage ponds on the western portion of site were not adequate[illegible] [illegible]. The operator indicated that the Central Valley Regional Water Quality Control [illegible] has ordered that these ponds must be removed. This standard would be judged to be [illegible] compliance if excavation of these ponds is completed within a reasonably short period [illegible].

Waste Management Specialist James [illegible]

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SALVAGING/PROCESSING

[] [] [] 17686 - Scavenging - Scavenging prohibited at all disposal sites

[] [] [] 17687 - Salvaging Permitted
[] Salvaging operations permitted
[] Salvaging conducted in a planned and controlled manner
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[] [] [] 17689 - Processing Area - Salvaging, volume reduction and resource recovery confined to clearly identifiable areas

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[] Salvage stored in defined area segregated from the working face
[] Salvage stored to minimize risk of fire, hazard, or other nuisances
[] Salvage limited to acceptable volume

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[] [] [] 17692 - Non-Salvageable Items - Salvaging of non-salvageable items is prohibited

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[] [] [] 17693 - General - Equipment adequate in type, capacity and number and is adequately maintained

[] [] [] 17694 - Standby Equipment - Adequate availability of standby equipment

MAINTENANCE

[] [] [] 17695 - General - Effective preventive maintenance provided for site equipment and facilities

[] [] [] 17696 - Operating Site Maintenance - Adequate monitoring and repair of deteriorated conditions

NUISANCE

[] [] [] 17701 - Nuisance Control - Site operated and maintained so as not to create a public nuisance

[] [] [] 17702 - Animal Feeding - No feeding of refuse to animals which will be used f[illegible] human consumption

FIRE

[] [] [] 17703 - Fire Control - Adequate fire control measures taken as required by local fire authorities

LEACHATE

[] [] [] 17704 - Leachate Control - Adequate steps taken to monitor, collect, treat and dispose of leachate

[] [] [] 17709 - Contact with Water - No solid waste in contact with surface or groundwater

GAS

[] [] [] 17705 - Gas Control
[] Methane not to exceed the LEL (5% by volume in air) at site boundry
[] Methane not to exceed 1.25% (by volume in air) in on-site structures
[] Other

DUST

[] [] [] 17706 - Dust Control - Adequate measures taken to minimize the creation of dust

Waste Management Specialist [illegible] 7/21

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V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

VECTORS/BIRDS

[] [] ■ 17707 - Vector and Bird Control - Steps taken to control/prevent the attracti harborages and propagation of:
[] Flies
[] Rodents
[] Birds
[] Other vectors

DRAINAGE/EROSION

■ [] [] 17708 - Drainage and Erosion Control
[] Adequate drainage provided
[] Eroded areas promptly repaired

LITTER

[] [] ■ 17711 - Litter Control
[] Litter routinely collected - no on-site accumulations
[] No litter blowing off site

NOISE

[] [] ■ 17712 - Noise Control - Noise control adequate

ODOR

[] [] ■ 17713 - Odor Control - Odor control adequate

TRAFFIC

[] [] ■ 17714 - Traffic Control
[] Traffic does not interfere with site operations or cause a safety problem
[] No stacking of vehicles waiting to enter the site on public streets

[] [] ■ 17715 - Ponded Liquid - Holding ponds minimize vector propagation

SPECIAL WASTES

[] [] ■ 17741 - Burning Wastes - Burning wastes immediately spread and extinguished
[] [] ■ 17742 - Hazardous Wastes
[] Facility accepts only site approved hazardous wastes
[] Acceptable elimination or control of dusts, fumes, mists, vapors and gasses
[] [] ■ 17743 - Liquid Wastes - Acceptance of liquid waste approved by RWQCB, local he entity and the LEA
[] [] ■ 17744 - Dead Animals - Dead animals allowed by local regulations

MISCELLANEOUS

[] ■ [] Other - 14 CCR 17777 - Final Site Face.
■ [] [] 14 CCR 18255 - Submittal of Closure\Postclosure Maintenance Plans.

COMMENTS: 14 CCR 17708 - Drainage and Erosion Control. The large ditch, to the north of excavated drilling mud pond has no provisions for drainage. If this ditch is to be used a sedimintation pond, some mechanism for drainage must be provided so the pond will not become a safety hazzard.

14 CCR 17777 - Final Site Face. On the day of this inspection I measured the slope face several places on the northern end of Waste Management Unit 1. The measurments I took exceeded 40 degrees. Please be advised that before closure of this facility can be completed, slopes over filled areas must be 30 degrees or less.

14 CCR 18255 - Submittal of Closure and Postclosure Maintenance Plans. At the time of t inspection, the operator was placing ash and sludge residue on the top of the north end o Waste Management Unit 1. It was the operators contention that these materials did not require daily cover because they were the foundation layer for final cover. The operato also maintained that the ash should not be included in daily tonage, because it was bein used as foundation layer for final cover. However, an operator of a solid waste landfil proposing to implement any closure activities shall obtain approval of the Final Closure Postclosure Maintenance Plans before proceeding to implement closure or postclosure maintenance activities. Therefore, this practice must be discontinued until it is sanctioned by an approved Closure\Postclosure Maintenance Plan. Irregardlass of the clo plan, the operator must include the ash received as part of the daily tonage total.

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Waste Management Specialist [signature]

SWIS-09 (REV. 1/85)

)TICE OF INSPECTION
SPOSAL SITE

LOCAL ENFORCEMENT AGENCY: Colusa County Environmental Health

CILITY FILE NUMBER (COUNTY LEA NUMBER)	PROGRAM CODE	INSPECTION DATE (MM DD YY)	T-OUT	TOTAL TIME (DECIMAL HOURS)
06 -AA-0001	S	(1011) 02/21/91	0730	(1031) 4
			T-IN 1130	

CILITY NAME: Evans Road Landfill

CILITY LOCATION: Evans Road - Colusa County

SPECTOR: James Anand

ALSO PRESENT: Richard Dickson, Boning Cheng, Jack Miller

RECEIVED BY:
Operator
Owner

:omments:

Areas of Concern:
14 CCR 17636 - weight/volume records
14 CCR 17658 - Site security
14 CCR 17777 - Final Site Face

(for specific details, see State inspection Report)

	*V	C
(3011) RECORDS		
☐ ACCURATE WEIGHT/VOLUME RECORDS MAINTAINED 17636		
☐ ADEQUATE SUBSURFACE RECORDS MAINTAINED 17637		
☐ LOG OF SPECIAL OCCURRENCES MAINTAINED 17638		
☐ RECORDS AVAILABLE FOR INSPECTION 17639		
(3021) PERSONNEL		☑
☐ ADEQUATE NUMBER OF QUALIFIED PERSONNEL AVAILABLE 17646		
☐ PERSONNEL ADEQUATELY TRAINED 17647		
☐ ADEQUATE SUPERVISION PROVIDED 17648		
☐ SITE ATTENDANT AVAILABLE FULL-TIME OR AS DETERMINED BY LEA 17649		
(3031) SIGNS	☑	
☐ IDENTIFICATION SIGNS AT EACH POINT OF ACCESS 17656		
☐ ENTRY SIGN STATES FEES, HOURS OF OPERATION, WASTES ACCEPTED/NOT ACCEPTED 17657		
☐ NON-HAZARDOUS UNATTENDED SITES HAVE SIGN WARNING USERS OF UNAVAILABILITY OF COMMUNICATION FACILITIES 17658		
(3041) SECURITY		
☐ ADEQUATE PERIMETER SECURITY, HAZARDOUS AREAS FENCED AND IDENTIFIED 17659		
(3051) ROADS		☑
☐ ACCESS ROADS HAVE SMOOTH SURFACE, MINIMIZE DUST AND TRACKING OF MUD, AND ALLOW ALL-WEATHER ACCESS 17659		
☐ INTERNAL ROADS IN SAFE CONDITION, PROVIDE ACCESS DURING INCLEMENT WEATHER, AND ARE PROVIDED WITH DIRECTIONS 17660		
(3071) SANITATION		☑
☐ ADEQUATE SANITARY FACILITIES AVAILABLE 17666		
☐ SAFE ADEQUATE DRINKING WATER AVAILABLE 17667		
(3081) COMMUNICATIONS		☑
☐ COMMUNICATION FACILITIES AVAILABLE WHERE HAZARDOUS WASTES ARE ACCEPTED 17668		
(3091) LIGHTING	N/A	
☐ LIGHTING ADEQUATE 17669		
(3101) SAFETY		☑
☐ SAFETY EQUIPMENT IN USE AND BEING WORN 17670		

	V	C
(3111) CONFINED UNLOADING		☑
☐ UNLOADING ADEQUATELY CONFINED 17678		
(3141) SPREADING/COMPACTING		☑
☐ SPREADING AND COMPACTION IN TWO-FOOT LAYERS 17677		
(3151) SLOPES/CUTS/GRADING		
☐ WORKING FACE SLOPES ALLOW EFFECTIVE COMPACTION; DEPTH OF CUTS AND SLOPES OF TRENCH SIDES AS APPROVED BY LEA 17678		
☐ FINAL SLOPES HAVE NEAT APPEARANCE AND ARE 1-3/4 : 1 OR FLATTER 17679		
☐ GRADING OF FILL SURFACES ADEQUATE 17710		
(3161) COVER		☑
☐ STOCKPILING OF COVER DOES NOT INTERFERE WITH OPERATIONS 17680		
☐ SUITABLE QUALITY AND SUPPLY OF COVER MATERIAL AVAILABLE 17681		
☐ COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17682		
☐ INTERMEDIATE COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17684		
☐ FINAL COVER PROVIDED AS REQUIRED 17688		
(3171) SALVAGING/PROCESSING		☑
☐ SCAVENGING PROHIBITED 17686		
☐ SALVAGING DOES NOT INTERFERE WITH OPERATIONS 17687		
☐ VOLUME REDUCTION AND ENERGY RECOVERY DO NOT INTERFERE WITH OPERATIONS OR CREATE HEALTH, SAFETY OR ENVIRONMENTAL PROBLEMS 17688		
☐ SALVAGING AND VOLUME REDUCTION CONFINED TO CLEARLY IDENTIFIED AREAS 17689		
☐ SALVAGE STORAGE LOCATION ON, VOLUME AS APPROVED BY LEA, MINIMIZES FIRE, NUISANCE 17690		
☐ SALVAGE STORAGE TIME DOES NOT RESULT IN HEALTH OR FIRE PROBLEMS 17691		
☐ SALVAGED MATERIALS APPROVED BY LEA AND LOCAL HEALTH 17692		
(3181) NUISANCE		☑
☐ OPERATIONS DO NOT CREATE A PUBLIC NUISANCE 17701		
☐ FEEDING OF REFUSE TO ANIMALS FOR HUMAN CONSUMPTION PROHIBITED 17703		

	V	C
(3191) FIRE		☑
☐ FIRE CONTROL ADEQUATE 17703		
(3192) FIRE (P)		☑
☐ BURNING MATERIALS SPREAD AND EXTINGUISHED, LEA, SWMB NOTIFIED IMMEDIATELY OF FIRE NOT EXTINGUISHED IN 24 HOURS 17683		
(3201) LEACHATE		☑
☐ ADEQUATE STEPS TAKEN TO MONITOR, COLLECT, TREAT, AND DISPOSE OF LEACHATES 17704		
☐ NO WASTES IN DIRECT CONTACT WITH WATER EXCEPT AS APPROVED BY RWQCB 17705		
(3202) LEACHATE (P)		☑
☐ REFUSE COVERED WITH NEAT DAY'S REFUSE OR WITH SIX INCHES OF COMPACTED SOIL, TOTAL AREA OF EXPOSED REFUSE IS AS SPECIFIED FOR WET AND DRY SEASONS 17683		
(3211) GAS		☑
☐ GAS MONITORING AND CONTROL AS REQUIRED 17709		
(3221) DUST		☑
☐ DUST CONTROL ADEQUATE 17706		
(3231) VECTORS/BIRDS		☑
☐ VECTOR AND BIRD CONTROL ADEQUATE 17707		
☐ LIQUID PONDS MINIMIZE VECTOR PROPAGATION 17719		
(3232) VECTORS (P)		☑
☐ THRESHOLD VALUES FOR VECTOR POPULATIONS NOT EXCEEDED 17683		
(3241) DRAINAGE/EROSION	☑	
☐ DRAINAGE AND EROSION CONTROL ADEQUATE 17708		
(3251) LITTER		☑
☐ LITTER CONTROL ADEQUATE 17713		
(3252) LITTER (P)		☑
☐ LITTER NOT ALLOWED TO MIGRATE OFF-SITE 17683		
(3261) NOISE		☑
☐ NOISE CONTROL ADEQUATE 17712		
(3271) ODOR		☑
☐ ODOR CONTROL ADEQUATE 17713		
(3272) ODOR (P)		☑
☐ AMBIENT AIR AT OR BEYOND FACILITY BOUNDARY IS NOT ODOROUS 17683		

	V	C
(3281) TRAFFIC		
☐ TRAFFIC CONTROL ADEQUATE WITHIN SITE. TRAFFIC MINIMIZES INTERFERENCE, SAFETY PROBLEMS, AND STACKING ON PUBLIC ROADS 17714		
(3291) EQUIPMENT		
☐ EQUIPMENT ADEQUATE IN TYPE, CAPACITY, AND NUMBER, AND IS ADEQUATELY MAINTAINED 17726		
☐ STANDBY EQUIPMENT AVAILABLE TO COMPLY WITH SEC. 17683 AND OTHER SECTIONS 17727		
(3301) MAINTENANCE		
☐ EFFECTIVE MAINTENANCE PROCEDURES AND PROGRAMS DEVELOPED AND UTILIZED 17731		
☐ ADEQUATE MONITORING AND REPAIR OF DETERIORATED CONDITIONS 17732		
(3311) CLOSURE		
☐ AFTER CLOSURE, IF LEACHATE, EXTENSIVE SURFACE CRACKING OR SETTLEMENT OCCURS, THE OWNER SHALL NOTIFY LEA AND SHALL MONITOR AND REPAIR SITE FOR A PERIOD OF 3 YEARS OR LONGER 17734		
☐ UPON SITE CLOSURE, DETAILED DESCRIPTION MUST BE FILED WITH THE LEA AND WITH THE COUNTY RECORDER 17735		
(3321) SPECIAL WASTES		
☐ BURNING WASTES IMMEDIATELY SPREAD AND EXTINGUISHED IN SAFE AREA 17761		
☐ SITE ACCEPTS ONLY APPROVED HAZARDOUS WASTES AND TAKES PRECAUTIONS TO ELIMINATE OR CONTROL HARMFUL DUSTS, FUMES, MISTS, VAPORS, OR GASES 17762		
☐ LIQUID WASTES APPROVED BY RWQCB, LOCAL HEALTH ENTITY AND LEA 17763		
☐ DEAD ANIMALS ALLOWED BY LOCAL REGULATIONS 17764		
(3331) OTHER		☑
☐ PRC 44014(b). Term and Condition		
14 CCR 18255 closure/postclosure		

*V = Violation
C = Compliance

YELLOW — OPERATOR PINK — LEA

Chron

STATE OF CALIFORNIA

Pete Wilson

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

March 22, 1991

Dr. John Heckman, Health Officer
Colusa County Health Department
251 East Webster Avenue
P.O. Box 610
Colusa, CA 95923

RE: State Inspection Report - Stoneyford Landfill - Facility File No. 06-AA-0002

Dear Dr. Heckman:

California Integrated Waste Management Board (Board) staff conducted a State Inspection of the Stoneyford Landfill on February 22, 1991, pursuant to Division 30, Public Resources Code (PRC), Sections 43214 and 43219 (a). Enclosed is a copy of the State Inspection Report.

The following Area of Concern regarding Title 14, California Code of Regulations (CCR) was noted during the investigation:

14 CCR 17684 - Intermediate Cover

Appropriate enforcement action(s) should be pursued as necessary to ensure that all applicable codes and regulations are being met at this site (30 PRC 43209).

A Facilities Evaluation Report (FER) will follow when the review of your enforcement program and all State Inspection Reports of facilities within your jurisdiction are completed.

If you have any questions or comments, please call James Omand, your enforcement division contact person, at (916) 323-3658.

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Printed on Recycled Paper

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor
Facility Evaluations Branch
Enforcement Division

JWM:JWO

STONY2.LTR

Enclosures

cc: Russell Gum, Colusa County Department of Public Health
Scott Walker, Central Valley Regional Water Quality Control Board
Harry Krug, Colusa County Air Pollution Control District
Jim Lynch, California Department of Forestry
Harlan Henderson, Indian Valley Fire Department

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT
DISPOSAL SITES

FACILITY: Stoneyford Disposal Site

SWIS #: 06-AA-0002

INSPECTION DATE: 2/22/91

LOCATION: Stoneyford-Lapoda Road, 1 mile South of Stoneyford

OWNER: Colusa County

OPERATOR: Colusa County Public Works

LEA: Richard Dickson, Colusa County Environmental Health

INSPECTOR: James Omand

ACCOMPANIED BY: Richard Dickson and Boxing Cheng

ACREAGE: 47.7 Permitted

PERMITTED TONNAGE: 1 ton/day

ACTUAL TONNAGE: 1 ton/day

SITE TELEPHONE #: CB radio, carried onsite by operator

REQUIRED COVER FREQUENCY: Weekly

PERMIT ISSUE DATE: 7/14/78

LAST PERMIT REVIEW: 7/14/78

LAST PERIODIC SITE REVIEW: 6/18/90

LIQUID WASTES ACCEPTED: Yes, septage

HAZARDOUS WASTES ACCEPTED: Permitted, but not accepted

GAS/LEACHATE CONTROLS: No

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

PERMITS

[] [] [redacted] PRC 44002 - Site operator is authorized by SWFP

[] [] [redacted] PRC 44014(b) - Operator compliance with SWFP terms and conditions

[] [] [redacted] 14 CCR 18213 - 5-year permit review

RECORDS

[] [] [redacted] 17606 - Recording - Site description filed at beginning of site use

[] [] [redacted] 17607 - Periodic Site Review

[] Completed every 5-year period from date of SWFP issuance
[] Review of site design, implementation and operation
[] Estimate of remaining site life
[] Conclusions and recommendations
[] Review completed and signed by a registered civil engineer

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Section Supervisor [signature] 3/20/91 Waste Management Specialist [signature]

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

[] [] [redacted] 17616 - Report of Disposal Site Information -RDSI on file and kept current
[] [] [redacted] 18222 - Report of Disposal Site Information
[] (a) Statement of site operation
[] (b) Types and quantities of wastes received
[] (c) Total acreage of site and projected life expectancy
[] (d) Topographic location map
[] (e) Plot plan showing legal boundaries
[] (f) Disposal area identified on plot plan with distance to nearest structu
[] (g) Sequence of site development
[] (h) Topographical site map with proposed final elevations
[] (i) Geological and hydrogeological site information
[] (j) Drainage and water control system
[] (k) Leachate management
[] (l) Monitoring well information
[] (m) Landfill gas management
[] (n) Final site use
[] (o) Resume of management organization
[] (p) List of agency approvals

DESIGN
[] [] [redacted] 17626 - Design Responsibility
[] [] [redacted] 17628 - General Design Parameters
[] [] [redacted] 17629 - Public Health Design Parameters

[] [] [redacted] 17636 - Weight/Volume Records
[] Records of weights or volumes kept in a form and manner approved by LEA
[] Records accurate to within 10 percent
[] [] [redacted] 17637 - Subsurface Records
[] Records of cuts made in natural terrain where fill will be placed
[] Depth to groundwater records kept
[] Other cuts which may affect safe operation or impact adjoining properties
[] [] [redacted] 17638 - Special Occurrences - Log kept at sites which accept 100 yd³ of waste/
[] [] [redacted] 17639 - Inspection of Records - Records open to insp. during normal business h

SIGNS
[] [] [redacted] 17656 - Identification Signs - Public access points signed including name of s operator
[] [] [redacted] 17657 - Entry Signs - Public sites shall have an entry sign which includes:
[] Schedule of charges
[] Hours of operation
[] Listing of materials which either will or will not be accepted

SECURITY
[] [] [redacted] 17658 - Site Security
[] Adequate perimeter barrier or topographical constraint
[] Open storage or ponding of haz. materials separately fenced and identified

ROADS
[] [] [redacted] 17659 - Access Roads
[] Reasonably smooth surface
[] Designed to minimize dust generation
[] Designed to minimize tracking of material onto public roads
[] [] [redacted] 17660 - Internal Roads
[] Roads used by the public are maintained and passable in all weather conditio
[] Roads used by the public are signed with directions to the operating area

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V A C — V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

SANITATION

[] [] ■ 17666 - Sanitary Facilities - Facilities for site personnel available at the or in the immediate vicinity

[] [] ■ 17667 - Water Supply - Potable water available for site personnel

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[] [] ■ 17668 - Communications Facilities
- [] Where hazardous wastes are accepted or where personnel are on duty, communication facilities are available on site
- [] Unattended facilities which accept non-hazardous waste have signs at high turnoff and at the entrance which state "no communications facilities available at the site"

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[] [] ■ 17669 - Lighting - Site/equipment equipped with lighting where operations are conducted during hours of darkness

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[] [] ■ 17678 - Slopes and Cuts
- [] Slope of working face allows adequate compaction
- [] Depth of cuts and slopes of trench sides approved by LEA

[] [] ■ 17710 - Grading of Fill Surfaces - Filled surfaces graded to promote lateral runoff of precip. and to prevent ponding

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[] [] ■ 17680 - Stockpiling - Stockpiles do not interfere with site operations

[] [] ■ 17681 - Availability of Cover Material - Adequate supply of cover material av

[] [] ■ 17682 - Cover
- [] Working face adequately covered
- [] Proper frequency of cover

N/A 17683 - Performance Standards
- [] (a) Vectors
- [] (b) Odor
- [] (c) Fire
- [] (d) Litter
- [] (e) Moisture Infiltration

[] ■ [] 17684 - Intermediate Cover
- [] Adequate cover on intermediate cover areas
- [] Intermediate cover on all areas which have received no wastes for 180 days

COMMENTS: 14 CCR 17684 - Intermediate Cover. Daylighting was observed in intermediate directly south of the active face. Adequate intermediate cover is a chronic problem at site and is probably related to operational practices. Trash is dumped at one location site and then it is pushed to another location on-site. This procedure disrupts intact cover.

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Waste Management Specialist [signature]

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[] [] [redacted] 17692 - Non-Salvageable Items - Salvaging of non-salvageable items is prohibi

EQUIPMENT

[] [] [redacted] 17693 - General - Equipment adequate in type, capacity and number and is adequately maintained

[] [] [redacted] 17694 - Standby Equipment - Adequate availability of standby equipment

MAINTENANCE

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Waste Management Specialist

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

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[] Rodents
[] Birds
[] Other vectors

DRAINAGE/EROSION

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[] Adequate drainage provided
[] Eroded areas promptly repaired

LITTER

[] [] ■ 17711 - Litter Control
[] Litter routinely collected - no on-site accumulations
[] No litter blowing off site

NOISE

[] [] ■ 17712 - Noise Control - Noise control adequate

ODOR

[] [] ■ 17713 - Odor Control - Odor control adequate

TRAFFIC

[] [] ■ 17714 - Traffic Control
[] Traffic does not interfere with site operations or cause a safety problem
[] No stacking of vehicles waiting to enter the site on public streets

[] [] ■ 17715 - Ponded Liquid - Holding ponds minimize vector propagation

SPECIAL WASTES

[] [] ■ 17741 - Burning Wastes - Burning wastes immediately spread and extinguished
[] [] ■ 17742 - Hazardous Wastes
[] Facility accepts only site approved hazardous wastes
[] Acceptable elimination or control of dusts, fumes, mists, vapors and gasse
[] [] ■ 17743 - Liquid Wastes - Acceptance of liquid waste approved by RWQCB, local h entity and the LEA
[] [] ■ 17744 - Dead Animals - Dead animals allowed by local regulations

MISCELLANEOUS

[] [] ■ Other -

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Waste Management Specialist: [signature]

SWIS-09 (REV. 1/87)

NOTICE OF INSPECTION DISPOSAL SITE

LOCAL ENFORCEMENT AGENCY: Colusa County Environmental Health

FACILITY FILE NUMBER (COUNTY LEA NUMBER)	PROGRAM CODE	INSPECTION DATE (MM DD YY)	T-OUT	TOTAL TIME (DECIMAL HOURS)
06-AA-0002	S	(1011) 02/22/91	T-IN	(1031) 2

FACILITY NAME: Stonyford Land Fill

FACILITY LOCATION: Stonyford - Lupoda Road

INSPECTOR: James Omand | ALSO PRESENT: Richard Dickson, Boxing Cheng

RECEIVED BY:
Operator
Owner

Comments:

Area of Concern.
14 CCR 17654 - Intermediate Cover
(for specific details, see State inspection report)

	*V	C
(3011) RECORDS		
☐ ACCURATE WEIGHT/VOLUME RECORDS MAINTAINED 17636		
☐ ADEQUATE SUBSURFACE RECORDS MAINTAINED 17637		
☐ LOG OF SPECIAL OCCURRENCES MAINTAINED 17638		
☐ RECORDS AVAILABLE FOR INSPECTION 17639		
(3021) PERSONNEL		
☐ ADEQUATE NUMBER OF QUALIFIED PERSONNEL AVAILABLE 17646		
☐ PERSONNEL ADEQUATELY TRAINED 17647		
☐ ADEQUATE SUPERVISION PROVIDED 17648		
☐ SITE ATTENDANT AVAILABLE FULL-TIME OR AS DETERMINED BY LEA 17649		
(3031) SIGNS		
☐ IDENTIFICATION SIGNS AT EACH POINT OF ACCESS 17656		
☐ ENTRY SIGN STATES FEES, HOURS OF OPERATION, WASTES ACCEPTED/NOT ACCEPTED 17657		
☐ NON-HAZARDOUS UNATTENDED SITES HAVE SIGN WARNING USERS OF UNAVAILABILITY OF COMMUNICATION FACILITIES 17658		
(3041) SECURITY		
☐ ADEQUATE PERIMETER SECURITY, HAZARDOUS AREAS FENCED AND IDENTIFIED 17659		
(3051) ROADS		
☐ ACCESS ROADS HAVE SMOOTH SURFACE, MINIMIZE DUST AND TRACKING OF MUD, AND ALLOW ALL-WEATHER ACCESS 17659		
☐ INTERNAL ROADS IN SAFE CONDITION, PROVIDE ACCESS DURING INCLEMENT WEATHER, AND ARE PROVIDED WITH DIRECTIONS 17660		
(3071) SANITATION		
☐ ADEQUATE SANITARY FACILITIES AVAILABLE 17666		
☐ SAFE ADEQUATE DRINKING WATER AVAILABLE 17667		
(3081) COMMUNICATIONS		
☐ COMMUNICATION FACILITIES AVAILABLE WHERE HAZARDOUS WASTES ARE ACCEPTED 17668		
(3091) LIGHTING		
☐ LIGHTING ADEQUATE 17669		
(3101) SAFETY		
☐ SAFETY EQUIPMENT IN USE AND BEING WORN 17670		

	V	C
(3111) CONFINED UNLOADING		
☐ UNLOADING ADEQUATELY CONFINED 17676		
(3141) SPREADING/COMPACTING		
☐ SPREADING AND COMPACTION IN TWO-FOOT LAYERS 17677		
(3151) SLOPES/CUTS/GRADING		
☐ WORKING FACE SLOPES ALLOW EFFECTIVE COMPACTION. DEPTH OF CUTS AND SLOPES OF TRENCH SIDES AS APPROVED BY LEA 17678		
☐ FINAL SLOPES HAVE NEAT APPEARANCE AND ARE 1-3/4 : 1 OR FLATTER 17679		
☐ GRADING OF FILL SURFACES ADEQUATE 17710		
(3161) COVER		
☐ STOCKPILING OF COVER DOES NOT INTERFERE WITH OPERATIONS 17680		
☐ SUITABLE QUALITY AND SUPPLY OF COVER MATERIAL AVAILABLE 17681		
☐ COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17682		
☐ INTERMEDIATE COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17684		
☐ FINAL COVER PROVIDED AS REQUIRED 17683		
(3171) SALVAGING/PROCESSING		
☐ SCAVENGING PROHIBITED 17686		
☐ SALVAGING DOES NOT INTERFERE WITH OPERATIONS 17687		
☐ VOLUME REDUCTION AND ENERGY RECOVERY DO NOT INTERFERE WITH OPERATIONS OR CREATE HEALTH, SAFETY OR ENVIRONMENTAL PROBLEMS 17688		
☐ SALVAGING AND VOLUME REDUCTION CONFINED TO CLEARLY IDENTIFIED AREAS 17689		
☐ SALVAGE STORAGE LOCATION OR VOLUME AS APPROVED BY LEA, MINIMIZES FIRE, NUISANCE 17690		
☐ SALVAGE STORAGE TIME DOES NOT RESULT IN HEALTH OR FIRE PROBLEMS 17691		
☐ SALVAGED MATERIALS APPROVED BY LEA AND LOCAL HEALTH 17692		
(3181) NUISANCE		
☐ OPERATIONS DO NOT CREATE A PUBLIC NUISANCE 17701		
☐ FEEDING OF REFUSE TO ANIMALS FOR HUMAN CONSUMPTION PROHIBITED 17702		

	V	C
(3191) FIRE		
☐ FIRE CONTROL ADEQUATE 17703		
(3192) FIRE (P)		
☐ BURNING MATERIALS SPREAD AND EXTINGUISHED. LEA, SWMB NOTIFIED IMMEDIATELY OF FIRE NOT EXTINGUISHED IN 24 HOURS 17693		
(3201) LEACHATE		
☐ ADEQUATE STEPS TAKEN TO MONITOR, COLLECT, TREAT, AND DISPOSE OF LEACHATES 17704		
☐ NO WASTES IN DIRECT CONTACT WITH WATER EXCEPT AS APPROVED BY RWQCB 17709		
(3202) MOISTURE (P)		
☐ REFUSE COVERED WITH NEXT DAY'S REFUSE OR WITH SIX INCHES OF COMPACTED SOIL. TOTAL AREA OF EXPOSED REFUSE IS AS SPECIFIED FOR WET AND DRY SEASONS 17693		
(3211) GAS		
☐ GAS MONITORING AND CONTROL AS REQUIRED 17705		
(3221) DUST		
☐ DUST CONTROL ADEQUATE 17706		
(3231) VECTORS/BIRDS		
☐ VECTOR AND BIRD CONTROL ADEQUATE 17707		
☐ LIQUID PONDS MINIMIZE VECTOR PROPAGATION 17713		
(3232) VECTORS (P)		
☐ THRESHOLD VALUES FOR VECTOR POPULATIONS NOT EXCEEDED 17693		
(3241) DRAINAGE/EROSION		
☐ DRAINAGE AND EROSION CONTROL ADEQUATE 17708		
(3251) LITTER		
☐ LITTER CONTROL ADEQUATE 17711		
(3252) LITTER (P)		
☐ LITTER NOT ALLOWED TO MIGRATE OFF-SITE 17693		
(3261) NOISE		
☐ NOISE CONTROL ADEQUATE 17712		
(3271) ODOR		
☐ ODOR CONTROL ADEQUATE 17713		
(3272) ODOR (P)		
☐ AMBIENT AIR AT OR BEYOND FACILITY BOUNDARY IS NOT ODOROUS 17693		

	V	C
(3281) TRAFFIC		
☐ TRAFFIC CONTROL ADEQUATE WITHIN SITE. TRAFFIC MINIMIZES INTERFERENCE, SAFETY PROBLEMS, AND STACKING ON PUBLIC ROADS 17714		
(3291) EQUIPMENT		
☐ EQUIPMENT ADEQUATE IN TYPE, CAPACITY, AND NUMBER AND IS ADEQUATELY MAINTAINED 17726		
☐ STANDBY EQUIPMENT AVAILABLE TO COMPLY WITH SEC. 17683 AND OTHER SECTIONS 17727		
(3301) MAINTENANCE		
☐ EFFECTIVE MAINTENANCE PROCEDURES AND PROGRAMS DEVELOPED AND UTILIZED 17731		
☐ ADEQUATE MONITORING AND REPAIR OF DETERIORATED CONDITIONS 17732		
(3311) CLOSURE		
☐ AFTER CLOSURE, IF LEACHATE, EXTENSIVE SURFACE CRACKING OR SETTLEMENT OCCURS, THE OWNER SHALL NOTIFY LEA AND SHALL MONITOR AND REPAIR SITE FOR A PERIOD OF 3 YEARS OR LONGER 17734		
☐ UPON SITE CLOSURE, DETAILED DESCRIPTION MUST BE FILED WITH THE LEA AND WITH THE COUNTY RECORDER 17735		
(3321) SPECIAL WASTES		
☐ BURNING WASTES IMMEDIATELY SPREAD AND EXTINGUISHED IN SAFE AREA 17741		
☐ SITE ACCEPTS ONLY APPROVED HAZARDOUS WASTES AND TAKES PRECAUTIONS TO ELIMINATE OR CONTROL HARMFUL DUSTS, FUMES, MISTS, VAPORS, OR GASES 17742		
☐ LIQUID WASTES APPROVED BY RWQCB, LOCAL HEALTH ENTITY AND LEA 17743		
☐ DEAD ANIMALS ALLOWED BY LOCAL REGULATIONS 17744		
(3331) OTHER		
☐		

*V = Violation
C = Compliance

DISTRIBUTION: WHITE — CWMB YELLOW — OPERATOR PINK — LEA

STATE OF CALIFORNIA

Pete Wilson, G

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

March 22, 1991

Dr. John Heckman, Health Officer
Colusa County Health Department
251 East Webster Avenue
P.O. Box 610
Colusa, CA 95923

RE: State Inspection Report - Maxwell Transfer Station - Facility File No. 06-AA-0003

Dear Dr. Heckman:

California Integrated Waste Management Board (Board) staff conducted a State Inspection of the Maxwell Transfer Station on February 22, 1991, pursuant to Division 30, Public Resources Code (PRC), Sections 43214 and 43219 (a). Enclosed is a copy of the State Inspection Report.

The following violations of Title 14, California Code of Regulations (CCR) were documented during the investigation:

14 CCR 18213 - 5-year Permit Review
14 CCR 17481 - Identification Signs

Appropriate enforcement action(s) should be pursued as necessary to ensure that all applicable codes and regulations are being met at this site (30 PRC 43209).

14 CRC 18304 requires an LEA having knowledge of a Permit Violation to issue a Notice and Order to the operator to undertake activity to remedy the violation. Enforcement action should follow the guidelines of the Permit Enforcement Policy (PEP) as adopted by the California Integrated Waste Management Board on June 26, 1990. If an Lea has knowledge of a Permit Violation buy fails to issue a Notice and Order as required, the Board may assume that responsibility, and investigate the LEA's designation.

A Facilities Evaluation Report (FER) will follow when the review of your enforcement program and all State Inspection Reports of facilities within your jurisdiction are completed. If you have any questions or comments, please call James Omand, your enforcement division contact person, at (916) 323-3658.

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Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor
Facility Evaluations Branch
Enforcement Division

JWM:JWO

MAXWL2.LTR

Enclosures

cc: Russell Gum, Colusa County Department of Public Works
Scott Walker, Central Valley Regional Water Quality Control Board
Harry Krug, Colusa County Air Pollution Control District
Marion Brown, Maxwell Fire Protection District

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT
SMALL VOLUME TRANSFER STATIONS

FACILITY: Maxwell Transfer Station

SWIS #: 06-AA-0003

INSPECTION DATE: 2\22\91

LOCATION: Highway 99, one mile south of Maxwell

OWNER: Colusa County

OPERATOR: Colusa County Public Works

LEA: Richard Dickson, Colusa County Environmental Health

INSPECTOR: James Omand

PERMITTED TONNAGE: 40 cu. yd./day

ACTUAL TONNAGE: 40 cu. yd./day

SITE TELEPHONE #: short wave radio, carri on-site by operator

PERMIT ISSUE DATE: 11/17/78

LAST PERMIT REVIEW: February 21, 1985

CLEANING FREQUENCY: Weekly, or as needed

WASTE REMOVAL FREQUENCY: Weekly

ACREAGE: 10 acres

ACCOMPANIED BY: Richard Dickson and Boxing Cheng

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

PERMITS

[] [] ■ PRC 44002 - Site operator is authorized by SWFP
[] [] ■ PRC 44004 - Significant change
[] [] ■ PRC 44014(b) - Operator compliance with SWFP terms and conditions
■ [] [] 14 CCR 18213 - 5-year permit review

STATION DESIGN

[] [] ■ 17422 - Design
[] Engineering design for proposed new facilities acceptable
[] Design submitted to LEA for review

RECORDS

[] [] ■ 17423 - Plan of Operation
[] Plan of Operation on file with the LEA
[] Adequate procedures for handling complaints
[] Adequate procedures for station maintenance
[] Adequate procedures for health and safety
[] Site controls summarized
[] Frequency of waste removal listed

[] [] ■ 17424 - Records
[] Annual reports filed with the LEA
[] Reports include estimated weights or volumes handled during the previous ye
[] Reports include special occurrences from the previous year

COMMENTS: 14 CCR 18213 5-Year Permit Review. Solid waste facilities permits are required reviewed at least every five years. Our records indicate that this facilities most rece permit or permit review is dated 2/21/85. In a letter dated March 15, 1990, the operat indicated that a Permit Review Application would be submitted no later than July 31,199 As of the date of this inspection the Board has no record that an application has be submitted.

Section Supervisor 3/20/91

Waste Management Specialist

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

OPERATIONS

[] [] ■ 17425 - Small Volume Transfer Station Operation
- [] Minimal public health and safety hazards
- [] Vector control adequate
- [] Adequate containment of waste materials
- [] Litter control adequate
- [] Adequate drainage control
- [] Adequate nuisance control
- [] Other

CLEANUP/WASTE REMOVAL

[] [] ■ 17426 - Cleaning and Waste Removal Frequency
- [] Station cleaned weekly or as required in the SWFP
- [] Solid wastes removed weekly or as required in the SWFP

MISCELLANEOUS

■ [] [] Other - 14 CCR 17481 - Identification signs.

COMMENTS: 14 CCR 17481 - Identification Signs. Each point of access from a public road sha be identified by a sign indicating the name of the station operator. On the day of th inspection, this site did not have the required sign.

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NOTICE OF INSPECTION
TRANSFER STATION

LOCAL ENFORCEMENT AGENCY: Colusa County Environmental Health

SWIS-02 (REV. 1/88)

FACILITY FILE NUMBER (COUNTY LEA NUMBER)	PROGRAM CODE	INSPECTION DATE (MM DD YY)	T-OUT / T-IN	TOTAL TIME (DECIMAL HOURS)
06-AA-0003	S	(1011) 02/22/91		(1031) 2

FACILITY NAME: Maxwell Transfer Station

FACILITY LOCATION: Highway 99, South of Maxwell

INSPECTOR: James Omand

ALSO PRESENT: Richard Dickson, Boxing Cheng

RECEIVED BY:
Operator _____
Owner _____

Comments: (for specific details, see State inspection report)

LARGE VOLUME

(3011) RECORDS (V C)
- ☐ ACCURATE WEIGHT/VOLUME RECORDS MAINTAINED 17461
- ☐ LOG OF SPECIAL OCCURRENCES MAINTAINED 17462
- ☐ RECORDS AVAILABLE FOR INSPECTION 17463

(3021) PERSONNEL (V C)
- ☐ ADEQUATE NUMBER OF QUALIFIED PERSONNEL AVAILABLE 17471
- ☐ PERSONNEL ADEQUATELY TRAINED 17472
- ☐ ADEQUATE SUPERVISION PROVIDED 17473
- ☐ ATTENDANT AVAILABLE FULL-TIME OR AS DETERMINED BY LEA 17474

(3031) SIGNS (V C)
- ☐ IDENTIFICATION SIGNS AT EACH POINT OF ACCESS 17481
- ☐ ENTRY SIGN STATES FEES, HOURS OF OPERATION, WASTES ACCEPTED/NOT ACCEPTED 17482

(3041) SECURITY (V C)
- ☐ ADEQUATE PERIMETER SECURITY, HAZARDOUS AREAS FENCED AND IDENTIFIED 17493

(3051) ROADS (V C)
- ☐ ROADS HAVE SMOOTH SURFACE MINIMIZE DUST AND TRACKING OF MUD, AND ALLOW ALL-WEATHER ACCESS 17494

(3061) VISUAL SCREENING (V C)
- ☐ VISUAL SCREENING PROVIDES ATTRACTIVE APPEARANCE 17495

(3071) SANITATION (V C)
- ☐ ADEQUATE SANITARY FACILITIES AVAILABLE 17501
- ☐ SAFE ADEQUATE DRINKING WATER AVAILABLE 17502

(3081) COMMUNICATIONS (V C)
- ☐ COMMUNICATION FACILITIES ADEQUATE 17503

(3091) LIGHTING (V C)
- ☐ LIGHTING ADEQUATE 17504

3101) SAFETY (V C)
- ☐ CONTACT BETWEEN USERS AND WASTES MINIMIZED, BARRIERS PROVIDED AS NECESSARY 17506
- ☐ SAFETY EQUIPMENT IN USE AND BEING WORN 17507

(3111) CONFINED UNLOADING (V C)
- ☐ UNLOADING ADEQUATELY CONFINED 17511

(3121) CLEANUP (V C)
- ☐ STATION CLEANED DAILY OR AS APPROVED BY LEA 17512

(3131) WASTE REMOVAL (V C)
- ☐ WASTES REMOVED EVERY 48 HOURS OR AS APPROVED BY LEA 17513

(3171) SALVAGING/PROCESSING (V C)
- ☐ SCAVENGING PROHIBITED 17515
- ☐ SALVAGING DOES NOT INTERFERE WITH OPERATIONS 17516
- ☐ VOLUME REDUCTION MINIMIZES HEALTH, SAFETY, NUISANCE PROBLEMS AND DOES NOT INTERFERE WITH OPERATIONS 17517
- ☐ SALVAGING AND VOLUME REDUCTION CONFINED TO CLEARLY IDENTIFIED AREAS 17518
- ☐ PROCESSING OPERATIONS ARE CONDUCTED IN AN ORGANIZED MANNER AND MINIMIZE HEALTH, SAFETY, NUISANCE PROBLEMS 17519
- ☐ SALVAGE STORAGE LOCATION OR, VOLUME AS APPROVED BY LEA, MINIMIZES VECTORS, FIRES, NUISANCES, OR OTHER HAZARDS 17520
- ☐ SALVAGE STORAGE TIME DOES NOT RESULT IN HEALTH OR FIRE PROBLEMS 17521
- ☐ SALVAGED MATERIALS APPROVED BY LEA AND LOCAL HEALTH 17522

(3181) NUISANCE (V C)
- ☐ OPERATIONS DO NOT CREATE A PUBLIC NUISANCE 17531

(3191) FIRE (V C)
- ☐ SUFFICIENT FIRE FIGHTING EQUIPMENT AVAILABLE AND LOCATED AS REQUIRED BY LOCAL FIRE AUTHORITY AND LEA 17535

(3221) DUST (V C)
- ☐ DUST CONTROL ADEQUATE 17536

(3231) VECTORS/BIRDS (V C)
- ☐ VECTOR AND BIRD CONTROL ADEQUATE 17537

(3241) DRAINAGE/EROSION (V C)
- ☐ DRAINAGE AS APPROVED BY LEA, COORDINATED WITH RWQCB, CONNECTION TO SEWER PROHIBITED OR APPROVED BY LOCAL SEWERAGE AUTHORITY 17538

(3251) LITTER (V C)
- ☐ LITTER CONTROL ADEQUATE 17539

(3261) NOISE (V C)
- ☐ NOISE CONTROL ADEQUATE 17538

(3271) ODOR (V C)
- ☐ ODOR CONTROL ADEQUATE 17537

(3281) TRAFFIC (V C)
- ☐ TRAFFIC CONTROL ADEQUATE WITHIN SITE, TRAFFIC MINIMIZES INTERFERENCE, SAFETY PROBLEMS, AND STACKING ON PUBLIC ROADS 17538

(3291) EQUIPMENT (V C)
- ☐ EQUIPMENT ADEQUATE IN TYPE, CAPACITY, AND NUMBER, AND IS ADEQUATELY MAINTAINED 17546
- ☐ STANDBY EQUIPMENT AVAILABLE 17547
- ☐ TRANSFER VEHICLES ADEQUATELY COVERED AND CONSTRUCTED OF DURABLE, EASILY CLEANABLE MATERIALS 17548
- ☐ EQUIPMENT AVAILABLE FOR INSPECTION 17549
- ☐ EQUIPMENT HOUSE-KEEPING ADEQUATE 17550

(3301) MAINTENANCE (V C)
- ☐ EFFECTIVE MAINTENANCE PROCEDURES AND PROGRAMS DEVELOPED AND UTILIZED 17556
- ☐ ADEQUATE MONITORING AND REPAIR OF DETERIORATED CONDITIONS 17557

(3321) SPECIAL WASTES (V C)
- ☐ BURNING WASTES IMMEDIATELY SPREAD AND EXTINGUISHED IN SAFE AREA 17561
- ☐ SITE ACCEPTS APPROVED HAZARDOUS WASTES ONLY AND HANDLING COMPLIES WITH CH 2, DIV 4, TITLE 22, CAC 17562
- ☐ INFECTIOUS WASTES ADEQUATELY PRE-PROCESSED 17563
- ☐ LIQUID WASTES HANDLED WITH PROPER EQUIPMENT AND AUTHORIZED BY RWQCB, LOCAL HEALTH ENTITY, AND LEA 17564

(3331) OTHER (V C)
- ☐ _____

SMALL VOLUME

(3011) RECORDS (V C) ✓
- ☐ WEIGHT AND VOLUME RECORDS AND RECORDS OF SPECIAL OCCURRENCES MAINTAINED 17426

(3101) SAFETY ✓
- ☐ MINIMAL PUBLIC HEALTH AND SAFETY HAZARDS 17428

(3111) CONFINED UNLOADING ✓
- ☐ WASTE MATERIALS ADEQUATELY CONTAINED 17429

(3121) CLEANUP ✓
- ☐ STATION CLEANED WEEKLY OR AS APPROVED BY LEA 17426

(3131) WASTE REMOVAL ✓
- ☐ WASTES REMOVED WEEKLY OR AS APPROVED BY LEA 17426

(3181) NUISANCE ✓
- ☐ NUISANCE CONTROL ADEQUATE 17428

(3231) VECTORS/BIRDS ✓
- ☐ VECTOR AND BIRD CONTROL ADEQUATE 17429

(3241) DRAINAGE/EROSION ✓
- ☐ DRAINAGE CONTROL ADEQUATE 17429

(3251) LITTER ✓
- ☐ LITTER CONTROL ADEQUATE 17429

(3331) OTHER ✓
- ☐ 14 CCR 17213 5-year permit review
- 14 CCR 17481 identification signs

V = Violation
C = Compliance

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DISTRIBUTION: WHITE — CWMB YELLOW — OPERATOR PINK — LEA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 11

ITEM: Consideration of Facilities Evaluation Report for the City of Santa Clara Local Enforcement Agency Jurisdiction

BACKGROUND:

The Facilities Evaluation Branch of the Board's Enforcement Division conducts annual inspections of all solid waste facilities in conjunction with inspections conducted by the Local Enforcement Agency (LEA). Each LEA jurisdiction is considered a discrete unit and all facilities within each LEA jurisdiction are inspected as a group. The purpose of the inspections is to identify any non-complying solid waste facilities and to evaluate LEA performance as agents of the State. A Facilities Evaluation Report (FER) summarizing Board staff findings is prepared for each LEA jurisdiction.

The City of Santa Clara is one of a number of LEA jurisdictions in the state that has co-LEAs. The City of Santa Clara City Manager is the designated LEA for non-health related standards while the County Department of Environmental Health is the designated enforcement agency for health related standards. The Facilities Evaluation Report now being presented to the Board only addresses the performance of the City of Santa Clara LEA (Attached). The performance of the Santa Clara County LEA (co-LEA) will be evaluated in a forthcoming FER.

The only known solid waste facility in the City of Santa Clara is the city owned All Purpose Landfill (43-AO-0001). During March and April of 1991, Board staff inspected the All Purpose Landfill in conjunction with the co-LEAs pursuant to Public Resources Code (PRC), Section 43219.

ANALYSIS:

Facility Compliance

During the annual inspection of the All Purpose Landfill, Board staff documented 12 violations of applicable state laws and regulations. Eight of the citations were for violations of non-health related State Minimum Standards enforced by the City LEA while one violation was for a health related State Minimum Standard enforced by the County LEA.

As of the "exit interview" or final Facilities Evaluation meeting held with the LEAs on June 21, 1991, the LEAs could not verify

compliance at the All Purpose Landfill with the following two State Minimum Standards:

14 CCR 17682 - Cover (health related standard)
14 CCR 17704 - Leachate Control (non-health related standard)

PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate State Minimum Standards. Whenever a solid waste facility is proposed to be included in the inventory, the Board shall give notice to the site owner and operator. If within 90 days of Board notice the owner or operator has not corrected the documented violations, the site shall be included on the inventory. The Board has designated this inventory as the State List of Non-Complying Facilities.

LEA Performance

Board staff found that the City of Santa Clara LEA failed to identify a situation of conflicting interests pursuant to PRC Section 43207 where the City Street Superintendent was managing the city's interests in the city owned All Purpose Landfill while acting as LEA. The Santa Clara City Manager was informed of this violation by correspondence from the Enforcement Division Chief on March 13, 1991.

While the City Manager has taken steps to address this conflict, these steps may not be consistent with the city's 1978 LEA designation and may not have resolved the conflict. In addition, Board staff is concerned that the Santa Clara City LEA failed to identify eight violations of State Minimum Standards at the city owned landfill during the annual inspection conducted with Board staff and failed to identify violations of three other applicable state laws and regulations.

The Santa Clara City Manager continues to maintain that the city was never in violation of PRC Section 43207 because there were no conflicting interests between the City Street Superintendent's activities administering the landfill lease agreement for the city owned All Purpose Landfill and his duties and responsibilities as LEA.

In response, Board staff maintains that a situation of conflicting interests did, and may still exist within the City of Santa Clara. This conclusion is based on the following list of indicators that the City Street Superintendent had considerable influence over operations of the city Owned All Purpose Landfill while acting as LEA for the site:

1. The current Solid Waste Facilities Permit (SWFP) issued to the All Purpose Landfill Company in 1986 was issued by the City Street Superintendent in his capacity as LEA while administering the landfill "lease agreement" for the city.

2. The 1985 Periodic Site Review of operations at the All Purpose Landfill, which is the basis for the All Purpose Landfill Company's current SWFP, was conducted by the City Street Superintendent for the operator and then approved by the City Street Superintendent in his capacity as LEA.

3. Waste Discharge Requirements (WDRs) issued to landfill operators by Regional Water Quality Control Boards (RWQCB) are typically issued to the "discharger" or the party responsible (liable) for operating the landfill. The current WDRs for the All Purpose Landfill are issued solely to the City of Santa Clara and make no mention of the All Purpose Landfill Company.

4. Most of the engineering and monitoring documents prepared by outside consultants for the All Purpose Landfill were prepared for the City of Santa Clara and not for the All Purpose Landfill Company.

5. Most of the correspondence in the Board's facility file for the All Purpose Landfill regarding landfill operations are signed by the City Street Superintendent (LEA) and not the All Purpose Landfill Company (operator). In fact there is almost no correspondence in Board files between the City Street Superintendent and the All Purpose Landfill Company or Between the All Purpose Landfill Company and the Board.

6. The SWFP issued by the City Street Superintendent (LEA) to the All Purpose Landfill Company encompasses the entire landfill. The permitted boundary includes a golf course (over old fill) and a golf course club house, restaurant, pro shop and city fire station which are not built on waste but located within the permitted landfill boundary. Board staff question whether the city's lease agreement with the All Purpose Landfill Company includes the entire landfill as described in the All Purpose Landfill Company's SWFP. If the lease agreement does not include the entire landfill as permitted, then the city is the operator of that portion of the landfill not covered by the lease agreement.

7. In the City Manager's June 20, 1991 letter, the city acknowledges that the city's lease with the All Purpose Landfill Company does not include responsibility for closure/postclosure of the city owned All Purpose Landfill. Pursuant to 14 CCR 18255 the Final Closure/Postclosure Maintenance Plan for the All Purpose Landfill became past due on February 13, 1991. The City Street Superintendent manages the city's interest in the landfill. He is therefore responsible for preparing and submitting the Final Closure/ Postclosure Maintenance Plan for the landfill to the LEA, the RWQCB and the Board for review and approval pursuant to 14 CCR 18255. The City Street Superintendent would then be responsible to accept, review, and approve the document as the LEA.

8. The City Street Superintendent applied for and was awarded the Governmental Refuse Collection and Disposal Association (GRCDA) "Excellence in Sanitary Landfilling Award" in 1989 as the principal professional or manager in charge of <u>operations</u> at the All Purpose Landfill.

PRC Section 43219 provides that when the Board identifies significant violations of state minimum requirements that were not identified and resolved by the LEA, the Board shall conduct a formal performance review of the LEA within 120 days, prepare a report within 60 days of the review, and require submission of a plan of correction by the LEA within 90 days of the report. If the Board determines that the LEA has failed to submit an adequate plan or has failed to implement the plan, the Board shall withdraw the LEAs designation.

In addition, current LEA performance rating criteria provides that any LEA found in violation of PRC Section 43219 should receive a performance rating of "Unacceptable" from the Board.

STAFF COMMENTS:

<u>Facility Compliance</u>

The All Purpose Landfill continues to be in violation of two State Minimum Standards. The operator and owner of the facility should therefore be issued notice of the Board's intent to include the facility on the State List of Non-Complying Facilities pursuant to PRC Section 44104.

Failure by the Board to give a notice of intent to include the All Purpose Landfill on the list may lead to a perception that the Board condones non-compliance with Sate Minimum Standards.

LEA Performance

Board staff considers the documented violation of PRC Section 43207 to be a significant violation of state minimum requirements which the LEA failed to identify pursuant to PRC Section 43219. While the Santa Clara City Manager has taken steps to address this documented situation of conflicting interests, these steps may not be consistent with the city's 1978 LEA designation and may not have resolved the conflict.

Based upon the results of the facilities evaluation, staff feels the City of Santa Clara has performed as an LEA in an "unacceptable" manner. Under these circumstances staff would conduct a formal evaluation of the LEA pursuant to PRC 43219 to determine why failures have occurred and to identify what steps the LEA must take to correct any documented deficiencies.

The performance review will provides the City of Santa Clara LEA an opportunity to address program deficiencies well ahead of the August 1, 1992 LEA redesignation/certification deadline. Upon receipt of the Board's review report, the city will know exactly what outstanding issues need to be addressed prior to submitting a redesignation/certification package.

List of Attachments:

1. Facility Evaluation Report for the City of Santa Clara LEA

Prepared by: _____ 7/1/91 Phone 2-2662

Reviewed by: _____ Phone 2-6172

Legal review: _____ Date/Time 7-1-91 15:47

Facility Evaluation Report

City of Santa Clara, LEA Jurisdiction 43-AO

C I W M B

Prepared By:

Rosslyn Stevens
Waste Management Specialist
Facility Evaluations
Enforcement Division

July, 1991

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Assembly Bill No. 939
Chapter 1095, Division 30
Part 1, Chapter 1
Article 1, Section 40001

"The Legislature declares that the responsibility for solid waste, management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe management of all solid waste generated with in the state..."

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FACILITY EVALUATION REPORT

CITY OF SANTA CLARA, LEA 43-AO

EXECUTIVE SUMMARY

The LEA jurisdiction has two responsible agencies acting as co-LEAs, the City of Santa Clara and the County of Santa Clara Department of Environmental Health. The City Council and City Manager of the City of Santa Clara are designated as the Local Enforcement Agency (LEA) for non-health related standards in the City of Santa Clara pursuant to State Solid Waste Management Board Resolution #78-9-LEA. This same resolution designates the Santa Clara County Department of Environmental Health as the responsible enforcement agency for health related standards. This report only evaluates the effectiveness of the City LEA. The County LEA program will be evaluated in a forthcoming report.

The All Purpose Landfill, which is owned by the City of Santa Clara, is the only active solid waste facility in the LEA's jurisdiction. There are no known closed, illegal, abandoned, or exempt sites.

Between March and April, 1991, the All Purpose Landfill was inspected by California Integrated Waste Management Board Enforcement Division staff in conjunction with the co-LEAs. The facility was found to be in violation of twelve state laws and regulations, nine of which were State Minimum Standards.

As of June 21, 1991, the LEAs have verified that seven of the nine violations of State Minimum Standards have been corrected. There remains two unresolved violations of State Minimum Standards; 14 CCR 17682 (Cover) and 14 CCR 17704 (Leachate Control). Board staff recommend that the operator and owner of the All Purpose Landfill be noticed of the Board's intent to include the All Purpose Landfill on the State List of Non-Complying Facilities unless these remaining violation of State Minimum Standards are resolved within 90 days of Board notice.

Board staff found that the City of Santa Clara LEA failed to identify a situation of conflicting interests where the City staff person implementing the City's LEA program was also managing the City's interests in the City owned All Purpose Landfill. While the City Manager has taken steps to address this conflict, these steps may not be consistent with the City's 1978 LEA designation and may not have resolved the conflict. In addition, Board staff is concerned that the Santa Clara City LEA failed to identify eight violations of State Minimum Standards at the City owned landfill during the annual inspection conducted with Board staff.

Based on these findings, Board staff recommend that the Board initiate a formal Performance Review of the City of Santa Clara LEA and rate the LEA's performance as "Unacceptable".

PROGRAM GOALS

The purpose of the California Integrated Waste Management Board's Enforcement program is to ensure that all solid waste facilities in California (including closed, illegal, abandoned, and exempted sites) meet the requirements of applicable State laws and regulations. This program has been established in order to protect the health, safety and well being of the citizens of California and to protect the environment. With the passage of AB 939, the primary focus of the Facility Evaluation Program is to monitor all solid waste facilities in order to determine operator compliance with State laws and regulations and Local Enforcement Agency (LEA) effectiveness in meeting enforcement responsibilities. Local Enforcement Agencies have the primary responsibility for ensuring the correct operation and closure of solid waste facilities. As agents of the state, they enforce state laws and regulations and implement California Integrated Waste Management Board (Board) policies.

PROGRAM AUTHORITY

The Facility Evaluation program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) "The board, in conjunction with an inspection conducted by the enforcement agency, shall conduct each year at least one inspection of each solid waste facility in the state (PRC Section 43219[a])."

2) "The board shall maintain an inventory of solid waste facilities which violate state minimum standards (PRC Section 44104[a])."

3) "Whenever a solid waste facility is proposed to be included in the inventory, the board shall give notice thereof by certified mail to the disposal site owner and the operator of the solid waste facility. If, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory (PRC Section 44104[b])." The inventory has been designated by the Board as the **State List of Non-Complying Facilities**.

4) "If the board identifies significant violations of state minimum requirements that were not identified and resolved through previous inspections by the enforcement agency, the board shall conduct a performance review of the enforcement agency within 120 days...(PRC Section 43219[b])."

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered a distinct unit. To initiate, the annual Facility Evaluation process within an LEA jurisdiction, Board staff meet with the LEA to discuss the evaluation process, the LEA's responsibilities during the evaluation, and the Board's LEA re-designation/certification process. Permitting, closure/postclosure maintenance and other pertinent issues are also discussed.

Each permitted solid waste facility within an LEA's jurisdiction is inspected by Board staff in conjunction with an inspection conducted by the LEA. Facilities are evaluated for compliance with applicable sections of Division 30 of the Public Resources Code (PRC) and Title 14 of the California Code of Regulations (CCR). Inspection reports are transmitted to the LEA, operator and other responsible agencies pursuant to PRC Section 43219(a). All closed, illegal, abandoned, and exempt sites which can be located are also visited and assessed.

Based upon the State inspection reports and a review of pertinent documents and files, a Facility Evaluation Report (FER) is prepared. Upon completion and circulation to other Board divisions for comment, a final draft FER is transmitted to the LEA. The results of findings are discussed with the LEA at an interagency meeting designated as the "exit interview". LEA comments are incorporated into a final FER which is presented to the Board's Permitting and Enforcement Committee for consideration.

An FER generally contains recommendations for Board action regarding:

1. Intent to include any facility found in violation of any State Minimum Standard on the State List of Non-Complying Facilities unless all violations are corrected within 90 days of Board notice pursuant to PRC Section 44104.

2. Initiation of a formal Performance Review of the Enforcement Agency if significant violations of state minimum requirements had not been identified and resolved by the LEA pursuant to PRC Section 43219.

3. An LEA overall performance rating of "Acceptable", "Acceptable with Improvement", or "Unacceptable".

FACILITY/LEA EVALUATION CRITERIA

FACILITY EVALUATION CRITERIA

Each solid waste facility inspected by Board staff will be evaluated for compliance with all applicable state laws and regulations enforced by the Board including State Minimum Standards. The resulting state inspection report is sent to the LEA and the operator within 30 days of the inspection pursuant to PRC Section 43219(a). The operator has a grace period to correct all documented violations of State Minimum Standards. This grace period extends from the day of the state inspection to the day of the LEA "exit interview". At the time of the LEA exit interview, the LEA has a final opportunity to verify that any violations of State Minimum Standards have been corrected.

Board staff will recommend to the Board that the owner and operator of any solid waste facility which continues to be in violation of any State Minimum Standard, as of the date of the LEA exit interview, be officially noticed of the Board's intent to include the facility on the State List of Non-Complying Facilities pursuant to PRC Section 44104.

> **Solid waste facility** is defined as a disposal facility, a disposal site, or a solid waste transfer or processing station pursuant to PRC Sections 40194 and 40121, 40122, 40200.
>
> **State Minimum Standard** is defined as any regulation included in Title 14, California Code of Regulations (CCR), Chapter 3, Minimum Standards for Solid Waste Handling and Disposal.
>
> While each facility will be evaluated for compliance with all applicable state laws and regulations enforced by the Board, only compliance with State Minimum Standards will be used with respect to proposing a facility for the State List of Non-Complying Facilities. However, the LEA is still responsible for assuring facility compliance with all applicable state laws and regulations.
>
> **Exit Interview** is defined as the meeting held between Board staff and the LEA to review the final draft of the Facility Evaluation Report for the LEA's jurisdiction. This meeting is held after all inspections or solid waste facilities within the LEA's jurisdiction have been completed and Board staff has had time to develop the final draft of the Facility Evaluation Report. The

"grace period" between the annual inspection of a solid waste facility and the exit interview may therefore vary depending on the number of sites in the LEA's jurisdiction, the order of facility inspection, and the time needed by Board staff to develop the final draft of the Facility Evaluation Report.

State List of Non-Complying Facilities is defined as the Board's inventory of solid waste facilities which violate State Minimum Standards pursuant to PRC Section 44104.

From the date of the Board's notice of intent to list a particular facility, the owner or operator has 90 days to correct all documented violations to avoid inclusion on the list pursuant to PRC Section 44104. Those facilities included on the list have one year to correct the violation(s) under an enforcement order issued by the LEA pursuant to PRC Section 44106.

Facilities already operating under an LEA enforcement order prior to being listed would continue to work under the existing order as long as this order requires the facility to be in full compliance within one year of being listed. If an existing LEA enforcement order for a site being included on the list does not require compliance within one year of the listing date, a new LEA enforcement order would need to be issued which requires the operator to be in compliance within one year of listing pursuant to PRC Section 44106.

If a facility fails to achieve full compliance within one year of listing, the LEA is required to begin the revocation process of the operator's Solid Waste Facility Permit (SWFP) until all violations of State Minimum Standards are remedied pursuant to PRC Section 44106.

LEA EVALUATION CRITERIA

The evaluation of an LEA's performance is a two step process concluding with the rating of the LEA as "Acceptable", "Acceptable with Improvement", or "Unacceptable".

Step 1: Significant Violations of State Minimum Requirements

PRC Section 43219 states that, if the Board identifies significant violations of state minimum requirements during its annual inspections that were not identified and resolved through previous inspections by the LEA, the Board shall conduct a formal Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced by an LEA as an agent of the state. This is

not to be confused with State Minimum Standards which only include regulations contained in 14 CCR Chapter 3 (Minimum Standards of Solid Waste Handling and Disposal).

Significant Violation is defined as:

A) Failure by the LEA to identify and resolve any condition at a solid waste facility which threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the public health, welfare, or safety pursuant to PRC Section 45300 and/or 14 CCR 18304.

B) Failure by the LEA to a) identify any solid waste facility being operated by any person except as authorized by a SWFP in violation of PRC Section 44002, b) failure to identify any operator operating a facility outside the terms and conditions of a SWFP in violation of PRC Section 44014, **and**, c) failure by the LEA to resolve either of these permit violations pursuant to PRC Section 45000, 14 CCR 18304, 18307, and the Board's Permit Enforcement Policy (PEP), dated November 27, 1990.

C) Failure by the LEA to identify any solid waste facility being operated which has never had a SWFP in violation of PRC Sections 45000, 44001, and/or 44002 **and** failure by the LEA to resolve this violation(s) pursuant to PRC Section 45000 and 14 CCR 18304.

D) Failure by the LEA to identify and resolve situations of conflicting interests where the LEA is also the department or agency responsible for operations of a solid waste facility pursuant to PRC Section 43207.

E) Failure to implement a basic LEA enforcement program as indicated by a failure to a) identify and resolve a large number of operational violations at one or more disposal sites, b) failure by the LEA to regularly conduct monthly inspections of solid waste facilities in violation of PRC Section 43218, and/or c) a systematic failure by the LEA to perform LEA duties or responsibilities as required by Division 30 of the Public Resources Code and Title 14 of the California Code of Regulations.

F) Failure by the LEA to a) petition the superior court to impose assess, and recover civil penalties pursuant to PRC Sections 45200, 45201, and 14 CCR 18305 when a disposal site owner or operator has failed to comply with an enforcement order issued by the LEA **or** b) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a disposal site owner or operator has failed to comply with an

enforcement order issued by the LEA or c) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a facility operator or owner has failed to comply with State Minimum Standards after being on the State List of Non-Complying Facilities for a year.

Resolve is defined as when an LEA has exercised all appropriate actions necessary to force an operator to comply with state laws and regulations including but not limited to PRC Sections 44106, 45000, 45200, 45201, 45300, and 14 CCR 18304, 18305, and 18307. This definition does not necessarily mean that a significant violation has been completely corrected but that the LEA has taken all appropriate enforcement action.

If an LEA has failed to identify and resolve any significant violation of state minimum requirements, staff will recommend to the Board that a formal LEA Performance Review be conducted within 120 days pursuant to PRC Section 43219. If there are no significant violations of state minimum requirements or all significant violations have been identified and resolved, staff will recommend that the Board not initiate a formal LEA Performance Review pursuant to PRC Section 43219.

Step 2: LEA Performance Rating

If an LEA fails to identify and resolve any significant violation of state minimum requirements, staff will recommend that the Board rate the LEA's performance as "Unacceptable".

If there are no significant violations of state minimum requirements or the LEA has identified and resolved all significant violations as outlined in Step 1, staff will recommend that the Board rate the LEA's performance as either "Acceptable" or "Acceptable with Improvement".

An "Acceptable" rating is recommended for those LEA's which meet most or all of their LEA duties and responsibilities and should therefore have little or no problem meeting LEA Certification regulations being promulgated by the Board. An "Acceptable with Improvement" rating is recommended for those LEAs which have not met their LEA duties and resposnsibilities might have trouble meeting LEA certification regulations.

LEA compliance with the following LEA duties and responsibilities are the primary consideration used to determine between an LEA performance rating of "Acceptable" or "Acceptable with Improvement".

1. The LEA has conducted monthly inspection of active, and illegal sites pursuant to PRC Section 43218.

2. The LEA has conducted quarterly inspections of inactive, closed, abandoned, and exempt sites pursuant to PRC Section 43218.

3. The LEA has conducted weekly inspections of sites operating on performance standards pursuant to 14 CCR 17683.

4. The LEA has transmitted monthly inspection reports to the Board within 30 days pursuant to PRC Section 43218.

5. The LEA has conducted solid waste facility inspections at each site in its jurisdiction in conjunction with the Board's annual inspection pursuant to PRC Section 43219.

6. The LEA has investigated written reports of violations pursuant to 14 CCR 18302 and 18303.

7. The LEA has taken appropriate enforcement action pursuant to PRC Section 45000, 14 CCR 18304, and 14 CCR 18307.

8. The LEA has conducted applicable 5-year solid waste facility permit reviews pursuant to 14 CCR 18213.

9. The LEA has conducted timely review of preliminary and final closure/postclosure maintenance plans pursuant to 14 CCR 18270.

CITY OF SANTA CLARA LEA

There is one active disposal site in the City of Santa Clara LEA jurisdiction, the All Purpose Landfill (43-AO-0001). There are no known closed, illegal, abandoned, or exempted sites.

The City of Santa Clara is classified as urban with a population of 93,613. Principal industries include the semiconductor and computer industries. The top four employers are Hewlett Packard (computers, semiconductors), Apple Computer, Consolidated Freightways (trucking and shipping), and Intel (semiconductors).

In 1978, the City Council of the City of Santa Clara designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues at solid waste facilities. The County Department of Environmental Health, co-LEA for health related standards, is not evaluated in this report.

FACILITY INSPECTION RESULTS

Board staff met in the City of Santa Clara with designated representatives of both LEA offices on February 25, 1991. In attendance were Richard Mauck and William Alexander from the City of Santa Clara Street Department; Antone Pacheco and Michael Schott from the County of Santa Clara Environmental Health Department; and Thomas Unsell, LEA Evaluation Branch, Jack Miller and Rosslyn Stevens, Facility Evaluation Branch, Enforcement Division, CIWMB. The Facility Evaluation process was discussed at this time, with plans to start the evaluation for the City detailed. The inspection date for the All Purpose Landfill was set at this meeting. The City representatives were given a draft copy of the Facility Evaluation Program Manual, as well as a draft copy of the proposed LEA certification regulations. LEA duties and responsibilities were also discussed at this meeting.

On April 25, 1991, Board staff met with the City Manager to re-initiate the Facility Evaluation process after it was determined that the first meeting was not held with appropriate City staff. In attendance were the City Manager, Jennifer Sparacino; City Director of Planning, Geoffrey Goodfellow; John LoFranco, City Department of Planning, Code Enforcement; John Bell, Assistant Chief CIWMB Enforcement Division; Marc Arico, CIWMB LEA Evaluation Branch; and Rosslyn Stevens, CIWMB Facility Evaluation. Representatives from the Planning Department were included as they had been identified as the new LEA contact personnel by the City Manager. At this meeting, the Facility Evaluation Program was again outlined, along with the proposed LEA Certification Regulations.

On June 21, 1991 Board staff held an exit interview with staff from the City of Santa Clara and the Santa Clara County Health Department to discuss a final draft version of the Facility Evaluation Report for the City of Santa Clara LEA. In attendance at the meeting were Jennifer Sparacino, City Manager, Geoffrey Goodfellow, Director of City Planning and Inspection, Antone Pacheco and John Dufresne of the County Health Department, and John Bell, Jon Whitehill, Jack Miller, and Marc Arico of Board's Enforcement Division.

Figure 1 summarizes pertinent facts regarding the All Purpose Landfill which is the only facility in the City of Santa Clara's LEA jurisdiction. City LEA inspection results of the landfill for the past year are compared with the results of the Board's annual state inspections in **Appendix B**. The Board's annual state inspection report is attached as **Appendix C**.

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Figure 1
CITY OF SANTA CLARA FACILITIES EVALUATION REPORT
FACILITIES SUMMARY

					CLOSURE	TONAGE				WASTE	SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	YEAR	DAILY	IN PLACE	ACRES	SETTING	SPECIAL	AIR	WATER
All Purpose Landfill	43-AO-0001	landfill	active	2/13/86	unknown	600	unknown	193	urban	none	yes	yes

ACTIVE, PERMITTED FACILITIES

All Purpose Landfill (43-AO-0001)
The only solid waste facility located within the City of Santa Clara's jurisdiction is the All Purpose Landfill--43-AO-0001. This facility is a Class III landfill located at 5401 Lafayette Street, Santa Clara. It is operated by the All Purpose Disposal Company under contract to the City of Santa Clara which owns the site. The inspection of the All Purpose Landfill (43-AO-0001), required three trips due to gas testing equipment problems. This inspection was initiated on March 12, 1991 and completed on April 19, 1991, with the report being sent to the City on May 16, 1991.

Board staff documented twelve violations of state laws and regulations, including nine violations of State Minimum Standards, at the All Purpose Landfill. Five areas of staff concern were also noted.

Violations of State Minimum Standards included:

14 CCR 17607 - Periodic Site Review
14 CCR 17616 - RDSI
14 CCR 17658 - Site Security
14 CCR 17681 - Availability of Cover Material
14 CCR 17682 - Cover (Health Related Standard)
14 CCR 17690 - Salvage
14 CCR 17696 - Operating Site Maintenance
14 CCR 17704 - Leachate
14 CCR 17708 - Drainage and Erosion Control

Violations of state laws and regulations other than State Minimum Standards included:

30 PRC 44015 - Five Year Permit Review
14 CCR 18222 - RDSI
14 CCR 18255 - Final Closure Post Closure Plan

Eight of the nine documented State Minimum Standards violations were non-health related and therefore enforced by the City of Santa Clara LEA. The operator was also found in violation of one health related standard (14 CCR 17682--Cover) which is enforced by the Santa Clara County LEA.

In addition, there is some confusion regarding the planned closure date of the All Purpose Landfill. By correspondence of April 20, 1990, the City stated the landfill would close in the fall of 1992. At the February 25, 1991 meeting with the City, City staff indicated that closure would not occur until 1993 at the earliest. At a subsequent meeting at City offices on April 25, 1991, the City

indicated that the All Purpose Landfill would be closing in 1992 as documented in the June, 1990 Operations and Development Plan prepared by EMCON Associates. If June, 1992 is the projected closure date for the All Purpose Landfill, a Final Closure/Postclosure Maintenance plan became past due on July 1, 1990, pursuant to 14 CCR 18255(a)(4).

The operator at the All Purpose Landfill has also implemented closure activities on Parcel 3/6 of the landfill. This is in violation of 14 CCR 18255(b)(1) which prohibits the implementation of any closure activities, partial or otherwise, without prior approval of a Final Closure/Postclosure Maintenance Plan.

CLOSED, ILLEGAL, ABANDONED, OR EXEMPT FACILITIES

There are no known closed, illegal, abandoned, or exempt sites in the City of Santa Clara LEA jurisdiction.

FINDING

The All Purpose Landfill was found in violation of 12 state laws and regulations during the annual state inspection by Board staff. These violations included nine violations of State Minimum Standards. During the LEA exit interview held on June 21, 1991, the LEAs verified that seven of the nine violations of State Minimum Standard had been corrected by the operator. The two remaining violations of State Minimum Standards were 14 CCR 17682 (Cover) and 14 CCR 17704 (Leachate Control). Cover is a health related standard enforced by the County LEA while Leachate Control is a non-health related standard enforced by the City LEA.

While the City of Santa Clara LEA presented documentation suggesting that the operator may be in compliance with the Leachate Control standard, Board staff did not find this documentation to be adequate. With regards to the Cover violation, Board staff indicated to the County LEA that in order to verify site compliance with the cover standard, a report would be necessary from the operator identifying why the operator was in violation of the cover standard and the steps the operator would take to achieve and maintain compliance. The County LEA said they would investigate this issue further and report back to Board staff by June 26, 1991. On June 26, 1991, the County LEA informed Board staff that the operator continued to be in violation of the Cover standard.

Board staff therefore recommend that the Board notice the owner and operator of the All purpose Landfill of the Board's intent to include the site on the State List of Non-Complying Facilities unless the two remaining violations of State Minimum Standards are corrected within 90 days of Board notice pursuant to PRC Section 43219.

LEA PERFORMANCE

The result of rating the City of Santa Clara LEA's performance against the LEA evaluation criteria are presented in **Figure 2.**

BACKGROUND

In 1978, the City of Santa Clara City Council designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues.

Board files show that in 1981, the City Manager delegated LEA duties and responsibilities to the City Street Superintendent (**Appendix C**). To initiate the Facility Evaluation process, Board staff arranged a meeting on February 25, 1991 with City of Santa Clara Street Superintendent. During this meeting, clarification was sought regarding LEA responsibilities in the City. The Street Superintendent stated that the LEA was the City Manager and that he was the City Manager's designated LEA representative. However, the Street Superintendent also revealed that he was responsible for managing the City's interests with regards to the City owned All Purpose Landfill.

A subsequent review of Board files revealed that Board Resolution 78-9-LEA, which approved the City Council's 1978 LEA designations, specifically prohibits the delegation of LEA authority from the City Manager to any other City official or agency (**Appendix D**). The specific reason for this prohibition was to prevent the City official or agency responsible for managing the City owned All Purpose Landfill from acting as LEA for that facility.

Board files also revealed that when Board staff had questioned this arrangement in the past, the City argued that Board Resolution 78-9-LEA granted the City a waiver pursuant to Title 7.3, Government Code (GC), Section 66796(e) allowing the City Street Superintendent to manage the City's interests at the All Purpose Landfill while acting as LEA.

Whether or not the City ever had a waiver pursuant to 7.3 GC 66796.3(e) is now moot because this section of the Government Code was repealed in 1989. Division 30, Public Resources Code (PRC), Section 43207 prohibits a local governmental department or agency which is responsible for a solid waste facility from acting as the LEA for that facility.

Figure 2

CITY OF SANTA CLARA 43-AO
FACILITIES EVALUATION REPORT

LEA PERFORMANCE

Criteria for LEA performance rating (Step 1)

Significant Violations of State Minimum Requirements		
a. PRC 45300	- Emergency violation identified and resolved	compliance
b. 14 CCR 18304	- Notice & Order issued for permit violation (Permit Enforcement Policy)	compliance
c. PRC 45000, 44001, 44002	- Active site, no SWFP - appropriate enforcement action taken	n/a
d. PRC 43207	- Conflicting interests	violation
e. PRC, 14 CCR	- Failure to implement LEA program	area of concern
f. 14 CCR 18305	- Enforcement of Notice and Orders	n/a

Criteria for LEA performance rating (Step 2)

LEA Duties and Responsibilities		
1. PRC 43218	- Monthly inspections of active, inactive, and illegal sites	compliance
2. 14 CCR CH.3 ART. 7.8	- Quarterly inspections of closed, abandoned, and exempt sites	n/a
3. 14 CCR 17683	- Weekly inspection of performance standards sites	n/a
4. PRC 43218	- Inspection reports sent within 30 days	compliance
5. PRC 43219 (a)	- Yearly inspections conducted with Board staff	compliance
6. 14 CCR 18302, 18303	- Investigated reports of violations	n/a
7. 14 CCR 18304, 18307 PRC 45000	- Appropriate enforcement action taken (N & O / Compliance Schedules)	n/a
8. 14 CCR 18213	- Five Year Permit Review	violation
9. 14 CCR 18270	- Review of Closure/Postclosure plans	violation

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Board staff subsequently determined that the City Manager's delegation of LEA responsibilities to the City Street Superintendent was in direct conflict with City of Santa Clara's 1978 LEA designation and a violation of PRC Section 43207. This finding was brought to the attention of the City Manager in a letter from the Chief of the Enforcement Division dated March 13, 1991, attached as **Appendix E**. The City Manager's initial response of April 3, 1991 can be found in **Appendix F** and indicated that she had shifted LEA duties and responsibilities from the City Street Superintendent to the City Planning Department to eliminate any apparent conflicting interests.

In response to a draft Facility Evaluation Report faxed to the City Manager on June 19, 1991, the City Manager responded by letter of June 20, 1991 (**Appendix A**). In this letter, the City Manager stated that while the City of Santa Clara is the property owner of the All Purpose Landfill, this property is leased to the All Purpose Landfill Company who is the permitted operator of the site. While the City Street Superintendent administers the lease agreement between the City and the All Purpose Landfill Company, the City is not responsible (liable) for operations of the facility. Therefore, the City was never in violation of PRC Section 43207 because there were no conflicting interests between the City Street Superintendent's activities administering the landfill lease agreement and his duties and responsibilities as LEA.

In response, Board staff maintains that a situation of conflicting interests did, and may still exist within the City of Santa Clara with regards to the management of the City's interests at the City owned All Purpose Landfill and the City's implementation of its duties and responsibilities as LEA. This conclusion is based on the following list of indicators that the City Street Superintendent had considerable influence over operations of the landfill while acting as LEA for the site.

1. The current Solid Waste Facilities Permit (SWFP) issued to the All Purpose Landfill Company in 1986 was issued by the City Street Superintendent in his capacity as LEA while administering the landfill "lease agreement" for the city.

2. The 1985 Periodic Site Review of operations at the All Purpose Landfill, which is the basis for the operator's current SWFP, was conducted by the City Street Superintendent for the operator and then approved by the City Street Superintendent in his capacity as LEA.

3. Waste Discharge Requirements (WDRs) issued to landfill operators by Regional Water Quality Control Boards

(RWQCB) are typically issued to the "discharger" or the party responsible (liable) for operating the landfill. The current WDRs for the All Purpose Landfill are issued solely to the City of Santa Clara and make no mention of the All Purpose Landfill Company.

4. Most of the engineering and monitoring documents prepared by outside consultants for the All Purpose Landfill were prepared for the City of Santa Clara and not for the All Purpose Landfill Company.

5. Most of the correspondence in the Board's facility file for the All Purpose Landfill regarding landfill operations are signed by the City Street Superintendent (LEA) and not the All Purpose Landfill Company (operator). In fact there is almost no correspondence in Board files between the City Street Superintendent and the All Purpose Landfill Company or Between the All Purpose Landfill Company and the Board.

6. The SWFP issued by the City Street Superintendent (LEA) to the All Purpose Landfill Company encompasses the entire landfill. The permitted boundary includes a golf course (over old fill) and a golf course club house, restaurant, pro shop and City fire station which are not built on waste but located within the permitted landfill boundary. Board staff question whether the City's lease agreement with the All Purpose Landfill Company includes the entire landfill as described in the All Purpose Landfill Company's SWFP. If the lease agreement does not include the entire landfill as permitted, then the City <u>is the operator</u> of that portion of the landfill not covered by the lease agreement.

7. In the City Manager's June 20, 1991 letter (Appendix A), the City acknowledges that the City's lease with the All Purpose Landfill Company does not include responsibility for closure/postclosure of the City owned All Purpose Landfill. Pursuant to 14 CCR 18255 the Final Closure/Postclosure Maintenance Plan for the All Purpose Landfill became past due on February 13, 1991. The City Street Superintendent manages the City's interest in the landfill. He is therefore responsible for preparing and submitting the Final Closure/ Postclosure Maintenance Plan for the landfill to the LEA, the RWQCB and the Board for review and approval pursuant to 14 CCR 18255. The City Street Superintendent would then be responsible to accept, review, and approve the document as the LEA.

8. The City Street Superintendent applied for and was

awarded the Governmental Refuse Collection and Disposal Association (GRCDA) "Excellence in Sanitary Landfilling Award" in 1989 as the principal professional in charge of operations at the All Purpose Landfill.

FINDING

As documented in Board correspondence to the City of Santa Clara Manager on March 13, 1991, the City of Santa Clara LEA failed to identify a situation of conflicting interests in the management and regulation of the City owned All Purpose Landfill pursuant to PRC Section 43207 (Appendix E). While the City Manager has contested whether the City was ever in violation of PRC Section 43207, Board staff does not agree. While the City Manager has taken positive steps to "eliminate any apparent conflict" (Appendices A and F), Board staff has concluded that further review of the LEA's program is necessary to assure that the corrective actions implemented by the City Manager are consistent with the City's 1978 LEA designation and have resolved the documented violation of PRC Section 43207.

Board staff is concerned that City of Santa Clara LEA failed to identify and document eight violations of State Minimum Standards during the Board's annual inspection of the City owned All Purpose Landfill conducted in conjunction with the LEA. This indicates that the LEA may have failed to implement a basic LEA program.

Board staff therefore recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219.

Board staff also recommend that the Board rate the City of Santa Clara LEA performance as "Unacceptable".

FORMAL PERFORMANCE REVIEW

PRC Section 43219 provides that when the Board identifies significant violations of state minimum requirements that were not identified and resolved by the LEA, the Board shall conduct a formal Performance Review of the LEA within 120 days and prepare a written Performance Report within 60 days of the review. The purpose of the Performance Review is to thoroughly investigate the LEA's program to determine why the LEA failed to identify and resolve significant violations and to determine what steps the LEA must take to correct the documented deficiencies.

Upon receipt of the Performance Report, the LEA has 90 days to submit a Plan of Correction. If the LEA fails to submit an adequate plan or fails to implement the plan, the Board must withdraw its approval of the LEA's designation pursuant to PRC Sections 43219 and 43215.

The City of Santa Clara LEA should approach the Performance Review as an opportunity to improve their LEA program well ahead of the August 1, 1992 LEA redesignation/certification deadline pursuant to PRC Sections 43200 and 43201. Upon receipt of the Board's Performance Report, the City will know exactly what outstanding issues need to be addressed prior to submitting their redesignation/certification package.

SUMMARY OF LEA COMMENTS

On June 21, 1991 Board staff held and exit interview with staff from the City of Santa Clara and the Santa Clara County Health Department to discuss a final draft version of the Facility Evaluation Report for the City of Santa Clara LEA. In attendance at the meeting were Jennifer Sparacino, City Manager, Geoffrey Goodfellow, Director of City Planning and Inspection, Antone Pacheco and John Dufresne of the County Health Department, and John Bell, Jon Whitehill, Jack Miller, and Marc Arico of Board's Enforcement Division.

The purpose of this section is to summarize the City's verbal comments to the Draft Facility Evaluation Report as discussed at the June 21, 1991 exit interview. The City's formal written comments are attached as **(Appendix A)**.

City staff were insistent that there was never a situation of conflicting interests with the City Street Superintendent managing the City's interest in the All Purpose Landfill while at the same time acting as the LEA. This position was based on the fact that the City leased the landfill property to the All Purpose Landfill Company and therefore was not responsible (liable) for operations at the site.

> Board staff does not agree and has concluded that ample documentation of conflicting interests has been presented showing that a conflict did exist with the City Street Superintendent managing the City's interests for the All Purpose Landfill while acting as LEA.

City staff stated that positive steps had been taken to eliminate any appearance of a situation of conflicting interest in the City LEA program by shifting LEA duties from the City Street Superintendent to the City Director of Planning and Inspection. Therefore, the City had resolved this issue.

> Board staff agreed that the City had taken positive steps to correct the situation of conflicting interests in the City LEA program. The Facility Evaluation Report was

therefore revised to reflect this fact. However, Board staff is still concerned that the steps implemented by the City Manager may not be consistent with the City's 1978 designation as LEA and may not have totally eliminated the conflict issue. Board staff therefore will continue to recommend that the Board initiate a formal Performance Review of the City of Santa Clara LEA pursuant to PRC Section 43219.

City staff requested that a term other than "conflict of interest" be used in the report because this term conjured up visions in the public mind of money changing hands illegally.

Board staff carefully considered the City's request but concluded that "conflict of interest" adequately described the situation at the City of Santa Clara. However, staff did change the term "conflict of interest" to the term "a situation of conflicting interests".

City staff requested that the LEA Performance rating of "Unacceptable" be changed to "Performance Review Recommended".

Board technical staff agree that this change would be appropriate, however, Board management staff insists that the performance rating remain as "Unacceptable".

City staff stated that Figure 2 of the draft Facility Evaluation Report was difficult to interpret.

Board staff agreed and reformatted Figure 2 for the final report.

Each violation of state law and regulation documented during the Board's annual inspection of the All Purpose Landfill was reviewed with the co-LEAs. City staff verified that all but one non-health State Minimum Standard had been corrected. The remaining violation was for 14 CCR 17704 - Leachate Control. The County LEA said it needed more time to verify compliance with the health related standard violation of 14 CCR 17682 (Cover).

Board staff stated that the documentation submitted by City staff to verify compliance with the Leachate Control standard was not adequate. Board staff suggested that Board staff and City staff set up a meeting with the Regional Water Quality Control Board in the near future to discuss this issue more fully.

On June 26, 1991 the County LEA advised Board staff that the All Purpose Landfill was still in violation of the Cover standard.

RECOMMENDATIONS

1. Board staff documented nine violations of State Minimum Standards at the All Purpose Landfill (43-AO-0001). As of the exit interview conducted with the LEAs on June 21, 1991, the LEAs had verified that all but two violations (14 CCR 17682 - Cover and 14 CCR 17704 - Leachate Control) had been corrected.

Board staff will therefore recommend that the Board notify the owner and operator of the All Purpose Landfill of the Board's intent to include the site on the State List of Non-Complying Facilities unless the remaining violations of State Minimum Standards are corrected within 90 days of Board notice pursuant to PRC Section 44104.

2. The LEA failed to identify a situation of conflicting interests pursuant to PRC Section 43207. This is considered to be a significant violation of state minimum requirements pursuant to PRC Section 43219. While the City Manager has taken steps to address this conflict, these steps may not be consistent with the City's 1978 LEA designation and may not have resolved the conflict. Board staff is also concerned that the City of Santa Clara LEA failed to identify and document eight violations of State Minimum Standards during the Board's annual inspection of the City owned All Purpose Landfill conducted in conjunction with the LEA. This indicates that the LEA may have failed to implement a basic LEA program.

Board staff therefore recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219 and that the LEA's performance be rated as "Unacceptable".

APPENDICES

Appendix A	LEA Written Comments dated June 20, 1991.
Appendix B	LEA inspections v. State inspection
Appendix C	City notification of LEA contact person dated April 6, 1981.
Appendix D	State Annual Inspection Report of All Purpose Landfill dated May 16, 1991.
Appendix E	Letter from Bernard Vlach to Jennifer Sparacino dated March 13, 1991.
Appendix F	Response from Jennifer Sparacino to Bernard Vlach dated April 3, 1991.

RECEIVED
2 1 1991

THE CITY OF SANTA CLARA
CALIFORNIA

JENNIFER SPARACINO
CITY MANAGER

CITY HALL
1500 WARBURTON AV
SANTA CLARA, CA 95C
(408) 984-3101
FAX (408) 241-6771

June 20, 1991

California Integrated Waste Management Board
Attn: Jack Miller, Supv. Unit B
Facilities Evaluation-Enforcement Division
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Dear Mr. Miller:

Thank you for providing the City a copy of your draft Facility Evaluation Report (dated 6/19/91) to allow the City's review so it can be discussed at our meeting of June 21, 1991. The City's comments are summarized as follows:

1. ISSUE OF CONFLICT OF INTEREST (Reference pages Exec. Summary; pg.6 (Item D); pg.9, pg.-12, pg14-15)

   The City is property owner. The City leases the property to All Purpose Disposal Company. The lease provides for the lessee (All Purpose) to develop and operate a municipal landfill in accordance with State, Federal, and local standards. The City is not responsible or administers the operations of the landfill (except in its performance as an LEA). All Purpose is not responsible for post-closure maintenance per the lease agreement with the City.

   Rick Mauck administers the lease agreement, which is not a contract operations agreement. This has been the City's contention all along, "The City is not responsible for operating or administering the operation of the All Purpose Landfill. All Purpose Disposal Company is the party to whom the SWFP for operation has been issued. The City is only the property owner." The City still contends it has been acting properly and within the regulations.

   The action taken in March/April this year to transfer the responsibility of the LEA activities to the City's Planning Department was an additional step to avoid the appearance of any conflict of interest. It was also done in anticipation of the proposed new Enforcement Standards which provides for a totally separate unit, within the local governing body, to be allowed to be the LEA, as long as it is not the "operating unit."

   Please revise your text in the areas noted to properly reflect the above relationship between the All Purpose Disposal Company and the City. Examples of suggested revisions are enclosed.

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2. SWIS REPORTS

Included herewith are copies of SWIS inspection reports conducted between March, 1990 which were omitted from your Table in Appendix B. Yesterday, copies of the 6/10/91, 6/17/91 reports were FAX'd to you. Also included was a SWIS report completed today (6/20/91). Please add all of these to your Table in Appendix B of the FER.

3. CORRECTION OF VIOLATIONS OF STATE MINIMUM STANDARDS

All the subject violations noted on pg. 11 of 16 of your FER have been corrected as stated in the DRAFT letter FAX'd to you yesterday. (The Final letter plus enclosures are to be given to Jack Miller at the meeting on 6/21/91).

4. VIOLATIONS OF OTHER STATE MINIMUM STANDARDS

The PSR is to be transmitted tomorrow. The five year Permit Review, and assessment of need for a further amended RDSI has been started and is awaiting CIWMB review and comment. Compliance will be forthcoming and is in progress.

The Final Closure Post Closure Plan is being worked on and anticipated due date for submittal is September 1, 1991 which is technically a couple of months late, given the estimated closure date of July, 1991. If AB939 SRRE programs and commercial recycling et.al. have any short term effect, the actual closure date would probably be extended into the the Fall of 1993 or Spring of 1994 making the requirement for submittal of this subject closure/post closure plan sometime in Fall of 1993.

SUMMARY

The City feels it has responded to and resolved all violations of State Minimum Standards, and the conflict of interest issue. As part of your criteria for LEA Performance Rating it requires the LEA to fail to "resolve" violations and conflicts to have their performance rated "Unacceptable." The City would like you to re-evaluate your rating to "Acceptable with Improvement" and follow up with another inspection within 90 days to verify our compliance.

Sincerely,

Jennifer Sparacino

Jennifer Sparacino
City Manager

Encl.

cc: John Lo Franco, City Code Enforcement Officer
Rick Mauck, DDPW/Street Superintendent
Pete Ghiroso, All Purpose Landfill
Jan Kurahara, Attorney at Law
Paul Lineberry, EMCON
Tony Pacheco, S.C.CO., DOH

CIWMBJAK.MIL

substantial growth in population. Principal industries are the semiconductor and computer industries. The top four employers are Hewlett Packard (computers, semiconductors), Apple Computer, Consolidated Freightways (trucking and shipping), and Intel (semiconductors).

In 1978, the City Council of the City of Santa Clara designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues at solid waste facilities. The County Department of Environmental Health, co-LEA for health related standards, is not evaluated in this report. There are 61 health related State Minimum Standards of a total of 310.

FACILITY INSPECTION RESULTS

Board staff met in the City of Santa Clara with designated representatives of both LEA offices on February 25, 1991. In attendance were Richard Mauck and William Alexander from the City of Santa Clara Street Department; Antone Pacheco and Michael Schott from County of Santa Clara Environmental Health Department; and Thomas Unsell, LEA Evaluations Branch, Jack Miller and Rosslyn Stevens, Facilities Evaluation Branch, Enforcement Division, CIWMB. The Facilities Evaluation process was discussed at this time, with plans to start the evaluation for the City detailed. The inspection date for the All Purpose Landfill was set at this meeting. The City representatives were given a draft copy of the Facilities Evaluation Program Manual, as well as a draft copy of the proposed LEA certification regulations. LEA duties and responsibilities were also discussed at this meeting.

Figure 1 summarizes details of the facility in the City of Santa Clara's LEA jurisdiction. City LEA inspection results from the past year are compared with the results of the Board's annual state inspections in Appendix B. The Board's annual state inspection report is attached as Appendix C.

ACTIVE, PERMITTED FACILITIES

All Purpose Landfill (43-AO-0001)

The only solid waste facility located within the City of Santa Clara's jurisdiction is the All Purpose Landfill--43-AO-0001. This facility is a Class III landfill located at 5401 Lafayette Street, Santa Clara. It is operated by the All Purpose Disposal Company under ~~contract to~~ a lease agreement with the City of Santa Clara which owns the site.

violation of 14 CCR 18255(b)(1) which prohibits the implementation of any closure activities, partial or otherwise, without prior approval of a Final Closure/Postclosure Maintenance Plan.

CLOSED, ILLEGAL, ABANDONED, OR EXEMPT FACILITIES

There are no known closed, illegal, abandoned, or exempt sites in the City of Santa Clara LEA jurisdiction.

FINDING

The All Purpose Landfill was found in violation of nine State Minimum Standard. Board staff will therefore recommend that the Board notice the owner and operator of the landfill of the Board's intent to include the facility on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice pursuant to PRC Section 43219.

LEA PERFORMANCE

The result of rating the City of Santa Clara LEA's performance against the LEA evaluation criteria are presented in Figure 2.

BACKGROUND

In 1978, the City of Santa Clara City Council designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues.

Board files show that in 1981, the City Manager delegated his LEA duties and responsibilities to the City Street Superintendent (Appendix C). To initiate the Facilities Evaluation process, Board staff arranged a meeting on February 25, 1991 with Mr. Rick Mauck, City of Santa Clara Street Superintendent. During this meeting, clarification was sought regarding LEA responsibilities in the City. Mr. Mauck stated that the LEA was the City Manager and that he was the City Manager's designated LEA representative. However, Mr. Mauck also ~~revealed~~ said that as City Street Superintendent he was responsible for managing the ~~operations contract~~ lease agreement for the City owned property. the All Purpose Landfill is located.

A subsequent review of Board files revealed that Board Resolution 78-9-LEA, which approved the City Council's 1978 LEA designations, specifically prohibits the delegation of LEA authority from the

Figure 2

CITY OF SANTA CLARA 43-AO
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

	FACILITY NAME SWIS NO.	ALL PURPOSE LANDFILL 43-AO-0001
FACILITY VIOLATIONS		V AOC V(nh) AOC(nh)
30 PRC, 14 CCR, Other (* = Emergency Violation)		12 5 11 4
LEA PERFORMANCE		
PRC 43219	- Significant violations (a through f)	
a. PRC 45300	- Emergency violation identified and resolved	compliance
b. 14 CCR 18304	- Notice & Order issued for permit violation (Permit Enforcement Policy)	violation
c. PRC 45000, 44001, 44002	- Active site, no SWFP - appropriate enf. action taken	n/a
d. PRC 43207	- Conflict of interest	violation City takes exception
e. PRC, 14 CCR	- Failure to implement LEA program	violation City takes exception
f. 14 CCR 18305	- Enforcement of Notice and Orders	n/a
PRC 43218	- Monthly inspections of active, inactive, and illegal sites	compliance
14 CCR CH.3 ART. 7.8	- Quarterly inspections of closed, abandoned, and exempt sites	n/a
14 CCR 17683	- Weekly inspection of performance standards sites	n/a
PRC 43218	- Inspection reports sent within 30 days	compliance
PRC 43219 (a)	- Yearly inspections conducted with Board staff	compliance
14 CCR 18302, 18303	- Investigated reports of violations	n/a
14 CCR 18304, 18307 PRC 45000	- Appropriate enforcement action taken (N & O / Compliance Schedules)	n/a
14 CCR 18213	- Five Year Permit Review	violation
14 CCR 18270	- Review of Closure/Postclosure plans	violation not 1st yet

V = violation; AOC = Area of Concern; N & O = Notice and Order; n/a = Not Applicable; nh = non-health

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City Manager to any other City official or agency (Appendix D). The specific reason for this prohibition was to prevent the City official or agency responsible for managing the City owned All Purpose Landfill from acting as LEA for that facility.

Board files also revealed that when Board staff had questioned this arrangement in the past, the City argued that Board Resolution 78-9-LEA granted the City a waiver pursuant to Title 7.3, Government Code (GC), Section 66796(e) allowing the City Street Superintendent to both manage and be LEA for the All Purpose Landfill.

Whether or not the City ever had a waiver pursuant to 7.3 GC 66796.3(e) is now moot because this section of the Government Code was repealed in 1989. Division 30, Public Resources Code (PRC), Section 43207 unequivocally prohibits the same department or agency responsible for operating a solid waste facility from acting as the LEA for that facility.

The City Manager's delegation of LEA responsibilities to the City Street Superintendent is in direct conflict with City of Santa Clara's 1978 LEA designation and a violation of PRC Section 43207. These facts were brought to the attention of the City Manager in a letter from the Chief of the Enforcement Division dated March 13, 1991, attached as Appendix E. The City Manager's response (April 3, 1991 Appendix F), indicated that she would shift her LEA duties and responsibilities from the City Street Superintendent to the City Planning Department.

While Board staff considered the City Manager's April 3, 1991 response, Board staff met with the City Manager on April 25, 1991 to reinitiate the Facility Evaluations process. In attendance were the City Manager, Jennifer Sparacino; City Director of Planning, Geoffrey Goodfellow; John LoFranco, City Department of Planning, Code Enforcement; John Bell, Assistant Chief CIWMB Enforcement Division; Marc Arico, CIWMB LEA Evaluations Branch; and Rosslyn Stevens, CIWMB Facility Evaluations. Representatives from the Planning Department were included as they had been identified as the new contact personnel by the City Manager. At this meeting, the Facilities Evaluation Program was again outlined, along with the proposed LEA Certification Regulations.

FINDING

The City of Santa Clara LEA failed to identify a conflict of interest in the operation and regulation of the City owned All Purpose Landfill pursuant to PRC Section 43207. While the City Manager attempted to resolve this problem by shifting LEA duties and responsibilities to the City Planning Department, this action does not comply with the terms and conditions of the City's LEA designation or with Board staff's March 13, 1991 correspondence

directing the City Manager to reassert her authority as LEA. Board staff is also concerned that the City of Santa Clara LEA failed to identify ~~and resolve~~ a large number of violations at the City owned All Purpose Landfill indicating that the LEA may have ~~has~~ also failed to perform its duties and responsibilities as required by state laws and regulations. Board staff will therefore recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219. Board staff will also recommend that the Board rate the City of Santa Clara LEA performance as preliminarily "Unacceptable". until proven otherwise

another Facility Inspection, and if no improvement is made the initiat

FORMAL PERFORMANCE REVIEW

PRC Section 43219 provides that when the Board identifies significant violations of state minimum requirements that were not identified and resolved by the LEA, the Board shall conduct a formal Performance Review of the LEA within 120 days and prepare a written Performance Report within 60 days of the review. The purpose of the Performance Review is to thoroughly investigate the LEA's program to determine why the LEA failed to identify and resolve significant violations and to determine what steps the LEA must take to correct the documented deficiencies.

Upon receipt of the Performance Report, the LEA has 90 days to submit a Plan of Correction. If the LEA fails to submit an adequate plan or fails to implement the plan, the Board must withdraw its approval of the LEA's designation pursuant to PRC Sections 43219 and 43215.

The City of Santa Clara LEA should approach the Performance Review as an opportunity to improve their LEA program well ahead of the August 1, 1992 LEA redesignation/certification deadline pursuant to PRC Sections 43200 and 43201. Upon receipt of the Board's Performance Report, the City will know exactly what outstanding issues need to be addressed prior to submitting their redesignation/certification package.

LEA COMMENTS

**insert LEA comments following June 20 exit interview

RECOMMENDATIONS

1. Board staff documented nine violations of State Minimum Standards at the All Purpose Landfill (43-AO-0001).

Therefore, pursuant to PRC Section 44104, Board staff recommends the Board notify the owner and operator of the All Purpose Landfill of the Board's intent to include the site on the State List of Non-

Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice.

2. The LEA failed to identify and failed to meet Board staff's directive in resolving a conflict of interest as defined in PRC Section 43207. The LEA also failed to identify and resolve a large number of violations at the All Purpose Landfill, further failing to meet its duties and responsibilities as required by state laws and regulations.

Therefore, Board staff will recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219 and that the LEA's performance be rated as "Unacceptable".

APPENDICES

Appendix A	LEA Written Comments
Appendix B	LEA inspections v. State inspection
Appendix C	City notification of LEA contact person
Appendix D	State Inspection Report
Appendix E	Letter from Bernard Vlach to Jennifer Sparacino
Appendix F	Response from Jennifer Sparacino

APPENDIX B

CITY OF SANTA CLARA LOCAL ENFORCEMENT AGENCY FACILITIES EVALUATION REPORT
INSPECTION SUMMARY - ALL PURPOSE LANDFILL (43-AO-0001)
MARCH, 1990 to PRESENT

ALL PURPOSE LANDFILL 43-AO-0001	RECORDS	PERSONNEL	SIGNS	SECURITY	ROADS	COMMUNICATIONS	LIGHTING	UNLOADING	GRADING	COVER	SALVAGING	NUISANCE	FIRE	LEACHATE	GAS	DUST	DRAINAGE	LITTER	TRAFFIC	EQUIPMENT	MAINTENANCE	CLOSURE	OTHER
29-MAY-91		V							V	V	V						V	V			V	V	
21-MAY-91																							
17-APR-91																							
12-MAR-91																							
01-FEB-91																							
23-JAN-91																							
15-JAN-91																							
21-DEC-90																							
07-DEC-90																							
13-NOV-90	V																						
11-APR-90																							
15-MAR-90																							

RESULTS OF CIWMB ANNUAL INSPECTION OF 03/12/91

12-MAR-91		A		V	A		A			V	V			V	A		V				V	V	V

V = VIOLATION
A = AREA OF CONCERN

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THE CITY OF SANTA CLARA

CALIFORNIA

DIRECTOR OF PUBLIC WORKS
CITY HALL
1500 WARBURTON AVE.
SANTA CLARA CA 95050
(408) 984-3200

April 6, 1981

State Solid Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Attention: Bill Cortner

Gentlemen:

Attached is the Solid Waste Enforcement Agency Program Plan for the City of Santa Clara. Any questions or comments regarding the document should be directed to Bill Weisend, Street Superintendent at (408) 984-3151.

Respectfully submitted,

S. M. Cristofano
Director of Public Works/City Engineer

SMC:y

Attach

cc: Street Superintendent
File 43-A0-001
Warren Stephenson, Solid Waste Specialist
Santa Clara County
Environmental Health Services
2220 Moorpark Avenue
San Jose, CA 95131

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VI. STAFF TRAINING

Currently, the City's Street Superintendent handles all non-health related standards enforcement. He is a licensed Civil Engineer with eight (8) years experience in the field of solid waste. Some of his tasks have been:

A. Provide the facilities design, construction services, and contract administration for construction of the City landfill.

B. Secure RWQCB, SSWMB, and other permits for the landfill operation.

C. Establish a monitoring well network and supervise self-monitoring program (RWQCB).

D. Manage a municipal rubbish collection operation.

E. Franchise administrator for nine (9) licensed private haulers operating in Santa Clara.

F. Prepare all contracts and agreements for private collection and disposal operation.

G. Administer litter grant funds from the SSWMB.

H. Supervise street cleaning operations.

I. Coordinator for three (3) non-profit corporations that are responsible for bond redemption and financing (Land payments).

J. LEA (SSWMB) for non-health related standards.

K. Recommend plans for future City needs in solid waste management; such as resource recovery options, future landfill sites, recycling, source separation, and other alternatives.

L. Administer City-wide annual Cleanup Campaign.

In addition to these duties, the Street Superintendent has been President of the Northern California Chapter of GRCDA, and is a member of APWA's Institute for Solid Wastes. He has attended numerous training programs in the field and represents the City in dealings with the SSWMB, RWQCB, County Health Department, and other agencies.

VII. SUPPORT SERVICES

Although the Street Superintendent has primary responsibility for standard enforcement, he has certain supervisorial and clerical support at his disposal. All activities in the field of solid waste are accounted for in the annual operating and capital improvement budgets. These costs are offset through rent payments and franchise fees collected from the landfill operator and licensed haulers.

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 NINTH STREET SUITE 100
SACRAMENTO, CALIFORNIA 95814

MAY 16 1991

Jennifer Sparacino,
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Subject: State inspection of the All Purpose Landfill
File No.: 43-AO-0001

Dear Ms. Sparacino:

California Integrated Waste Management Board (Board) staff inspected the All Purpose Landfill on March 12, March 25 and April 19, 1991, pursuant to Division 30, Public Resources Code (PRC), Section 44105. A copy of the report is enclosed.

The facility was evaluated for compliance with applicable sections of Division 30 of the Public Resources Code and Title 14, California Code of Regulations (CCR).

The following violations were documented during this inspection:

30 PRC 44015 - Five Year Permit Review
14 CCR 17607 - Periodic Site Review
14 CCR 17616 - Report of Disposal Site Information
14 CCR 18222 - Report of Disposal Site Information
14 CCR 17658 - Site Security
14 CCR 17682 - Cover
14 CCR 17690 - Storage of Salvage
14 CCR 17696 - Operating Site Maintenance
14 CCR 17704 - Leachate
14 CCR 17708 - Drainage and Erosion Control
14 CCR 18255 - Final Closure Post Closure Plan

In addition, the following areas of concern were noted:

14 CCR 17670 - Personnel Health and Safety
14 CCR 17659 - Access Roads
14 CCR 17699 - Lighting
14 CCR 17783.15 - Gas Control
14 CCR 18280 - Financial Responsibility Scope and Applicability

Please work with the operator to bring this facility into compliance with all State Minimum Standards. If you have questions, please call Rosslyn Stevens at (916) 322-4416.

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor Unit B
Facilities Evaluation
Enforcement Division

CC: Pete Ghiroso, All Purpose Landfill Disposal Company
Antone Pacheco, Santa Clara County Department of Environmental Health
George Leyva, Regional Water Quality Control Board, San Fransisco Bay Region

JWM:RS
\allpurp.ltr

enclosure

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT

Facility:	All Purpose Landfill
Facility File No.:	43-AO-0001
Location:	5401 Lafayette Street Santa Clara, Ca 95050
Acreage:	193
Owner:	City of Santa Clara
Operator:	All Purpose Landfill Co.
Permitted Tonnage:	600 tpd
Permit Issue Date:	2/13/86
Last Permit Review:	2/13/86
Periodic Site Review:	8/13/85
Liquid Waste Accepted:	no
Hazardous Waste Accepted:	no
Gas/Leachate Controls:	gas collection and removal system to co-generation plant; partial LCRS
LEA:	City of Santa Clara City Manager; Santa Clara County Department of Environmental Health
Inspector:	Rosslyn Stevens
Inspection Dates:	March 12, 1991 March 25, and April 19, 1991--gas control only

5/16/91
Unit Supervisor

Waste Management Specialist

On March 12, 1991, the main landfill inspection was conducted at this site. I was accompanied by Susan Markie, CIWMB, Facilities Evaluation Branch; Nate Gauff, CIWMB, Closure Branch; Mike Schott, Santa Clara County Department of Environmental Health; and Bill Alexander, City of Santa Clara Street Department. The facility was evaluated for compliance with applicable sections of Division 30 of the Public Resources Code (PRC) and Title 14, California Code of Regulations (CCR).

Due to repeated gas testing equipment problems, I had to return to the site twice to determine operator compliance with 14 CCR 17705-Gas Control. On March 25, 1991, I was accompanied by Mark de Bie, CIWMB, Facilities Evaluation Branch; Mike Schott and Bill Alexander. On April 19, 1991, I was accompanied by Susan Markie and John Dufresne, Santa Clara County Department of Environmental Health. We were met by Bill Alexander, representing the operator, and John LoFranco, representing the city Local Enforcement Agency (LEA).

This inspection was conducted as part of the Facility Evaluation process and will become an integral part of the Facility Evaluation Report for the City of Santa Clara Local Enforcement Agency jurisdiction.

VIOLATIONS

30 PRC 44015 - Five Year Permit Review

This facility is overdue for its five year permit review. The most current five year permit review is dated February 13, 1986. Two letters from the CIWMB Permits Branch have gone to the operator reminding him the review was due, but no review has been filed with the Board to date. The City of Santa Clara has argued that the due date for the five year-permit review should be delayed by virtue of the fact that notification from the Permits Branch was late and did not allow for the 150 day time frame as required by regulation. However, the City was aware of the February, 1991 due date for submittal of the five-year permit review and did so state in a letter dated April 20, 1990. They further stated in this letter that the required five-year review documents (permit review, engineering review) would be submitted by February 13, 1991. These documents have not been received.

Due to the deficiencies documented in the operator's current Report of Disposal Site Information (RDSI), as documented below

RLS

Waste Management Specialist

under 14 CCR 17616 and 14 CCR 18222, the operator must submit a revised RDSI with his application for five year permit review.

14 CCR 17607 - Periodic Site Review
This standard requires an operator to have a registered civil engineer conduct an engineering review of site operations every five years. The last Periodic Site Review for the All Purpose Landfill was dated August 13, 1985. Therefore a Periodic Site Review became past due on August 13, 1990. In an April 20, 1990 letter responding to the April 4, 1990 letter from John K. Bell, CIWMB, Enforcement Division, questioning site life, Mr. Richard Mauck of the City of Santa Clara Street Department stated that the five year permit review would be submitted to the Board by February 13, 1991. This document has not been received.

14 CCR 17616 - RDSI
The required amendments describing changes in site operations have not been filed with the Board. Specifically, no amendment was filed regarding the metals salvaging operation, as stipulated in the 1986 permit. No amendment has been filed regarding the vehicles stored on site. In addition, no amendment has been filed indicating the change in refuse stream. All city refuse has been diverted to the Newby Island Landfill for at least a year, yet there is no documentation of this fact on file with the Board.

In addition, the City of Santa Clara conducts annual "clean up" campaigns where households can dispose of larger items such as furniture, remodeling debris, etc. This campaign lasts three weeks and takes in large amounts of waste. No description of this activity is included in the RDSI.

This site has a kennel located behind the maintenance shed and adjacent to the metals salvage operation. The dogs kept there are hunting dogs belonging to the operators. This is not described in the RDSI, nor in any amendment to the RDSI. I am concerned about the welfare of these animals.

14 CCR 18222 - RDSI
The RDSI for this facility is the original filed as a conditioning document for the first SWFP, issued in 1978. It is no longer adequate. At the time of the permit revision in 1986, the Board allowed the periodic site review and five year permit review to be combined into one document and used as an amendment to the 1978 RDSI for this facility. The RDSI must be a stand alone document, as described in the April, 1989 Permit Desk

LB
Waste Management Specialist

Manual and include the specified information described in this regulation.

The original permit conditioning 1978 RDSI is inadequate in the following areas (reference--April, 1989 Permit Desk manual):

Item 19c (p.7)--no inplace densities of waste are given
Item 19d (p.8)--no map
Item 19e (p.8)--no plot plan
Item 19g (p.9)--no grading plan is given, schedule is
Item 19h (p.9)--no map
Item 19i (p.9)--Soils report cited in appendix, none found
Item 19j (p.10)--no referenced grading plan in file
Item 19k (p.10)--refers to WDR 73-77, does not describe
Item 19m (p.10)--states no gas monitoring program is required
site has gas collection/monitoring program

It is important to note here that while some of these items are missing because the document is an old and outdated document, their absence is of significance because appropriate addenda to the RDSI (see 14 CCR 17616) have not been filed.

The 1985 Periodic Site Review, used an addendum to the 1978 RDSI and incorporated as a conditioning document into the 1986 permit revision is inadequate for the following reasons (reference--April, 1989 Permit Desk Manual):

Item 19d1 (p.8)--access conditions are not described
Item 19d2 (p.8)--no estimates of traffic are included
Item 19e (p.8)--some maps are given, but often without scale
structures within 1000' not indicated
Item 19f (p.8)--not present
Item 19f1 (p.8)--not given
Item 19f2 (p.8)--not given
Item 19g (p.9)--cover borrow areas not described
Item 19g2 (p.9)--grading plan referenced, not in file
Item 19h (p.9)--not present
Item 19h1 (p.9)--not present
Item 19i (p.9)--soils report referenced, not in file
Item 19j (p.10)--references grading plan, not in file
Item 19k (p.10)--references WDR 73-77
Item 19m (p.10)--states no gas monitoring is required, yet report
names firm with rights to gas collection

Some of these items may be missing because this document was prepared prior to the completion of the April, 1989 Permit Desk

RG

Waste Management Specialist

Manual. A new RDSI, required as part of the five year permit review must include all these missing items to be complete.

14 CCR 17658 - Site Security
Two water monitoring wells were unlocked at this facility. One of these was outside the site security fence, adjacent to Parcel 3/6, along the shoulder of Lafayette Street. This well appears to have been tampered with as the padlock eye holes have been snapped off. The second unlocked well was located on Parcel 1, at the toe of the fill, along the fenceline by the adjacent businesses. All monitoring wells are to be locked.

14 CCR 17681 - Availability of Cover Material
Cover material is delivered to this site in the form of "clean fill" from area contractors. This procedure works through "word of mouth." Stockpiles of this material were of questionable suitability. For material to be appropriate for use as cover, it must meet the requirements of 14 CCR 17682 to prevent the propagation of vectors, control landfill fires, and prevent the creation of nuisances. Many of the piles observed during the inspection were contaminated with shredded plastics, asphalt, and other debris and would not meet Section 17682 requirements.

If the operator wants to continue the practice of using contractor loads for cover, he must ensure the loads are truly clean fill with minimal foreign matter. Other materials used as cover, such as paper pulp from the two local paper mills, are not sanctioned without approval through the Board's alternative cover program. The reliability of sufficient deliveries of cover is also in question.

14 CCR 17682 - Cover
The site had been covered the night before, but large areas of exposed waste remained. All waste is to be covered with 6 inches of suitable cover material, every 24 hours. Several large pieces of plastic were visible, along with many tires, shredded paper and plastic debris, old containers and one large piece of PVC sewer pipe. The uncovered portion of the working face was larger than the covered portion. Some of the cover used at this site was unsuitable as it contained waste residues and did not consist of clean fill. Unless alternative cover materials have been approved by the Board's Advanced Technologies Group, only soil is acceptable for use as daily cover.

14 CCR 17690 - Storage of Salvage
Salvage stored at this facility was not stored so as to avoid the creation of a hazard. The salvage area was exceedingly

LSA
Waste Management Specialist

dangerous, with metal shards strewn over a large area and protruding from debris boxes.

14 CCR 17696 - Operating Site Maintenance

This site's general maintenance needs a great deal of attention. The stored drop box area must be cleaned up. Many of these boxes contain waste. Some of the waste observed in these boxes included hazardous materials containers. I did not check to see if these still contained hazardous materials. There are also two abandoned cars and several abandoned pieces of landfill equipment behind the boxes.

I am concerned as well about the storage of three compactors with waste still in them. Two of these are whole trucks, complete with tractor, while the third is the container portion only. These vehicles were involved in accidents. While I appreciate the need to preserve evidence pending litigation, I am concerned about the prolonged storage of waste in these containers.

Numerous areas of standing water existed around the drop boxes. There was an area behind the maintenance shed where standing water around the drop box was the color of antifreeze. In this puddle were several globules of black sludge.

In addition, an old waste oil bin, located next to the maintenance shed, was abandoned with waste under and around it.

The drop boxes must be emptied of waste and that waste must be buried in the working face. The hazardous containers seen in many of the drop boxes must be checked for residues prior to disposal. Abandoned vehicles should either be salvaged or buried.

14 CCR 17704 - Leachate

Recent samples from groundwater monitoring wells 10 and 12 indicate that groundwater in the vicinity of the landfill has been impacted. These wells are located in the center of the landfill, with old fill (now golf course) on one side, and Parcel 3/6 where current operations are, on the other.

RWQCB monitoring results using EPA Method 601/8010 for samples taken on November 27, 1990 and analyzed on December 6, 1990, showed that monitoring well 10 had 14 ug/L of Vinyl Chloride, 170 ug/L of cis-1,2-Dichloroethene, 33 ug/L of trans 1,2-Dichloroethene, and 23 ug/L of Trichloroethene.

LBC
Waste Management Specialist

Well 12 had 17 ug/L Vinyl Chloride, 170 ug/L cis-1,2-Dichloroethene, 40 ug/L trans-1,2-Dichloroethene, and 15 ug/L Trichloroethene.

Department of Health Services (DOHS), drinking water standards maximum contaminant levels for vinyl chloride are 0.5 ppb (1 ppb is equivalent to 1 ug/L). The Environmental Protection Agency standard is 2.0 ppb. For 1,2-Dichloroethene, cis and trans isomers combined, the DOHS maximum contaminant level (MCL) is 0.5 ppb. EPA is 5.0 ppb. For Trichloroethene, the DOHS level is 5.0 ppb.

At present, the gas cogeneration facility re-injects landfill gas condensate into the landfill to dispose of it. It is questionable whether it is wise to continue this practice when ground water has already been impacted at this site. The gas condensate should be handled as leachate and shunted into the leachate collection and removal system where it can be treated prior to disposal.

14 CCR 17708 - Drainage and Erosion Control

Several areas on site had eroded so badly that waste was exposed. These areas included the intermediate cover slope behind the maintenance building on Parcel 3/6 and several areas along internal roads on Parcel 1 and Parcel 1 NW.

14 CCR 18255 - Final Closure Post Closure Plan

During a meeting with City Officials to discuss the Facilities Evaluation Process, it was stated that final closure of Parcel 3/6 was being conducted as the parcel was being filled. 14 CCR 18255 prohibits the implementation of any closure activities without an approved final closure/postclosure maintenance plan. The operator has yet to submit such a plan for approval. Therefore, any closure activities conducted on Parcel 3/6 may be disapproved if they do not meet the applicable closure/post closure standards.

By letter on April 20, 1990, the operator stated that All Purpose Landfill would reach final grade by the Spring of 1993. This date contradicts the date given in the June, 1990 Operations and Development Plan prepared by EMCON Associates. A copy of this plan was submitted to Board staff when the closure date question was again raised in a another meeting with City officials on April 25, 1991. This Operations and Development Plan states that Parcel 1 NW has two years of capacity remaining. The closure date then becomes June, 1992. Regardless of whether the closure date is June, 92 or Spring, 93, 14 CCR 18255 requires submittal

RG
Waste Management Specialist

of a final closure/postclosure maintenance plan for LEA, RWQCB, and CIWMB approval two years prior to anticipated closure. A final closure/post closure maintenance plan is now due.

If the All Purpose Landfill closure date has been revised beyond the Spring of 1993, a preliminary closure/post closure plan for the Landfill became past due with the Five Year Permit Review on February 13, 1991, pursuant to 14 CCR 18255.

AREAS OF CONCERN

30 PRC 44014b - Compliance with Terms and Conditions of SWFP
The current SWFP states that only cardboard salvage operations are to be conducted on site. Currently metals are being salvaged in an area behind the maintenance shop. Salvage operations for materials other than cardboard are prohibited unless an amendment to the RDSI describing these operations is filed with the Board prior to the start of the salvage activities. No such amendment has been filed.

This site has several abandoned vehicles stored behind the drop boxes. If these vehicles are salvage, their presence constitutes a violation of the terms and conditions of the SWFP as these salvage operations are not sanctioned in the current permit.

14 CCR 17670 - Personnel Health and Safety
One site operator was observed not to be wearing gloves while sorting cardboard. When inquiries were made, landfill manager Pete Ghiorso stated that cardboard was difficult to pick up with gloves, and that that particular individual couldn't wear gloves as one of his fingers was misshapen. Regardless, all personnel handling refuse are required to wear gloves for health and safety reasons.

14 CCR 17659 - Access Roads
Although the landfill operates a street cleaner to clean Lafayette Street of debris, there was still a great deal of mud tracked onto the public road. The site should continue efforts to minimize tracking of debris onto public roads.

14 CCR 17699 - Lighting
This facility operates in hours of darkness. Although I did not observe nitetime operations, it was questionable if the site has adequate lighting for movement of heavy equipment and tipping of refuse.

R St
Waste Management Specialist

14 CCR 17783.15 - Gas Control

The protocol for handling the alarms in the on site structures at the golfcourse has been recently changed by Mr. Bill Alexander of the Santa Clara Street Department. He has raised the threshold to 10,000 ppm. The federal standard requires evacuation if the methane level reaches 1.25% (10,250 ppm) by volume in air. I am concerned that the threshold for this alarm does not allow sufficient warning. I am also concerned that this "protocol" has not been submitted to the Board for consideration.

But perhaps of greatest concern is the reason for this recent change in procedure. Apparently, alarms were going off regularly and were being ignored by golf course staff. Mr. Alexander said the alarms were ignored because they were an inconvenience. The threshold was then raised to preclude triggering the alarms. This begs the question of why these alarms were tripping to begin with. It is disturbing that the response to an alarm was to raise the alarm's threshold. A better response would have been to track the source of the alarm's trigger. With new federal regulations proposed that will greatly reduce acceptable levels of exposure to landfill gas, it would be sensible to track the source of these alarms to facilitate compliance with these standards and to eliminate exposures of golfcourse users to landfill gas.

Final gas testing on April 19, 1991, failed to register any gas in any of the on-site structures, nor in any of the bar hole punches drilled along the perimeter where structures are within a thousand feet. While this is good news, the question of the cause of the alarms remains unanswered.

14 CCR 18280 - Financial Responsibility Scope and Applicability

This facility does not have adequate financial assurance mechanisms in place to cover the costs of closure and post closure maintenance.

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Waste Management Specialist

STATE OF CALIFORNIA

Pete Wilson, Gove

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

MAR 1 3 1991

RECEIVED

MAR 1 8 1991

STREET DEPT./CITY HALL
CITY OF SANTA CLARA

Jennifer Sparacino
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Subject: LEA Designation, City of Santa Clara

Dear Ms. Sparacino:

It has come to my attention that a conflict of interest exists in the operation and regulation of the All Purpose Landfill by the City of Santa Clara. The purpose of this letter is to summarize my concerns and request your immediate attention in resolving this issue.

In 1978, the Santa Clara City Council designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of Solid Waste Facilities Permits (SWFPs) and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960, attached). By the same resolution, the City Council also designated the Santa Clara County Health Department as a co-LEA responsible for enforcement of health related solid waste disposal provisions. While the SWFP for the All Purpose Landfill was issued by the City to the All Purpose Landfill Company, this company operates the landfill under contract to the City which owns all or part of the site.

When the City resolution designating LEAs was reviewed by Board staff in preparation for Board approval back in 1978, Board staff expressed concern that a conflict of interest might result with the City owning, managing, and regulating the All Purpose Landfill. To alleviate this concern, the Board, in approving the City Council's LEA designations, directed that all enforcement authority would be held by the City Manager and the Santa Clara Health Department and prohibited the City Manager from delegating his LEA authority to any other agency (Board Resolution #78-9-LEA, attached). A review of our files indicates that the specific reason for this prohibition was to prevent the City Manager from delegating his LEA authority to the City agency with the responsibility for managing the All Purpose Landfill.

Our files also indicate that as early as 1981, the City Manager delegated his LEA authority to the City Street Superintendent, a position within the City Department of Public Works, and the City

staff person responsible for managing the All Purpose Landfill operations contract. In the past, when Board staff questioned the City about this apparent conflict of interest, the City argued that Board Resolution #79-9-LEA granted the City a waiver pursuant to Title 7.3, Government Code (GC), Section 66796(e) in affect allowing the City Street Superintendent to both manage and be LEA for the All Purpose Landfill.

While Board staff has concluded that there was never a basis to support this position, the matter ceased to be an issue when 7.3 GC 66796(e) was repealed in 1989. Now, Division 30, Public Resources Code (PRC), Section 43207 unequivocally prohibits a department or agency which is responsible for operating a solid waste facility from acting as the LEA regulating that facility.

Therefore, all LEA authority currently being exercised by the City Street Superintendent and/or the City Public Works Department with regards to the All Purpose Landfill must immediately revert to your office. This includes but is not limited to the enforcement of the terms and conditions of the operator's SWFP, enforcement of applicable laws and regulations as determined by monthly landfill inspections, the responsibility to conduct SWFP reviews, and the responsibility to review and approve all required landfill documents such as Periodic Site Reviews, Closure/Postclosure Maintenance Plans, and Financial Assurance Mechanisms.

Also, please be advised that regulations are currently being developed to certify LEA's pursuant to 30 PRC 43200. Each LEA must meet the adopted regulations and be certified by August 1, 1992. It is unlikely that these new regulations will continue to allow LEA responsibilities to be divided among city and county agencies. This would mean that your arrangement with the Santa Clara County Health Department to share LEA responsibilities would no longer be allowed. As the County is capable of assuming all LEA responsibilities currently held by the City Council, the City Manager, and the County, the City Council may want to consider designating the County as the sole LEA for the City of Santa Clara at this time.

If you have questions or comments regarding this matter, please contact me at (916) 322-6172 or Jack Miller at (916) 322-2662. Specific questions related to LEA designation and certification should be directed to Tom Unsell of the LEA Evaluations Branch at (916) 322-9543.

Sincerely,

Bernard R. Vlach, Chief
Enforcement Division

BRV:JM:RS
\allpurp3.agn

Attachments

cc: City Council, City of Santa Clara

Rick Mauck, City of Santa Clara Deputy Director of Public Works/Street Superintendent

Antone Pacheco, Santa Clara County Department of Environmental Health

RESOLUTION NO. 3960

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA AMENDING RESOLUTION NO. 3857 ESTABLISHING ENFORCEMENT AGENCIES TO CARRY OUT THE PROVISIONS OF THE Z'BERG-KAPILOFF SOLID WASTE CONTROL ACT OF 1976

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, as follows:

That the body of the above entitled Resolution No. 3857 is hereby amended to read as follows:

WHEREAS, by Resolution No. 3611, dated January 27, 1976, the City Council of the City of Santa Clara concurred in principle with the Santa Clara County Solid Waste Management Plan; and

WHEREAS, Section 66796 of the Government Code requires local agencies to designate an enforcement agency to carry out the provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976; and

WHEREAS, the City of Santa Clara has the capabilities necessary to implement the Z'Berg-Kapiloff Solid Waste Control Act of 1976; an

WHEREAS, the Santa Clara County Solid Waste Management Plan provides that each City within the County will designate its own enforcement agency.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council designates itself as the enforcement agency for all solid waste management matters affecting the collection of garbage and the disposal of solid wastes in the City of Santa Clara; and

BE IT FURTHER RESOLVED that the City Manager is designated as the enforcement agency for the collection of rubbish in the City of Santa Clara; provided, however, that the City Manager shall not designate his enforcement responsibility to any other person or agency; and

BE IT FURTHER RESOLVED that the City Council appoints the Santa Clara County Health Department as the enforcement agency for all health related matters as specified in the Z-Berg-Kapiloff Solid Waste Control Act of 1976; and

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a certified copy of this resolution to the State Solid Waste Management Board, and the Board of Supervisors of Santa Clara County.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 24th day of January, 1978, by the following vote:

AYES: COUNCILMEN: Kiely, Mahan, Stewart, Street and Mayor Gissler

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: Hansen and Texera

ATTEST: A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

City Clerk

STATE SOLID WASTE MANAGEMENT BOARD
1709 11TH STREET
SACRAMENTO, CALIFORNIA 95814

March 13, 1978 (FILE #43-A0-00

Santa Clara City Council
1500 Warburton Ave
Santa Clara, CA 95050

Dear Sir:

The Solid Waste Management Board has determined that your designated local enforcement agency meets the requirements to enforce the laws and regulations pertaining to AB 2439 (1976)

Attached is Resolution No. 78-9 adopted on Feb. 23, 1978.

If you have any questions regarding this matter, please contact Mark White at at 322-2657.

Sincerely,

Albert A. Marino
Executive Officer

Attachment

cc: State Department of Health
744 P Street
Sacramento, CA 95814

cc: Santa Clara City Manager
Santa Clara County Health Department

RECEIVED
MAR 16 1978
CITY OF SANTA CLARA
DIR. PUB. WKS./CITY ENG.

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STATE SOLID WASTE MANAGEMENT BOARD

LOCAL ENFORCEMENT AGENCIES APPROVAL NO. 78-9-LEA

NAME OF AGENCIES: Santa Clara City Council
Santa Clara City Manager
Santa Clara County Health Department

JURISDICTION: City of Santa Clara

WHEREAS, the Z'berg-Kapiloff Solid Waste Control Act of 1978 requires that there shall be designated within each county an enforcement agency to carry out the provisions of the Act; and

WHEREAS, the State Solid Waste Management Board has received and reviewed the Notice of Designation dated January 24, 1978 from the Santa Clara City Public Works Department; and

WHEREAS, the State Solid Waste Management Board has received the recommendation for approval from the State Department of Health; and

WHEREAS, the Board has determined that the proposed enforcement agencies, the Santa Clara City Council and the Santa Clara City Manager of the City of Santa Clara and the Santa Clara County Health Department are qualified to become the local enforcement agencies for the City of Santa Clara, and

WHEREAS, a conditional waiver to the requirements of section 61796(d) of the Act has been requested by the City of Santa Clara, and

WHEREAS, it appears that such a conditional waiver should be granted.

NOW, THEREFORE, BE IT RESOLVED THAT based on the foregoing considerations the State Solid Waste Management Board, pursuant to sections 66796.21 and 66796(d) of the Government Code, grants the City of Santa Clara a conditional waiver to the requirements of section 66796(d) and approves the designation of the Santa Clara City Council, the Santa Clara City Manager, and the Santa Clara County Health Department as the local enforcement agencies for the City of Santa Clara, subject to the following conditions:

1. The Santa Clara City Council shall delegate its enforcement responsibilities to the Santa Clara City Manager and to the Santa Clara County Health Department and to no other agencies, and

2. The Santa Clara City Council shall appoint an independent hearing panel pursuant to Government Code section 66796.58.

I, Albert A. Marino, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the action taken by the State Solid Waste Management Board at its February 23-24, 1978 meeting.

CERTIFICATION

Date FEB 23 1978

Albert A. Marino
Executive Officer

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THE CITY OF SANTA CLARA

CALIFORNIA

DIRECTOR OF PUBLIC WORKS
CITY HALL
1500 WARBURTON AVE
SANTA CLARA CA 95050
(408) 984-3200

April 6, 1981

State Solid Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Attention: Bill Cortner

Gentlemen:

Attached is the Solid Waste Enforcement Agency Program Plan for the City of Santa Clara. Any questions or comments regarding the document should be directed to Bill Weisend, Street Superintendent at (408) 984-3151.

Respectfully submitted,

S. M. Cristofano
Director of Public Works/City Engineer

SMC:y

Attach

cc: Street Superintendent
File 43-A0-001
Warren Stephenson, Solid Waste Specialist
Santa Clara County
Environmental Health Services
2220 Moorpark Avenue
San Jose, CA 95131

250

VI. STAFF TRAINING

Currently, the City's Street Superintendent handles all non-health related standards enforcement. He is a licensed Civil Engineer with eight (8) year experience in the field of solid waste. Some of his tasks have been:

A. Provide the facilities design, construction services, and contract administration for construction of the City landfill.

B. Secure RWQCB, SSWMB, and other permits for the landfill operation.

C. Establish a monitoring well network and supervise self-monitoring program (RWQCB).

D. Manage a municipal rubbish collection operation.

E. Franchise administrator for nine (9) licensed private haulers operating in Santa Clara.

F. Prepare all contracts and agreements for private collection and disposal operation.

G. Administer litter grant funds from the SSWMB.

H. Supervise street cleaning operations.

I. Coordinator for three (3) non-profit corporations that are responsible for bond redemption and financing (Land payments).

J. LEA (SSWMB) for non-health related standards.

K. Recommend plans for future City needs in solid waste management; such as resource recovery options, future landfill sites, recycling, source separation, and other alternatives.

L. Administer City-wide annual Cleanup Campaign.

In addition to these duties, the Street Superintendent has been President of the Northern California Chapter of GRCDA, and is a member of APWA's Institute for Solid Wastes. He has attended numerous training programs in the field and represents the City in dealings with the SSWMB, RWQCB, County Health Department, and other agencies.

VII. SUPPORT SERVICES

Although the Street Superintendent has primary responsibility for standard enforcement, he has certain supervisorial and clerical support at his disposal. All activities in the field of solid waste are accounted for in the annual operating and capital improvement budgets. These costs are offset through rent payments and franchise fees collected from the landfill operator and licensed haulers.

LEA FILE 43-AU

APR 25 1985

THE CITY OF SANTA CLARA

CALIFORNIA

CITY HALL
1500 WARBURTON A
SANTA CLARA, CA 95
(408) 984-3101

April 23, 1985

Mr. Kerry D. Jones
Chief Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Dear Mr. Jones:

The only comments I have to your draft report of Evaluation of LEA's in Santa Clara County are enclosed.

A letter from your Board dated April 16, 1985, indicated our Enforcement Program Plan was reviewed by the Department of Health Services and State Solid Waste Management Board and determined to complete the requirements of Government Code, Section 66796 for designating the City of Santa Clara as a local solid waste enforcement agency. It was made clear in this document of the contractual relationship between City and the Operator of the City-owned landfill. It was assumed by the City that receiving approval as the LEA also included any conditional waiver required by Section 66796(3)(d). The City, therefore will consider by you any request of City to submit a conditional waiver to Section 66796(3)(d) as strictly procedural and will not be an admission that the City feels it is required to do so as the City is of the position it has already received a conditional waiver from you.

I would appreciate it if and when you do finalize the report and request actions to correct deficiencies that you include sample copies of an approved Enforcement Training Program, Administration and Enforcement Procedures Manual, and Enforcement Training Plan. This would give me something to work from when preparing these documents.

Yours truly,

Rick Mauck
Street Superintendent

RM:ly

ENCL

cc: Director of Public Works/City Engineer

FILE 43A0001 JUL 29 19

THE CITY OF SANTA CLARA

CALIFORNIA

STREET DEPT
CITY HALL
1500 WARBURTON
SANTA CLARA, CA
(408) 984-3115

July 24, 1985

Mr. Kerry D. Jones
Chief, Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Dear Mr. Jones:

Per your request, the City of Santa Clara, as the Local Enforcement Agent (LEA) for the All Purpose Landfill, Santa Clara, California, but also owner of same facility, requests a conditional waiver to Section 66796.3(d) to allow the City to enforce the non-health standards at the City-owned landfill. The City, acting as the LEA, has been diligent in enforcing these same non-health standards and has been dutifully documenting and completing the Board's Solid Waste Information System (SWIS) inspection forms as required.

The City again requests the Board to provide samples of a satisfactory Enforcement Program Plan, Guidelines for preparing same, or a workshop to prepare same plan. This would greatly assist the City in the timely and proper completion of your required updated Enforcement Program Plan.

The City has established ongoing communication with the County Health Department and the City is anxious to coordinate their activities with ours.

Very truly yours,

Richard J. Mauck
Street Superintendent

RJM:ly

cc: Director of Public Works/City Engineer

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please acknowledge by letter. ge

file county 43

THE CITY OF SANTA CLARA

CALIFORNIA

D. R. VON RAESFELD
CITY MANAGER

CITY HALL
1500 WARBURTON
SANTA CLARA CA 95
(408) 984-3100

October 15, 1985

California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Attention: George T. Eowan, Chief Executive Officer

Gentlemen:

The City staff personnel I have designated as our agents in matters pertaining to the collection of garbage and the disposal of solid wastes are as follows:

1. Sam M. Cristofano - Director of Public Works/City Engineer
   (408) 984-3200

2. Richard J. Mauck - Street Superintendent
   (408) 984-3151

Both employees will have the authority to issue permits and other documents in behalf of the City.

Very truly yours,

D. R. Von Raesfeld

D. R. Von Raesfeld
City Manager

DRV:RJM:ly

cc: DPW/CE
Street Supt.

254

THE CITY OF SANTA CLARA

CALIFORNIA

STREET DEPT
CITY HALL
1500 WARBURTON
SANTA CLARA, CA. 5
(408) 984-3151

October 15, 1985

Mr. Kerry D. Jones
Chief, Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Dear Mr. Jones:

Enclosed is some backup information that was not submitted with the original Five-Year Engineering Review Report, for the City of Santa Clara All Purpose Landfill, concerning the development of the next area for landfilling Parcel 3/6, Phase I. This material is as follows:

5-Year Review Report Reference	Item
APPENDIX 10	Operations and Development Plan, Parcel 3/6, Phase I, EMCON Associates (OCT. 1985)
APPENDIX 12	Geotechnical Investigation, City of Sant Clara Sanitary Landfill, Parcel 3/6 (Phase I) Landfill Development Study, EMCON Associates (SEPT. 1985)

This should complete a compilation of all the material available for the Five-Year Engineering Review Report.

On another item, per your letter of July 19, 1985, you stated that the City of Santa Clara had not requested a conditional waiver of Section 66796.3(d) to allow the City to enforce the non-health standards of the City-owned All Purpose Landfill.

Further investigation in our files has produced documents indicating your agency granted the City this waiver on February 23, 1978. Enclosed are copies of these documents.

Very truly yours,

Richard J. Maack
Street Superintendent

RJM:ly

Encls

cc: Director of Public Works/C.E. (w/o encls)

CERTIFIED MAIL #P 066 762 723/RETURN RECEIPT REQUESTED

CITY OF SANTA CLARA

DATE: January 13, 1978

TO: D. R. Von Raesfeld-City Manager

FROM: S. M. Cristofano - Director of Public Works/CE

☐ INFO ONLY
☐ PLEASE REPLY
☐ CONFIDENTIAL

SUBJECT: Resolution of the City Council of the City of Santa Clara Amending Resolution No. 3857 Establishing Enforcement Agency to Carry Out the Provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976

In 1976, the state legislature enacted into law the Z'Berg-Kapiloff Solid Waste Control Act. This Act requires each local agency to designate the enforcement agencies necessary to implement certain provisions of the Act.

In response to this requirement, the City Council, on May 24, 1977 adopted a resolution designating:

- the City Council as enforcement agency for all solid waste matters affecting the collection of garbage and the disposal of solid wastes
- the office of the City Manager as enforcement agency for the collection of rubbish by City forces
- the Santa Clara County Health Department for all health related matters as specified in the Act.

Subsequently, it has come to our attention that the State Solid Waste Management Board staff has some concern with respect to the designation of the City Manager. The staff felt his designation as enforcement agency would not be effective or comply with the intent of the law if the City Manager delegated his responsibilities to other staff members more closely associated with the operation of the Sanitation Division.

For this reason, a new resolution has been prepared amending Resolution No. 3857. The new resolution is the same as the original except it adds language to indicate that the City Manager shall not delegate his enforcement responsibility to another person or agency.

It is recommended that the Council approve the proposed resolution as submitted.

S. M. Cristofano
Director of Public Works/City Engineer

Approved by:

D. R. Von Raesfeld
City Manager

1-24-78

257

JUN 04 1986

THE CITY OF SANTA CLARA
CALIFORNIA

STREET DEPT
CORP YARD
1700 WALSH AVENU
SANTA CLARA, CA 95
(408) 984-3080

May 28, 1986

California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Att: John K. Bell

Gentlemen:

We received your letter and inspection report dated May 15, 1986. There are several items that need to be addressed.

1) In a letter to you dated October 15, 1985, the City Manager designated Sam M Cristofano, Director of Public Works/City Engineer, and Richard J. Mauck, Street Superintendent as the persons to contact regarding solid waste issues.

2) Items 17616 (pg. 1 of 10) and 17751 (pg. 10 of 10): In a letter from the CWMB to the City dated February 13, 1986, the latest 5 year review was approved.

3) The City has directed in writing, the Landfill Operator, All-Purpose Landfill to correct the areas that were in violation at the date of the inspection (26 Mar 86).

Rick Mauck
Street Superintendent

RM:WRA:sm

cc: DPW/CE

258

43-AO

THE CITY OF SANTA CLARA

CALIFORNIA

STREET DE
CORP YARD
1500 WALSH A
SANTA CLARA C
(408) 984

RECEIVED
30 1987

December 24, 1987

Bernard Vlach
Chief of Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite #300
Sacramento, CA 95814

Dear Mr. Vlach:

In December of 1986, Mr. Sam Cristofano retired from the City of Santa Clara. The new Director of Public Works is Mr. Robert R. Mortenson. Therefore, the two contact persons designated by the City Manager are:

Robert R. Mortenson-Director of Public Works/City Engineer
Richard J. Mauck-Street Superintendent

Enclosed also is a listing of contact people and phone numbers for the operator of the City of Santa Clara's landfill, All Purpose Landfill & Disposal Co.

Richard J. Mauck
Street Superintendent

RJM:WRA:sm

Encl.

cc: DPW
City Manager
Chron

APPENDIX E

THE CITY OF SANTA CLARA

CALIFORNIA

JENNIFER SPARACINO
CITY MANAGER

CITY HALL
1500 WARBURTON AVE
SANTA CLARA, CA 950
(408) 984-3101

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 43-AA
SUBMITTED BY DATE 4/10/91
TO BV JB/WO
JM/RS
DO/MV/DR

RECEIVED
8 1991

April 3, 1991

Attn: Mr. Vlach
California Integrated Waste
Management Board
Permitting Branch, Permits Division
1020 9th Street, Suite 300
Sacramento, CA 95814

Dear Mr. Vlach:

In response to your letter dated March 13, 1991 regarding the LEA Designation for the City of Santa Clara, I am clarifying the situation by stating that the Santa Clara City Council and the City Manager are the Local Enforcement Agency (LEA) for matters pertaining to the issuance of Solid Waste Facility Permits (SWFP's), and enforcement of non-health related solid waste disposal laws and regulations. Also, the Santa Clara Health Department is designated as a co-LEA responsible for enforcement of health related solid waste disposal laws and regulations.

To eliminate any apparent conflict of interest, the City of Santa Clara's Department of Planning and Inspection and their staff of planners and code enforcement inspectors will assist me in the enforcement of the applicable laws and regulations. As you can see by the enclosed City Organization Chart, the apparent conflict of interest expressed concerning the Public Works Department and its employees who may also be responsible for administration of the All Purpose Landfill operation's lease no longer exists.

The City is aware of the new regulations currently being prepared to certify LEA's pursuant to 30 PRC 43200 and has expressed concerns and objections to them. Our objections are especially concerning the proposal to eliminate divided LEA responsibilities among City and County agencies. Upon adoption of these subject regulations and the timeframes for certifications, the City will at that time consider any necessary changes in the LEA designation for the City of Santa Clara.

If you have any questions, please give me a call at 408-984-3100.

Sincerely,

Jennifer Sparacino

Jennifer Sparacino
City Manager

JS:rts

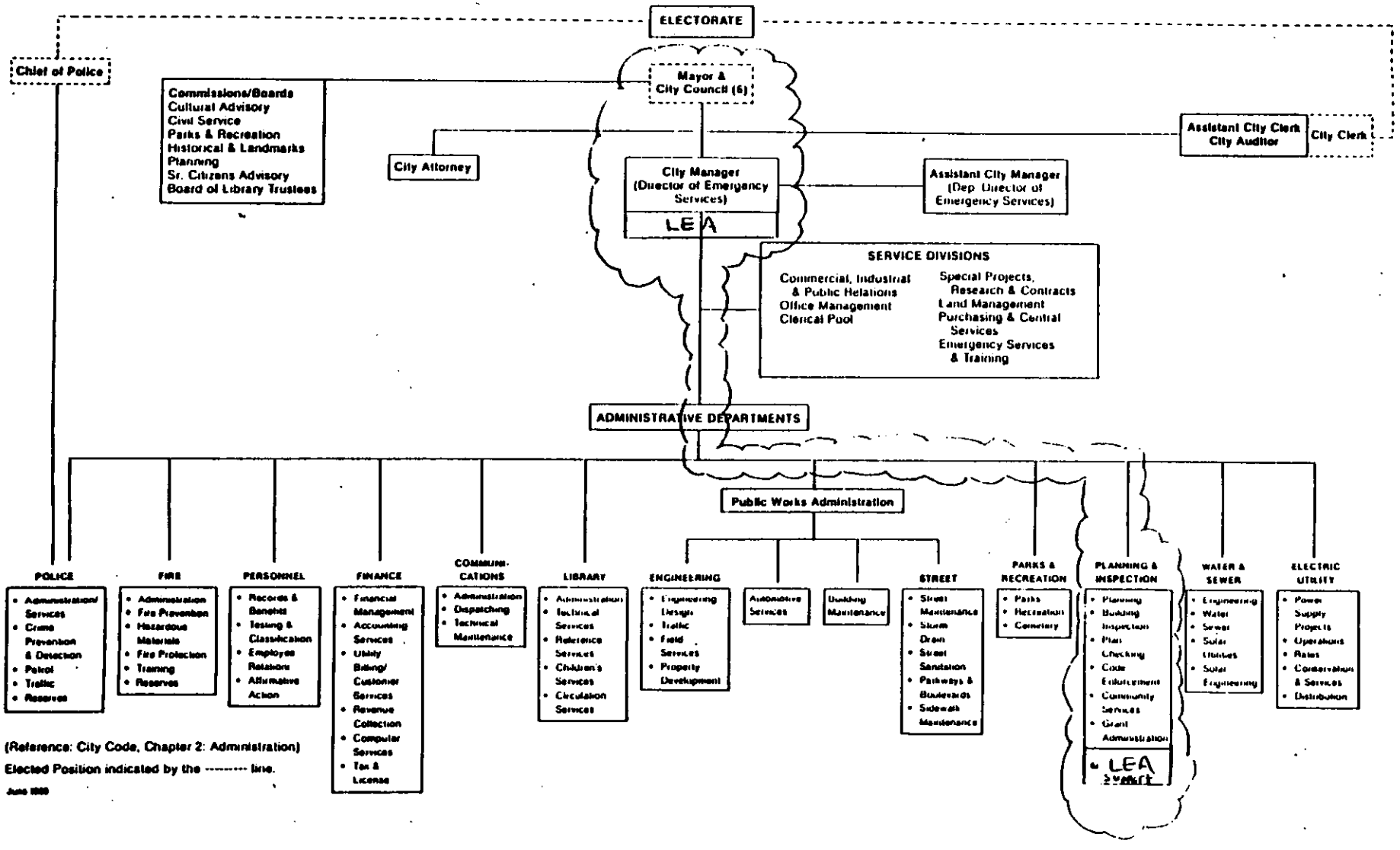
Enclosures

cc: Geoffrey Goodfellow, Director of Planning
Tony Pacheco, Santa Clara Co. Dept. of Envir. Health
Pete Ghiorso, All Purpose Landfill
Sam Rinauro, Mission Trail Waste Systems
Mark Arico, CIWMB, Enforcement Division

CIWMB.

CITY OF SANTA CLARA

ORGANIZATION CHART



(Reference: City Code, Chapter 2: Administration)

Elected Position indicated by the -------- line.

June 1989

262

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 12

ITEM: Consideration of Policy Concerning Regulation of Disposal of Asbestos Containing Waste

ABSTRACT:

The following report finds that while the CIWMB has attempted in the past to regulate asbestos disposal at Class III landfills, AB 939 actually prohibits the CIWMB and its LEA from regulating this activity. There currently exists a void in enforcing asbestos disposal requirements at Class III landfills.

BACKGROUND:

Asbestos is a naturally occurring family of fibrous minerals which include chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite. Waste material containing asbestos is referred to as asbestos containing waste (ACW). The potential for ACW to release air-borne fibers is dependent upon friability; i.e. the material's ability to be reduced to a powder or dust under hand pressure when dry. Released asbestos fibers may become suspended in air for hours and present a chronic respiratory hazard to exposed individuals. Exposure to asbestos is associated with asbestosis, mesotheliomas of pleura and peritoneum, and carcinomas of the lung.

* ACW is classified as a hazardous waste if it contains greater than 1% friable asbestos by weight (Title 22, California Code of Regulations (CCR) Sections 66680 and 66699).

* A waste mixture resulting from mixing ACW with other wastes or substances is classified as a hazardous waste (22 CCR 66300(a)(2)).

* ACW is allowed to be disposed of at Class III or unclassified landfills if the Regional Water Quality Control Board (RWQCB) expressly allows for this activity in Waste Discharge Requirements (WDR) and all other applicable laws and regulations are met (Health and Safety Code (HSC) Section 25143.7).

* At least 30 Class III landfills, regulated by the CIWMB, accept ACW.

* Division 30, Public Resources Code (PRC) Section 44103(b) requires two permits for facilities that accept both hazardous waste and other solid wastes; a Hazardous Waste Facilities Permit (HWFP) from the Department of Health Services (DHS) and a Solid Waste Facilities Permit (SWFP) from the California Integrated Waste Management Board (CIWMB).

* PRC Section 43211 specifically states that the DHS has regulatory authority for the disposal of hazardous wastes at landfills which accept both hazardous wastes and non-hazardous solid wastes.

* PRC Section 43211 specifically states that the CIWMB only has regulatory authority for the disposal of solid wastes other than hazardous wastes at landfills which accept both hazardous wastes and other solid wastes.

* Fees and taxes are collected through the Hazardous Substance Account (HSA) and the Hazardous Waste Control Account (HWCA) to provide the DHS with funds to regulate and enforce standards relating to the <u>management</u> (removal, transport, and <u>disposal</u>) of ACW.

* The Environmental Protection Agency (EPA) has established asbestos disposal requirements for active and inactive disposal sites in the Clean Air Act's National Emission Standards for Hazardous Air Pollutants (NESHAP) (Title 40, Code of Federal Regulations (CFR), Part 61, subpart M).

* The CIWMB does not have authority to enforce regulations promulgated under NESHAP.

* The DHS does not issue HWFPs to operators of Class III landfills that accept hazardous waste in conflict with PRC 44103(b).

* The DHS does not enforce disposal requirements for ACW at Class III landfills contrary to PRC 43211 and NESHAP.

* The CIWMB does not have regulatory authority to enforce disposal requirements for ACW at Class III landfills (PRC 43211).

* The CIWMB does not have authority to permit Class III landfills to dispose of ACW until the RWQCB has permitted this activity in WDR and the DHS has issued a HWFP pursuant to PRC Section 44103(b) and 14 CCR 17742.

* The CIWMB has in the past concurred with LEAs in the issuance of SWFPs for Class III landfills which allow for ACW disposal which have not received a HWFP from the DHS pursuant to PRC Section 44103(b).

* Due to unresolved health and safety concerns, CIWMB staff has been directed for the past three years to not inspect Class III landfills which accept ACW.

ANALYSIS:

The DHS regulates hazardous waste in accordance with Title 22, CCR, Division 4, Chapter 30 (Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes). Title 22 CCR 66130 states that,

> "**Management**" or "hazardous waste management" **means the systematic control of the** collection, source separation, storage, transportation, processing, treatment, recovery and **disposal of hazardous waste**. (Bolding and underlining added for emphasis)

Classification

State Regulation classifies ACW as being a **Hazardous Waste** if it contains greater than one percent (1.0%) asbestos by weight and is in a friable, powdered, or finely divided state (22 CCR 66680(d)(e) and 66699(a)(b)). A waste mixture formed by mixing any waste or substance with a hazardous waste is also classified as a hazardous waste pursuant to 22 CCR 66300(a)(2).

Wetting friable ACW and placing it in containers (plastic bags) are dust control measures required to minimize airborne emissions of asbestos fibers. Wetting friable ACW and containerization do not render ACW non-friable or non-hazardous. The landfilling (burial) of ACW reduces or eliminates airborne emissions of asbestos fibers but landfilling does not render ACW non-friable or non-hazardous.

> (Note: Non-friable ACW is considered to be nonhazardous (regardless of asbestos content) and is not subject to regulation under CCR Title 22. This type of asbestos is usually confined to floor tile, ceiling tile, and roofing materials. Non-friable asbestos is considered solid waste and its disposal is regulated by the CIWMB. As a non-hazardous waste it can be deposited at any Class III landfill that has a SWFP which specifically addresses this activity. Precautions must be taken to insure that the non-friable ACW is not rendered friable by improper waste handling and disposal practices.)

Disposal

Once a waste is classified as hazardous, it must be managed (controlled collection, storage, transportation, and disposal) as a hazardous waste. If a waste generator is able to demonstrate that Class I containment is not necessary to protect public health from a particular waste, then the DHS may grant a variance to Class I containment for that particular waste (22 CCR 66310(a)(1)).

Prior to 1986, a hazardous waste that was given a variance to Class I containment by the DHS could be discharged to a Class III landfill if the discharger demonstrated to the appropriate Regional Water Quality Control Board (RWQCB) that the waste did not pose a significant threat to water quality (23 CCR 2520(a)(1)). Since asbestos fibers are immobile in soil and do not pose a significant threat to ground water quality, RWQCBs frequently permitted ACW disposal at Class III landfills.

In 1986, SB 2572 (Marks) was passed relating to asbestos removal and disposal. One section of the bill added Section 25143.7 to the Health and Safety Code:

> Waste containing asbestos may be disposed of at any landfill which has waste discharge requirements (WDR) issued by the RWQCB which allow the disposal of such waste, **provided that the wastes are handled and disposed of in accordance with the Toxic Substances Control Act (P.L. 94-469) and all applicable laws and regulations**. (Bolding and underlining added for emphasis)

The EPA has established asbestos disposal requirements for active and inactive disposal sites under NESHAP (40 CFR Part 61, subpart M). Requirements include no visible emissions to the air during disposal or minimizing emissions by covering (normally with 6 inches of soil) the ACW within 24 hours (40 CFR 61.156(a)(c)). Under the Resource Conservation and Recovery Act (RCRA), the EPA requires that access to a disposal site used for ACW disposal be controlled to prevent exposure of the public to potential health and safety hazards (40 CFR Part 257). Therefore, for liability protection, specific recommendations concerning fencing, warning signs, separate trenching, and record keeping are made to operators of landfills that handle ACW.

Due to SB 2572, the DHS no longer needs to grant a variance to Class I containment for ACW. The DHS has seemingly interpreted this law to mean that the DHS does not need to manage the disposal of ACW, a hazardous waste, once it reaches a Class III or unclassified landfill (Attachment B). By default, this interpretation has left the CIWMB and its LEA "responsible" for enforcing ACW disposal requirements at Class III landfills and the

RWQCB at unclassified landfills. However, the CIWMB has no authority under NESHAP or the PRC to regulate hazardous waste (ACW) at Class III landfills.

> (Note: As discussed below under enforcement, the CIWMB only has enforcement and regulatory powers relating to the control of solid wastes other than hazardous wastes at mixed waste disposal facilities (30 PRC 43211). As a result, disposal requirements for this hazardous waste (ACW) have gone unenforced at Class III landfills.)

Permits

CIWMB files indicate that at least 30 Class III landfills currently accept ACW in California (Attachment A).

Permitting requirements for Class III landfills accepting hazardous wastes including ACW, are described in PRC Section 44103(b):

> For those facilities which accept both hazardous wastes and other solid wastes, two permits shall be required, as follows:
>
> (1) The hazardous waste facilities permit (HWFP) issued by the State Department of Health Services pursuant to Article 9 (commencing with Section 25200) of Division 20 of the Health and Safety Code.
>
> (2) The solid waste facilities permit (SWFP) issued by the enforcement agency pursuant to this article.

In addition, 14 CCR 17742 states that:

> A site shall not accept hazardous wastes unless the site has been approved for the particular waste involved.

In the past, the CIWMB has used the SWFP as the vehicle for granting this approval. As outlined in the Special Wastes Handbook, prepared by EBA for the CWMB (Spring 1988):

> Receipt of asbestos or plans to receive asbestos must be permitted in a SWFP issued by the LEA and concurred on by the CWMB. Acceptance of hazardous wastes at solid waste landfills will only be allowed at landfills approved for such action. If the current permit does not include asbestos, it must be revised. This will also require the modification of [amendment to] the RODSI [Report of Disposal Site Information].

Although SB 2572 allows ACW to be disposed of at Class III or unclassified landfills with RWQCB approval, it does not alter the hazardous waste classification of ACW. In accordance with PRC 44103(b), two permits (HWFP and SWFP) along with WDR that expressly permit the disposal of ACW at Class III landfills that accept both hazardous waste and other solid wastes are required.

Calaveras Asbestos Monofill (CAM)

Calaveras Asbestos, Ltd. has sited an asbestos disposal facility near Copperopolis, Calaveras County. CIWMB files indicate that this facility is operating without a HWFP or a SWFP:

CIWMB staff found that "...because the facility is intended expressly for the purpose of receiving hazardous waste, the California Waste Management Board has no enforcement or regulatory authority and all enforcement activities shall be performed by the Department of Health Services (DHS), pursuant to Division 20 of the Health and Safety Code (Government Code, Section 66796.11)." (Attachment C)

DHS staff found that "...as a followup to our meeting of March 24, 1987, concerning your proposed asbestos disposal landfill, I am pleased to inform you that the California Department of Health Services does not play any role with regard to permitting requirements." (Attachment D)

Enforcement

Enforcement activities for Class III landfills accepting hazardous wastes as well as other solid wastes are described in PRC Section 43211:

> For those facilities which accept both hazardous wastes and other solid wastes, the State Department of Health Services shall exercise enforcement and regulatory powers relating to the control of the hazardous wastes at the facility pursuant to Chapter 6.1 (commencing with Section 25015) and Article 8 (commencing with Section 25180) of Chapter 6.5 of Division 20 of the Health and Safety Code. The board [CIWMB] shall, at mixed waste disposal facilities, exercise enforcement and regulatory powers relating to the control of solid wastes other than hazardous wastes at the facility pursuant to this chapter.
>
> (Note: A waste mixture formed by mixing any waste or substance with a hazardous waste must also be managed as a hazardous waste pursuant to 22 CCR 66300(a)(2))

The CIWMB has yet to develop and implement a respiratory protection program required by federal law for employees working in and around asbestos. For at least the past 3 years, CIWMB staff has therefore been directed not to inspect solid waste facilities which accept ACW. This has resulted in a situation where the CIWMB is concurring with LEAs in the issuance of SWFPs which allow ACW disposal (in violation of PRC Section 44103(b) and 14 CCR 17742) while the CIWMB staff has been directed not to inspect these facilities.

Although SB 2572 allows ACW to be disposed of at Class III or unclassified landfills with necessary WDRs, it does not alter the hazardous waste classification for ACW. In accordance with PRC 43211, at facilities which accept both hazardous wastes and other solid wastes, the DHS "shall exercise" enforcement and regulatory powers to control the disposal of hazardous waste (ACW) and the CIWMB "shall exercise" enforcement and regulatory powers to control the disposal of solid waste other than hazardous waste. The DHS has not been inspecting and enforcing hazardous waste laws and regulations at Class III landfills accepting ACW.

Fees and Taxes

State law imposes a fee and tax on the land disposal of hazardous waste. Fees and taxes apply to asbestos removals and are generally payable directly by the generator of the ACW. The annual Hazardous Substance Account (HSA) tax is calculated after the Board of Equalization (BoE) receives disposal returns. Persons who disposed of more than 500 pounds in a year of asbestos are contacted directly by the BoE for disposal amount verification. The Hazardous Waste Control Account (HWCA) fees are payable directly by generators who have disposed of more than 500 pounds in one year of ACW to land. If the removal involved less than 500 lbs., the disposal fee is payable by the facility which accepted the waste.

For bookkeeping purposes, Class III facilities which accept ACW, record and report this tonnage separately from tonnages for other wastes. The fees and taxes collected on tonnage for ACW are provided to the DHS through the HSA and HWCA for the management of this hazardous waste. The CIWMB does not receive tax dollars for this separately recorded and reported tonnage.

STAFF COMMENTS:

This review of applicable Federal and State laws and regulations indicates that while asbestos containing wastes may be disposed at Class III landfills, the CIWMB has little or no authority to permit or regulate this activity.

The previous Board regularly concurred with LEAs in the issuance of Solid Waste Facilities Permits for Class III landfills which allowed for the disposal of asbestos containing waste. However, under the previous Board, Board staff were not allowed to inspect these landfills because a respiratory protection program had not been developed and implemented for Board landfill inspectors.

This review also indicates that even though the Department of Health Services has the authority to permit and regulate asbestos containing waste at Class III landfills, the DHS has not been permitting or inspecting these facilities.

In the near future, the CIWMB will be considering proposed Solid Waste Facilities Permits for Class III landfills which accept or propose to accept asbestos containing waste. A policy regarding CIWMB concurrence with LEAs in the issuance of such permits needs to be developed as soon as possible. While CIWMB landfill inspectors are trained to use respiratory protection equipment, the CIWMB has not developed and implemented the required respiratory protection program necessary to send inspectors to landfills accepting asbestos containing wastes. The CIWMB Interim Field Health and Safety Plan, dated June 26, 1991, limits CIWMB field staff to conducting Level "D" type inspections, which have no significant respiratory hazards.

In deciding how to deal with this policy issue, the CIWMB could initiate discussions with DHS. Such discussions could result in at least two possible outcomes:

1. An interim understanding between the CIWMB and the DHS that would provide for permitting, inspecting, and enforcement at facilities accepting ACW, and

2. Legislation to re-define the authority over the regulation of disposal of ACW at Class III landfills.

Attachments:

A- SWIS list (6/20/91)of Class III landfills accepting ACW

B- Correspondence (3/31/91) from the CIWMB to the Calaveras County LEA regarding CAM

C- Correspondence (3/24/87) from the DHS to CAM project proponent

D- Correspondence (3/10/88) from the DHS to concerned citizen regarding CAM

Prepared by: John K Bell Phone 322-2662

Reviewed by: Benny R Veach Phone 322-6172

Legal review: [illegible] Date/Time 7-1 1345

6/20/91

ATTACHMENT A

Swis No.	Facility Name	County	Permit Date
01-AA-0009 Haz = Asbestos	Altamont Sanitary Landfill	Alameda	11/20/89
05-AA-0024 Haz = Asbestos	Calaveras Asbestos, LTD & Asbestos Containing Waste	Calaveras	none
09-AA-0003 Haz = Non-Friable Asbestos	Union Mine Disposal Site	El Dorado	07/14/78
13-AA-0023 Haz = Asbestos	GSX Services (Imperial Valley) INC.	Imperial	none
14-AA-0005 Haz = Asbestos	Bishop Sunland	Inyo	10/27/78
15-AA-0067 Haz= Asbestos and not permitted to	North Belridge Solid Waste Disp. Site	Kern	04/19/84
15-AA-0151 Haz = Asbestos	Edwards AFB-Rocket Propulsion Landfill (no longer accepted)	Kern	07/27/79
15-AA-0153 Haz = Friable Asbestos	Valley Tree & Const. Disposal Site	Kern	07/27/79
16-AA-0005 Haz = Friable Asbestos	NAS Lemoore Sanitary Landfill	Kern	10/15/79
19-AA-0043 Haz = Asbestos	Nu-Way Industries, Inc. Quit Excepting 1985	L.A.	06/25/90
21-AA-0001 Haz = Asbestos	Redwood Sanitary Landfill	Marin	05/25/78
23-AA-0018 Haz = Asbestos	South Coast Refuse Disposal	Mendocino	04/01/85

25-AA-0001 Haz = Asbestos	Alteras Sanitary Landfill	Modoc	04/18/78
29-AA-0001 Haz = Asbestos	McCourtney Landfill	Nevada	09/15/78
36-AA-0018 Haz = Asbestos	Kaiser Steel Corporation buried till 1981	San Bern.	None
36-AA-0068 Haz = Asbestos	Reserve Camp Training Center	San Bern.	10/12/79
37-AA-0023 Haz = Asbestos	Sycamore Sanitary Landfill	San Diego	01/16/79
39-AA-0013 Haz = Asbestos	Johns - Manville Corp.	San Joaquin	03/02/78
40-AA-0004 Haz = Asbestos	Cold Canyon Landfill Solid Waste Disp. and not permitted to	San Luis	08/16/79
40-AA-0008 Haz = Asbestos	Chicago Grade Landfill and not permitted	San Luis	10/16/86
41-AA-0002 Haz = Asbestos	Ox Mountain Sanitary Landfill and no longer excepting	San Mateo	01/06/87
42-AA-0012 Haz = Asbestos	Vandenburg AFB Landfill not permitted to	Santa Barbara	09/08/78
43-AA-0004 Haz = Asbestos	Pacheco Pass Sanitary Landfill	Santa Clara	06/20/85
43-AN-0015 Haz = Asbestos	Guadalupe Disposal Site	Santa Clara	06/26/79
44-AA-0004 Haz = Asbestos	Buena Vista Disposal Site	Santa Cruz	06/22/85

48-AA-0002 Haz = Asbestos	B & J Landfill	Solano	01/20/84
48-AA-0075 Haz = Asbestos	Potrero Hills Sanitary Landfill	Solano	12/15/89
57-AA-0004 Haz = Asbestos	Univ. of CA of Davis	Yolo	09/19/78
57-AA-0020 Haz = Asbestos	Spreckles Woodland Landfill	Yolo	09/19/78
58-AA-0005 Haz = Asbestos	Yuba-Sutter Disposal Inc.	Yuba	05/30/80

Total Landfills 352
Number with Asbestos 30

8.5%

CALIFORNIA WASTE MANAGEMENT BOARD
1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

Don D. -
FYI
Asbestos

March 31, 1988

Mr. Wes Gebb, Director
Environmental Health Department
Calaveras County Health Department
Government Center
San Andreas, CA 95249

Dear Mr. Gebb:

This is in response to your March 3, 1988, letter regarding the proposed operation of a hazardous waste facility in Calaveras County expressly for the purpose of disposal of asbestos containing wastes (ACW). In your letter, you describe the applicant's efforts to meet the regulatory requirements of various state, local and special district concerns. The purpose of your letter was to involve those agencies at an early level to ensure that there were no concerns that were not met. Lastly, you indicated that you would like our comments on your proposed scenario for regulating this facility.

In your letter, you indicated that the facility would be a hazardous waste disposal site, but you did not indicate that the applicant had applied for a Hazardous Waste Facility Permit. You did indicate, however, that an application had been received for a Solid Waste Facilities Permit. Because the facility is intended expressly for the purpose of receiving hazardous waste, the California Waste Management Board has no enforcement or regulatory authority and all enforcement activities shall be performed by the Department of Health Services (DHS), pursuant to Division 20 of the Health and Safety Code (Government Code, Section 66796.11).

If you have any questions, please call Bernard Vlach, Chief of the Board's Enforcement Division, at (916) 322-6172.

Sincerely,

Herbert Iwahiro
Chief Deputy Executive Officer

HI:BV:pm

cc: Dr. Robert E. Marshall, Health Officer, Calaveras County
Brent Harrington, Calaveras County Planning Department
Gordon Coats, Calaveras Asbestos, Ltd.
Earl Withycombe, Mountain Counties Air Basin
Department of Health Services
CRWQCB - Central Valley Region

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY ATTACHMENT C GEORGE DEUKMEJIAN

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814
(916) 323-2913

March 24, 1987

Gordon A. Coats, President
Calaveras Natural Resources, Inc.
Calaveras Asbestos Ltd.
P.O. Box 127
Copperopolis, CA 95228

Dear Mr. Coats:

As a followup to our meeting of March 24, 1987, concerning your proposed asbestos disposal landfill, I am pleased to inform you that the California Department of Health Services does not play any role with regard to permitting requirements. You are quite correct in your statement that justification is the responsibility of the Calaveras County Health Department. Additionally, you will also need to satisfy all requirements of the Regional Water Quality Control Board.

I enjoyed very much meeting with you and your staff and wish you success in your venture. We are always looking for better ways to help solve our environmental problems.

Sincerely,

Alex R. Cunningham

Alex R. Cunningham
Chief Deputy Director

ATTACHMENT D

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, Gov.

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814
(916) 323-2913

RECEIVED
MAR 14 1988
CALAVERAS COUNTY
ENVIRONMENTAL HEALTH DEPT.

MAR 10 1988

Ms. Lea Silva
107 S. Washington
Sonora, CA 95370

Dear Ms. Silva:

Thank you for your recent letter and newspaper article concerning the asbestos disposal site near Copperopolis. We appreciate the concerns expressed in your letter.

The Department of Health Services reviewed the Initial Study and Notice of Preparation, dated August 12, 1987, for the proposed landfill, and made several substantive comments which are to be addressed in the Environmental Impact Report for this project. The Department's role in the siting of this facility, however, is limited. The Regional Water Quality Control Board, another State regulatory agency, is responsible for issuing the waste discharge requirements for this facility. These waste discharge requirements will fully address the potential impacts to water quality which you are concerned about.

The Regional Water Quality Control Boards are charged with protecting the waters of the State, and will not allow the proposed facility to degrade water quality such that beneficial uses are affected. Perhaps you should contact these agencies to discuss this particular point. If you have any further questions concerning the Department's role in this area, please contact me or James Allen, Chief of the Northern California Section regional office at (916) 739-3374..

Sincerely,

Original signed by:

for Alex R. Cunningham
Chief Deputy Director

cc: (See next page)

cc: Regional Water Quality Control Board
Central Valley Region
3443 Routier Road
Sacramento, CA 95827

Harvey R. LaBounty, Director
Calaveras County Environmental Health
Government Center
891 Mountain Ranch Road
San Andreas, CA 95249

James Allen, Chief
Northern California Section
Toxic Substances Control Division
Department of Health Services
4250 Power Inn Road
Sacramento, CA 95826

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 13

ITEM: Consideration of Preliminary Closure and Postclosure Maintenance Plans for Intermountain Landfill, Shasta County

BACKGROUND:

Key Issues

- The Board approved the operator certification for financial assurance for closure and postclosure maintenance on November 9, 1990.
- The Board concurred in the issuance of the revised Solid Waste Facilities Permit on March 20, 1991. The Solid Waste Facilities Permit was issued by the local enforcement agency (LEA) on April 21, 1991.

Facility Facts

Project:	Consideration of Preliminary Closure and Postclosure Maintenance Plans
Facility Type:	Class III landfill
Name:	Intermountain Landfill, Inc. (formerly Packway Materials Landfill), Facility No. 45-AA-0022
Location:	Five miles northeast of the town of Burney in Shasta County
Setting:	Rural
Operational Status:	Commenced operations Summer 1985
Permitted Maximum Daily Capacity:	WMU-I (Municipal Solid Waste) 120 TPD WMU-II (Tire Pit) 1000 tires per year, WMU-III (Ash Monofill) 120 TPD
Volumetric Capacity:	WMU-I 680,000 cubic yards WMU-II Not Applicable WMU-III 655,000 cubic yards

Area:	164 acre site, WMU-I 15 acres, WMU-II 0.25 acre, WMU-III 14 acres
Owner/Operator:	Intermountain Landfill, Inc.
LEA:	Shasta County Department of Environmental Health
Closure date:	WMU-I 2017 WMU-II 2017 WMU-III 1995

Facility Description

Intermountain Landfill is a regional facility that receives solid waste from the eastern portion of Shasta County. The facility was constructed during 1984-85 and commenced operation in the summer of 1985. The landfill operation covers approximately 40 acres and includes three waste management units (WMU):

WMU-I accepts municipal wastes such as residential and commercial solid wastes, white goods, stumps, auto bodies, dry sewage sludge, and dead animals. The unit is being developed in three phases. Each phase will cover an area 400 feet wide and 300-600 feet long. Solid waste is spread and compacted in 2-foot lifts with a top slope of 5:1 and a sideslope of 3:1. In order to prevent vertical migration of leachate, an impermeable liner is placed beneath the fill. In conjunction with the liner, a leachate collection system is also being installed. The liner and parts of the collection system are installed in advance of the filling operation within each phase. WMU-I has an estimated capacity (Phases I through III) of 680,000 cubic yards and estimated site life of 28 years.

WMU-II uses the trench fill method for disposal of tires and is permitted to accept 1000 tires per year. This WMU covers approximately 1/4 acre with average depth of 25 feet. Upon closure of WMU-I, WMU-II will also be closed.

WMU-III operates as a wood ash monofill. The ash is generated by cogeneration plants in the area. At the anticipated annual rate of fill of 144,000 cubic yards, the life expectancy of the WMU-III is five years. As an ash monofill, under provision that chemical analyses indicate waste to be non-hazardous, the unit does not require a liner and leachate collection system. There will be, however, a minimum 5-foot layer of native soil between the basalt rock and ash. WMU-III will be developed as a trench fill from the north end of the property, and developed south toward the southern parcel boundary.

The recently revised permit also adds agricultural wastes, wood mill waste, industrial waste, and demolition waste to the list of permitted wastes that may be received at the facility.

ANALYSIS:

California Environmental Quality Act (CEQA)

CEQA requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over a project. A preliminary closure plan does not constitute a project under CEQA because it cannot be implemented as written. A preliminary plan does not contain the detail of a final plan. At the time a final plan is submitted, two years prior to closure, CEQA compliance will be required.

Closure Requirements

The scope of the Intermountain Landfill closure involves compliance with the minimum standards for disposal site closure and postclosure maintenance found in Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 3, Article 7.8. Landfill operators are required to submit preliminary closure and postclosure maintenance plans to the Regional Water Board, Local Enforcement Agency and the Board. After receiving preliminary plans, these three agencies have 30 days to deem the plans complete. After the plans are deemed complete, the LEA and Regional Water Board both have 60 days to transmit written comments about the plans' adequacy to the Board. Within 60 days from the date of written approval by the LEA and the Regional Water Board, the Board must transmit to the operator a formal letter of approval or denial. After a careful review of the closure and postclosure maintenance plans for Intermountain Landfill by all three agencies, both documents have been found in full compliance with the minimum requirements as outlined in Attachment 2.

Closure and Postclosure Certification of Financial Assurance

The operator has complied with statutory requirements by certifying the following:

1) preparation of a cost estimate for closure and postclosure maintenance;

2) establishment of a financial mechanism; and

3) funding of the mechanism to ensure adequate resources for closure and postclosure maintenance.

A trust fund with Franklin Trust Company has been established as the financial mechanism for the Intermountain Landfill. At its April 1990 meeting, the Board delegated the authority to approve non-controversial certifications utilizing standard forms found in Board regulations to the Executive Director. On November 9, 1990, the certification for Intermountain Landfill was approved by the Executive Director.

Cost Estimate

The Board's Closure Branch has reviewed the cost estimate for the preliminary closure and postclosure maintenance of Intermountain Landfill. Board staff has verified that the cost estimate satisfies the minimum requirements of 14 CCR 18263 and 18266.

These cost estimates were prepared and certified by a registered civil engineer. The itemized cost calculations for materials, labor, monitoring, maintenance, and replacement costs of materials have been checked. The following is a summary of closure and postclosure maintenance costs including a 20% contingency.

Closure Costs	$	113,400
Postclosure Maintenance (15 years)	$	113,400
Total Costs	$	226,800

Plan Approval By Other Agencies

On December 28, 1990,the Central Valley Regional Water Quality Control Board approved the preliminary closure and postclosure maintenance plans (Attachment 3). On April 19, 1991, the Shasta County Department of Environmental Health, as the local enforcement agency, approved the preliminary closure and postclosure maintenance plans (Attachment 4).

STAFF COMMENTS:

Board staff found the closure and postclosure maintenance plans to be in compliance with the Board's closure requirements.

Options:

1. Take no action. The Board has until July 18, 1991, to approve or deny approval of the preliminary closure and postclosure maintenance plans for Intermountain Landfill. Unlike solid waste facilities permits, approval is not given in the absence of Board action.

2. Disapprove the preliminary plans. This action is appropriate if the operator has not complied with the Board's closure requirements.

3. Approve the preliminary plans. This action is appropriate if the operator has complied with the requirements of 14 CCR, Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5.

ATTACHMENTS:

1-A and 1-B. Landfill location maps

2. List of closure and postclosure maintenance requirements

3. Letter of approval from Central Valley Regional Water Quality Control Board

4. Approval letter from Shasta County Department of Environmental Health

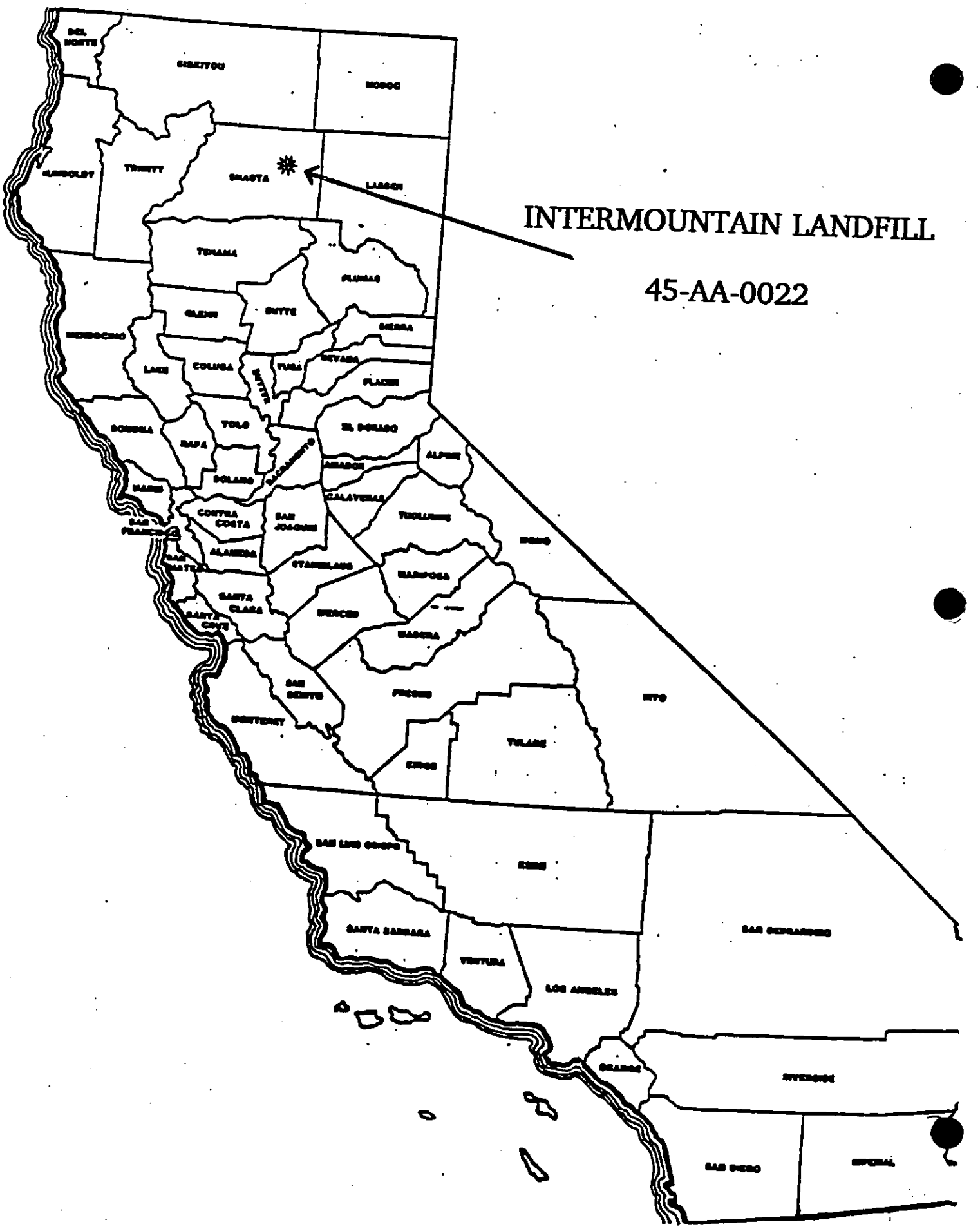
5. Resolution 91-51

Prepared by: Janicki Phone: (916) 323-5384

Reviewed By: [illegible] Phone: [illegible]-9178

Legal review: MCM Date/Time: 7/2/91-12:45pm

ATTACHMENT 1-A



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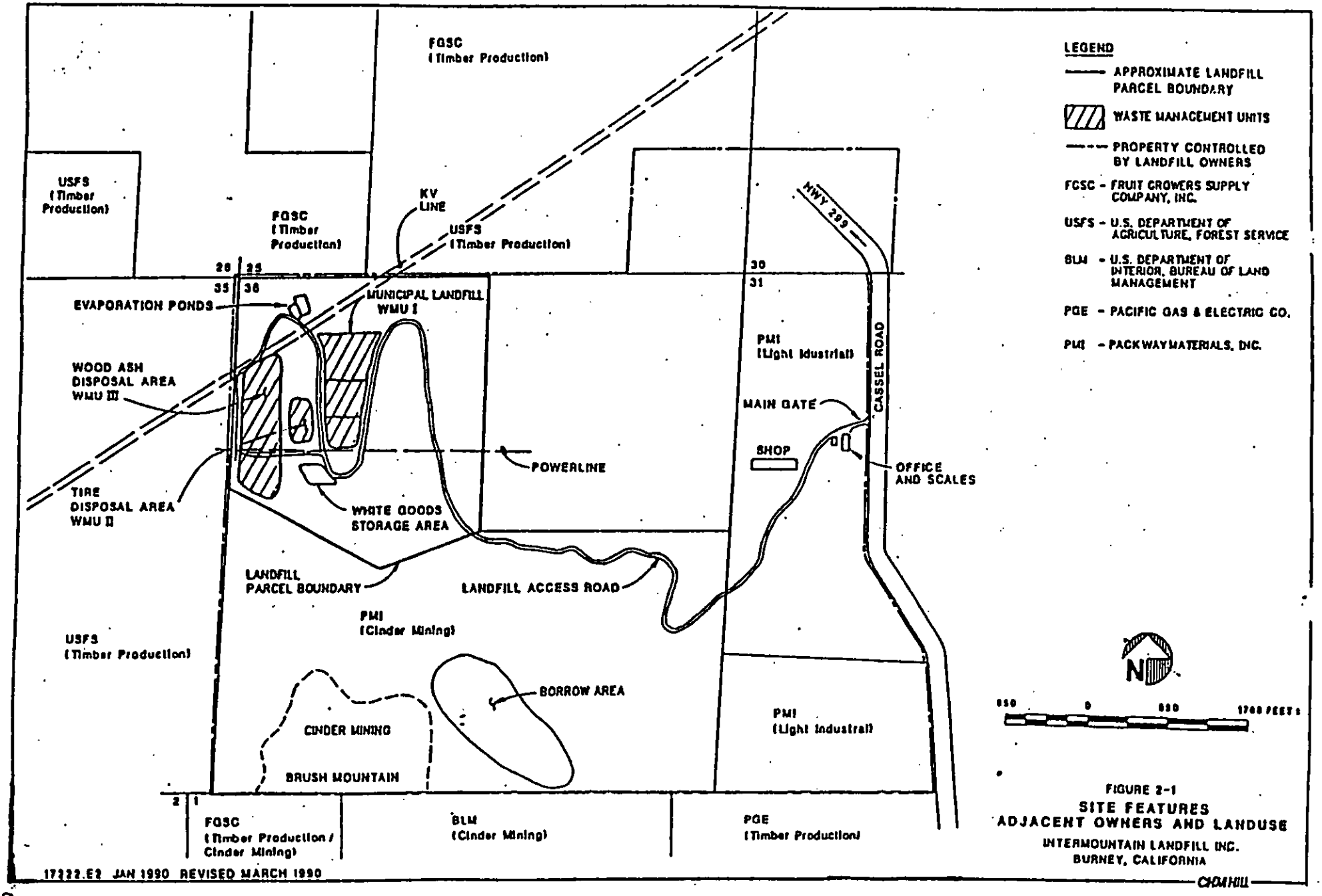


FIGURE 2-1
SITE FEATURES
ADJACENT OWNERS AND LANDUSE
INTERMOUNTAIN LANDFILL INC.
BURNEY, CALIFORNIA

ATTACHMENT 1-B

285

LIST OF CLOSURE AND POSTCLOSURE MAINTENANCE REQUIREMENTS SATISFIED BY THE OPERATOR (14 CCR, Division 7, Chapter 3, Article 7.8, Sections 17766 to 17796 and Chapter 5, Article 3.4, Sections 18261 to 18268)

For Closure

1. Landfill location map--see attachment 1.
2. Landfill topographic map.
3. Sequence of closure stages for all three WMU's.
4. A description of landfill structures removal--no structures to be removed.
5. A description of current monitoring and control systems.
6. A description of decommissioning of environmental controls.
7. A description of site security--site access is controlled by a gate and fences around the entire facility.
8. Gas monitoring system.
9. Ground water monitoring--meets requirements of 14 CCR 17782 and facility holds valid Waste Discharge Requirements from the Regional Board for ground water monitoring.
10. Final Grading--the final grading will meet the requirements of 14 CCR 17776.
11. Placement of final cover--final cover will meet the requirements of 14 CCR 17773 and be placed in accordance with 14 CCR 17774.
12. Final site face--will be 3 : 1 (horizontal to vertical) and not require a slope stability report in accordance with 14 CCR 17777.
13. Drainage Controls--drainage diversion ditches will divert runoff around the facility in accordance with 14 CCR 17778.
14. Slope protection and erosion control--native vegetation will be planted to protect the final cover from erosion.
15. Construction Quality Assurance (CQA) procedures--a CQA program is included in the closure plan.

For Postclosure

1. Emergency Response Plan--an emergency response plan has been submitted.
2. A description of postclosure land use--the postclosure land use will be non-irrigated open space.
3. Program for postclosure inspection/maintenance--the postclosure plan meets the requirements of 14 CCR 18265.3.
4. Persons responsible for postclosure maintenance are identified in the plan.
5. Specific monitoring tasks and their frequency are identified.
6. Reporting requirements are given.
7. The closure plan gives a description of collection and recovery systems and frequency of operation.
8. As-built descriptions of current monitoring and collection systems are given.

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION
SHASTA CASCADE WATERSHED BRANCH OFFICE:
:NOLLCREST DRIVE
JING, CA 96002
ONE: (916) 224-4845

28 December 1990

JUN - 3

Mr. George H. Larson, Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

PRELIMINARY CLOSURE AND POST CLOSURE MAINTENANCE PLANS, WASTE MANAGEMENT UNITS I, II & III, INTERMOUNTAIN LANDFILL, SHASTA COUNTY

We have reviewed the subject report, revised December 1990, for conformance with the requirements of Article 8 of Title 23, Division 3, Chapter 15, California Code of Regulations, DISCHARGES OF WASTE TO LAND.

The plan adequately addresses the requirements of Chapter 15 and is hereby approved. With our current understanding of the site, the plans should provide adequate protection for both surface and ground water throughout the postclosure maintenance period.

If you or your staff have any questions concerning our review, please contact Philip V. Woodward of my staff at (916) 224-4853, or the address above.

FOR
WILLIAM C. CROOKS
Executive Officer

PVW:tch

cc: Mr. Jim Smith, Shasta County Department of Environmental Health, Redding
Mr. Bill Ramsdale, Shasta County Department of Public Works, Redding
Mr. Merle Packham, Intermountain Lanfill, Inc., Hat Creek

ATTACHMENT 4

SHASTA COUNTY

DEPARTMENT OF ENVIRONMENTAL HEALTH

1855 Placer Street
Redding, California 96001
Telephone (916) 225-5787

Russ Mull, R.E.H.S.
Director

James Smith, R.E.H.S.
Deputy Director

Fax (916) 225-5807

RECEIVED
APR 22 1991

April 19, 1991

Cheryl Closson
California Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Preliminary Closure/Post Closure Maintenance Plan for Intermountain Landfill (45-AA-0022)

Dear Ms. Closson:

This office has reviewed the Preliminary Closure/Post Closure Maintenance Plan for Intermountain Landfill. Based on this review, we have determined the plans comply with the regulations contained in 14 CCR, chapter 3, Article 7.8, and Chapter 5, Article 3.4.

Please do not hesitate to contact me if you have any questions in this matter.

Sincerely,

James Smith

James Smith, R.E.H.S.
Deputy Director

JS/dl

California Integrated Waste Management Board
Resolution 91-51
July 18, 1991

WHEREAS, the Board finds that proper closure and postclosure maintenance plans are necessary for the protection of air, land, and water from the effects of pollution from solid waste landfills; and

WHEREAS, Title 7.3, Government Code, Section 66796.22 requires any person intending to close a solid waste landfill to submit closure plans to the Board, Local Enforcement Agency, and the Regional Water Board; and

WHEREAS, the operator of Intermountain Landfill has submitted preliminary closure and postclosure maintenance plans to the Regional Water Board, the Local Enforcement Agency, and the Board for approval; and

WHEREAS, both the Regional Water Board and the Local Enforcement Agency have approved the preliminary closure and postclosure maintenance plans for Intermountain Landfill; and

WHEREAS, Board staff has reviewed the closure and postclosure maintenance plans for the above facility and found that the plans meet the requirements contained in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5; and

WHEREAS, the operator has met the closure and postclosure certification requirements of Title 7.3, Government Code, Section 66796.22(b).

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the preliminary closure and postclosure maintenance plans for Intermountain Landfill, Facility No. 45-AA-0022.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 9, 1991

AGENDA ITEM 14

ITEM: Consideration of Preliminary Closure and Postclosure Maintenance Plans for Simpson Paper Company, Twin Bridges Landfill, Shasta County

BACKGROUND:

Key Issues

- The Board approved the operator certification for financial assurance for closure and postclosure maintenance on January 25, 1990.
- The Board concurred in the issuance of the Solid Waste Facilities Permit on September 27, 1990. The Solid Waste Facilities Permit was issued by the local enforcement agency (LEA) on October 24, 1990.

Facility Facts

Project:	Consideration of Preliminary Closure and Postclosure Maintenance Plans	
Facility Type:	Class II landfill	
Name:	Twin Bridges Landfill Facility No. 45-AA-0058	
Location:	City of Anderson, Shasta County	
Setting:	Rural	
Operational Status:	Commenced operations September 1990	
Permitted Maximum Daily Capacity:	85 tons (113 cubic yards)	
Volumetric Capacity:	Phase I	130,000 cubic yards
	Phase II	170,000 cubic yards
	Phase III	210,000 cubic yards
	Phase IV	180,000 cubic yards
	Phase V	160,000 cubic yards
	Total	850,000 cubic yards

Area:	160 acre site, 21 acres of fill area, 5 acres leachate holding pond	
Owner/Operator:	Simpson Paper Company	
LEA:	Shasta County Department of Environmental Health	
Closure date:	Phase I	July 1997
	Phase II	July 2006
	Phase III	July 2018
	Phase IV	July 2028
	Phase V	July 2037

Facility Description

The Twin Bridges Landfill is a Class II landfill receiving non-hazardous solid waste. The site consists of a solid waste facility and a leachate surface impoundment. The landfill is owned and operated by Simpson Paper Company. The site commenced operations in September 1990. The total acreage of the facility is 160 acres. Twenty six acres are permitted for use as a landfill as follows:

> Approximately 21 acres are divided into five landfill cells (WMU 1), and the leachate holding pond (WMU 2) and access roads cover the remaining 5 acres.

The landfill will consist of five cells each having a life span of approximately ten years. Each cell will have a composite liner consisting of a natural soil liner 12 inches or greater in thickness, with a permeability of not more than $1x10^{-6}$ cm/sec overlain with a 60 ml high density polyethylene liner.

The total landfill footprint of Phases I through V will occupy approximately 19.56 acres. The landfill will be closed in phases. The maximum area that will require closure at any time will be 7.32 acres, in Phase V.

The following monitoring systems have been installed at the landfill:

> The vadose zone monitoring system - there are currently two pan and two suction lysimeters beneath the Phase I cell of WMU 1. One pan and one suction lysimeter are installed beneath WMU 2.
>
> Ground water monitoring system - currently there are six monitoring wells installed at the site, three upgradient and three downgradient of the facility. These wells will help

detect any possible leakages through the liner.

Leachate monitoring system - grab samples of liquid from the leachate holding pond are taken and analyzed.

Additionally, there is also a leachate control system which includes leachate removal and collection system, a leachate holding lagoon, and storm water sedimentation basins. The leachate is collected in the permeable rock blanket installed over the landfill liner and perforated HDPE piping. Dual solid HDPE pipes then transport the leachate to the holding lagoon. The leak detection system monitors both the piping and the effectiveness of the liner. The holding facility was designed to hold leachate and precipitation from a 1000-year, 24-hour event. The holding pond is lined with a 100 ml HDPE liner as well as with a secondary FML\clay liner. The leachate is pumped out and transported once a week to the Simpson Paper Company's mill for treatment. Two storm water sedimentation basins located at the landfill, the primary and the secondary basins, were designed for a 1000-year, 24-hour event and are used to enhance the quality of the run-off before it is discharged to Dry Creek.

The waste accepted at the landfill is a paper mill sludge which is fairly uniform and with a high content of water. The sludge is dewatered in a screw press at the Anderson mill prior to landfilling; at the pressure of 100 psi, the water content is reduced by as much as 50%. At the maximum height of sludge, 65 feet, the pressure on the bottom of the fill will be only 28 psi, thus very little consolidation due to the void area reduction is being anticipated.

The minimum slope of the final cover is 3 percent, and the maximum slope is 25 percent (4:1). In order to monitor the differential settlement, the following techniques will be used after the final cap will be installed:

1. Two permanent monuments will be installed at the landfill site.

2. An aerial photographic survey of the entire site will be performed upon completion of final closure activities and every five years throughout the postclosure maintenance period.

3. Iso-settlement maps will be prepared.

Each phase of the landfill will be closed with a final top cover as final filling contours are reached. When Phase V reaches capacity, final closure activities for the whole site will take place. These will include installation of the perimeter gas monitoring and security systems. The final closure and

postclosure maintenance plans will be approved two years prior to the closure of the site.

ANALYSIS:

California Environmental Quality Act (CEQA)

CEQA requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over a project. A preliminary closure plan does not constitute a project under CEQA because it cannot be implemented as written. A preliminary plan does not contain the detail of a final plan. At the time a final plan is submitted, two years prior to closure, CEQA compliance will be required.

Closure Requirements

The scope of the Twin Bridges Landfill closure involves compliance with the minimum standards for disposal site closure and postclosure maintenance found in Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 3, Article 7.8. Landfill operators are required to submit preliminary closure and postclosure maintenance plans to the regional water board, local enforcement agency and the Board. After receiving preliminary plans, these three agencies have 30 days to deem the plan complete. After the plans are deemed complete, the LEA and regional water board both have 60 days to transmit written comments about their adequacy to the Board. Within 60 days from the date of written approval by the LEA and the regional water board, the Board must transmit to the operator a formal letter of approval or denial. After a careful reviewing of the closure and postclosure maintenance plans for Twin Bridges Landfill, both documents have been found in full compliance with the minimum requirements as outlined in Attachment 2.

Closure and Postclosure Certification of Financial Assurance

The operator has complied with statutory requirements by certifying the following:

1) preparation of a cost estimate for closure and postclosure maintenance;

2) establishment of a financial mechanism; and

3) funding of the mechanism to ensure adequate resources for closure and postclosure maintenance.

A trust fund with Bank of America National Trust & Savings Association, has been established as the financial mechanism for the Twin Bridges Landfill.

At its April 1990 meeting, the Board delegated the authority to approve non-controversial certifications utilizing standard forms found in Board regulations to the Chief Executive Officer. On January 25, 1990, the certification for Twin Bridges Landfill was approved by the CEO.

Cost Estimate

The Board's Closure Branch has reviewed the cost estimates for the preliminary closure and postclosure maintenance of Twin Bridges Landfill. Board staff has verified that the cost estimates satisfy the minimum requirements of 14 CCR 18263 and 18266.

These cost estimates were prepared and certified by a registered civil engineer. The itemized cost calculations for materials, labor, monitoring, maintenance, and replacement costs of materials have been checked. The following is a summary of closure and postclosure maintenance costs including a 20% contingency.

Closure Costs	$	2,534,828
Postclosure Maintenance (15 years)	$	2,109,971
Total Costs	$	4,644,799

Plan Approval By Other Agencies

On May 30, 1991, the Central Valley Regional Water Quality Control Board approved the preliminary closure and postclosure maintenance plans (Attachment 3). On April 19, 1991, the Shasta County Department of Environmental Health, as the local enforcement agency, approved the preliminary closure and postclosure maintenance plans (Attachment 4).

STAFF COMMENTS:

Board staff found the closure and postclosure maintenance plans to be in compliance with the Board's closure requirements.

Options:

1. Take no action. The Board has until July 18, 1991, to approve or deny approval of the preliminary closure and postclosure maintenance plans for Twin Bridges Landfill. Unlike solid waste facilities permits, approval is not given in the absence of Board action.

2. Disapprove the preliminary plans. This action is appropriate if the operator has not complied with the

Board's closure requirements.

3. Approve the preliminary plans. This action is appropriate if the operator has complied with the requirements of 14 CCR, Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5.

ATTACHMENTS:

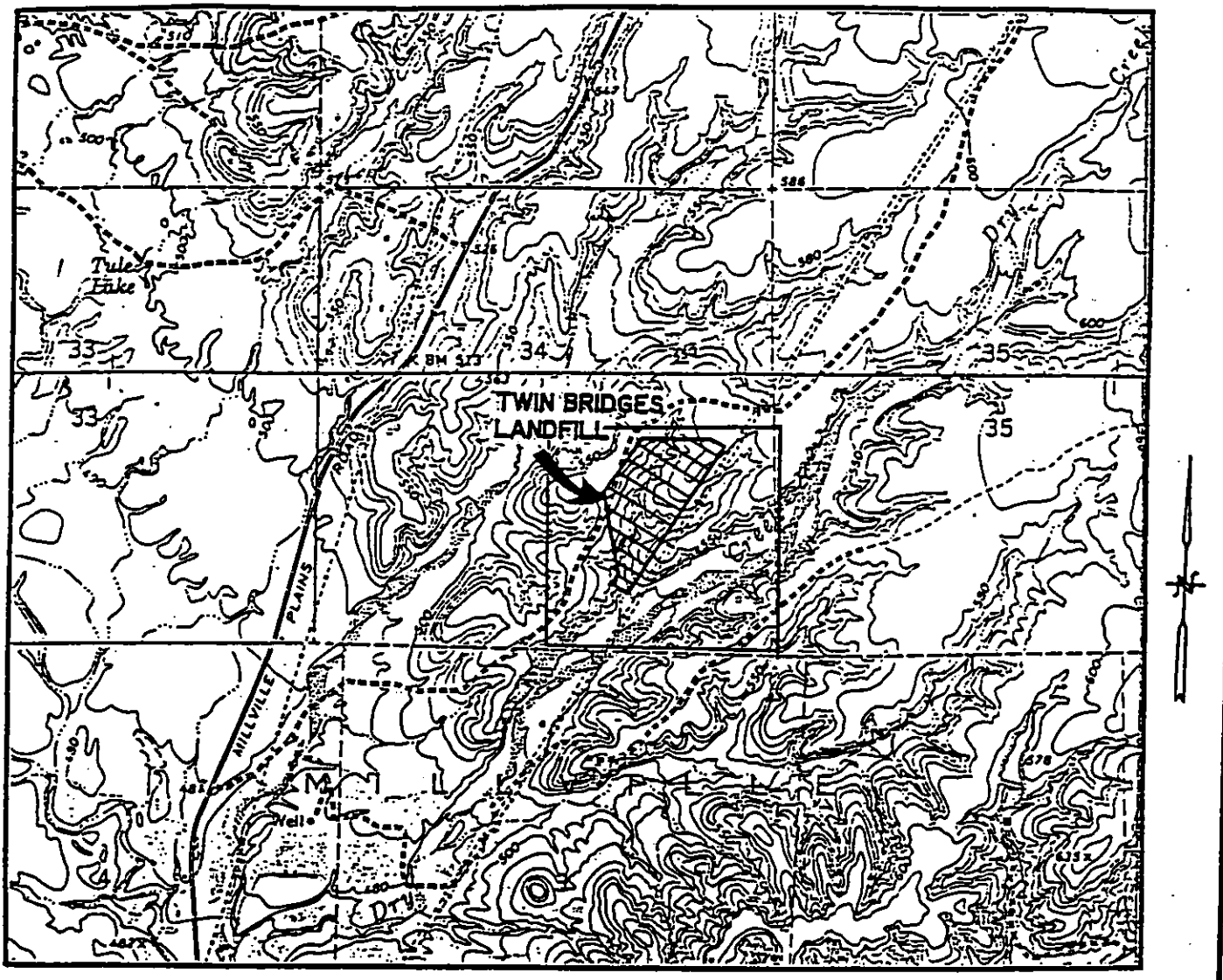
1. Landfill location map
2. List of closure and postclosure maintenance requirements
3. Letter of approval from Central Valley Regional Water Quality Control Board
4. Approval letter from Shasta County Department of Environmental Health
5. Resolution 91-52

Prepared by: _____ Phone (916) 323-5384

Reviewed by: _____ Phone 3-9188

Legal review: _____ Date/Time 7/2/91-12:40pm

SITE MAP



SCALE 1:24000

1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 KILOMETER

CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL

QUADRANGLE LOCATION

TWIN BRIDGES LANDFILL

45-AA-00058

LIST OF CLOSURE AND POSTCLOSURE MAINTENANCE REQUIREMENTS SATISFIED BY THE OPERATOR (14 CCR, Division 7, Chapter 3, Article 7.8, Sections 17766 to 17796 and Chapter 5, Article 3.4, Sections 18261 to 18268)

For Closure

1. Landfill location map--see attachment 1
2. Landfill topographic map
3. Sequence of closure stages for all five phases.
4. A description of landfill structures removal--no structures to be removed.
5. A description of current monitoring and control systems.
6. A description of decommissioning of environmental controls.
7. A description of site security--site access is controlled by a gate and fences around the entire facility.
8. Gas monitoring system.
9. Ground water monitoring--meets requirements of 14 CCR 17782 and facility holds valid Waste Discharge Requirements from the Regional Board for ground water monitoring.
10. Final Grading--the final grading will meet the requirements of 14 CCR 17776.
11. Placement of final cover--final cover will meet the requirements of 14 CCR 17773 and be placed in accordance with 14 CCR 17774.
12. Final site face--maximum slope will be 4 : 1 (horizontal to vertical) and not require a slope stability report in accordance with 14 CCR 17777.
13. Drainage Controls--drainage will be collected in a holding lagoon and two sedimentation basins located on the premises in accordance with 14 CCR 17778.
14. Slope protection and erosion control--mixture of rye, tall fescue, and red clover will be planted to protect the final cover from erosion.
15. Construction Quality Assurance (CQA) procedures--a CQA program is included in the closure plan.

For Postclosure

1. Emergency Response Plan--an emergency response plan has been submitted.
2. A description of postclosure land use--the postclosure land use will be non-irrigated open space.
3. Program for postclosure inspection/maintenance--the postclosure plan meets the requirements of 14 CCR 18265.3.
4. Persons responsible for postclosure maintenance are identified in the plan.
5. Specific monitoring tasks and their frequency are identified.
6. Reporting requirements are given.
7. The postclosure plan gives a description of collection and recovery systems and frequency of operation.
8. As-built descriptions of current monitoring and collection systems are given.

ATTACHMENT 3

STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION
SHASTA CASCADE WATERSHED BRANCH OFFICE:
415 KNOLLCREST DRIVE
REDDING, CA 96002
PHONE: (916) 224-4845

26 November 1990

Mr. George H. Larson, Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

TWIN BRIDGES LANDFILL PRELIMINARY CLOSURE AND POST CLOSURE PLAN, SIMPSON PAPER COMPANY

We have reviewed the subject report dated September 1990. The closure and post closure plan appears to conform to the provisions of Chapter 15, Division 3, Title 23, California Code of Regulations. Regional Board staff does not have any comments on the proposed plan at this time.

If you or your staff have any questions, please contact me at (916) 224-4853 or the above address.

PHILIP V. WOODWARD, C.E.G.
Associate Engineering Geologist

PVW:tch

cc. Mr. Jim Smith, Shasta County Department of Environmental Health, Redding
Mr. David Lutrick, Simpson Paper Company, Anderson
Mr. Shane Hughes, Russ Fetrow Engineering Inc., Eugene, Oregon

RECEIVED
DEC - 5 1990

ATTACHMENT 4

SHASTA COUNTY

DEPARTMENT OF ENVIRONMENTAL HEALTH

1855 Placer Street
Redding, California 96001
Telephone (916) 225-5787

Russ Mull, R.E.H.
Director

James Smith, R.E.H.S.
Deputy Director

Fax (916) 225-5807

April 19, 1991

Cheryl Closson
California Integrated Waste
Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Preliminary Closure/Post Closure Maintenance Plan for Twin Bridges Landfill (45-AA-0058)

Dear Ms. Closson:

This office has reviewed the Preliminary Closure/Post Closure Maintenance Plan for Twin Bridges Landfill. Based on this review, we have determined that the plans are in compliance with the regulations contained in 14 CCR, Chapter 3, Article 7.8, and Chapter 5, Article 3.4.

We have discussed the proposed landfill gas venting system with the local Air Quality Management District. They have indicated that this system is acceptable at this time but wish to re-evaluate the proposal when the final plan is proposed.

If you have any questions, please feel free to contact me.

Sincerely,

James Smith

James Smith, R.E.H.S.
Deputy Director

JS/v

California Integrated Waste Management Board
Resolution 91-52
July 18, 1991

WHEREAS, the Board finds that proper closure and postclosure maintenance plans are necessary for the protection of air, land and water from the effects of pollution from solid waste landfills; and

WHEREAS, Title 7.3, Government Code, Section 66796.22 requires any person intending to close a solid waste landfill to submit closure plans to the Board, local enforcement agency, and the regional water board; and

WHEREAS, the operator of Twin Bridges Landfill has submitted preliminary closure and postclosure maintenance plans, dated September 1990 (revised January 1991), to the regional water board, the local enforcement agency and the Board for approval; and

WHEREAS, both the regional water board and the local enforcement agency have approved the preliminary closure and postclosure maintenance plans for Twin Bridges Landfill; and

WHEREAS, Board staff has reviewed the closure and postclosure maintenance plans for the above facility and found that the plans meet the requirements contained in Title 14, California Code of Regulations, Division7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5; and

WHEREAS, the operator has met the closure and postclosure certification requirements of Title 7.3, Government Code, Section 66796.22(b).

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the preliminary closure and postclosure maintenance plans for Twin Bridges Landfill, Facility No. 45-AA-0058.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

July 9, 1991

AGENDA ITEM 18

ITEM: Consideration of Regulations for Financial Responsibility For Operating Liability Claims

BACKGROUND:

PRC 43040 (AB 939, Sher, Statutes of 1989, Chapter 1095) requires that operators of solid waste disposal facilities provide assurance of adequate financial ability to respond to personal injury claims and public or private damage claims resulting from the operations of disposal facilities which occur before closure (Attachment 1).

On March 13, 1991, the Permitting and Enforcement Committee voted to "notice" the proposed regulations, and directed Board staff to schedule a workshop covering the proposed regulations.

On March 20, 1991, the Board concurred with the committee vote to notice the proposed regulations.

On April 19, 1991, the proposed regulations were officially "noticed" for public comment by the Office of Administrative Law.

On May 8, 1991, a workshop on the proposed regulations package was held. Only one commentor was present, and he, Mr. Charles White, representing Waste Management Inc., stated that his comments would be the same as those he proposed to submit in writing. No other comments were taken.

On June 14, 1991, the public comment period closed for the regulation package. Public comments were heard at the "noticed" public hearing during the Permitting and Enforcement Committee meeting.

On June 21, 1991, the amended proposed regulations (Attachment 2) were noticed for an additional 15-day public comment period to allow for comments related to changes made to the proposed regulations. The changes are identified by redline and strikeout "-" on the amended proposed regulations. All changes were made due to comments received during the 45-day comment period and clarifications staff determined to be necessary for clarification.

ANALYSIS:

Board staff will summarize all comments received during both the 45-day public comment period and the additional 15-day public comment period and identify the responses to the comments for concurrence by the Committee.

STAFF COMMENTS:

There are two actions that the Committee could take. The first is to recommend the proposed regulations with amendments for adoption at the July Board meeting. The second is to direct Board staff to make additional changes to the proposed regulations and bring the regulations back for Committee concurrence at the August Committee meeting.

Staff suggest that this regulation package be brought before the Board at its July meeting for adoption.

ATTACHMENTS:

1. PRC 43040 (AB 939, Sher, Statutes of 1989, Chapter 1095)
2. Amended Proposed Regulations
3. Board Resolution No. 91-53

Prepared By: Richard Castro Phone 327-9348

Reviewed By: Gerald Iwakiri Phone 327-9182

Approved by Legal: MCM Date 7/1/91 Time 4:05pm

Attachment 1

Assembly Bill No. 939
Chapter 1095
[Approved by Governor, September 29, 1989. Filed with Secretary of State, September 30, 1989.]

PART 4. SOLID WASTE FACILITIES
CHAPTER 1. SOLID WASTE FACILITY STANDARDS
Article 3. Financial Responsibility

43040. The board shall adopt standards and regulations on or before January 1, 1991, requiring that, as a condition for the issuance, modification, revision, or review of a solid waste facilities permit for a disposal facility, the operator of the disposal facility shall provide assurance of adequate financial ability to respond to personal injury claims and public or private property damage claims resulting from the operations of the disposal facility which occur before closure.

Attachment 2

PROPOSED REGULATIONS

Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

Chapter 5. Enforcement of Solid Waste Minimum Standards and Administration of Solid Waste Facilities Program

Article 3.3. Financial Responsibility for Operating Liability Claims

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Section 18230. Scope and Applicability.

(a) This article requires operators of solid waste disposal facilities to demonstrate adequate financial ability to compensate third parties for ~~personal~~bodily injury and property damage caused by facility operation prior to closure.

(b) Operators of all solid waste disposal facilities, except state and federal operators, shall comply with the requirements of this Article upon application for issuance, modification, revision or review of a solid waste facilities permit commencing March 1, 1992.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18231. Definitions.

(a) When used in this article, the following terms shall have the meanings described in Article 3.5, section 18281:

(1) "Assets";
(2) "Current assets";
(3) "Current liabilities";
(4) "Financial reporting year";
(5) "Liabilities";
(6) "Net working capital";
(7) "Net worth";
(8) "Parent corporation"; and
(9) "Tangible net worth".

(b) When used in this article, the following terms shall have the meanings given below:

(1) "Accidental occurrence" means an event which occurs during the operation of a solid waste disposal facility prior to closure, that results in ~~personal~~bodily injury and/or property damage, and includes continuous or repeated exposure to conditions, neither expected nor intended from the standpoint of the facility operator.

(2) "Admitted carrier" means an insurance company entitled to transact the business of insurance in this state, having complied with the laws imposing conditions precedent to transactions of such business.

(3) "Auto" means a land motor vehicle, trailer or semitrailer designed for travel on public roads, including any attached machinery or equipment. But "auto" does not include "mobile equipment", as defined in section 12 below.

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(4) "Bodily injury" means any injury to the body, sickness or disease sustained by a person, including death resulting from any of these at any time. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury." "Bodily injury" excludes:

(A) "Bodily injury" expected or intended from the standpoint of the operator. This exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property.

(B) "Bodily injury" for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the operator would have in the absence of the contract or agreement.

(C) Any obligation of the operator under a workers compensation, disability benefits or unemployment compensation law or any similar law.

(D) "Bodily injury" to:

1. An employee of the operator arising out of and in the course of employment by the operator; or

2. The spouse, child, parent, brother or sister of that employee as a consequence of 1. above.

This exclusion applies:

1. Whether the operator may be liable as an employer or in any other capacity; and

2. To any obligation to share damages with or repay someone else who must pay damages because or the injury.

(E) "Bodily injury" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any operator. Use includes operation and loading or unloading. This exclusion does not apply to:

1. Parking an "auto" on, or on the ways next to, premises the operator owns or rents, provided the "auto" is not owned by or rented or loaned to the operator;

2. "Bodily injury" arising out of the operation of any of the equipment listed in paragraph (F)2. of (F)3. of the definition of "mobile equipment", found in section 12 below.

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~~(35)~~ "Corporate guarantee" means a contract meeting the requirements of section 18239 of this Article ~~by~~ through which a guarantor promises that, if an operator fails to pay a claim by a third party for ~~personal~~bodily injury and/or property damage caused by an accidental occurrence, the guarantor shall pay the claim on behalf of the operator.

~~(46)~~ "Excess coverage" means assurance for third party ~~personal~~bodily injury and property damage costs that are above a specified level (i.e., above the primary coverage level or a limit of lower excess coverage) but up to a specified limit.

~~(57)~~ "Financial means test" means the financial assurance mechanism specified in section 18238 of this Article by which an operator demonstrates his or her ability to pay third party claims for ~~personal~~bodily injury and property damage caused by accidental occurrences by satisfying the prescribed set of financial criteria.

~~(68)~~ "Government securities" means financial obligations meeting the requirements of section 18235 of this Article that are issued by a federal, state, or local government, including but not limited to, general obligation bonds, revenue bonds, and certificates of participation.

~~(79)~~ "Guarantor" means a parent corporation, or a corporation with a substantial business relationship to the operator who guarantees payment of a present or future obligation(s) of an operator.

~~(810)~~ "Insurance" means a contract meeting the requirements of section 18236 of this Article by which an insurer or a risk retention group promises to pay a claim by a third party for ~~personal~~bodily injury and property damage caused by an accidental occurrence.

~~(911)~~ "Legal defense costs" means expenses that an operator or a provider of financial assurance incurs in defending claims brought:

(A) By or on behalf of a third party for ~~personal~~bodily injury and/or property damage caused by an accidental occurrence; or

(B) By any person to enforce the terms of a financial assurance mechanism.

(12) "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:

(A) Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;

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(B) Vehicles maintained for use solely on or next to premises the operator owns or rents;

(C) Vehicles that travel on crawler treads;

(D) Vehicles, whether self-propelled or not, maintained primarily to provide mobility to permanently mounted:

1. Power cranes, shovels, loaders, diggers or drills; or

2. Road construction or resurfacing equipment such as graders, scrapers or rollers;

(E) Vehicles not described in (A), (B), (C) or (D) above that are not self-propelled and are maintained primarily to provide mobility to permanently attached equipment of the following types:

1. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or

2. Cherry pickers and similar devices used to raise or lower workers;

(F) Vehicles not described in (A), (B), (C) or (D) above maintained primarily for purposes other than the transportation of persons or cargo. However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos:"

1. Equipment designed primarily for:

a. Snow removal;

b. Road maintenance, but not construction or resurfacing;

c. Street cleaning;

2. Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and

3. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

(~~10~~13) "Permit modification" means an administrative, non-significant change which is necessary to clarify the terms and conditions of an existing solid waste facilities permit.

~~(11) "personal injury" means an injury that causes physical pain, illness, impairment of physical condition, and associated mental anguish and suffering. "personal injury" excludes:~~

~~(A) Personal injury for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement;~~

~~(B) An obligation of the operator under a workers' compensation, disability benefits, or unemployment compensation law or similar law.~~

~~(C) Personal injury to the spouse, child, parent, brother, or sister of an employee as a consequence of, or arising from, and in the course of the employee's employment by the operator. This exclusion applies whether the operator may be liable as an employer or in any other capacity. This exclusion also applies to any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in this section.~~

~~(D) Personal injury arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft.~~

(~~12~~14) "Primary coverage" means the first priority coverage for third party ~~personal~~bodily injury and property damage costs up to a specified limit when used in combination with other coverage.

(~~13~~15) "Property damage" means ~~an~~physical injury to ~~public or private~~tangible property, ~~that deprives its owner of the full benefit of the property by taking, withholding, deteriorating, or destroying it~~ including all resulting loss of use of that property, or loss of use of tangible property that is not physically injured. "Property damage" excludes:

(A) "Property damage" expected or intended from the standpoint of the operator.

(~~A~~B) "Property damage" for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the operator would have in the absence of the contract or agreement.

(~~B~~C) An obligation of the operator under a workers' compensation, disability benefits, or unemployment compensation law or similar law.

(D) "Property damages" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any operator. Use includes operation and loading and unloading. This exclusion does not apply to:

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1. Parking an "auto" on, or on the ways next to, premises the operator owns or rents, provided the "auto" is not owned by or rented or loaned to the operator;

2. "Property damage" arising out of the operation of any of the equipment listed in paragraph (F)2. or (F)3. of the definition of "mobile equipment, found in section 12 above."

(~~C~~E) "Property damage" to:

1. Any property owned, rented, or occupied by the operator;

2. Premises that are sold, given away, or abandoned by the operator if the "property damage" arises out of any part of those premises;

3. Property loaned to the operator;

4. Personal property in the care, custody, or control of the operator; and

5. That particular part of real property o~~f~~n which the operator or any contractors or subcontractors working directly or indirectly on behalf of the operator are performing operations, if the "property damage" arises out of theose operations, or

6. That particular part of any property that must be restored, repaired or replaced because the operator's work was incorrectly performed on it.

(~~14~~16) "Provider of financial assurance" means an entity, other than the operator, that provides financial assurance to the operator of a solid waste disposal facility, including a trustee, an insurer, a risk retention group, or a guarantor.

(~~15~~17) "Substantial business relationship" means a business relationship that arises from a pattern of recent or ongoing business transactions.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18232. Amount of Required Coverage.

(a) An operator of one or more solid waste disposal facilities shall demonstrate financial responsibility for compensating third parties for ~~personal~~bodily injury and property damage caused by accidental occurrences in at least the amount of:

(1) One million dollars ($1,000,000) per occurrence; and

(2) Two million dollars ($2,000,000) annual aggregate for up to 2 facilities.

(3) Three million dollars ($3,000,000) annual aggregate for ~~up to~~ 3 facilities.

(4) Four million dollars ($4,000,000) annual aggregate for ~~up to~~ 4 facilities.

(5) Five million dollars ($5,000,000) annual aggregate for 5 or more facilities, which is the maximum coverage required.

(b) The required amounts of coverage shall be exclusive of legal defense costs, deductibles and self-insured retentions.

(c) The required amounts of coverage shall apply exclusively to an operator's facility or facilities located in the State of California.

(d) An operator may use one or more mechanisms to provide proof of financial assurance.

(e) If a trust fund or government securities is depleted to compensate third parties for ~~personal~~bodily injuries and/or property damages caused by accidental occurrences, the operator shall, within one year of the depletion, demonstrate financial responsibility for the full amount of coverage required by section (a) by replenishing the depleted mechanism(s) and/or acquiring additional financial assurance mechanism(s).

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18233. Acceptable Mechanisms and Combinations of Mechanisms.

(a) Subject to the limitations of sections (c) and (d) of this section, an operator shall use any one, or any combination of the mechanisms which are defined in the following sections:

(1) section 18234, Trust Fund
(2) section 18235, Government Securities
(3) section 18236, Insurance
(4) section 18237, Self-Insurance and Risk Management
(5) section 18238, Financial Means Test
(6) section 18239, Corporate Guarantee

(b) If a combination of mechanisms are chosen, the operator shall designate one mechanism as "primary" and all others as "excess" coverage.

(c) The government securities and self-insurance and risk management mechanisms are acceptable only for solid waste disposal facilities operated by government agencies.

(d) The financial means test and corporate guarantee mechanisms are acceptable only for solid waste disposal facilities operated by private firms.

(1) A private operator may combine a financial means test with a corporate guarantee only if, for the purpose of meeting the requirements of the financial means test, the financial statements of the operator are not consolidated with the financial statements of the guarantor.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18234. Trust Fund.

(a) The trust fund shall have a trustee that is authorized to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(b) The trust agreement shall be established by using form CIWMB ~~106~~130 (~~15~~/91), which is incorporated by reference.

(c) If, at any time, the value of the trust fund is greater than the required amount of coverage minus the amount of coverage demonstrated by another mechanism, the operator may request in writing that the Board authorize the release of the excess funds. The Board shall review the request within 90 days of receipt of the request. If any excess funds are verified, the Board shall instruct the trustee to release the funds.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18235. Government Securities.

(a) The terms of issuance of government securities shall specify that proceeds from the sale of the securities shall be deposited into a financial assurance mechanism that meets the requirements of section 18235(b) below.

(b) The securities shall have been issued and the proceeds already deposited into the financial assurance mechanism that

provides equivalent protection to a trust fund by meeting the following requirements:

(1) Proceeds from the sale of securities shall be used exclusively to pay claims by third parties for ~~personal~~bodily injury and property damage caused by accidental occurrences and shall remain inviolate against all other claims, including any claims by the operator, the operator's governing body, and the creditors of the operator and its governing body;

(2) The financial operations of the provider of the financial assurance ~~are~~ shall be regulated by a federal or state agency, or the provider ~~is~~ shall be otherwise certain to maintain and disburse the assured funds properly;

(3) If the provider of financial assurance has authority to invest revenue deposited into the mechanism, the provider shall exercise investment discretion similar to a trustee; and

(4) The mechanism meets other reasonable requirements that the Board determines are necessary to ensure that the assured funds shall be available in a timely manner.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18236. Insurance.

(a) The issuer of the insurance policy shall:

(1) Be an insurer ~~or a risk retention group~~ that, at a minimum, is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier; and

(2) Have and maintain a rating of A+, A, or A-, VII, as listed in the most current issue or recent update of Best's Insurance Reports.

(b) If coverage is not available as specified in (a) above, the operator may seek coverage by an insurer which, at a minimum, shall:

(1) Be licensed to transact the business of insurance in one or more States of the United States; and

(2) Be eligible to provide insurance as an excess or surplus lines insurer in California; and

(3) Have and maintain a rating of A+, A, or A-, VII, as listed in the most current issue or recent update of Best's Insurance Reports.

(~~b~~c) Each insurance policy shall be either:

(1) Evidenced by a certificate of liability insurance established by using form CIWMB ~~107~~131 (~~1~~5/91), which is incorporated by reference; or

(2) Amended and evidenced by a liability insurance endorsement established by using form CIWMB ~~108~~132 (~~1~~5/91), which is incorporated by reference.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18237. Self-Insurance and Risk Management.

(a) To use the self-insurance and risk management mechanism an operator shall:

(1) Be a public entity;

(2) Be self-insured;

(3) Employ a risk manager;

(4) Have an active safety and loss prevention program that seeks to minimize the frequency and magnitude of third party damages caused by accidental occurrences and other self-insured losses;

(5) Have procedures for and a recent history of timely investigation and resolution of any claims for third party damages caused by accidental occurrences and other self-insured losses; and

(6) Satisfy any other reasonable conditions that the Board determines are needed to ensure that the assured amount of funds shall be available in a timely manner.

(b) This coverage shall be demonstrated by using form CIWMB ~~109~~133 (~~1~~5/91), which is incorporated by reference.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18238. Financial Means Test.

(a) To pass the financial means test, an operator or a guarantor shall be a private entity and shall meet the criteria of

section (c) or (d) based on independently audited year-end financial statements for the latest completed fiscal year.

(b) The phrase "amount of liability coverage to be demonstrated by the test" as used in sections (c) and (d) refers to the amount of liability coverage required by section 18232 of this article.

(c) The operator or guarantor shall have:

(1) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by the test; and

(2) Tangible net worth of at least $10 million; and

(3) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the amount of liability coverage to be demonstrated by the test.

(d) The operator or guarantor shall have:

(1) A current rating for its most recent bond issuance of AAA, AA, A, or BBB issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

(2) Tangible net worth of at least six times the amount of liability coverage to be demonstrated by the test; and

(3) Tangible net worth of at least $10 million; and

(4) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the amount of liability coverage to be demonstrated by the test.

(e) Within 90 days after the close of each financial reporting year, the operator or the guarantor shall submit the following items to the Board and the local enforcement agency and, in the case of a guarantor, to the operator:

(1) A letter on the operator's or guarantor's official letterhead stationary that is worded and completed as specified in either form CIWMB ~~110134~~ (~~15~~/91) or CIWMB ~~111135~~ (~~15~~/91) which contains an original signature of the operator's or guarantor's chief financial officer.

(A) An operator or guarantor shall use form CIWMB ~~110134~~ (~~15~~/91) to demonstrate or guarantee financial responsibility for liability coverage only. If the operator or guarantor is using a similar financial means test to demonstrate liability coverage for facilities in other states, the operator shall list those out-of-

state facilities, as well as the California facilities on this test.

(B) An operator or guarantor shall use form CIWMB ~~111~~135 (~~1~~5/91) to demonstrate or guarantee financial responsibility for both liability coverage and postclosure maintenance. If the operator or guarantor is using a similar financial means test to demonstrate liability coverage and postclosure maintenance for facilities in other states, the operator shall list those out-of-state facilities and coverages, as well as the California facilities on this test.

(2) A copy of an independent certified public accountant's report on examination of the operator's or guarantor's financial statements for the latest completed fiscal year, with a copy of the operator's or guarantor's financial statements for the latest completed fiscal year.

(3) A letter from an independent certified public accountant stating that:

(A) He or she has compared the data in the letter in section (e)(1), from the chief financial officer specified as having been derived from the financial statements for the latest completed fiscal year of the operator or the guarantor, with the amounts in the financial statements; and

(B) Based on the comparison, no matters came to his or her attention that caused him or her to believe that the specified data should be adjusted.

(4) If the operator or the guarantor is required to make such a filing, a copy of the operator's or guarantor's most recent form 10-K filed with the U.S. Securities and Exchange Commission.

(f) The Board may require updated financial statements at any time from the operator or guarantor. If the Board finds that the operator no longer meets the financial means test requirements of sections (c) or (d) based on such reports or other information, including but not limited to, credit reports and reports from other state agencies, the operator shall obtain alternate coverage within 60 days after receiving the notification of such a finding.

(g) If an operator using the financial means test fails to meet the requirements of the financial means test under sections (c) or (d), the operator shall obtain alternate coverage within 60 days after the determination of such failure.

(h) If the operator fails to obtain alternate coverage within the times specified in sections (f) or (g), the operator shall notify the Board and the local enforcement agency by certified mail within 10 days of such failure.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18239. Corporate Guarantee.

(a) The guarantor shall be:

(1) A parent corporation of the operator;

(2) A firm whose parent corporation is also the parent corporation of the operator; or

(3) A firm engaged in a substantial business relationship with the operator issuing the corporate guarantee as an act incident to that business relationship.

(b) The guarantor shall meet the requirements of the financial means test under sections 18238(c) or (d) of this Article based on the guarantor's audited year-end financial statements.

(c) The corporate guarantee shall be worded and completed as specified by form CIWMB ~~112~~136 (~~15~~/91), which is incorporated by reference.

(d) The terms of the corporate guarantee shall specify that if the operator fails to satisfy a judgment or an award for ~~personal~~bodily injury and property damage to third parties caused by accidental occurrences, or fails to pay an amount agreed in settlement of a claim arising from or alleged to arise from such injury and damage, the guarantor shall satisfy such judgment, award, or settlement agreement up to the limits of the corporate guarantee.

(e) If the guarantor fails to meet the requirements of the financial means test under section 18238(c) or (d) of this Article or wishes to terminate the corporate guarantee, the guarantor shall send notice of such failure or termination by certified mail to the operator, the Board, and the local enforcement agency within 90 days after the end of that financial reporting year. The corporate guarantee shall terminate no less than 60 days after the date that the operator, the Board, and the local enforcement agency have all received the notice of such failure or termination, as evidenced by the return receipts. The guarantor shall establish alternate coverage as specified in section 18233 of this article on behalf of the operator within 60 days after such notice, unless the operator has done so.

(f) The Board may require updated financial statements at any time from a guarantor. If the Board finds, on the basis of such reports or information from other sources, including but not limited to, credit reports and reports from other state agencies,

that the guarantor no longer meets the financial means test requirements of section 18238(c) or (d) of this Article or any requirements of section 18239 of this Article, the Board shall notify the guarantor and operator of such finding by certified mail. The guarantor shall establish alternate coverage as specified in section 18233 of this article on behalf of the operator within 60 days after such notice, unless the operator has done so.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18240. Substitution of Mechanisms by Operator.

(a) An operator may substitute any alternate financial assurance mechanism(s) as described in sections 18234 through 18239 of this Article, provided that at all times the operator maintains an effective mechanism or a combination of effective mechanisms, that satisfies the requirements of section 18233 of this Article, and informs the Board of such substitution.

(b) In the event an operator obtains alternate financial assurance, it may request that the Board terminate or authorize the termination of the previous financial assurance mechanism. The operator shall submit such a request in writing with evidence of alternate financial assurance.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18241. Cancellation or Nonrenewal by a Provider of Financial Assurance.

(a) Except as otherwise provided in section 18242 of this Article, below, a provider of financial assurance may cancel or not renew a financial assurance mechanism by sending a notice of termination by certified mail to the operator, the Board, and the local enforcement agency.

(b) Termination of a corporate guarantee shall occur no less than 60 days after the date on which the operator, the Board, and the local enforcement agency have all received the notice of termination, as evidenced by the return receipts.

(c) Cancellation or nonrenewal of insurance or self-insurance and risk management coverage shall occur no less than 60 days after the date on which the operator, the Board, and the local enforcement agency have all received the notice of termination, as evidenced by the return receipts; except in the case of non-payment of insurance premiums, in which case cancellation shall occur no less than 10 days after the date on which the operator, the Board,

and the local enforcement agency have all received the notice of termination.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18242. Bankruptcy or Other Incapacity of Operator or Provider of Financial Assurance.

(a) Within 10 days after commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, Title 11 U.S.C. sections 101-1330 in which:

(1) The operator is named as debtor, the operator shall notify the Board and the local enforcement agency by certified mail of such commencement.

(2) A provider of financial assurance is named as debtor, such provider shall notify the operator, the Board, and the local enforcement agency by certified mail of such commencement.

(b) An operator shall be deemed to be without the required financial assurance in the event of bankruptcy of its provider of financial assurance, or in the event of a suspension or revocation of the authority of the provider of financial assurance to issue a mechanism. If such an event occurs, the operator shall demonstrate alternate financial assurance as specified in this article within 60 days after receiving notice of the event. If the operator fails to obtain alternate financial assurance within 60 days, the operator shall notify the Board and the local enforcement agency within 10 days of such failure.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18243. Recordkeeping and Reporting.

(a) An operator shall maintain evidence of all financial assurance mechanisms until the operator is released from the requirements as specified in section 18244 of this Article. This evidence shall be maintained at each solid waste disposal facility, whenever possible, or at an alternate, designated location approved by the Board and which is accessible to the operator, and available for Board staff and local enforcement agency review.

(b) An operator shall maintain the following types of evidence, and shall maintain an original or copy of each mechanism used to demonstrate financial responsibility under this article:

(1) Trust Fund. An operator using a trust fund shall maintain a copy of the trust agreement and statements verifying the current balance of the fund.

(2) Government Securities. An operator using government securities shall maintain a copy of the following:

(A) All official resolutions, forms, letters, or other pertinent documents generated to issue the securities;

(B) The terms of issuance of the securities; and

(C) With respect to the mechanism into which the funds generated by the issuance are deposited:

1. Identify the solid waste disposal facilities covered by the fund and the amount of third party liability coverage;

2. Include a letter from an authorized officer of the institution maintaining the mechanism identifying the amount of funds provided by the mechanism as of the anniversary date of each mechanism for each year; and

3. Include a copy of the evidence documenting that the mechanism meets the requirements of section 18235(b) of this Article.

(3) Insurance. An operator using insurance shall maintain the original or a copy of the insurance policy in addition to the original or a copy of the liability insurance endorsement or the certificate of liability insurance.

(4) Self-Insurance and Risk Management. An operator using self-insurance and risk management shall maintain:

(A) The name and qualifications of the currently employed risk manager;

(B) Pertinent documents verifying the ongoing activity of the operator's safety and loss prevention program; and

(C) Pertinent documents showing procedures for timely investigation and resolution of any claims for third party damages caused by accidental occurrences and other self-insured losses.

(5) Financial Means Test. An operator using a financial means test shall maintain a copy of the information specified in section 18238(e) of this Article.

(6) Corporate Guarantee. An operator using a corporate guarantee shall maintain documentation of the corporate guarantee as specified in sections 18239(a),(b),and (c) of this Article.

(c) An operator shall submit the documentation of current evidence of financial responsibility listed in section 18243(b) of this Article to the Board and the local enforcement agency whenever a financial assurance mechanism is established or amended:

(1) In the case of a trust fund such documentation shall include the original mechanism and a copy of the current statement verifying the balance of the account;

(2) In the case of government securities such documentation shall include the information as specified in section 18243(b)(2) of this Article;

(3) In the case of a financial means test, or a corporate guarantee, such documentation shall include the original mechanism; or

(4) In the case of insurance or self-insurance and risk management, such documentation shall include the original liability insurance endorsement, certificate of liability insurance, or certificate of self-insurance and risk management.

(d) An operator shall submit written notice to the Board of the number of claims paid and the total dollar amount paid as a result of an accidental occurrence at an operating facility. This information shall be compiled for the previous calendar year and submitted to the Board by March 1st of each year.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18244. Release of an Operator from the Requirements.

(a) After receiving and approving certification of closure from the operator as specified by section 18275 of this title, the Board shall notify the operator and the provider of financial assurance in writing, that he or she is no longer required to demonstrate financial responsibility for third party operating liability claims, pursuant to this article, at the particular solid waste disposal facility.

(b) When operational control of a solid waste disposal facility is transferred, the existing operator shall remain subject to the requirements of this article until the new operator provides acceptable financial assurances to the Board.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

TRUST AGREEMENT

Trust Account Number: _____

This Agreement is entered into as of _____ by and between:

GRANTOR	TRUSTEE
Operator Name:	Trustee Name:
Address:	Address:
☐ Corporation ☐ Association ☐ Partnership ☐ Proprietorship In the State of _____	☐ Incorporated in the State of _____ ☐ A National Bank

TERMS OF AGREEMENT

WHEREAS, the California Integrated Waste Management Board has established regulations applicable to the Grantor in Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, requiring that an operator of a solid waste disposal facility shall demonstrate financial responsibility for ~~personal/bodily~~ injury and/or property damage to third parties caused by accidental occurrences arising from the operation of the facility, and

WHEREAS, the Grantor has elected to establish a trust to assure all or part of such financial responsibility for the solid waste disposal facility or group of solid waste disposal facilities identified herein, and

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW THEREFORE, the Grantor and Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) The term "Beneficiary" means third party claimants who satisfy the requirements either of Section 4(a) or 4(b) of this Agreement.

(d) The term "California Integrated Waste Management Board" or "the Board" means the California Integrated Waste Management Board or its designee.

Section 2. Identification of Facilities and Coverage Amounts. This Agreement pertains to the solid waste disposal facilities, coverage amounts, and determination of primary or excess coverage identified on attached Schedule A [for each facility included in Schedule A, list the facility information system number, name, address, amount of per occurrence coverage and annual aggregate coverage or portions thereof if more than one instrument affords combined coverage as demonstrated by this Agreement, and whether the coverage is primary coverage or excess coverage].

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, hereinafter the "Fund", for the benefit of any and all third parties injured or damaged by accidental occurrences arising from operation of the facility(ies) covered by this trust agreement, in the amounts of _____ ~~[at least $1 million]~~ per occurrence and _____ ~~[at least $2 million]~~ annual aggregate per facility for accidental occurrences, except that the Fund is not established for the benefit of third parties for the following:

~~(a) "Bodily injury" or "property damage" expected or intended from the standpoint of the Grantor. This exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property;~~

(~~a~~b) ~~Personal~~"Bodily injury" or "property damage" for which the Grantor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the Grantor would be obligated to pay in the absence of the contract or agreement.

(~~b~~c) Any obligation ~~of the Grantor~~ under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(~~c~~d) ~~Personal~~"Bodily injury" to:

(1) An employee of the Grantor arising from, and in the course of, employment by the Grantor; or

(2) The spouse, child, parent, brother, or sister of an employee as a consequence of ~~(1) above, or arising from, and in the course of employment of the employee by Grantor.~~

This exclusion applies:

(~~A~~1) Whether the Grantor may be liable as an employer or in any other capacity; and

(~~B~~2) To any obligation to share damages with or repay another person who must pay damages because of the injury ~~to persons identified in paragraphs (1) and (2)~~.

(~~d~~e) ~~Personal~~"Bodily injury" or "property damage" arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, ~~motor vehicle~~"auto", or watercraft. owned or operated by or rented or loaned to the Grantor. Use includes operation and loading and unloading. This exclusion does not apply to:

(1) Parking an "auto" on, or on the ways next to, premises the Grantor owns or rents, provided the "auto" is not owned by or rented or loaned to the Grantor;

(2) "Bodily injury" or "property damage" arising out of the operation of any of the equipment listed in paragraph (F)2. or (F)3. of the definition of "mobile equipment" (14 CCR, Section 18231);

(~~e~~f) "Property damage" to:

(1) Any property owned, rented, or occupied by the Grantor;

(2) Premises that are sold, given away, or abandoned by the Grantor if the "property damage" arises out of any part of those premises;

(3) Property loaned to the Grantor;

(4) Personal property in the care, custody, or control of the Grantor; ~~or~~

(5) That particular part of real property on which the Grantor or any contractors or subcontractors working directly or indirectly on behalf of the Grantor are performing operations, if the "property damage" arises out of these operations.~~; or~~

~~(6) That particular part of any property that must be restored, repaired or replaced because the Grantor's work was incorrectly performed on it.~~

The Fund is established initially as consisting of the property (cash or securities), which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the Board.

Section 4. Payment for ~~Personal~~Bodily Injury or Property Damage. The Trustee shall satisfy a third party liability claim by making payments from the Fund only on receipt of one of the following documents:

(a) Certification from the Grantor and the Beneficiary that the liability claim should be paid. The certification must be worded as follows:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties [Grantor] and [Name and Address of Beneficiary(ies)], hereby certify that the claim of ~~personal~~bodily injury and/or property damage caused by an accidental occurrence arising from the operation of [Grantor's] solid waste facility should be paid in the amount of $_____.

_____	_____	___/___/___
Grantor's Signature	Notary	Date
_____	_____	___/___/___
Claimant's Signature	Notary	Date

(b) A valid final court order establishing a judgment against the grantor for ~~personal~~bodily injury or property damage caused by accidental occurrences arising from the operation of the Grantor's facility or group of facilities.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee may invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines that the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his or her duties with respect to the trust fund solely in the interest of the potential beneficiaries and with the care, skill, prudence and diligence under the circumstances then prevailing that persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other operator or owner of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, Title 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or state government.

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, Title 15 U.S.C. 80a-1 et seq., including one that may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and the Board a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Board shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting on the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If, for any reason, the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the Board, and the present Trustee by certified mail ten days before such change becomes effective. Any expenses insured by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instruction to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Board hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the Board, except as provided for herein.

Section 15. Notice of Nonpayment. If a payment for personal bodily injury or property damage is made under Section 4 of this trust, the Trustee shall notify the Grantor of such payment and the amount(s) thereof within five (5) working days. The Grantor shall, within one year of such payment, either make payments to the Trustee in amounts sufficient to cause the trust to return to its value immediately prior to the payment of claims under Section 4, or shall provide written proof to the Trustee that other financial assurance for operating liability coverage has been obtained equalling the amount necessary to return the trust to its value prior to the payment of claims. If the Grantor does not either make payments to the Trustee or provide the Trustee with such proof, the Trustee shall, within 10 working days after the anniversary date of the payment, provide a written notice of nonpayment to the Board.

Section 16. Amendment of Agreement. This agreement may be amended by an instrument in writing executed by the Grantor, Trustee, and the Board, or by the Trustee and the Board if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Board, or by the Trustee and the Board, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor. The Board will agree to termination of the trust when the operator substitutes alternate financial assurance as specified in 14 CCR, 18233 or is released as specified in 14 CCR, 18244.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Board issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act in conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of California.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify and sign under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18234.

Signature of Grantor:	Title:
Typed or Printed Name of Person Signing:	Seal:
Attest: Title	
Signature of Trustee:	Title:
Typed or Printed Name of Person Signing:	Seal:
Attest: Title	

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18234 in order to verify adequate financial assurance of solid waste disposal facilities. Completion of the form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, California 95814, (916) 322-3330.

EXHIBIT A

TRUST AGREEMENT BY AND BETWEEN _____

AND THE _____

As provided in Section 14 of the Trust Agreement, the persons, other than the officials of the Board identified in Section 14 of the Trust Agreement, who, until this Exhibit A is amended, shall have the authority to make orders, requests, and instructions to the Trustee are:

The following:

Officials of the Grantor who have authority to give instructions:

Name:

Title:

Any orders, requests or instructions by the Grantor to the Trustee, pursuant to the foregoing Agreement, may be signed by any one or more of the following persons:

Name:

Title:

TRUST AGREEMENT

SCHEDULE A

This Agreement demonstrates financial assurance for the following liability coverage amounts for the following facility(ies):

Facility Information Number	Name of Facility	Address of Facility	Coverage Amounts for Which Financial Assurance is Being Demonstrated by This Agreement
			Per Occurrence: _____ Annual Aggregate: _____

SCHEDULE B

The fund is established initially as consisting of the following:

$_____, (Spell out dollar amount) as evidenced by (Name of institution drawn on) Check Number _____,

dated __/__/__.

I hereby certify that funds have been received and deposited.

Authorized Signature:	Title:
Typed or Printed Name of Person Signing:	Address:

CERTIFICATE OF LIABILITY INSURANCE

(If additional space needed, add attachment.)

Name of Insurer	Address	State of California License Number

Name of Insured	Address

Solid Waste Disposal Facilities Covered: (Enter Information for Each Facility) LIMITS OF LIABILITY

Name	Address	Facility Information Number	Per Occurrence*	Annual Aggregate*
			TOTAL	TOTAL

Policy Number	Effective Date

*Excluding legal defense costs and deductibles

INSURER CERTIFICATION:

1. The insurer hereby certifies that it has issued liability insurance covering personal/bodily injury and/or property damage to the insured listed above in connection with the insured's obligation to demonstrate financial responsibility under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3. The coverage applies to the above-listed facility(ies) for accidental occurrences arising from the operation of the facility(ies).

2. Indicate whether this coverage is ☐ primary or ☐ excess coverage.

3. The limits of liability are the amounts stated above for "per occurrence" and "annual aggregate", exclusive of legal defense costs. If an excess coverage insurance policy is being provided, complete the following sentence:

[$_____per occurrence and $_____annual aggregate in excess of the underlying limits of $_____per occurrence and $_____annual aggregate.]

4. The insurance coverage is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with sections (a) through (e) of this paragraph shall be amended to conform with sections (a) through (e):

(a) Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this certification applies.

(b) The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement from the insured for any such payment made by the insurer. If another mechanism, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18233, is used to demonstrate coverage of the deductible, then this section does not apply.

(c) Upon request by the Board, the insurer agrees to furnish to the Board the original policy and all endorsements.

(d) Cancellation or any other termination of this certificate, whether by the insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the operator of the solid waste disposal facility(ies), will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is sent by certified mail, and received by the Board and the local enforcement agency for the jurisdiction in which the facility is located, as evidenced by the return receipts. (See exception, section (e))

(e) Cancellation due to non-payment of premiums is effective only upon written notice and only after the expiration of 10 days after the date on which the operator, the Board and the local enforcement agency have all received the notice of termination, as evidenced by return receipts.

The party below certifies and signs under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, that this document is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, and that the insurer is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier.

Signature of Individual Authorized to Sign on Behalf of Insurer	Title of Authorized Person
Typed or Printed Name of Person Signing	Date
Address of Insurer	

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, in order to verify adequate financial assurance of solid waste disposal facilities. Completion of this form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

LIABILITY INSURANCE ENDORSEMENT

(If additional space needed, add attachment.)

Name of Insurer	Address	State of California License Number

Name of Insured	Address

Solid Waste Disposal Facilities Covered: (Enter Information for Each Facility) LIMITS OF LIABILITY

Name	Address	Facility Information Number	Per Occurrence*	Annual Aggregate*
			TOTAL	TOTAL

Policy Number	Effective Date

*Excluding legal defense costs and deductibles

INSURER CERTIFICATION:

1. By endorsement, the insurer certifies that this policy provides liability insurance covering personal bodily injury and property damage in connection with the insured's obligation to demonstrate financial responsibility under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3. The coverage applies to the above-listed facility(ies) for accidental occurrences arising from the operation of the facility(ies).

2. Indicate whether the coverage is ☐ primary or ☐ excess coverage.

3. The limits of liability are the amounts stated above for "per occurrence" and "annual aggregate", exclusive of legal defense costs. If the endorsement is for an excess coverage insurance policy, complete the following sentence:

[$_____per occurrence and $_____annual aggregate in excess of the underlying limits of $_____per occurrence and $_____annual aggregate.]

4. The insurance coverage is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with sections (a) through (e) of this paragraph shall be amended to conform with sections (a) through (e):

(a) Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this endorsement is attached.

(b) The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement from the insured for any such payment made by the insurer. If another mechanism, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18233,is used to demonstrate coverage of the deductible, then this section does not apply.

(c) Upon request by the Board, the insurer agrees to furnish to the Board the original policy and all endorsements.

(d) Cancellation or any other termination of this endorsement, whether by the insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the operator of the solid waste disposal facility, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is sent by certified mail, and received by the Board and the local enforcement agency for the jurisdiction in which the facility is located, as evidenced by the return receipts. (See exception, section (e))

(e) Cancellation due to non-payment of premiums is effective only upon written notice and only after the expiration of 10 days after the date on which the operator, the Board and the local enforcement agency have all received the notice of termination, as evidenced by return receipts.

The party below certifies and signs under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, that this document is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, and that the insurer is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier.

Signature of Individual Authorized to Sign on Behalf of Insurer	Title of Authorized Person
Typed or Printed Name of Person Signing	Date
Address of Insurer	

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, in order to verify adequate financial assurance of solid waste disposal facilities. Completion of this form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

CERTIFICATE OF SELF-INSURANCE AND RISK MANAGEMENT

(If additional space needed, add attachment.)

Operator	Address
Risk Manager	Address (if different from above)

Solid Waste Disposal Facilities Covered: (Enter Information for Each Facility) LIMITS OF LIABILITY

Name	Address	Facility Information Number	Per Occurrence*	Annual Aggregate*
			TOTAL	TOTAL

*Excluding legal defense costs

CERTIFICATION:

1. The operator and risk manager named above hereby certify that the facilities listed above are self-insured for third party personal bodily injury and/or property damage in connection with the operator's obligation to demonstrate financial responsibility under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3. The coverage applies to the above-listed facility(ies) for accidental occurrences arising from the operations of the facility(ies).

2. The limits of liability are the amounts stated above for "per occurrence" and "annual aggregate", exclusive of legal defense costs.

3. Indicate whether this coverage is ☐ primary or ☐ excess coverage.

4. Upon request by the Board, the operator agrees to furnish to the Board any documents pertinent to this coverage.

5. Termination of this coverage, will be effective only upon written notice, sent by certified mail, and only after the expiration of 60 days after a copy of such written notice is received by the Board and the local enforcement agency for the jurisdiction in which the facility is located, as evidenced by the return receipts.

The parties below certify and sign under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, and that this document is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18237.

Operator's Signature	Title
Typed or Printed Name of Person Signing	Date
Risk Manager's Signature	Title
Typed or Printed Name of Person Signing	Date

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18237 in order to verify adequate financial assurance of solid waste disposal facilities. Completion of this form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

INSTRUCTIONS FOR THE
Letter From the Chief Financial Officer
Financial Means Test for Liability

(a) A letter from the chief financial officer, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238 shall be on corporate letterhead stationery. It shall contain the original signature of the chief financial officer and shall be worded as indicated on the attached form CIWMB 110134 (18/91).

(b) The letter from the chief financial officer shall be accompanied by the following items, as specified in Section 18238:

(1) A copy of an independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal year with a copy of the firm's financial statements for the latest completed fiscal year;

(2) A special report from the independent certified public accountant to the operator stating that:

(A) The independent certified public accountant has compared the data in the letter from the chief financial officer with the amounts in the year-end financial statements for the latest fiscal year; and

(B) In connection with that procedure, no matters came to the independent certified public accountant's attention that caused him or her to believe that the specified data should be adjusted;

(3) A completed financial test using either Alternative I or II;

(4) A copy of the form 10-K most recently filed with the Securities and Exchange Commission, if the operator is required to make such a filing; and

(5) If applicable, the corporate guarantee with wording as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239.

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238, in order to verify adequate financial assurance for solid waste disposal facilities. Submittal of the information requested is mandatory. The consequence of not providing this information is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

I am the chief financial officer of _____
(Operator's or Guarantor's Name and Address)

This letter is in support of the financial means test and/or corporate guarantee to demonstrate financial assurance for liability coverage, as specified in Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, Section 18238.

[Complete the following paragraphs regarding solid waste disposal facilities, including those out-of-state facilities for which this test is being used to demonstrate liability coverage, and associated coverage amounts. If no facilities belong in a particular paragraph, write "None" in the space indicated. For each facility, include its facility information number, name, address, and the amounts of liability coverage provided. Identify each coverage amount separately as to whether it is for "per occurrence" or "annual aggregate" liability coverage for accidental occurrences, and whether it is primary or excess coverage.]

1. This firm is the operator or owner of the following facilities for which the firm is demonstrating financial assurance for liability coverage through the financial means test as specified in 14 CCR, 18238:

2. This firm is the operator or owner of the following facilities for which the firm is demonstrating financial assurance for liability coverage through a similar financial means test(s), including but not limited to, California, federal, or out-of-state hazardous waste treatment storage or disposal facilities, or solid waste landfills, or any other similar financial means tests:

3. This firm guarantees, through the corporate guarantee for liability coverage as specified in 14 CCR, 18238, the liability coverage of the following facilities:

Total annual aggregate coverage in paragraph 1: $ _____

Total annual aggregate coverage in paragraph 2: $ _____

Total amount of liability coverage to be demonstrated: $ _____

4. This firm is/is not required to file a form 10-K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

5. The fiscal year of this firm ends on _____
(Month/Day)

6. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended _____.

7. This coverage is primary/excess coverage.

ALTERNATIVE I
(Omit if using Alternative II)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____

*2. Current assets ..... $ _____

*3. Current liabilities ..... $ _____

4. Net working capital (line 2 minus line 3) ..... $ _____

*5. Tangible net worth ..... $ _____

6. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____

7. Is line 5 at least $10 millon? ..... ☐ Yes ☐ No

8. Is line 4 at least 6 times line 1? ..... ☐ Yes ☐ No

9. Is line 5 at least 6 times line 1? ..... ☐ Yes ☐ No

10. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No

11. Is line 6 at least 6 times line 1? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____
Signature

_____
Typed or Printed Name

_____
Title

_____
Date

Corporate Seal

ALTERNATIVE II
(Omit if using Alternative I)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____
2. Current bond rating of most recent issuance and name of rating service ..... _____
3. Date of issuance of bond ..... _____
4. Date of maturity of bond ..... _____
5. Tangible net worth ..... $ _____
6. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____
7. Is line 5 at least $10 million? ..... ☐ Yes ☐ No
8. Is line 5 at least 6 times line 1? ..... ☐ Yes ☐ No
9. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No
10. Is line 6 at least 6 times line 1? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____ _____
Signature Typed or Printed Name

_____ _____
Title Date

Corporate Seal

INSTRUCTIONS FOR THE
Letter From the Chief Financial Officer Financial Means Test for Liability and Postclosure Maintenance

(a) A letter from the chief financial officer, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238 shall be on corporate letterhead stationery. It shall contain the original signature of the chief financial officer and shall be worded as indicated on the attached form CIWMB 111135 (18/91).

(b) The letter from the chief financial officer shall be accompanied by the following items, as specified in 14 CCR, 18238:

(1) A copy of an independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal year with a copy of the firm's financial statements for the latest completed fiscal year;

(2) A special report from the independent certified public accountant to the operator stating that:

(A) The independent certified public accountant has compared the data in the letter from the chief financial officer with the amounts in the year-end financial statements for the latest fiscal year; and

(B) In connection with that procedure, no matters came to the independent certified public accountant's attention that caused him or her to believe that the specified data should be adjusted;

(3) A completed financial test using either Alternative I or II;

(4) A copy of the form 10-K most recently filed with the Securities and Exchange Commission, if the operator is required to make such a filing; and

(5) If applicable, the corporate guarantee with wording as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239.

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238, in order to verify adequate financial assurance for solid waste disposal facilities. Submittal of the information requested is mandatory. The consequence of not providing this information is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

I am the chief financial officer of _____
(Operator's or Guarantor's Name and Address)

This letter is in support of the financial means test and/or corporate guarantee to demonstrate financial assurance for liability coverage and postclosure maintenance, as specified in Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, Sections 18238 and 18289, respectively.

[Fill out the following paragraphs regarding all solid waste disposal facilities, including those out-of-state facilities for which this test is being used to demonstrate liability coverage and postclosure maintenance costs, and associated coverage amounts. If no facilities belong in a particular paragraph, write "None" in the space indicated. For each facility, include its facility information number, name, address, and the amounts of liability coverage provided. Identify each coverage amount separately as to whether it is for "per occurrence" or "annual aggregate" liability coverage for accidental occurrences, and whether it is primary or excess coverage. For each facility in paragraphs three and four, indicate the current postclosure cost estimates, identifying separately each cost estimate for postclosure maintenance.]

1. This firm is the operator or owner of the following facilities for which the firm is demonstrating financial assurance for liability coverage through the financial means test as specified in 14 CCR, 18238:

2. This firm guarantees, through the corporate guarantee for liability coverage as specified in 14 CCR, 18238, the liability coverage of the following facilities:

Total annual aggregate coverage in paragraph 1: $ _____

Total annual aggregate coverage in paragraph 2: $ _____

Total amount of liability coverage to be demonstrated: $ _____

3. This firm as the operator or owner, is demonstrating financial assurance for postclosure maintenance through the financial means test as specified in 14 CCR, 18289 or financial assurance for postclosure maintenance through a similar financial means tests as specified in the laws of other states, the postclosure maintenance of the following solid waste landfills in the United States:

~~4. This firm, as the operator or owner, is demonstrating financial assurance for liability coverage through a similar financial means test, for the following, including but not limited to, California, federal, or out-of-state hazardous waste treatment storage or disposal facilities, or solid waste landfills, or any other similar financial means tests:~~

~~4~~5. This firm guarantees, through the guarantee for postclosure maintenance specified in 14 CCR, 18291 or through similar guarantees for postclosure maintenance as specified in the laws of other states, the postclosure maintenance of the following solid waste landfills in the United States:

~~5~~6. This firm is/is not required to file a Form 10-K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

~~6~~7. The fiscal year of this firm ends on _____
(Month/Day)

~~7~~8. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended _____.

~~8~~9. This coverage is primary/excess coverage.

ALTERNATIVE I

(Omit if using Alternative II)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____

2. Sum of postclosure cost estimates ..... $ _____

3. Sum of lines 1 and 2 ..... $ _____

4. Total liabilities (if any portion of the postclosure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 5 and 6) ..... $ _____

*5. Tangible net worth ..... $ _____

*6. Net Worth ..... $ _____

*7. Current assets ..... $ _____

*8. Current liabilities ..... $ _____

9. Net working capital (line 7 minus line 8) ..... $ _____

10. The sum of net income plus depreciation, depletion, and amortization ..... $ _____

11. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____

12. Is line 5 at least $10 million? ..... ☐ Yes ☐ No

13. Is line 5 at least 6 times line 3? ..... ☐ Yes ☐ No

14. Is line 9 at least 6 times line 3? ..... ☐ Yes ☐ No

15. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No

16. Is line 11 at least 6 times line 3? ..... ☐ Yes ☐ No

17. Is line 4 divided by line 6 less than 2.0? ..... ☐ Yes ☐ No

18. Is line 10 divided by line 4 greater than 0.1? ..... ☐ Yes ☐ No

19. Is line 7 divided by line 8 greater than 1.5? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____ Signature

_____ Typed or Printed Name

_____ Title

_____ Date

Corporate Seal

ALTERNATIVE II

(Omit if using Alternative I)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____

2. Sum of current postclosure cost estimates ..... $ _____

3. Sum of lines 1 and 2 ..... $ _____

4. Current bond rating of most recent issuance of this firm and name of rating service ..... _____

5. Date of issuance of bond ..... _____

6. Date of maturity of bond ..... _____

7. Tangible net worth (if any portion of the postclosure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) ..... $ _____

8. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____

9. Is line 7 at least $10 million? ..... ☐ Yes ☐ No

10. Is line 7 at least 6 times line 3? ..... ☐ Yes ☐ No

11. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No

12. Is line 8 at least 6 times line 3? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____ Signature

_____ Typed or Printed Name

_____ Title

_____ Date

Corporate Seal

CORPORATE GUARANTEE

Shall be on corporate letterhead stationery. It shall also contain original signature of Guarantor and shall be worded as indicated in form CIWMB 112136.

Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of [if incorporated within the United States insert "the State of _____"; if incorporated outside the United States insert the name of the country in which incorporated, the principal place of business within the United States, the name and address of the registered agent in the State of the principal place of business] herein referred to as a guarantor. This guarantee is made on behalf of [Operator] [Business address] to any and all third parties who have sustained or may sustain personal bodily injury and/or property damage caused by accidental occurrences arising from operation of the solid waste disposal facilities covered by this guarantee.

Recitals

1. Guarantor meets or exceeds the financial means test criteria of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, Section 18238 and agrees to comply with the reporting requirements for guarantors as specified in 14 CCR, 18238, 18239 and 18243.

2. Guarantor is a [parent corporation] of [Name of Operator]; is a [firm whose parent corporation], [Name of Corporate Parent], is also the parent corporation of [Name of Operator]; or engages in a substantial business relationship with [Name of Operator] and is issuing this guarantee as an act incident to that business relationship].

3. [Operator] operates the following facilities covered by this guarantee: [List for each facility: facility information number, name and address; and if guarantor is incorporated outside the United States, list the name and address of the guarantor's registered agent for service in California.]

This corporate guarantee satisfies the Board's operating liability coverage requirements for accidental occurrences for the above-named facilities for coverage in the amount of $1 million per occurrence and [$2 million annual aggregate for up to 2 facilities; $3 million annual aggregate for up to 3 facilities; $4 million annual aggregate for up to 4 facilities; and $5 million for 5 or more facilities.]

4. [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is a parent corporation of the operator); "On behalf of our affiliate" (if guarantor is a firm whose parent corporation is also the parent corporation of the operator); or "Incident to our business relationship with" (if guarantor is providing guarantee as an incident to a substantial business relationship with the operator) [Operator], Guarantor guarantees to the Board that for any and all third parties who may sustain personal bodily injury and/or property damage caused by accidental occurrences arising from operations of the facilities covered by this guarantee that in the event that [Operator] fails to satisfy a judgment or award based on a determination of liability for personal bodily injury or property damage to third-parties caused by accidental occurrences arising from the operation of the above-named facilities or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage identified above.

5. In the event of combination of this guarantee with another mechanism to meet operating liability coverage requirements, this guarantee will be considered primary/excess coverage.

6. Guarantor agrees that if at any time during or at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial means test criteria, guarantor shall send within ninety (90) days of such determination, by certified mail, written notice to the Board, the local enforcement agency for the jurisdiction in which the facility is located, and to [Operator] that he or she intends to provide alternate liability coverage as specified in 14 CCR, 18233 in the name of [Operator]. Within 120 days after the end of such fiscal year, the guarantor shall establish such liability coverage unless [Operator] has done so.

7. The guarantor agrees to send written notice to the Board, by certified mail of a voluntary or involuntary proceeding under the Bankruptcy Code, 11 U.S.C., 101-1330, naming guarantor as debtor, within ten (10) days after commencement of the proceedings.

8. Guarantor agrees that within (30) days after being notified by the Board of a determination that guarantor no longer meets the financial means test criteria or that it is disallowed from continuing as a guarantor, that alternate liability coverage shall be established as specified in 14 CCR, 18233 in the name of [Operator] unless [Operator] has done so.

9. Guarantor reserves the right to modify this agreement to take into account amendment or modification of the liability coverage requirements set by 14 CCR, Division 7, Chapter 5, Article 3.3 provided that such modification shall become effective only if the Board does not disapprove the modification within thirty (30) days of receipt of notification of the modification.

10. Guarantor agrees to remain bound under this guarantee for so long as [Operator] must comply with the applicable requirements of 14 CCR, Division 7, Chapter 5, Article 3.3, for the above-listed facilities, except as provided in paragraph 10 of this agreement.

11. Guarantor may terminate this guarantee by sending written notice by certified mail to the Board, the local enforcement agency for the jurisdiction in which the facilities are located, and to [Operator], provided that this guarantee may not be terminated unless and until [Operator] obtains, and the Board approves alternative liability coverage complying with 14 CCR, 18233.

12. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

13. Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.

14. The guarantor shall satisfy a third party liability claim only on receipt of one of the following documents:

(a) Certification from the operator and the third party claimant(s) that the liability claim should be paid. The certification must be worded as follows:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties [Operator] and [Name and address of third party(ies)] hereby certify that the claim of personal bodily injury and/or property damage caused by an accidental occurrence arising from operating [Operator's] solid waste disposal facility should be paid in the amount of $_____.

Operator's Signature	Notary	Date
Claimant's Signature	Notary	Date

(b) A valid final court order establishing a judgment against the operator for personal bodily injury or property damage caused by accidental occurrences arising from the operation of the operator's facility or group of facilities.

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239.

Effective Date: _____

_____

(Name of Guarantor)

_____

(Authorized Signature for Guarantor)

_____

(Typed or Printed Name of Person Signing)

_____

(Title of Person Signing)

_____

(Signature of Witness or Notary and Seal)

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239, in order to verify adequate financial assurance for solid waste disposal facilities. Submittal of the information requested is mandatory. The consequence of not providing this information is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

California Integrated Waste Management Board
Resolution 91-53
July 18, 1991

Adoption of Regulations for Financial Responsibility for Operating Liability Claims

WHEREAS, Public Resources Code Section 43040 requires that the Board adopt standards and regulations requiring that, as a condition for the issuance, modification, revision, or review of a solid waste facilities permit for a disposal facility, the operator of the disposal facility shall provide assurance of adequate financial ability to respond to personal injury claims and public or private property damage claims resulting from the operations of the disposal facility which occur before closure; and

WHEREAS, the Board has consulted with the U.S. Environmental Protection Agency, the California Department of Health Services, members of the affected industry and the public at large while developing the financial responsibility for operating liability claims regulations in accordance with Public Resources Code Section 43040.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed regulations for Title 14, Division 7, Chapter 5, Article 3.3 of the California Code of Regulations; and

BE IT FURTHER RESOLVED that the Board directs staff to submit the regulations to the Office of Administrative Law for review and approval.

Certification

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE
JULY 10, 1991

AGENDA ITEM #19

ITEM: Consideration of Architect-Engineer Contract Regulations

a) Consideration of Adoption of Emergency Regulations and Finding of Emergency

b) Consideration of Publication of Formal Notice for Architect-Engineer Contract Regulations

BACKGROUND:

Public Resources Code (PRC) Section 40505 allows the California Integrated Waste Management Board (Board) to enter into any contracts that the Board determines to be necessary and PRC Section 40502 grants authority to the Board to regulate the process of contracting by allowing it to adopt any necessary regulations. Additionally, Section 4525 of the Government Code mandates the Board to write and adopt Architecture-Engineer contract regulations for the procurement of these types of services.

The power of corrective action is granted to the Board by §§45400 et seq. of the Public Resources Code. Specifically, Section 45402, PRC allows the Board to contract for the preparation and/or implementation of any closure plan or postclosure maintenance plan. Likewise, Section 45403, PRC allows the Board to contract for corrective action.

Until now, the Board had no reason to adopt regulations which define the process of contracting for Architectural, Engineering, and Land Surveying Services; Construction Project Management; and Environmental Services. However, now that the Board is identifying potential Corrective Action Sites, the need for such regulations is crucial.

ANALYSIS:

CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS AND FINDING OF EMERGENCY

Before the Board can contract for Architectural, Engineering, and Land Surveying services; Construction Project Management; and Environmental Services to design or implement closure plans or postclosure maintenance plans or perform corrective action, regulations specifying contract firm selection criteria and defining the selection process must be adopted by the Board. Pursuant to the rulemaking process defined in the Administrative Procedures Act, the

process for writing such regulations and obtaining their approval can not be completed before November 1991. Therefore, emergency regulations will allow the Board to immediately begin contracting.

Currently, one Notice and Order to take Corrective Action has already been issued. If the owner and operator of this site does not respond as specified, the Board can then access the Solid Waste Disposal Site Cleanup and Maintenance Account for the purpose of contracting to take corrective action and for preparing and implementing a closure and postclosure maintenance plan. However, the Board cannot contract for any of the above mentioned services without having the appropriate regulations in place. Therefore, it is imperative that these regulations be adopted as emergency regulations to allow the Board to immediately begin corrective action programs on sites that present a threat to public health and safety.

These regulations were based on similar regulations used by other departments that use these types of services: the Office of the State Architect, Title 21, Sections 1301 et seq., CCR; CalTrans, Title 21, Sections 1520 et seq., CCR; the Coastal Conservancy, Title 14, Sections 13870 et seq., CCR; Department of Water Resources, Title 23, Sections 380 et seq., CCR; and Department of Corrections, Title 15, Sections 3454 et seq., CCR.

The proposed Architect-Engineer Contract Regulations can be summarized with the following points:

1) The Board must publish each Request for Qualification (RFQ) in the State Contracts Register and in statewide publications of appropriate professional societies. Each announcement must include a brief description of the services required; location, budget, and duration of these services; eligibility and preferences; submittal requirements and deadlines; and name and telephone number of Board contact for questions on the publication.

2) The Board must select firms based on "professional excellence, demonstrated competence, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, nature and quality of completed work, reliability and continuity of the firm, location, professional awards and other considerations deemed relevant". The Board must also consider any specialized qualifications for the services to be performed and compliance with minority and women business enterprise goals.

3) The Board must review and rank eligible firms on file at the Board using established selection criteria and must interview at least the top three ranked firms. Using the results of the interviews and considering the other criteria mentioned in item 2, the Board must rank the top three firms.

4) The Board must require a State's estimate of fees to be prepared and kept confidential. The Board may order the State's estimate to be reevaluated if it feels the estimate to be unreasonable. The best qualified firm must also prepare a detailed fee proposal and the Board will attempt to negotiate these fees with the firm. If an agreement cannot be reached, the Board will repeat the same procedure with the second most qualified firm and if this is also unsatisfactory, the Board will negotiate with the third. If the Board does not reach a satisfactory agreement with any of the top ranked firms, additional firms may be selected and the negotiations continued.

5) After reaching an agreement with a firm, the Board must sign a contract with that firm. If the State effects a change in the contract, a related change in the firm's compensation may be adjusted by written consent from both parties.

6) If a large project is broken into phases, the entire project does not have to be negotiated at once. The first phase can be agreed upon and the contract should include "provisions that the state, at its option, may utilize the firm for other phases and the firm will accept a fair and reasonable price for subsequent phases".

7) In the case of an emergency, when the Board finds that conditions at a solid waste facility pose an imminent threat to life or health, the Board may negotiate a contract for services to alleviate the threat without following procedures in this regulation.

8) The Board must attempt to involve and encourage the participation of small businesses in this process.

A requirement for regulations to be enacted as emergency regulations, the Board must find that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public, health and safety, and general welfare.

Among several sites in need of immediate action by the Board, one site has had an underground fire burning uncontrollably for several months. The operator has failed

to extinguish the fire despite being ordered by the Board to do so. The site is within a few hundred yards of a residential subdivision. The combination of these conditions can easily result in children falling through the thin crust left by the underground fire. This is a specific example which illustrates the need for the Board to make the above declaration of emergency.

CONSIDERATION OF PUBLICATION OF FORMAL NOTICE FOR ARCHITECT-ENGINEER CONTRACT REGULATIONS

Once the emergency regulations are adopted, they will be submitted to the OAL. OAL has ten days to review them and upon approval, they will be in effect for 120 days. Meanwhile, the normal procedure for adopting regulations must be followed and completed within that 120 day period.

In order to follow the formal rulemaking procedure within 120 days, it is necessary to publish the proposed regulations notice in the Notice Register immediately.

STAFF COMMENTS:

Committee members are requested to:

a) Adopt the proposed emergency Architect-Engineer Contract Regulations and the Finding of Emergency.

b) Approve the proposed Architect-Engineer Contract Regulations for Publication of Formal Notice.

ATTACHMENTS:

1. Proposed Architect-Engineer Contract Regulations.

2. Finding of Emergency.

3. Notice of Proposed Rulemaking.

4. Initial Statement of Reasons.

Prepared by: Lynn A. Rieken Phone 327-9401

Reviewed by: William R Orr Phone 445-9588

Legal review: SS Date/Time 7-2-91 10:35

Revised 7/1/91

DRAFT
EMERGENCY REGULATIONS

Chapter ___, Contracting with Private Architectural, Engineering, Environmental, Land Surveying and Construction Project Management Firms

§_____. Definitions.

As used in these regulations:

(a) "Architectural, engineering, and land surveying services," "construction project management" and "environmental services" have the respective meanings set forth in Section 4525 of the Government Code.

(b) "Board" means the California Integrated Waste Management Board or the Board's designee authorized to contract for architectural, engineering, environmental, land surveying and construction project management services on behalf of the Board.

(c) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, environmental services, land surveying, or construction project management.

(d) "M/WBE" means Minority Business Enterprise and/or Women Business Enterprise.

(f) "Small Business Firm" has the meaning set forth in Section 14837(c) of the Government Code.

§_____. Publication of Request for Qualifications.

(a) The Board shall publish a Request for Qualifications (RFQ) for expected architectural, engineering, environmental, land surveying and construction project management services in the State Contracts Register and in statewide publications of appropriate professional societies.

(b) The announcement shall include the following information: a brief description of services required; location, budget, and duration; eligibility and preferences; submittal requirements and deadlines; and name and telephone number of Board contact for questions on the publication.

§_____. Selection Criteria.

The Board shall select firms based on the following criteria:

(a) Professional excellence, demonstrated competence, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, nature and quality of completed work, reliability and continuity of the firm, location, professional awards and other considerations deemed relevant.

(b) Specialized qualifications for the services to be performed.

(c) Compliance with M/WBE goals or good faith effort.

These factors shall be weighted by the Board according to the nature of the project, the needs of the State and complexity and special requirements of the specific project.

§_____. Selection of Firms.

After expiration of the deadline date in the publications, the Board shall review and rank eligible firms on file at the Board using established selection criteria. The Board shall conduct interviews with no less than the top three ranked firms to discuss qualifications and methods for furnishing the required services. From the firms with which discussions are held, the Board shall select no less than three, in order of preference, based upon the established criteria, who are deemed to be the most highly qualified to provide the services required.

§_____. Negotiation of Contract.

(a) The Board shall request a detailed fee proposal from the best qualified firm and shall require a State's estimate of fees to be prepared prior to negotiations. The State's estimate shall remain confidential until award of contract or abandonment of any further procedure for the services to which it relates. If the Board determines the State's estimate to be unrealistic for any reason, the Board shall require the estimate to be reevaluated and modified if necessary.

(b) The Board shall attempt to negotiate a contract with the best qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most

qualified at fair and reasonable compensation, negotiations with that firm shall be terminated. The Board shall then undertake negotiations with the second most qualified firm. Failing accord, negotiations shall be terminated. The Board shall then undertake negotiations with the third most qualified firm. Failing accord, negotiations shall be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board may select additional firms in the manner prescribed and continue the negotiation procedure until an agreement is reached.

§_____. Contract Agreement.

(a) After successful negotiations, the Board and the firm shall complete and sign the contract agreement.

(b) In instances where the State effects a necessary change in the contract during the course of performance of the services, the firm's compensation may be adjusted by mutual written agreement in a reasonable amount where the amount of work to be performed by the firm is changed from that which existed previously in the contemplation of the parties.

§_____. Contracting in Phases.

Should the Board determine that it is necessary or desirable to have a given project performed in phases, it will not be necessary to negotiate the total contract price in the initial instance, provided that the Board shall have determined that the firm is best qualified to perform the whole project at reasonable

cost, and the contract contains provisions that the state, at its option, may utilize the firm for other phases and the firm will accept a fair and reasonable price for subsequent phases to be later negotiated, mutually-agreed upon and reflected in a subsequent written instrument. The procedure with regard to estimates and negotiation shall otherwise be applicable.

§_____. Emergency Contracting.

Where the Board Makes a finding that conditions at a solid waste facility pose an imminent threat to life or health and insufficient time exists to implement the foregoing procedures to secure services, the Board may negotiate a contract for such services without following procedures in this regulation, or any part thereof.

§_____. Small Business Participation.

The Board shall endeavor to provide copies of announcements for services to small business firms that have indicated an interest in receiving such announcements. Failure of the Board to send a copy of an announcement to any firm shall not invalidate any selection or contract.

June 10, 1991

FINDING OF EMERGENCY

The California Integrated Waste Management Board finds that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public, health and safety, and general welfare.

This proposed action adopts regulations for the procurement of services performed by engineering, architectural and environmental firms. Pursuant to Government Code Section 4526, state agencies that wish to procure these services must adopt regulations. The facts below describe the situation that requires these regulations to be adopted as emergency regulations so the Board can immediately procure these services.

Specific Facts Showing the Need for Immediate Action

The California Integrated Waste Management Board (Board) is responsible for the regulation of solid waste facilities. These facilities include but are not limited to active, closed, illegal, and abandoned landfills. In addition, the Board was recently given the power (Stats. 1987, ch. 1319, § 4) to take corrective action at landfills, including the power to contract for cleanup and other remedial services.

The Board is discovering a wide assortment of environmental problems associated with California landfills. These problems range from small permit violations to much more significant problems which pose a substantial and imminent threat to public health and safety and the environment, including landfill fires, contamination of drinking water, escaping methane gas in explosive concentrations, and severely eroded covers, which create a serious threat of contamination and land slide.

Compounding the above problem, the Board staff is often unable to locate a responsible party that could be mandated to correct the problem. The Board also occasionally encounters landfill owners or operators who are unwilling or unable to perform the necessary corrective action. These proposed regulations will enable the Board to contract with appropriate engineering, architectural or environmental firms for the purpose of performing the necessary corrective action.

To illustrate the need and urgency of the Board to conduct corrective action and, therefore, contract with appropriate firms, the following typical example should be mentioned. A

specific landfill exists in Placer County which is not in compliance with the Board's regulatory laws and which poses a substantial and imminent threat to public health, safety, and the environment. This landfill ceased to operate in November 1987 but has not been adequately or legally closed. In addition, an underground fire has been burning uncontrollably on the site for many months. The operator has failed to extinguish the fire despite being ordered by this Board to do so. The site is within a few hundred yards of a residential subdivision. The combination of these conditions can easily result in children falling through the thin crust left by the underground fire. Having exhausted all other reasonable courses of action, it appears necessary for the Board to immediately perform the corrective action by putting out the fire and designing and implementing an appropriate closure/post-closure plan. In order to do this, the Board must be able to contract with appropriate engineering, architectural, environmental firms.

The proposed regulations are substantially identical to existing regulations promulgated by the Coastal Conservancy and codified at Title 14, Chapter 8, Sections 13870-13882. They are also similar to the following regulations: Title 21, Group 4, Sections 1301-1361 by the Office of the State Architect, Title 21, Chapter 12, Sections 1520-1521.9 by CalTrans, and Title 23, Chapter 1.7, Sections 380-390 by the Department of Water Resources.

These regulations must be made effective as emergency regulations so that we can immediately begin to correct the problems mentioned above which, at this time, present a serious threat to public health and safety.

Authority and Reference Citations

Authority: Section 4526, Government Code; Section 40502, Public Resources Code.
Reference: Sections 4525 through 4529.5, Government Code.

Informative Digest

Existing law allows the California Integrated Waste Management Board to take corrective action when the responsible party for a solid waste landfill which is out of compliance with existing regulations and presents a threat to public health safety or the environment, cannot be located or when that party is unwilling or unable to perform the corrective action. This applies to non-emergency threats as well as emergency ones (Public Resources

Code, Section 45000, 45005, 45400, and 45402). Existing law also requires state agencies to adopt regulations which specify the required procedures to be followed when selecting an architectural, professional engineering, environmental, land surveying, or construction contractor (Government Code, Sections 4526, 4527, and 4528).

The effect of these regulations is to provide authority to the California Integrated Waste Management Board (Board) to contract with various engineering, architectural and environmental firms for the purpose of performing the above mentioned corrective actions on landfills which pose a threat to public health, safety and/or the environment.

Other Matters Prescribed by Statute

None.

Mandate on Local Agencies or School Districts

The Board has determined that proposed regulations do not impose a mandate on local agencies or school districts.

Cost Estimate

The Board has determined that the regulations will involve no costs or savings to any state agency. No nondiscretionary costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the state.

Revised: June 11, 1991

NOTICE OF PROPOSED RULEMAKING

The California Integrated Waste Management Board (Board) proposes to adopt the proposed regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt the following regulations into the California Code of Regulations (CCR). These regulations pertain to the process of contracting with architectural, engineering, environmental, and/or land surveying firms for the purpose of performing correction actions.

PUBLIC HEARING

The Board will hold a public hearing on September ~~23~~ 19, 1991, at 10:00 a.m. This hearing will be conducted in the Board Room of The River City Bank Building, 1020 Ninth Street, Suite 300, Sacramento, CA.

The auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on September ~~23~~ 19, 1991. All comments must be received by that time at the Board. Submit comments to:

California Integrated Waste Management Board
Attn: Terri Rieken
1020 Ninth Street, Suite 300
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Public Resources Code 40502 authorizes the Board to adopt the proposed regulations, which would implement, interpret or make specific Sections 4525 through 4529.5 of the Government Code.

INFORMATIVE DIGEST

Existing law allows the Board to take corrective action when the responsible party for a solid waste landfill which is out of compliance with existing regulations, cannot be located or when that party is unwilling or unable to perform the corrective action. This applies to non-emergency threats as well as emergency ones (Public Resources Code, Sections 45000, 45001, 45005, 45400, and 45402). Existing law also requires state agencies to adopt regulations which specify the required procedures to be followed when selecting an architectural, professional engineering, environmental, land surveying, or construction contractor (Government Code, Sections 4526, 4527, and 4528).

The effect of these regulations is to provide authority to the Board to contract with various engineering and environmental firms for the purpose of performing above mentioned corrective actions on landfills which pose a threat to public health, safety, and/or the environment.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost of savings in federal funding to the state: None
- Cost impact on private persons or directly affected businesses: Insignificant
- Significant adverse economic effect on small business: None
- Significant effect on housing costs: None

CONSIDERATION OF ALTERNATIVES

The Board has determined that no alternative considered by it 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.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Terri Rieken
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814
Telephone : (916) 327-9401

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to the above person.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, 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 regulations, and the initial statement of reasons. Copies may be obtained by contacting Terri Rieken at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Terri Rieken at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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INITIAL STATEMENT OF REASONS

TITLE: __, DIVISION _, CHAPTER _
ARCHITECT-ENGINEER CONTRACT REGULATIONS

ARTICLE __. _____.

OVERVIEW

The California Integrated Waste Management Board (Board) is now doing corrective actions, which will immediately be requiring engineering and environmental services. The Board is required by §4525 et seq. to write and adopt regulations for the procurement of these types of services. These resulting regulations are substantially similar to regulations used by other departments that use these types of services: Office of the State Architect, Title 21, Sections 1301 et seq., CCR; the Department of Corrections, Title 15, Sections 3454 et seq., CCR; California Department of Transportation, Title 21, Sections 1520 et seq., CCR; the Coastal Conservancy, Title 14, Sections 13870 et seq., CCR; the Department of Water Resources, Title 23, Sections 380 et seq., CCR.

§_____. Definitions.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

A number of technical terms appear in Chapter ___ which require definition to assure regulatory consistency and clarity. Other terms which appear in this text have multiple meanings. A clear understanding of these regulations by the regulated public is not to be expected without the provision of precise definition of these terms.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

Subsection (a) indicates that the definitions of "Architectural, engineering, and land surveying services", "construction project management", and "environmental services" can be found in section 4525 of the Government Code. These terms are defined to prevent any confusion which could result from members of the regulated public being uncertain as to exactly what services are regulated by using the above terms.

Subsection (b)

Subsection (b) defines the term "Board". This term, which stands for California Integrated Waste Management Board, is used for brevity and its definition is included to prevent confusion with other boards.

Subsection (c)

Subsection (c) defines the term "firm". This definition, again, is provided for the purpose of brevity. Instead of repeatedly stating individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, environmental services, land surveying, or construction project management, the simple word "firm" can be used if it is included in the definitions.

Subsection (d)

Subsection (d) defines the term "M/WBE". This term, Minority Business Enterprise and/or Women Business Enterprise, is simply a combination of terms and it is necessary to include this definition so the abbreviation can be used in the text for the purpose of brevity.

Subsection (e)

Subsection (e) defines the term "Small Business Firm". It is necessary to define this term for the purpose of clarity.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Publication of Request for Qualifications.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

When a Request For Qualifications is released by a state agency, the results can potentially be unfair. A selected few firms may see the request and, therefore, have the opportunity to respond. Likewise, eligible firms could be purposely omitted from the Request for Qualifications mailing list. In addition, the announcement of the Request For Qualifications may not contain sufficient information for the respondents to submit a complete qualification list. This regulation avoids these problems and complies with §4527 of the Government Code.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

This subsection provides a set of guidelines which regulate the process of announcing that the Board will begin accepting information on the qualifications of various architectural, engineering, environmental, land surveying, and construction project management firms. These guidelines are provided to insure that as many potential contractors are notified as possible. This is intended to prevent the omission of potential contracting applicants from the announcement mailing list. This subsection is intended to implement and make specific §4527 of the Government Code.

Subsection (b)

This subsection includes guidelines which provide the minimum amount of information that must be included in the announcements. These requirements are necessary to insure equal treatment of all potential architectural, engineering, environmental, land surveying, and construction project management candidates. In other words, all potential contracting applicants must receive the same information and it must be complete enough that they can properly submit their qualifications proposals. This subsection clearly details what that information is supposed to include. It also implements and makes specific §4527 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Selection Criteria.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This regulation implements the administrative requirements of section 4526 of the Government Code, which requires contractors of engineering and environmental types of services to be selected on the basis of competence and professional qualifications.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

The purpose of this regulation is to specify which criteria should be considered when choosing A/E contract firms. This insures a fair selection. This regulation implements and makes specific §4526 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Selection of Firms.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This regulation implements the administrative requirements of section 4527 of the Government Code, which requires that at least three of the top ranked potential contract firms be interviewed.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation helps prevent the problem of biased selection by requiring that the individual contract firm applicants be ranked not only according to how they scored on the individual criteria mentioned in the previous regulation; but also by their performance in an interview with the selectors. This process is beneficial to both the contract firm applicant and to the selector or selectors. This regulation is intended to implement and make specific §4527 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to

affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Negotiation of Contract.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Once the top three contract firm applicants are chosen, a contract cannot be adequately written and agreed upon unless a mutually agreeable, detailed fee proposal is included. This negotiation of fees and therefore contract, is mandated by Section 4528 of the Government Code.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

This subsection was written to fulfill the intent of Section 4528 of the Government Code. This regulation insures that the fees charged by the contract firm will be reasonable. It does this by requiring the state to first prepare a fee schedule,called the "State's Estimate of Fees", which the board feels is reasonable. During the negotiation, this estimate will be used as the base by which to compare the potential contract firm's proposed fee schedule.

Subsection (b)

This subsection was written with the same intent as the one above. That is, it implements and makes specific §4528 of the Government Code. It describes the process to be followed if the potential contract firm's fee proposals are not acceptable to the Board. If, after comparing the proposed fees with the State's estimates, the Board finds the potential contract firm's proposal unacceptable, the Board must have a procedure which outlines the necessary steps to follow. This regulation insures that the process will not stop if a potential contract firm is not found acceptable. It requires the Board to continue down the ranked list until an acceptable agreement can be made between the Board and a potential contract firm.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has

determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Contract Agreement.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Subsection (a) describes the formal completion of contract process. Subsection (b) describes how change orders will be handled during the course of the contract.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

This subsection allows the Board to complete and sign the contract agreement with the selected firm. It also implements and makes specific §6106 of the Public Contract Code and §4528 of the Government Code.

Subsection (b)

This subsection allows for the alteration of the contract once it is signed. It protects the Board and the contract firm by requiring both parties' signature to alter the firm's change in compensation resulting from a change in work responsibilities. This subsection is also intended to implement and make specific §6106 of the Public Contract Code and §4528 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Contracting in Phases.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

In contracts of this nature, it is often necessary to perform the work in phases. This makes it difficult to estimate the entire cost initially because the scope of work for latter phases cannot be determined without completing the preliminary phases.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

The purpose of this regulation is to allow for phased contracting with separate cost projections for each phase. For example, if the Board wanted to design and implement a closure/ post closure plan, it would complete the design phase before determining an appropriate cost for the construction phase.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Emergency Contracting.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

The procedures which are outlined by these regulations can potentially be very time consuming. In case of emergency, i.e. landfill fire or landslide, the time required to secure a contract could threaten life or health and safety.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation provides an alternative procedure which is to be used in the case of emergency. When life or health and safety is threatened, the Board has the option of disregarding the approved contracting procedure and securing an emergency contract. This regulation is necessary to protect public life or health and safety. An express Board finding of emergency is required to use this emergency procedure.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Small Business Participation.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Section 14838, Chapter 6.5 of the Government Code mandates that small business participation in State contracting procedures be encouraged as much as possible.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation encourages small business participation in the in the state Architect-Engineer contracting process.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

California Integrated Waste Management Board
Resolution # 91-54
July 10, 1991

WHEREAS, Section 4526 of the Government Code mandates the Board to write and adopt regulations for the procurement of engineering and environmental services;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed regulations for Architect-Engineer contracting procedures; and

BE IT FURTHER RESOLVED that the Board adopts the attached finding of emergency for the subject regulations; and

BE IT FURTHER RESOLVED that the Board directs staff to submit the regulations and finding of emergency to the Office of Administrative Law; and

BE IT FURTHER RESOLVED that the Board adopts the Notice of Proposed Rulemaking for Architect-Engineer contracting regulations and directs staff to file the Notice with the Office of Administrative Law.

Certification

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 10, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE
JULY 10,1991

AGENDA ITEM 20

ITEM: Consideration of Approval of Requests For Qualifications for Architect-Engineer Contracts: Engineering and Environmental Services.

BACKGROUND:

As mentioned in Item #19, Public Resources Code (PRC) Section 40505 allows the California Integrated Waste Management Board (Board) to enter into contracts. Specifically, Section 45402, PRC, allows the Board to contract for the preparation and/or implementation of any closure plan or postclosure maintenance plan. Section 45403, PRC, which is also included in these statutes, allows the Board to contract for corrective action.

Upon approval of the Architect-Engineer Contract Regulations, the process of selecting firms to provide Architectural, Engineering, and Land Surveying services; Construction Project Management; and Environmental Services may begin. This process is initiated by announcing a Request For Qualifications as defined in the regulations.

ANALYSIS:

In order for the Board to begin designing or implementing closure or postclosure maintenance plans or to begin performing corrective action on solid waste facilities which present a threat to public life and safety, the Board must approve the announcement of Requests for Qualifications to initiate the contracting procedure.

Two different types of services are necessary to execute the corrective actions responsibilities assigned to the Board: environmental and engineering services. A Request For Qualifications is necessary for both.

The Request For Qualifications for engineering services will be for a $500,000 contract for 2 years. These services include the design of closure plans, postclosure maintenance plans, and corrective action programs. The engineering qualifications which are required on this contract will be the following:

1. Design of leachate, gas, drainage, and monitoring systems

2. Design of final cover and miscellaneous structures

3. Design of closure and postclosure maintenance plans in accordance with California Code of Regulations, Titles 14 and 23.

The word design as used in this Request For Qualification includes preparation of plans, specifications, studies, and reports. The applicant firms will also be required to submit the following with their qualifications proposals:

1. Letter of Interest

2. Federal Forms 254 and 255

3. Minority/Women Business Enterprise forms and certifications

The Request For Qualifications for Environmental services will be for a $500,000 contract for 2 years. These services include various phases of environmental cleanups. The qualifications which are required on this contract will be the following:

1. Ability to and experience in providing emergency response to contain and cleanup releases of hazardous waste

2. Ability to and experience in extinguishing subsurface landfill fires

3. Ability to and experience in collecting and evaluate data

4. Ability to and experience in conducting limited field investigations

5. Ability to and experience in accomplishing preliminary site characterization, risk assessment, and follow work plans

6. Applicants must also have suitable emergency response and OSHA health and safety programs

The applicant firms will also be required to submit the following with their qualifications proposals:

1. Letter of Intent

2. Federal Forms 254 and 255

3. Minority/Women Business Enterprise forms and certifications

STAFF COMMENTS:

Committee members are requested to grant authority to advertize Requests For Qualifications for one $500,000 contract for engineering services and one $500,000 contract for environmental services and to allow the ranking process to begin with the receipt of all subsequent applications.

STAFF COMMENTS:

Prepared by: Terri A. Riker Phone 327-9401

Reviewed by: William Rau Phone 445-9588

Legal review: Date/Time 7-1-91 4:35 pm

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

July 9, 1991

AGENDA ITEM 21

ITEM: Discussion of Insurance as a Financial Assurance Mechanism for Landfill Closure and Postclosure Maintenance Costs

BACKGROUND AND PRIOR COMMITTEE ACTION:

On June 14, 1991, the Committee considered this item as a continuation of the previous committee meeting discussion held May 8, 1991. During the June 14th Committee Meeting, the Committee requested that Board staff contact the California Department of Health Services (DHS) and the U.S. Environmental Agency (EPA) to inform them of the Committee findings on this issue. Recent discussions have focused on the effectiveness and adaptability of insurance as a financial assurance mechanism for use by operators of solid waste disposal facilities, to cover closure and postclosure maintenance costs.

The Committee recommended this issue be continued for further discussion and analysis at this meeting.

ANALYSIS:

Board staff determined that insurance may be an inappropriate mechanism to cover closure and postclosure maintenance costs.

However, to conform with existing federal and state regulations, the Board may choose to consider inclusion of this mechanism in the closure and postclosure regulations, with the following elements included as criteria:

1. Incorporation of the standards and requirements which apply to a company licensed to transact the business of insurance in the State of California;

2. Incorporation of accurate definitions of terms as they are used in the insurance industry; and

3. A requirement that rating criteria such as A.M. Best Report's be satisfied to provide more adequate assurance.

STAFF COMMENTS:

If the Committee determines that the use of insurance as a mechanism for closure and postclosure maintenance assurance is inappropriate, the Committee may choose to direct staff to contact the DHS and the EPA to relay the findings of the Committee. However, if it is the pleasure of the Committee, staff will begin preparing the regulatory package to amend the closure and postclosure maintenance regulations with the proviso that the criteria described in the staff analysis be included in the description of the mechanism.

Agenda Item Prepared By: Diana Thomas Phone 327-9346

Agenda Item Reviewed By: Gail Sevakis Phone 327-9182

Approved By Legal: MOM Date 7/1/91 Time 4:00pm

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

July 9, 1991

AGENDA ITEM 21A

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for Browning-Ferris Industries Transfer Station, Los Angeles County.

BACKGROUND:

Facility Facts

Project:	Revised permit to allow expansion to 1,500 tons per day
Facility Type:	Large Volume Recycling and Transfer Station
Name:	Browning-Ferris Industries Recycling and Transfer Station, Facility No. 19-AA-0048
Location:	2509 West Rosecrans Avenue, Compton
Setting:	The surrounding land is predominantly zoned manufacturing. Land uses within 1,000 feet of this facility are: Heavy manufacturing, special uses (two schools and two churches), and single-multiple family residential
Operational Status:	Currently operating as a large volume transfer station
Permitted Maximum Daily Capacity:	1,500 tons per day
Area:	3.1 acres
Owner/Operator:	Mr. Gerald Perissi, District Manager Browning-Ferris Industries of California, Inc.
LEA:	County of Los Angeles Department of Health Services

Summary The matters of this proposed permit revision for the Browning-Ferris Industries Recycling and Transfer Station were presented as an agenda item before the Board's Permitting and Enforcement Committee during the June 12, 1991 meeting in the City of Burbank. The Committee voted to concur with the proposed permit revision and the item was placed on the Board's consent calendar, to be presented to the full Board at the June 26, 1991 meeting in the City of Long Beach. At the June 26, 1991 meeting, opposition to this proposed permit revision was presented by the City of Compton. The Board voted to send the item back to the Permitting and Enforcement Committee for further consideration at the Committee's July 9, 1991 meeting.

Background The Browning-Ferris Industries Recycling and Transfer Station is an existing Large Volume Transfer Station that commenced operation in 1973 as a paper collection and bailing operation under the name of Advance Recycling and Transfer Station, operated by H.H.J., Inc. In 1980, the property was transferred from H.H.J., Inc. to Solid Waste Transporter, Incorporated. In the early 1980's, Solid Waste Transporter, Inc. filed for bankruptcy. The facility's operations were suspended and remained idle for about a year before it was opened back up for operation by the Western Waste Company for a short period under agreement with the trustee in bankruptcy for Solid Waste Transporter, Inc.(the "Trustee"). On October 7, 1985, the "Trustee" entered into an agreement with BFI of California, Inc. for the company to repair and operate the facility.

In 1980, additional improvements were initiated to bring the facility into compliance with the Conditional Use Permit issued by the City of Compton and the Solid Waste Facilities Permit (SWFP) issued by the Los Angeles County Department of Health Services. The existing facility was constructed in 1981. In 1989, this facility was transferred to Browning-Ferris Industries of California and a new SWFP was issued to reflect the change in operator.

Project Description The facility is located in the City of Compton. It is bounded by Rosecrans Avenue on the South, a construction equipment storage and maintenance yard on the East, the 139th Street School (visual and performing arts) on the North, and McKinley Avenue and vacant land on the West. The entire facility is surrounded by chain link fence with ingress and egress gates on the south and west, respectively.

The transfer station consists of a scale house, a partially covered dumping apron, and an office building with employee shower and toilet facilities. The recycling building is located on the south side of the station, and the 50' wide by 140' long pit of the refuse transfer building is at the eastern portion of the station. The entire yard of the facility is paved and easy to keep clean.

This proposed permit revision would increase the allowable daily tonnage from 750 tons per day to a permitted daily capacity of 1,500 tons per day. The facility receives nonhazardous solid wastes including construction and demolition wastes from commercial, industrial, residential refuse haulers, and small loads from individuals.

Environmental Controls The facility has implemented environmental controls which include: daily waste load checking program to prevent and discourage the disposal of hazardous waste at the station; daily cleaning of trash and litter throughout the facility and surrounding streets and properties; and complete clean up of the entire enclosed tipping and pushing pit every 12 hours as stipulated in agreement with the City of Compton. Dust created in the unloading and reloading pit area is controlled by overhead sprinkler system design. Some of the mist evaporates in descent to the pit, and the remainder of the moisture is absorbed by the solid waste without generating free moisture or leachate.

Resource Recovery Operation There is an established recycling area at this facility. The recycling effort at this facility concentrates on the segregation of corrugated materials, wood, aluminum, ferrous metals, and various grades of paper. The facility manager in a conversation with Board staff indicated that the current resource recovery rate at the facility at about 3.5% of incoming waste volume. He also indicated that there a plan to expand this effort to about 15-20% in the next several months.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on May 30, 1991, the last day the Board could act is July 29, 1991.

The LEA has submitted a proposed permit to the Board. Staff having reviewed the permit and supporting documentation, has found that the proposed permit is acceptable for the Board's

consideration of concurrence. In making the determination the following requirements were considered:

1. Conformance with County Plan

   The LEA has certified the facility's Finding of Conformance by the Los Angeles County Solid Waste Management Committee on April 18, 1991. Board staff agrees with said certification.

2. Consistency with General Plan

   The LEA has made the finding that this existing transfer station is designated in the City of Compton's General Plan and is compatible with the surrounding land uses. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Based on review of the documents for the proposed project, staff has determined that the project is consistent with the County's waste diversion goals. Information supplied by the facility operator indicated the current waste diversion level to be at 3.5% of incoming waste volume and that there is a plan to expand this effort to 15-20% in about a year.

4. California Environmental Quality Act

   State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule.

   Los Angeles County Solid Waste Management Program prepared a Negative Declaration (ND) (SCH #90011050) for the proposed project. The project as described in the ND proposes a change in the daily tonnage from 750 tons per day to 1500 tons per day. As required by the California Environmental Quality Act (CEQA), the ND identified the project's potential adverse environmental impacts and mitigation measures that would reduce those impacts to a less than significant level. Board staff reviewed the ND and provided comments to the County on December 5, 1990. The County prepared and submitted an adequate response to comments. The project was certified as approved by the Los Angeles County Department of Health Services, the Lead Agency for the project, and a Notice of Determination was filed.

A Mitigation Monitoring and Implementation Schedule (MMIS) was submitted to the Board. Potential environmental impacts and mitigation measures associated with the conditional use permitting of Browning - Ferris Industries Recycling and Transfer Station are identified and incorporated in the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and the ND is adequate and appropriate for the Board's use in evaluating the proposed project.

5. Consideration of Public Comments

At the June 26, 1991 Board meeting in the City of Long Beach, the City of Compton presented opposition to this proposed permit revision. The substance of the City of Compton's opposition as outlined in their submitted opposition paper is that the negative declaration for the project was inadequate and should not have been granted. The inadequacies, as described by the City, were that the negative declaration failed to address their concerns on the issues of odor, noise, containment of hazardous substances, increased traffic, increased need for public services, and potential health hazards.

Board staff have been informed by the LEA, which also acted as the lead agency in the CEQA process, that all of the City's concerns were addressed properly at the time the negative declaration was granted for this project. The negative declaration was granted with a Mitigation Monitoring Implementation Schedule (Attachment No. 5).

STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board and must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-42, concurring in the issuance of Solid Waste Facilities Permit No. 19-AA-0048.

ATTACHMENTS:

1. Permit Decision No. 91-42
2. Location Map
3. Site Map
4. Permit No. 19-AA-0048
5. Mitigation Monitoring Implementation Schedule
6. City of Compton, Materials Presented in Opposition to Issuance of Revised Solid Waste Facilities Permit

Prepared by: Tadese Gebre-Hawariat Phone 323-5380

Reviewed by: [illegible] Phone 7-9182

Legal review: [illegible] Date/Time 7/9/91 09h03

California Integrated Waste Management Board
Permit Decision No. 91-42
July 17, 1991

WHEREAS, The County of Los Angeles Department of Health Services, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Browning-Ferris Industries Recycling and Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board Standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 19-AA-0048.

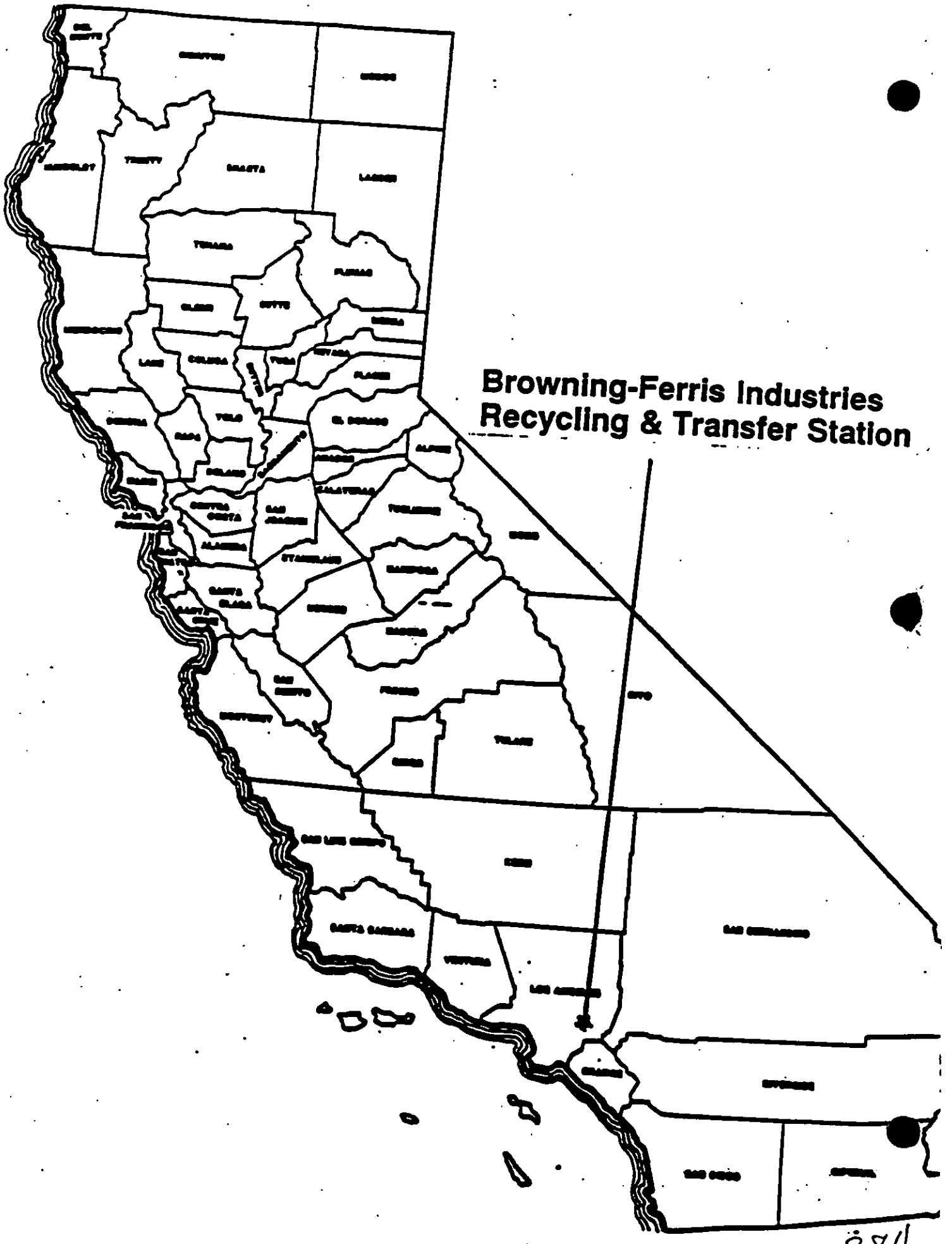
CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17, 1991.

Dated:

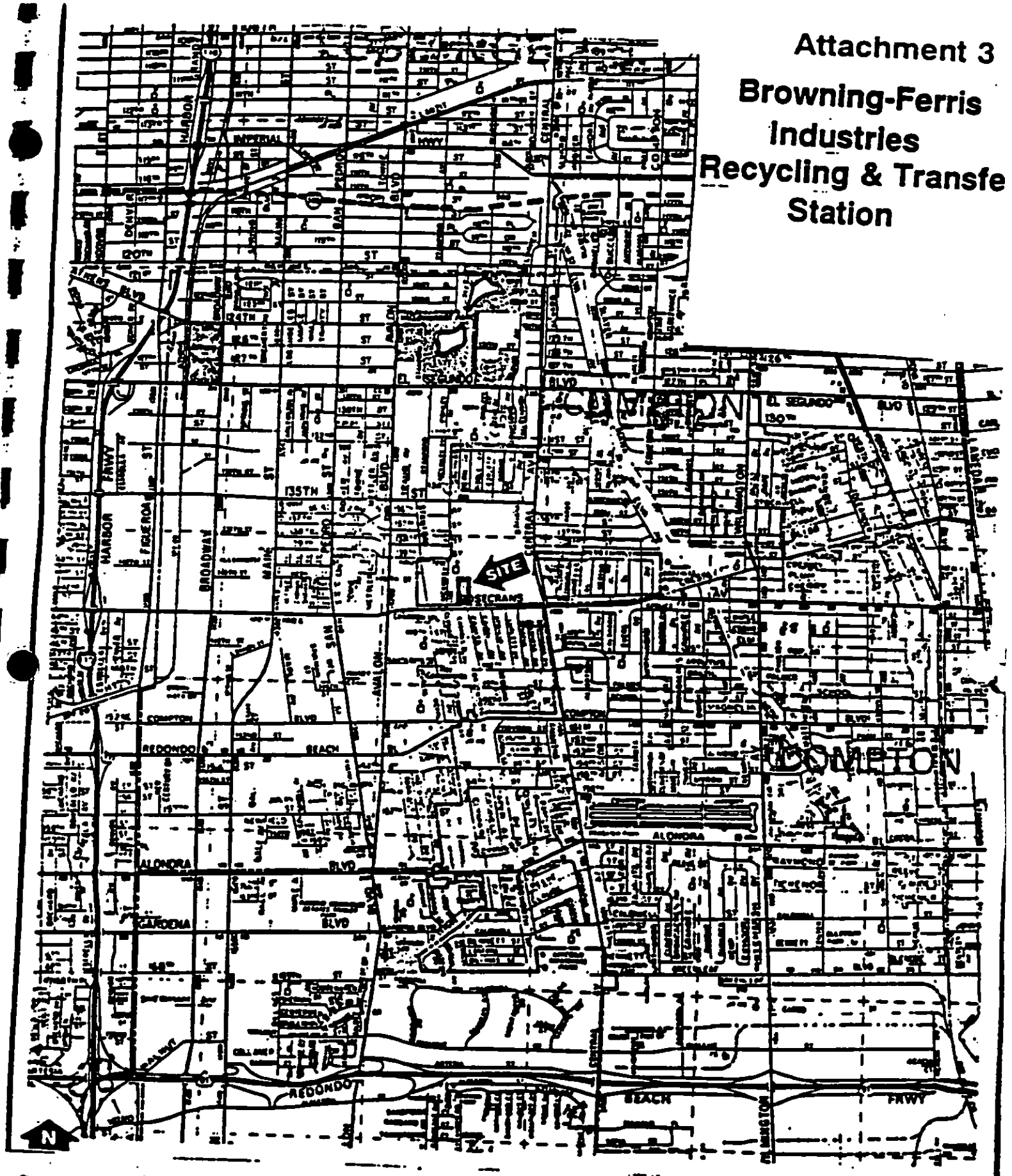
Michael R. Frost
Chairman

Attachment 2



Attachment 3

Browning-Ferris Industries Recycling & Transfe Station



Attachment 4

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: LARGE VOLUME TRANSFER STATION	FACILITY/PERMIT NUMBER: 19-AA-0048

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
BROWNING-FERRIS INDUSTRIES RECYCLING & TRANSFER STATION 2509 W. ROSECRANS AVENUE COMPTON, CA 90059	BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC. 2509 W. ROSECRANS AVENUE COMPTON, CA 90059

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES	COMPTON/LOS ANGELES

PROPOSED

RECEIVED MAY 30 1991

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED:	AGENCY ADDRESS
APPROVING OFFICER RICHARD A. HANSON, Program Director NAME/TITLE	COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES SOLID WASTE MANAGEMENT PROGRAM 2525 CORPORATE PLACE, ROOM 150 MONTEREY PARK, CA 91754
SEAL	AGENCY USE/COMMENTS PERMIT REVISION PROPOSED
	PERMIT RECEIVED BY CWMB: MAY 30 1991 / CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE / PERMIT ISSUED DATE

CWMB (Rev. 7/86)

386

FINDINGS:

1. **Description of the facility's design and operation:**

Browning-Ferris Industries Recycling and Transfer Station is an existing large volume transfer station. This facility was constructed in January 1981 on a site already occupied by a large volume transfer station (Advance Recycling and Transfer Station) and which was operated by H.H.J., Inc. from 1973 (as a paper collection and baling operation) to 1980. In 1980, additional improvements were initiated to bring the facility into compliance with the Conditional Use Permit issued by the City of Compton and the Solid Waste Facility Permit issued by the Los Angeles County Department of Health Services and concurred in by the State Solid Waste Management Board. The property was transferred from H.H.J., Inc. to Solid Waste Transporter, Incorporated, in 1980. In 1989, this facility was transferred to Browning-Ferris Industries of California and a new Solid Waste Facility Permit was issued to reflect this change and was also issued as part of the Five-Year Periodic Facility Review.

This Revised Solid Waste Facility Permit is the result of a request by the owner/operator of the facility for a revision of the current permit. This large volume transfer station is currently permitted to accept 750 tons of refuse per day. The operator has requested that the permit be revised in order to increase the permitted capacity to 1500 tons of refuse per day. This permit is required by the California Public Resources Code, Division 30, Chapter 3, Article 23 Sections 44001 et. seq., and the California Code of Regulations, Title 14, Chapter 5, Article 3, Section 18200 et. seq.

A. The owner and operator of the transfer station is:

Browning-Ferris Industries of California, Inc.
2509 West Rosecrans Avenue
Compton, California 90059
Mr. Gerald Perissi, District Manager
(Refer to (k), pages 16 & 17 of the RSI).

B. The facility is located within Los Angeles County at 2509 West Rosecrans Avenue in the City of Compton, California 90059. The facility is bounded by Rosecrans Avenue on the South, a construction equipment storage and maintenance yard on the East, the 139th Street School (visual and performing arts) on the North, and McKinley Avenue and vacant land on the West. The total acreage of the facility is 3.1 acres. (Refer to Site Plan Map, dated 8-28-89 and Project Site Location map attached to RSI, and (c) 10, page 9 of the RSI).

FINDINGS:

1. **Description of the facility's design and operation: (continued)**

   C. The transfer station consists of a scale house, a partially covered dumping apron, an office building with two men's restrooms, one ladies' restroom and a shower facility, a 140' long X 60' wide recycling building, and an adjoining refuse transfer building with a 50' wide X 140' long pit. The facility is surrounded by an 8' high chain link fence on the North and East boundaries, an 8' high chain link fence and an 8' garden fence with pillars and two fenced ingress and egress gates on the south and a 10' high chain link fence atop a 1' high concrete wall on the west. The design capacity of the facility is 180 tons/hour or 2160 tons per day for a twelve hour day. (Refer to Site Plan Map, dated 8-28-89 and (c)(5), Page 5 and (g) 1, pages 12 & 13 of the RSI and (b) 5.a, b, c & d of the Engineering Report).

   D. This facility accepts only non-hazardous solid wastes from commercial refuse haulers including residential refuse, commercial solid waste, industrial, non-hazardous solid waste and construction and demolition wastes. Additionally, small loads of refuse are accepted from individuals. No medical, hazardous, liquid, septic tank pumpings, sewage sludge or other wastes as defined by the California State Department of Health Services as requiring special treatment or handling are permitted at this facility. (Refer to (c)(8) & (9), pages 6 & 7 of the RSI)

   E. This facility is capable of accepting 1500 tons of non-hazardous solid waste per 12 hour operating day. It is not anticipated that the station will experience unusual peak loadings. The facility has a design capacity of 4000 tons per 24 hour day. (Refer to (g) 1 & 2, pages 12 & 13 of the RSI)

   F. Refuse is processed in the following manner: Refuse vehicles will dump directly into the transfer building pit from the dumping apron and a crawler-tractor will compact, grind, and push refuse up an inclined ramp into an open-top transfer trailer located on a below-grade ramp. The transfer vehicle will exit the site directly onto McKinley Avenue. The wastes may be hauled to one of the following landfills: Azusa Land Reclamation, Puente Hills, Chiquita Canyon and Sunshine Canyon. (Refer to (c), page 2 & (d), page 10; (i), page 13, of the RSI and (b), 1.B, page 1 & 2 of the Engineering Report)

FINDINGS:

1. **Description of the facility's design and operation: (continued)**

   G. Refuse vehicles containing a high percentage of recyclables will be dumped in the recycling building. There, corrugated fibers, high-grade paper, aluminum, ferrous metals and other items of value will be removed. The remaining refuse will be pushed into the refuse pit in the transfer building. (Refer to (c), page 2; (c) 6, Page 5 & 6 of the RSI and (b) 1.A, page 1, of the Engineering Report.

   H. There is a waste load checking program to counteract the accidental or illicit disposal of prohibited materials at the transfer station. (Refer to (c) 9, Page 6 through 9 of the RSI; (b) 3. of the Engineering Report and to the Conditions/Provisions section of this Permit.)

   I. The operator anticipates that an expanded recycling operation will be proposed within the next several months to the LEA. The LEA will review the proposal and implement the process to modify or revise the permit if necessary.

   J. The facility will be open to receive waste from 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 1:00 p.m. on Saturday. (Refer to (c) 1. page 2; (d) 4, pages 10 & 11; (g), page 12 and (b) of the Engineering Report and City of Compton, Conditional Use Permit, Resolution No. 1806)

2. **The following documents condition the design and/or operation of this facility:**

   A. Report of Station Information, BFI Transfer Station, (including all addenda thereto) dated September 27, 1990.

   B. City of Compton:

      (a) Conditional Use Permit, adopted March 1977.

      (b) Resolutions No. 1718 and 1806, dated March, 1977.

   C. Los Angeles County:

      (a) Finding of Conformance by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force on April 18, 1991.

      (b) Negative Declaration; SCH #90011050, approved on March 6, 1991, Notice of Determination filed on March 6, 1991, and the Mitigation Monitoring and Implementation Schedule (Attachment 1) prepared by the Los Angeles County Department of Health Services, Solid Waste Management Program.

FINDINGS:

3. The following findings are required pursuant to Public Resources Code (PRC):

   A. PRC 44010

   This permit is consistent with the criteria, guidelines and standards adopted by the California Integrated Waste Management Board [PRC44010].

   B. PRC 50000

   A Finding of Conformance was approved by the Los Angeles County Solid Waste Management Committee on April 18, 1991. [PRC 50000(a)(1)]

   C. PRC 50000.5

   The City of Compton found that this transfer station facility located at 2509 West Rosecrans Avenue is designated in the City's General Plan and is compatible with the surrounding land uses. By Resolution #1,718 the Planning Commission granted a Conditional Use Permit in March 1977.

4. This facility's proposed design and operation were reviewed and found to be in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on the Report of Station Information's proposed design and operation, and by an inspection of the facility by the Los Angeles County Department of Health Services, Solid Waste Management Program on May [ ].

5. The local fire protection agency has determined that the facility is in conformance with applicable fire standards.

6. Land uses within 1,000 feet of this facility are as follows:

   A. Heavy manufacturing
   B. Special uses (two schools and two churches)
   C. Single-family residential
   D. Multiple-family residential

CONDITIONS:

Requirements:

1. This facility shall comply with all the Minimum Standards for Solid Waste Handling and Disposal.

2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant

CONDITIONS:

Requirements: (continued)

3. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.

4. Additional information concerning the design and operation of this facility shall be furnished on request of the Local Enforcement Agencies' personnel.

5. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to Public Resources Code 21081.6.

Prohibitions:

1. No hazardous waste, medical waste, liquids, sewage sludge, sludge pumpings, materials which are of a toxic nature, such as insecticides, poisons or radioactive materials, and asbestos or asbestos products shall be accepted.

2. No scavenging by the general public is permitted.

3. Receipt of dead animals is not permitted.

Specifications:

1. No significant change in design or operation from that described in the Findings section of this permit is allowed.

2. The operator shall notify the Local Enforcement Agency, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the Local Enforcement Agency a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of the SWF Permit.

3. This facility has a permitted capacity of 1,500 tons per operating day and shall not receive more than this amount of solid waste without a revision of this permit.

4. A change in the operator would require a new Permit.

CONDITIONS:

Provisions:

1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes.

   a. That during the hours of operation for all transfer station activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.

   b. WASTE LOAD CHECKING PROGRAM:

   The operator shall conduct a daily waste load checking program, approved by the Local Enforcement Agency (LEA), to prevent and discourage disposal of hazardous waste at this station. The daily waste load checking program shall consist of the following activities:

   1) The minimum number of random waste loads to be inspected daily at this station is two (2).

   2) The number of random incoming loads to be inspected each day is determined by the Local Enforcement Agency and shall be related to the permitted daily volume of refuse received by the transfer station. The Local Enforcement Agency reserves the right to increase the required number of incoming waste load inspections.

   3) The loads selected for inspection shall be unloaded in an area apart from the active working floor. The refuse shall be spread out and visually inspected for evidence of prohibited wastes. Any hazardous materials thus found shall be set aside in a secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies.

   4) The working floor shall be under continual visual inspection by station personnel, such as spotters, equipment operators and supervisors for evidence of hazardous materials. Any hazardous or prohibited materials found shall be managed as above.

   5) Station personnel performing the duties required by this waste load checking program shall be trained. The training must include how to recognize suspicious containers of hazardous waste, the proper method of containment, and the reporting requirements of this program.

CONDITIONS:

Provisions: (continued)

Station personnel are to be retrained on an annual basis and updated as needed. New employees are to be trained prior to assignment to a work station. The training program must be approved by the Local Enforcement Agency.

6) Incidents of unlawful disposal of prohibited materials shall be reported to the Local Enforcement Agency monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposal:

(a) Duty officer, County of Los Angeles Department of Health Services, Hazardous Materials Control Program at (213) 744-3223.

(b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824.

(c) California Highway Patrol at (213) 736-2971.

2. The maximum storage period for refuse such as wood, paper, metal or plastic products is 24 hours. All other waste shall not be stored nor remain on the premises in excess of 12 hours. (See City of Compton Resolution No. 1806, condition 1.(b).). All stored waste must be contained within the building or in enclosed vehicles.

3. All solid wastes shall be completely removed from the disposal pit at the end of each working week (Saturday).

4. The maximum storage period for recyclables is two weeks. All stored materials must be contained in the building, in enclosed containers, or as approved by the LEA. The enforcement agency reserves the right to reduce this time if storage presents a health hazard or becomes a public nuisance.

5. The operator shall install and maintain signs at the entrance indicating that no hazardous or liquid wastes are accepted. These signs shall be in both English and Spanish.

CONDITIONS:

Provisions: (continued)

6. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of refuse received. These records shall be available to the Local Enforcement Agency's personnel and to the CIWMB's personnel and shall be maintained for a period of at least one year.

7. The operator will maintain a log of special/unusual occurrences. This log should include but is not limited to fires, injuries, property damage, accidents, explosions, and discharge and disposition of hazardous or unpermitted waste. The operator shall maintain this log at the station so as to be available at all times to site personnel and to Enforcement Agencies' personnel.

   Any entries made in this log must be reported to the Local Enforcement Agency at once: County of Los Angeles, Department of Health Services, Solid Waste Management Program at (213) 881-4151.

8. Any complaints about the facility received by its operator shall be forwarded to the Local Enforcement Agency within one working day.

9. This permit is subject to review by the Local Enforcement Agency and may by suspended, revoked or modified at any time for sufficient cause.

10. The Local Enforcement Agency reserves the right to suspend waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

11. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

Monitoring Program:

Upon receipt of the approved solid waste facility permit, the operator shall submit monitoring reports to the Local Enforcement Agency at the frequencies indicated below:

1. The monitoring reports are due 15 days after the end of the reporting period.

CONDITIONS:

Monitoring Program: (continued)

2. The following monitoring reports shall be submitted each calendar quarter:

   a. The quantities and types of hazardous wastes, medical wastes or prohibited waste found and the disposition of these materials. Monthly reporting of this information is still required.

   b. The number of vehicles using the facility per day and per week. The transfer vehicles and collection vehicles must be totaled separately.

3. The following monitoring reports shall be submitted monthly:

   a. All incidents of unlawful disposal of prohibited materials and hazardous materials. This report shall contain a summary of the actions taken by the operator regarding each incident and the final disposal of the material(s).

   b. All complaints regarding the transfer station and operator's actions taken to resolve any justified complaints. Notification of the Local Enforcement Agency within one day following the complaint is still required.

   c. All special/unusual occurrences and the operator's action taken to correct these problems.

   d. The results of the daily random waste load checking program.

   e. The amount by weight of each category (metal, aluminum, glass, plastic, etc.) of material removed from incoming waste loads and trans-shipped to or removed from the facility by a recycler.

   f. The quantities and types of wastes received each day.

   g. The quantities of waste transfered each day to each of the disposal sites indicated on the sample monitoring report form (Attachment A).

<END OF DOCUMENT>

MITIGATION MONITORING AND REPORTING PROGRAM
(SWFP NO. 19-AA-0048)

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
AIR				
All material handling equipment (heavy equipment) under the applicant's ownership and operation shall be properly maintained (engine tune, proper mufflers, etc.).	Field inspections by the Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
Daily transfer station operations shall be conducted efficiently so as to minimize the queuing of trucks on-site, thus reducing the amount of emissions potentially generated by idling vehicles.	Field inspections by the Local Enforcement Agency.	Field inspector of the Local Enforcement Agency.	Throughout facility operations and during the course of routine inspections.	
The transfer station shall continue to implement measures for odor control as part of the facility's expanded operations. These measures include: • The control and minimizing of odor concentrations by means of air circulation accomplished by the openings on the north side of the facility's push pit and the west and south sides of the recycle area; • Any odorous loads shall be immediately loaded into transfer trailers for removal to landfill; • Any highly odorous loads shall be rejected at the entrance of the facility and a load rejection form be completed; • Trucks with untarped loads, which could allow odors to more easily escape the vehicle beds, shall be discouraged from using the transfer station; and				

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
° All organic waste shall be removed from the transfer station by the end of each operating day.	Review and approval of the applicant's proposed measures for the control of odors will be made by the Local enforcement Agency.	Field Inspector of the Local Enforcement Agency.	Prior to issuance of facility operations permit and monitoring throughout facility operations.	
To minimize dust migration out of the pit area the applicant shall utilize an overhead sprinkler system which suppresses dust generated in the pit area.	Field Inspections by the Local Enforcement Agency.	Field Inspector of the Local enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
Transfer station personnel shall regularly sweep all driveways and vehicle access areas to clean up dust that may otherwise be picked up by truck tires and carried off-site or blown by the wind.	Field Inspections by the Local Enforcement Agency.	Field Inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
NOISE				
On-site refuse handling, recycling, and transfer operations shall continue to be restricted to daytime hours only, in compliance with Compton Municipal Code requirements, and subject to the approval of the Department of Building and Safety and/or the other responsible agencies.	Compliance with permit requirements as approved by Department of Building and Safety and field inspection by the local Enforcement Agency.	Department of Building and Safety and field inspector of the Local Enforcement Agency.	Prior to issuance of facility operations permit and throughout facility operations.	
All heavy-duty equipment shall be equipped with properly operating and maintained mufflers, and all engines shall be kept in proper tune.	Field Inspections by the Local Enforcement Agency.	Field Inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
There is an on-site Maintenance Manager and two Service Mechanics to maintain equipment at the station.				

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
All employees shall be required to wear ear plugs or other ear protection when working in the push pit and/or recycling areas or when operating heavy equipment, in accordance with Federal OSHA regulations pertaining to this specific issue.	Field inspections by Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
RISK OF UPSET The Report of Station Information provides a detailed description of the operator's hazardous waste screening program and the specific procedures to be taken in the event of an accidental spill. These screening and contingency procedures shall also be applied for the expanded operations capacity such that the same level of control and effective responsiveness is maintained.	Review and approval of the facility's hazardous waste screening program by the Local Enforcement Agency prior to the issuance of the facility operations permit.	Local Enforcement Agency staff.	Prior to issuance of facility operations permit.	
PUBLIC SERVICES Transfer station personnel shall regularly sweep all driveways and vehicle access areas to clean up dust that may otherwise be picked up by truck tires and carried off-site or blown by the wind.	Field inspections by Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	

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MITIGATION MONITORING AND REPORTING PROGRAM
(SWFP NO. 19-AA-0048)

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
HUMAN HEALTH				
All organic waste shall be removed from the transfer station by the end of each operating day. Should vectors become a problem, the applicant shall contract with a licensed pest control service to eliminate the problem.	Field Inspections by Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	

NOTE: Local Enforcement Agency scheduled field inspections are conducted once a month.

BIFMIT

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MATERIALS PRESENTED IN OPPOSITION TO ISSUANCE OF REVISED SOLID WASTE FACILITIES PERMIT

(Item #5)

presented by the

City of Compton

June 26, 1991

OFFICE OF THE CITY MANAGER
205 South Willowbrook Avenue
Compton California 90220
(213) 605-5585
FAX (213) 631-0322

WALTER R. TUCKER
Mayor
COUNCILPERSONS
MAXCY D. FILER
PATRICIA A. MOORE
BERNICE WOODS
JANE D. ROBBINS

HOWARD CALDWELL
City Manager

CITY OF COMPTON

June 26, 1991

California Integrated Waste Management Board
City of Long Beach Council Chambers
333 West Ocean Boulevard
Long Beach, CA 90802

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Board Members:

Attached please find materials presented in opposition to issuance of revised Solid Waste Facilities permit.

The Board should be made aware of the fact that the Transfer Station has been a source of ongoing concern and controversy in the Compton community.

Attention should also be drawn to the level of concern by the Compton City Council (letters of opposition contained herewith for the Board's reference).

Sincerely,

HOWARD CALDWELL
CITY MANAGER

Attachment

s0/X

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- Councilperson Patricea Moore
- Councilperson Maxcy Filer

SECTION C

Planning Commission Resolution

LETTER OF CONCERNS

OFFICE OF THE CITY MANAGER
205 South Willowbrook Avenue
Compton, California 90220
(213) 605-5585
FAX (213) 631-0322

WALTER R. TUCKER
Mayor
COUNCILPERSONS
MAXCY D. FILER EXT 5204
PATRICIA A. MOORE EXT 5205
BERNICE WOODS EXT 5206
JANE D. ROBBINS EXT 5207

HOWARD CALDWELL EXT 5585
City Manager

CITY OF COMPTON

COPY

November 30, 1990

FAX 213-131-4

Mr. Richard Hanson, R.E.H.S.
Director, Solid Waste Management Program
County of Los Angeles-Department of Health Services
2525 Corporate Place
Monterey Park, California 91754

Subject: Notice of Consultation
Browning-Ferris Industries Recycling & Transfer Station
2509 West Rosecrans Avenue
Compton, California
[SWFP No. 19-AA-0048]

Dear Mr. Hanson:

On behalf of the City of Compton, I am writing to you at this time in response to the recent request for comments on a proposed negative declaration in connection with a permit revision requested by Browning-Ferris Industries (BFI) for its recycling and transfer station located at 2509 West Rosecrans Avenue in the City of Compton.

After comprehensive review by City staff of both the Environmental Assessment prepared by Ultrasystems Environmental Services and of its responses to the County Health Service Department's August 30, 1990, Initial Study Evaluation of Environmental Effects, the City of Compton must strongly oppose any effort at this time to grant a negative declaration in this matter. It is apparent from Ultrasystems' inadequate responses to concerns of Department of Health Services (DHS) staff and from the lack of adequate mitigation measures in response to concerns voiced by Compton staff several months ago that more time must be given to meet the valid concerns raised by both entities. Failing such action and mutual agreement, there is no compelling reason to grant a negative declaration at this time and a number

of very strong reasons to oppose such granting. While the City's opposition extends over a wide range of issues, among the specific areas of concern are odors, noise, containment of hazardous substances, increased traffic, increased need for public services, and potential health hazards.

Odors

The City of Compton has periodically received citizen complaints about the strong odors emanating from the BFI facility. Routine City inspections have often revealed pads which were not adequately cleaned at the end of the day as is required by the City's land-use permit and DHS regulations. Now the applicant wishes to double the quantity of wastes that will be handled at the site but fails to indicate how its past record of failure to meet regulations will not be repeated on a larger scale. In Ultrasystems' response to DHS comments, there are also several disturbing omissions and evasions which concern us.

Ultrasystems reluctantly concedes that there will be instances when the combination of wind conditions and highly concentrated odors from specific refuse materials will result in odor being detected off-site. Yet, it provides no course of action to alleviate this situation and relies instead on favorable winds to resolve the matter. Ultrasystems also concedes that the permit grant would create greater potential for isolated instances when a "particularly malodorous" trash load is detectable off-site, but, again, provides no mitigation in such an event.

Given the fact that Ultrasystems staff admits that there is a lack of stringent regulation of waste received (e.g., loads of fish are not always rejected but only "routinely" and trucks with untarped loads are not rejected but only "discouraged"), the above potential problems seem far more likely than suggested.

The City of Compton believes that BFI must address these concerns more fully and provide enforceable mitigation measures before a negative declaration can be considered.

The City also wishes to note that it has never received a copy of the Report of Station Information cited in the response document and would appreciate an opportunity to receive and analyze it before any final action is taken.

Noise

The applicant does not properly address noise-related concerns in its response to comments, relying simply on "working mufflers and tune-ups." What is not adequately discussed is the certain high

level of noise which will be constant throughout the day to a far greater degree than at present. With an anticipated 26 return trips per hour, there will be 52 trucks ingressing and egressing within a sixty minute period, producing incessant noise felt by surrounding uses.

One of these uses is a facility of the Compton Unified School District, currently utilized as a center for the visual and performing arts. Students are in this school from 8:00 a.m. to 5:00 p.m. and will constantly be barraged by this increased noise. There is no indication that the School District has been contacted on this matter so that it could recommend alleviation of noise impacts. Moreover, there is a possibility that this site may, in future, be needed again for its original use as an elementary school due to changing demographics, which would subject small youngsters to a high level of decibel noise, a level which the applicant itself admits is close to the maximum allowable by the City (e.g., 48-50 dBA indicated by the applicant with 55 dBA the maximum allowable). Moreover, it must be stressed that this near-limit noise level will be--as indicated by the heavy anticipated use--constant throughout the school day. The City of Compton believes that discussions between the applicant, the City, and the Unified School District should take place to resolve these concerns before any decision is made.

Also of concern to the City is the projected increase in traffic-related noise along Rosecrans Avenue, particularly east of McKinley Avenue where residences and a school (Redeemer Alternative School) closely abut Rosecrans Avenue. The applicant's request will no doubt have an affect on those residents and students and therefore deserves greater examination and attention before the granting of a negative declaration and approval of a permit.

Containment Of Hazardous Substances

The City of Compton is concerned that BFI has indicated that it will "develop and implement a program to prevent the disposal of any hazardous waste" subsequent to the approval of its permit by the permitting agency. Such a response is inadequate as it is the City's belief that such a plan must be developed, analyzed, and reviewed by the City prior to any such permit being given. Again, Ultrasystems refers in its comments to the Report of Station Information which, it maintains, details the operator's hazardous waste screening program at this time, as well as specific procedures which are to be taken in the event of an accidental spill; this document, as mentioned, has not been provided to City staff for review. Therefore, it is impossible to evaluate its adequacy at this time.

Increased Traffic

The City finds it difficult to accept the argument of the applicant that a proposed doubling of heavy truck traffic near and at the site will have no tangible effects on the traffic pattern or on traffic safety. Even before Ultrasystems prepared its Environmental Assessment, this concern was clearly conveyed by Planning and Public Works Staff. However, Ultrasystems provides absolutely no mitigation measures whatsoever. There can be no dispute that McKinley Avenue will change dramatically if this permit is granted, from a local collector to a virtual trunk line. One hundred fifty-one out of the total anticipated 167 truck traffic increase would be on this street, representing a significant augmentation. Moreover, as this truck traffic will mix with residential traffic, there will clearly be a greater likelihood of accidents and hazardous conditions. City staff believes that greater consideration should be given to possible mitigation measures such as street widening and/or traffic signalization.

Increased Need For Public Services

The City disagrees with Ultrasystems' contention in its response to DHS that this project will not require any increased services from the City of Compton. Increased traffic will certainly require greater police and traffic enforcement activity on the part of the City, which will of necessity impact our already overburdened public safety services.

Any hazardous substances inadvertently included on a load destined for processing by the facility will travel over the City's street system and require the response of City public safety crews in case of an emergency. City personnel and the public in general would be placed in jeopardy during such an occurrence. An increase in the quantity of waste at the site will therefore require greater monitoring and emergency responses by City personnel.

Fire Department inspection will also need to be increased. These several impacts on City services need to be more fully explored and detailed before the City can analyze them and support any permit requested for increased activity.

Potential Health Hazards

City staff has not received a copy of the 1986 Environmental Assessment referred to by Ultrasystems on page nine of its response to DHS on the subject of potential rodent and vector impacts at the transfer station. Ultrasystems states that this

document is provided as Appendix A of the 1990 Environmental Assessment but the only Appendix A received by the City for review is entitled "Traffic Study Report for Recycling and Transfer Station City of Compton." Staff would like the time to receive and analyze this document before the applicant is considered for approval of its permit.

Also, as mentioned several times elsewhere in this letter, City staff has not seen the Report of Station Information and so cannot adequately assess the satisfactory nature of hazardous waste screening procedures or skill contingency measures.

Conclusion

The City of Compton requests that a negative declaration not be granted to Browning-Ferris Industries at this time, and further urges that the applicant enter into discussions with DHS and the City of Compton to respond to the concerns enumerated above in detail. Moreover, the City requests that it be provided with the documents referred to above (e.g., Report of Station Information, 1986 Environmental Assessment) so that they can be analyzed and reviewed by City staff and discussed with representatives of DHS and the applicant in detail to assure their applicability, implementation, and modification to meet increased needs related to the greater scope of activity delineated in the permit under consideration. It is clear at this time that the scope of the project for which a permit is being requested has not been adequately explored during either the initial study phase or during the formulation of the proposed negative declaration.

Sincerely,

HOWARD CALDWELL
CITY MANAGER

HC/PR/GB/yh

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
ENVIRONMENTAL HEALTH - HEALTH FACILITIES
2525 Corporate Place, Monterey Park, CA 91754

Robert C. Gates, Director
C.A. Evans, Jr., Assistant Director
R. Lopez, Deputy
Bureau Directors
Oscar Castro
Joseph Karbus
Jack Petralia
Arthur Tilzer
William Ward

December 26, 1990

Mr. Howard Caldwell, City Manager
Office of the City Manager
205 South Willowbrook Avenue
Compton, California 90220

Dear Mr. Caldwell:

This letter is in response to your comments of November 30, 1990 regarding the Notice of Consultation, Browning-Ferris Industries Recycling and Transfer Station, 2509 West Rosecrans Avenue, Compton.

I have enclosed a more detailed Environmental Package than the one you had previously received. This package also contains the RSI which you had requested to review. I have also enclosed an "Information Guide" which indicates the location in the Environmental Package where the concerns of your letter are addressed.

If you require more information or clarification of the enclosed material, I may be reached at (213) 881-4149.

Very truly yours,

Richard Hanson

RICHARD HANSON, DIRECTOR
Solid Waste Management Program

RH: amr

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INFORMATION GUIDE

INFORMATION FOR RESPONSES TO NOVEMBER 30TH CITY OF COMPTON LETTER

ODORS (Page 2)

Comments are in reference to Page 3 and 4 of Responses to Initial Study Evaluation.

Report of Station Information is included as Attachment 2 of Responses to Initial Study Evaluation.

NOISE (PAGE 3)

Issues have been addressed on Page 5 and Attachment 4 of Responses to Initial Study Evaluation. Analyses of noise on school site and along Rosecrans addressed on Page 25 through 30 of the August 1990 Environmental Assessment.

HAZARDOUS SUBSTANCES (Page 3)

Waste screening and spill contingency measures detailed in Report of Station Information which is included as Attachment 2 of Responses to Initial Study Evaluation.

TRAFFIC (Page 4)

Traffic analysis for McKinley Avenue provided on Page 14 of August 1990 Environmental Assessment. Safety issues are addressed on Page 14 of the Environmental Assessment and Page 7 of Responses to Initial Study Evaluation.

PUBLIC SERVICES (Page 4)

Comments refer to Page 8 of Responses to Initial Study Evaluation.

HEALTH HAZARDS (Page 4)

The 1986 Environmental Assessment is provided as Appendix 1 of the August 1990 Environmental Assessment which is included as Attachment 3 of Responses to Initial Study Evaluation.

CITY COUNCIL
LETTERS OF OPPOSITION

OFFICE OF CITY COUNCIL
205 South Willowbrook Avenue
Compton, California 90220
(213) 605-5590

WALTER R. TUCKER
Mayor ext 5590
Council Members
MAXCY D. FILER, EXT 5204
PATRICIA A. MOORE, EXT5205
BERNICE WOODS, EXT 5206
JANE D. ROBBINS, EXT 5207
HOWARD CALDWELL, EXT 5585
Interim City Manager

CITY OF COMPTON

FILE COPY

May 29, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As Mayor of the City of Compton, I wish to add my voice in opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

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While I am aware that the property on which the transfer station is located is zoned M-H (Heavy Manufacturing) and designated for industrial development, I am convinced that the burdens from an increase in the capacity level proposed at the facility that would be placed on City services already stretched thin could prove to be overwhelming.

I therefore urge you to weigh carefully the concerns raised by the City of Compton, and thank you for your consideration of the City's position.

Sincerely,

WALTER R. TUCKER
MAYOR

WT/JG/yh

Enclosure

OFFICE OF CITY COUNCIL
205 South Willowbrook Avenue
Compton, California 90220
(213) 605-5590

205 SOUTH WILLOWBROOK AVE
COMPTON, CALIFORNIA 90220

BERNICE WOODS
COUNCILWOMAN DISTRICT 3
EXT. 5206

CITY OF COMPTON

COPY

May 27, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As an elected official of the City of Compton, I am writing to inform you of my opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

Those concerns are very valid. As a Council Member I have a responsibility to protect the health and well-being of all the City's residents. It is my feeling that such health and well-being is seriously threatened by the proposed increase in the facility.

Your cooperation of my position is appreciated.

Sincerely,

Bernice Woods

BERNICE WOODS
COUNCILWOMAN
DISTRICT 3

BW/JG/yh

Enclosure

COPY

205 SOUTH WILLOWBROOK AVE.
COMPTON, CALIFORNIA 90220

CITY OF COMPTON

MAXCY D. FILER
COUNCILMAN DISTRICT #1
EXT. 5204

March 21, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As an elected official of the City of Compton, I am writing to apprise you of my opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

I completely agree with staff's analysis. As the City Council Member representing District #1, the area in which the recycling and transfer station is located, I am well aware of its impact on neighboring residents and businesses. The potential increase in the amount of solid waste handled by the facility to twice the level existing today is not a pleasant prospect, to say the least.

I thank you for your kind consideration of my position.

Sincerely,

MAXCY FILER
MAYOR PRO TEM

MF/JG/yh

Enclosure

COPY

205 SOUTH WILLOWBROOK AVE.
COMPTON, CALIFORNIA 90220

PATRICIA A. MOORE
COUNCILWOMAN DISTRICT #2
EXT 5205

CITY OF COMPTON

March 13, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As an elected official of the City of Compton, I am writing to you to express my adamant opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

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I endorse those concerns and add my own, both publicly as a City Council Member and privately as a former representative of the Community Monitoring Committee formed to inspect the transfer station. This committee compiled a lengthy list of violations concerning the operation of the facility, and complaints are still received to date. Based on past history of problems associated with the facility operating at its present level, I can only view with dread the potential impact that a doubling of capacity will have on the City of Compton and its residents.

I thank you for your kind consideration of my position.

Sincerely,

Patricia A. Moore

PATRICIA A. MOORE
CITY COUNCIL MEMBER
DISTRICT II

PM/JG/yh

Enclosure

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 1806
(S.A. #1257)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COMPTON
GRANTING A SPECIAL APPROVAL REQUEST

WHEREAS, Advance Recycling and Transfer has made application for special approval in accordance with the provisions of Section 9116.3 of the Compton Municipal Code for the use of certain real property situated in the City of Compton, legally described as follows:

PARCEL 1: That portion of fractional section 17, Township 3 South, Range 13 West, San Bernardino meridian, in the city of Compton, county of Los Angeles, state of California, according to the official plat of said land filed in the district land office on April 1, 1874, described as follows:

Beginning at a point 2 rods east of the north and south line drawn through the center of the southeast quarter of said section 17, said point being 15.94 chains south of the north line of said quarter section; thence south parallel with the east line of said quarter section 20.91 chains, more or less, to the north line of Rancho San Pedro; thence North 87° 00' 00" East 8.372 chains, more or less; to the southwest corner of the lands conveyed to H. C. Gedney, by deed recorded in book 954 page 217 of Deeds, records of said county; thence North along the west line of the land so conveyed to Gedney, 20.48 chains, more or less, to the south line of the land conveyed to Melisse Nobles by deed recorded in book 906 page 136 of Deeds, records of said county; thence West along said south line so conveyed to Nobles 7.365 chains, more or less, to the point of beginning;

EXCEPT therefrom the north 600 feet of said land.

ALSO EXCEPT therefrom that portion of said land in Compton Road on the South; as condemned by decree recorded November 19, 1968 in book D-4200 page 34, Official Records described as follows: That portion of that certain parcel of land in the southeast quarter of fractional section 17, Township 3 South, Range 13 West, San Bernardino Meridian described as Parcel 1 in deed to Harry Heirshberg et al., recorded as Document No. 1416 on August 15, 1960 in book D-944 page 387, Official Records, in the office of the recorder of the county of Los Angeles, which lies within a strip of land 50 feet wide, the southerly line of which is the center line of Rosecrans Avenue, as said center line is shown on map of Tract No. 13111, recorded in book 302, pages 38 and 39 of Maps, in the office of said recorder.

ALSO EXCEPT therefrom the westerly 295.92 feet thereof;

ALSO EXCEPT all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights and other hydrocarbons that may be within or underlying said land below the top 500 feet thereof, together with the right to develop and/or extract the same, without however, the right to drill, dig or mine through the surface of said land, or otherwise in such manner as to endanger the safety of any buildings that may be constructed on said land, as reserved by Superior Oil Company in deed recorded December 15, 1954 in book 46383 page 274, Official Records.

PARCEL 2: An easement from ingress and egress to be used in common with others over the southerly 60 feet of the northerly 660 feet of the westerly 119 feet of that portion of fractional section 17, Township 3 south, range 13 west, San Bernardino Meridian, in the city of Compton, in the county of Los Angeles, state of California, according to the Official Plat of said land filed in the district land Office on April 1, 1874, described as follows:

Beginning at a point 2 rods East of the North and South line drawn through the center of the southeast quarter of said section 17, said point being 15.94 chains south of the North line of said quarter section; thence south parallel with the East line of said Quarter Section, 20.91 chains, more or less, to the north line of Rancho San Pedro; thence North 87° 00' 00" East 8.375 chains, more or less; to the southwest corner of the lands conveyed to H. G. Gedney by deed recorded in book 954 page 217 Deeds, Records of said county; thence North along the west line of the land so conveyed to Gedney, 20.48 chains, more or less, to the south line of the

land conveyed to Melisse Nobles by deed recorded in book 906 page 136 Deeds, Records of said County; thence West along said south line so conveyed to Nobles 7.365 chains, more or less to the point of beginning.

PARCEL 3: An easement for ingress and egress to be used in common with others over the southerly 60 feet of the northerly 660 feet of the easterly 176.92 feet of the westerly 295.92 feet of that portion of fractional Section 17, Township 3 South, Range 13 West, San Bernardino Meridian, in the city of Compton, in the county of Los Angeles, state of California, according to the Official Plat of said land filed in the District land office on April 1, 1874, described as follows:

Beginning at a point 2 rods East of the North and south line drawn through the center of the southeast quarter of said Section 17, said point being 15.94 chains south of the north line of said quarter Section; thence south, parallel with the east line of said quarter Section, 20.91 chains, more or less, to the north line of Rancho San Pedro; thence North 87° 00' 00" East 8.375 chains, more or less, to the southwest corner of the lands conveyed to H. C. Gedney, by deed recorded in book 954 page 217 Deeds, records of said county; thence North along the west line of the land so conveyed to Gedney, 20.48 chains, more or less, to the south line of the land conveyed to Melisse Nobles, by deed recorded in book 906 page 136 Deeds, Records of said county; thence west along said south line so conveyed to Nobles, 7.365 chains, more or less, to the point of beginning.

PARCEL 4: An easement for ingress and egress to be used in common with others over that portion of the east half of the southeast quarter of fractional section 17, Township 3 south, range 13 west, San Bernardino Meridian, in the city of Compton, in the county of Los Angeles, state of California, according to the Official Plat of said land filed in the District land office on April 1, 1874, described as follows:

Beginning at a point 1 rod East of a north and south line drawn through the center of said quarter Section, said point being 15.94 chains south of the North line of said quarter Section; thence East 1 rod; thence south parallel with the East line of said quarter Section, 20.91 chains, more or less, to the northerly line of Rancho San Pedro; thence south 87° 00' 00" West to a point distant 1 rod East of said North and south line drawn through the center of said quarter Section; thence North parallel with said outer line of said quarter Section 20.91 chains to the point of beginning;

EXCEPT therefrom that portion of said land occupied by Compton and Santa Monica Road on the south.

Located at: 2509 West Rosecrans Avenue; and

WHEREAS, a Draft Environmental Impact Report (EIR) was prepared for a recycling and transfer station at said location pursuant to the California Environmental Quality Act, was distributed to those public agencies having jurisdiction by law with respect to the project and to other interested persons and agencies for comment, and thereafter revised and supplemented to adopt suggested changes and to incorporate comments received and responses to said comments; and

WHEREAS, a Final EIR consisting of the Draft EIR as revised and supplemented and incorporating all comments received and responses thereto was completed and the Planning Commission has reviewed and considered the information contained in the Final EIR; and

WHEREAS, a hearing, pursuant to notice, upon said request for special approval was held before the Planning Commission on February 23, 1977; and

WHEREAS, evidence was heard from all persons interested in effecting said special approval and all persons protesting same, and the Planning Commission, having heard all of said testimony and statements of said persons and being fully informed in the premises

F I N D S

1. That the Environmental Impact Report is adequate in accordance with all of the requirements of the California Environmental Quality Act.

2. That the property herein referred to and described is suitable for the purposes for which the petitioner requesting said special approval intends to use it, to wit: RECLAIMING, RECYCLING AND SALAVAGE STATION/TRANSFER STATION.

3. That the granting of said special approval will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

4. That the granting of said special approval will not adversely affect the Comprehensive General Plan of the City of Compton.

5. That there are exceptional conditions applicable to the intended use of said property that do not apply generally to the class of use in the zone.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COMPTON RESOLVES:

1. That the request for special approval for a reclaiming, recycling and salavage station/transfer station shall be approved, subject to the following conditions:

(a) That hours of public operation shall be limited to 6:00 a.m. 6:00 p.m. between Monday and Saturday inclusive, except that non-salvagable materials may be removed until 9:00 p.m.

(b) That no organic materials other than those specificially referred to herein; to wit: wood, paper, metal or plastic products, shall be stored or remain on the premises in excess of twelve hours.

(c) That the applicant shall maintain all public areas free of litter.

(d) That no underground disposal of liquid waste shall be permitted except for storm runoff.

(e) That trucks arriving and departing from the transfer station shall use the approved circulation plan which shall maximize use of the alley access of McKinley Avenue; the alley shall be paved at the applicant's expense in accordance with the requirements of the Public Works Department.

(f) That the operation shall comply with all Health Department regulations.

(g) That the transfer station shall comply with all of the requirements of the State Solid Waste Management Board.

(h) That all areas shown on the plot plan shall be paved with an approved material in accordance with Section 9122 of the Compton Municipal Code and the plot plan on file with Special Approval Case No. 1257.

(i) That refuse shall not be stored above the height of enclosing walls, screens or landscaping and shall not be in view of the public from Rosecrans Avenue.

(j) That a revised plot plan shall be submitted showing actual circulation and showing adequate landscaping with provision for irrigation; the landscaping plan shall emphasize screening the front portion of the site, subject to the approval of the Planning Director.

(k) That any new construction or expansion of the existing facility shall account for potential expansion soils in the design of foundations and floor slabs.

(l) That construction, use and property development shall be substantially in accordance with the plot plan on file with Special Approval Case No. 1257.

(m) That construction, use and property development shall comply with the requirements of the Building, Public Works, Fire, and Planning Departments.

(n) That a Certification of Occupancy shall be obtained from the Planning Department in accordance with Section 9106 of the Compton Municipal Code.

(o) That construction use and property development shall be initiated within 180 days in accordance with Section 9126.10 of the Compton Municipal Code.

2. That this Resolution shall be reviewed by the Planning Commission on September 14, 1977 pursuant to Section 9126.10 of the Compton Municipal Code.

3. That this Resolution shall not become effective until the applicant signs, has notarized and records with the Recorder of Los Angeles County an Acceptance Form in accordance with the requirements of Section 9126.11 of the Compton Municipal Code.

4. That a copy of this Resolution shall be mailed to the applicant and that copy shall be filed with the City Clerk and the Building, Fire and Public Works Department and sent to the State of California Solid Waste Management Board, the Los Angeles County Department of Health Services, and the Office of the Los Angeles County Engineer.

ADOPTED this 9th day of March, 1977.

WILLIAM T. GRAY, CHAIRMAN

ROBERT R. GAVIN, PLANNING DIRECTOR

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, California 95814

Meeting of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

July 9, 1991
1:00 pm

NOTICE AND AGENDA

Note: **Items are listed in the order they are scheduled to be considered. Changes in the order may occur.**

If written comments are to be submitted to the Committee, 20 copies should be provided.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

Page

1. CONSIDERATION OF LEGISLATION
   (separate packet available 7/8/91)
2. STATE BUDGET UPDATE
   (separate packet available 7/8/91)
3. DISCUSSION OF CIWMB'S PUBLIC RELATIONS ACTIVITIES
   (to be available 7/8/91)
4. CONSIDERATION OF FY 91-92 SPONSORSHIP/PROMOTIONAL ACTIVITIES 1
5. CONSIDERATION OF CIWMB LOGO DESIGN
   (oral presentation)
6. CONSIDERATION OF APPROVAL OF AN INTERAGENCY AGREEMENT WITH CALIFORNIA STATE UNIVERSITY (C.S.U.) FOR A MODEL WASTE REDUCTION PROGRAM 7
7. CONSIDERATION OF STAFF ANALYSIS OF FOUR HOTLINE SYSTEMS 14
8. OPEN DISCUSSION

9. ADJOURNMENT

Notice: The Committee may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126(a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, CA 95814

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Public Affairs and Legislation Committee

July 9, 1991

AGENDA ITEM # 4

ITEM: Consideration of FY 91/92 sponsorship/promotional activities

BACKGROUND:

Public Resources Code § 42600 requires the Board to conduct a statewide public information and education program to encourage participation by the general public, business, government, and industry in all phases of integrated waste management.

Over the past few months, the Board has been represented by staff, advisors, and Board members at various activities and exhibitions around the state. Considerable time, energy, and resources have gone into presenting the Board's message to the public. These recent experiences have provided a better understanding of what is necessary to maintain a dynamic and effective presence in such forums.

This item is presented to the Public Affairs and Legislation Committee for discussion and direction towards development of a comprehensive external affairs program. An effective program will require the ongoing support of the Board's divisions and staff. A staff committee, the Inter-Division Exchange and Action (IDEA) Group, has been formed to improve communications and coordinate external affairs among divisions. Members of the IDEA Group represent each of the Board's divisions and the Environmental Outreach Committee. The IDEA Group is an important link in indetifying event opportunities and coordinating event staffing. Based on the committee's input on this item staff will prepare a detailed program and budget to be presented at the August committee meeting.

ANALYSIS:

Event Participation and Sponsorship

Weekly, sometimes daily, the Board is solicited by event organizers and promoters to sponsor and/or participate in their particular event(s). Since the issues surrounding integrated waste management are varied, most all of these events have some logical connection to one or more of the Board's programs;

however, it is both physically and fiscally impossible to take part in all of the events happening around the state each year. Procedures for determining whether or not the board will participate (exhibit) at an event, sponsor or not sponsor, how to staff and what types of promotional materials to distribute are necessary to plan and budget the Board's external affairs activities for FY 91/92. In addition, development of formal procedures will ensure uniform treatment of all requests.

Participation at certain events, organized by the Board's constituents (e.g., League of Cities, CSAC, CEHA, etc.) is necessary. We know the dates for these events well in advance and can prepare accordingly. Also, these events are relatively small and do not require the same commitment of resources as other events. What's needed is a regular procedure for reviewing requests for Board participation. A synopsis of proposed procedures is included as Attachment 1 to this item.

The basis for deciding to participate or not should depend on how well Board participation at a particular event meets the goal of PRC § 42600: to encourage participation by the general public in all phases of integrated waste management.

Event sponsorship or co-sponsorship can present the Board with greater visibility and exposure than could be obtained through exhibiting only. Typically, event sponsorships include pre-event media exposure, press conferences, prime exhibit space location, sponsor's banners in the exhibit hall, and the ability to conduct seminars. Sponsorship costs are usually in the range of $10,000 to $25,000. The decision to sponsor or not is critical because one or two sponsorships, depending on their amount, will effectively eliminate Board participation in <u>at least</u> one other event.

Once the decision has been made to participate and/or sponsor, pre-event organization and planning begins. This entails rental of booth furniture, carpeting, cleaning, electrical, drayage and freight.

Promotional Material

Recent experience has shown that the level of interest in the Board's exhibit and message is often a function of the type(s) of promotional material being distributed. Public interest is heightened by give-aways that are useful, colorful, and desirable. Decisions about promotional material procurement and distribution can be as important as determining event participation. The promotional material budget will often approach or exceed exhibit/ sponsorship costs. A summary of

costs associated with event participation and sponsorships during Spring 1991 is included as Attachment 2 to this item.

Staffing

Event staffing will be coordinated by the public affairs office and draw from each of the Board's divisions. Division volunteers will be solicited and coordinated by their IDEA Group reps. A properly staffed exhibit maximizes the ability to present the Board's message as well as minimizing the stress of each booth attendant. Staggered work schedules are arranged to provide coverage throughout the day and maintain "fresh" staff at the exhibit.

Exhibit Calendar

Staff has identified the following exhibit opportunities for the remainder of the calendar year.

California State Exposition

Location: Sacramento
Date: August 16 - September 2, 1991
Attendance: 750,000

CRRA Annual Conference

Location: Sacramento
Date: August 25 - 28, 1991
Attendance: 500

Los Angeles County Fair

Location: Pomona
Date: September 6 - September 29, 1991
Attendance: 1.5 million

League of California Cities Annual Conference

Location: San Francisco
Date: October 13-16, 1991
Attendance: 3,000

Pacific Recycling Exposition

Location: Santa Clara
Date: November 6 - 7, 1991
Attendance: 2,000 - 5,000

County Supervisors Association of California Annual Meeting

Location: Monterey
Date: November 12 - 14, 1991
Attendance: 750

STAFF COMMENTS:

It is staff's intent, by presenting this item, to receive Legislation and Public Affairs Committee input regarding development of exhibit/sponsorship procedures. Staff is also seeking committee approval to participate in the events listed in the exhibit calendar while time allows for proper planning.

Prepared By: _____ Phone: 7-9328

Reviewed By: _____ Phone: 2-8745

Legal review: _____ Phone: 7/3 1123

Attachment 1

Synopsis of Exhibit Procedures

The main components of the draft Exhibit Participation Procedure that staff will discuss with the Public Affairs and Legislation Committee, at its July 9th meeting are as follows:

- Public Affairs staff collect information about upcoming events from various sources;
- Initial consideration of Board participation in an event is made with the input of the Division Chief(s) whose programs most directly relate to the event's theme;
- The Director of Public Affairs' recommendation to participate in an event, based on division input and analysis of cost, staffing requirements, and promotional material needs is submitted to the Executive Director for consideration;
- The Legislation and Public Affairs Committee is informed of the Executive Director's decision at its next regularly scheduled meeting.

Many of the events also have sponsorship opportunities for the Board. Sponsorship can be as simple as allowing the event promoters to use the Board's name in promotional material or as involved as $10,000 - $25,000 financial commitment. The main components of the draft sponsorship procedure are as follows:

- Public Affairs staff reviews sponsorship opportunities;
- The Director of Public Affairs recommends event sponsorship to the Executive Director;
- The Executive Director will authorize amount of sponsorship. (This is subject to the Board's delegation of authority to enter into agreements.)
- The Public Affairs and Legislation Committee will approve sponsorship fees that exceed the Executive Director's delegated authority.
- Public Affairs staff will negotiate a contract with event promoter optimizing the sponsorship allocation.

Attachment 2

Summary of Spring 1991 Exhibit/Procedures

Exhibits	Location	Attendance	Date	Staff
Eco Expo	Los Angeles	40,000	4/12-14	13
Arroyo Seco	Pasadena	20,000	4/20	6
All About Kids	San Diego	45,000	5/4-5	9
Capitol Steps	Sacramento	2,000	4/22	12
Total		107,000	7 days	10/event

Sponsorships	Amount
Eco Expo	$12,500
Arroyo Seco	10,000
All About Kids	10,000
Total	$32,500

Promotional Material

Handouts	#	Used	Balance	Cost
Magnetic Boards	10,500	10,500	0	9,895.76
Brochures	100,000	30,000	70,000	6,155.70
Shopping Bags	2,650	2,250	400	9,985.00
Lunch Bags	3,700	1,850	1,850	10,540.84
Foam Cups/Inserts	6,100	3,300	2,800	9,892.00
Pocket Knives	3,838	1,738	2,100	9,895.00
Ceramic Mugs	4,850	3,770	1,080	9,798.00
Key Tags	11,900	1,900	10,000	9,894.15
Recycling Wheels	8,150	650	7,500	10,253.15
Shoelaces	5,000	5,000	0	7,805.23
Total	146,188	50,458	95,730	$94,114.83

Physical Exhibit Costs

Display/Hardware	$12,000
Ancillary Services and Equip.(per event)	4,000
Lab Coats	580

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

LEGISLATION AND PUBLIC AFFAIRS COMMITTEE

JULY 9, 1991

AGENDA ITEM 6

ITEM: Consideration of Approval of an Interagency Agreement with California State University (CSU) for a Model Waste Reduction Program

BACKGROUND:

Public Resources Code (PRC) Section 42510 requires the California Integrated Waste Management Board (Board) to provide technical assistance to the public and private sector in the form of government and business waste evaluations upon request of that assistance. PRC Section 12165(c) further mandates that the Board provide public awareness information and training to state employees including, but not limited to, the proper separation of recyclable resources and similar training to personnel responsible for the collection of those materials. Staff has had many requests for assistance from California colleges and universities in developing recycling programs.

PRC Section 42604 states, "With the advice of the Board, the California Community Colleges, California State University, and University of California, shall focus teaching and research efforts to promote career development and technological advancement in integrated waste management."

CSU is encouraged through Educational Code Section 32372(b) to establish and maintain paper recycling programs on its campuses. Education Code Section 32372(c) requires CSU to cooperate with existing paper recycling programs when establishing paper recycling programs. Several CSU campuses currently have paper recycling programs under Project Recycle, a recycling program for state agencies run by the Board.

ANALYSIS:

CSU Chancellor's Office has expressed interest to Board staff in working with the Board to develop <u>and</u> implement a model waste reduction program at its campuses. This model program could serve as an example for programs at other college and university campuses while providing career development and technological advancement required by law. Contacts at both the University of California President's Office and the California Community College Chancellor's Office have also expressed interest in using a model program were it developed. CSU does not have adequate funding to develop such a program itself.

STAFF COMMENTS:

By providing funding for the development of a model waste reduction plan and program, the Board could aid all California universities and colleges and their communities. There are three options by which this might be accomplished:

OPTION 1: Fund an interagency agreement to have the model developed and implemented by the Environmental Programs Office, Office of the Chancellor, California State University. This option would require Board approval to allocate funds not to exceed $80,000 to the CSU Chancellor's Office for implementation of three or more model campus waste reduction programs.

Pros: Because this model would be created within the university itself, there would be greater likelihood that it would be fully implemented.

This option is cost-effective in that it continues work already begun by Board staff and CSU staff.

CSU has practical experience regarding the opportunities and impediments in that system which implementation would face.

Cons: The information applicable to CSU may not be fully applicable to other colleges and universities.

OPTION 2: Contract with a consultant to develop a model waste reduction program. It is unknown how much this option might cost.

Pros: We might be able to retain a consultant with prior experience in developing model campus waste reduction programs.

Cons: The model would not be implemented except as determined by the University.

We would have to go through the contract process, and this is time-consuming.

This might be less cost-effective since it does not continue and build on work already done by Board and CSU staff.

OPTION 3: CIWMB staff could develop and implement a model campus waste reduction program. The Board lacks sufficient staff for this effort and would have to redirect staff from other work in order to accomplish it.

Pros: The Board would have more direct control over the

contents of the model.

Cons: The Board would have less control over the implementation of the model.

Implementation would tend to be piecemeal.

Prepared by: Terry Brennan Phone 7-9369

Reviewed by: [illegible] Phone 7-9373

Legal review: [illegible] Date/Time 7-1-91 5:00pm.

Attachment

INTERAGENCY AGREEMENT
SCOPE OF WORK

CALIFORNIA STATE UNIVERSITY PROPOSAL FOR THE DEVELOPMENT AND IMPLEMENTATION OF A SOLID WASTE REDUCTION PROGRAM FOR COLLEGES AND UNIVERSITIES

Contract: An interagency agreement between the California Integrated Waste Management Board (Board) and California State University (C.S.U.) for model waste reduction programs and a waste reduction guide for colleges and universities

Cost: $80,000

Background:

In California there are 20 C.S.U.'s, 9 Universities of California (U.C.'s), 108 Community Colleges, and many independent universities. In some instances, these campuses are the single largest generators of waste in their communities. Currently there are no comprehensive guides, model programs, or communication networks to aid campus waste reduction and recycling.

Public Resources Code (PRC) Section 42510 states, "To the extent that resources are available for this purpose, the board shall provide technical assistance to the public and private sector in the form of government and business waste evaluations, upon the request for that assistance." PRC Section 42511 further states:

> "The waste evaluations shall be designed to accomplish the following objectives:
>
> (a) A thorough review and analysis of the processes followed by the government agency, business, or manufacturer and identification of procedural changes which would reduce the amount of waste generated by the agency, business, or industry.
>
> (b) A thorough review and analysis of the waste stream of individual offices or subunits of government, business, or manufacturing to determine what materials currently disposed of could reasonably be segregated for the purpose of recycling.
>
> (c) Recommendations of specific methods to segregate recyclables from the waste stream and make other organizational improvements to facilitate recycling.
>
> (d) Identification of potential markets for the segregated recyclables.

(e) Review current procurement practices to evaluate potential substitution of recycled products for virgin products.

(f) An evaluation of cost-saving benefits of source reduction and recycling in terms of waste collection costs avoided due to changes in consumption and disposal practices..."

Board staff has had many requests from California colleges and universities for assistance in developing solid waste reduction programs.

Section 32372(b) of the Educational Code states, "Each campus of the California State University and Colleges may, and is encouraged to establish and maintain a paper recycling program in administration offices and other areas owned or leased by the campus..." Education Code Section 32372(c) states, "In establishing paper recycling programs, school districts, and campuses of the California State University and Colleges shall attempt to cooperate with existing paper recycling programs." Several C.S.U. campuses currently have paper recycling programs under Project Recycle, a recycling program for state agencies run by the Board.

PRC Section 42604 states, "With the advice of the Board, the California Community Colleges, California State University, and University of California, shall focus teaching and research efforts to promote career development and technological advancement in integrated waste management."

Purpose:

The C.S.U. Chancellor's Office has expressed interest in working with the Board to implement a model waste reduction program at three or more of its universities. These model programs could serve as examples for other colleges and universities while providing career development and technological advancement required by law. The University of California President's Office and the California Community College Chancellor's Office have expressed interest in the use of C.S.U.'s model program to plan their waste reduction programs.

California State University has not been appropriated adequate funding to develop and manage a waste reduction program. If the Board provides funding for a model waste reduction program at three or more C.S.U. campuses through the Environmental Programs Office, Office of the Chancellor, California State University, staff believes the Board could aid waste reduction programs at all California universities and colleges. Those colleges and universities, in turn, could provide assistance to their respective communities in the form of waste audits and evaluations, community waste reduction education, recycling programs, campus waste reduction data, research, market development, procurement of recycled products, and trained professionals for the work force.

Scope of Work:

The Board will provide funding not to exceed $80,000 to the Office of Environmental Programs, Office of the Chancellor, C.S.U. to work closely with Board staff performing the following tasks:

Task I Create a network for campus waste reduction consisting of representatives from university and college waste reduction programs, the Board, the C.S.U. and Community College Chancellors' Offices, and the University of California President's Office. Through this network, information will be shared regarding new innovations, technologies, legislation/regulations, effective programs, recycling markets, development of educational materials, and the organization of annual campus solid waste reduction conferences.

Task II Analyze available information on campus waste reduction programs. This includes analyzing programs existing outside of the C.S.U. system, discussions with federal, state, and local agencies involved in overseeing recycling programs, researching private sector programs, evaluating non-profit organizations, and performing literature searches.

Task III Complete a 4 phase Model Campus Waste Reduction Plan and distribute it to all C.S.U. campuses.

Task IV Select three or more C.S.U. campuses for implementation of the Model Waste Reduction Plan.

Task V Assist selected campuses in implementation of the first phase of the model waste reduction plan. This will include: facilitating working relationships between university administration, facilities management, academic departments, and student organizations involved in solid waste management, forming a waste reduction committee, establishing goals, delegating tasks, identifying possible funding sources.

Task VI Assist selected campuses in implementation of the second phase of the model waste reduction program. This will include: a campus characterization, identification of existing resources, waste characterizations, a refuse collection contract study, a purchase characterization, a material use and disposal study, and a local materials market assessment.

Task VII Assist selected campuses in implementation of the third phase of the model waste reduction program. This will include: developing a recycled product procurement program, securing funding, selecting staff, securing material markets, planning recoverable materials collection procedures, selecting material recovery program sites, selecting equipment, a budget estimate, developing training programs, developing education programs, and developing records management procedures.

Task VIII Assist selected campuses in implementation of the fourth phase of the model waste reduction plan. This may include: improving recycled product procurement, implementing changes to refuse collection contracts, hiring personnel, integrating existing resources, initiating training programs, recording data, initiating education programs, initiating a source reduction program, initiating a materials reuse program, initiating a recycling program, initiating a composting and mulching program.

Task IX Complete the C.S.U. portion of the Board's database of campus waste reduction and recycling programs. This will include such information as organizations involved in solid waste management, relationships between involved organizations on campus, source reduction, waste reduction education, promotional methods, types and amounts of materials collected, facilities available, methods of collection, contractors, funding sources, clientele serviced, and marketing tools.

Task X Collect data on campus waste reduction efforts and provide this data to the Board and interested local governments.

Task XI Publish a Campus Solid Waste Reduction Guide and a bi-monthly newsletter using the information obtained through tasks I through X.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

LEGISLATION AND PUBLIC AFFAIRS COMMITTEE

JULY 9, 1991

AGENDA ITEM 7

ITEM: Consideration of Staff Analysis of Four Hotline Systems

BACKGROUND:

On May 13, 1991, the Legislation and Public Affairs Committee (LPAC) heard presentations from representatives of Computerized Recycling Services Inc. (CRS), the Association for Environmental Education (AEE), and the California Integrated Waste Management Board's (Board) Recycling Hotline concerning their respective hotline systems. As a result, LPAC members requested that staff perform an analysis of the three hotline systems and recommend the most appropriate system for the Board's Recycling Hotline.

Additionally, Brian Runkel, Executive Officer of the Secretary for Environmental Protection, in a letter to Board Chairman Frost, requested that the CIWMB explore the possible consolidation of DOC and CIWMB 800 toll free hotlines for efficiency and cost savings. DOC has itself begun investigating a consolidation by contracting with Ernst & Young. The contract study on the feasibility of combining DOC's two hotlines and CIWMB's hotline through a centralized call-processing system should be completed by July 15, 1991.

As requested by Chairman Frost, staff prepared an issue memo on consolidation of the DOC and Board's hotlines. The recommendation that went forward to Mr. Runkel was to postpone consolidation until after the DOC study is complete in mid July and software issues can be addressed.

ANALYSIS:

Staff has compiled information for each operating system discussed at the LPAC meeting and also from the Department of Conservation's (DOC), Division of Recycling hotlines. A literature search conducted by the Board staff revealed that information was not readily available on recycling hotlines. A comparative analysis of each hotline system was performed. This analysis compared each system's basic offerings and includes cost data whenever available.

All four systems operate from a computerized database containing locations of recycling centers and other information. CRS and AEE use voice mail audio-text technology to respond to callers. Both play pre-recorded educational messages. DOC and CIWMB depend on live operators.

1. CRS of Texas is a for-profit hotline system subsidized by paid advertising. This hotline is a totally automated system with no human interaction. The CRS system is based on 24 hour automated voice mail which depends on paid advertising from local governments and businesses for support. It provides environmental messages and recycling locations (by zip code). Data are provided by the State of Texas to a hotline system.

   CRS proposes using the same system for California with a national number, 800-RECYCLE in the future. Callers unable to get the information needed from the system can leave messages on voice mail. These messages would be transcribed and answered later by staff. CRS would retain editorial control over information maintained on this system. The Board's cost for this system would be limited to the cost of information gathering and database development and maintenance.

2. AEE is a non-profit organization that promotes environmental issues. AEE's hotline provides environmental education information accessed via a computerized tree structure menu which may use human operators to assist callers.

   AEE operates with a combination voice mail and computer interface with "prerecorded" educational information. Additionally, voice mail offers the option to speak with a staff person when requested by the caller (i.e., "Press 03 to speak to an attendant"). The AEE system can accommodate callers speaking five different languages. Representatives of AEE indicate that the equipment required for the start-up costs between $15,000 and $25,000. Operating costs, data gathering and database development costs are not available.

3. DOC's hotline provides beverage container redemption information through an answering service located in Florida and staff in Sacramento.

   The Florida-based service provides price and recycling location information to assist the public in recycling beverage containers. Service is available 16 hours per day, Monday through Saturday, with 16 operators answering approximately 6,400 calls per month. The second DOC toll free number, based in Sacramento, operates for the express purpose of providing specialized information pertinent to the "Bottle Bill". Many of the requests for information from the public and recycling industry are then transferred to various working units within DOC. Two operators handle approximately 1,000 calls per month. Calls unrelated to the "Bottle Bill" are transferred to the Board or other appropriate agencies. Full operating costs are not currently available.

4. The Board's Recycling Hotline gives advice and information on a full range of integrated waste management issues. These include source reduction and reuse options, locations for deposit of used oil, multi-material recycling center locations, curbside programs, household hazardous waste collection events, and buy recycled information. Advice also covers the spectrum of waste types, including such "exotic ones" as waste fats from restaurants, used fluorescent lamps, and old paint.

Board staff (currently one full time employee and eight part-time student assistants) in Sacramento answers between 5,000 and 6,000 calls per month. There are two lines available Monday through Friday from 7:30 AM to 5:30 PM. An additional 1,000 calls reach the Recycling Hotline's answering machine during off hours. Approximately 60% of callers attempting to contact this service every month reach a busy signal (Beginning July 1, 1991, Uniform Call Distribution will be installed and this will significantly reduce the number of busy signals). Full operating costs are not currently available.

STAFF COMMENTS:

Based on the analysis of the available information staff identified four viable options the Board may wish to consider for the future operation of the Recycling Hotline. The pros and cons listed below for the four options are based on the existing status of each operation. A description of each option along with the pros and cons related to each follows:

OPTION 1 Computerized Recycling Services, Inc.

PRO: Automated information is available 24 hours a day, seven days a week.

PRO: May require less staff than "live" operators.

PRO: Cost to the State is minimal (information gathering and database development), primary revenues based on private advertising.

PRO: Ability to respond to all types of questions through the voice mail message system.

CON: System does not provide access to "live" operators.

CON: Public may not have a positive response to the amount of time it takes to receive assistance through the recorded message system.

CON: Public could become confused by commercials advertising special interest groups.

CON: Contractor could repackage State provided information to favor particular recycling collectors.

CON: The State would be responsible for the cost and effort of maintaining hotline databases.

CON: Contractor maintains total editorial control over recorded messages.

CON: Contractor controlled messages and advertisements could conflict with Board policy.

Option 2 Association for Environmental Education

PRO: Automated information is available 24 hours a day, seven days a week.

PRO: May require less staff than "live" operators.

PRO: A "live" operator is available, if necessary.

PRO: Programmable in five languages.

PRO: System is adaptable to local or regional needs.

CON: Service provider is relatively new, with little experience in recycling.

CON: Public may not have a positive response to the amount of time it takes to receive assistance through the recorded message system.

CON: System cannot handle dissemination of large amounts of information without the assistance of a "live" operator.

CON: Contractor maintains total editorial control over recorded messages.

Option 3 Department of Conservation

PRO: Answering service staff provides human interface and up-to-date information.

PRO: System operates 16 hours per day, six days a week.

PRO: Service handles large volume of callers.

PRO: State maintains editorial control of system.

CON: Does not operate Sundays or 24 hours a day.

CON: Limited to providing redemption value beverage container information.

CON: Currently maintains two hotlines which is confusing to the public.

CON: Currently refers a substantial number of callers to the Board's Recycling Hotline for materials outside of "Bottle Bill's" purview.

CON: Currently overlaps Board's Recycling Hotline information regarding beverage container recycling centers.

CON: Answering service staff (located in Florida) is not familiar with California geography, recycling laws, or recycling in general.

Option 4 California Integrated Waste Management Board

PRO: "Live" operators provide human interface and up to-date information.

PRO: Operators are trained in providing source reduction, recycling, and composting information.

PRO: Professional staff is readily available to provide specialized information.

PRO: Provides information spanning the entire range of integrated waste management issues.

PRO: Provides information in English and Spanish.

PRO: Maintains editorial control of system.

CON: Currently lacks capacity to meet existing needs.

CON: Currently overlaps DOC information regarding beverage container recycling centers.

CON: Refers callers to DOC regarding some "Bottle Bill" program information.

CON: Only operates 10 hours per day, 5 days per week.

Formal action should be delayed until the results of the DOC consultant study (planned completion is July 15, 1991) can be reviewed by staff.

Staff recommends that the issue of efficiency verses effectiveness be strongly considered before making a final decision on hotline operations. After interviewing the Board's Recycling Hotline staff, it became apparent that the California public is not only interested in knowing where they can recycle, but also the hows and whys. The Recycling Hotline is one of the Board's most public faces. Having "live", knowledgeable, and helpful operators will assure that the Board puts its best face forward.

Prepared by: Patricia Jones Phone 4-1142

Reviewed by: Mike DeMage Phone 7-9373

Legal review: [illegible] Date/Time 6/29/91 14:56

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STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, California 95814

Meeting of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

July 10, 1991
9:30 am

NOTICE AND AGENDA

Note: **Items are listed in the order they are scheduled to be considered. Changes in the order may occur.**

If written comments are to be submitted to the Committee, 20 copies should be provided.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Policy, Research and Technical Assistance Committee
July 10, 1991

Agenda Item #1

ITEM: Staff Presentation on the Household Hazardous Waste (HHW) Advisory Committee

BACKGROUND:

Pursuant to Public Resources Code (PRC) section 47500, the California Integrated Waste Management Board is required to establish a 10-member advisory committee to review and comment on actions taken by the Board on the subject of HHW. The committee must also review and comment on guidelines, policy, public information materials and perform other functions related to HHW as requested by the Board. The Board must serve as staff to the HHW advisory committee as required by PRC section 47503.

The membership of the advisory committee, as outlined by PRC section 47501, includes representatives of:

1) County government, from a rural county, to be selected by the County Supervisors Association of California.

2) City government, to be selected by the League of California Cities.

3) Hazardous waste transfer station operations, to be selected by the Department of Health Services.

4) Public information programs, to be selected by the League of Women Voters of California.

5) Publicly owned municipal landfill operations, to be selected by the Board.

6) Product manufacturers, to be selected by the Chemical Specialties Manufacturers Association.

7) Waste haulers, to be selected by the Souther California Refuse Council and the Northern California Refuse Council.

8) Environmental organizations, to be selected by the League of Women Voters of California.

9) Paint and coatings manufacturers, to be selected by the National Paint and Coatings Association.

10) Used oil recyclers, to be selected by the Board.

The members of the HHW advisory committee must select a chairperson and meet at least twice a year. The chairperson of is required to call meetings of the committee after consultation with the Board.

ANALYSIS:

The HHW advisory committee was originally established by 1986 legislation (Assembly Bill 1809, Tanner, Chapter 574). The 1986 legislation specifically directed the Board to establish a nine-member HHW advisory committee and to consult with this committee on the implementation of the HHW mandates generally, and on several components of the program specifically. The components were the development of guidelines and state policy to assist local agencies in providing services, informational materials prepared by the Board, and a report to the Legislature on the status of HHW programs. The HHW advisory committee met six times between April and October, 1987 and provided comments on these components. The HHW advisory committee has been inactive since the last meeting in October of 1987.

In 1989, the membership of the HHW advisory committee was legislatively revised to include a tenth member, a representative of used oil recyclers, however, the there were no new responsibilities mandated.

STAFF COMMENTS:

Board staff is of the opinion that the HHW advisory fulfilled its purpose of providing comments on a model operation plan and a report to the Legislature. Ms. Dorothy Fettig, the Board's Director of Legislative Affairs and former aide to the author of the legislation which created the HHW advisory committee concurs with staff's opinion. According to staff of the author of the original legislation, the HHW advisory committee was included as a requirement as a concession to involved parties (principally product manufacturers and local governments) who were concerned that the state of understanding about HHW issues was limited, and that the Board needed the benefit of formal input from a variety of sources in developing the initial HHW program.

Currently there are meetings conducted approximately every month in both Northern California and Southern California in which staff of the Board's Household Hazardous Waste Management Program, local HHW program coordinators, members of the private industry, and other regulatory agencies discuss issues related to HHW management. In addition, the Paint Recycling Task Force, which will be discussed in Agenda Item #2, meets at the same frequency to discuss issues related to paint.

There are two options available for the Policy, Research and Technical Assistance Committee (Committee) to consider:

Option 1 - Submit a legislative proposal that would delete the requirement of the HHW advisory committee

Option 2 - Initiate steps to activate the HHW advisory committee

Board staff recommends Option #1.

Prepared By: Fernando Benitez Phone: 322-9799

Reviewed By: [illegible] Phone: 2-9178

Legal Review: [illegible] Date/Time: 2/1 15h25

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Policy, Research and Technical Assistance Committee

July 10, 1991
AGENDA ITEM #2

ITEM: Presentation on the Paint Recycling Task Force.

BACKGROUND:

Approximately 45% of household hazardous waste (HHW) received at collection programs is a combination of latex paint and oil-based paint. As a result of this, an ad hoc committee called the Paint Recycling Task Force (Task Force) was voluntarily formed in December of 1989. The Task Force is a working group of various representatives from state, local and federal government; paint manufacturing; paint and coatings association; paint contractor and decorators associations; HHW collection program contractors and independent community groups. The Task Force meets approximately every other month with the primary taks of working of increasing the amount of paint recycled in California.

One method of working towards the goal of recycling paint statewide is identifying the barriers which currently prevent the paint manufacturing industry from recycling paint. Those barriers, up to this point, have been identified as:

1) The unknown hazardous constituents of paint received at collection events.

2) The requirements for a hazardous waste facility permit to recycle the paint,

3) The paint manufacturers concerns for their workers safety due to unknown chemicals in the collected paint,

4) Concerns over the lack of a markets for the paint.

The attached Mission Statement and Objectives have been drafted by the Task Force to address these barriers.

The Task Force has proposed the implementation of a study which would alleviate the aforementioned barriers. The California Polytechnic University San Luis Obispo Chemistry Department would be conducting this study. The Paint Recycling Task Force would like the Board to be the lead agency on the contract concept.

The previous Board supported the Task Force since its conception, viewing the Task Force as a means of recycling paint and thus eliminating paint disposal at solid waste landfills. The Task

Force recognizes the existence of a new Board, and is anticipating the Board's continued support.

ANALYSIS:

One method of working towards the goal of recycling paint statewide is identifying the barriers which currently prevent the paint manufacturing industry from recycling paint. Those barriers, up to this point, have been identified as:

1) The unknown hazardous constituents of paint received at collection events.

2) The requirements for a hazardous waste facility permit to recycle the paint,

3) The paint manufacturers concerns for their workers safety due to unknown chemicals in the collected paint,

4) Concerns over the lack of a markets for the paint.

The Task Force has drafted a Mission Statement with Objectives to address these barriers.

The Task Force has also proposed the implementation of a study which would alleviate the aforementioned barriers. The California Polytechnic (Cal Poly) University San Luis Obispo Chemistry Department would be conducting this study.

The components of the Cal Poly study are:

1) The testing of collected paint for hazardous constituents prior to recycling.

2) Developing sorting protocols for collected paint in efforts to facilitate the marketability of the recycled paint.

3) Establishing a schedule and mechanism for the periodic testing of collected paint to determine whether the paints contains hazardous constituents.

4) Developing brochures to educate the public on the benefits of recycling paint.

5) Developing a generic Material Safety Data Sheet.

6) Testing the quality of the finished recycled paint.

Once the barriers which prevent the recycling of paint are eliminated, HHW collection programs and solid waste facility load check programs may encounter a decrease in the amount of paint received. Community graffiti abatement programs and low income

housing projects, which utilize recycled paint, may encounter an increase in the availability of inexpensive recycled paint.

STAFF COMMENTS:

A representative from the Paint Recycling Task Force will be presenting this item.

This item is presented for information only.

Prepared By: Fernando Berton Phone: 322-9799

Reviewed By: [illegible] Phone: 2-9178

Legal Review: [illegible] Date/Time: 7/1 15h30

DRAFT DRAFT

PAINT RECYCLING TASK FORCE

MISSION AND OBJECTIVES

Mission Statement:

The Mission of the Paint Recycling Task Force is to bring together representatives of industry, government, academia, and public interest groups for the purpose of promoting environmentally responsible management of surplus or waste paint and related materials. This goal shall be accomplished through joint efforts to (1) encourage the proper disposal of waste paint, (2) minimize the amount of paint submitted for disposal, and (3) facilitate the development of recycling as an alternative to disposal, initially for leftover latex (water-based) paint. These joint efforts are outlined as the following objectives.

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PAINT RECYCLING TASK FORCE

OBJECTIVES

GENERAL

SHORT TERM OBJECTIVES

1) Quantify paint volumes received at collection programs in California. (DHS/CIWMB)

2) Identify paint processors and quantify their volume capacity limits. (NPCA/SCPCA)

3) Expand Paint Recycling Task Force to include other Associations (i.e. Painting and Decorating Contractors Association, LASCT and GGSCT). (DHS/CIWMB)

4) Identify the role of DHS and CIWMB on Paint Task Force. (CIWMB & DHS)

5) Identify the roles of other regulatory agencies involved with the recycling of paint (eg. Air Resources Board and Water Boards). (CIWMB & DHS)

6) Encourage the recycling of Conditionally Exempt Small Quantity Generator's paints (e.g. small paint contractors). (DHS & CIWMB)

7) Develop sorting protocol for incoming paint. (Paint Manufacturing Industry/Cal Poly Subcommittee)

LONG TERM OBJECTIVES

1) Implement general public education program on the benefits of recycling paint and availability of recycled paint. (NPCA, League of Women Voters, CIWMB and DHS)

2) Prison industry: define and initiate small pilot paint recycling project. (California Dept. of Corrections)

3) Increase the number of paint manufactures interested in recycling paint. (Members of Paint Recycling Task Force)

PAINT RECYCLING TASK FORCE

OBJECTIVES continued...

SHORT TERM OBJECTIVES	LONG TERM OBJECTIVES
MARKET DEVELOPMENT	
1a) Identify existing paint end users and quantify volume needs for recycled latex paint. (GSA, CIWMB and General Services)	1a) Identify and quantify other paint end users and markets for recycled latex paint. (CIWMB, GSA and General Services)
2a) Research the use of recycled paint for graffiti abatement through "Keep California Beautiful" and municipal, state programs (e.g. CALTRANS) or county programs. (CIWMB)	2a) Expand the use of recycle paint for graffiti abatement through the "Keep California Beautiful" program. (CIWMB)
3a) Implement Public Education: Industry awareness and public awareness program. (CIWMB)	3a) Implement public education program on recycling of paint. Develop industry brochure to educate the public of the benfits of recycling latex paints and using recycled latex paints. (CIWMB, League of Women Voters, NPCA and Paint Manufacturing Industry)
4a) Identify completion dates for the paint recycling feasibility studies from individual paint manufacturers. (NPCA/Paint Manufacturing Industry)	4a) Identify government procurement specifications on different types of paint products. (NPCA, Paint Manufacturing Industry, GSA and General Services)
	5a) Explore development of new products (e.g. higher quality paints) made from recycled paints. (Cal Poly Project, Paint Manufacturing Industry)
	6a) Explore the recycling of solvent (alkyd) based paints. (Cal Poly Project, Paint Manufacturing Industry)

PAINT RECYCLING TASK FORCE

OBJECTIVES Continues...

SHORT TERM OBJECTIVES	LONG TERM OBJECTIVES

CAL POLY SAN LUIS OBISPO

1b) Develop subcommittee within Paint Recycling Task Force to work with Cal Poly San Luis Obispo staff to further define and manage paint projects.
(Members of Paint Task Force)

2b) Further define the paint projects of Cal Poly San Luis Obispo.
(Cal Poly Subcommittee, Members of Paint Recycling Task Force)

3b) Develop timeline for Cal Poly San Luis Obispo paint projects.
(Cal Poly Subcommittee, Cal Poly Project)

4b) Develop budget and determine the funding source for the Cal Poly San Luis Obispo paint projects.
(Cal Poly Subcommittee, Cal Poly Project, DHS/CIWMB)

5b) Initiate testing for specific hazardous constituents of collected latex paint prior to recycling the paint.
(Cal Poly Project)

1b) Develop industry brochure to educate the public of the benefits of recycling latex paints and using recycled latex paints.
(League of Women Voters, Paint Manufacturing Industry and CIWMB)

2b) Complete paint projects at Cal Poly San Luis Obispo.
(Cal Poly Project)

3b) Implement periodic testing of collected paint to screen for specific hazardous constituents.
(Cal Poly Subcommittee/Cal Poly Project)

PAINT RECYCLING TASK FORCE

OBJECTIVES Continues...

SHORT TERM OBJECTIVES	LONG TERM OBJECTIVES

CAL POLY SAN LUIS OBISPO

6b) Initiate testing for integrity of recycled paint. (Cal Poly Project)

7b) Develop model Material Safety Data Sheets for collected paint. (Cal Poly Project/Cal Poly Subcommittee)

8b) Determine schedule for future periodic testing of collected latex paint. (Cal Poly Project/Cal Poly Subcommittee)

PAINT RECYCLING TASK FORCE

LEGEND

California Department of General Services (CDGS)

California Integrated Waste Management Board (CIWMB)

Southern California Painting and Coatings Association (SCPCA) & EL RAP

Cal Poly San Luis Obispo Paint Recycling Project Sponsored through the Paint Recycling Task Force (Cal Poly Project)

Department of Health Services,
Toxic Substances Control Program (DHS)

Federal General Services Agency (GSA)

National Painting and Coatings Association (NPCA)

Paint Recycling Task Force's Cal Poly Project Subcommittee (Cal Poly Subcommittee)

Painting & Decorating Contractors of California (PDCC)

Golden Gate Paint & Coatings Association (GGPCA)

Los Angeles Society for Coatings Technology (LASCT)

Golden Gate Society for Coatings Technology (GGSCT)

California Paint Council (CPC)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Policy, Research and Technical Assistance Committee
July 10, 1991

Agenda Item #3

ITEM: Discussion of Committee Role

BACKGROUND:

The subject matter of the Policy, Research and Technical Assistance Committee is broad in scope and this Committee will be considering subjects of interest to all Board members. It is understood that this Committee, as all committees, will operate under the direction of the Board and will make recommendations for consideration by the Board. Following is a description of the Committee's mission and tasks.

KEY ISSUES:

Mission

- Serve as a focal point for long-range Board thinking about ways to achieve Board goals.
- Assist the Board in strategic planning, policy development and the encouragement of new technology for processing solid and special wastes.
- Oversee and make recommendations about training and technical assistance activities.

Tasks

- Oversee preparation of Biennial Report and State Plan required by Public Resources Code Sections 40507 and 42950-42952.
- Inventory and review current mandated reports, studies and science and technology programs.
- Oversee development of a process designed to establish priorities to guide resource allocation for research and development activities (i.e., research contracts and BCPs).
- Oversee the development and conduct of policy studies initiated by the Committee or referred to it by the Board, its committees, or members.

- Recommend methods to promote the development of new technologies and scientific methods to manage wastes and improve resource recovery.

- Inventory technical assistance and training activities, consider alternatives to improve them, and make recommendations, as appropriate.

- Recommend methods to improve the Board's capacity to conduct planning and research activities employing its own staff and the resources of universities, research institutions and the private sector.

Recommendation:

The Committee adopt this mission and tasks statement.

Agenda Item Submitted By: Al Lipson **Phone:** 327-1108

Approved By: Al Lipson **Phone:** 327-1108

Legal: Bob Conheim **Date/Time:** 7-1-91

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Policy, Research, and Technical Assistance Committee

July 10, 1991

AGENDA ITEM 4

ITEM:

Public Hearing to receive comments on Draft Regulations for the CIWMB's Recycled-Content Newsprint Program (14 CCR 17950- 17968) as Noticed on May 10, 1991, in California Regulatory Notice Register #19.

BACKGROUND:

The purpose of this item is to provide an opportunity for the public to orally comment on the proposed recycled-content newsprint regulations and to solicit direction from the Committee regarding any changes to be made.

The Board has already provided two noticed opportunities for comments on these regulations:

- On May 22, 1991, staff held a public workshop in Long Beach to receive public input. Tim Dunn and Jerry Hart from the Board and 4 members of the public attended and the ensuing discussion revealed several potential changes to the regulations.

- On June 10, 1991, staff held another workshop at the Board's office in Sacramento. Board member Wesley Chesbro, advisor Terry Leveille, and Maureen Morrison, Tim Dunn, Jerry Hart of the Board's staff, and 9 members of the public attended. Again, the discussion identified language in the regulations which may need to be modified.

PRIOR COMMITTEE ACTION:

This item was first heard by Board Committee members at the April 2, 1991, PRTA Committee meeting. The Committee approved the draft regulations to be sent to the Office of Administrative Law (OAL) for public notice on April 25, 1991. The regulations were published in the Friday, May 10, 1991, issue of the California Regulatory Notice Register. Publication in the Register officially began the 45 day Public Comment Period, required by the Administrative Procedures Act, which ended June 24, 1991.

ANALYSIS:

Recycled-content newsprint legislation, AB 1305 (Stats. 1989, ch. 1093), was amended by Stats. 1990, ch. 35 (SB 937). The Board only now has the staff to devote the time and energy necessary to developing the program and its regulations. These first consumer certifications are due March 1, 1992, reflecting 1991's activity. Timely adoption of these regulations will allow time for this certification process to run smoothly.

The changes to the regulations that staff expects to make as a result of public input focus on definition of newsprint, other definitions of terms, and certification/recordkeeping procedures.

Staff recommends that these regulations be crafted so that they deal mainly with the newspaper grades of newsprint. These grades are available now and make up approximately 70% of what this law considers "newsprint." Revisions to the definition section of the regulations may result in "fine tuning" of some terms and elimination of confusion in others. The certification procedures may be made simpler for consumers to comply with the use goals, and the recordkeeping requirements may be made less burdensome.

STAFF COMMENTS:

The Policy, Research, and Technical Assistance Committee Hearing on July 10, 1991, will be the last opportunity for public comment on this draft of the regulations. After the meeting, staff will incorporate changes to the text of the regulations as necessary and begin an additional fifteen day public comment period to receive comments on those changes. Staff expects to bring amended proposed regulations to the Committee at its August 15, 1991, meeting for consideration of adoption. Board adoption would then occur at the August 28, 1991, Board meeting if there are no further changes to be made.

ATTACHMENT:

Draft Regulations for Recycled-Content Newsprint Program.

Prepared By: Jerry Hart phone: 327-9387

Reviewed By: [illegible] phone: 2-9385

Legal Review: MOM date: 7/2/91 time: 11:45am

PROPOSED RECYCLED-CONTENT NEWSPRINT REGULATIONS

State of California

California Integrated
Waste Management Board

17

TITLE: 14, CHAPTER 4
RESOURCE CONSERVATION PROGRAMS

ARTICLE 1: MARKET DEVELOPMENT PROGRAMS

SECTIONS 17950-17968.
RECYCLED CONTENT NEWSPRINT

Section 17950 DEFINITIONS AND PURPOSE

a) Definitions. Additional definitions may be found in Article 1, Chapter 15, Part 3 of Division 30 of the Public Resources Code.

1) The *Board* is the California Integrated Waste Management Board.

2) A *commercial printing and publishing operation* is a business which annually uses more than 100 metric tons of newsprint in its printing or publishing operation.

3) A *consumer of newsprint* means a person, as defined in Public Resources Code (PRC) 40170, who uses newsprint in a commercial printing or in a commercial publishing operation.

4) *Delivery time* is the time between placement of a newsprint order and receipt of that order.

5) *May* means a provision is permissive.

6) A *metric ton* is 1000 kilograms. To convert pounds to metric tons, divide the number of pounds by 2,204.6.

7) *Must* means a provision is mandatory.

8) A *newsprint manufacturer* is in the business of making newsprint.

9) A *newsprint supplier* is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California.

10) *Virgin newsprint*, for the purpose of this regulation, contains less then 40 percent postconsumer waste paper.

b) What is the purpose of this regulation? This regulation explains what recycled-content newsprint requirements consumers of newsprint and newsprint suppliers must meet, and what procedures consumers and suppliers of newsprint must follow to report and certify recycled-content newsprint use.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42750, 42753, 42754, 42755, 42756, Public Resources Code.

Section 17952 WHO MUST COMPLY?

Who must comply with this regulation? You must comply with this regulation if you are:

1. A person, as defined in Public Resources Code section 40170, located in California, or

2. A newsprint supplier who is a person, as defined in Public Resources Code section 40170, supplying newsprint which will be used in California, or

3. A newsprint manufacturer who is a person, as defined by Public Resources Code section 40170, producing newsprint which will be used in California.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42750, 42753, 42772, Public Resources Code.

Section 17954 NEWSPRINT CONSUMER REQUIREMENTS

a) I am a consumer of newsprint. What do I have to do to comply with this regulation? If you are a consumer of newsprint, to comply with this regulation you must:

1. Satisfy the minimum recycled-content newsprint use requirements in Table One below, and

2. Certify to the Board by March 1 of each year that you are meeting these requirements. The first certification is due to the Board by March 1, 1992. Certification information is listed in section (e) of this regulation.

TABLE ONE: RECYCLED-CONTENT NEWSPRINT REQUIREMENTS

On and After	Required Use
January 1, 1991	25 percent
January 1, 1994	30 percent
January 1, 1996	35 percent
January 1, 1998	40 percent
January 1, 2000	50 percent

b) I am a consumer of newsprint. What information do I have to send to the Board each year for my certification? By March 1 of each year, you must send the following information to the Board on the Board-supplied certification form #430:

1. Your name, mailing address, physical address, and telephone number,

2. The total in metric tons of virgin newsprint used during the preceding calendar year,

3. The total in metric tons of recycled-content newsprint used during the preceding calendar year,

4. For each shipment of newsprint used during the preceding calendar year, list the description of the newsprint grade, including printing opacity, brightness, and cross machine tear strength,

5. For each shipment of newsprint used during the preceding calendar year, list the recycled content, and the manufacturer's name, address, and telephone number,

6. For each shipment of newsprint used during the preceding calendar year, list the newsprint supplier's name, mailing address, and telephone number,

7. The total in metric tons of all newsprint received during the preceding calendar year, and

8. The total in metric tons of all newsprint to be used in California in inventory on January 1 and December 31 of the preceding calendar year.

c) I am a consumer of newsprint. What records do I have to keep to comply with this regulation? To comply with this regulation, consumers of newsprint must keep:

1. A copy of every shipment order, bill of lading, invoice, purchase order, or other evidence of delivery,

2. A copy of the annual certification you send to the Board, and

3. A copy of any supplier certification you have received.

d) How long do consumers of newsprint have to keep the records required by this regulation? You must keep the records for 3 years after the date of the certification for which those records were used and make them available to the Board upon request.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42760, 42770, 42782, Public Resources Code.

Section 17956 NEWSPRINT SUPPLIER REQUIREMENTS

a) I am a newsprint supplier. When I certify the recycled-content of the newsprint in a delivery, what information do I have to include? When you certify the recycled-content of the newsprint in a delivery, you must include:

1. Your name, mailing address, and telephone number,

2. The name and address of the person you received the shipment from prior to your supplying it to others,

3. The name and physical address of the consumer or supplier to whom you are sending the newsprint,

4. The newsprint manufacturer's name,

5. Description of the newsprint grade, including printing opacity, brightness, cross machine tear strength, and the dates of delivery,

6. Total in metric tons of recycled-content newsprint delivered by grade, and

7. Total in metric tons of virgin newsprint delivered by grade.

b) As a newsprint supplier, what records do I have to keep to comply with this regulation? If you are a newsprint supplier, you must keep copies of any certification you send to consumers of newsprint.

c) How long do newsprint suppliers have to keep the records required by this regulation? You must keep the records for 3 years and make them available to the Board upon request.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42772, 42780, Public Resources Code.

Section 17958 QUALITY STANDARDS

a) What quality standards does the recycled-content newsprint have to meet? The recycled-content newsprint must meet the quality standards established by the Board.

b) How will the Board set its comparable quality standards? In July of each year, the Board will survey newsprint suppliers and manufacturers who annually sell more than 5000 metric tons of recycled-content newsprint in California. The Board will require samples from each of these manufacturers for each grade of recycled-content newsprint that is currently in stock.

The Board will then conduct testing following the methods of the Technical Association of the Pulp and Paper Industry (TAPPI), and will establish the standards based on the results of the testing.The specifications are listed in Table Two below, which is incorporated herein by reference.

TABLE TWO: SPECIFICATIONS

Specification	Test Method	Units
Average of all brightness tests	T452	Percent
Average of all opacity tests	T425	Percent
Average of all cross-machine tear strength tests	T414	Grams

c) The Board will then use the following method to calculate the comparable quality value for each of the specifications in each grade:

Sum of the average test results from each manufacturer reporting	=	_____(1)
Number of manufacturers reporting	=	_____(2)
Divide (1) by (2)	=	_____(3)
Multiply (3) by 0.98	=	_____(4)

The value on line (4) is the minimum comparable quality standard.

d) Where can I find the TAPPI methods for sampling procedures, brightness, printing opacity and cross-machine tear strength? You can find the test methods you need in a book called *TAPPI Test Methods*, Volumes 1 and 2, published by the Technical Association of the Pulp and Paper Industry, P.O. Box 105113, Atlanta, Georgia, 30348. TAPPI methods can also be found in the Annual Book of the American Society of Testing Materials (ASTM) OM-87, volume 15.09 which is incorporated herein by reference.

e) When will the Board make available the comparable quality standards? The Board will make available comparable quality standards by November 30 of each year.

f) For what time period will these comparable quality standards apply? The comparable quality standards made available by November 30 of each year will apply throughout the following calendar year.

Note: Authority cited: Sections 40502, 42775(a), Public Resources Code
Reference: Sections 42775(a), 42775(b), Public Resources Code.

Section 17960 COMPARABLE PRICE

How do I know if the price I have to pay is a comparable price? The price for a grade of recycled-content newsprint is comparable if the quoted price for recycled-content newsprint is less than or equal to the quoted price of virgin newsprint of that grade.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42760, Public Resources Code.

Section 17962 AVAILABILITY WITHIN A REASONABLE PERIOD OF TIME

a) How will I know if the delivery time promised by a newsprint supplier for recycled-content newsprint is reasonable? To calculate the reasonable delivery time, add the delivery times in days for all deliveries of newsprint of that grade received in the prior 30 days, divide the result by the number of deliveries and multiply this result by 1.1. If the expected delivery time is less than or equal to the final result of your calculation, the promised delivery time is reasonable.

b) What if I have not received a delivery of that grade of newsprint in the previous 30 days? If you have not received a delivery of that grade of newsprint within the last 30 days, add all the delivery times for the last 90 days. If you have not received a delivery in the last 90 days, substitute delivery times of a comparable grade of newsprint and complete the calculation.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42760, Public Resources Code.

Section 17964 AUDITING

a) Will the Board conduct audits of my certifications? The Board may conduct audits of your certifications. The Board may either ask you for additional information, or the Board may conduct an on-site audit.

b) How will the Board conduct a request for additional information? To get the information, the Board will send you a request by certified mail. The Board will list the information the Board needs and explain why the Board needs the information. You will have thirty days to supply the information.

c) How will the Board conduct an on-site audit? If the Board decides to audit your records to determine compliance, either Board staff or an auditor will conduct the audit. The Board will send you the results within thirty days.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42771, Public Resources Code.

Section 17966 FAILURE TO MEET GOALS

a) I am a consumer of newsprint. What happens if I cannot meet the recycled-content newsprint requirements for any reporting period? If you cannot meet the recycled-content newsprint use requirements for any year, you must give the specific reasons why you did not meet them when you file your certification for that year.

There are only three reasons, pursuant to PRC section 42773, for not meeting the recycled-content newsprint use requirements:

1. Recycled-content newsprint was not available at a comparable price to that for virgin newsprint (section 17960).

2. The recycled-content newsprint did not meet the quality standards established by the Board (section 17958), or

3. The particular grade of recycled-content newsprint would not have been available in a reasonable time (section 17962).

b) I was not able to meet the recycled-content newsprint use requirements last year. In my certification, I am going to use one of the reasons listed above to explain why I did not meet the requirements for recycled-content newsprint use. What steps do I have to take to make this certification in good faith? To make this certification in good faith, you must provide documentation, as described in PRC section 42773, showing that you tried to obtain recycled-content newsprint from all the newsprint suppliers with whom you had purchase discussions, or producers that offered to sell recycled-content newsprint within the preceding twelve months. This information is to be provided on the Board supplied Certification Form #430.

c) I was not able to meet the recycled-content newsprint use requirements for the previous year! What records do I have to keep to document my claim? If you claim that the recycled-content newsprint was not available at a comparable price, you must keep invoices for the virgin newsprint you purchased and copies of the competing offers for selling you recycled-content newsprint which you received.

If you claim that a comparable quality of recycled-content newsprint was not available, you must keep copies of the test results of the recycled-content newsprint you refused to purchase.

If you claim that the delivery time was not reasonable, you must keep copies of the promised delivery times for recycled-content newsprint and the calculated reasonable delivery time from sections 17962 "a" and "b".

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42760, 42773, Public Resources Code.

Section 17968 PENALTIES

What can happen to me if I make a false certification or I do not comply with the law? Any person who does not comply with the law may be found guilty of an infraction, or may be subject to civil penalties. Public Resources Code Sections 42790 and 42791 explain the penalties.

Note: Authority cited: Sections 40502, Public Resources Code
Reference: Sections 42790, 42791, Public Resources Code.

STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, California 95814

July 17-19, 1991

Meeting of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Eureka, California

REGULAR MONTHLY BUSINESS MEETING
Humboldt County Board of Supervisors' Chambers
825 Fifth Street
Eureka, CA 95501

Thursday, July 18, 1991
9:00 a.m.

N O T I C E A N D A G E N D A

Note: Items are listed in the order they are scheduled to be considered. Changes in the order may occur. Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's secretary on the date of the meeting. Twenty two-sided copies of all written comments should be provided.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

This notice and Agenda may have been published and mailed prior to a Committee Meeting from which matters may have been referred to the full Board. Some of the items listed below, therefore, may, upon recommendation of a Committee, be placed on the Board's Consent Agenda for this meeting.

THE FOLLOWING ITEMS ARE SCHEDULED FOR WEDNESDAY, JULY 17, 1991:*

1. TOUR OF VARIOUS LOCAL SOLID WASTE AND RECYCLING FACILITIES, INCLUDING CASCADE FOREST PRODUCTS, ARCATA NEIGHBORHOOD DROP-OFF CENTER, ARCATA MARSH AND SANCTUARY, ARCATA RECYCLING CENTER, EUREKA TRANSFER STATION, AND CUMMINGS ROAD LANDFILL

2. MEETING/RECEPTION/DINNER WITH LOCAL OFFICIALS, MEMBERS OF HUMBOLDT COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE AND SOLID WASTE INDUSTRY REPRESENTATIVES AT MERRYMAN'S RESTAURANT

THE FOLLOWING ITEMS ARE SCHEDULED FOR THE REGULAR MONTHLY BUSINESS MEETING OF THE BOARD ON THURSDAY, JULY 18, 1991: Page

3. CONSIDERATION OF CONSENT AGENDA ITEMS

4. REPORTS OF THE BOARD'S COMMITTEES

5. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR GLENNVILLE TRANSFER STATION, KERN COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 1

6. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR PONDEROSA TRANSFER STATION, YUBA COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 22

7. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR INTERIM LEBEC VOLUME TRANSFER STATION, KERN COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 43

8. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR BFI COMPTON TRANSFER STATION, LOS ANGELES COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 63

9. CONSIDERATION OF NOTICE AND ORDER #91-02 TO DEL NORTE COUNTY DEPARTMENT OF PUBLIC WORKS, OPERATOR OF THE CRESCENT CITY LANDFILL (PERMITTING AND ENFORCEMENT COMMITTEE) 113

10. CONSIDERATION OF REGULATIONS FOR LOCAL ENFORCEMENT AGENCY DESIGNATION AND CERTIFICATION (PERMITTING AND ENFORCEMENT COMMITTEE)

11. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COLUSA COUNTY LOCAL ENFORCEMENT AGENCY JURISDICTION (PERMITTING AND ENFORCEMENT COMMITTEE) 114

12. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR CITY OF SANTA CLARA LOCAL ENFORCEMENT AGENCY JURISDICTION (PERMITTING AND ENFORCEMENT COMMITTEE) 165

13. CONSIDERATION OF POLICY CONCERNING REGULATION OF DISPOSAL OF ASBESTOS CONTAINING WASTE (PERMITTING AND ENFORCEMENT COMMITTEE) 235

14. CONSIDERATION OF PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE PLANS FOR INTERMOUNTAIN LANDFILL, SHASTA COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE) 251

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15. CONSIDERATION OF PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE PLANS FOR SIMPSON PAPER COMPANY, TWIN BRIDGES LANDFILL, SHASTA COUNTY (PERMITTING AND ENFORCEMENT COMMITTEE) 262

16. CONSIDERATION OF ADOPTION OF REGULATIONS FOR FINANCIAL RESPONSIBILITY FOR OPERATING LIABILITY CLAIMS (PERMITTING AND ENFORCEMENT COMMITTEE) 273

17. CONSIDERATION OF ARCHITECT - ENGINEER CONTRACTING (PERMITTING & ENFORCEMENT COMMITTEE) 320

    A. CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS AND FINDING OF EMERGENCY

    B. CONSIDERATION OF PUBLICATION OF FORMAL NOTICE FOR ARCHITECT - ENGINEER CONTRACT REGULATIONS

18. CONSIDERATION OF APPROVAL OF REQUESTS FOR QUALIFICATIONS FOR ARCHITECT - ENGINEERING CONTRACTS: ENGINEER AND ENVIRONMENTAL SERVICES (PERMITTING & ENFORCEMENT COMMITTEE) 346

19. CONSIDERATION OF STAFF ANALYSIS OF FOUR HOTLINE SYSTEMS (LEGISLATION & PUBLIC AFFAIRS COMMITTEE)

20. CONSIDERATION OF APPROVAL OF AN INTERAGENCY AGREEMENT WITH CALIFORNIA STATE UNIVERSITY (C.S.U.) FOR A MODEL WASTE REDUCTION PROGRAM (LEGISLATION & PUBLIC AFFAIRS COMMITTEE)

21. CONSIDERATION OF CIWMB LOGO DESIGN (LEGISLATION & PUBLIC AFFAIRS COMMITTEE)

22. CONSIDERATION OF FY 91-92 SPONSORSHIP/PROMOTIONAL ACTIVITIES (LEGISLATION & PUBLIC AFFAIRS COMMITTEE)

23. CONSIDERATION OF LEGISLATION (LEGISLATION & PUBLIC AFFAIRS COMMITTEE)

24. DISCUSSION OF CIWMB'S PUBLIC RELATIONS ACTIVITIES (LEGISLATION & PUBLIC AFFAIRS COMMITTEE)

25. CONSIDERATION OF ADOPTION OF SCORES FROM THE RFP AND AWARD OF CONTRACT FOR PUBLIC AWARENESS PROGRAM RESEARCH AND MARKETING (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 349

26. CONSIDERATION OF ADOPTION OF RESOLUTION HONORING THE ARCATA RECYCLING CENTER ON ITS 20TH ANNIVERSARY 375

27. WORKSHOP ON LOCAL ECONOMIC DEVELOPMENT AND RECYCLED MATERIALS MARKETS ([redacted]) 376

28. OPEN DISCUSSION

29. ADJOURNMENT OF REGULAR MONTHLY BUSINESS MEETING

THE FOLLOWING ITEM IS SCHEDULED FOR THURSDAY EVENING, JULY 18, 1991:*

28. RECEPTION WITH BOARD OF DIRECTORS, KEEP CALIFORNIA BEAUTIFUL, THE EUREKA INN

THE FOLLOWING ITEMS ARE SCHEDULED FOR FRIDAY, JULY 19, 1991:*

29. PARTICIPATION IN KEEP CALIFORNIA BEAUTIFUL COMMUNITY SERVICE PROJECT AT BUREAU OF LAND MANAGEMENT MAD RIVER SLOUGH AND DUNES COOPERATIVE MANAGEMENT AREA

30. PARTICIPATION IN ARCATA RECYCLING CENTER'S 20TH ANNIVERSARY CELEBRATION

*The public is not excluded from these activities; however, no transportation is provided.

NOTICE: The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126(a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, CA 95814
(916) 322-3330

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 18, 1991

AGENDA ITEM # 5

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facility's Permit for the Glennville Transfer Station, Kern County

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991 meeting. As of the date this item went to print, the committee had not taken an action.

BACKGROUND:

Facility Facts

Project:	New permit for a proposed small volume transfer processing station
Facility Type:	Transfer Processing Station
Name:	Glennville Transfer Station, Facility No. 15-AA-0298
Location:	One mile east of Glennville, off of Highway 155
Setting:	The facility is located adjacent to the existing Glennville Sanitary Landfill. There are no structures within 1,000 feet. In addition to the landfill, the surrounding land use is agricultural (cattle grazing).
Operational Status:	Proposed facility
Permitted Daily Capacity:	99 cubic yards per day
Area:	1.1 acres
Owner:	The County of Kern
Operator:	L. Dale Mills, Director Kern County Public Works Department

LEA: Kern County Environmental Health Services Department

Project Description The proposed permit is to authorize operation of a small volume transfer station, a 1.1 acre facility. An expected average of 86 cubic yards of waste will be received per operating day. The site will be permitted to operate only 2 days per week (Sunday and Wednesday) from 8:00 A.M. to 4:00 P.M. Based on Kern County's estimate of 350 pounds per cubic yard, the site will receive an average of 15 tons per day.

Kern County proposes this facility to replace the existing Glennville Sanitary Landfill as the disposal site for the communities of Glennville, Alta Sierra, and Woody. The County is in the process of reducing the number of small landfills in outlying areas and consolidating waste disposal at regional sites.

Only non-hazardous solid waste such as paper, glass, plastic, metals, green waste, demolition, and inert wastes will be accepted at Glennville Transfer Station. No liquid wastes, asbestos, special wastes, or hazardous waste will be accepted. Transfer trailers will be used to collect and haul refuse to a Kern County landfill.

Environmental Controls A hazardous waste screening program will be implemented to prevent illegal disposal. In the future, a household hazardous waste drop off area will be provided after the necessary authorization is received from the Department of Health Services.

Resource Recovery Programs The facility operator will be required to sort through refuse on the tipping pad to recover such materials as ferrous and non-ferrous metals, glass, cardboard, plastic, and newspaper. A recycling area with receptacles for public use will also be provided. The Kern County Local Task Force estimates a 14% materials recovery rate based the rate at the Glennville Sanitary Landfill. The LTF also states that the operator will be required by the County to recover target materials in certain amounts, based upon their Waste Generation Study.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste facilities permit. Since the permit was received on June 19,

1991, the last day the Board could act is August 19, 1991.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

   The LEA has determined that the Glennville Transfer Station is found in the Kern County Solid Waste Management Plan, 1988 revision. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the Kern County General Plan, according to County Board of Supervisors' Resolution #90-593. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   According to the Report of Facility Information, dated May 12, 1991, recycling of metals, glass, cardboard, plastic, and newspaper will take place at the facility. The public will drop off recyclables in bins, and station operators will salvage reclaimable materials from the tipping floor.

   Kern County Local Task Force staff anticipate recovery from this facility will be about 13 tons/month, which is approximately 14% of the amount of waste to be received. This is based in current recycling levels at the Glennville Sanitary Landfill, and adjusted upwards slightly. The County presently has a Landfill Salvage Program; this transfer station, which replaces the landfill, will have a comparable program but greater amounts of materials are expected to be recovered.

   Kern County staff also stated that the facility will be required to recover target materials in certain amounts based on what the County's Waste Generation Study shows is feasible. If waste diversion requirements necessitate that this facility recover greater amounts of materials, a contingency plan to increase recovery rates at the station will be enacted.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an

environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). Kern County Department of Public Works prepared a Negative Declaration (SCH #90020246) for the proposed project. As required by CEQA, the negative declaration (ND) identified the project's potential adverse environmental impact and mitigation measures that would reduce the impact to a less than significant level. Board staff reviewed the ND and provided comments to the Kern County on June 15, 1990. The County prepared and submitted a response to comments which adequately addressed Board comments.

A MMIS has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the establishment of the Glennville Transfer Station are identified and incorporated in the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with and that the ND is adequate and appropriate for the Board's use in evaluating the proposed facility.

STAFF RECOMMENDATIONS:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-48 concurring in the issuance of Solid Waste Facilities Permit No. 15-AA-0298.

ATTACHMENTS:

1. Permit Decision No. 91-48
2. Location Map
3. Site Map
4. Permit No. 15-AA-0298
5. Mitigation Monitoring and Implementation Schedule

Agenda Item Prepared By: David Clark Phone: 327-9354

Agenda Item Approved by: H. Sevakis Phone: 327-9178

Legal Review: [illegible] Date/Time 7/3 - 12:40

California Integrated Waste Management Board
Permit Decision No. 91-48
July 17 - 18, 1991

WHEREAS, the Kern County Environmental Health Services Department, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Glennville Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 15-AA-0298.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17 - 18, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2

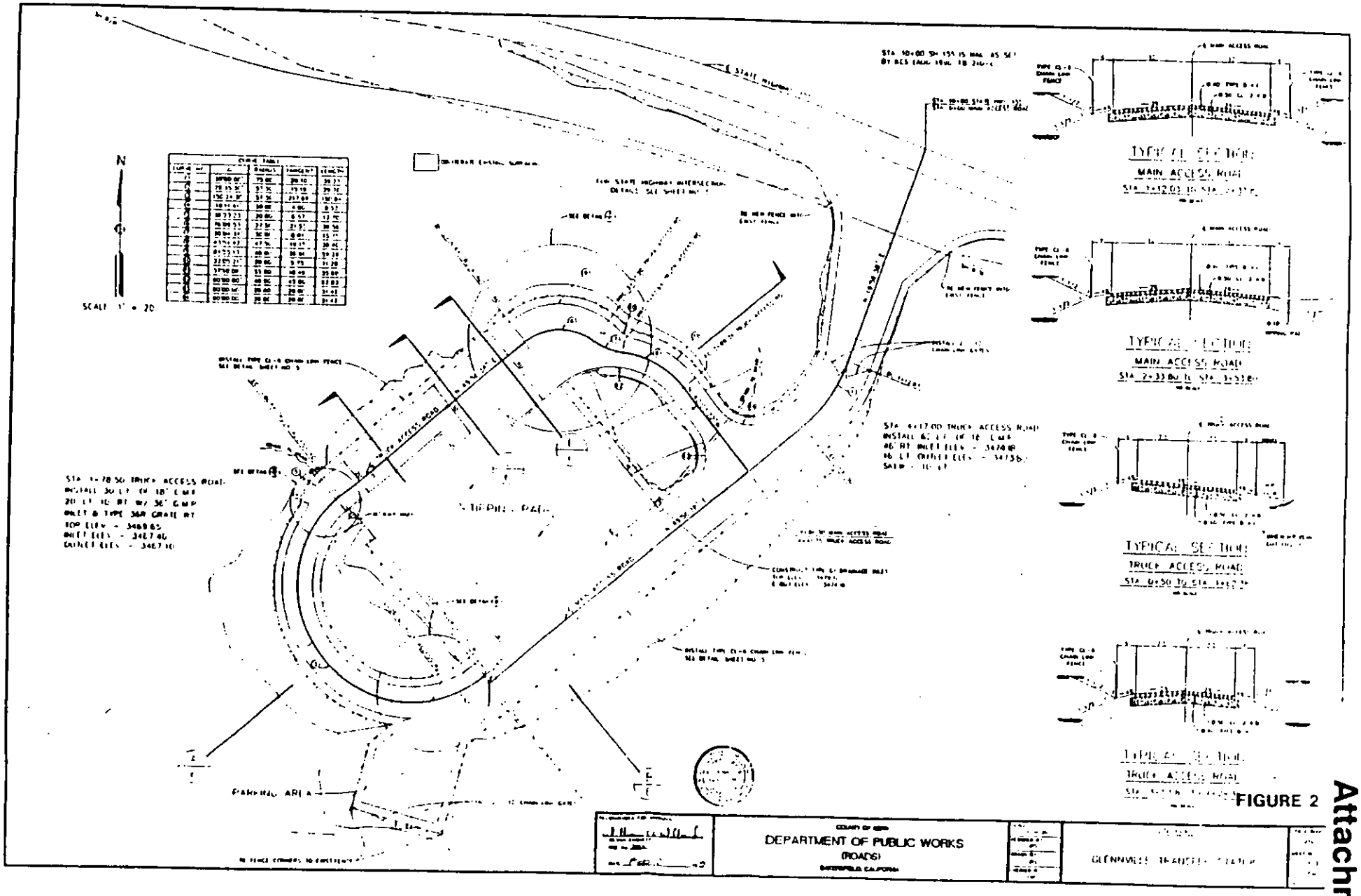

FIGURE 2

Attachment 3

7

Attachment 4

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY small volume transfer/ processing station	FACILITY/PERMIT NUMBER 15-AA-0298
NAME AND STREET ADDRESS OF FACILITY Glennville Transfer Station 1 mile east of Glennville on Highway 155. Glennville, CA	NAME AND MAILING ADDRESS OF OPERATOR Kern County Department of Public Works 2700 "M" Street, Suite 500 Bakersfield, CA 93301	
PERMITTING ENFORCEMENT AGENCY Kern Co. Environmental Health Services Dept.	CITY/COUNTY Bakersfield/Kern County	

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED: APPROVING OFFICER Steve McCalley, Director NAME/TITLE	AGENCY ADDRESS Environmental Health Services Department 2700 "M" Street, Suite 300 Bakersfield, CA 93301	
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB JUN 19,1991	CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

GLENNVILLE TRANSFER STATION
SOLID WASTE FACILITY PERMIT
S.W.I.S. 15-AA-0298

FINDINGS

1. Description of Station Design and Operation

A. Owner/Operator

Name of Station:	Glennville Transfer Station
Owner:	Kern County
Operator:	Kern County Public Works Department

This permit is for a Small Volume Transfer/Processing Station, designed to reclaim salvageable materials from domestic and commercial refuse. The remainder is transferred for disposal off site. The facility is owned by Kern County and operated by Kern County Public Works Department.

Operator employs contracted agents to perform site operations while remaining in a supervisory role.

B. Location

The 1.1-acre facility is located on a 33-acre parcel one mile east of Glennville, off Highway 155, being described as all that portion of the southeast quarter of Section 30, Township 25 South, Range 31 East, MDB&M, County of Kern, State of California, being a parcel of land described as:
The southeast quarter of the northwest quarter of the southwest quarter of said Section 30;
ALSO
The southwest quarter of the northwest quarter of the southwest quarter of said Section 30;
ALSO
The north half of the northwest quarter of the southeast quarter of the southeast quarter of said Section 30;
ALSO
The north half of the northeast quarter of the southwest quarter of the southeast quarter of said Section 30.
Containing 33.0 acres.

Detailed maps showing on-site structures, entry roads, and structures within 1,000 feet are included as part of the Plan of Operation, dated May 12, 1991.

C. Physical Structures

The facility is a processing and transfer unit. The facility includes the following features:

1. One paved tipping area
2. Storage for recovered materials
3. Paved parking area for transfer vehicles, employees, and the public
4. Access roads, utilities, and fencing
5. Hazardous waste storage locker, pad, and fenced enclosure
6. Chemical toilet, hand and eye wash station, and bottled water dispenser
7. Roll-off containers for waste receipt

D. Waste Types

The facility receives the following types of nonhazardous solid waste:
1. Domestic
2. Commercial
3. Street refuse
4. Construction and demolition

E. Waste Quantities

The maximum permitted daily capacity for this facility is 99 cubic yards per day. The average daily processing through-put rate is 15.0 tons per day (TPD). The sustainable daily load capacity is 17.5 TPD. The maximum (peak) daily load capacity is 17.5 TPD. Design capacity of the facility is 21 TPD. These weights are based on a conversion factor of one (1) cubic yard of refuse equals 350 pounds.

F. Method of Operation.

Refuse traffic, including both public and commercial vehicles, enters the facility using the entrance off Highway 155. The public drives in, drops off any recyclable materials in the designated receptacles, and unloads refuse on the tipping pad. Commercial vehicles deposit waste directly onto the tipping pad. An operator screens incoming loads, directs traffic, controls litter, and salvages reclaimable materials. Processing at the facility includes sorting of waste, salvaging, and storage of material for recycling. Recovered glass, cardboard, plastic, and metals are placed in receptacles located in an area designated for recycling. Cardboard, appliances, large pieces of metal, and wood wastes are separated by hand. The remainder of the waste is pushed into 40-cubic-yard roll-off bins by a loader. Recovered materials are stored until sufficient quantities are accumulated for transport to reprocessors, a maximum of 90 days.

Nonsalvageable and nonmarketable wastes characterized as nonhazardous are loaded into a 40-cubic-yard roll-off bin, then transferred to a Kern County sanitary landfill.

G. Resource Recovery/Salvaging Operations

Resource recovery at the facility includes the salvaging of:
1. Aluminum cans
2. California Redemption Plastics
3. Cardboard

4. Ferrous Scrap
5. Glass
6. Newsprint
7. Nonferrous Scrap

H. Hazardous Waste Screening

Prior to initiating household hazardous waste collection, the operator shall obtain the required permits and authorization from Department of Health Services.

The waste load checking program shall consist of the following activities: regular visual inspection of incoming loads entering the facility and regular visual inspections of the waste deposited at the facility.

Vehicles delivering wastes to the site will be visually inspected before being routed to the tipping pad. Incoming packer loads are unloaded on the tipping floor and visually inspected by facility personnel prior to separation. All personnel are trained in hazardous waste recognition and proper handling and communication procedures. If any unacceptable wastes are observed prior to unloading, the vehicle will be turned away. If a discharged load appears to contain unacceptable wastes, the hauler will be ordered to reload and remove the waste from the station. The hauler will be given a brochure on proper handling of household hazardous waste.

Incidents of hazardous materials release or threatened release capable of creating a substantial probability of harm are immediately reported to the LEA (805-861-3636) and to the State Office of Emergency Services, Hazardous Materials Division (916-427-4287).

A household hazardous waste storage locker, pad, and enclosure are provided at the site. This area includes an emergency eyewash.

Accumulated wastes stored in the household hazardous waste storage locker are removed within 90 days or as specified by DOHS or the LEA.

Signs are posted at the facility entrance indicating the schedule of charges, hours of operation, and listing the general types of material which will be or will not be accepted.

Additional measures may be required on request of the Board.

I. Permit Modification and Revisions

With prior approval of the Kern County Planning and Development Department and the Kern County Environmental Health and Services Department (LEA), an additional operating day may be added if sufficient quantities of waste are received to warrant such action. The Negative Declaration will be modified if necessary.

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J. Operating Days and Hours

Per the plan of operation, hours of waste receipt and processing are 8:00 a.m. to 4:00 p.m. Sundays and Wednesdays.

2. Conditioning Documents and Agencies

The following documents condition the design and operation of this facility:

A. Plan of Operation, dated May 12, 1991.

B. Conditional Use Permit 4, Map 15; July 9, 1990.

C. General Plan Amendment 1, Map 15; July 9, 1990.

D. Negative Declaration (SCH #90020246), adopted July 9, 1990, by the Kern County Board of Supervisors; Mitigation Monitoring Implementation Schedule dated July 9, 1990.

E. Surface Water Management Plan.

F. Mitigation Monitoring Implementation Schedules (included as Appendix A).

G. Notice of Determination (State Clearinghouse No. 90020246), dated July 12, 1990.

3. The following findings are required pursuant to Government Code, Section 66796.32:

A. This facility is consistent with the County Solid Waste Management Plan (CoSWMP), referenced on page 13-15, Section 13.7.1.2, 1988 Revision.

B. This permit is consistent with the standards adopted by the California Integrated Waste Management Board.

C. This facility has been determined to be in conformance with, and designated within, the Kern County General Plan (General Plan Amendment 1, Map 15).

4. The design and operation of this facility shall be in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.

5. The Kern County Board of Supervisors adopted a Mitigated Negative Declaration (SCH #90020246) dated July 9, 1990.

6. The Kern County Fire Department has approved all current plans for the design and operation of this facility, pursuant to Public Resources Code, Section 44151.

7. This facility is compatible with the surrounding land use plan, as determined by the Kern County Department of Planning and Development Services.

8. The Kern County Air Pollution Control District has determined this facility is capable of complying with applicable rules and regulations, provided conditions of approval are satisfied (correspondence of May 9, 1991).

CONDITIONS

1. Requirements

   A. This facility shall be operated in compliance with the State Minimum Standards for solid waste handling and disposal.

   B. This facility shall be in compliance with all federal, state, and local requirements and enactments.

   C. Additional information concerning the design and operation of this facility shall be furnished upon written request of the LEA.

   D. Site access shall be granted for the purpose of inspection without prior notification to the LEA or other agencies conditioning this permit.

   E. Any significant change in facility operation or design shall require amendment of the Plan of Operation Document, and the Kern County Environmental Health Services Department shall be notified at least 120 days prior to the proposed modification.

   F. This facility shall be operated so as to not emit air pollutants sufficient to cause a public nuisance or health hazard (KCAPCD Rule 419 and California Health and Safety Code, Section 41700).

   G. The operator shall use chemical toilets approved by the LEA.

2. Prohibitions

   A. The following are prohibited at this facility:

      1. The salvaging of cosmetics, food, beverages, or any materials capable of impairing public health.

      2. Burning of waste and/or receipt of combusting wastes or woodstove ashes.

      3. Scavenging by public.

      4. Littering.

      5. Smoking or eating within on-site structures, processing, loading, and storage areas, except where designated.

6. Receipt and processing of hazardous wastes except as approved under the Household Hazardous Waste Plan contained within the Plan of Operation dated May 12, 1991.

7. Receipt and processing of biohazardous and medical wastes.

8. Receipt and processing of pressurized gas cylinders.

9. Receipt and processing of automotive exhaust systems or components containing free liquids, such as crankcase and gear oils, brake fluids, or acids. The receipt and storage of automotive batteries is exempted from this requirement.

10. Receipt and processing of friable asbestos-containing materials.

11. Release of wash-down water from tipping floor off site without prior authorization from the Regional Water Quality Control Board and the Kern County Environmental Health Services Department.

12. Receipt and processing of radioactive materials requiring state or federal license and regulation.

13. Vector propagation and harborage.

14. Off-site discharge of dust or odors sufficient to constitute a health hazard or public nuisance.

15. Public access to processing, loading, and storage areas without adequate supervision and attention to safety.

16. Receipt and processing of liquid wastes, sludge, septage, and volatile organic liquids.

17. Receipt of fluorescent or mercury vapor lighting in quantities constituting a hazard (25+ tubes per load).

18. Excessive emissions of dusts, vapors, gases in processing areas.

19. Off-site parking of uncleaned or fully loaded refuse transfer vehicles, except under emergency conditions which are documented.

20. Burial or storage of any waste within the boundaries of the Glennville Sanitary Landfill.

21. Receipt and processing of drugs, poisons, or pesticides.

22. Receipt and processing of dead animals.

3. Specifications

A. The LEA, through this solid waste facilities permit, may prohibit or condition the handling of solid waste to protect the public health and safety or to mitigate adverse environmental effects.

B. Any change that would cause the design or operation of this facility not to conform with the terms and conditions of this permit is prohibited. Any significant change that may be proposed for this facility shall require submission of an amended Report of Facility Information and application for a Revised Solid Waste Facilities Permit to the LEA.

C. The facility has a permitted maximum capacity of up to 17.5 tons (99 cubic yards) per operating day and shall not receive more than this amount without first obtaining a revision of the permit.

D. A change in operator of this facility will require a new permit.

E. No vehicle shall be parked overnight with wastes therein.

F. Hazardous waste handling operations resulting from unforeseen accidental release or Household Hazardous Waste Collection Events shall be in compliance with Title 22, California Code of Regulations, Chapter 30.

G. Emergency eyewash, handwash, first aid station, and toilet facilities shall be readily accessible to facility employees and public at the facility.

H. Public access to processing and storage areas shall be defined and marked with limit lines and appropriate signs.

I. All equipment and processing and receiving areas shall be provided with adequate, properly maintained and situated railings, curbs, backup barriers, grates, fences, and safety devices. Site employees shall receive adequate safety training in the prevention of backing accidents and fire protection.

J. Telephones shall be located in the facility, with current emergency contact names and numbers prominently posted.

K. Supervisory personnel shall complete an OSHA-approved 24-hour Hazardous Material Awareness and Safety Course, updated on a yearly basis. Workers in receipt and processing areas shall be trained in hazardous waste recognition and emergency communication. Site personnel shall also receive adequate training in safety, care and use of personal protective equipment and site maintenance.

L. No residual wastes shall remain on the tipping pad during periods that the site is closed. Unprocessed waste in the public disposal area shall be removed to an approved roll-off container before the end of each operating day.

M. Solid waste storage containers (bins) shall be durable, easily cleanable, safe, and leakproof.

N. All incoming and outgoing loads shall be covered or secured to prevent refuse or reclaimed materials from falling or blowing off transport vehicles.

O. Unpaved access roads shall be sufficiently moistened to prevent dust emissions during periods of use.

P. Safety equipment shall be provided for all employees operating equipment or sorting/separating/processing waste at this facility, as required by CAL OSHA and Federal OSHA standards. Safety equipment shall include, but not be limited to:

1. Dust masks
2. Safety helmets, in designated areas
3. Steel-toed, puncture-proof work boots
4. Work gloves
5. Ear protection
6. Eye protection
7. Protective aprons
8. Fire safety equipment
9. Tyvek outerwear
10. First aid supplies

Q. Permittee shall ensure that safety equipment is worn or used by facility employees.

4. Provisions

A. This permit is subject to review by the Local Enforcement Agency and may be modified, suspended, or revoked for sufficient cause after a hearing.

B. Hazardous waste shall not be stored at this site longer than 90 days unless approval has been given by the Department of Health Services.

C. To assist in the implementation of the County Source Reduction and Recycling Element and to achieve the state-mandated 25% (Jan 1, 1995) 50% (Jan. 1, 2000) rate, this facility shall:

1. Maintain the area established for a drop-off recycling operation on site, accessible to the public during hours of operation for controlled salvaging, particularly of recyclable and reusable materials such as newspapers, glass, California redemption plastics, and aluminum cans.

2. The operator will retain the right of refusal of any material which is not considered reusable or recyclable because of economics or the inability to handle properly unless otherwise specified by the Local Enforcement Agency.

3. The operator will publish and post at the facility a current list of acceptable recyclable or reusable materials.

4. Material stockpiled on site will be stored in an orderly fashion and maintained so as not to create a nuisance. All waste shall be recycled or reused within time frames set forth in the Station Plan Of Operation or as specified by the Local Enforcement Agency. Unless otherwise specified, a maximum period of 90 days will be established for turnover of recycled material.

5. Self-Monitoring

The following items shall be monitored by the operator of this facility:

A. A daily log of the number and type of vehicles utilizing the site during a specified time period shall be reported to the LEA on a quarterly basis.

B. Quantities and types of wastes received each month shall be reported to the Local Enforcement Agency on a quarterly basis.

C. Quantities and types of goods recycled and/or salvaged shall be maintained and reported to the LEA on a quarterly basis.

D. Results of the hazardous waste screening program shall be maintained and reported to the LEA on a monthly basis and summarized in the quarterly report.

E. The permittee shall ensure that comprehensive site safety evaluations are conducted at least annually by a Certified Industrial Hygienist or Registered Professional Safety Engineer.

F. Noise levels shall be monitored to prevent health hazards to persons using the site and to any nearby residents. A log of noise complaints shall be maintained and reported to the Local Enforcement Agency on a monthly basis.

Appendix "A"

Mitigation Monitoring Implementation Schedules

Glennville Transfer Station
Solid Waste Facility Permit

The following summary presents key monitoring requirements for this operation. Those identified as "Permit Conditions" are self-monitoring requirements of the operator, to be verified by inspections performed by the Local Enforcement Agency. Monitoring items from the Negative Declaration are annotated "CEQA." Monitoring and compliance schedules established by the Conditional Use Permit are identified "CUP" and require self-monitoring, with reports to the Kern County Department of Planning and Development Services. The requirement for an annual inspection for compliance with the local and state fire preventative regulations references the Kern County Fire Department.

Monitoring and Reporting Summary

A. Prior to Development and Initial Waste Receipt.

1. Method of water supply and sewage disposal shall be approved by the Kern County Environmental Health Services Department (CUP & CEQA).

2. Site assessment by qualified biologist(s) prior to initiation of construction for presence or absence of sensitive, rare, or endangered animal or plant species (CUP & CEQA).

3. A groundwater quality analysis shall be conducted to determine consistency of water quality in accordance with Title 22 of the California Administrative Code (CUP & CEQA).

4. A surface water management plan shall be approved by the Department of Planning and Development Services (CUP & CEQA).

5. Approved Reports, Workplans and Programs (CUP & Permit).

   a. Health and Safety

      (1) Emergency Procedure Manual (CUP).
      (2) Protective Equipment and Compliance Schedule (CUP).
      (3) Household Hazardous Waste (CUP).

B. Beginning with Initial Waste Receipt

1. Daily Site Monitoring

   a. Daily Operations Log - all incoming loads with date and time in site, traffic counts, patrol of fences, and site maintenance (Permit).

b. Log of Special Occurrences - to include rejected loads, fires, injuries, spills, unauthorized or otherwise improper waste acceptance, discovery of archaeological/historical resources during construction, and occurrence of extreme adverse weather conditions (Permit).

c. Load Check Program - number and description of loads randomly or selectively checked, with waste characterization and results (disposal, rejection). Lack of load checks during any one 24-hour period shall also be indicated on daily log (Permit).

d. Hazardous Waste Screening - results logged daily (Permit).

e. Resource Recovery/Salvage Operations - types of recovered goods, weight/volumes logged daily (Permit).

f. Complaints - citizen and customer environmental nuisance notifications (CUP).

2. Monthly Monitoring

a. Quantities and type of waste discharged in cubic yards (Permit).

b. Number and type of vehicles assessed under Load Check Program (Permit).

c. Results of Hazardous Waste Screening Program (Permit).

d. Summary of resource recovery/salvage operations (Permit).

e. Litter - routine surveillance of access roads for litter and illegal dumping, cleanup within 1/4 mile of facility boundary, on-site litter fencing, and cleanup (Permit).

3. Quarterly

a. Report number of vehicles using facility (Permit).

b. Report of special occurrences at facility (Permit).

c. Report of quantities of waste received (Permit).

d. Report of quantities of goods recycled (Permit).

e. Report on hazardous waste screening program (Permit).

4. Annually

a. Summary Report - all operations (Permit).

b. Fire Code Site Review (Kern County Fire Department).

c. Site evaluation by a Certified Industrial Hygienist or Registered Professional Safety Engineer

C. Change in Operations and/or Facility Design

1. 120 days prior - Notify LEA (Permit).

2. Immediate notification of LEA of any changes in site operation that could impact the environment (Permit).

3. Site evaluation by a Certified Industrial Hygienist or Registered Professional Safety Engineer.

cm: jrw

(glenn-m.mis)

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MONITORING MITIGATION AND IMPLEMENTATION SCHEDULE

1. Use of potable water from offsite well and chemical toilets for site shall be under permit from Kern County Environmental Health Services Department.

2. Prior to issuance of the Solid Waste Facilities Permit, the applicant shall comply with the recommendations of the State Department of Fish and Game (DFG) after review of the spring biota study and appropriate monitoring mitigation measures shall be incorporated into the Solid Waste Facilities Permit by the Kern County Environmental Health Services Department.

3. Prior to the issuance of the Solid Waste Facilities Permit, a groundwater quality analysis shall be conducted to determine consistency of water quality and Title 22 of the California Administrative Code; said report (i.e. SWAT report) shall be filed with the Kern County Environmental Services Department.

4. Prior to the issuance of the Solid Waste Facilities Permit, a surface water management plan shall be submitted to the Department of Planning and Development Services and Environmental Health Services for review and approval; the appropriate monitoring mitigation measure shall be incorporated into the Solid Waste Facilities Permit by the Environmental Health Services Department.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 18, 1991

AGENDA ITEM # 6

ITEM: Concurrence in the Issuance of a New Solid Waste Facilities Permit for Ponderosa Transfer Station, Yuba County

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991 meeting. As of the date this item went to print, the committee had not taken an action.

BACKGROUND:

Facility Facts

Project:	New Permit to allow operation of a proposed Transfer Station at the Ponderosa Landfill Site.
Facility Type:	Large Volume Transfer Station
Name:	Ponderosa Transfer Station, Facility No. 58-AA-0010
Location:	Ponderosa Landfill Site, 17219 Ponderosa Way, Brownsville
Setting:	Rural, proposed facility surrounded by Ponderosa Landfill
Operational Status:	Proposed facility
Permitted Maximum Daily Capacity:	96 tons per operating day
Area:	0.625 acre parcel on the 40 acre Ponderosa Landfill property
Owner/Operator:	Remo Scocci, Yuba-Sutter Disposal Inc.
Landowner:	U.S. Department of the Interior, Bureau of Land Management
Local Enforcement Agency:	Yuba Co. Department of Environmental Health

Project Description Yuba County proposes this facility to replace the existing Ponderosa Landfill. Closure activities will commence at the landfill within the next year. The proposed transfer station will be constructed on a hill immediately adjacent to the landfill entrance. The public will park their vehicles on a concrete pad on the upper level. A transfer trailer, parked on a concrete pad at the base of a concrete wall, will receive the wastes. The public will transfer the wastes directly to the transfer trailer. There will be no machinery involved in the transfer of wastes to the trailer. The transfer trailer will be sheltered from the weather by an overhanging roof. A small wood frame structure or trailer will provide shelter for the attendant. The average daily throughput is expected to be 20 tons per day. The transfer station will be open three day per week from 9:00 a.m. to 4:00 p.m.

The transfer station will be located in an area of the landfill that has never received waste, and is adequately separated from the footprint of waste. Consequently, a separate Solid Waste Facilities Permit for the transfer station has been submitted. The transfer station has been designed such that operations will not impact the closure of the landfill. The access roads for the transfer station will not be on areas that have received waste.

Environmental Controls Due to the transfer station's proximity of fill areas of the Ponderosa Landfill to the proposed transfer station, gas monitoring probes will be installed adjacent to the transfer station to detect the migration of landfill decomposition gases.

The proposed facility will implement a hazardous waste screening program that will include random inspections of incoming loads and regular inspection of wastes deposited at the facility, training of facility personnel in hazardous waste recognition and handling, and installation of signs indicating that hazardous wastes are not accepted.

Odors at the site will be controlled by periodic clean-up of the facility. Rodents and insects will be controlled by qualified professionals if they become a problem. The access roads to the facility are graveled and short, so dust is not expected to be a problem. A sump will collect any liquids that leak from the transfer trailer. The concrete slab the holds the transfer trailer will be sloped so that liquids drain to the sump. When the sump is half-full, it will be pumped out and the contents transported to the sewage treatment plant.

Resource Recovery Operations No resource recovery or salvage operations are planned at this facility. However, refuse containing significant amounts of recyclables will be taken to the YSDI Integrated Waste Recovery Facility (IWRF). Loads that do not contain appreciable amounts of recyclables will not be taken to the IWRF. These loads will be routed directly to the YSDI Landfill.

After construction of the proposed transfer station, the operator will investigate the feasibility of establishing a buy back center for presorted recyclables.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on June 21, 1991, the last day the Board could act is August 20, 1991.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the permit and supporting documentation and find the proposed permit is acceptable for the Board's consideration of concurrence. In making this determination the following requirements were considered:

1. Consistency with Board Standards

   The LEA has made a finding that the proposed permit is consistent with standards adopted by the Board. Board staff agrees with this determination based upon the proposed design and operation of the facility.

2. Conformance with County Solid Waste Management Plan

   The LEA has certified that the facility is in conformance with the Yuba-Sutter Bi-County Solid Waste Management Plan. Staff agrees with said certification.

3. Consistency with County General Plan

   The LEA has determined that the proposed Ponderosa Transfer Station is consistent with the County General Plan. The LEA's finding is based on the Yuba County Planning Department's determination as stated in the Yuba County Environmental Assessment No. 90-04. Staff agrees with said finding.

4. Waste Diversion Goals

The Sutter-Yuba Integrated Waste Management Authority has advised Board staff that the Ponderosa Transfer Station is essential to Bi-County AB 939 activities. The northeast corner of Yuba County, which will be served by the proposed transfer station, is remote, rural, and scarcely populated. As such, this area would not support diversion activities such as curbside recycling. The transfer station will route all loads containing recoverable materials to the Integrated Waste Recovery Facility (IWRF) in Marysville. It is expected that the IWRF will divert 15-35 percent of the wastestream from disposal.

5. California Environmental Quality Act (CEQA)

CEQA requires that the environmental impacts of any project be considered by all public agencies with discretionary authority over the project. Concurrence with the issuance of a revised Solid Waste Facilities Permit is a discretionary act by the Board and requires CEQA compliance.

The Yuba County Department of Planning and Building Services prepared and certified a Negative Declaration (SCH# 91032007) for the Ponderosa Landfill Transfer Station. As required, the environmental document identifies the project's potential adverse environmental impacts. CIWMB staff reviewed the ND and offered comments to the County. The County responded adequately to staff's comments and approved the ND with the County Clerk on May 1, 1991. This documentation was submitted to the State Clearinghouse on June 10, 1991 for posting of a Notice of Determination. A Mitigation Monitoring and Implementation Schedule (MMIS) is to be prepared and adopted by the lead agency and submitted to the Board for review (Attachment No. 5). The environmental document submitted for the revised SWFP appears to be complete and adequate for the proposed project.

After reviewing the draft MMIS and a copy of the Notice of Determination (NOD), staff confirm that CEQA has been fully complied with, and the ND is adequate and appropriate for the Board's use in evaluating the proposed Ponderosa Transfer Station.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-49 concurring in the issuance of Solid Waste Facilities Permit No. 58-AA-0010.

ATTACHMENTS:

1. Permit Decision No. 91-49
2. Location Map
3. Site Map
4. Permit No. 58-AA-0010
5. Mitigation Monitoring and Implementation Schedule

Prepared by: Michael Kuhn Phone: 327-9353

Reviewed by: [illegible] Phone: 327-9178

Legal review: [illegible] Date/Time: 12:41 7/9/91

California Integrated Waste Management Board

Permit Decision No. 91-49

July 17 - 18, 1991

WHEREAS, the County of Yuba, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, the issuance of a new Solid Waste Facilities Permit for the Ponderosa Transfer Station; and

WHEREAS, Board staff has evaluated this permit proposal for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all State and local requirements for this proposed permit have been met, including conformance with the Yuba County Solid Waste Management Plan, consistency with the Yuba County General Plan, consistency with waste diversion requirements, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 58-AA-0010.

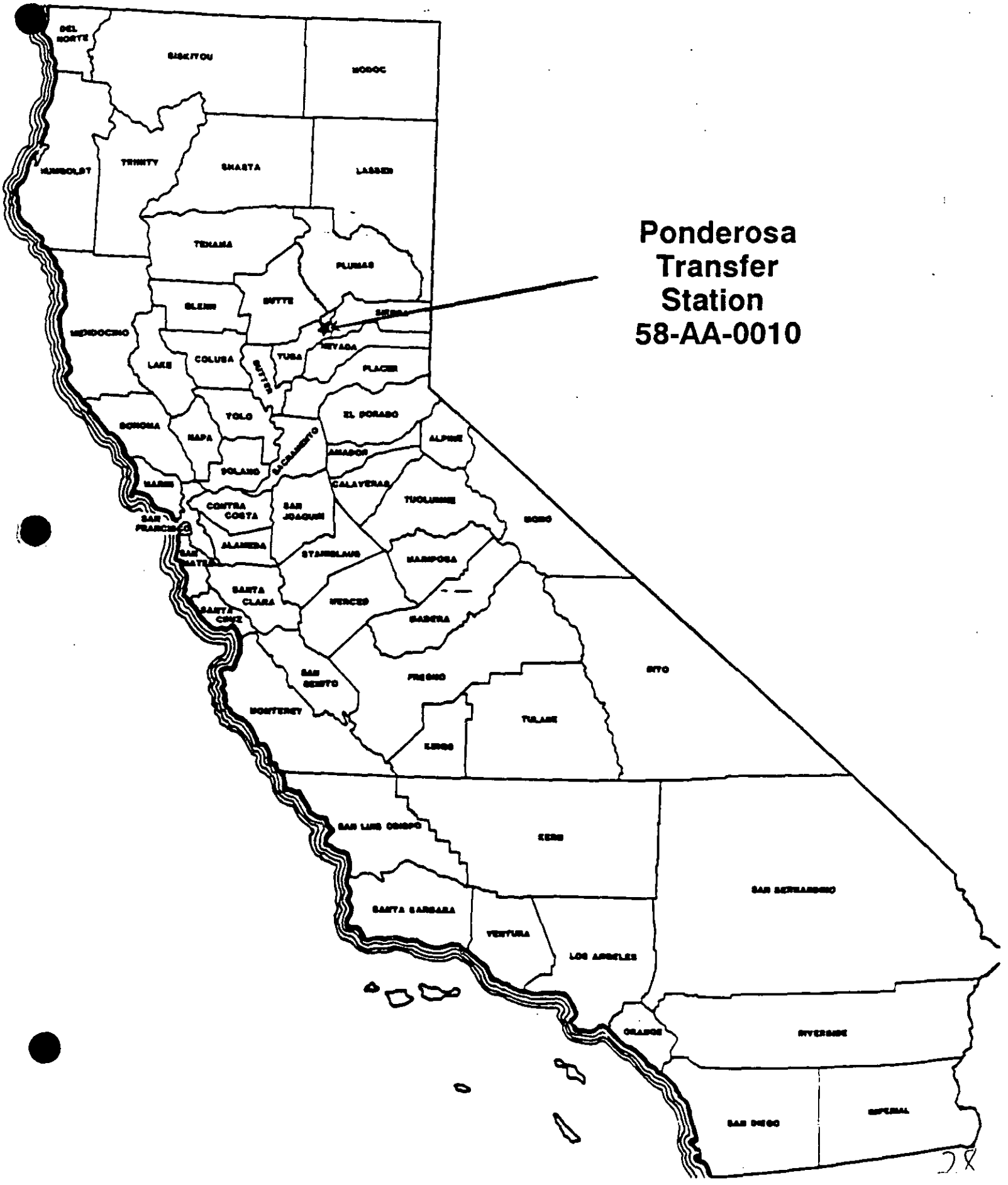
CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17 - 18, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2



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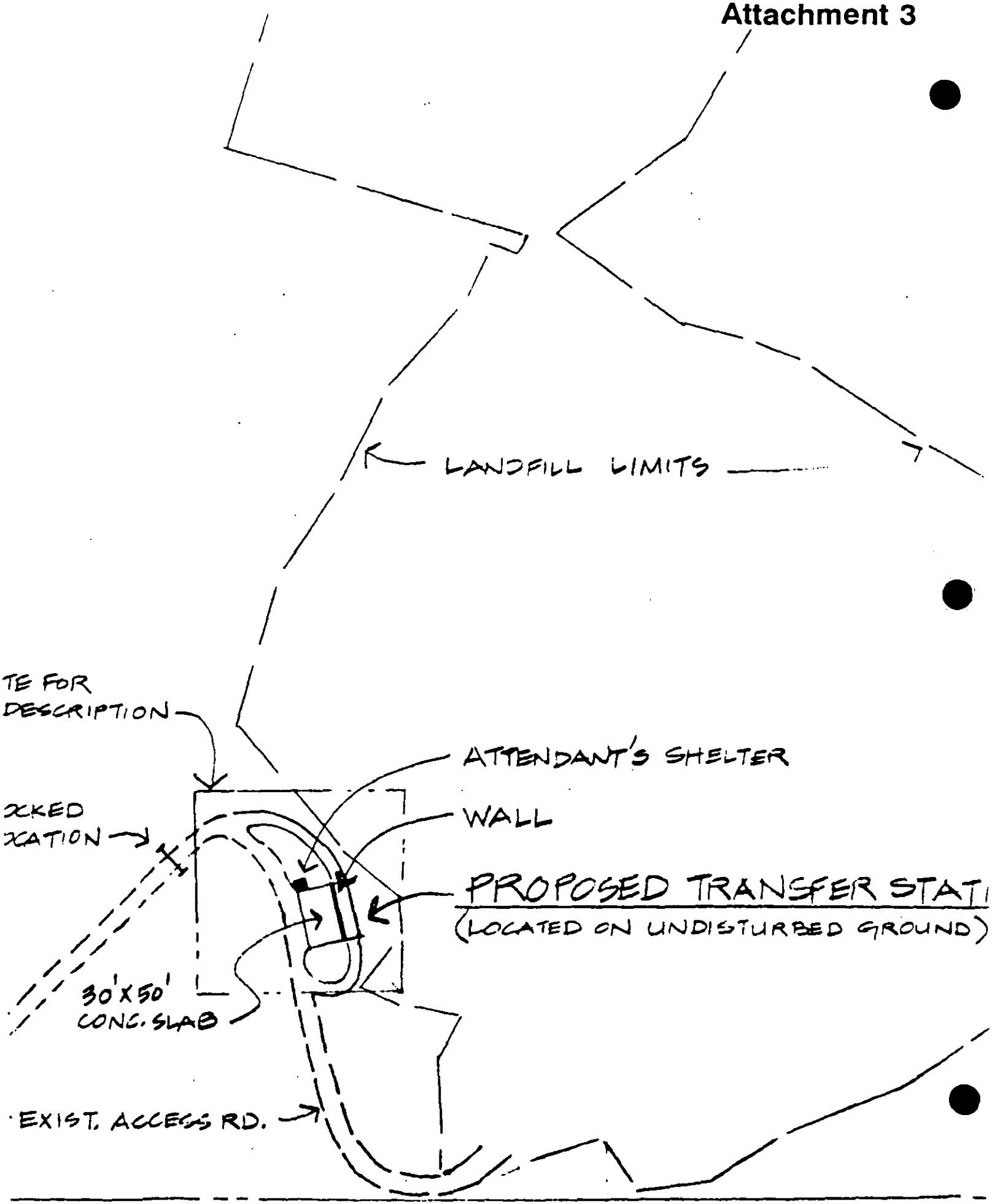
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STTE PLAN.

Attachment 4

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Transfer Station	58-AA-0010

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Ponderosa Transfer Station 17219 Ponderosa Way Brownsville, Ca. 95962	Yuba Sutter Disposal, Inc. 3001 N. Levee Road Marysville, Ca. 95901

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Yuba County Public Health Department Environmental Health Division	Marysville/Yuba County

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED:

APPROVING OFFICER
William Irvine, M.D.,
Acting Health Officer
NAME/TITLE

AGENCY ADDRESS
Yuba County Public Health Department
Environmental Health Division
938 14th Street
Marysville ca 95901

FACILITY FILE CARBON COPY
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SUBMITTED BY MGL DATE 6-25-91
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AGENCY USE/COMMENTS

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
JUN 20 1991	
PERMIT REVIEW DUE DATE	**PERMIT ISSUED DATE**

CWMB (Rev. 7/84)

PONDEROSA TRANSFER STATION PERMIT

FINDINGS:

1. Description of Station Design and Operation:

A. Name of Station: Ponderosa Transfer Station
Lessee: County of Yuba
Facility Owner/Operator: Yuba-Sutter Disposal, Inc.
Landowner: Bureau of Land Management

B. The station is located at Ponderosa Landfill, 17219 Ponderosa Way, Brownsville. Yuba County leases a 40 acre parcel from the U.S. Department of The Interior, Bureau of Land Management. Currently the Ponderosa Landfill is being operated at this site, however the landfill is planned to be closed in the near future. A general location map and site plans are provided in the Report of Facility Information, Exhibit B. The 40 acre parcel A.P.# 50-200-035 is NE 1/4 of NW 1/4 of Section 34, T19N R6E MDM. The .625 acre plot where the transfer station will be located on is NW 1/4 of SE 1/4 of the SW 1/4 of the NE 1/4 of the NW 1/4 of section 34, T19N, R6E, MDM.

C. The station includes the following features:

1. Partially covered, elevated, concrete slab for unloading.
2. Transfer trailer parked on concrete slab.
3. Attendants shelter.
4. Separate storage containers for presorted items such as: glass, plastic, aluminum and other metals, newspaper, cardboard, tires and white goods. The buy-back of presorted goods will only be conducted if feasible to the operator.
5. Portable toilet.
6. Parking area for employees and public.
7. Access roads, utilities and fencing.

The maximum daily throughput of the station is 64 tons per day.

D. The station will only receive wastes that can be disposed of at the Class III Yuba Sutter Disposal, Inc. (Y.S.D.I.) Landfill. No special wastes shall be received at the station. Wastes are expected to be 90% residential, 8% commercial and 2% demolition.

E. Average daily throughput is expected to be 20 tons per day based on Ponderosa Landfill records and a conversion factor of 8 cubic yards per ton-loose

density.

The maximum daily throughput is 64 tons per day. The maximum peak load capacity is 96 tons per day.

F. Refuse traffic will enter the station from La Porte Road (paved) to Ponderosa Way (graveled) to Jiggs Road (graveled). The public will unload waste from private vehicles directly into a Y.S.D.I. transfer trailer. There will be no salvaging, volume reduction, compacting or shredding at the site.

The maximum time that unsorted waste will remain at the site is seventy two hours. Waste shall be removed from the site every Tuesday morning so that between Tuesday and Saturday no waste will be stored at the site. Refuse trailers will be covered during non-operational hours. The transfer trailer at the site will be hauled to the Y.S D.I. Landfill or the Integrated Waste Recovery Facility.

A site attendant will collect fees, direct the public, and check loads for hazardous material. It is expected that 60 to 100 private vehicles (autos with trailers, pick ups, etc.) will bring waste to the station each day of operation.

G. No resource recovery or salvage operations are planned for this station. The refuse from this station may be disposed of at the Y.S.D.I. Integrated Waste Recovery Facility where resource recovery would take place.

1) If transfer trailer loads from the station do not contain appreciable amounts of recyclables, the loads may be taken directly to the Y.S.D.I. Landfill.

2) Even though there is no source reduction at the station this should not hinder Yuba County in meeting the AB 939 recycling goals.

A buy back center for the publics' presorted goods may be operated at this site if feasible for the operator. Batteries and waste oil shall be handled in a manner approved by the local enforcement agency and the board.

H. The hazardous materials screening program at the facility will identify and remove hazardous materials from the wastestream.

The load checking program at minimum shall include: random inspection of incoming loads; regular visual inspection of the wastes deposited at the facility; training of facility personnel in hazardous waste recognition and proper hazardous waste handling procedures; reporting incidents of unlawful disposal to the State Toxic Substances Control Division (916) 855-7786, and the Yuba County Public Health Department, Division of Environmental Health (916) 741-6251; installation of signs at the facility's entry way indicating that no hazardous wastes are accepted; a list of unacceptable wastes.

Additional measures may be required upon the request of the Enforcement Agency or the Board.

I. There are no anticipated changes in design or operation in the next five years, changes that are not sanctioned by this permit may require a C.E.Q.A. Review.

J. The station will be open the same days that the Ponderosa Landfill has historically been open Saturday, Sunday, and Monday from 9:00 a.m. to 4:00 p.m.

Water service is provided by Yuba County Water Agency. A portable toilet will be provided for employees. An on-site sewage disposable system may be constructed in the future.

No vehicles will be washed at the site. The amount of waste water in contact with refuse is anticipated to be minimal. The cement slab underneath the receiving trailer will be sloped toward a sump to collect any liquid that may leak from the trailer. The waste water will be pumped when the sump is filled to 50% of holding capacity. The waste water will be disposed of at an approved waste water treatment plant.

A sign will be posted at the transfer station entrance indicating that no hazardous wastes will be accepted. The sign will also list common unacceptable wastes.

A sign will also be posted with the name of station operator and telephone number, schedule of charges and hours of operation.

Litter will be controlled by care in unloading and by utilizing personnel to keep the area clean as part of daily cleaning operations. All loose materials and litter will be cleaned daily. A series of deflection plates or guides will cover the opening between the concrete wall and the top edge of the transfer trailer, channeling the refuse and dust into the trailer. As

needed portable litter fencing of varying height shall be placed at strategic locations to minimize the spread of litter. All trailers shall be covered while in transit to prevent litter from blowing out.

2. Agencies and documents which condition the operation and use of the facility:

   A. Revised Report of Station Information, Dated August 4, 1990, revised October 4, 1990 and addendums dated December 4, 1990 and May 28, 1991. Prepared by Kit R. Burton, Consulting Engineer.

   B. Negative Declaration and mitigation monitoring implementation plan (SCH# 91032007), adopted April 15, 1991.

   C. Lease Agreement between the property owner and the lessee, dated March, 1968, Amended June, 1991.

   D. Contractual agreement between the facility operator and the facility contract operator, dated July, 1990.

3. The following findings are required pursuant to the Public Resources Code, Sections 50000, 44009 and 50000.5., respectively.

   A. This permit is consistent with the Bi-County Solid Waste Management Plan (Bi-CoSWMP) Dated November 30, 1979. A letter of concurrence was issued by the Integrated Waste Management Authority December 28, 1990.

   B. This permit is consistent with standards adopted by the California Integrated Waste Management Board.

   C. The Yuba County Planning Department has determined that this facility is consistent with the Yuba County General Plan as stated in Yuba County Environmental Assessment No. 90-04.

4. Based on the proposed design and operation of the facility the LEA has determined that the facility will be in compliance with state minimum standards.

5. The December 20, 1990 letter from the State Department of Forestry and Fire Protection, requiring a 150 foot clearance of all flammable material around the periphery of the transfer station. Sound living trees and isolated shrubs may be left within the 150 foot clearance provided they do not present a means of fire spreading to the wildland vegetation. The clearance shall be maintained when site improvements are made and the facility constructed.

6. The local governing body has made a written finding that surrounding land use is compatible with the facility operation.

7. A Notice of Determination has been filed with the State Clearinghouse for this project.

CONDITIONS:

REQUIREMENTS:

1. This facility shall comply with state minimum standards for solid waste handling and disposal.

2. This facility shall comply with all federal, state, and local requirements and enactments, including all mitigating measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6.

3. Any additional information required by the LEA shall be provided.

4. The transfer trailer pad shall incorporate a sump which shall be designed and installed to collect any leakage from the transfer design.

5. When the sump is no more than half-full it shall be pumped to remove the liquid. The liquid shall be containerized and disposed via sanitary sewer at the Y.S.D.I. Landfill. If the liquid is suspected to contain hazardous materials then it shall be handled appropriately (upon arrival) at the Y.S.D.I. Landfill.

6. Signs shall be posted displaying a representative list of wastes which are unacceptable at the transfer station.

7. A trained attendant shall be on site to detect and screen hazardous wastes.

8. All brush species and dead trees shall be removed and live trees thinned within 150 feet of the transfer station.

9. A water supply system for fire protection shall be installed. The system shall provide a minimum fire flow of 200 gpm for 20 minutes. The system shall provide a 1.5 inch fire hose and nozzle for the suppression of refuse fires.

10. The attendant shall remain on site to observe for smoldering fires that may start in the transfer trailer. The attendant shall observe the trailer a minimum of one hour after the last load of waste has been placed in the trailer. Y.S.D.T. shall adopt these practices into its employee training program.

11. Two landfill gas probes shall be installed at the transfer station, one on each side of the upper level slab, both of which will be located at the side of the upper slab nearest the landfill. The location of the gas probes shall be indicated on the plans submitted to the Department of Planning and Building Services for building permit application.

PROHIBITIONS:

The following acts are prohibited at the station:

1. Accepting waste for which this facility is not approved, such as: hazardous waste, infectious waste, liquid waste, dead animals, waste water treatments sludge.

2. Conducting unacceptable activities at the facility: e.g., burning of wastes and scavenging.

3. This property shall not be used as a pistol range.

SPECIFICATIONS:

1. The local enforcement agency may prohibit or condition the handling or disposal of solid waste to protect the public health or safety or to mitigate adverse environmental impacts.

2. Any change that would cause the design or operation of the station not to conform to the terms and conditions of the permit is prohibited; such a change would be considered a significant change and require a permit revision.

3. The station has a permitted capacity of 96 tons per operating day and shall not receive more than this amount without first obtaining a revision of the permit.

4. A change in the operator pursuant to sections 44004 or 44005 of the Government Code will require a new permit.

PROVISIONS:

1. This permit is subject to regular review by the local enforcement agency and may be modified, suspended, or revoked for sufficient cause after a hearing.

2. The operator shall submit to the LEA copies of a plan for the closure of the Ponderosa Landfill and a plan for the post closure maintenance of the Ponderosa landfill for approval by the LEA, the Regional Water Quality Control Board and the California Integrated Waste Management Board. Final plans are due two years prior to complete site closure.

SELF MONITORING:

1. The operator shall maintain a record of landfill gas levels at the station. These records shall be made available to the LEA upon request.

2. The operator shall maintain a record of the number of vehicles utilizing the site during each 24 hour period that the station is operating. These records shall be made available to the LEA upon request.

3. The operator shall maintain records of all materials collected for recycling. Quarterly reports of the kinds and quantities of materials collected for recycling shall be made available to the LEA upon request.

4. The operator shall maintain a log of all unusual occurrences such as fires, explosions, human injury accidents, hazardous waste incidents, etc. All unusual occurrences shall be reported to the LEA as soon as possible, but in no event more than 48 hours after the incident occurs.

5. The operator shall notify the LEA of all complaints relevant to the conditions of the permit, received by the operator.

6. Results of the hazardous waste load checking program shall be reported and made available to the LEA upon request.

MITIGATION MONITORING PLAN
Ponderosa Landfill Transfer Station - EA 90-04

1. The transfer trailer pad shall incorporate a sump which shall be designed and installed to collect any leakage from the transfer trailer.

2. When the sump is no more than half-full it shall be pumped to remove the liquid. The liquid shall be containerized and disposed via sanitary sewer at the Y.S.D.I. Landfill. If the liquid is suspected to contain hazardous materials then it shall be handled appropriately at the Y.S.D.I. Landfill.

3. Signs shall be posted displaying a representative list of wastes which are unacceptable at the transfer station.

4. A trained attendant shall be on site to detect and screen hazardous wastes.

5. All brush species and dead trees shall be removed and live trees thinned within 150 feet of the transfer station.

6. A water supply system for fire protection shall be installed. The system shall provide a minimum fire flow of 200 gpm for 20 minutes. The system shall provide a 1.5 inch fire hose and nozzle for the suppression of refuse fires.

7. The attendant shall remain on site to observe for smoldering fires that may start in the transfer trailer. The attendant shall observe the trailer a minimum of one hour after the last load of waste has been placed in the trailer. Yuba Sutter Disposal Inc. shall adopt these practices into its employee training program.

8. Two landfill gas probes shall be installed at the transfer station, one on each side of the upper level slab, both of which will be located at the side of the upper slab nearest the landfill. The location of the gas probes shall be indicated on the plans submitted to the Department of Planning and Building Services for building permit application.

1. Mitigation Measure - The transfer trailer pad shall be designed and installed to collect any leakage from the transfer trailer.

   Monitoring Responsibility - Yuba County Department of Planning and Building Services.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - Sump shall be correctly installed prior to finalization of building permit.

   Monitoring Frequency and Duration - Sump shall be shown on plans included with building permit application. Sump shall be monitored for correct installation during building permit inspections.

   Performance Criteria - Sump installation shall be tested to demonstrate that trailer leakage onto the pod will migrate towards sump and if in sufficient quantity will drain into sump.

2. Mitigation Measure - When the sump is no more than half-full it shall be pumped to remove the liquid. The liquid shall be containerized and disposed via sanitary sewer at the Y.S.D.I. Landfill. If the liquid is suspected to contain hazardous materials then it shall be handled appropriately at the Y.S.D.I. Landfill.

   Monitoring Responsibility - Yuba County Department of Environmental Health.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - The 50 gallon sump shall be emptied before becoming half-full.

   Monitoring Frequency and Duration - The sump shall be monitored during periodic checks by the Department of Environmental Health.

3. Mitigation Measure - Signs shall be posted displaying a representative list of wastes which are unacceptable at the transfer station.

Monitoring Responsibility - Yuba County Department of Environmental Health and Department of Planning and Building Services.

Compliance Verification - Yuba County Department of Environmental Health.

Initial Implementation Phase - Plans showing sign design and format shall be submitted to Department of Planning and Building Services prior to issuance of building permit. The sign text shall be subject to review and approval of the Department of Environmental Health.

Monitoring Frequency and Duration - After approval of plans, monitoring sign installation will be a one-time field check.

Implementation Completion Phase - Signs shall be installed prior to commencement of operations.

4. Mitigation Measure - A trained attendant shall be on site to detect and screen hazardous wastes.

Monitoring Responsibility - Yuba Sutter Disposal Inc. shall be responsible for monitoring.

Compliance Verification - Yuba County Department of Environmental Health.

Initial Implementation Phase - Employees shall be trained by Y.S.D.I. to detect and screen hazardous wastes prior to assignment as attendant.

Monitoring Frequency and Duration - The Department of Environmental Health shall review the Y.S.D.I. training program to ensure that the program is adequate.

5. Mitigation Measure - All brush species and dead trees shall be removed and live trees thinned within 150 feet of the transfer station.

Monitoring Responsibility - California Department of Forestry and Fire Protection shall be responsible for monitoring. Y.S.D.I. shall be responsible for maintaining the 150 foot clearance zone.

Compliance Verification - California Department of Forestry and Fire Protection.

Initial Implementation Phase - Brush clearing and thinning measures implemented prior to finalization of building permit.

Monitoring Frequency and Duration - Brush clearing and thinning shall be checked prior to finalization of building permit. The clearance zone shall be checked at two-year intervals after building permit issuance.

Performance Criteria - The measures shall be implemented in such a manner to prevent a sustained continuous crown fire.

6. Mitigation Measure - A water supply system for fire protection shall be installed. The system shall provide a minimum fire flow of 200 gpm for 20 minutes. The system shall provide a 1.5 inch fire hose and nozzle for the suppression of refuse fires.

Monitoring Responsibility - California Department of Forestry and Fire Protection and Yuba County Department of Planning and Building Services.

Compliance Verification - California Department of Forestry and Fire Protection.

Initial Implementation Phase - The equipment shall be installed prior to finalization of building permit.

Monitoring Frequency and Duration - The equipment shall be checked for installation during building permit inspections.

Performance Criteria - The water system shall provide 200 gpm for 20 minutes through a 1.5 inch hose and nozzle.

7. Mitigation Measure - The attendant shall remain on site to observe for smoldering fires that may start in the transfer trailer. The attendant shall observe the trailer a minimum of one hour after the last load of waste has been placed in the trailer. Yuba Sutter Disposal Inc. shall adopt these practices into its employee training program.

   Monitoring Responsibility - Yuba Sutter Disposal Inc.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - Y.S.D.I. shall submit a copy of its training program to the Department of Environmental Health prior to building permit finalization.

   Monitoring Frequency and Duration - This is a one time check to ensure that the measure is adopted into the employee training program.

8. Mitigation Measure - Two landfill gas probes shall be installed at the transfer station, one on each side of the upper level slab, both of which will be located at the side of the upper slab nearest the landfill. The location of the gas probes shall be indicated on the plans submitted to the Department of Planning and Building Services for building permit services.

   Monitoring Responsibility - Yuba-Sutter Disposal Inc. and Yuba County Department of Planning and Building Services.

   Compliance Verification - Yuba County Department of Environmental Health.

   Initial Implementation Phase - Gas probes shall be installed prior to finalization of building permit.

   Monitoring Frequency and Duration - Gas probes shall be monitored weekly until a pattern of readings evolves. When a pattern of readins evolves then monitoring shall be quarterly.

   Performance Criteria - If gas concentrations exceed maximum allowable levels then the site shall be investigated and appropriate remediation measures shall be taken.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 18, 1991

AGENDA ITEM # 7

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Lebec Interim Transfer Station

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991 meeting. As of the date this item went to print, the committee had not taken an action.

BACKGROUND:

Facility Facts

Project:	New permit for a large volume transfer processing station
Facility Type:	Transfer processing station
Name:	Lebec Interim Transfer Station, Facility No. 15-AA-302
Location:	West of Interstate 5, approximately 1 mile north of the Los Angeles County line
Setting:	Within the permitted boundaries of the Lebec Sanitary Landfill; surrounding land use also includes open space, commercial, open residential and residential
Operational Status:	Proposed facility
Permitted Daily Capacity:	120 tons per day
Area:	1.1 acres
Owner:	The County of Kern
Operator:	L. Dale Mills Kern County Public Works Department
Contract Operator:	Valencia Construction

LEA: Kern County Environmental Health Services Department

Project Description Kern County proposes this facility to replace the existing Lebec Sanitary Landfill as a disposal site for Lebec residents. The landfill is in the process of being closed after the discovery of an active fault in the area. Kern County has indicated that the operation of the transfer station in the near future is imperative.

The proposed permit is to authorize operation of a large volume transfer station. An expected average of 90 tons of material per day will be received. The station is proposed to operate daily except for Thanksgiving and Christmas. The facility will be open from 9 to 11 hours per day depending on the time of year.

This facility will consist of a tipping pad, a recycling/salvage area, and a proposed household hazardous waste storage area. Transfer trailers will be used to collect and haul refuse to a Kern County landfill. Only non-hazardous domestic and commercial solid waste will be received by this site. Liquid wastes, asbestos, special wastes, and hazardous wastes are prohibited.

Environmental Controls A hazardous waste screening program will be implemented to prevent illegal disposal. In the future, the site may also be used as a location for household hazardous waste collection programs.

Resource Recovery Programs The Kern County Local Task Force (LTF) estimates a materials recovery rate of 10% (by weight) from this facility. This is based upon the recovery rate at the landfill, and adjusted upward slightly as it is anticipated that more material will be recovered. Cardboard, plastics, non-ferrous and ferrous metal, glass, and batteries will be separated from the refuse on the tipping floor. Recycling receptacles will also be available to the public. The LTF also indicates that the facility operator will be required to recover target materials in certain amounts, based on the County's Waste Generation Study.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste facilities permit. Since the permit was received on June 24, 1991, the last day the Board could act is August 23, 1991.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has found that the permit is acceptable for the Board's consideration

of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

The LEA has certified that this facility is consistent with the County Solid Waste Management Plan (CoSWMP), Amendment 5, 1988 Revision. Board staff agrees with said certification.

2. Consistency with General Plan

The LEA has certified that the County determined this facility is in conformance with the Kern County General Plan. Board staff agrees with this certification.

3. Consistency with Waste Diversion Requirements

According to the Report of Station Information dated May 15, 1991, recycling of aluminum, cardboard, newspaper, California redemption plastics, glass, white goods, and batteries will take place at the facility. The public can drop recyclables in bins, and station employees will salvage reclaimable materials from the tipping floor.

Kern County Local Task Force staff estimate that the anticipated recovery from this facility would be about 200 tons/month which is approximately 10% of all waste received. This amount is based on current recycling levels at the Lebec Sanitary Landfill and adjusted upward slightly. The County presently has a Landfill Salvage Program; this transfer station, which replaces the landfill, will have a comparable program, but greater amounts of materials are expected to be recovered.

If waste diversion requirements necessitate that this facility recover greater amounts of materials, a contingency plan to increase the recovery rate at the station will be enacted.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). The Kern County Department of Public Works prepared a Negative Declaration (SCH #90020554) for the proposed project. As required by CEQA, the Negative Declaration (ND) identified the project's potential adverse environmental impacts and mitigation measures that would reduce those impacts to a less than

significant level. Board staff reviewed the ND and provided comments to the County on August 10, 1990. The County prepared and submitted a response which adequately addressed Board comments. The Notice of Determination was approved on

January 28, 1991.

A MMIS has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the establishment of the Lebec Interim Transfer Station are identified and incorporated in the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and the ND is adequate and appropriate for the Board's use in evaluating the proposed facility.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit is being proposed, the Board must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-50 concurring in the issuance of Solid Waste Facilities Permit No. 15-AA-0302.

ATTACHMENTS:

1. Permit Decision No. 91-50
2. Location Map
3. Site Map
4. Permit No. 15-AA-0302
5. Mitigation Monitoring and Implementation Schedule

Agenda Item Prepared By: David Ohb Phone: 327-9354

Agenda Item Approved By: G. Swakin Phone: 327-9178

Legal Review: K. Cochran Date/Time 7/4/91 - 13h37

California Waste Management Board
Permit Decision No. 91-50
July 17 - 18, 1991

WHEREAS, the Kern County Environmental Health Services Department, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Lebec Interim Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 15-AA-302.

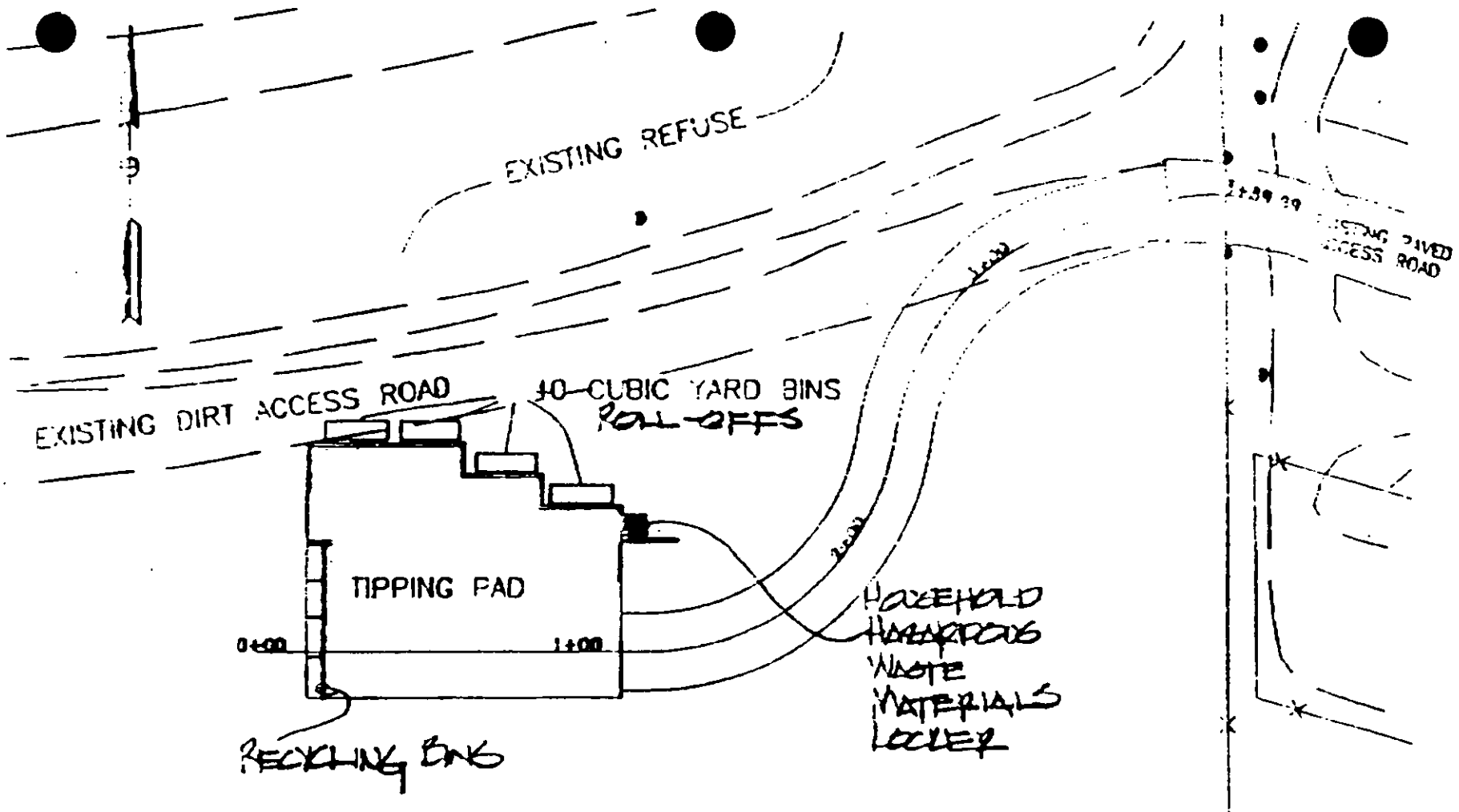
CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17 - 18, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2



LEBEC SANITARY LANDFILL

Designed By CMP Drawn By CMP Checked By RDS	RECOMMENDED APPROVAL: Design Engineer APPROVED _____ 19 _____ Director	COUNTY OF KERN DEPARTMENT OF PUBLIC WORKS BAKERSFIELD, CALIFORNIA	SITE PLAN LEBEC INTERIM TRANSFER STATION

Attachment 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: large volume transfer station	FACILITY/PERMIT NUMBER: 15 AA 0302
NAME AND STREET ADDRESS OF FACILITY: Interim Lebec Large Volume Transfer Station, Portion of Section 33 and 34, T9N, R19W, SBB&M, Lebec, CA	NAME AND MAILING ADDRESS OF OPERATOR: Kern County Public Works Department, 2700 "M" Street, Suite 500, Bakersfield, CA 93301	
PERMITTING ENFORCEMENT AGENCY: Kern Co. Environmental Health Services Dept.	CITY/COUNTY: Bakersfield / Kern County	

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

PROVED: Steve McCalley APPROVING OFFICER Steve McCalley, Director NAME/TITLE	AGENCY ADDRESS: Kern Co. Environmental Health Services Dept., 2700 "M" Street, Suite 300, Bakersfield, CA 93301
SEAL	AGENCY USE/COMMENTS
	PERMIT RECEIVED BY CWMB: JUN 24 1991 — CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE — PERMIT ISSUED DATE

LEBEC INTERIM TRANSFER STATION
SOLID WASTE FACILITY PERMIT
S.W.I.S. 15-AA-0302

FINDINGS

1. Description of Station Design and Operation

A. Owner/Operator

Name of Station:	Lebec Interim Transfer Station
Owner:	Kern County
Operator:	Kern County Public Works Department

This permit is for an interim large volume transfer/processing station, designed to reclaim and process salvageable materials from domestic and commercial refuse. The remainder is transferred for disposal off site. The facility is owned by Kern County and operated by Kern County Public Works Department.

Operator employs contracted agents to perform site operations while remaining in a supervisory role.

B. Location

The 1.1-acre facility is located within the permitted boundaries for the Lebec Sanitary Landfill (Facility 15-AA-0056) on a portion of Sections 33 and 34, T9N, R19W, SBB&M, one mile north of Los Angeles County line, west of Interstate 5. A general location map and site plans are provided in the Report of Station Information (RSI 5/90).

C. Physical Structures

The facility is a processing, salvage, and transfer unit. The facility includes the following features:

1. One paved tipping area.
2. 40-cubic-yard steel bins.
3. Storage area for recovered materials.
4. Paved area for transfer vehicles, employees, and the public.
5. Access roads, utilities, fencing, and landscaping.
6. Hazardous materials storage locker, pad, and fenced enclosure.
7. Water distribution lines, emergency eyewash, and fire safety equipment. Potable water supplied by Lebec County Water District.
8. Drop-off storage containers.
9. Chemical toilet.
10. Sheltered area and telephone.

D. Waste Types

The facility receives nonhazardous domestic and commercial solid wastes.

E. Waste Quantities

Permitted daily capacity is 120 tons per day (TPD).
Average daily capacity = 90 tons per day (TPD)
Maximum sustainable capacity = 100 TPD
Maximum peak capacity = 120 TPD
These weights are based on a conversion factor of one (1) cubic yard of refuse equals 350 pounds.

F. Method of Operation

Refuse traffic, including both public and commercial vehicles, enters the facility using the entrance off Landfill Road. The public drives in, drops off any recyclable materials in the designated receptacles, and unloads refuse on the tipping pad. Commercial vehicles deposit waste directly onto the tipping pad. An operator screens incoming loads, directs traffic, controls litter, and salvages reclaimable materials. Processing at the facility includes sorting of waste, salvaging, and storage of material for recycling. Recovered glass, cardboard, plastic, and metals are placed in receptacles located in an area designated for recycling. Cardboard, appliances, large pieces of metal, and wood wastes are separated by hand. The remainder of the waste is pushed into 40-cubic-yard roll-off bins by a loader. Recovered materials are stored until sufficient quantities are accumulated for transport to reprocessors, a maximum of 90 days.

Nonsalvageable and nonmarketable wastes characterized as nonhazardous are loaded into a 40-cubic-yard roll-off bin, then transferred to a Kern County sanitary landfill.

G. Resource Recovery/Salvaging Operations

Resource recovery at the facility includes the salvaging of:
1. Cardboard
2. Aluminum cans
3. Glass
4. Newsprint
5. Ferrous scrap
6. Nonferrous scrap
7. Plastics

Automobile batteries shall be handled in a method approved by the LEA.

H. Hazardous Waste Screening

The waste load checking program shall consist of the following activities: regular visual inspection of incoming loads deposited at the facility; regular visual inspections of the waste deposited at the facility.

Vehicles delivering wastes to the site will be visually inspected before being routed to the tipping pad. Incoming packer loads are unloaded on the tipping floor and visually inspected by facility personnel prior to separation. All personnel are trained in hazardous waste recognition and proper handling and communication procedures. If any unacceptable wastes are observed in the load, the vehicle will be turned away. If a discharged load appears to contain unacceptable wastes, the hauler will be ordered to reload the wastes and remove them from the station. The hauler will be given a brochure on proper handling of household hazardous waste.

Incidents of hazardous materials release or threatened release capable of creating a substantial probability of harm are immediately reported to the LEA and to the State Office of Emergency Services.

A household hazardous waste storage locker, pad, and enclosure are provided at the site. This area includes an emergency eyewash station.

Accumulated wastes stored in the household hazardous waste storage locker are removed within 90 days or as specified by DOHS or the LEA.

Signs are posted at the facility entrance indicating the schedule of charges, hours of operation, and listing the general types of material which will be or will not be accepted.

I. Permit Modification and Revisions

This is an interim transfer station, subject to closure prior to the five-year review date.

J. Operating Days and Hours

According to the Report of Station Information, operating days and hours of waste receipt and processing are every day as follows:

7 a.m. to 4 p.m.	November, December, January, February
7 a.m. to 5 p.m.	March, April, September, October
7 a.m. to 6 p.m.	May, June, July, August

The site is closed Christmas and Thanksgiving.

2. The following documents condition the design and operation of this facility:

A. Report of Station Information dated May 1991.

B. Conditional Use Permit 24, Map 237; January 28, 1991, expiring January 28, 1996.

C. Mitigated Negative Declaration (SCH #90020554), certified January 28, 1991; Mitigation Monitoring and Implementation Schedule, January 28, 1991.

D. General Plan Amendment 2, Map 237.

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E. Surface Water Management Plan.

3. The LEA certifies the following:

   A. This facility is consistent with the County Solid Waste Management Plan (CoSWMP), Amendment 5, 1988 Revision, on February 5, 1991.

   B. This permit is consistent with the standards adopted by the California Integrated Waste Management Board.

   C. This facility has been determined to be in conformance with, and designated within, the Kern County General Plan (General Plan Amendment 2, Map 237).

4. The design and operation of this facility shall be in compliance with the State Minimum Standards for Solid Waste Handling and Disposal.

5. The Kern County Fire Department has approved all current plans for the design and operation of this facility, pursuant to Public Resources Code Section 44151.

6. This facility is compatible with the surrounding land use plan, as determined by the Kern County Department of Planning and Development Services.

7. The Kern County Air Pollution Control District has determined this facility is capable of complying with applicable rules and regulations, provided conditions of approval contained herein are satisfied (correspondence of April 8, 1991).

8. The facility is in compliance with the California Environmental Quality Act of 1970 (CEQA), the State CEQA Guidelines, and the Kern County Guidelines for Implementation of CEQA and State CEQA Guidelines. A "Mitigated Negative Declaration" with monitoring plans was certified January 28, 1991.

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CONDITIONS

1. Requirements:

   A. This facility shall be operated in compliance with the State Minimum Standards for solid waste handling and disposal.

   B. This facility shall be in compliance with all federal, state, and local requirements and enactments, including all mitigation measures given in any certified document filed pursuant to Public Resources Code, Section 21081.6.

   C. Additional information concerning the design and operation of this facility shall be furnished upon written request of the LEA.

   D. Site access shall be granted for the purpose of inspection without prior notification to the LEA or other agencies conditioning this permit.

   E. Any significant change in facility operation or design shall require amendment of the Plan of Operation Document, and the Kern County Environmental Health Services Department shall be notified at least 120 days prior to the proposed modification.

   F. This facility shall be operated so as to not emit air pollutants sufficient to cause a public nuisance or health hazard (KCAPCD Rule 419 and California Health and Safety Code, Section 41700).

2. Prohibitions:

   A. The following are prohibited at this facility:

      (1) The salvaging of cosmetics, food, beverages, or any materials capable of impairing public health

      (2) Burning of waste or receipt of hot or combusting wastes or wood stove ashes

      (3) Scavenging by the public

      (4) Off-site migration of waste or litter

      (5) Receipt and processing of explosives

      (6) Receipt of fluorescent or mercury vapor lighting in quantities constituting a hazard (25+ per load)

      (7) Receipt and processing of drugs, poisons, or pesticides

      (8) Receipt and processing of hazardous wastes

(9) Receipt and processing of biohazardous or medical wastes

(10) Receipt and processing of pressurized gas cylinders

(11) Receipt and processing of automotive exhaust systems or components containing free liquids, such as crankcase and gear oils, brake fluids, or acids. The receipt and storage of automotive batteries is exempted from this requirement.

(12) Receipt and processing of friable asbestos-containing materials

(13) Receipt and processing of liquid wastes, sludge, septage, or volatile organic liquids

(14) Receipt and processing of radioactive materials requiring state or federal license and regulation

(15) Receipt of dead animals.

(16) Vector propagation and harborage

(17) Off-site discharge of dust or odors sufficient to constitute a health hazard or public nuisance

(18) Public access to processing, loading, and storage areas without adequate supervision and attention to safety requirements

(19) Smoking or eating within on-site structures, receiving, processing, or storage areas, except where designated

(20) Off-site parking of uncleaned or fully loaded refuse transfer vehicles, except under emergency conditions which are documented

(21) Burial or storage of any wastes from the facility within the boundaries of the Lebec Sanitary Landfill.

3. **Specifications:**

A. The LEA, through this solid waste facilities permit and Appendix A, "MMIS," may prohibit or condition the handling of solid waste to protect the public health and safety or to mitigate adverse environmental effects.

B. Any change that would cause the design or operation of this facility not to conform with the terms and conditions of this permit is prohibited. Any significant change that may be proposed for this facility shall require submission of an amended Report of Facility Information and application for a Revised Solid Waste Facilities Permit to the LEA.

C. The facility has a permitted maximum capacity of 120 tons per operating day and shall not receive more than this amount without first obtaining a revision of the permit.

D. A change in operator of this facility will require a new permit.

E. No residual material is permitted to remain at the facility in excess of 48 hours, except hazardous waste per Finding "H." No vehicle shall be parked overnight with wastes therein.

F. In the event of unforeseen or accidental release of hazardous waste, handling operations shall be in compliance with Title 22, California Code of Regulations, Chapter 30.

G. Emergency eyewash, handwash, toilet, and first aid provisions shall be readily accessible to facility employees and public in processing areas.

H. Public access to processing and storage areas shall be defined and marked with limit lines and appropriate signs.

I. All equipment and processing and receiving areas shall be provided with adequate, properly maintained and situated railings, curbs, backup barriers, grates, fences, and safety devices.

J. Telephones shall be located at the station, with current emergency contact names and numbers prominently posted.

K. Site employees shall receive adequate safety training in the prevention of backing accidents and fire protection. Supervisory personnel shall complete an OSHA-approved 24-hour Hazardous Material Awareness and Safety Course, updated on a yearly basis. Workers in receipt and processing areas shall be trained in hazardous waste recognition and emergency communication. Site personnel shall also receive adequate training in operations, maintenance, and safety. A comprehensive safety manual shall be maintained on site for employee use.

L. The station shall be cleaned daily, with no residual wastes left on the tipping floor overnight.

M. Solid waste storage containers (bins) shall be durable, easily cleanable, safe, and leakproof.

N. All incoming and outgoing loads shall be covered or secured to prevent refuse or reclaimed materials from falling or blowing off transport vehicles.

O. Unpaved access roads shall be sufficiently maintained to prevent dust emissions during periods of use.

P. Safety equipment shall be provided for all employees operating equipment or sorting/separating/processing waste at this facility, as required by CAL OSHA and Federal OSHA standards. Safety equipment shall include, but not be limited to:

(1) Dust masks
(2) Safety helmets, in designated areas
(3) Steel-toed, puncture-proof work boots
(4) Work gloves
(5) Ear protection
(6) Eye protection
(7) Protective aprons
(8) Fire safety equipment
(9) First aid supplies
(10) Tyvek outerwear

Q. The operator shall ensure that safety equipment is maintained in satisfactory condition and worn or used by facility employees.

4. PROVISIONS

A. This permit is subject to review by the Local Enforcement Agency and may be modified, suspended, or revoked for sufficient cause after a hearing.

B. Household hazardous wastes shall not be stored at this site longer than 90 days or as specified by the Department of Health Services or the LEA.

C. Material stockpiled on site shall be stored and maintained in a manner to prevent nuisances, vector harborage, odors, or litter problems. All wastes shall be recycled or reused within time frames described in the Report of Station Information. Unless otherwise specified, a maximum period of 90 days will be established for turnover of recycled materials.

D. The landfill operator and contractor shall be informed about the presence of the Valley Oak on the Lebec Sanitary Landfill property. All soil disturbances within ten feet of a Valley Oak tree dripline should be prohibited where feasible. Acorns from on site shall be planted to replace any destroyed Valley Oak trees. Five acorns shall be planted for every one destroyed Valley Oak.

E. The surface water management plan is subject to review by the Regional Water Quality Control Board.

5. SELF-MONITORING

The following items shall be monitored by the operator of this facility:

A. A daily log of the number and type of vehicles utilizing the site shall be reported to the LEA on a quarterly basis.

B. A log of special occurrences shall be maintained by the contractor or operator on a daily basis to include: fire, explosion, accidents, acceptance and/or disposal of hazardous waste or other inappropriate wastes, closures, and rejection of waste loads. An entry of "no occurrence" shall be entered on days nothing special occurs. This report shall be submitted to the Local Enforcement Agency on an quarterly basis.

C. Quantities and types of wastes received each month, including household hazardous waste screening, shall be reported to the Local Enforcement Agency on a monthly basis.

D. Quantities and types of goods recycled and/or salvaged shall be maintained, reported to the LEA on a quarterly basis, and summarized in the annual report.

E. The operator shall conduct monthly noise level monitoring and shall report results to the LEA on a quarterly basis.

F. The operator shall ensure that a comprehensive site safety evaluation is conducted at least annually by a Certified Industrial Hygienist or Registered Professional Safety Engineer.

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Appendix "A"

Mitigation Monitoring Implementation Schedules

The following summary presents key monitoring requirements for this operation. Those identified as "Permit Conditions" are self-monitoring requirements of the operator, to be verified by inspections performed by the Local Enforcement Agency. Monitoring items from the Negative Declaration are annotated "CEQA." Monitoring and compliance schedules established by the Conditional Use Permit are identified "CUP" and require self-monitoring, with reports to the Kern County Department of Planning and Development Services. The requirement for an annual inspection for compliance with the local and state fire preventative regulations references the Kern County Fire Department.

Monitoring and Reporting Summary

A. Prior to Development and Initial Waste Receipt

1. Method of water supply and sewage disposal shall be approved by the Kern County Environmental Health Services Department (CUP & CEQA).

2. Site assessment by qualified biologist(s) prior to initiation of construction for presence or absence of sensitive, rare, or endangered animal or plant species (CUP & CEQA).

3. A surface water management plan shall be approved by the Local Enforcement Agency (CUP & CEQA).

4. The following reports, workplans, and programs shall be submitted to and approved by the LEA (CUP & Permit):

   a. Health and Safety

      1) Emergency Procedure Manual
      2) Protective Equipment and Compliance Schedule
      3) Household Hazardous Waste Plan
      4) Surface Water Management Monitoring Plan

5. Submission of water distribution plans to the Local Enforcement Agency (CUP & CEQA).

6. The operator shall report to the LEA any disturbance of Valley Oak trees located on site (CUP & CEQA).

B. Beginning with Initial Waste Receipt

1. Daily Site Monitoring

a. Daily Operations Log - traffic counts, results of load-checking, and site maintenance (Permit).

b. Log of Special Occurrences - A log of special occurrences shall be maintained on a daily basis to include: fire, explosion, accidents, acceptance and/or disposal of hazardous waste or other inappropriate wastes, closures, and rejection of waste loads. An entry of "no occurrence" shall be entered on days nothing special occurs (Permit).

c. Resource Recovery/Salvage Operations - types of recovered goods, weight/volumes logged daily (Permit).

d. Complaints - citizen and customer environmental nuisance notifications (CUP).

2. Monthly Monitoring

a. Quantities and types of waste discharged in tons (Permit).

b. Number and type of vehicles assessed under Load Check Program (Permit).

c. Results of Household Hazardous Waste Screening Program (Permit).

d. Summary of resource recovery/salvage operations (Permit).

e. Noise level monitoring.

3. Annually

a. Summary Report - all operations (Permit).

b. Fire Code Site Review (Kern County Fire Department).

c. Site evaluation by a Certified Industrial Hygienist or Registered Profession Safety Engineer.

C. Change in Operations and/or Facility Design

a. 120 days prior - Notify LEA (Permit).

b. Immediate notification of LEA of any changes in site operation that could impact the environment (Permit).

MITIGATION MEASURES

LEBEC INTERIM TRANSFER STATION

Facility No. 15-AA-302

1. Prior to the issuance of the Solid Waste Facilities Permit, a surface water management plan for the facility shall be submitted to the Kern County Environmental Health Services Department for review and approval. The appropriate Monitoring Program for the Mitigation Measures shall be incorporated into the Solid Waste Facilities Permit by the Environmental Health Services Department.

2. The landfill operator and contractor shall be informed about the presence of the Valley Oak on the Lebec Sanitary Landfill property. The Valley Oak is found to exist at the south and west sides of the project. All soil disturbance within 10 feet of a Valley Oak Tree dripline shall be prohibited where feasible.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM # 8

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for Browning-Ferris Industries Transfer Station, Los Angeles County.

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991 meeting. As of the date this item went to print, the committee had not taken an action.

BACKGROUND:

Facility Facts

Project:	Revised permit to allow expansion to 1,500 tons per day
Facility Type:	Large Volume Recycling and Transfer Station
Name:	Browning-Ferris Industries Recycling and Transfer Station, Facility No. 19-AA-0048
Location:	2509 West Rosecrans Avenue, Compton
Setting:	The surrounding land is predominantly zoned manufacturing. Land uses within 1,000 feet of this facility are: Heavy manufacturing, special uses (two schools and two churches), and single-multiple family residential
Operational Status:	Currently operating as a large volume transfer station
Permitted Maximum Daily Capacity:	1,500 tons per day
Area:	3.1 acres
Owner/Operator:	Mr. Gerald Perissi, District Manager Browning-Ferris Industries of California, Inc.
LEA:	County of Los Angeles Department of Health Services

Summary The matters of this proposed permit revision for the Browning-Ferris Industries Recycling and Transfer Station were presented as an agenda item before the Board's Permitting and Enforcement Committee during the June 12, 1991 meeting in the City of Burbank. The Committee voted to concur with the proposed permit revision and the item was placed on the Board's consent calendar, to be presented to the full Board at the June 26, 1991 meeting in the City of Long Beach. At the June 26, 1991 meeting, opposition to this proposed permit revision was presented by the City of Compton. The Board voted to send the item back to the Permitting and Enforcement Committee for further consideration at the Committee's July 9, 1991 meeting.

Background The Browning-Ferris Industries Recycling and Transfer Station is an existing Large Volume Transfer Station that commenced operation in 1973 as a paper collection and bailing operation under the name of Advance Recycling and Transfer Station, operated by H.H.J., Inc. In 1980, the property was transferred from H.H.J., Inc. to Solid Waste Transporter, Incorporated. In the early 1980's, Solid Waste Transporter, Inc. filed for bankruptcy. The facility's operations were suspended and remained idle for about a year before it was opened back up for operation by the Western Waste Company for a short period under agreement with the trustee in bankruptcy for Solid Waste Transporter, Inc.(the "Trustee"). On October 7, 1985, the "Trustee" entered into an agreement with BFI of California, Inc. for the company to repair and operate the facility.

In 1980, additional improvements were initiated to bring the facility into compliance with the Conditional Use Permit issued by the City of Compton and the Solid Waste Facilities Permit (SWFP) issued by the Los Angeles County Department of Health Services. The existing facility was constructed in 1981. In 1989, this facility was transferred to Browning-Ferris Industries of California and a new SWFP was issued to reflect the change in operator.

Project Description The facility is located in the City of Compton. It is bounded by Rosecrans Avenue on the South, a construction equipment storage and maintenance yard on the East, the 139th Street School (visual and performing arts) on the North, and McKinley Avenue and vacant land on the West. The entire facility is surrounded by chain link fence with ingress and egress gates on the south and west, respectively.

The transfer station consists of a scale house, a partially covered dumping apron, and an office building with employee shower and toilet facilities. The recycling building is located on the south side of the station, and the 50' wide by 140' long pit of the refuse transfer building is at the eastern portion of the station. The entire yard of the facility is paved and easy to keep clean.

This proposed permit revision would increase the allowable daily tonnage from 750 tons per day to a permitted daily capacity of 1,500 tons per day. The facility receives nonhazardous solid wastes including construction and demolition wastes from commercial, industrial, residential refuse haulers, and small loads from individuals.

Environmental Controls The facility has implemented environmental controls which include: daily waste load checking program to prevent and discourage the disposal of hazardous waste at the station; daily cleaning of trash and litter throughout the facility and surrounding streets and properties; and complete clean up of the entire enclosed tipping and pushing pit every 12 hours as stipulated in agreement with the City of Compton. Dust created in the unloading and reloading pit area is controlled by overhead sprinkler system design. Some of the mist evaporates in descent to the pit, and the remainder of the moisture is absorbed by the solid waste without generating free moisture or leachate.

Resource Recovery Operation There is an established recycling area at this facility. The recycling effort at this facility concentrates on the segregation of corrugated materials, wood, aluminum, ferrous metals, and various grades of paper. The facility manager in a conversation with Board staff indicated that the current resource recovery rate at the facility at about 3.5% of incoming waste volume. He also indicated that there a plan to expand this effort to about 7-8% in the next several months.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on May 30, 1991, the last day the Board could act is July 29, 1991.

The LEA has submitted a proposed permit to the Board. Staff having reviewed the permit and supporting documentation, has found that the proposed permit is acceptable for the Board's consideration of concurrence. In making the determination the following requirements were considered:

1. Conformance with County Plan

   The LEA has certified the facility's Finding of Conformance by the Los Angeles County Solid Waste Management Committee on April 18, 1991. Board staff agrees with said certification.

2. Consistency with General Plan

   The LEA has made the finding that this existing transfer station is designated in the City of Compton's General Plan and is compatible with the surrounding land uses. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Based on review of the documents for the proposed project, staff has determined that the project is consistent with the County's waste diversion goals. Information supplied by the facility operator indicated the current waste diversion level to be at 3.5% of incoming waste volume and that there is a plan to expand this effort to 7-8% in about a year.

4. California Environmental Quality Act

   State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule.

   Los Angeles County Solid Waste Management Program prepared a Negative Declaration (ND) (SCH #90011050) for the proposed project. The project as described in the ND proposes a change in the daily tonnage from 750 tons per day to 1500 tons per day. As required by the California Environmental Quality Act (CEQA), the ND identified the project's potential adverse environmental impacts and mitigation measures that would reduce those impacts to a less than significant level. Board staff reviewed the ND and provided comments to the County on December 5, 1990. The County prepared and submitted an adequate response to comments. The project was certified as approved by the Los Angeles County Department of Health Services, the Lead Agency for the project, and a Notice of Determination was filed.

A Mitigation Monitoring and Implementation Schedule (MMIS) was submitted to the Board. Potential environmental impacts and mitigation measures associated with the conditional use permitting of Browning - Ferris Industries Recycling and Transfer Station are identified and incorporated in the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and the ND is adequate and appropriate for the Board's use in evaluating the proposed project.

5. Consideration of Public Comments

At the June 26, 1991 Board meeting in the City of Long Beach, the City of Compton presented opposition to this proposed permit revision. The substance of the City of Compton's opposition as outlined in their submitted opposition paper is that the negative declaration for the project was inadequate and should not have been granted. The inadequacies, as described by the City, were that the negative declaration failed to address their concerns on the issues of odor, noise, containment of hazardous substances, increased traffic, increased need for public services, and potential health hazards.

Board staff have been informed by the LEA, which also acted as the lead agency in the CEQA process, that all of the City's concerns were addressed properly at the time the negative declaration was granted for this project. The negative declaration was granted with a Mitigation Monitoring Implementation Schedule (Attachment No. 5).

STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board and must either object or concur with the proposed permit as submitted by the LEA.

Staff recommends that the Board adopt Permit Decision No. 91-42, concurring in the issuance of Solid Waste Facilities Permit No. 19-AA-0048.

ATTACHMENTS:

1. Permit Decision No. 91-42
2. Location Map
3. Site Map
4. Permit No. 19-AA-0048
5. Mitigation Monitoring Implementation Schedule
6. City of Compton, Materials Presented in Opposition to Issuance of Revised Solid Waste Facilities Permit

Prepared by: Tad Gebre-Hawariat Phone 7-5288

Reviewed by: [illegible] Phone 327-9178

Legal review: [illegible] Date/Time 7/4/91 - 12:47

California Integrated Waste Management Board
Permit Decision No. 91-42
July 18, 1991

WHEREAS, The County of Los Angeles Department of Health Services, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Browning-Ferris Industries Recycling and Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board Standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 19-AA-0048.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 18, 1991.

Dated:

Michael R. Frost
Chairman

California Integrated Waste Management Board
Permit Decision No. 91-42
July 17, 1991

WHEREAS, The County of Los Angeles Department of Health Services, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Browning-Ferris Industries Recycling and Transfer Station; and

WHEREAS, Board staff has evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for this proposed permit have been met, including consistency with Board Standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 19-AA-0048.

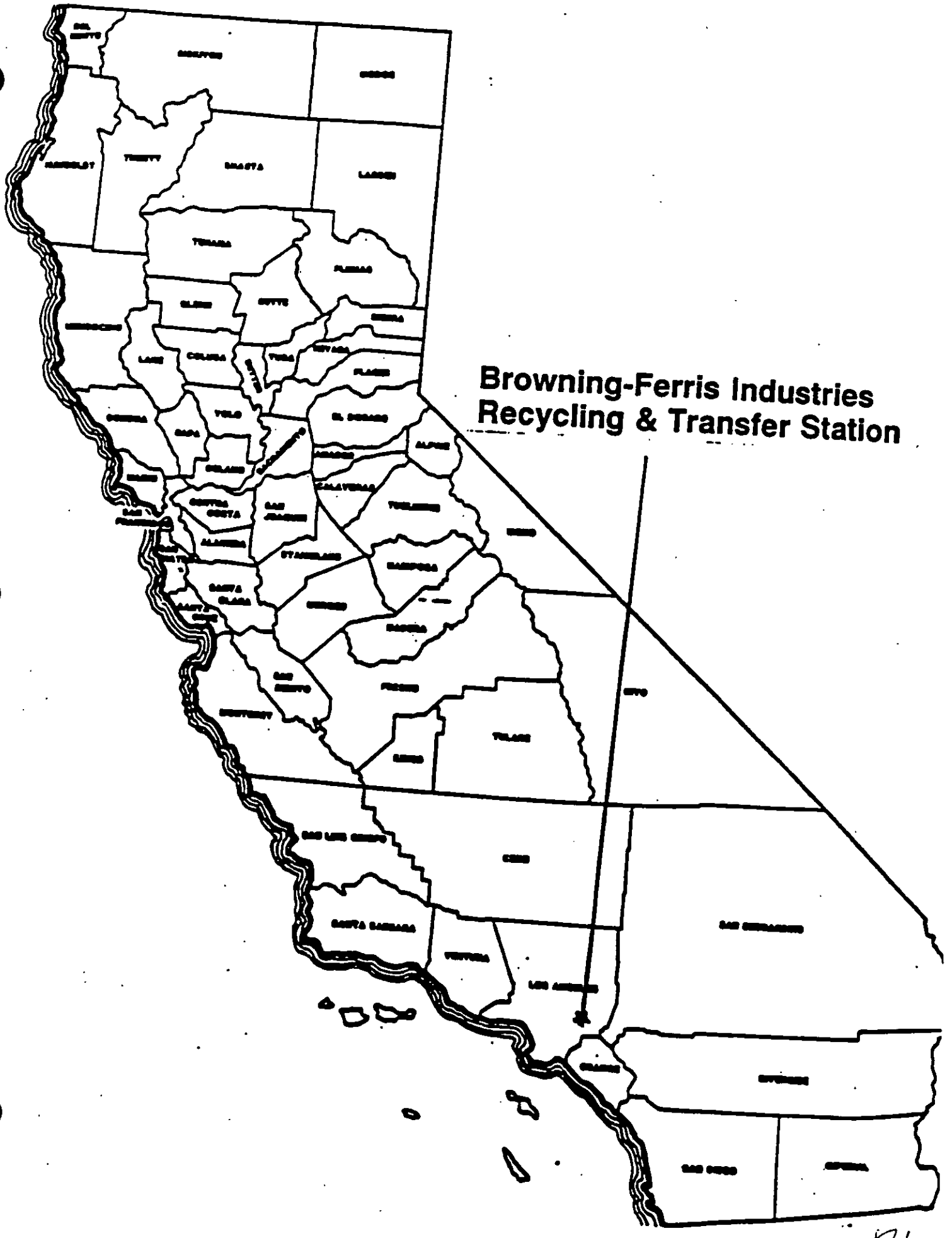
CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 17, 1991.

Dated:

Michael R. Frost
Chairman

Attachment 2



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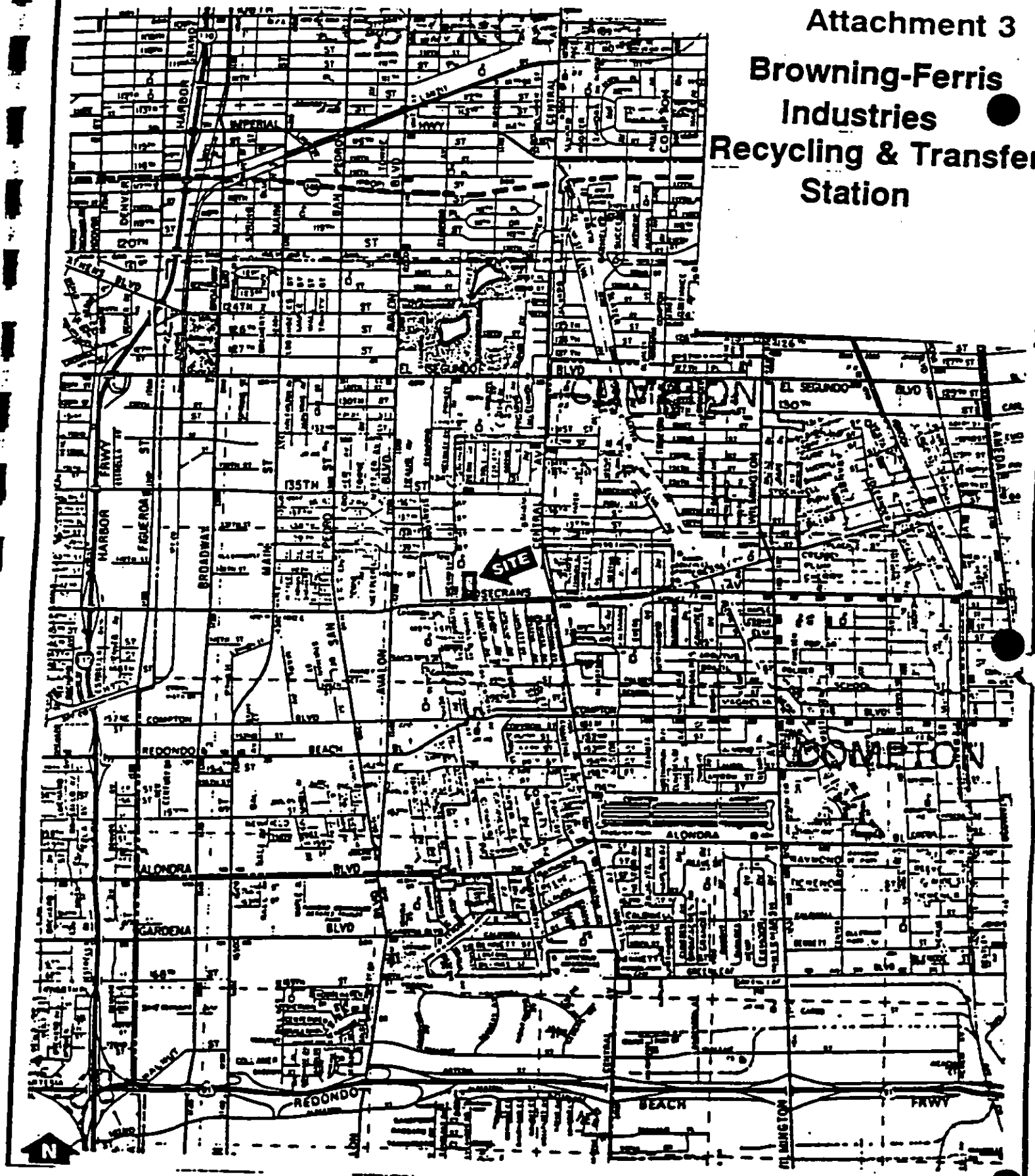
Attachment 3

Browning-Ferris Industries Recycling & Transfer Station



Attachment 4

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: LARGE VOLUME TRANSFER STATION	FACILITY/PERMIT NUMBER: 19-AA-0048
NAME AND STREET ADDRESS OF FACILITY: BROWNING-FERRIS INDUSTRIES RECYCLING & TRANSFER STATION 2509 W. ROSECRANS AVENUE COMPTON, CA 90059	NAME AND MAILING ADDRESS OF OPERATOR: BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC. 2509 W. ROSECRANS AVENUE COMPTON, CA 90059	
PERMITTING ENFORCEMENT AGENCY: COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES	CITY/COUNTY: COMPTON/LOS ANGELES	

PROPOSED

PERMIT

RECEIVED MAY 30 1991

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED:	AGENCY ADDRESS
APPROVING OFFICER: RICHARD A. HANSON, Program Director (NAME/TITLE)	COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES SOLID WASTE MANAGEMENT PROGRAM 2525 CORPORATE PLACE, ROOM 150 MONTEREY PARK, CA 91754
SEAL	AGENCY USE/COMMENTS: PERMIT REVISION PROPOSED
	PERMIT RECEIVED BY CWMB: MAY 30 1991 / CWMB CONCURRANCE DATE:
	PERMIT REVIEW DUE DATE: / PERMIT ISSUED DATE:

CWMB (Rev. 7/84)

FINDINGS:

1. **Description of the facility's design and operation:**

Browning-Ferris Industries Recycling and Transfer Station is an existing large volume transfer station. This facility was constructed in January 1981 on a site already occupied by a large volume transfer station (Advance Recycling and Transfer Station) and which was operated by H.H.J., Inc. from 1973 (as a paper collection and baling operation) to 1980. In 1980, additional improvements were initiated to bring the facility into compliance with the Conditional Use Permit issued by the City of Compton and the Solid Waste Facility Permit issued by the Los Angeles County Department of Health Services and concurred in by the State Solid Waste Management Board. The property was transferred from H.H.J., Inc. to Solid Waste Transporter, Incorporated, in 1980. In 1989, this facility was transferred to Browning-Ferris Industries of California and a new Solid Waste Facility Permit was issued to reflect this change and was also issued as part of the Five-Year Periodic Facility Review.

This Revised Solid Waste Facility Permit is the result of a request by the owner/operator of the facility for a revision of the current permit. This large volume transfer station is currently permitted to accept 750 tons of refuse per day. The operator has requested that the permit be revised in order to increase the permitted capacity to 1500 tons of refuse per day. This permit is required by the California Public Resources Code, Division 30, Chapter 3, Article 23 Sections 44001 et. seq., and the California Code of Regulations, Title 14, Chapter 5, Article 3, Section 18200 et. seq.

A. The owner and operator of the transfer station is:

Browning-Ferris Industries of California, Inc.
2509 West Rosecrans Avenue
Compton, California 90059
Mr. Gerald Perissi, District Manager
(Refer to (k), pages 16 & 17 of the RSI).

B. The facility is located within Los Angeles County at 2509 West Rosecrans Avenue in the City of Compton, California 90059. The facility is bounded by Rosecrans Avenue on the South, a construction equipment storage and maintenance yard on the East, the 139th Street School (visual and performing arts) on the North, and McKinley Avenue and vacant land on the West. The total acreage of the facility is 3.1 acres. (Refer to Site Plan Map, dated 8-28-89 and Project Site Location map attached to RSI, and (c) 10, page 9 of the RSI).

FINDINGS:

1. **Description of the facility's design and operation: (continued)**

C. The transfer station consists of a scale house, a partially covered dumping apron, an office building with two men's restrooms, one ladies' restroom and a shower facility, a 140' long X 60' wide recycling building, and an adjoining refuse transfer building with a 50' wide X 140' long pit. The facility is surrounded by an 8' high chain link fence on the North and East boundaries, an 8' high chain link fence and an 8' garden fence with pillars and two fenced ingress and egress gates on the south and a 10' high chain link fence atop a 1' high concrete wall on the west. The design capacity of the facility is 180 tons/hour or 2160 tons per day for a twelve hour day. (Refer to Site Plan Map, dated 8-28-89 and (c)(5), Page 5 and (g) 1, pages 12 & 13 of the RSI and (b) 5.a, b, c & d of the Engineering Report).

D. This facility accepts only non-hazardous solid wastes from commercial refuse haulers including residential refuse, commercial solid waste, industrial, non-hazardous solid waste and construction and demolition wastes. Additionally, small loads of refuse are accepted from individuals. No medical, hazardous, liquid, septic tank pumpings, sewage sludge or other wastes as defined by the California State Department of Health Services as requiring special treatment or handling are permitted at this facility. (Refer to (c)(8) & (9), pages 6 & 7 of the RSI)

E. This facility is capable of accepting 1500 tons of non-hazardous solid waste per 12 hour operating day. It is not anticipated that the station will experience unusual peak loadings. The facility has a design capacity of 4000 tons per 24 hour day. (Refer to (g) 1 & 2, pages 12 & 13 of the RSI)

F. Refuse is processed in the following manner: Refuse vehicles will dump directly into the transfer building pit from the dumping apron and a crawler-tractor will compact, grind, and push refuse up an inclined ramp into an open-top transfer trailer located on a below-grade ramp. The transfer vehicle will exit the site directly onto McKinley Avenue. The wastes may be hauled to one of the following landfills: Azusa Land Reclamation, Puente Hills, Chiquita Canyon and Sunshine Canyon. (Refer to (c), page 2 & (d), page 10; (i), page 13, of the RSI and (b), 1.B, page 1 & 2 of the Engineering Report)

FINDINGS:

1. **Description of the facility's design and operation: (continued)**

   G. Refuse vehicles containing a high percentage of recyclables will be dumped in the recycling building. There, corrugated fibers, high-grade paper, aluminum, ferrous metals and other items of value will be removed. The remaining refuse will be pushed into the refuse pit in the transfer building. (Refer to (c), page 2; (c) 6, Page 5 & 6 of the RSI and (b) 1.A, page 1, of the Engineering Report.

   H. There is a waste load checking program to counteract the accidental or illicit disposal of prohibited materials at the transfer station. (Refer to (c) 9, Page 6 through 9 of the RSI; (b) 3. of the Engineering Report and to the Conditions/Provisions section of this Permit.)

   I. The operator anticipates that an expanded recycling operation will be proposed within the next several months to the LEA. The LEA will review the proposal and implement the process to modify or revise the permit if necessary.

   J. The facility will be open to receive waste from 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to 1:00 p.m. on Saturday. (Refer to (c) 1. page 2; (d) 4, pages 10 & 11; (g) page 12 and (b) of the Engineering Report and City of Compton Conditional Use Permit, Resolution No. 1806)

2. **The following documents condition the design and/or operation of this facility:**

   A. Report of Station Information, BFI Transfer Station, (including all addenda thereto) dated September 27, 1990.

   B. City of Compton:

      (a) Conditional Use Permit, adopted March 1977.

      (b) Resolutions No. 1718 and 1806, dated March, 1977.

   C. Los Angeles County:

      (a) Finding of Conformance by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force on April 18, 1991.

      (b) Negative Declaration; SCH #90011050, approved on March 6, 1991, Notice of Determination filed on March 6, 1991, and the Mitigation Monitoring and Implementation Schedule (Attachment 1) prepared by the Los Angeles County Department of Health Services, Solid Waste Management Program.

FINDINGS:

3. **The following findings are required pursuant to Public Resources Code (PRC):**

   A. **PRC 44010**

   This permit is consistent with the criteria, guidelines and standards adopted by the California Integrated Waste Management Board [PRC44010].

   B. **PRC 50000**

   A Finding of Conformance was approved by the Los Angeles County Solid Waste Management Committee on April 18, 1991. [PRC 50000(a)(1)]

   C. **PRC 50000.5**

   The City of Compton found that this transfer station facility located at 2509 West Rosecrans Avenue is designated in the City's General Plan and is compatible with the surrounding land uses. By Resolution #1,718 the Planning Commission granted a Conditional Use Permit in March 1977.

4. This facility's proposed design and operation were reviewed and found to be in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on the Report of Station Information's proposed design and operation, and by an inspection of the facility by the Los Angeles County Department of Health Services, Solid Waste Management Program on May [ ].

5. The local fire protection agency has determined that the facility is in conformance with applicable fire standards.

6. Land uses within 1,000 feet of this facility are as follows:

   A. Heavy manufacturing
   B. Special uses (two schools and two churches)
   C. Single-family residential
   D. Multiple-family residential

CONDITIONS:

Requirements:

1. This facility shall comply with all the Minimum Standards for Solid Waste Handling and Disposal.

2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant

CONDITIONS:

Requirements: (continued)

3. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.

4. Additional information concerning the design and operation of this facility shall be furnished on request of the Local Enforcement Agencies' personnel.

5. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to Public Resources Code 21081.6.

Prohibitions:

1. No hazardous waste, medical waste, liquids, sewage sludge, sludge pumpings, materials which are of a toxic nature, such as insecticides, poisons or radioactive materials, and asbestos or asbestos products shall be accepted.

2. No scavenging by the general public is permitted.

3. Receipt of dead animals is not permitted.

Specifications:

1. No significant change in design or operation from that described in the Findings section of this permit is allowed.

2. The operator shall notify the Local Enforcement Agency, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the Local Enforcement Agency a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of the SWF Permit.

3. This facility has a permitted capacity of 1,500 tons per operating day and shall not receive more than this amount of solid waste without a revision of this permit.

4. A change in the operator would require a new Permit.

CONDITIONS:

Provisions:

1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes.

   a. That during the hours of operation for all transfer station activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.

   b. WASTE LOAD CHECKING PROGRAM:

      The operator shall conduct a daily waste load checking program, approved by the Local Enforcement Agency (LEA), to prevent and discourage disposal of hazardous waste at this station. The daily waste load checking program shall consist of the following activities:

      1) The minimum number of random waste loads to be inspected daily at this station is two (2).

      2) The number of random incoming loads to be inspected each day is determined by the Local Enforcement Agency and shall be related to the permitted daily volume of refuse received by the transfer station. The Local Enforcement Agency reserves the right to increase the required number of incoming waste load inspections.

      3) The loads selected for inspection shall be unloaded in an area apart from the active working floor. The refuse shall be spread out and visually inspected for evidence of prohibited wastes. Any hazardous materials thus found shall be set aside in a secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies.

      4) The working floor shall be under continual visual inspection by station personnel, such as spotters, equipment operators and supervisors for evidence of hazardous materials. Any hazardous or prohibited materials found shall be managed as above.

      5) Station personnel performing the duties required by this waste load checking program shall be trained. The training must include how to recognize suspicious containers of hazardous waste, the proper method of containment, and the reporting requirements of this program.

CONDITIONS:

Provisions: (continued)

Station personnel are to be retrained on an annual basis and updated as needed. New employees are to be trained prior to assignment to a work station. The training program must be approved by the Local Enforcement Agency.

6) Incidents of unlawful disposal of prohibited materials shall be reported to the Local Enforcement Agency monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposal:

(a) Duty officer, County of Los Angeles Department of Health Services, Hazardous Materials Control Program at (213) 744-3223.

(b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824.

(c) California Highway Patrol at (213) 736-2971.

2. The maximum storage period for refuse such as wood, paper, metal or plastic products is 24 hours. All other waste shall not be stored nor remain on the premises in excess of 12 hours. (See City of Compton Resolution No. 1806, condition 1.(b).). All stored waste must be contained within the building or in enclosed vehicles.

3. All solid wastes shall be completely removed from the disposal pit at the end of each working week (Saturday).

4. The maximum storage period for recyclables is two weeks. All stored materials must be contained in the building, in enclosed containers, or as approved by the LEA. The enforcement agency reserves the right to reduce this time if storage presents a health hazard or becomes a public nuisance.

5. The operator shall install and maintain signs at the entrance indicating that no hazardous or liquid wastes are accepted. These signs shall be in both English and Spanish.

CONDITIONS:

Provisions: (continued)

6. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of refuse received. These records shall be available to the Local Enforcement Agency's personnel and to the CIWMB's personnel and shall be maintained for a period of at least one year.

7. The operator will maintain a log of special/unusual occurrences. This log should include but is not limited to fires, injuries, property damage, accidents, explosions, and discharge and disposition of hazardous or unpermitted waste. The operator shall maintain this log at the station so as to be available at all times to site personnel and to Enforcement Agencies' personnel.

   Any entries made in this log must be reported to the Local Enforcement Agency at once: County of Los Angeles, Department of Health Services, Solid Waste Management Program at (213) 881-4151.

8. Any complaints about the facility received by its operator shall be forwarded to the Local Enforcement Agency within one working day.

9. This permit is subject to review by the Local Enforcement Agency and may by suspended, revoked or modified at any time for sufficient cause.

10. The Local Enforcement Agency reserves the right to suspend waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

11. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

Monitoring Program:

Upon receipt of the approved solid waste facility permit, the operator shall submit monitoring reports to the Local Enforcement Agency at the frequencies indicated below:

1. The monitoring reports are due 15 days after the end of the reporting period.

CONDITIONS:

Monitoring Program: (continued)

2. The following monitoring reports shall be submitted each calendar quarter:

   a. The quantities and types of hazardous wastes, medical wastes or prohibited waste found and the disposition of these materials. Monthly reporting of this information is still required.

   b. The number of vehicles using the facility per day and per week. The transfer vehicles and collection vehicles must be totaled separately.

3. The following monitoring reports shall be submitted monthly:

   a. All incidents of unlawful disposal of prohibited materials and hazardous materials. This report shall contain a summary of the actions taken by the operator regarding each incident and the final disposal of the material(s).

   b. All complaints regarding the transfer station and operator's actions taken to resolve any justified complaints. Notification of the Local Enforcement Agency within one day following the complaint is still required.

   c. All special/unusual occurrences and the operator's action taken to correct these problems.

   d. The results of the daily random waste load checking program.

   e. The amount by weight of each category (metal, aluminum, glass, plastic, etc.) of material removed from incoming waste loads and trans-shipped to or removed from the facility by a recycler.

   f. The quantities and types of wastes received each day.

   g. The quantities of waste transfered each day to each of the disposal sites indicated on the sample monitoring report form (Attachment A).

<END OF DOCUMENT>

MITIGATION MONITORING AND REPORTING PROGRAM
[SWFP No. 19-AA-0048]

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
AIR				
All material handling equipment (heavy equipment) under the applicant's ownership and operation shall be properly maintained (engine tune, proper mufflers, etc.).	Field inspections by the Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
Daily transfer station operations shall be conducted efficiently so as to minimize the queuing of trucks on-site, thus reducing the amount of emissions potentially generated by idling vehicles.	Field inspections by the Local Enforcement Agency.	Field inspector of the Local Enforcement Agency.	Throughout facility operations and during the course of routine inspections.	
The transfer station shall continue to implement measures for odor control as part of the facility's expanded operations. These measures include: ° The control and minimizing of odor concentrations by means of air circulation accomplished by the openings on the north side of the facility's push pit and the west and south sides of the recycle area; ° Any odorous loads shall be immediately loaded into transfer trailers for removal to landfill; ° Any highly odorous loads shall be rejected at the entrance of the facility and a load rejection form be completed; ° Trucks with untarped loads, which could allow odors to more easily escape the vehicle beds, shall be discouraged from using the transfer station; and				

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
° All organic waste shall be removed from the transfer station by the end of each operating day.	Review and approval of the applicant's proposed measures for the control of odors will be made by the Local enforcement Agency.	Field Inspector of the Local Enforcement Agency.	Prior to issuance of facility operations permit and monitoring throughout facility operations.	
To minimize dust migration out of the pit area the applicant shall utilize an overhead sprinkler system which suppresses dust generated in the pit area.	Field Inspections by the Local Enforcement Agency.	Field Inspector of the Local enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
Transfer station personnel shall regularly sweep all driveways and vehicle access areas to clean up dust that may otherwise be picked up by truck tires and carried off-site or blown by the wind.	Field Inspections by the Local Enforcement Agency.	Field Inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
NOISE				
On-site refuse handling, recycling, and transfer operations shall continue to be restricted to daytime hours only, in compliance with Compton Municipal Code requirements, and subject to the approval of the Department of Building and Safety and/or the other responsible agencies.	Compliance with permit requirements as approved by Department of Building and Safety and field inspection by the local Enforcement Agency.	Department of Building and Safety and field inspector of the Local Enforcement Agency.	Prior to issuance of facility operations permit and throughout facility operations.	
All heavy-duty equipment shall be equipped with properly operating and maintained mufflers, and all engines shall be kept in proper tune.	Field Inspections by the Local Enforcement Agency.	Field Inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
There is an on-site Maintenance Manager and two Service Mechanics to maintain equipment at the station.				

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
All employees shall be required to wear ear plugs or other ear protection when working in the push pit and/or recycling areas or when operating heavy equipment, in accordance with Federal OSHA regulations pertaining to this specific issue.	Field inspections by Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	
RISK OF UPSET The Report of Station Information provides a detailed description of the operator's hazardous waste screening program and the specific procedures to be taken in the event of an accidental spill. These screening and contingency procedures shall also be applied for the expanded operations capacity such that the same level of control and effective responsiveness is maintained.	Review and approval of the facility's hazardous waste screening program by the Local Enforcement Agency prior to the issuance of the facility operations permit.	Local Enforcement Agency staff.	Prior to issuance of facility operations permit.	
PUBLIC SERVICES Transfer station personnel shall regularly sweep all driveways and vehicle access areas to clean up dust that may otherwise be picked up by truck tires and carried off-site or blown by the wind.	Field inspections by Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	

MITIGATION MEASURE	MONITORING ACTION	MONITORING PARTY	TIMING	VERIFICATION
HUMAN HEALTH				
All organic waste shall be removed from the transfer station by the end of each operating day. Should vectors become a problem, the applicant shall contract with a licensed pest control service to eliminate the problem.	Field inspections by Local Enforcement Agency.	Field inspector of the Local Enforcement Agency. Daily monitoring by on-site facility manager.	Throughout facility operations and during the course of routine inspections.	

NOTE: Local Enforcement Agency scheduled field inspections are conducted once a month.

MATERIALS PRESENTED IN OPPOSITION TO ISSUANCE OF REVISED SOLID WASTE FACILITIES PERMIT

(Item #5)

presented by the

City of Compton

June 26, 1991

OFFICE OF THE CITY MANAGER
205 South Willowbrook Avenue
Compton California 90220
(213) 605-5585
FAX (213) 631-0322

WALTER R. TUCKER
Mayor
COUNCILPERSONS
MAXCY D. FILER
PATRICIA A. MOORE
BERNICE WOODS
JANE D. ROBBINS

HOWARD CALDWELL
City Manager

CITY OF COMPTON

June 26, 1991

California Integrated Waste Management Board
City of Long Beach Council Chambers
333 West Ocean Boulevard
Long Beach, CA 90802

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Board Members:

Attached please find materials presented in opposition to issuance of revised Solid Waste Facilities permit.

The Board should be made aware of the fact that the Transfer Station has been a source of ongoing concern and controversy in the Compton community.

Attention should also be drawn to the level of concern by the Compton City Council (letters of opposition contained herewith for the Board's reference).

Sincerely,

HOWARD CALDWELL
CITY MANAGER

Attachment

s0/X

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- Councilperson Patricea Moore
- Councilperson Maxcy Filer

SECTION C

Planning Commission Resolution

LETTER OF CONCERNS

OFFICE OF THE CITY MANAGER
205 South Willowbrook Avenue
Compton, California 90220
(213) 605-5585
FAX (213) 631-0322

WALTER R. TUCKER
Mayor
COUNCILPERSONS
MAXCY D. FILER EXT 5204
PATRICIA A. MOORE EXT 5205
BERNICE WOODS EXT 5206
JANE D. ROBBINS EXT 5207

HOWARD CALDWELL EXT 5585
City Manager

CITY OF COMPTON

COPY

November 30, 1990

Mr. Richard Hanson, R.E.H.S.
Director, Solid Waste Management Program
County of Los Angeles-Department of Health Services
2525 Corporate Place
Monterey Park, California 91754

Subject: Notice of Consultation
Browning-Ferris Industries Recycling & Transfer Station
2509 West Rosecrans Avenue
Compton, California
[SWFP No. 19-AA-0048]

Dear Mr. Hanson:

On behalf of the City of Compton, I am writing to you at this time in response to the recent request for comments on a proposed negative declaration in connection with a permit revision requested by Browning-Ferris Industries (BFI) for its recycling and transfer station located at 2509 West Rosecrans Avenue in the City of Compton.

After comprehensive review by City staff of both the Environmental Assessment prepared by Ultrasystems Environmental Services and of its responses to the County Health Service Department's August 30, 1990, Initial Study Evaluation of Environmental Effects, the City of Compton must strongly oppose any effort at this time to grant a negative declaration in this matter. It is apparent from Ultrasystems' inadequate responses to concerns of Department of Health Services (DHS) staff and from the lack of adequate mitigation measures in response to concerns voiced by Compton staff several months ago that more time must be given to meet the valid concerns raised by both entities. Failing such action and mutual agreement, there is no compelling reason to grant a negative declaration at this time and a number

of very strong reasons to oppose such granting. While the City's opposition extends over a wide range of issues, among the specific areas of concern are odors, noise, containment of hazardous substances, increased traffic, increased need for public services, and potential health hazards.

Odors

The City of Compton has periodically received citizen complaints about the strong odors emanating from the BFI facility. Routine City inspections have often revealed pads which were not adequately cleaned at the end of the day as is required by the City's land-use permit and DHS regulations. Now the applicant wishes to double the quantity of wastes that will be handled at the site but fails to indicate how its past record of failure to meet regulations will not be repeated on a larger scale. In Ultrasystems' response to DHS comments, there are also several disturbing omissions and evasions which concern us.

Ultrasystems reluctantly concedes that there will be instances when the combination of wind conditions and highly concentrated odors from specific refuse materials will result in odor being detected off-site. Yet, it provides no course of action to alleviate this situation and relies instead on favorable winds to resolve the matter. Ultrasystems also concedes that the permit grant would create greater potential for isolated instances when a "particularly malodorous" trash load is detectable off-site, but, again, provides no mitigation in such an event.

Given the fact that Ultrasystems staff admits that there is a lack of stringent regulation of waste received (e.g., loads of fish are not always rejected but only "routinely" and trucks with untarped loads are not rejected but only "discouraged"), the above potential problems seem far more likely than suggested.

The City of Compton believes that BFI must address these concerns more fully and provide enforceable mitigation measures before a negative declaration can be considered.

The City also wishes to note that it has never received a copy of the Report of Station Information cited in the response document and would appreciate an opportunity to receive and analyze it before any final action is taken.

Noise

The applicant does not properly address noise-related concerns in its response to comments, relying simply on "working mufflers and tune-ups." What is not adequately discussed is the certain high

level of noise which will be constant throughout the day to a far greater degree than at present. With an anticipated 26 return trips per hour, there will be 52 trucks ingressing and egressing within a sixty minute period, producing incessant noise felt by surrounding uses.

One of these uses is a facility of the Compton Unified School District, currently utilized as a center for the visual and performing arts. Students are in this school from 8:00 a.m. to 5:00 p.m. and will constantly be barraged by this increased noise. There is no indication that the School District has been contacted on this matter so that it could recommend alleviation of noise impacts. Moreover, there is a possibility that this site may, in future, be needed again for its original use as an elementary school due to changing demographics, which would subject small youngsters to a high level of decibel noise, a level which the applicant itself admits is close to the maximum allowable by the City (e.g., 48-50 dBA indicated by the applicant with 55 dBA the maximum allowable). Moreover, it must be stressed that this near-limit noise level will be--as indicated by the heavy anticipated use--constant throughout the school day. The City of Compton believes that discussions between the applicant, the City, and the Unified School District should take place to resolve these concerns before any decision is made.

Also of concern to the City is the projected increase in traffic-related noise along Rosecrans Avenue, particularly east of McKinley Avenue where residences and a school (Redeemer Alternative School) closely abut Rosecrans Avenue. The applicant's request will no doubt have an affect on those residents and students and therefore deserves greater examination and attention before the granting of a negative declaration and approval of a permit.

Containment Of Hazardous Substances

The City of Compton is concerned that BFI has indicated that it will "develop and implement a program to prevent the disposal of any hazardous waste" subsequent to the approval of its permit by the permitting agency. Such a response is inadequate as it is the City's belief that such a plan must be developed, analyzed, and reviewed by the City prior to any such permit being given. Again, Ultrasystems refers in its comments to the Report of Station Information which, it maintains, details the operator's hazardous waste screening program at this time, as well as specific procedures which are to be taken in the event of an accidental spill; this document, as mentioned, has not been provided to City staff for review. Therefore, it is impossible to evaluate its adequacy at this time.

Increased Traffic

The City finds it difficult to accept the argument of the applicant that a proposed doubling of heavy truck traffic near and at the site will have no tangible effects on the traffic pattern or on traffic safety. Even before Ultrasystems prepared its Environmental Assessment, this concern was clearly conveyed by Planning and Public Works Staff. However, Ultrasystems provides absolutely no mitigation measures whatsoever. There can be no dispute that McKinley Avenue will change dramatically if this permit is granted, from a local collector to a virtual trunk line. One hundred fifty-one out of the total anticipated 167 truck traffic increase would be on this street, representing a significant augmentation. Moreover, as this truck traffic will mix with residential traffic, there will clearly be a greater likelihood of accidents and hazardous conditions. City staff believes that greater consideration should be given to possible mitigation measures such as street widening and/or traffic signalization.

Increased Need For Public Services

The City disagrees with Ultrasystems' contention in its response to DHS that this project will not require any increased services from the City of Compton. Increased traffic will certainly require greater police and traffic enforcement activity on the part of the City, which will of necessity impact our already overburdened public safety services.

Any hazardous substances inadvertently included on a load destined for processing by the facility will travel over the City's street system and require the response of City public safety crews in case of an emergency. City personnel and the public in general would be placed in jeopardy during such an occurrence. An increase in the quantity of waste at the site will therefore require greater monitoring and emergency responses by City personnel.

Fire Department inspection will also need to be increased. These several impacts on City services need to be more fully explored and detailed before the City can analyze them and support any permit requested for increased activity.

Potential Health Hazards

City staff has not received a copy of the 1986 Environmental Assessment referred to by Ultrasystems on page nine of its response to DHS on the subject of potential rodent and vector impacts at the transfer station. Ultrasystems states that this

document is provided as Appendix A of the 1990 Environmental Assessment but the only Appendix A received by the City for review is entitled "Traffic Study Report for Recycling and Transfer Station City of Compton." Staff would like the time to receive and analyze this document before the applicant is considered for approval of its permit.

Also, as mentioned several times elsewhere in this letter, City staff has not seen the Report of Station Information and so cannot adequately assess the satisfactory nature of hazardous waste screening procedures or skill contingency measures.

Conclusion

The City of Compton requests that a negative declaration not be granted to Browning-Ferris Industries at this time, and further urges that the applicant enter into discussions with DHS and the City of Compton to respond to the concerns enumerated above in detail. Moreover, the City requests that it be provided with the documents referred to above (e.g., Report of Station Information, 1986 Environmental Assessment) so that they can be analyzed and reviewed by City staff and discussed with representatives of DHS and the applicant in detail to assure their applicability, implementation, and modification to meet increased needs related to the greater scope of activity delineated in the permit under consideration. It is clear at this time that the scope of the project for which a permit is being requested has not been adequately explored during either the initial study phase or during the formulation of the proposed negative declaration.

Sincerely,

HOWARD CALDWELL
CITY MANAGER

HC/PR/GB/yh

COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
ENVIRONMENTAL HEALTH - HEALTH FACILITIES
2525 Corporate Place, Monterey Park, CA 91754

obert C. Gates, Director
C.A. Evans, Jr., Assistant Director
Ralph Lopez, Deputy
Bureau Directors
Oscar Castro
Joseph Karbus
Jack Petralia
Arthur Tilzer
William Ward

December 26, 1990

Mr. Howard Caldwell, City Manager
Office of the City Manager
205 South Willowbrook Avenue
Compton, California 90220

Dear Mr. Caldwell:

This letter is in response to your comments of November 30, 1990 regarding the Notice of Consultation, Browning-Ferris Industries Recycling and Transfer Station, 2509 West Rosecrans Avenue, Compton.

I have enclosed a more detailed Environmental Package than the one you had previously received. This package also contains the RSI which you had requested to review. I have also enclosed an "Information Guide" which indicates the location in the Environmental Package where the concerns of your letter are addressed.

If you require more information or clarification of the enclosed material, I may be reached at (213) 881-4149.

Very truly yours,

Richard Hanson

RICHARD HANSON, DIRECTOR
Solid Waste Management Program

RH: amr

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INFORMATION GUIDE

INFORMATION FOR RESPONSES TO NOVEMBER 30TH CITY OF COMPTON LETTER

ODORS (Page 2)

Comments are in reference to Page 3 and 4 of Responses to Initial Study Evaluation.

Report of Station Information is included as Attachment 2 of Responses to Initial Study Evaluation.

NOISE (PAGE 3)

Issues have been addressed on Page 5 and Attachment 4 of Responses to Initial Study Evaluation. Analyses of noise on school site and along Rosecrans addressed on Page 25 through 30 of the August 1990 Environmental Assessment.

HAZARDOUS SUBSTANCES (Page 3)

Waste screening and spill contingency measures detailed in Report of Station Information which is included as Attachment 2 of Responses to Initial Study Evaluation.

TRAFFIC (Page 4)

Traffic analysis for McKinley Avenue provided on Page 14 of August 1990 Environmental Assessment. Safety issues are addressed on Page 14 of the Environmental Assessment and Page 7 of Responses to Initial Study Evaluation.

PUBLIC SERVICES (Page 4)

Comments refer to Page 8 of Responses to Initial Study Evaluation.

HEALTH HAZARDS (Page 4)

The 1986 Environmental Assessment is provided as Appendix 1 of the August 1990 Environmental Assessment which is included as Attachment 3 of Responses to Initial Study Evaluation.

CITY COUNCIL
LETTERS OF OPPOSITION

OFFICE OF CITY COUNCIL
205 South Willowbrook Avenue
Compton, California 90220
(213) 605-5590

WALTER R. TUCKER
Mayor ext 5590
Council Members
MAXCY D. FILER, EXT 5204
PATRICIA A. MOORE, EXT5205
BERNICE WOODS, EXT 5206
JANE D. ROBBINS, EXT 5207
HOWARD CALDWELL, EXT 5585
Interim City Manager

CITY OF COMPTON

FILE COPY

May 29, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As Mayor of the City of Compton, I wish to add my voice in opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

While I am aware that the property on which the transfer station is located is zoned M-H (Heavy Manufacturing) and designated for industrial development, I am convinced that the burdens from an increase in the capacity level proposed at the facility that would be placed on City services already stretched thin could prove to be overwhelming.

I therefore urge you to weigh carefully the concerns raised by the City of Compton, and thank you for your consideration of the City's position.

Sincerely,

WALTER R. TUCKER
MAYOR

WT/JG/yh

Enclosure

OFFICE OF CITY COUNCIL
205 South Willowbrook Avenue
Compton, California 90220
(213) 605-5590

205 SOUTH WILLOWBROOK AVE.
COMPTON, CALIFORNIA 90220

BERNICE WOODS
COUNCILWOMAN DISTRICT 3
EXT. 5206

CITY OF COMPTON

COPY

May 27, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As an elected official of the City of Compton, I am writing to inform you of my opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

Those concerns are very valid. As a Council Member I have a responsibility to protect the health and well-being of all the City's residents. It is my feeling that such health and well-being is seriously threatened by the proposed increase in the facility.

Your cooperation of my position is appreciated.

Sincerely,

Bernice Woods

BERNICE WOODS
COUNCILWOMAN
DISTRICT 3

BW/JG/yh

Enclosure

COPY

205 SOUTH WILLOWBROOK AVE.
COMPTON, CALIFORNIA 90220

MAXCY D. FILER
COUNCILMAN DISTRICT #1
EXT. 5204

CITY OF COMPTON

March 21, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As an elected official of the City of Compton, I am writing to apprise you of my opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

I completely agree with staff's analysis. As the City Council Member representing District #1, the area in which the recycling and transfer station is located, I am well aware of its impact on neighboring residents and businesses. The potential increase in the amount of solid waste handled by the facility to twice the level existing today is not a pleasant prospect, to say the least.

I thank you for your kind consideration of my position.

Sincerely,

MAXCY FILER
MAYOR PRO TEM

MF/JG/yh

Enclosure

COPY.

CITY OF COMPTON

205 SOUTH WILLOWBROOK AVE.
COMPTON, CALIFORNIA 90220

PATRICIA A. MOORE
COUNCILWOMAN DISTRICT #2
EXT 5205

March 13, 1991

The Honorable Kenneth Hahn
Los Angeles County Board of Supervisors
District II
Administrative Offices
500 West Temple Street
Los Angeles, California 90012

Re: Opposition to Permit Revision
Recycling and Transfer Station
2509 West Rosecrans Avenue, Compton

Dear Supervisor Hahn:

As an elected official of the City of Compton, I am writing to you to express my adamant opposition to the request of Browning-Ferris Industries (BFI) for a revision of its "Solid Waste Facilities Permit" to increase the amount of solid waste materials processed at the above-mentioned facility.

BFI is currently limited to processing no more than 750 tons of solid waste material per day. It is now requesting to double that capacity, to 1,500 tons per day. As a part of the permit revision process, the Los Angeles County Department of Health Services (DHS) conducted an environmental assessment of the proposal to determine its environmental consequences. City staff reviewed documentation provided by DHS, and voiced real concerns as to the scope of the assessment and potential impact on the City, especially pertaining to odors, noise, containment of hazardous substances, increased traffic, and increased need for public services. These concerns were conveyed to DHS in a letter dated January 31, 1991, a copy of which is enclosed.

I endorse those concerns and add my own, both publicly as a City Council Member and privately as a former representative of the Community Monitoring Committee formed to inspect the transfer station. This committee compiled a lengthy list of violations concerning the operation of the facility, and complaints are still received to date. Based on past history of problems associated with the facility operating at its present level, I can only view with dread the potential impact that a doubling of capacity will have on the City of Compton and its residents.

I thank you for your kind consideration of my position.

Sincerely,

Patricia A. Moore

PATRICIA A. MOORE
CITY COUNCIL MEMBER
DISTRICT II

PM/JG/yh

Enclosure

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 1806
(S.A. #1257)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COMPTON GRANTING A SPECIAL APPROVAL REQUEST

WHEREAS, Advance Recycling and Transfer has made application for special approval in accordance with the provisions of Section 9116.3 of the Compton Municipal Code for the use of certain real property situated in the City of Compton, legally described as follows:

PARCEL 1: That portion of fractional section 17, Township 3 South, Range 13 West, San Bernardino meridian, in the city of Compton, county of Los Angeles, state of California, according to the official plat of said land filed in the district land office on April 1, 1874, described as follows:

Beginning at a point 2 rods east of the north and south line drawn through the center of the southeast quarter of said section 17, said point being 15.94 chains south of the north line of said quarter section; thence south parallel with the east line of said quarter section 20.91 chains, more or less, to the north line of Rancho San Pedro; thence North 87° 00' 00" East 8.372 chains, more or less; to the southwest corner of the lands conveyed to H. C. Gedney, by deed recorded in book 954 page 217 of Deeds, records of said county; thence North along the west line of the land so conveyed to Gedney, 20.48 chains, more or less, to the south line of the land conveyed to Melisse Nobles by deed recorded in book 906 page 136 of Deeds, records of said county; thence West along said south line so conveyed to Nobles 7.365 chains, more or less, to the point of beginning;

EXCEPT therefrom the north 600 feet of said land.

ALSO EXCEPT therefrom that portion of said land in Compton Road on the South; as condemned by decree recorded November 19, 1968 in book D-4200 page 34, Official Records described as follows: That portion of that certain parcel of land in the southeast quarter of fractional section 17, Township 3 South, Range 13 West, San Bernardino Meridian described as Parcel 1 in deed to Harry Heirshberg et al., recorded as Document No. 1416 on August 15, 1960 in book D-944 page 387, Official Records, in the office of the recorder of the county of Los Angeles, which lies within a strip of land 50 feet wide, the southerly line of which is the center line of Rosecrans Avenue, as said center line is shown on map of Tract No. 13111, recorded in book 302, pages 38 and 39 of Maps, in the office of said recorder.

ALSO EXCEPT therefrom the westerly 295.92 feet thereof;

ALSO EXCEPT all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights and other hydrocarbons that may be within or underlying said land below the top 500 feet thereof, together with the right to develop and/or extract the same, without however, the right to drill, dig or mine through the surface of said land, or otherwise in such manner as to endanger the safety of any buildings that may be constructed on said land, as reserved by Superior Oil Company in deed recorded December 15, 1954 in book 46383 page 274, Official Records.

PARCEL 2: An easement from ingress and egress to be used in common with others over the southerly 60 feet of the northerly 660 feet of the westerly 119 feet of that portion of fractional section 17, Township 3 south, range 13 west, San Bernardino Meridian, in the city of Compton, in the county of Los Angeles, state of California, according to the Official Plat of said land filed in the district land Office on April 1, 1874, described as follows:

Beginning at a point 2 rods East of the North and South line drawn through the center of the southeast quarter of said section 17, said point being 15.94 chains south of the North line of said quarter section; thence south parallel with the East line of said Quarter Section, 20.91 chains, more or less, to the north line of Rancho San Pedro; thence North 87° 00' 00" East 8.375 chains, more or less; to the southwest corner of the lands conveyed to H. G. Gedney by deed recorded in book 954 page 217 Deeds, Records of said county; thence North along the west line of the land so conveyed to Gedney, 20.48 chains, more or less, to the south line of the

land conveyed to Melisse Nobles by deed recorded in book 906 page 136 Deeds, Records of said County; thence West along said south line so conveyed to Nobles 7.365 chains, more or less to the point of beginning.

PARCEL 3: An easement for ingress and egress to be used in common with others over the southerly 60 feet of the northerly 660 feet of the easterly 176.92 feet of the westerly 295.92 feet of that portion of fractional Section 17, Township 3 South, Range 13 West, San Bernardino Meridian, in the city of Compton, in the county of Los Angeles, state of California, according to the Official Plat of said land filed in the District land office on April 1, 1874, described as follows:

Beginning at a point 2 rods East of the North and south line drawn through the center of the southeast quarter of said Section 17, said point being 15.94 chains south of the north line of said quarter Section; thence south, parallel with the east line of said quarter Section, 20.91 chains, more or less, to the north line of Rancho San Pedro; thence North 87° 00' 00" East 8.375 chains, more or less, to the southwest corner of the lands conveyed to H. C. Gedney, by deed recorded in book 954 page 217 Deeds, records of said county; thence North along the west line of the land so conveyed to Gedney, 20.48 chains, more or less, to the south line of the land conveyed to Melisse Nobles, by deed recorded in book 906 page 136 Deeds, Records of said county; thence west along said south line so conveyed to Nobles, 7.365 chains, more or less, to the point of beginning.

PARCEL 4: An easement for ingress and egress to be used in common with others over that portion of the east half of the southeast quarter of fractional section 17, Township 3 south, range 13 west, San Bernardino Meridian, in the city of Compton, in the county of Los Angeles, state of California, according to the Official Plat of said land filed in the District land office on April 1, 1874, described as follows:

Beginning at a point 1 rod East of a north and south line drawn through the center of said quarter Section, said point being 15.94 chains south of the North line of said quarter Section; thence East 1 rod; thence south parallel with the East line of said quarter Section, 20.91 chains, more or less, to the northerly line of Rancho San Pedro; thence south 87° 00' 00" West to a point distant 1 rod East of said North and south line drawn through the center of said quarter Section; thence North parallel with said outer line of said quarter Section 20.91 chains to the point of beginning;

EXCEPT therefrom that portion of said land occupied by Compton and Santa Monica Road on the south.

Located at: 2509 West Rosecrans Avenue; and

WHEREAS, a Draft Environmental Impact Report (EIR) was prepared for a recycling and transfer station at said location pursuant to the California Environmental Quality Act, was distributed to those public agencies having jurisdiction by law with respect to the project and to other interested persons and agencies for comment, and thereafter revised and supplemented to adopt suggested changes and to incorporate comments received and responses to said comments; and

WHEREAS, a Final EIR consisting of the Draft EIR as revised and supplemented and incorporating all comments received and responses thereto was completed and the Planning Commission has reviewed and considered the information contained in the Final EIR; and

WHEREAS, a hearing, pursuant to notice, upon said request for special approval was held before the Planning Commission on February 23, 1977; and

WHEREAS, evidence was heard from all persons interested in effecting said special approval and all persons protesting same, and the Planning Commission, having heard all of said testimony and statements of said persons and being fully informed in the premises

F I N D S

1. That the Environmental Impact Report is adequate in accordance with all of the requirements of the California Environmental Quality Act.

2. That the property herein referred to and described is suitable for the purposes for which the petitioner requesting said special approval intends to use it, to wit: RECLAIMING, RECYCLING AND SALAVAGE STATION/TRANSFER STATION.

3. That the granting of said special approval will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

4. That the granting of said special approval will not adversely affect the Comprehensive General Plan of the City of Compton.

5. That there are exceptional conditions applicable to the intended use of said property that do not apply generally to the class of use in the zone.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COMPTON RESOLVES:

1. That the request for special approval for a reclaiming, recycling and salavage station/transfer station shall be approved, subject to the following conditions:

(a) That hours of public operation shall be limited to 6:00 a.m. 6:00 p.m. between Monday and Saturday inclusive, except that non-salvagable materials may be removed until 9:00 p.m.

(b) That no organic materials other than those specificially referred to herein; to wit: wood, paper, metal or plastic products, shall be stored or remain on the premises in excess of twelve hours.

(c) That the applicant shall maintain all public areas free of litter.

(d) That no underground disposal of liquid waste shall be permitted except for storm runoff.

(e) That trucks arriving and departing from the transfer station shall use the approved circulation plan which shall maximize use of the alley access of McKinley Avenue; the alley shall be paved at the applicant's expense in accordance with the requirements of the Public Works Department.

(f) That the operation shall comply with all Health Department regulations.

(g) That the transfer station shall comply with all of the requirements of the State Solid Waste Management Board.

(h) That all areas shown on the plot plan shall be paved with an approved material in accordance with Section 9122 of the Compton Municipal Code and the plot plan on file with Special Approval Case No. 1257.

(i) That refuse shall not be stored above the height of enclosing walls, screens or landscaping and shall not be in view of the public from Rosecrans Avenue.

(j) That a revised plot plan shall be submitted showing actual circulation and showing adequate landscaping with provision for irrigation; the landscaping plan shall emphasize screening the front portion of the site, subject to the approval of the Planning Director.

(k) That any new construction or expansion of the existing facility shall account for potential expansion soils in the design of foundations and floor slabs.

(l) That construction, use and property development shall be substantially in accordance with the plot plan on file with Special Approval Case No. 1257.

(m) That construction, use and property development shall comply with the requirements of the Building, Public Works, Fire, and Planning Departments.

(n) That a Certification of Occupancy shall be obtained from the Planning Department in accordance with Section 9106 of the Compton Municipal Code.

(o) That construction, use and property development shall be initiated within 180 days in accordance with Section 9126.10 of the Compton Municipal Code.

2. That this Resolution shall be reviewed by the Planning Commission on September 14, 1977 pursuant to Section 9126.10 of the Compton Municipal Code.

3. That this Resolution shall not become effective until the applicant signs, has notarized and records with the Recorder of Los Angeles County an Acceptance Form in accordance with the requirements of Section 9126.11 of the Compton Municipal Code.

///

4. That a copy of this Resolution shall be mailed to the applicant and that copies shall be filed with the City Clerk and the Building, Fire and Public Works Department and sent to the State of California Solid Waste Management Board, the Los Angeles County Department of Health Services, and the Office of the Los Angeles County Engineer.

ADOPTED this 9th day of March, 1977.

WILLIAM T. GRAY, CHAIRMAN

ROBERT R. GAVIN, PLANNING DIRECTOR

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 9

ITEM: Consideration of Issuance of Notice and Order 91-02 to Del Norte County Department of Public Works, Operator of the Crescent City Landfill.

COMMITTEE ACTION:

This item was presented to the Permitting and Enforcement Committee at the July 9, 1991 meeting.

BACKGROUND:

This item was heard in full at the Permitting and Enforcement Committee meeting of July 9, 1991. This Board Agenda item presents a portion of that information as background.

In 1977, the State Solid Waste Management Board approved designation of the Humboldt-Del Norte County Health Department as Local Enforcement Agency (LEA) for Del Norte County via Resolution No. 77-81-LEA. This designation was in effect until termination by the County of Humboldt on October 1, 1990. California Integrated Waste Management Board (Board) staff have been acting as Enforcement Agency for the County of Del Norte since November of 1990 and in this capacity, have been inspecting the Crescent City Disposal Site on a monthly basis.

ANALYSIS:

Board staff recorded eleven violations and three areas of concern during the November, 1990 site inspection. At this time, the site continues to be:

- operating outside the terms and conditions of the governing Solid Waste Facilities Permit due to increased tonnage;
- operating two years prior to reaching site capacity without an acceptable Closure/Postclosure Maintenance Plan;
- and operating in violation of several significant State Minimum Standards (cover, leachate control, drainage and erosion control, grading of fill surfaces).

The site has been issued several Orders from the North Coast Regional Water Quality Control Board (NCRWQCB), and is currently operating under Cease and Desist Order 90-70 which requires site closure pursuant to Chapter 15 regulations by October 1, 1991. At this time, NCRWQCB staff is proposing to their Board an extension of this date at their September 1991 meeting.

According to the most current Periodic Site Review of December, 1989, the site will reach capacity by 1992. Despite several letters from Board staff, site operators have yet to submit a complete Closure/Postclosure Maintenance Plan. Also, the site has been using composted fish waste mixed with native sandy soil as cover. This practice has not been approved by the Board.

Board staff circulated a draft Notice and Order to the operator in December of 1990. Discussions were held with the Public Works' Director informing him of staff's intent to issue the Notice and Order. Monthly meetings with the Public Works' Director followed until his retirement in May of 1991.

Much time has been used in coordinating efforts by several Board Divisions to aid the County in resolving the problems. The retirement of the County's staff engineer involved with solid waste in January, 1991, and the retirement of the Director of Public Works in May, 1991, has lead to further delays.

The County is fully aware of the deficiencies at the landfill, but does not have the means to resolve the problem expeditiously. There is a recruitment effort to hire both a new Public Works Director and a Solid Waste Coordinator, but this may take a long period of time. In the interim, a "working group" of county employees was formed to manage solid waste issues. This group consists of the interim County Administrative Officer, the interim Director of Public Works, and the Director of Planning and Building Inspection.

In accordance with State laws, regulations, and the Board's Permit Enforcement Policy, Board staff prepared Notice and Order 91-02 which was discussed at the Board's Permitting and Committee meeting on July 9, 1991.

The Notice and Order will require the operator to accomplish the following:

- apply for a revised Solid Waste Facilities Permit and submit closure and postclosure maintenance plans by October 1, 1991;
- limit the amounts and types of waste the site may receive;
- submit plans for disposal of wastes after closure of the Crescent City Disposal Site;
- immediately begin daily cover operations;
- cease and desist leachate discharges from the site;

- install surface drainage control systems by October 1, 1991;
- provide a grading plan by September 1, 1991, and complete all grading and drainage work by September 15, 1991.

STAFF COMMENTS:

At the July 9, 1991 Permitting and Enforcement Committee meeting, staff suggested that by issuing Notice and Order 91-02, the Board will require the operator to bring the site into compliance with all State requirements by the indicated dates. The issuance of the Notice and Order will also allow the Board to pursue further action, if required.

Staff also advised that without issuance of a Notice and Order, further delays could be anticipated in bringing the site into compliance with State requirements.

Attachments:

1. Board Notice and Order 91-02

Prepared by: Paul Jonsberg, Kaila Kindsvatter Phone: 3-0128

Reviewed by: Bernard Vlach Phone: 2-6172

Legal review: [illegible] Date/Time 7/5 0911.75

NOTICE AND ORDER 91-02
of the
California Integrated Waste Management Board
Enforcement Agency
1020 9th Street
Sacramento, CA 95814

IN THE MATTER OF:
CRESCENT CITY DISPOSAL SITE
Facility No. 08-AA-0006
Hight Access Road
Crescent City, CA 95531

NOTICE & ORDER
(Title 14, California Code of Regulations, Sec.18304)

TO: Carl Brown, Acting Director
Del Norte County Dept. of Public Works
700 5th Street
Crescent City, CA 95531

PLEASE TAKE NOTICE that this agency, as Enforcement Agency, has determined that operation of the above referenced facility constitutes operation of a Solid Waste Facility in violation of the Terms and Conditions of Solid Waste Facilities Permit # 08-AA-0006 in that the following Sections of Division 30 of the Public Resources Code (PRC), Title 7.3 of the Government Code (GC), and Title 14 of the California Code of Regulations (14 CCR) are being violated as follows:

1. Solid Waste Facilities Permit
The governing July 24, 1978 Solid Waste Facilities Permit allows for the acceptance of 30 tons of solid waste per day. The site is currently accepting over 50 tons of solid waste per day. This constitutes a violation of PRC Section 44014(b) which prohibits the operator from operating outside the permit terms and conditions.

2 (a). Financial Mechanism for Closure/Postclosure Maintenance
Pursuant to GC Section 66796.22(b)(1), all landfill operators are required to certify to the California Integrated Waste Management Board (Board) and the Local Enforcement Agency (LEA) the accomplishment of the following: 1) preparation of initial cost estimates; 2) establishment of acceptable financial mechanisms; and 3) the annual deposit of sufficient funds for ensuring closure and postclosure maintenance. Based on the Board's letters of April 8 and July 24, 1990, the required certifications remain incomplete and continue to be a violation of the Government Code.

2 (b). Closure and Postclosure Maintenance Plans
Pursuant to GC 66796.22(b)(2), the landfill operator is required to prepare final closure and postclosure maintenance plans (plans) for approval by the LEA, the Regional Water Quality Control Board, and the Board. This

Section prohibits the operation of a solid waste landfill for more than one year beyond the date the plan was due. Final plans are due two years prior to closure. The latest Periodic Site Review, dated December, 1989, states that the landfill will reach capacity by 1992. Thus, the plan due date was December 31, 1990.

In the Board's letter of August 24, 1990, staff found the final plans, dated February, 1990, incomplete. The operator was requested to resubmit the revised final plans to the Board by September 28, 1990. The revised final plans have not yet been received.

3. Violations of State Minimum Standards (14 CCR)

(a) **Daily Cover - 14 CCR 17682:** Refuse often is exposed throughout portions of the active face. This section requires that cover material compacted to a minimum thickness of six (6) inches be placed over the entire working face at least every 24 hours.

(b) **Leachate Control - 14 CCR 17704:** This regulation requires that site operators take adequate steps to monitor, collect, treat, and effectively dispose of leachates. This site has no leachate collection or disposal system. As a result, an uncontrolled 3,240 gallon leachate discharge occurred at the site during a nine day period in February of 1990.

(c) **Drainage and Erosion Control - 14 CCR 17708:** The site's surface drainage system was only partially in place and was not operable as of June 20, 1991. There is no engineered system in place to carry surface runoff away from the fill areas as required by this section.

(d) **Grading of Fill Surfaces - 14 CCR 17710:** Ponding was observed over fill in several areas on and around the road which circles the upper, active portion of the site. Standing water was observed during all inspections conducted during the 1990/1991 rainy season. All fill surfaces must be graded to prevent ponding of surface waters and to promote lateral runoff.

YOU ARE THEREFORE ORDERED TO:

1) Submit an application for a revised Solid Waste Facilities Permit by October 1, 1991. The application must be accompanied by a current Report of Disposal Site Information, Periodic Site Review, and CEQA determination. The application and supporting documents must describe site operations up to the point of closure. During the interim period while a permit revision is being processed, you may accept no more than the following amounts of solid and liquid wastes each month (The amounts of waste below are based on an average of specific waste categories received at

the landfill during June, July, and August of 1990):

- 9,400 cubic yards of municipal solid waste
- 850 cubic yards of fish waste
- 66,000 gallons of cheese whey
- 84,000 gallons of septic waste
- 255,000 gallons of sewage sludge
- 100 animals
- 300 tires;

2. a) Submit final closure and postclosure maintenance plans (C&PCMP's) by October 1, 1991. The plans shall include the items listed in 14 CCR 18262.3 and 18265.3 and be based on the closure standards found in 14 CCR Article 7.8, as well as an acceptable financial mechanism in accordance with 14 CCR Chapter 5, Article 3.5;

   b) Submit a time schedule within 30 days of receipt of this document which outlines the county's plans for disposal of wastes after closure of the Crescent City Disposal Site;

3. (a) Immediately begin placing cover material, compacted to a minimum thickness of six (6) inches, over all refuse in the active face area on a daily basis;

   (b) Take immediate action to cease and desist any leachate discharges from the site;

   (c) By October 1, 1991, install a surface drainage control system in accordance with Waste Discharge Requirements 89-83, Construction Specifications C1 and C2;

   (d) By September 1, 1991, provide an interim grading plan which describes site development and contouring up to the point of site closure. The active fill area and surrounding lower road must be graded, in accordance with this plan, to prevent ponding of surface waters and to promote lateral runoff of precipitation by September 15, 1991.

PLEASE TAKE FURTHER NOTICE If the above actions are not completed or complied with by the specified timelines, that on or after October 1, 1991, the California Integrated Waste Management Board, acting as Enforcement Agency, may:

1. Issue a Corrective Actions Order pursuant to PRC Section 45401.

2. Petition the Superior Court for an injunction to enjoin said violations. Should such an injunction be granted, continued violation may be punishable as contempt of court.

3. Initiate an action to modify, suspend or revoke Solid Waste Facilities Permit Number 08-AA-0006 for the site.

4. Bring an action in the Superior Court to impose civil penalties in an amount not to exceed $10,000 per day for each day of violation occurring after October 1, 1991.

DATED: _____

STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

BY: _____

California Integrated Waste Management Board

D E C L A R A T I O N

I declare under penalty of perjury that the following is true and correct:

1. I am duly employed as a Waste Management Specialist at the California Integrated Waste Management Board.

2. The allegations of the foregoing Notice and Order 91-02 are known to me of my personal knowledge to be correct. This knowledge was obtained by:

   a. A site inspection conducted by myself on November 28, 1990.

   b. A site inspection conducted by myself on January 10, 1990, and monthly thereafter.

   c. A review of records on file at the California Integrated Waste Management Board.

Executed at 1020 9th St., Suite 300, Sacramento, California, 95814, on _____.

_____

Paul D. Forsberg
Waste Management Specialist

D E C L A R A T I O N

I declare under penalty of perjury that the following is true and correct:

1. I am duly employed as a Waste Management Specialist at the California Integrated Waste Management Board.

2. The allegations of the foregoing Notice and Order 91-02 are known to me of my personal knowledge to be correct. This knowledge was obtained by:

   a. A site inspection conducted by myself on December 18, 1990.

   c. A review of records on file at the California Integrated Waste Management Board.

Executed at 1020 9th St., Suite 300, Sacramento, California, 95814, on _____.

_____

Mark de Bie
Waste Management Specialist

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 17-19, 1991

AGENDA ITEM 11

ITEM: Consideration of Facilities Evaluation Report for the Colusa County Local Enforcement Agency Jurisdiction

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991, meeting. As of the date this item went to print, the committee has not taken action.

BACKGROUND:

The Facility Evaluations Branch of the Board's Enforcement Division conducts annual inspections of all solid waste facilities in conjunction with inspections conducted by the Local Enforcement Agency (LEA). Each LEA jurisdiction is considered as a discrete unit and all facilities within each LEA jurisdiction are inspected as a group. The purpose of the inspections is to identify any non-complying solid waste facilities and to evaluate LEA performance as agents of the State. A Facility Evaluations Report (FER) summarizing Board staff findings is prepared for each LEA jurisdiction.

The Colusa County Department of Environmental Health is the designated LEA for Colusa County. Within the LEA's jurisdiction are: two active, permitted landfills; one active, permitted transfer station; one inactive site that is permitted as both a landfill and a transfer station; and eight closed, illegal or abandoned sites. During February 1991, each active solid waste facility and disposal site within Colusa County was inspected by Board staff in conjunction with the LEA pursuant to Public Resources Code (PRC) Section 43219(a). Closed, illegal, and abandoned sites which could be located were also inspected.

ANALYSIS:

Facility Compliance

During the annual inspection of solid waste facilities within the Colusa County LEA jurisdiction, Board staff documented violations of applicable state laws and regulations at two of the three active sites. Four violations of State Minimum Standards were cited for Evans Road Landfill (06-AA-0001) and two violations were cited for Maxwell Transfer Station (06-AA-0003).

PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate State Minimum Standards. The Board has designated this inventory as the State

List of Non-Complying Facilities.

On June 24, 1991 Board staff met with the Colusa County LEA, at an "exit interview" for the Facility Evaluations process. During that meeting the LEA verified that each violation of State Minimum Standards, documented during the annual state inspections had been corrected. Board staff has concluded that no facilities within this jurisdiction should be issued notice by the Board for inclusion on the State List of Non-Complying Facilities.

LEA Performance

The Colusa County LEA has generally implemented an acceptable enforcement program. No significant violations of state minimum requirements were documented during the evaluation, pursuant to PRC Section 43219. However, the LEA failed to act in a timely manner on the permit violations at Evans Road Landfill (06-AA-0001) and Five Year Permit Reviews at Evans Road Landfill and Maxwell Transfer Station (06-AA-0003). Also, closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Plan.

The Colusa County LEA has been very cooperative while working with Board staff. The LEA was helpful in locating illegal sites within Colusa County. The LEA made special arrangements for Board staff to access private property for the purpose of landfill gas testing. Also, the LEA was present at all times during the annual state inspections.

STAFF COMMENTS:

Facility Compliance

The Colusa County LEA has verified that violations of State Minimum Standards identified during the annual state inspections have been corrected. Board staff has concluded that no facilities within this jurisdiction should be issued notice by the Board for inclusion on the State List of Non-Complying Facilities.

LEA Performance

While the Colusa County LEA has generally implemented an acceptable enforcement program, Permit and Closure violations exist at two facilities within this jurisdiction. Until these violations are corrected the LEA enforcement program cannot be rated as "acceptable". Therefore, Board staff has concluded that at this time, the Colusa County LEA should be rated as "Acceptable with Improvement".

List of Attachments:

1. Facility Evaluation Report for the Colusa County LEA

Prepared by: James W. Comuzzi II Phone 3-3658

Reviewed by: John Sell Phone 2-6172

Legal review: [illegible] Date/Time 7/9/91 1360

Facility Evaluation Report

Colusa County, LEA Jurisdiction 06-AA

C I W M B

Prepared By:

James W. Omand
Waste Management Specialist
Facility Evaluations
Enforcement Division

July, 1991

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FACILITY EVALUATION REPORT

COUNTY OF COLUSA, LEA 06-AA

EXECUTIVE SUMMARY

The Colusa County Department of Environmental Health is the designated Local Enforcement Agency (LEA) for Colusa County. There are two active landfills, one active transfer station, one inactive landfill, one inactive transfer station, and eight closed, illegal or abandoned facilities within the LEA's jurisdiction.

During February 1991, each solid waste facility and disposal site within Colusa County was inspected or visited by California Integrated Waste Management Board (Board) staff in conjunction with the LEA, pursuant to Division 30, Public Resources Code (PRC) Section 43219(a).

Two of the three active solid waste facilities were found to be in violation of at least one State Minimum Standard. However, at the FER exit interview on June 24, 1991, the LEA verified that all violations of State Minimum Standards idenified during the annual state inspections have been corrected. Therefore, no facilities in the Colusa County LEA's jurisdiction are recommended for inclusion on the State List of Non-Complying Facilities at this time.

No significant violations of state minimum requirements reflecting on the LEA effectiveness were identified during the evaluation pursuant to PRC Section 43219. Therefore, Board staff will not recommend that the Board initiate a formal performance review of the LEA pursuant to PRC Section 43219.

While the Colusa County LEA has generally implemented their Enforcement Program at an acceptable level, the LEA failed to act in a timely manner on the permit violations at Evans Road Landfill and Five Year Permit Reviews at Evans Road Landfill and Maxwell Transfer Station. Also, closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Plan. Board staff will therefore recommend that the Board rate the Colusa County LEA's performance as "Acceptable with Improvement". This means that the LEA will need to attain a higher level of performance by August 1, 1992 in order to meet the Board's proposed standards for LEA redesignation/certification.

Public Resources Code
Division 30, Part 1
Chapter 1, Article 1
Section 40001

"The Legislature declares that the responsibility for solid waste, management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe management of all solid waste generated within the state..."

FACILITY EVALUATION REPORT
COLUSA COUNTY, LEA JURISDICTION, 06-AA

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PROGRAM GOALS

The purpose of the California Integrated Waste Management Board's Facility Evaluation Program is to ensure that all solid waste facilities in California (including closed, illegal, abandoned, and exempted sites) meet the requirements of applicable State laws and regulations. This program has been established in order to protect the health, safety and well-being of the citizens of California, and to protect the environment. With the passage of AB 939, the primary focus of the Facility Evaluation Program is to monitor all solid waste facilities in order to determine operator compliance and LEA effectiveness in meeting their direct enforcement responsibilities. Local Enforcement Agencies (LEAs) have the primary responsibility for ensuring the correct operation and closure of solid waste facilities. As agents of the state, they enforce State laws and regulations and implement California Integrated Waste Management Board (Board) policies.

PROGRAM AUTHORITY

The Facility Evaluation program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) "The board, in conjunction with an inspection conducted by the enforcement agency, shall conduct each year at least one inspection of each solid waste facility in the state" (PRC Section 43219 [a]),

2) "The board shall maintain an inventory of solid waste facilities which violate state minimum standards" (PRC Section 44104 [a]).

3) "Whenever a solid waste facility is proposed to be included in the inventory, the board shall give notice thereof by certified mail to the disposal site owner and the operator of the solid waste facility. If, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory" (44104[b]). The inventory has been designated by the Board as the **State List of Non-Complying Facilities**.

4) "If the board identifies significant violations of state minimum requirements that were not identified and resolved through previous inspections by the enforcement agency, the board shall conduct a performance review of the enforcement agency within 120 days ..." (PRC Section 43219 [b]).

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered individually. To initiate the annual Facility Evaluation process within an LEA jurisdiction, Board staff meets with the LEA to discuss the evaluation process, the LEA's responsibilities during the evaluation, the overall status of facilities and the Board's LEA redesignation /certification process. Permitting, closure/postclosure maintenance and other pertinent issues are also discussed.

Each active solid waste facility within the LEA's jurisdiction is then inspected by Board staff in conjunction with one of the regular monthly inspections conducted by the LEA. Facilities are evaluated for compliance with applicable sections of Division 30 of the Public Resources Code and Title 14 of the California Code of Regulations. Inspection reports are completed and transmitted to the LEA, operator and other responsible agencies pursuant to PRC Section 43219(a). All closed, illegal, abandoned, and exempt sites which can be located are also visited and assessed.

Based upon the State inspection reports and a review of pertinent documents and files, a Facilities Evaluation Report (FER) is prepared. Upon completion, a final draft FER is transmitted to the LEA and the results and findings are discussed with the LEA at an interagency meeting designated as the "exit interview". The LEA's comments are then included in the final FER which is then presented to the Board's Permitting and Enforcement Committee for their consideration.

An FER contains recommendations for Board action regarding:

1. Intent to include any facility found in violation of any State Minimum Standard on the State List of Non-Complying Facilities unless all violations are corrected within 90 days of Board notice pursuant to PRC Section 44104.

2. Initiation of a formal Performance Review of the Enforcement Agency if significant violations of state minimum requirements had not been identified and resolved by the LEA pursuant to PRC Section 43219.

3. An LEA overall performance rating of "Acceptable", "Acceptable with Improvement" or "Unacceptable".

FACILITY / LEA EVALUATION CRITERIA

FACILITY EVALUATION CRITERIA

Any solid waste facility which is found to be in violation of any State Minimum Standard during a state inspection will be recommended for inclusion on the State List of Non-Complying Facilities pursuant to PRC Section 44104. The site operator or owner would then have 90 days to correct all documented violations to avoid inclusion on the list pursuant to PRC Section 44104.

> **Solid Waste Facility** is defined as a disposal facility, a disposal site, or a solid waste transfer or processing station pursuant to PRC Section 40194 and 40121, 40122, 40200.
>
> **State Minimum Standard** is defined as a regulation included in Title 14, California Code of Regulations (CCR), Chapter 3, Minimum Standards for Solid Waste Handling and Disposal (State Minimum Standards).

All facilities included on the list then have one year to correct the violation(s) under an enforcement order issued by the LEA pursuant to PRC Section 44106. Facilities already operating under an LEA enforcement order prior to being listed would continue to work under the existing order as long as this order requires the facility to be in full compliance within one year of being listed.

If an existing LEA enforcement order for a site being placed on the list does not require compliance within one year of the listing date, a new LEA enforcement order would need to be issued which requires the operator to be in compliance within one year of listing pursuant to PRC Section 44106. If a facility fails to achieve full compliance within the one year of listing, the LEA is required to revoke the operator's Solid Waste Facility Permit until the violations of State Minimum Standards are remedied pursuant to PRC Section 44106.

LEA EVALUATION CRITERIA

The rating of LEA performance is a two step process concluding with the rating of the LEA as "Acceptable", "Acceptable with Improvement" or "Unacceptable".

1st Step: Significant Violations of State Minimum Requirements

Section 43219 of the PRC states that if the Board identifies significant violations of state minimum requirements during its annual inspections that were not previously identified and resolved by the LEA, the Board must conduct a formal Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced by an LEA as an agent of the State. This is not to be confused with State Minimum Standards which only include regulations contained in 14 CCR Chapter 3 (Minimum Standards for Solid Waste Handling and Disposal).

Significant violation is defined as:

a) Failure by the LEA to identify and resolve any condition at a solid waste facility which threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the public health, welfare, or safety pursuant to PRC Section 45300 and/or 14 CCR 18304.

b) Failure by the LEA to: **a)** identify any solid waste facility being operated by any person except as authorized by a Solid Waste Facilities Permit (SWFP) in violation of PRC Section 44002, **b)** identify any permitted operator operating a facility outside the terms and conditions of a SWFP in violation of PRC Section 44014 ,**and** **c)** resolve either of these violations pursuant to PRC Section 45000, 14 CCR 18304, 18307, and the Board's Permit Enforcement Policy (PEP) dated November 27, 1990.

c) Failure by the LEA to identify any solid waste facility being operated which has never had a SWFP in violation of PRC Section 45000, 44001 and/or 44002 **and** failure by the LEA to resolve this violation(s) pursuant to PRC Section 45000 and 14 CCR 18304.

d) Failure by the LEA to identify and resolve conflicts of interest where the LEA is managing the contract or is the operator of a solid waste disposal site in violation of PRC Section 43207.

e) Failure to implement a basic LEA enforcement program as indicated by a failure to: **a)** identify and resolve a large number of operational violations at one or more disposal sites, **b)** regularly conduct monthly inspections of solid waste facilities pursuant to PRC Section 43218,

,or, c) perform LEA duties or responsibilities as required by 30 PRC or 14 CCR.

f) Failure by the LEA to petition the superior court to impose, assess, and recover civil penalties pursuant to PRC Section 45200, 45201, and 14 CCR 18305 when a disposal site owner or operator has failed to comply with an enforcement order issued by the LEA **or** failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a facility operator or owner has failed to comply with State Minimum Standards after being on the State List of Non-Complying facilities for one year.

Resolve is defined as an LEA having exercised all appropriate enforcement actions necessary to force an operator or owner to comply with state laws and regulations including but not limited to PRC Section 44106, 45000, 45200, 45201, 45300, and 14 CCR 18304, 18305, and 18307. The definition of resolve does not necessarily mean that a violation has been completely corrected, but that the LEA has taken the necessary enforcement action to advance the correction of the violation.

If an LEA has failed to identify and resolve any significant violations of state minimum requirements, staff will recommend to the Board that a formal LEA Performance Review be conducted within 120 days pursuant to PRC Section 43219. If there are no significant violations or all significant violations have been identified and resolved, staff will recommend that the Board not initiate a formal LEA Performance Review pursuant to PRC Section 43219.

2nd Step: LEA Performance Rating

This step involves Board staff concluding whether LEA performance is rated as "Acceptable", "Acceptable with Improvement", or "Unacceptable".
This rating is based on Step 1 findings as well as the LEA's performance in meeting its duties and responsibilities.

As stated in Step 1, if an LEA fails to identify and resolve any significant violation of state minimum requirements staff may recommend that the Board conduct a formal performance review of the LEA. This finding would also cause staff to recommend that the LEA'S performance be rated as "Unacceptable".

If the LEA has identified and resolved all significant violations as outlined in Step 1, staff will recommend that the Board rate the LEA'S performance as either "Acceptable" or "Acceptable with Improvement".

An "Acceptable" rating is recommended for those LEAs which meet most or all of their LEA duties and responsibilities and would have little or no problem meeting the LEA Certification regulations now being promulgated by the Board. An "Acceptable with Improvement" rating is recommended for those LEAs which have not met most or all of their LEA duties and responsibilities and are likely to have trouble meeting the Board's new LEA Certification regulations.

LEA compliance with the following LEA duties and responsibilities are a primary consideration used to determine between an LEA performance rating of Acceptable with Improvement or Acceptable:

1) The LEA has conducted monthly inspections of active, and illegal sites pursuant to PRC Section 43218.

2) The LEA has conducted quarterly inspections of inactive, closed, abandoned, and exempt sites pursuant to PRC Section 43218.

3) The LEA has conducted weekly inspections of sites operating on performance standards pursuant to 14 CCR 17683.

4) The LEA has transmitted monthly inspection reports to the Board within 30 days pursuant to PRC Section 43218.

5) The LEA has conducted solid waste facility inspections of each site in its jurisdiction in conjunction with the Board's annual inspections pursuant to PRC Section 43219.

6) The LEA has investigated Written Reports of Violations pursuant to 14 CCR 18302 and 18303.

7) The LEA has taken appropriate enforcement action pursuant to PRC Section 45000, 14 CCR 18304, and 14 CCR 18307.

8) The LEA has conducted applicable 5-year permit reviews pursuant to 14 CCR 18213.

9) The LEA has conducted timely reviews of Preliminary and Final Closure/Postclosure Maintenance plans pursuant to 14 CCR 18270.

COLUSA COUNTY LEA

Colusa County is located in the Sacramento Valley with it's western boundaries extending into the Northern Coast Ranges. According to the 1990 U.S. census report, the population of Colusa County was 16,150. Colusa is rural in nature and is characterized by farming and ranching. The climate is typically hot, dry summers and cool, wet winters.

On May 24, 1977, in a resolution by the Colusa County Board of Supervisors, Colusa County Public Works and Colusa County Health Department were designated as joint LEAs for Colusa County. This proposal was submitted to the California Waste Management Board for approval. The Board found this proposal to be unacceptable, because of possible conflict of interest between Public Works as an operator and it's role in enforcement (pursuant to Government Code Section 66796 [d]). The Colusa County Board of Supervisors redesignated the County LEA to be the Department of Health on July 22, 1977. The designation of Colusa County Health Department as Colusa LEA was approved by the Board on December 2, 1977 (resolution No. 77-113-LEA). Currently the LEA is the Colusa County Department of Environmental Health which is under the Colusa County Health Department. Dr. John Heckman is the County Health Officer and Mr. Richard Dickson is the designated LEA contact person.

There are twelve known sites within the LEA'S jurisdiction, of which three are active and permitted **(Figure 1)**. The active permitted sites are Evans Road Landfill (06-AA-0001), Stonyford Landfill (06-AA-0002), and Maxwell Transfer Station (06-AA-0003). Charter Evaporation Resource Recovery System is an inactive, permitted site and is permitted as both a transfer station (06-AA-0006) and a landfill (06-AA-0007).

The eight other sites in Colusa County have never been permitted by the Board. A Notice of Operation for Colusa State Park was submitted to the Board in 1982. However, the permit process was never completed for this site and the file has been archived. The remaining seven illegal sites have been referred to the Board's Closed, Illegal and Abandoned Sites Branch.

FACILITY INSPECTION RESULTS

On January 24, 1991, Board staff met in Sacramento with a representative of the Colusa County LEA. The purpose of this meeting was to explain the new California Integrated Waste

COLUSA COUNTY LEA 06-AA
FACILITIES EVALUATION REPORT

FIGURE 1

FACILITY INVENTORY (Page 1 of 1)

					CLOSURE	TONAGE				WASTE	SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	YEAR	DAILY	IN PLACE	ACRES	SETTING	SPECIAL	AIR	WATER
EVANS ROAD LANDFILL	06-AA-0001	LANDFILL	ACTIVE	12/8/78	2003	30 TONS		25	RURAL	SEPTAGE	05-AUG-88	01-JUL_88
STONYFORD DISPOSAL SITE	06-AA-0002	LANDFILL	ACTIVE	7/14/81	2021	1TON/DAY		8	RURAL	SEPTAGE	05-AUG-88	01-JUL-88
MAXWELL TRANSFER STATION	06-AA-0003	TRANSFER	ACTIVE	2/21/85		40cy/day		10	RURAL			
COLUSA STATE PARK	06-AA-0005	LANDFILL	ARCHIVE	ILLEGAL	UNKNOWN				RURAL			
CHARTER EVAPORATION RESOURCE RECOVERY SYSTEM	06-AA-0006	TRANSFER	NOT ACTIVE	11/17/89	2009	315 TONS	NONE	102 ac	RURAL	DRL MUD BRN WTR		
CHARTER EVAPORATION RESOURCE RECOVERY SYSTEM	06-AA-0007	LANDFILL	NOT ACTIVE	11/17/89	2009	420 TONS	NONE	102 ac	RURAL	DRL MUD BRN WTR		
OLD WILLIAMS DUMP		LANDFILL	CIA	NONE	UNKNOWN				RURAL			
HAULSEY DUMP		LANDFILL	CIA	NONE	UNKNOWN							
LURLINE DUMP		LANDFILL	CIA	NONE	UNKNOWN				RURAL			
MNF #41-1 (FOUTS SPRINGS SITE)		LANDFILL	CIA	NONE	1972		1500 cy		FORREST			
MNF #41-2 (UPPER TROUGH RIDGE)		LANDFILL	CIA	NONE	1970		300 cy		FORREST			
MNF #41-3 (LOWER TROUGH RIDGE)		LANDFILL	CIA	NONE	1970		300 cy		FORREST			
MNF #42-1 (STONYFORD DUMP SITE)		LANDFILL	CIA	NONE	1972		2500 cy		FORREST			

DRL MUD = DRILLING MUDS
BRN WTR = BRINE WASTEWATER
CIA = CLOSED\ILLEGAL\ABANDONED

Management Board (CIWMB) programs, as they are being developed under AB 939. Those present at the meeting were: Richard Dickson (Colusa County Environmental Health), Andy Marino (CIWMB, Facilities Evaluation), Mike Kuhn (CIWMB, Permits), Gabe Aboushnab (CIWMB, LEA Evaluation) and James Omand (CIWMB, Facilities Evaluation). Mr. Dickson was given a copy of the Permit Enforcement Policy and a schedule of dates was established for Colusa County facility inspections.

During February 1991, each permitted site in Colusa County was assessed for compliance with applicable sections of Division 30 of then Public Resources Code and Title 14, California Code of Regulations (CCR). Subsequently the closed, illegal, abandoned, and exempt sites which could be located were also visited and assessed.

Five violations and four areas of concern were identified at the permitted sites within the LEA's jurisdiction. LEA facility inspection results for the last year compared with the results of Board's annual inspection are presented in **Appendix B**. The Board's annual State Inspection Reports for active permitted solid waste facilities in the LEA's jurisdiction are attached as **Appendix C**. Several closed, illegal and abandoned sites were identified that require further assessment. These sites will be referred to the Board's Closed, Illegal and Abandoned Sites Branch.

ACTIVE, PERMITTED FACILITIES

Evans Road Landfill (06-AA-0001)
This facility is a Class III Landfill located on Evans Road approximately seven miles southwest of Williams. This site is the primary disposal facility for Colusa County and is operated by the Colusa County Department of Public Works. This is a 123 acre site with 25 acres being used for current waste disposal activities and the remaining 98 acres being proposed for expansion. The land surrounding this site is almost exclusively agricultural and is used primarily for grazing of stock and cultivation of orchards.

On February 21, 1991, accompanied by a representative of the LEA, Board staff conducted an inspection of this facility. Four Violations and three Areas of Concern were identified during this inspection. Details of this inspection can be found on the attached inspection report (Appendix C).

Stonyford Disposal Site (06-AA-0002)
This site is a Class III Landfill located approximately one mile south of Stonyford. The land surrounding this site is gently sloping terrain covered by open grass and oak trees. No residents are located within 1,000 feet of the site. The total site property

comprises 48 acres, of which 8 acres are currently being used for waste disposal.

On February 22, 1991, accompanied by an LEA representative, Board staff conducted an inspection of this facility. One Area of Concern was identified during this inspection. Details of this inspection can be found on the attached inspection report (Appendix C).

Maxwell Transfer Station (06-AA-0003)
This site is a small volume transfer station and is located approximately one mile south of Maxwell on Highway 99. The facility includes an elevated dumping platform and several 40 cubic yard bins. Solid wastes are transferred directly from vehicles to the bins. The bins are taken to Evans Road Landfill for land disposal.

On February 22, 1991, accompanied by an LEA representative, Board staff conducted an inspection of this facility. Two Violations were identified during this inspection. Details of this inspection can be found in the attached inspection report (Appendix C).

INACTIVE, PERMITTED SITES

Charter Evaporation Resource Recovery System (06-AA-0006 and 06-AA-0007)
This proposed facility is a 102 acre site located three miles northwest of Arbuckle. Land surrounding the site is agricultural and there are no dwellings within 1000 feet of the site. The site is permitted by CIWMB as both a Landfill and Transfer/Processing facility. The facility was proposed for the processing and/or disposal of two types of designated wastes: brine wastewater, and drilling muds and cuttings. Although the permits were issued in 1989, construction of this proposed facility has never commenced.

Board staff, accompanied by a representative of the LEA, visited this site on February 21, 1991. At that time no construction had begun, and the site consisted of only a dirt road and several groundwater monitoring wells. Currently there is activity to re-permit this facility by another operator.

ARCHIVED FILES

Colusa State Park 06-AA-0005
This is an illegal site that is located at 12th and Levee streets in the City of Colusa. It was formerly used by the City of Colusa to dispose of leaves and street sweepings. A State Park has been constructed directly over the previous disposal area.

In March 1991, Board staff tested this site for the presence of landfill gas. Gas was detected at concentrations that were below regulatory concern. Information that CIWMB Enforcement staff has gathered on this site will be forwarded to the Closed, Illegal and Abandoned Sites Branch.

CLOSED/ILLEGAL/ABANDONED SITES

Old Williams Dump
This site is located on Freshwater Road between Old Highway 99 and Highway 20, and is approximately one mile northeast of the town of Williams. This site is reported to be an old " burn dump " that was used by the residents of Williams and local farm residents. The area of the site is estimated to be 3-5 acres. Currently the Colusa County Farmers Cooperative is constructed on top of the old site. In March of 1991, Board staff tested this site for the presence of landfill gas. Gas was detected at concentrations that were below regulatory concern. The information that enforcement staff has gathered regarding this site will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch for further evaluation.

Haulsey Disposal Site
This site is located on the east side of the levee about 1/2 mile northeast of the end of Brown Road. The site is approximately one acre in size. All putrescible waste have been excavated and removed and currently only inert materials are present on the site. The information that Enforcement staff has gathered on this site will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch for further evaluation.

Lurline Road Dump
This site is directly north of Lurline Road approximately two miles west of the town of Colusa. The area surrounding this site is agricultural and there were no structures within 1000 feet of the site. This site shows signs of recent illegal dumping. The information that Enforcement staff has gathered on the site will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch.

Mendocino National Forest (MNF) Disposal Sites
Board staff identified four disposal sites in Colusa County that are within the boundaries of the Mendocino National Forest (Figure 1). During May 1991, Forest Service Personnel accompanied Board staff to each of these sites. All four sites have been inactive since the early 1970's. None of the sites showed signs of resent disposal activity. The Forest Service has contracted a private consultant to prepare an evaluation report for each of these sites.

The State of California Department of Health Services is currently evaluating these Forest Service sites for the presence of toxics. The information that Enforcement staff has gathered on these sites will be forwarded to the Board's Closed, Illegal and Abandoned Sites Branch.

NON-COMPLYING FACILITIES

During the annual state inspections two of the three active facilities within this LEA jurisdiction were found to be in violation of one or more State Minimum Standard. At the LEA exit interview held on June 24, 1991, Mr. Dickson verified that all violations of State Minimum Standards had been corrected. Board staff therefore recommend that none of the facilities within the Colusa County LEA jurisdiction be placed on the State List of Non-Complying Facilities.

LEA PERFORMANCE

The results of rating the Colusa County LEA's performance against the LEA evaluation criteria are presented in **Figure 2**. For the most part, the LEA has taken appropriate enforcement action in an attempt to bring non-complying facilities within its jurisdiction into compliance with State laws and regulations. This has primarily consisted of conducting regular inspections, issuing Notice of Violations and following up on the next scheduled inspection to insure the operator corrects the violations within one month.

The County has hired a new Director of Environmental Health (LEA) who started work in March of 1990. The Director has continued to work well with Board staff and is currently attempting to implement all Board regulations and policies. The LEA has been conscientious in doing monthly SWIS inspections at the active sites within this jurisdiction **Appendix B**. Inspection reports from Colusa County have been sent to the Board within the required 30 days. The inactive Charter Evaporation Resource Recovery System has not been inspected on a monthly basis, however this seems reasonable since there has never been any construction or disposal activities at this site. Because regulations for the inspection of Closed, Illegal and Abandoned (CIA) sites have yet to be developed, the Colusa County LEA was not evaluated regarding inspection of CIA sites.

Board Permit Branch staff considers the Colusa County LEA to be out

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COLUSA COUNTY 06-AA
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

Figure 2

FACILITY NAME / SWIS #	EVANS ROAD LANDFILL 06-AA-0001		STONYFORD LANDFILL 06-AA-0002		MAXWELL TRANSFER STA. 06-AA-0003	
FACILITY VIOLATIONS	V	AOC	V	AOC	V	AOC
30 PRC, 14 CCR, Other (* = Emergency Violation)	4	3	0	1	2	0
LEA PERFORMANCE						
30 PRC 43219 - Significant violations (a through f)						
a. 30 PRC 45300 - Emergency violation idenified and resolved	C		C		C	
b. 14 CCR 18340 - Notice & Order issued for permit violation (Permit Enf. Policy)	C		C		C	
c. 30 PRC 45000, 44001, 44002 - Active site, No SWFP - appropriate enf. action taken	C		C		C	
d. 30 PRC 43207 - Conflict of interest	C		C		C	
e. 30 PRC, 14 CCR - Failure to implement LEA program	C		C		C	
f. 14 CCR 18305 - Enforcement of Notice and Orders	C		C		C	
30 PRC 43218 - Monthly inspections of active, inactive, and illegal sites	C		C		C	
14 CCR CH.3 ART. 7.8 - Quarterly inspections of closed, abandoned, and exempt sites	N/A		N/A		N/A	
14 CCR 17683 - Weekly inspection of performance standards sites	C		C		C	
30 PRC 43218 - Inspection reports sent within 30 days	C		C		C	
30 PRC 43219 (a) - Yearly inspections conducted with Board staff	C		C		C	
14 CCR 18302, 18303 - Investigated reports of violations	C		C		C	
14 CCR 18304, 18307 30 PRC 45000 - Appropriate enforcement action taken (N & O / Compliance Schedules)	V		C		C	
14 CCR 18213 - Five Year Permit Review	V		C		V	
14 CCR 18270 - Review of Closure/Postclosure plans	V		C		C	

V = violation; AOC = Area of Concern; C = Compliance; N & O = Notice and Order; N/A = Not Applicable; AG = Attorney General

of compliance for a Five Year Permit Review on both Evans Road Landfill (06-AA-0001) and Maxwell Transfer Station (06-AA-0001). Also, Board staff has concluded that the violation of the terms and conditions of the operators SWFP for Evans Road Landfill should have been dealt with in a more timely manner.

Closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Maintenance Plan. The Colusa County LEA is working with Board staff to develop Closure/Postclosure Plans for solid waste facilities in Colusa County.

The Colusa County LEA has been very cooperative while working with Board staff. Mr. Dickson was present at all times during the yearly State Inspections. Also, Mr. Dickson made special arrangements for Board staff to access private property for the purpose of landfill gas testing at CIA sites. Mr. Dickson has submitted a draft Notice and Order for the Violations at Evans Road Landfill (06-AA-0001). Board staff has made comments on the Notice and Order and Mr. Dickson is in the process of finalizing the document.

At the exit interview on June 24, 1991 Mr. Dickson verified that all violations, identified during the annual state inspections, had either been corrected or adressed by a compliance order.

LEA COMMENTS

On June 24, 1991 Board staff met with Richard Dickson to discuss the final draft of the Facility Evaluation Report for Colusa County. During the meeting Mr. Dickson pointed out that a minimal number of operational (State Minimum Standards) violations were idenified by the FER for facilities in Colusa County. Mr. Dickson indicated that he has inherited the non-operational problems, and he has not had sufficient time to solve these problems. Mr. Dickson said that the Colusa County LEA program places a high priority on compliance with regulations, and he emphasized the importance of cooperation between Board staff and local enforcement. Mr. Dickson expressed his disagreement with the proposed LEA Certification Regulations that require a full-time person devoted to solid waste within each jurisdiction. Mr. Dickson submited written comments to the FER dated June 25, 1991 **(Appendix A)**.

RECOMMENDATIONS

1. Board staff documented at least one violation of minimum standards at each of the following sites: Evans Road Landfill

(06-AA-0001); Maxwell Transfer Station (06-AA-0003). As of the exit interview conducted with the LEA on June 24, 1991, the LEA had verified that all violations of State Minimum Standards had been corected.

Board staff will recommend that none of the facilities within this LEA jurisdiction be placed on the State List of Non-Complying Facilities.

2. No significant violations of state minimum requirements were identified during the evaluation pursuant to PRC Section 43219. Therefore, Board staff will not recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219.

3. While the Colusa County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed to take timely action on: the permit violations at Evans Road Landfill (06-AA-0001); Five Year Permit Review for Evans Road Landfill and Maxwell Transfer Station (06-AA-0003). In addition closure activities were initiated at Evans Road Landfill without an approved Closure/Postclosure Maintenance Plan. Board staff will therefore recommend that the Board rate the Colusa County LEA's performance as "Acceptable with Improvement".

A performance rating of "Acceptable with Improvement" means that a higher level of performance will be needed in order for the Colusa County LEA to meet the proposed standards for LEA re-designation/ certification by August 1, 1992.

Board staff will be available to assist the Colusa County LEA to improve implementation of its Enforcement Program.

APPENDICES:

A. LEA Written Comments

B. LEA Inspection Summary

C. Facility Inspection Reports

COUNTY OF COLUSA
PUBLIC HEALTH DEPARTMENT

☐ Public Health (916) 458-5177
☒ Environmental Health (916) 458-7717
☐ Child Health & Disability Program (CHDP) 458-5177
☐ Animal Control (916) 458-4500
☐ California Children Services (CCS) (916) 458-5177

P.O. Box 610 • 251 E. Webster Street • Colusa, CA 95932

June 25, 1991

TO: John K. Bell, Assistant Chief
Enforcement Division
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

FROM: Richard S. Dickson
Director of Environmental Health

RE: Written Comments From Meeting on Colusa County Facilities Evaluation Report (FER)

On June 24, 1991 a meeting was conducted at Colusa County Environmental Health (LEA) to comment and discuss the draft FER. The following staff of CIWMB met with Richard Dickson: John K. Bell, Andy Marino, James Omaud, Michael Finch and Michelle Marconi.

Comments and discussion were taken as informal minutes by Mr. Omaud, to be incorporated into the FER. This letter will serve as written comments from this department on the FER.

The LEA was given a performance rating of "Acceptable with Improvement". Clarification of this department's current status is necessary to have a full understanding of the performance rating. The LEA came under a new director in March of 1990.

Since March 1990, facility inspections have been current. The Evans Road Landfill submitted for a permit review in June of 1990. Stonyford Landfill submitted for permit review in October of 1990. Both permit reviews were withdrawn by this department to add CIWMB requested information to the Report of Disposal Site Information (RDSI). Evans Road Landfill's EIR is in the final phases. The engineering studies for closure of Solid Waste Unit #1 are currently in progress.

A notice and order will be served on Colusa County Public Works for compliance at Evans Road Landfill. The notice and

order requires compliance with CIWMB inspection violations, permit review and submission, tonnages, wastes received, site operation, terms and conditions, and site size.

Until the last few years, proactive enforcement at solid waste facilities was not accomplished by LEAs and CIWMB. With increased efforts by both agencies, mainly for facility compliance, many violations have been noted throughout the state. This department has made a concerted effort to bring about compliance at all facilities. It is extremely important that a cooperative atmosphere be maintained between LEAs and CIWMB.

This department requests that these comments be included in the FER.

RSD/mb

APPENDIX B
COLUSA COUNTY LOCAL ENFORCEMENT AGENCY FACILITIES EVALUATION REPORT
INSPECTION SUMMARY - EVANS ROAD LANDFILL, 06-AA-0001
4/90 TO 3/91

EVANS ROAD LANDFILL 06-AA-0001	RECORDS	PERSONNEL	SIGNS	SECURITY	ROADS	SCREENING	SANITATION	COMMUNICATIONS	LIGHTING	SAFETY	UNLOADING	CLEANUP	REMOVAL	COMPACTING	GRADING	COVER	SALVAGING	NUISANCE	FIRE	LEACHATE	GAS	DUST	VECTORS	DRAINAGE	LITTER	NOISE	ODOR	TRAFFIC	EQUIPMENT	MAINTENANCE	PERMIT
28-MAR-91																A															
21-FEB-91	V		V												A										A						
25-JAN-91																									A						
27-DEC-90																								A							
19-NOV-90																								A							
18-OCT-90															A																
01-OCT-90																															
29-AUG-90															A							V									
27-JUL-90																						A									
22-JUN-90																								V						V	
30-MAY-90																						A			V						
27-APR-90																									A						

RESULTS OF CIWMB ANNUAL INSPECTION OF 02/21/91

21-FEB-91	A		V	A																				V							V

V = VIOLATION
A = AREA OF CONCERN

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APPENDIX B
COLUSA COUNTY LOCAL ENFORCEMENT AGENCY FACILITIES EVALUATION REPORT
INSPECTION SUMMARY - STONYFORD LANDFILL, 06-AA-0002
4/90 TO 3/91

STONYFORD LANDFILL 06-AA-0002	RECORDS	PERSONNEL	SIGNS	SECURITY	ROADS	SCREENING	SANITATION	COMMUNICATIONS	LIGHTING	SAFETY	UNLOADING	CLEANUP	REMOVAL	COMPACTING	GRADING	COVER	SALVAGING	NUISANCE	FIRE	LEACHATE	GAS	DUST	VECTORS	DRAINAGE	LITTER	NOISE	ODOR	TRAFFIC	EQUIPMENT	MAINTENANCE	PERMIT
21-MAR-91																															
22-FEB-91																A									A						
31-JAN-91																V							V								
27-DEC-90																A															
21-NOV-90					A											V							A								
19-OCT-90					A											V									V						
25-SEP-90																V									V						
27-AUG-90																V							V		V						
27-JUL-90																															
26-JUN-90																															
30-MAY-90					V																				V						
25-APR-90																															

RESULTS OF CIWMB ANNUAL INSPECTION OF 02/21/91

22-FEB-91																A															

V = VIOLATION
A = AREA OF CONCERN

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APPENDIX B
COLUSA COUNTY LOCAL ENFORCEMENT AGENCY
FACILITIES EVALUATION REPORT - INSPECTION SUMMARY
MAXWELL TRANSFER STATION 06-AA-0003
4/90 TO 3/91

MAXWELL TRANSFER STATION 06-AA-0003	RECORDS	SAFETY	UNLOADING	CLEANUP	REMOVAL	NUISANCE	VECTORS	DRAINAGE	LITTER	OTHER
18-MAR-91										V
22-FEB-91				**V**						**V**
30-JAN-91										
13-DEC-90										
21-NOV-90										
11-OCT-90				V					V	
26-SEP-90				V					V	
24-AUG-90										
27-JUL-90			V							V
18-JUN-90										
30-MAY-90										V
25-MAR-90										

RESULTS OF CIWMB ANNUAL INSPECTION OF 02/22/91

22-FEB-91										V

V = VIOLATION
A = AREA OF CONCERN

STATE OF CALIFORNIA

Pete Wilson, Gov

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

March 22, 1991

Dr. John Heckman, Health Officer
Colusa County Health Department
251 East Webster Avenue
P.O. Box 610
Colusa, CA 95923

RE: State Inspection Report - Evans Road Landfill - Facility File No. 06-AA-0001

Dear Dr. Heckman:

California Integrated Waste Management Board (Board) staff conducted a State Inspection of the Evans Road Landfill on February 21, 1991, pursuant to Division 30, Public Resources Code (PRC), Sections 43214 and 43219 (a). Enclosed is a copy of the State Inspection Report.

The following violations of the PRC and Title 14, California Code of Regulations (CCR) were documented during the investigation:

PRC 44014(b) - Terms and Conditions
14 CCR 17657 - Entry Signs
14 CCR 17798 - Drainage and Erosion Control
14 CCR 18255 - Submittal of Closure\Postclosure Maintenance Plans

In addition, Areas of Concern were noted with the following section of the CCR:

14 CCR 17636 - Weight/Volume Records
14 CCR 17658 - Site Security
14 CCR 17777 - Final Site Face

Appropriate enforcement action(s) should be pursued as necessary by the Local Enforcement Agency (LEA) to ensure that all applicable codes and regulations are being met at this site (30 PRC 43209).

14 CRC 18304 requires an LEA having knowledge of a Permit Violation to issue a Notice and Order to the operator to undertake activity to remedy the violation. As indicated in the

January 24, 1991 meeting between Board staff and the LEA, enforcement action should follow the guidelines of the Permit Enforcement Policy (PEP) dated June 26, 1990 and mailed to each LEA on January 29, 1991 (attached). If an LEA has knowledge of a Permit Violation and fails to issue a Notice and Order as required, the Board may assume that responsibility, and investigate the LEA's designation.

Also, please be aware that Closure\Postclosure activities have been initiated at this site without an approved Closure\Postclosure Maintenance Plan, in violation of 14 CCR 18255.

A Facilities Evaluation Report (FER) will follow when the review of your enforcement program and all State Inspection Reports of facilities within your jurisdiction are completed. We have tentatively scheduled to present the Colusa County FER to the Board's Permitting and Enforcement Committee at their May 15, 1991 meeting in Sacramento.

If you have any questions or comments, please call James Omand, your enforcement division contact person, at (916) 323-3658. Questions regarding Closure\Postclosure maintenance should be directed to Kim Schwab of the Board's Closure/Postclosure Maintenance Branch at (915) 327-9337.

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor
Facility Evaluations Branch
Enforcement Division

JWM:JWO

EVANS2.LTR

Enclosures

cc: Russell Gum, Colusa County Department of Public Works
Scott Walker, Central Valley Regional Water Quality Control Board
Harry Krug, Colusa County Air Pollution Control District
Gary Cox, Arbuckle Fire Department

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

JAN 2 9 1991

To: ALL LOCAL ENFORCEMENT AGENCIES

Subject: Permit Enforcement Policy

On November 27, 1990, the California Integrated Waste Management Board (Board) adopted the June 26, 1990 version of the Permit Enforcement Policy (PEP). Attached is a copy for your use. The policy affirms the Board's position that Local Enforcement Agencies (LEAs) should take enforcement action when limits established by Solid Waste Facilities Permits are exceeded. The policy provides LEAs with a framework for enforcing Division 30 Public Resources Code (PRC) section 45000.

The policy embodies the following concepts:

1) All Solid Waste Facilities Permits (permit) were and are intended to establish limits on the design and operations of facilities.

2) Exceeding the limits of a permit is a violation of PRC section 44004 and CCR section 18211(c) requiring enforcement action. The only appropriate action by an LEA to remedy permit violations is to issue a Notice and Order that would bring the facility into compliance.

3) The policy applies to violations of permit terms and conditions, not to general and specific violations of State Minimum Standards for the operations of solid waste facilities. However, the policy does not preclude enforcement action for those types of violations. In some cases a Notice and Order will address both permit and State Minimum Standard violations.

4) A Notice and Order that includes a time schedule for compliance should bring the facility into compliance within a reasonable time but in no case beyond August 1, 1992.

5) No protracted compliance schedule can be incorporated into any Notice and Order for any facility that has known environmental or public health and safety problems.

6) The Notice and Order shall, in its most liberal form, maintain the status quo of the facility, and prohibit the operator from further violating the same or different permit terms and conditions.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD POLICY

ENFORCEMENT OF SOLID WASTE FACILITIES PERMITS

Purpose:

Public Resources Code, Section 44002, prohibits the operation of any solid waste facility in the State except as authorized by the terms and conditions of a solid waste facilities permit (Permit). At least every five years, a facility operator must cooperate with the LEA in a Permit Review.

In many of the Permits that are now being reviewed, LEAs are finding significant changes in the design or operation of the facilities. These changes are violations of an operator's Permit (Permit Violations).

Permit Violations include, but are not limited to, the following:

- exceeding authorized daily tonnages
- accepting unauthorized types of wastes
- expanding into unpermitted areas
- expanding beyond authorized height limits
- operating previously permitted solid waste facilities without permits.

Title 14, California Code of Regulations (CCR), section 18304, requires any LEA having knowledge of a Permit Violation to issue a Notice and Order to the operator to undertake activity to remedy the violation. There is no provision in the Public Resources Code or in regulation for waiving Permit Violations.

The purpose of this policy is to provide:

- standard guidance for LEAs so there is consistent enforcement of Permits statewide.
- a consistent procedure which will return site activities to the terms of the Permit instead of forcing litigation for noncompliance.

Policy:

1. Nothing in this policy permits a facility to be operated in violation of the State Minimum Standards.

2. This policy shall not restrict or prohibit an LEA from taking enforcement action at any solid waste facility. The LEA can issue a Notice and Order, when appropriate, for any

violation, including violations of the State Minimum Standards. However, if an LEA has knowledge of a Permit Violation but fails to issue a Notice and Order as required by 14 CCR 18304, the Board may assume that responsibility, and investigate the LEA's designation.

3. When an LEA determines that a Permit Violation exists, the LEA shall issue a Notice and Order pursuant to 14 CCR 18304. The Order shall require the operator to make the site's operations consistent with permitted levels within an appropriate time frame determined by the LEA. In determining the appropriate time frame for compliance, the LEA shall consider whether or not:

a) a hardship or other compelling reasons exist to maintain the facility design or operation which cause the Permit Violation(s),

b) all other waste management alternatives were considered and none would relieve the problem,

c) the costs and benefits to the public health and environment were thoroughly considered for each alternative,

d) the facility design and operation which cause the Permit Violation pose a threat to the environment or to public health and safety, and

e) the facility design and operation which cause the Permit Violation are consistent with local government planning objectives.

4. If the LEA determines that the operator cannot make the site's operations consistent with permitted levels within the appropriate time frame initially determined by the LEA, as referenced in paragraph three (3) above, the LEA should consider allowing the operator to enter into a Stipulated Order of Compliance. Such an Order must comply with the requirements of 14 CCR 18304 and should include the following:

a) a date-certain for compliance with the terms and conditions of the Permit, (Since all current LEAs will have to be certified according to Board regulations by August 1, 1992, no Stipulated Order of Compliance shall extend beyond that date.)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT
DISPOSAL SITES

FACILITY: Evans Road Landfill

SWIS #: 06-AA-0001

INSPECTION DATE: 2/21/91

LOCATION: Evans Road, 3 mi. south of Maxwell

OWNER: Colusa County

OPERATOR: Co a County Public Works

LEA: Richard Dickson, Colusa County Environmental Health

INSPECTOR: James Omand

ACCOMPANIED BY: Jack Miller, Richard Dickson, Boxing Cheng

ACREAGE: 40 Permitted

PERMITTED TONNAGE: 30 tons/day

ACTUAL TONNAGE: 44 tons/day
140 tons/day including as

SITE TELEPHONE #: (916) 473-2345

REQUIRED COVER FREQUENCY: 48 hrs.

PERMIT ISSUE DATE: 11/24/78

LAST PERMIT REVIEW: 11/24/78

LAST PERIODIC SITE REVIEW: 6/18/90

LIQUID WASTES ACCEPTED: Yes

HAZARDOUS WASTES ACCEPTED: Permitted, but not accepted

GAS/LEACHATE CONTROLS: No

V A C — V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

PERMITS

[ ] [ ] [■] PRC 44002 - Site operator is authorized by SWFP

[■] [ ] [ ] PRC 44014(b) - Operator compliance with SWFP terms and conditions

[ ] [ ] [■] 14 CCR 18213 - 5-year permit review

RECORDS

[ ] [ ] [■] 17606 - Recording - Site description filed at beginning of site use

[ ] [ ] [■] 17607 - Periodic Site Review

[ ] Completed every 5-year period from date of SWFP issuance
[ ] Review of site design, implementation and operation
[ ] Estimate of remaining site life
[ ] Conclusions and recommendations
[ ] Review completed and signed by a registered civil engineer

COMMENTS: PRC 44014(b) - Terms and Conditions. No operator of a solid waste facility shal make significant change in design or operation of any solid waste facility except in conformance with terms and conditions of a solid waste facilities permit. This facility w found to be accepting ash without authorization under it's current permit. This facility was found to be accepting daily tonage in considerable excess of it's permitted amount.

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Section Supervisor [signature] 3/20/91

Waste Management Specialist [signature] 3/22

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

[] [] ■ 17616 - Report of Disposal Site Information -RDSI on file and kept current
[] [] ■ 18222 - Report of Disposal Site Information
[] (a) Statement of site operation
[] (b) Types and quantities of wastes received
[] (c) Total acreage of site and projected life expectancy
[] (d) Topographic location map
[] (e) Plot plan showing legal boundaries
[] (f) Disposal area identified on plot plan with distance to nearest structure
[] (g) Sequence of site development
[] (h) Topographical site map with proposed final elevations
[] (i) Geological and hydrogeological site information
[] (j) Drainage and water control system
[] (k) Leachate management
[] (l) Monitoring well information
[] (m) Landfill gas management
[] (n) Final site use
[] (o) Resume of management organization
[] (p) List of agency approvals

DESIGN
[] [] ■ 17626 - Design Responsibility
[] [] ■ 17628 - General Design Parameters
[] [] ■ 17629 - Public Health Design Parameters

[] ■ [] 17636 - Weight/Volume Records
[] Records of weights or volumes kept in a form and manner approved by LEA
[] Records accurate to within 10 percent
[] [] ■ 17637 - Subsurface Records
[] Records of cuts made in natural terrain where fill will be placed
[] Depth to groundwater records kept
[] Other cuts which may affect safe operation or impact adjoining properties
[] [] ■ 17638 - Special Occurrences - Log kept at sites which accept 100 yd^3 of waste/d
[] [] ■ 17639 - Inspection of Records - Records open to insp. during normal busine[illegible]ho

SIGNS
[] [] ■ 17656 - Identification Signs - Public access points signed including name of si operator
■ [] [] 17657 - Entry Signs - Public sites shall have an entry sign which includes:
[] Schedule of charges
[] Hours of operation
[] Listing of materials which either will or will not be accepted

SECURITY
[] ■ [] 17658 - Site Security
[] Adequate perimeter barrier or topographical constraint
[] Open storage or ponding of haz. materials separately fenced and identified

ROADS
[] [] ■ 17659 - Access Roads
[] Reasonably smooth surface
[] Designed to minimize dust generation
[] Designed to minimize tracking of material onto public roads
[] [] ■ 17660 - Internal Roads
[] Roads used by the pubic are maintained and passable in all weather condition
[] Roads used by the public are signed with directions to the operating area

COMMENTS: 14 CCR 17636 - Weight\Volume Records. The weight and volume records for this facility must include all waste received. At the time of this inspection, the operator w not including the tonage for ash as part of the daily tonage for this facility. Please b aware, when the ash tonage is included, this facility is greatly exceeding it's permitted daily tonage.
14 CCR 17656 - Identification Signs. Each point of access, from a public road to a solid waste facility, shall be identified by a sign indicating the name of the site operato[illegible] T site did not provide this identification sign.
14 CCR - 17658 - Site Security. see bottom of page 3.

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Waste Management Specialist [signature] 3

V A C — V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

SANITATION

[] [] ■ 17666 - Sanitary Facilities - Facilities for site personnel available at the s or in the immediate vicinity

[] [] ■ 17667 - Water Supply - Potable water available for site personnel

COMMUNICATION

[] [] ■ 17668 - Communications Facilities
- [] Where hazardous wastes are accepted or where personnel are on duty, communication facilities are available on site
- [] Unattended facilities which accept non-hazardous waste have signs at highway turnoff and at the entrance which state "no communications facilities available at the site"

LIGHTING

[] [] ■ 17669 - Lighting - Site/equipment equipped with lighting where operations are conducted during hours of darkness

SAFETY

[] [] ■ 17670 - Personnel Health and Safety - Safety equipment in use as per LEA directi

PERSONNEL

[] [] ■ 17671 - Availability - Adequate numbers of qualified personnel available
[] [] ■ 17672 - Training - Site operators are adequately trained
[] [] ■ 17673 - Supervision - Adequate site supervision provided by operator
[] [] ■ 17674 - Site Attendant - Sites open to the public must have:
1) attendant on duty during operating hours, or
2) regularly scheduled inspections by the site operator

CONFINED UNLOADING

[] [] ■ 17676 - Confined Unloading
- [] Unloading confined to as small an area as practicable
- [] Adequate control of windblown material

SPREADING/COMPACTING

[] [] ■ 17677 - Spreading and Compacting - Loose layers do not exceed two feet before compaction

SLOPES/CUTS/GRADING

[] [] ■ 17678 - Slopes and Cuts
- [] Slope of working face allows adequate compaction
- [] Depth of cuts and slopes of trench sides approved by LEA

[] [] ■ 17710 - Grading of Fill Surfaces - Filled surfaces graded to promote lateral runoff of precip. and to prevent ponding

COVER

[] [] ■ 17680 - Stockpiling - Stockpiles do not interfere with site operations
[] [] ■ 17681 - Availability of Cover Material - Adequate supply of cover material avail
[] [] ■ 17682 - Cover
- [] Working face adequately covered
- [] Proper frequency of cover

N/A 17683 - Performance Standards
- [] (a) Vectors
- [] (b) Odor
- [] (c) Fire
- [] (d) Litter
- [] (e) Moisture infiltration

[] [] ■ 17684 - Intermediate Cover
- [] Adequate cover on intermediate cover areas
- [] Intermediate cover on all areas which have received no wastes for 180 days

COMMENTS: 14 CCR 1765[illegible] [illegible] security. The two septage ponds on the western portion of t site were not adequate[illegible] [illegible]. The operator indicated that the Central Valley Regional Water Quality Control [illegible] has ordered that these ponds must be removed. This standard would be judged to be [illegible] compliance if excavation of these ponds is completed within a reasonably short period [illegible] time.

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Waste Management Specialist [signature]

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

SALVAGING/PROCESSING

[] [] [] 17686 - Scavenging - Scavenging prohibited at all disposal sites

[] [] [] 17687 - Salvaging Permitted
- [] Salvaging operations permitted
- [] Salvaging conducted in a planned and controlled manner
- [] Salvaging not interfering with other site activities

[] [] [] 17688 - Volume Reduction and Energy Recovery
- [] Volume reduction and energy recovery operations permitted
- [] Operations conducted in a controlled manner
- [] Operations do not create health, safety or environmental problems

[] [] [] 17689 - Processing Area - Salvaging, volume reduction and resource recovery confined to clearly identifiable areas

[] [] [] 17690 - Storage of Salvage
- [] Salvage stored in defined area segregated from the working face
- [] Salvage stored to minimize risk of fire, hazard, or other nuisances
- [] Salvage limited to acceptable volume

[] [] [] 17691 - Removal - Maximum storage time limited to a duration which will not cause health or fire problems

[] [] [] 17692 - Non-Salvageable Items - Salvaging of non-salvageable items is prohibited

EQUIPMENT

[] [] [] 17693 - General - Equipment adequate in type, capacity and number and is adequately maintained

[] [] [] 17694 - Standby Equipment - Adequate availability of standby equipment

MAINTENANCE

[] [] [] 17695 - General - Effective preventive maintenance provided for site equipment and facilities

[] [] [] 17696 - Operating Site Maintenance - Adequate monitoring and repair of deteriorated conditions

NUISANCE

[] [] [] 17701 - Nuisance Control - Site operated and maintained so as not to create a public nuisance

[] [] [] 17702 - Animal Feeding - No feeding of refuse to animals which will be used for human consumption

FIRE

[] [] [] 17703 - Fire Control - Adequate fire control measures taken as required by local fire authorities

LEACHATE

[] [] [] 17704 - Leachate Control - Adequate steps taken to monitor, collect, treat and dispose of leachate

[] [] [] 17709 - Contact with Water - No solid waste in contact with surface or groundwater

GAS

[] [] [] 17705 - Gas Control
- [] Methane not to exceed the LEL (5% by volume in air) at site boundry
- [] Methane not to exceed 1.25% (by volume in air) in on-site structures
- [] Other

DUST

[] [] [] 17706 - Dust Control - Adequate measures taken to minimize the creation of dust

Waste Management Specialist [signature] 3/22/9

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V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

VECTORS/BIRDS

[] [] ■ 17707 - Vector and Bird Control - Steps taken to control/prevent the attractic harborage and propagation of:
[] Flies
[] Rodents
[] Birds
[] Other vectors

DRAINAGE/EROSION

■ [] [] 17708 - Drainage and Erosion Control
[] Adequate drainage provided
[] Eroded areas promptly repaired

LITTER

[] [] ■ 17711 - Litter Control
[] Litter routinely collected - no on-site accumulations
[] No litter blowing off site

NOISE

[] [] ■ 17712 - Noise Control - Noise control adequate

ODOR

[] [] ■ 17713 - Odor Control - Odor control adequate

TRAFFIC

[] [] ■ 17714 - Traffic Control
[] Traffic does not interfere with site operations or cause a safety problem
[] No stacking of vehicles waiting to enter the site on public streets

[] [] ■ 17715 - Ponded Liquid - Holding ponds minimize vector propagation

SPECIAL WASTES

[] [] ■ 17741 - Burning Wastes - Burning wastes immediately spread and extinguished
[] [] ■ 17742 - Hazardous Wastes
[] Facility accepts only site approved hazardous wastes
[] Acceptable elimination or control of dusts, fumes, mists, vapors and gasses
[] [] ■ 17743 - Liquid Wastes - Acceptance of liquid waste approved by RWQCB, local heal entity and the LEA
[] [] ■ 17744 - Dead Animals - Dead animals allowed by local regulations

MISCELLANEOUS

[] ■ [] Other - 14 CCR 17777 - Final Site Face.
■ [] [] 14 CCR 18255 - Submittal of Closure\Postclosure Maintenance Plans.

COMMENTS: 14 CCR 17708 - Drainage and Erosion Control. The large ditch, to the north of t excavated drilling mud pond has no provisions for drainage. If this ditch is to be used a a sedimintation pond, some mechanism for drainage must be provided so the pond will not become a safety hazzard.
14 CCR 17777 - Final Site Face. On the day of this inspection I measured the slope face i several places on the northern end of Waste Management Unit 1. The measurments I took exceeded 40 degrees. Please be advised that before closure of this facility can be completed, slopes over filled areas must be 30 degrees or less.
14 CCR 18255 - Submittal of Closure and Postclosure Maintenance Plans. At the time of thi inspection, the operator was placing ash and sludge residue on the top of the north end of Waste Management Unit 1. It was the operators contention that these materials did not require daily cover because they were the foundation layer for final cover. The operator also maintained that the ash should not be included in daily tonage, because it was being used as foundation layer for final cover. However, an operator of a solid waste landfill proposing to implement any closure activities shall obtain approval of the Final Closure a Postclosure Maintenance Plans before proceeding to implement closure or postclosure maintenance activities. Therefore, this practice must be discontinued until it is sanctioned by an approved Closure\Postclosure Maintenance Plan. Irregardlass of the closu plan, the operator must include the ash received as part of the daily tonage total.

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Waste Management Specialist James Grund 8/2

SWIS-09 (REV. 1/85)

'ICE OF INSPECTION
'OSAL SITE

LOCAL ENFORCEMENT AGENCY: Colusa County Environmental Health

CITY FILE NUMBER (COUNTY LEA NUMBER)	PROGRAM CODE	INSPECTION DATE (MM DD YY)	T-OUT	T-IN	TOTAL TIME (DECIMAL HOURS)
6 -AA-0001	S	(1011) 02/21/91	0730	1130	(1031) 4

RECEIVED BY:
Operator
Owner

CITY NAME: Evans Road Landfill

CITY LOCATION: Evans Road - Colusa County

INSPECTOR: James Anand ALSO PRESENT: Richard Dickson, Bonnie Cheng, Jack Miller

Comments:

Areas of Concern:
14 CCR 17636 - weight / volume records
14 CCR 17658 - Site security
14 CCR 17777 - Final Site Face

(for specific details, see State inspection Report)

	*V	C
(11) RECORDS		
☐ ACCURATE WEIGHT/VOLUME RECORDS MAINTAINED 17636		
☐ ADEQUATE SUBSURFACE RECORDS MAINTAINED 17637		
☐ LOG OF SPECIAL OCCURRENCES MAINTAINED 17638		
☐ RECORDS AVAILABLE FOR INSPECTION 17639		
(021) PERSONNEL		☑
☐ ADEQUATE NUMBER OF QUALIFIED PERSONNEL AVAILABLE 17646		
☐ PERSONNEL ADEQUATELY TRAINED 17647		
☐ ADEQUATE SUPERVISION PROVIDED 17648		
☐ SITE ATTENDANT AVAILABLE FULL-TIME OR AS DETERMINED BY LEA 17649		
(031) SIGNS	☑	
☐ IDENTIFICATION SIGNS AT EACH POINT OF ACCESS 17656		
☐ ENTRY SIGN STATES FEES, HOURS OF OPERATION, WASTES ACCEPTED/NOT ACCEPTED 17657		
☐ NON-HAZARDOUS UNATTENDED SITES HAVE SIGN WARNING USERS OF UNAVAILABILITY OF COMMUNICATION FACILITIES 17658		
(041) SECURITY		
☐ ADEQUATE PERIMETER SECURITY, HAZARDOUS AREAS FENCED AND IDENTIFIED 17659		
(051) ROADS		☑
☐ ACCESS ROADS HAVE SMOOTH SURFACE, MINIMIZE DUST AND TRACKING OF MUD, AND ALLOW ALL-WEATHER ACCESS 17659		
☐ INTERNAL ROADS IN SAFE CONDITION, PROVIDE ACCESS DURING INCLEMENT WEATHER, AND ARE PROVIDED WITH DIRECTIONS 17660		
(071) SANITATION		☑
☐ ADEQUATE SANITARY FACILITIES AVAILABLE 17666		
☐ SAFE ADEQUATE DRINKING WATER AVAILABLE 17667		
(081) COMMUNICATIONS		☑
☐ COMMUNICATION FACILITIES AVAILABLE WHERE HAZARDOUS WASTES ARE ACCEPTED 17668		
(091) LIGHTING	N/A	
☐ LIGHTING ADEQUATE 17669		
(101) SAFETY		☑
☐ SAFETY EQUIPMENT IN USE AND BEING WORN 17670		

	V	C
(3111) CONFINED UNLOADING		☑
☐ UNLOADING ADEQUATELY CONFINED 17676		
(3141) SPREADING/COMPACTING		☑
☐ SPREADING AND COMPACTION IN TWO-FOOT LAYERS 17677		
(3151) SLOPES/CUTS/GRADING		
☐ WORKING FACE SLOPES ALLOW EFFECTIVE COMPACTION, DEPTH OF CUTS AND SLOPES OF TRENCH SIDES AS APPROVED BY LEA 17678		
☐ FINAL SLOPES HAVE NEAT APPEARANCE AND ARE 1-3/4 : 1 OR FLATTER 17679		
☐ GRADING OF FILL SURFACES ADEQUATE 17710		
(3161) COVER		☑
☐ STOCKPILING OF COVER DOES NOT INTERFERE WITH OPERATIONS 17680		
☐ SUITABLE QUALITY AND SUPPLY OF COVER MATERIAL AVAILABLE 17681		
☐ COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17682		
☐ INTERMEDIATE COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17684		
☐ FINAL COVER PROVIDED AS REQUIRED 17685		
(3171) SALVAGING/PROCESSING		☑
☐ SCAVENGING PROHIBITED 17686		
☐ SALVAGING DOES NOT INTERFERE WITH OPERATIONS 17687		
☐ VOLUME REDUCTION AND ENERGY RECOVERY DO NOT INTERFERE WITH OPERATIONS OR CREATE HEALTH, SAFETY OR ENVIRONMENTAL PROBLEMS 17688		
☐ SALVAGING AND VOLUME REDUCTION CONFINED TO CLEARLY IDENTIFIED AREAS 17689		
☐ SALVAGE STORAGE LOCATION OK, VOLUME AS APPROVED BY LEA, MINIMIZES FIRE, NUISANCE 17690		
☐ SALVAGE STORAGE TIME DOES NOT RESULT IN HEALTH OR FIRE PROBLEMS 17691		
☐ SALVAGED MATERIALS APPROVED BY LEA AND LOCAL HEALTH 17692		
(3181) NUISANCE		☑
☐ OPERATIONS DO NOT CREATE A PUBLIC NUISANCE 17701		
☐ FEEDING OF REFUSE TO ANIMALS FOR HUMAN CONSUMPTION PROHIBITED 17702		

	V	C
(3191) FIRE		☑
☐ FIRE CONTROL ADEQUATE 17703		
(3192) FIRE (P)		☑
☐ BURNING MATERIALS SPREAD AND EXTINGUISHED, LEA, SWMB NOTIFIED IMMEDIATELY OF FIRE NOT EXTINGUISHED IN 24 HOURS 17683		
(3201) LEACHATE		☑
☐ ADEQUATE STEPS TAKEN TO MONITOR, COLLECT, TREAT, AND DISPOSE OF LEACHATES 17704		
☐ NO WASTES IN DIRECT CONTACT WITH WATER EXCEPT AS APPROVED BY RWQCB 17705		
(3202) LEACHATE (P)		☑
☐ REFUSE COVERED WITH NEAT DAY'S REFUSE OR WITH SIX INCHES OF COMPACTED SOIL, TOTAL AREA OF EXPOSED REFUSE IS AS SPECIFIED FOR WET AND DRY SEASONS 17693		
(3211) GAS		☑
☐ GAS MONITORING AND CONTROL AS REQUIRED 17709		
(3221) DUST		☑
☐ DUST CONTROL ADEQUATE 17708		
(3231) VECTORS/BIRDS		☑
☐ VECTOR AND BIRD CONTROL ADEQUATE 17707		
☐ LIQUID PONDS MINIMIZE VECTOR PROPAGATION 17713		
(3232) VECTORS (P)		☑
☐ THRESHOLD VALUES FOR VECTOR POPULATIONS NOT EXCEEDED 17694		
(3241) DRAINAGE/EROSION	☑	
☐ DRAINAGE AND EROSION CONTROL ADEQUATE 17706		
(3251) LITTER		☑
☐ LITTER CONTROL ADEQUATE 17711		
(3252) LITTER (P)		☑
☐ LITTER NOT ALLOWED TO MIGRATE OFF-SITE 17695		
(3261) NOISE		☑
☐ NOISE CONTROL ADEQUATE 17712		
(3271) ODOR		☑
☐ ODOR CONTROL ADEQUATE 17713		
(3272) ODOR (P)		☑
☐ AMBIENT AIR AT OR BEYOND FACILITY BOUNDARY IS NOT ODOROUS 17693		

	V	C
(3281) TRAFFIC		
☐ TRAFFIC CONTROL ADEQUATE WITHIN SITE, TRAFFIC MINIMIZES INTERFERENCE, SAFETY PROBLEMS, AND STACKING ON PUBLIC ROADS 17714		
(3291) EQUIPMENT		
☐ EQUIPMENT ADEQUATE IN TYPE, CAPACITY, AND NUMBER, AND IS ADEQUATELY MAINTAINED 17726		
☐ STANDBY EQUIPMENT AVAILABLE TO COMPLY WITH SEC. 17652 AND OTHER SECTIONS 17727		
(3301) MAINTENANCE		
☐ EFFECTIVE MAINTENANCE PROCEDURES AND PROGRAMS DEVELOPED AND UTILIZED 17731		
☐ ADEQUATE MONITORING AND REPAIR OF DETERIORATED CONDITIONS 17732		
(3311) CLOSURE		
☐ AFTER CLOSURE, IF LEACHATE, EXTENSIVE SURFACE CRACKING OR SETTLEMENT OCCURS, THE OWNER SHALL NOTIFY LEA AND SHALL MONITOR AND REPAIR SITE FOR A PERIOD OF 3 YEARS OR LONGER 17734		
☐ UPON SITE CLOSURE, DETAILED DESCRIPTION MUST BE FILED WITH THE LEA AND WITH THE COUNTY RECORDER 17735		
(3321) SPECIAL WASTES		
☐ BURNING WASTES IMMEDIATELY SPREAD AND EXTINGUISHED IN SAFE AREA 17741		
☐ SITE ACCEPTS ONLY APPROVED HAZARDOUS WASTES AND TAKES PRECAUTIONS TO ELIMINATE OR CONTROL HARMFUL DUSTS, FUMES, MISTS, VAPORS, OR GASES 17742		
☐ LIQUID WASTES APPROVED BY RWQCB, LOCAL HEALTH ENTITY AND LEA 17743		
☐ DEAD ANIMALS ALLOWED BY LOCAL REGULATIONS 17744		
(3331) OTHER	☑	
☐ PRC 14014(b). Term and Conditions		
14 CCR 18255 closure/postclosure		

*V = Violation
C = Compliance

WHITE — CWMB YELLOW — OPERATOR PINK — LEA

Pron

STATE OF CALIFORNIA

Pete Wilson, G.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

March 22, 1991

Dr. John Heckman, Health Officer
Colusa County Health Department
251 East Webster Avenue
P.O. Box 610
Colusa, CA 95923

RE: State Inspection Report - Stoneyford Landfill - Facility File No. 06-AA-0002

Dear Dr. Heckman:

California Integrated Waste Management Board (Board) staff conducted a State Inspection of the Stoneyford Landfill on February 22, 1991, pursuant to Division 30, Public Resources Code (PRC), Sections 43214 and 43219 (a). Enclosed is a copy of the State Inspection Report.

The following Area of Concern regarding Title 14, California Code of Regulations (CCR) was noted during the investigation:

14 CCR 17684 - Intermediate Cover

Appropriate enforcement action(s) should be pursued as necessary to ensure that all applicable codes and regulations are being met at this site (30 PRC 43209).

A Facilities Evaluation Report (FER) will follow when the review of your enforcement program and all State Inspection Reports of facilities within your jurisdiction are completed.

If you have any questions or comments, please call James Omand, your enforcement division contact person, at (916) 323-3658.

- Printed on Recycled Paper -

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor
Facility Evaluations Branch
Enforcement Division

JWM:JWO

STONY2.LTR

Enclosures

cc: Russell Gum, Colusa County Department of Public Health
Scott Walker, Central Valley Regional Water Quality Control Board
Harry Krug, Colusa County Air Pollution Control District
Jim Lynch, California Department of Forestry
Harlan Henderson, Indian Valley Fire Department

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT
DISPOSAL SITES

FACILITY: Stoneyford Disposal Site

SWIS #: 06-AA-0002

INSPECTION DATE: 2/22/91

LOCATION: Stoneyford-Lapoda Road, 1 mile South of Stoneyford

OWNER: Colusa County

OPERATOR: Colusa County Public Works

LEA: Richard Dickson, Colusa County Environmental Health

INSPECTOR: James Omand

ACCOMPANIED BY: Richard Dickson and Boxing Cheng

ACREAGE: 47.7 Permitted

PERMITTED TONNAGE: 1 ton/day

ACTUAL TONNAGE: 1 ton/day

SITE TELEPHONE #: CB radio, carried onsite by operator

REQUIRED COVER FREQUENCY: Weekly

PERMIT ISSUE DATE: 7/14/78

LAST PERMIT REVIEW: 7/14/78

LAST PERIODIC SITE REVIEW: 6/18/90

LIQUID WASTES ACCEPTED: Yes, septage

HAZARDOUS WASTES ACCEPTED: Permitted, but not accepted

GAS/LEACHATE CONTROLS: No

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

PERMITS

[ ] [ ] [■] PRC 44002 - Site operator is authorized by SWFP

[ ] [ ] [■] PRC 44014(b) - Operator compliance with SWFP terms and conditions

[ ] [ ] [■] 14 CCR 18213 - 5-year permit review

RECORDS

[ ] [ ] [■] 17606 - Recording - Site description filed at beginning of site use

[ ] [ ] [■] 17607 - Periodic Site Review

[ ] Completed every 5-year period from date of SWFP issuance

[ ] Review of site design, implementation and operation

[ ] Estimate of remaining site life

[ ] Conclusions and recommendations

[ ] Review completed and signed by a registered civil engineer

Section Supervisor [signature] 3/20/91

Waste Management Specialist [signature]

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V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

[] [] [■] 17616 - Report of Disposal Site Information -RDSI on file and kept current
[] [] [■] 18222 - Report of Disposal Site Information
[] (a) Statement of site operation
[] (b) Types and quantities of wastes received
[] (c) Total acreage of site and projected life expectancy
[] (d) Topographic location map
[] (e) Plot plan showing legal boundaries
[] (f) Disposal area identified on plot plan with distance to nearest structures
[] (g) Sequence of site development
[] (h) Topographical site map with proposed final elevations
[] (i) Geological and hydrogeological site information
[] (j) Drainage and water control system
[] (k) Leachate management
[] (l) Monitoring well information
[] (m) Landfill gas management
[] (n) Final site use
[] (o) Resume of management organization
[] (p) List of agency approvals

DESIGN
[] [] [■] 17626 - Design Responsibility
[] [] [■] 17628 - General Design Parameters
[] [] [■] 17629 - Public Health Design Parameters

[] [] [■] 17636 - Weight/Volume Records
[] Records of weights or volumes kept in a form and manner approved by LRA
[] Records accurate to within 10 percent
[] [] [■] 17637 - Subsurface Records
[] Records of cuts made in natural terrain where fill will be placed
[] Depth to groundwater records kept
[] Other cuts which may affect safe operation or impact adjoining properties
[] [] [■] 17638 - Special Occurrences - Log kept at sites which accept 100 yd^3 of waste/da
[] [] [■] 17639 - Inspection of Records - Records open to insp. during normal business hou

SIGNS
[] [] [■] 17656 - Identification Signs - Public access points signed including name of sit operator
[] [] [■] 17657 - Entry Signs - Public sites shall have an entry sign which includes:
[] Schedule of charges
[] Hours of operation
[] Listing of materials which either will or will not be accepted

SECURITY
[] [] [■] 17658 - Site Security
[] Adequate perimeter barrier or topographical constraint
[] Open storage or ponding of haz. materials separately fenced and identified

ROADS
[] [] [■] 17659 - Access Roads
[] Reasonably smooth surface
[] Designed to minimize dust generation
[] Designed to minimize tracking of material onto public roads
[] [] [■] 17660 - Internal Roads
[] Roads used by the public are maintained and passable in all weather condition
[] Roads used by the public are signed with directions to the operating area

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Waste Management Specialist

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

SANITATION

[] [] ■ 17666 - Sanitary Facilities - Facilities for site personnel available at the si or in the immediate vicinity

[] [] ■ 17667 - Water Supply - Potable water available for site personnel

COMMUNICATION

[] [] ■ 17668 - Communications Facilities
- [] Where hazardous wastes are accepted or where personnel are on duty, communication facilities are available on site
- [] Unattended facilities which accept non-hazardous waste have signs at highway turnoff and at the entrance which state "no communications facilities available at the site"

LIGHTING

[] [] ■ 17669 - Lighting - Site/equipment equipped with lighting where operations are conducted during hours of darkness

SAFETY

[] [] ■ 17670 - Personnel Health and Safety - Safety equipment in use as per LEA direct

PERSONNEL

[] [] ■ 17671 - Availability - Adequate numbers of qualified personnel available

[] [] ■ 17672 - Training - Site operators are adequately trained

[] [] ■ 17673 - Supervision - Adequate site supervision provided by operator

[] [] ■ 17674 - Site Attendant - Sites open to the public must have:
1) attendant on duty during operating hours, or
2) regularly scheduled inspections by the site operator

CONFINED UNLOADING

[] [] ■ 17676 - Confined Unloading
- [] Unloading confined to as small an area as practicable
- [] Adequate control of windblown material

SPREADING/COMPACTING

[] [] ■ 17677 - Spreading and Compacting - Loose layers do not exceed two feet before compaction

SLOPES/CUTS/GRADING

[] [] ■ 17678 - Slopes and Cuts
- [] Slope of working face allows adequate compaction
- [] Depth of cuts and slopes of trench sides approved by LEA

[] [] ■ 17710 - Grading of Fill Surfaces - Filled surfaces graded to promote lateral runoff of precip. and to prevent ponding

COVER

[] [] ■ 17680 - Stockpiling - Stockpiles do not interfere with site operations

[] [] ■ 17681 - Availability of Cover Material - Adequate supply of cover material ava

[] [] ■ 17682 - Cover
- [] Working face adequately covered
- [] Proper frequency of cover

N/A 17683 - Performance Standards
- [] (a) Vectors
- [] (b) Odor
- [] (c) Fire
- [] (d) Litter
- [] (e) Moisture Infiltration

[] ■ [] 17684 - Intermediate Cover
- [] Adequate cover on intermediate cover areas
- [] Intermediate cover on all areas which have received no wastes for 180 days

COMMENTS: 14 CCR 17684 - Intermediate Cover. Daylighting was observed in intermediate c directly south of the active face. Adequate intermediate cover is a chronic problem at site and is probably related to operational practices. Trash is dumped at one location site and then it is pushed to another location on-site. This procedure disrupts intact cover.

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Waste Management Specialist [signature]

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

SALVAGING/PROCESSING

[] [] [redacted] 17686 - Scavenging - Scavenging prohibited at all disposal sites

[] [] [redacted] 17687 - Salvaging Permitted
[] Salvaging operations permitted
[] Salvaging conducted in a planned and controlled manner
[] Salvaging not interfering with other site activities

[] [] [redacted] 17688 - Volume Reduction and Energy Recovery
[] Volume reduction and energy recovery operations permitted
[] Operations conducted in a controlled manner
[] Operations do not create health, safety or environmental problems

[] [] [redacted] 17689 - Processing Area - Salvaging, volume reduction and resource recovery confined to clearly identifiable areas

[] [] [redacted] 17690 - Storage of Salvage
[] Salvage stored in defined area segregated from the working face
[] Salvage stored to minimize risk of fire, hazard, or other nuisances
[] Salvage limited to acceptable volume

[] [] [redacted] 17691 - Removal - Maximum storage time limited to a duration which will not ca health or fire problems

[] [] [redacted] 17692 - Non-Salvageable Items - Salvaging of non-salvageable items is prohibite

EQUIPMENT

[] [] [redacted] 17693 - General - Equipment adequate in type, capacity and number and is adequately maintained

[] [] [redacted] 17694 - Standby Equipment - Adequate availability of standby equipment

MAINTENANCE

[] [] [redacted] 17695 - General - Effective preventive maintenance provided for site equipment facilities

[] [] [redacted] 17696 - Operating Site Maintenance - Adequate monitoring and repair of deteriorated conditions

NUISANCE

[] [] [redacted] 17701 - Nuisance Control - Site operated and maintained so as not to create a public nuisance

[] [] [redacted] 17702 - Animal Feeding - No feeding of refuse to animals which will be used for human consumption

FIRE

] [redacted] 17703 - Fire Control - Adequate fire control measures taken as required by loca fire authorities

LEACHATE

[] [] [redacted] 17704 - Leachate Control - Adequate steps taken to monitor, collect, treat and dispose of leachate

[] [] [redacted] 17709 - Contact with Water - No solid waste in contact with surface or groundwa

GAS

[] [] [redacted] 17705 - Gas Control
[] Methane not to exceed the LEL (5% by volume in air) at site boundry
[] Methane not to exceed 1.25% (by volume in air) in on-site structures
[] Other

DUST

[] [] [redacted] 17706 - Dust Control - Adequate measures taken to minimize the creation of dust

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Waste Management Specialist [signature]

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

VECTORS/BIRDS

[] [] [redacted] 17707 - Vector and Bird Control - Steps taken to control/prevent the attractior harborage, and propagation of:
[] Flies
[] Rodents
[] Birds
[] Other vectors

DRAINAGE/EROSION

[] [] [redacted] 17708 - Drainage and Erosion Control
[] Adequate drainage provided
[] Eroded areas promptly repaired

LITTER

[] [] [redacted] 17711 - Litter Control
[] Litter routinely collected - no on-site accumulations
[] No litter blowing off site

NOISE

[] [] [redacted] 17712 - Noise Control - Noise control adequate

ODOR

[] [] [redacted] 17713 - Odor Control - Odor control adequate

TRAFFIC

[] [] [redacted] 17714 - Traffic Control
[] Traffic does not interfere with site operations or cause a safety problem
[] No stacking of vehicles waiting to enter the site on public streets

[] [] [redacted] 17715 - Ponded Liquid - Holding ponds minimize vector propagation

SPECIAL WASTES

[] [] [redacted] 17741 - Burning Wastes - Burning wastes immediately spread and extinguished
[] [] [redacted] 17742 - Hazardous Wastes
[] Facility accepts only site approved hazardous wastes
[] Acceptable elimination or control of dusts, fumes, mists, vapors and gasses
[] [] [redacted] 17743 - Liquid Wastes - Acceptance of liquid waste approved by RWQCB, local hea entity and the LEA
[] [] [redacted] 17744 - Dead Animals - Dead animals allowed by local regulations

MISCELLANEOUS

[] [] [redacted] Other -

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Waste Management Specialist: [signature]

SWIS-09 (REV 1 87)

NOTICE OF INSPECTION DISPOSAL SITE

LOCAL ENFORCEMENT AGENCY: Colusa County Environmental Health

FACILITY FILE NUMBER (COUNTY LEA NUMBER)	PROGRAM CODE	INSPECTION DATE (MM DD YY)	T-OUT / T-IN	TOTAL TIME (DECIMAL HOURS)
06-AA-0002	S	(1011) 02/22/91		(1031) 2

FACILITY NAME: Stonyford Land Fill

FACILITY LOCATION: Stonyford - Lupoda Road

INSPECTOR: James Amaral | ALSO PRESENT: Richard Dickson, Boxing Cheng

RECEIVED BY:
Operator _____
Owner _____

Comments:

Area of Concern.
14 CCR 17684 - Intermediate Cover
(for specific details, see State inspection report)

	*V	C
(3011) RECORDS		✓
☐ ACCURATE WEIGHT/VOLUME RECORDS MAINTAINED 17636		
☐ ADEQUATE SUBSURFACE RECORDS MAINTAINED 17637		
☐ LOG OF SPECIAL OCCURRENCES MAINTAINED 17638		
☐ RECORDS AVAILABLE FOR INSPECTION 17639		
(3021) PERSONNEL		✓
☐ ADEQUATE NUMBER OF QUALIFIED PERSONNEL AVAILABLE 17646		
☐ PERSONNEL ADEQUATELY TRAINED 17647		
☐ ADEQUATE SUPERVISION PROVIDED 17648		
☐ SITE ATTENDANT AVAILABLE FULL-TIME OR AS DETERMINED BY LEA 17649		
(3031) SIGNS		✓
☐ IDENTIFICATION SIGNS AT EACH POINT OF ACCESS 17656		
☐ ENTRY SIGN STATES FEES, HOURS OF OPERATION, WASTES ACCEPTED/NOT ACCEPTED 17657		
☐ NON-HAZARDOUS UNATTENDED SITES HAVE SIGN WARNING USERS OF UNAVAILABILITY OF COMMUNICATION FACILITIES 17658		
(3041) SECURITY		✓
☒ ADEQUATE PERIMETER SECURITY, HAZARDOUS AREAS FENCED AND IDENTIFIED 17658		
(3051) ROADS		✓
☐ ACCESS ROADS HAVE SMOOTH SURFACE, MINIMIZE DUST AND TRACKING OF MUD, AND ALLOW ALL-WEATHER ACCESS 17659		
☐ INTERNAL ROADS IN SAFE CONDITION, PROVIDE ACCESS DURING INCLEMENT WEATHER, AND ARE PROVIDED WITH DIRECTIONS 17660		
(3071) SANITATION		✓
☐ ADEQUATE SANITARY FACILITIES AVAILABLE 17666		
☐ SAFE ADEQUATE DRINKING WATER AVAILABLE 17667		
(3081) COMMUNICATIONS		✓
☐ COMMUNICATION FACILITIES AVAILABLE WHERE HAZARDOUS WASTES ARE ACCEPTED 17668		
(3091) LIGHTING		✓
☐ LIGHTING ADEQUATE 17669		
(3101) SAFETY		✓
☐ SAFETY EQUIPMENT IN USE AND BEING WORN 17670		

	V	C
(3111) CONFINED UNLOADING		✓
☐ UNLOADING ADEQUATELY CONFINED 17676		
(3141) SPREADING/COMPACTING		✓
☐ SPREADING AND COMPACTION IN TWO-FOOT LAYERS 17677		
(3151) SLOPES/CUTS/GRADING		✓
☐ WORKING FACE SLOPES ALLOW EFFECTIVE COMPACTION, DEPTH OF CUTS AND SLOPES OF TRENCH SIDES AS APPROVED BY LEA 17678		
☐ FINAL SLOPES HAVE NEAT APPEARANCE AND ARE 1-3/4 : 1 OR FLATTER 17679		
☐ GRADING OF FILL SURFACES ADEQUATE 17710		
(3161) COVER		
☐ STOCKPILING OF COVER DOES NOT INTERFERE WITH OPERATIONS 17680		
☐ SUITABLE QUALITY AND SUPPLY OF COVER MATERIAL AVAILABLE 17681		
☐ COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17682		
☐ INTERMEDIATE COVER PROVIDED AT REQUIRED DEPTH AND FREQUENCY 17684		
☐ FINAL COVER PROVIDED AS REQUIRED 17685		
(3171) SALVAGING/PROCESSING		✓
☐ SCAVENGING PROHIBITED 17686		
☐ SALVAGING DOES NOT INTERFERE WITH OPERATIONS 17687		
☐ VOLUME REDUCTION AND ENERGY RECOVERY DO NOT INTERFERE WITH OPERATIONS OR CREATE HEALTH, SAFETY OR ENVIRONMENTAL PROBLEMS 17688		
☐ SALVAGING AND VOLUME REDUCTION CONFINED TO CLEARLY IDENTIFIED AREAS 17689		
☐ SALVAGE STORAGE LOCATION OK, VOLUME AS APPROVED BY LEA, MINIMIZES FIRE, NUISANCE 17690		
☐ SALVAGE STORAGE TIME DOES NOT RESULT IN HEALTH OR FIRE PROBLEMS 17691		
☐ SALVAGED MATERIALS APPROVED BY LEA AND LOCAL HEALTH 17692		
(3181) NUISANCE		✓
☐ OPERATIONS DO NOT CREATE A PUBLIC NUISANCE 17701		
☐ FEEDING OF REFUSE TO ANIMALS FOR HUMAN CONSUMPTION PROHIBITED 17702		

	V	C
(3191) FIRE		✓
☐ FIRE CONTROL ADEQUATE 17703		
(3192) FIRE (P)		✓
☐ BURNING MATERIALS SPREAD AND EXTINGUISHED. LEA, SWMB NOTIFIED IMMEDIATELY OF FIRE NOT EXTINGUISHED IN 24 HOURS 17683		
(3201) LEACHATE		✓
☐ ADEQUATE STEPS TAKEN TO MONITOR, COLLECT, TREAT, AND DISPOSE OF LEACHATES 17704		
☐ NO WASTES IN DIRECT CONTACT WITH WATER EXCEPT AS APPROVED BY RWQCB 17705		
(3202) MOISTURE (P)		✓
☐ REFUSE COVERED WITH NEXT DAY'S REFUSE OR WITH SIX INCHES OF COMPACTED SOIL. TOTAL AREA OF EXPOSED REFUSE IS AS SPECIFIED FOR WET AND DRY SEASONS 17683		
(3211) GAS		✓
☐ GAS MONITORING AND CONTROL AS REQUIRED 17709		
(3221) DUST		✓
☐ DUST CONTROL ADEQUATE 17706		
(3231) VECTORS/BIRDS		✓
☐ VECTOR AND BIRD CONTROL ADEQUATE 17707		
☐ LIQUID PONDS MINIMIZE VECTOR PROPAGATION 17715		
(3232) VECTORS (P)		✓
☐ THRESHOLD VALUES FOR VECTOR POPULATIONS NOT EXCEEDED 17683		
(3241) DRAINAGE/EROSION		✓
☐ DRAINAGE AND EROSION CONTROL ADEQUATE 17708		
(3251) LITTER		✓
☐ LITTER CONTROL ADEQUATE 17711		
(3252) LITTER (P)		✓
☐ LITTER NOT ALLOWED TO MIGRATE OFF-SITE 17683		
(3261) NOISE		✓
☐ NOISE CONTROL ADEQUATE 17712		
(3271) ODOR		✓
☐ ODOR CONTROL ADEQUATE 17713		
(3272) ODOR (P)		✓
☐ AMBIENT AIR AT OR BEYOND FACILITY BOUNDARY IS NOT ODOROUS 17683		

	V	C
(3281) TRAFFIC		
☐ TRAFFIC CONTROL ADEQUATE WITHIN SITE. TRAFFIC MINIMIZES INTERFERENCE, SAFETY PROBLEMS, AND STACKING ON PUBLIC ROADS 17714		
(3291) EQUIPMENT		
☐ EQUIPMENT ADEQUATE IN TYPE, CAPACITY, AND NUMBER, AND IS ADEQUATELY MAINTAINED 17726		
☐ STANDBY EQUIPMENT AVAILABLE TO COMPLY WITH SEC. 17682 AND OTHER SECTIONS 17727		
(3301) MAINTENANCE		
☐ EFFECTIVE MAINTENANCE PROCEDURES AND PROGRAMS DEVELOPED AND UTILIZED 17731		
☐ ADEQUATE MONITORING AND REPAIR OF DETERIORATED CONDITIONS 17732		
(3311) CLOSURE		
☐ AFTER CLOSURE, IF LEACHATE, EXTENSIVE SURFACE CRACKING OR SETTLEMENT OCCURS, THE OWNER SHALL NOTIFY LEA AND SHALL MONITOR AND REPAIR SITE FOR A PERIOD OF 5 YEARS OR LONGER 17734		
☐ UPON SITE CLOSURE, DETAILED DESCRIPTION MUST BE FILED WITH THE LEA AND WITH THE COUNTY RECORDER 17735		
(3321) SPECIAL WASTES		
☐ BURNING WASTES IMMEDIATELY SPREAD AND EXTINGUISHED IN SAFE AREA 17741		
☐ SITE ACCEPTS ONLY APPROVED HAZARDOUS WASTES AND TAKES PRECAUTIONS TO ELIMINATE OR CONTROL HARMFUL DUSTS, FUMES, MISTS, VAPORS, OR GASES 17742		
☐ LIQUID WASTES APPROVED BY RWQCB, LOCAL HEALTH ENTITY AND LEA 17743		
☐ DEAD ANIMALS ALLOWED BY LOCAL REGULATIONS 17744		
(3331) OTHER		
☐ _____		

*V = Violation
C = Compliance

DISTRIBUTION: WHITE — CWMB YELLOW — OPERATOR PINK — LEA

STATE OF CALIFORNIA

Pete Wilson, Gov

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

March 22, 1991

Dr. John Heckman, Health Officer
Colusa County Health Department
251 East Webster Avenue
P.O. Box 610
Colusa, CA 95923

RE: State Inspection Report - Maxwell Transfer Station - Facility File No. 06-AA-0003

Dear Dr. Heckman:

California Integrated Waste Management Board (Board) staff conducted a State Inspection of the Maxwell Transfer Station on February 22, 1991, pursuant to Division 30, Public Resources Code (PRC), Sections 43214 and 43219 (a). Enclosed is a copy of the State Inspection Report.

The following violations of Title 14, California Code of Regulations (CCR) were documented during the investigation:

14 CCR 18213 - 5-year Permit Review
14 CCR 17481 - Identification Signs

Appropriate enforcement action(s) should be pursued as necessary to ensure that all applicable codes and regulations are being met at this site (30 PRC 43209).

14 CRC 18304 requires an LEA having knowledge of a Permit Violation to issue a Notice and Order to the operator to undertake activity to remedy the violation. Enforcement action should follow the guidelines of the Permit Enforcement Policy (PEP) as adopted by the California Integrated Waste Management Board on June 26, 1990. If an Lea has knowledge of a Permit Violation buy fails to issue a Notice and Order as required, the Board may assume that responsibility, and investigate the LEA's designation.

A Facilities Evaluation Report (FER) will follow when the review of your enforcement program and all State Inspection Reports of facilities within your jurisdiction are completed. If you have any questions or comments, please call James Omand, your enforcement division contact person, at (916) 323-3658.

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor
Facility Evaluations Branch
Enforcement Division

JWM:JWO

MAXWL2.LTR

Enclosures

cc: Russell Gum, Colusa County Department of Public Works
Scott Walker, Central Valley Regional Water Quality Control Board
Harry Krug, Colusa County Air Pollution Control District
Marion Brown, Maxwell Fire Protection District

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT
SMALL VOLUME TRANSFER STATIONS

FACILITY: Maxwell Transfer Station

SWIS #: 06-AA-0003

INSPECTION DATE: 2\22\91

LOCATION: Highway 99, one mile south of Maxwell

OWNER: Colusa County

OPERATOR: Colusa County Public Works

LEA: Richard Dickson, Colusa County Environmental Health

INSPECTOR: James Omand

PERMITTED TONNAGE: 40 cu. yd./day

ACTUAL TONNAGE: 40 cu. yd./day

SITE TELEPHONE #: short wave radio, carried on-site by operator

PERMIT ISSUE DATE: 11/17/78

LAST PERMIT REVIEW: February 21, 1985

CLEANING FREQUENCY: Weekly, or as needed

WASTE REMOVAL FREQUENCY: Weekly

ACREAGE: 10 acres

ACCOMPANIED BY: Richard Dickson and Boxing Cheng

V A C — V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

PERMITS

[ ] [ ] [■] PRC 44002 - Site operator is authorized by SWFP
[ ] [ ] [■] PRC 44004 - Significant change
[ ] [ ] [■] PRC 44014(b) - Operator compliance with SWFP terms and conditions
[■] [ ] [ ] 14 CCR 18213 - 5-year permit review

STATION DESIGN

[ ] [ ] [■] 17422 - Design
[ ] Engineering design for proposed new facilities acceptable
[ ] Design submitted to LEA for review

RECORDS

[ ] [ ] [■] 17423 - Plan of Operation
[ ] Plan of Operation on file with the LEA
[ ] Adequate procedures for handling complaints
[ ] Adequate procedures for station maintenance
[ ] Adequate procedures for health and safety
[ ] Site controls summarized
[ ] Frequency of waste removal listed

[ ] [ ] [■] 17424 - Records
[ ] Annual reports filed with the LEA
[ ] Reports include estimated weights or volumes handled during the previous year
[ ] Reports include special occurrences from the previous year

COMMENTS: 14 CCR 18213 5-Year Permit Review. Solid waste facilities permits are required to reviewed at least every five years. Our records indicate that this facilities most resent permit or permit review is dated 2/21/85. In a letter dated March 15, 1990, the operator indicated that a Permit Review Application would be submitted no later than July 31,1990. As of the date of this inspection the Board has no record that an application has been submitted.

Section Supervisor [signature] 3/20/91

Waste Management Specialist [signature] 3/2

V A C V = VIOLATION A = AREA OF CONCERN C = COMPLIANCE

OPERATIONS

[] [] ■ 17425 - Small Volume Transfer Station Operation
- [] Minimal public health and safety hazards
- [] Vector control adequate
- [] Adequate containment of waste materials
- [] Litter control adequate
- [] Adequate drainage control
- [] Adequate nuisance control
- [] Other

CLEANUP/WASTE REMOVAL

[] [] ■ 17426 - Cleaning and Waste Removal Frequency
- [] Station cleaned weekly or as required in the SWFP
- [] Solid wastes removed weekly or as required in the SWFP

MISCELLANEOUS

■ [] [] Other - 14 CCR 17481 - Identification signs.

COMMENTS: 14 CCR 17481 - Identification Signs. Each point of access from a public road shall be identified by a sign indicating the name of the station operator. On the day of this inspection, this site did not have the required sign.

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Waste Management Specialist

NOTICE OF INSPECTION
TRANSFER STATION

LOCAL ENFORCEMENT AGENCY: Colusa County Environmental Health

SWIS-05 (REV. 1/85)

FACILITY FILE NUMBER (COUNTY LEA NUMBER)	PROGRAM CODE	INSPECTION DATE (MM DD YY)	T-OUT / T-IN	TOTAL TIME (DECIMAL HOURS)
06 -AA- 0003	S	(1011) 02/22/91		(1031) 2

FACILITY NAME: Maxwell Transfer Station

FACILITY LOCATION: Highway 99, South of Maxwell

INSPECTOR: James Omand

ALSO PRESENT: Richard Dickson, Boxing Cheng

RECEIVED BY:
Operator
Owner

Comments: (for specific details, see State inspection report)

LARGE VOLUME

(3011) RECORDS
- ☐ ACCURATE WEIGHT/VOLUME RECORDS MAINTAINED 17461
- ☐ LOG OF SPECIAL OCCURRENCES MAINTAINED 17462
- ☐ RECORDS AVAILABLE FOR INSPECTION 17463

(3021) PERSONNEL
- ☐ ADEQUATE NUMBER OF QUALIFIED PERSONNEL AVAILABLE 17471
- ☐ PERSONNEL ADEQUATELY TRAINED 17472
- ☐ ADEQUATE SUPERVISION PROVIDED
- ☐ [illegible]DANT AVAILABLE FULL-[illegible]OR AS DETERMINED BY [illegible] 17474

(3031) SIGNS
- ☐ IDENTIFICATION SIGNS AT EACH POINT OF ACCESS 17481
- ☐ ENTRY SIGN STATES FEES, HOURS OF OPERATION, WASTES ACCEPTED/NOT ACCEPTED 17482

(3041) SECURITY
- ☐ ADEQUATE PERIMETER SECURITY, HAZARDOUS AREAS FENCED AND IDENTIFIED 17483

(3051) ROADS
- ☐ ROADS HAVE SMOOTH SURFACE MINIMIZE DUST AND TRACKING OF MUD, AND ALLOW ALL-WEATHER ACCESS 17484

(3061) VISUAL SCREENING
- ☐ VISUAL SCREENING PROVIDES ATTRACTIVE APPEARANCE 17485

(3071) SANITATION
- ☐ ADEQUATE SANITARY FACILITIES AVAILABLE 17491
- ☐ SAFE ADEQUATE DRINKING WATER AVAILABLE 17492

(3081) COMMUNICATIONS
- ☐ COMMUNICATION FACILITIES ADEQUATE 17493

(3091) LIGHTING
- ☐ LIGHTING ADEQUATE 17494

(3101) SAFETY
- ☐ CONTACT BETWEEN USERS AND WASTES MINIMIZED, BARRIERS PROVIDED AS NECESSARY 17496
- ☐ SAFETY EQUIPMENT IN USE AND BEING WORN 17497

(3111) CONFINED UNLOADING
- ☐ UNLOADING ADEQUATELY CONFINED 17511

(3121) CLEANUP
- ☐ STATION CLEANED DAILY OR AS APPROVED BY LEA 17512

(3131) WASTE REMOVAL
- ☐ WASTES REMOVED EVERY 48 HOURS OR AS APPROVED BY LEA 17513

(3171) SALVAGING/PROCESSING
- ☐ SCAVENGING PROHIBITED 17515
- ☐ SALVAGING DOES NOT INTERFERE WITH OPERATIONS 17516
- ☐ VOLUME REDUCTION MINIMIZES HEALTH, SAFETY, NUISANCE PROBLEMS AND DOES NOT INTERFERE WITH OPERATIONS 17517
- ☐ SALVAGING AND VOLUME REDUCTION CONFINED TO CLEARLY IDENTIFIED AREAS 17518
- ☐ PROCESSING OPERATIONS ARE CONDUCTED IN AN ORGANIZED MANNER AND MINIMIZE HEALTH, SAFETY, NUISANCE PROBLEMS 17519
- ☐ SALVAGE STORAGE LOCATION OK, VOLUME AS APPROVED BY LEA, MINIMIZES VECTORS, FIRES, NUISANCES, OR OTHER HAZARDS 17520
- ☐ SALVAGE STORAGE TIME DOES NOT RESULT IN HEALTH OR FIRE PROBLEMS 17521
- ☐ SALVAGED MATERIALS APPROVED BY LEA AND LOCAL HEALTH 17522

(3181) NUISANCE
- ☐ OPERATIONS DO NOT CREATE A PUBLIC NUISANCE 17531

(3191) FIRE
- ☐ SUFFICIENT FIRE FIGHTING EQUIPMENT AVAILABLE AND LOCATED AS REQUIRED BY LOCAL FIRE AUTHORITY AND LEA 17495

(3221) DUST
- ☐ DUST CONTROL ADEQUATE 17532

(3231) VECTORS/BIRDS
- ☐ VECTOR AND BIRD CONTROL ADEQUATE 17533

(3241) DRAINAGE/EROSION
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(3251) LITTER
- ☐ LITTER CONTROL ADEQUATE 17535

(3261) NOISE
- ☐ NOISE CONTROL ADEQUATE 17536

(3271) ODOR
- ☐ ODOR CONTROL ADEQUATE 17537

(3281) TRAFFIC
- ☐ TRAFFIC CONTROL ADEQUATE WITHIN SITE, TRAFFIC MINIMIZES INTERFERENCE, SAFETY PROBLEMS, AND STACKING ON PUBLIC ROADS 17538

(3291) EQUIPMENT
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- ☐ STANDBY EQUIPMENT AVAILABLE 17547
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(3331) OTHER
- ☐

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(3011) RECORDS
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- ☐ MINIMAL PUBLIC HEALTH AND SAFETY HAZARDS 17425

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- ☐ WASTE MATERIALS ADEQUATELY CONTAINED 17425

(3121) CLEANUP
- ☐ STATION CLEANED WEEKLY OR AS APPROVED BY LEA 17426

(3131) WASTE REMOVAL
- ☐ WASTES REMOVED WEEKLY OR AS APPROVED BY LEA 17426

(3181) NUISANCE
- ☐ NUISANCE CONTROL ADEQUATE 17425

(3231) VECTORS/BIRDS
- ☐ VECTOR AND BIRD CONTROL ADEQUATE 17425

(3241) DRAINAGE/EROSION
- ☐ DRAINAGE CONTROL ADEQUATE 17425

(3291) LITTER
- ☐ LITTER CONTROL ADEQUATE 17425

(3331) OTHER
- ☐ 14 CCR 17213 5-year permit review
- 14 CCR 17481 identification signs

V = Violation
C = Compliance

DISTRIBUTION: WHITE — CWMB YELLOW — OPERATOR PINK — LEA

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 17-19, 1991

AGENDA ITEM 12

ITEM: Consideration of Facilities Evaluation Report for the City of Santa Clara Local Enforcement Agency Jurisdiction

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991 meeting. As of the date this item went to print, the committee had not taken action.

BACKGROUND:

The Facilities Evaluation Branch of the Board's Enforcement Division conducts annual inspections of all solid waste facilities in conjunction with inspections conducted by the Local Enforcement Agency (LEA). Each LEA jurisdiction is considered a discrete unit and all facilities within each LEA jurisdiction are inspected as a group. The purpose of the inspections is to identify any non-complying solid waste facilities and to evaluate LEA performance as agents of the State. A Facilities Evaluation Report (FER) summarizing Board staff findings is prepared for each LEA jurisdiction.

The City of Santa Clara is one of a number of LEA jurisdictions in the state that has co-LEAs. The City of Santa Clara City Manager is the designated LEA for non-health related standards while the County Department of Environmental Health is the designated enforcement agency for health related standards. The Facilities Evaluation Report now being presented to the Board only addresses the performance of the City of Santa Clara LEA (Attached). The performance of the Santa Clara County LEA (co-LEA) will be evaluated in a forthcoming FER.

The only known solid waste facility in the City of Santa Clara is the city owned All Purpose Landfill (43-AO-0001). During March and April of 1991, Board staff inspected the All Purpose Landfill in conjunction with the co-LEAs pursuant to Public Resources Code (PRC), Section 43219.

ANALYSIS:

Facility Compliance

During the annual inspection of the All Purpose Landfill, Board staff documented 12 violations of applicable state laws and regulations. Eight of the citations were for violations of non-health related State Minimum Standards enforced by the City LEA while one violation was for a health related State Minimum Standard enforced by the County LEA.

As of the "exit interview" or final Facilities Evaluation meeting held with the LEAs on June 21, 1991, the LEAs could not verify compliance at the All Purpose Landfill with the following two State Minimum Standards:

14 CCR 17682 - Cover (health related standard)
14 CCR 17704 - Leachate Control (non-health related standard)

PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate State Minimum Standards. Whenever a solid waste facility is proposed to be included in the inventory, the Board shall give notice to the site owner and operator. If within 90 days of Board notice the owner or operator has not corrected the documented violations, the site shall be included on the inventory. The Board has designated this inventory as the State List of Non-Complying Facilities.

LEA Performance

Board staff found that the City of Santa Clara LEA failed to identify a situation of conflicting interests pursuant to PRC Section 43207 where the City Street Superintendent was managing the city's interests in the city owned All Purpose Landfill while acting as LEA. The Santa Clara City Manager was informed of this violation by correspondence from the Enforcement Division Chief on March 13, 1991.

While the City Manager has taken steps to address this conflict, these steps may not be consistent with the city's 1978 LEA designation and may not have resolved the conflict. In addition, Board staff is concerned that the Santa Clara City LEA failed to identify eight violations of State Minimum Standards at the city owned landfill during the annual inspection conducted with Board staff and failed to identify violations of three other applicable state laws and regulations.

The Santa Clara City Manager continues to maintain that the city was never in violation of PRC Section 43207 because there were no conflicting interests between the City Street Superintendent's activities administering the landfill lease agreement for the city owned All Purpose Landfill and his duties and responsibilities as LEA.

In response, Board staff maintains that a situation of conflicting interests did, and may still exist within the City of Santa Clara. This conclusion is based on the following list of indicators that the City Street Superintendent had considerable

influence over operations of the city Owned All Purpose Landfill while acting as LEA for the site:

1. The current Solid Waste Facilities Permit (SWFP) issued to the All Purpose Landfill Company in 1986 was issued by the City Street Superintendent in his capacity as LEA while administering the landfill "lease agreement" for the city.

2. The 1985 Periodic Site Review of operations at the All Purpose Landfill, which is the basis for the All Purpose Landfill Company's current SWFP, was conducted by the City Street Superintendent for the operator and then approved by the City Street Superintendent in his capacity as LEA.

3. Waste Discharge Requirements (WDRs) issued to landfill operators by Regional Water Quality Control Boards (RWQCB) are typically issued to the "discharger" or the party responsible (liable) for operating the landfill. The current WDRs for the All Purpose Landfill are issued solely to the City of Santa Clara and make no mention of the All Purpose Landfill Company.

4. Most of the engineering and monitoring documents prepared by outside consultants for the All Purpose Landfill were prepared for the City of Santa Clara and not for the All Purpose Landfill Company.

5. Most of the correspondence in the Board's facility file for the All Purpose Landfill regarding landfill operations are signed by the City Street Superintendent (LEA) and not the All Purpose Landfill Company (operator). In fact there is almost no correspondence in Board files between the City Street Superintendent and the All Purpose Landfill Company or Between the All Purpose Landfill Company and the Board.

6. The SWFP issued by the City Street Superintendent (LEA) to the All Purpose Landfill Company encompasses the entire landfill. The permitted boundary includes a golf course (over old fill) and a golf course club house, restaurant, pro shop and city fire station which are not built on waste but located within the permitted landfill boundary. Board staff question whether the city's lease agreement with the All Purpose Landfill Company includes the entire landfill as described in the All Purpose Landfill Company's SWFP. If the lease agreement does not include the entire landfill as permitted, then the city is the operator of that

portion of the landfill not covered by the lease agreement.

7. In the City Manager's June 20, 1991 letter, the city acknowledges that the city's lease with the All Purpose Landfill Company does not include responsibility for closure/postclosure of the city owned All Purpose Landfill. Pursuant to 14 CCR 18255 the Final Closure/Postclosure Maintenance Plan for the All Purpose Landfill became past due on February 13, 1991. The City Street Superintendent manages the city's interest in the landfill. He is therefore responsible for preparing and submitting the Final Closure/ Postclosure Maintenance Plan for the landfill to the LEA, the RWQCB and the Board for review and approval pursuant to 14 CCR 18255. The City Street Superintendent would then be responsible to accept, review, and approve the document as the LEA.

8. The City Street Superintendent applied for and was awarded the Governmental Refuse Collection and Disposal Association (GRCDA) "Excellence in Sanitary Landfilling Award" in 1989 as the principal professional or manager in charge of <u>operations</u> at the All Purpose Landfill.

PRC Section 43219 provides that when the Board identifies significant violations of state minimum requirements that were not identified and resolved by the LEA, the Board shall conduct a formal performance review of the LEA within 120 days, prepare a report within 60 days of the review, and require submission of a plan of correction by the LEA within 90 days of the report. If the Board determines that the LEA has failed to submit an adequate plan or has failed to implement the plan, the Board shall withdraw the LEAs designation.

In addition, current LEA performance rating criteria provides that any LEA found in violation of PRC Section 43219 should receive a performance rating of "Unacceptable" from the Board.

STAFF COMMENTS:

<u>Facility Compliance</u>

The All Purpose Landfill continues to be in violation of two State Minimum Standards. The operator and owner of the facility should therefore be issued notice of the Board's intent to include the facility on the State List of Non-Complying Facilities pursuant to PRC Section 44104.

Failure by the Board to give a notice of intent to include the

All Purpose Landfill on the list may lead to a perception that the Board condones non-compliance with Sate Minimum Standards.

LEA Performance

Board staff considers the documented violation of PRC Section 43207 to be a significant violation of state minimum requirements which the LEA failed to identify pursuant to PRC Section 43219. While the Santa Clara City Manager has taken steps to address this documented situation of conflicting interests, these steps may not be consistent with the city's 1978 LEA designation and may not have resolved the conflict.

Based upon the results of the facilities evaluation, staff feels the City of Santa Clara has performed as an LEA in an "unacceptable" manner. Under these circumstances staff would conduct a formal evaluation of the LEA pursuant to PRC 43219 to determine why failures have occurred and to identify what steps the LEA must take to correct any documented deficiencies.

The performance review will provides the City of Santa Clara LEA an opportunity to address program deficiencies well ahead of the August 1, 1992 LEA redesignation/certification deadline. Upon receipt of the Board's review report, the city will know exactly what outstanding issues need to be addressed prior to submitting a redesignation/certification package.

List of Attachments:

1. Facility Evaluation Report for the City of Santa Clara LEA

Prepared by: Jack W. Miller Phone 2-2662

Reviewed by: John Bell Phone 2-6172

Legal review: [illegible] Date/Time 7/4/91 12:53

Facility Evaluation Report

City of Santa Clara, LEA Jurisdiction 43-AO

C I W M B

Prepared By:

Rosslyn Stevens
Waste Management Specialist
Facility Evaluations
Enforcement Division

July, 1991

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Assembly Bill No. 939
Chapter 1095, Division 30
Part 1, Chapter 1
Article 1, Section 40001

"The Legislature declares that the responsibility for solid waste, management is a shared responsibility between the state and local governments. The state shall exercise its legal authority in a manner that ensures an effective and coordinated approach to the safe management of all solid waste generated with in the state..."

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FACILITY EVALUATION REPORT

CITY OF SANTA CLARA, LEA 43-AO

EXECUTIVE SUMMARY

The LEA jurisdiction has two responsible agencies acting as co-LEAs, the City of Santa Clara and the County of Santa Clara Department of Environmental Health. The City Council and City Manager of the City of Santa Clara are designated as the Local Enforcement Agency (LEA) for non-health related standards in the City of Santa Clara pursuant to State Solid Waste Management Board Resolution #78-9-LEA. This same resolution designates the Santa Clara County Department of Environmental Health as the responsible enforcement agency for health related standards. This report only evaluates the effectiveness of the City LEA. The County LEA program will be evaluated in a forthcoming report.

The All Purpose Landfill, which is owned by the City of Santa Clara, is the only active solid waste facility in the LEA's jurisdiction. There are no known closed, illegal, abandoned, or exempt sites.

Between March and April, 1991, the All Purpose Landfill was inspected by California Integrated Waste Management Board Enforcement Division staff in conjunction with the co-LEAs. The facility was found to be in violation of twelve state laws and regulations, nine of which were State Minimum Standards.

As of June 21, 1991, the LEAs have verified that seven of the nine violations of State Minimum Standards have been corrected. There remains two unresolved violations of State Minimum Standards; 14 CCR 17682 (Cover) and 14 CCR 17704 (Leachate Control). Board staff recommend that the operator and owner of the All Purpose Landfill be noticed of the Board's intent to include the All Purpose Landfill on the State List of Non-Complying Facilities unless these remaining violation of State Minimum Standards are resolved within 90 days of Board notice.

Board staff found that the City of Santa Clara LEA failed to identify a situation of conflicting interests where the City staff person implementing the City's LEA program was also managing the City's interests in the City owned All Purpose Landfill. While the City Manager has taken steps to address this conflict, these steps may not be consistent with the City's 1978 LEA designation and may not have resolved the conflict. In addition, Board staff is concerned that the Santa Clara City LEA failed to identify eight violations of State Minimum Standards at the City owned landfill during the annual inspection conducted with Board staff.

Based on these findings, Board staff recommend that the Board initiate a formal Performance Review of the City of Santa Clara LEA and rate the LEA's performance as "Unacceptable".

PROGRAM GOALS

The purpose of the California Integrated Waste Management Board's Enforcement program is to ensure that all solid waste facilities in California (including closed, illegal, abandoned, and exempted sites) meet the requirements of applicable State laws and regulations. This program has been established in order to protect the health, safety and well being of the citizens of California and to protect the environment. With the passage of AB 939, the primary focus of the Facility Evaluation Program is to monitor all solid waste facilities in order to determine operator compliance with State laws and regulations and Local Enforcement Agency (LEA) effectiveness in meeting enforcement responsibilities. Local Enforcement Agencies have the primary responsibility for ensuring the correct operation and closure of solid waste facilities. As agents of the state, they enforce state laws and regulations and implement California Integrated Waste Management Board (Board) policies.

PROGRAM AUTHORITY

The Facility Evaluation program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) "The board, in conjunction with an inspection conducted by the enforcement agency, shall conduct each year at least one inspection of each solid waste facility in the state (PRC Section 43219[a])."

2) "The board shall maintain an inventory of solid waste facilities which violate state minimum standards (PRC Section 44104[a])."

3) "Whenever a solid waste facility is proposed to be included in the inventory, the board shall give notice thereof by certified mail to the disposal site owner and the operator of the solid waste facility. If, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory (PRC Section 44104[b])." The inventory has been designated by the Board as the **State List of Non-Complying Facilities**.

4) "If the board identifies significant violations of state minimum requirements that were not identified and resolved through previous inspections by the enforcement agency, the board shall conduct a performance review of the enforcement agency within 120 days...(PRC Section 43219[b])."

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered a distinct unit. To initiate, the annual Facility Evaluation process within an LEA jurisdiction, Board staff meet with the LEA to discuss the evaluation process, the LEA's responsibilities during the evaluation, and the Board's LEA re-designation/certification process. Permitting, closure/postclosure maintenance and other pertinent issues are also discussed.

Each permitted solid waste facility within an LEA's jurisdiction is inspected by Board staff in conjunction with an inspection conducted by the LEA. Facilities are evaluated for compliance with applicable sections of Division 30 of the Public Resources Code (PRC) and Title 14 of the California Code of Regulations (CCR). Inspection reports are transmitted to the LEA, operator and other responsible agencies pursuant to PRC Section 43219(a). All closed, illegal, abandoned, and exempt sites which can be located are also visited and assessed.

Based upon the State inspection reports and a review of pertinent documents and files, a Facility Evaluation Report (FER) is prepared. Upon completion and circulation to other Board divisions for comment, a final draft FER is transmitted to the LEA. The results of findings are discussed with the LEA at an interagency meeting designated as the "exit interview". LEA comments are incorporated into a final FER which is presented to the Board's Permitting and Enforcement Committee for consideration.

An FER generally contains recommendations for Board action regarding:

1. Intent to include any facility found in violation of any State Minimum Standard on the State List of Non-Complying Facilities unless all violations are corrected within 90 days of Board notice pursuant to PRC Section 44104.

2. Initiation of a formal Performance Review of the Enforcement Agency if significant violations of state minimum requirements had not been identified and resolved by the LEA pursuant to PRC Section 43219.

3. An LEA overall performance rating of "Acceptable", "Acceptable with Improvement", or "Unacceptable".

FACILITY/LEA EVALUATION CRITERIA

FACILITY EVALUATION CRITERIA

Each solid waste facility inspected by Board staff will be evaluated for compliance with all applicable state laws and regulations enforced by the Board including State Minimum Standards. The resulting state inspection report is sent to the LEA and the operator within 30 days of the inspection pursuant to PRC Section 43219(a). The operator has a grace period to correct all documented violations of State Minimum Standards. This grace period extends from the day of the state inspection to the day of the LEA "exit interview". At the time of the LEA exit interview, the LEA has a final opportunity to verify that any violations of State Minimum Standards have been corrected.

Board staff will recommend to the Board that the owner and operator of any solid waste facility which continues to be in violation of any State Minimum Standard, as of the date of the LEA exit interview, be officially noticed of the Board's intent to include the facility on the State List of Non-Complying Facilities pursuant to PRC Section 44104.

> **Solid waste facility is defined as** a disposal facility, a disposal site, or a solid waste transfer or processing station pursuant to PRC Sections 40194 and 40121, 40122, 40200.
>
> **State Minimum Standard is defined as** any regulation included in Title 14, California Code of Regulations (CCR), Chapter 3, Minimum Standards for Solid Waste Handling and Disposal.
>
> While each facility will be evaluated for compliance with all applicable state laws and regulations enforced by the Board, only compliance with State Minimum Standards will be used with respect to proposing a facility for the State List of Non-Complying Facilities. However, the LEA is still responsible for assuring facility compliance with all applicable state laws and regulations.
>
> **Exit Interview is defined as** the meeting held between Board staff and the LEA to review the final draft of the Facility Evaluation Report for the LEA's jurisdiction. This meeting is held after all inspections or solid waste facilities within the LEA's jurisdiction have been completed and Board staff has had time to develop the final draft of the Facility Evaluation Report. The

"grace period" between the annual inspection of a solid waste facility and the exit interview may therefore vary depending on the number of sites in the LEA's jurisdiction, the order of facility inspection, and the time needed by Board staff to develop the final draft of the Facility Evaluation Report.

State List of Non-Complying Facilities is defined as the Board's inventory of solid waste facilities which violate State Minimum Standards pursuant to PRC Section 44104.

From the date of the Board's notice of intent to list a particular facility, the owner or operator has 90 days to correct all documented violations to avoid inclusion on the list pursuant to PRC Section 44104. Those facilities included on the list have one year to correct the violation(s) under an enforcement order issued by the LEA pursuant to PRC Section 44106.

Facilities already operating under an LEA enforcement order prior to being listed would continue to work under the existing order as long as this order requires the facility to be in full compliance within one year of being listed. If an existing LEA enforcement order for a site being included on the list does not require compliance within one year of the listing date, a new LEA enforcement order would need to be issued which requires the operator to be in compliance within one year of listing pursuant to PRC Section 44106.

If a facility fails to achieve full compliance within one year of listing, the LEA is required to begin the revocation process of the operator's Solid Waste Facility Permit (SWFP) until all violations of State Minimum Standards are remedied pursuant to PRC Section 44106.

LEA EVALUATION CRITERIA

The evaluation of an LEA's performance is a two step process concluding with the rating of the LEA as "Acceptable", "Acceptable with Improvement", or "Unacceptable".

Step 1: Significant Violations of State Minimum Requirements

PRC Section 43219 states that, if the Board identifies significant violations of state minimum requirements during its annual inspections that were not identified and resolved through previous inspections by the LEA, the Board shall conduct a formal Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced by an LEA as an agent of the state. This is

not to be confused with State Minimum Standards which only include regulations contained in 14 CCR Chapter 3 (Minimum Standards of Solid Waste Handling and Disposal).

Significant Violation is defined as:

A) Failure by the LEA to identify and resolve any condition at a solid waste facility which threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the public health, welfare, or safety pursuant to PRC Section 45300 and/or 14 CCR 18304.

B) Failure by the LEA to a) identify any solid waste facility being operated by any person except as authorized by a SWFP in violation of PRC Section 44002, b) failure to identify any operator operating a facility outside the terms and conditions of a SWFP in violation of PRC Section 44014, **and**, c) failure by the LEA to resolve either of these permit violations pursuant to PRC Section 45000, 14 CCR 18304, 18307, and the Board's Permit Enforcement Policy (PEP), dated November 27, 1990.

C) Failure by the LEA to identify any solid waste facility being operated which has never had a SWFP in violation of PRC Sections 45000, 44001, and/or 44002 **and** failure by the LEA to resolve this violation(s) pursuant to PRC Section 45000 and 14 CCR 18304.

D) Failure by the LEA to identify and resolve situations of conflicting interests where the LEA is also the department or agency responsible for operations of a solid waste facility pursuant to PRC Section 43207.

E) Failure to implement a basic LEA enforcement program as indicated by a failure to a) identify and resolve a large number of operational violations at one or more disposal sites, b) failure by the LEA to regularly conduct monthly inspections of solid waste facilities in violation of PRC Section 43218, and/or c) a systematic failure by the LEA to perform LEA duties or responsibilities as required by Division 30 of the Public Resources Code and Title 14 of the California Code of Regulations.

F) Failure by the LEA to a) petition the superior court to impose assess, and recover civil penalties pursuant to PRC Sections 45200, 45201, and 14 CCR 18305 when a disposal site owner or operator has failed to comply with an enforcement order issued by the LEA **or** b) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a disposal site owner or operator has failed to comply with an

enforcement order issued by the LEA <u>or</u> c) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a facility operator or owner has failed to comply with State Minimum Standards after being on the State List of Non-Complying Facilities for a year.

<u>Resolve</u> is defined as when an LEA has exercised all appropriate actions necessary to force an operator to comply with state laws and regulations including but not limited to PRC Sections 44106, 45000, 45200, 45201, 45300, and 14 CCR 18304, 18305, and 18307. This definition does not necessarily mean that a significant violation has been completely corrected but that the LEA has taken all appropriate enforcement action.

If an LEA has failed to identify and resolve any significant violation of state minimum requirements, staff will recommend to the Board that a formal LEA Performance Review be conducted within 120 days pursuant to PRC Section 43219. If there are no significant violations of state minimum requirements or all significant violations have been identified and resolved, staff will recommend that the Board not initiate a formal LEA Performance Review pursuant to PRC Section 43219.

<u>Step 2: LEA Performance Rating</u>

If an LEA fails to identify and resolve any significant violation of state minimum requirements, staff will recommend that the Board rate the LEA's performance as "Unacceptable".

If there are no significant violations of state minimum requirements or the LEA has identified and resolved all significant violations as outlined in Step 1, staff will recommend that the Board rate the LEA's performance as either "Acceptable" or "Acceptable with Improvement".

An "Acceptable" rating is recommended for those LEA's which meet most or all of their LEA duties and responsibilities and should therefore have little or no problem meeting LEA Certification regulations being promulgated by the Board. An "Acceptable with Improvement" rating is recommended for those LEAs which have not met their LEA duties and resposnsibilities might have trouble meeting LEA certification regulations.

LEA compliance with the following LEA duties and responsibilities are the primary consideration used to determine between an LEA performance rating of "Acceptable" or "Acceptable with Improvement".

1. The LEA has conducted monthly inspection of active, and illegal sites pursuant to PRC Section 43218.

2. The LEA has conducted quarterly inspections of inactive, closed, abandoned, and exempt sites pursuant to PRC Section 43218.

3. The LEA has conducted weekly inspections of sites operating on performance standards pursuant to 14 CCR 17683.

4. The LEA has transmitted monthly inspection reports to the Board within 30 days pursuant to PRC Section 43218.

5. The LEA has conducted solid waste facility inspections at each site in its jurisdiction in conjunction with the Board's annual inspection pursuant to PRC Section 43219.

6. The LEA has investigated written reports of violations pursuant to 14 CCR 18302 and 18303.

7. The LEA has taken appropriate enforcement action pursuant to PRC Section 45000, 14 CCR 18304, and 14 CCR 18307.

8. The LEA has conducted applicable 5-year solid waste facility permit reviews pursuant to 14 CCR 18213.

9. The LEA has conducted timely review of preliminary and final closure/postclosure maintenance plans pursuant to 14 CCR 18270.

CITY OF SANTA CLARA LEA

There is one active disposal site in the City of Santa Clara LEA jurisdiction, the All Purpose Landfill (43-AO-0001). There are no known closed, illegal, abandoned, or exempted sites.

The City of Santa Clara is classified as urban with a population of 93,613. Principal industries include the semiconductor and computer industries. The top four employers are Hewlett Packard (computers, semiconductors), Apple Computer, Consolidated Freightways (trucking and shipping), and Intel (semiconductors).

In 1978, the City Council of the City of Santa Clara designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues at solid waste facilities. The County Department of Environmental Health, co-LEA for health related standards, is not evaluated in this report.

FACILITY INSPECTION RESULTS

Board staff met in the City of Santa Clara with designated representatives of both LEA offices on February 25, 1991. In attendance were Richard Mauck and William Alexander from the City of Santa Clara Street Department; Antone Pacheco and Michael Schott from the County of Santa Clara Environmental Health Department; and Thomas Unsell, LEA Evaluation Branch, Jack Miller and Rosslyn Stevens, Facility Evaluation Branch, Enforcement Division, CIWMB. The Facility Evaluation process was discussed at this time, with plans to start the evaluation for the City detailed. The inspection date for the All Purpose Landfill was set at this meeting. The City representatives were given a draft copy of the Facility Evaluation Program Manual, as well as a draft copy of the proposed LEA certification regulations. LEA duties and responsibilities were also discussed at this meeting.

On April 25, 1991, Board staff met with the City Manager to re-initiate the Facility Evaluation process after it was determined that the first meeting was not held with appropriate City staff. In attendance were the City Manager, Jennifer Sparacino; City Director of Planning, Geoffrey Goodfellow; John LoFranco, City Department of Planning, Code Enforcement; John Bell, Assistant Chief CIWMB Enforcement Division; Marc Arico, CIWMB LEA Evaluation Branch; and Rosslyn Stevens, CIWMB Facility Evaluation. Representatives from the Planning Department were included as they had been identified as the new LEA contact personnel by the City Manager. At this meeting, the Facility Evaluation Program was again outlined, along with the proposed LEA Certification Regulations.

On June 21, 1991 Board staff held an exit interview with staff from the City of Santa Clara and the Santa Clara County Health Department to discuss a final draft version of the Facility Evaluation Report for the City of Santa Clara LEA. In attendance at the meeting were Jennifer Sparacino, City Manager, Geoffrey Goodfellow, Director of City Planning and Inspection, Antone Pacheco and John Dufresne of the County Health Department, and John Bell, Jon Whitehill, Jack Miller, and Marc Arico of Board's Enforcement Division.

Figure 1 summarizes pertinent facts regarding the All Purpose Landfill which is the only facility in the City of Santa Clara's LEA jurisdiction. City LEA inspection results of the landfill for the past year are compared with the results of the Board's annual state inspections in **Appendix B**. The Board's annual state inspection report is attached as **Appendix C**.

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Figure 1
CITY OF SANTA CLARA FACILITIES EVALUATION REPORT
FACILITIES SUMMARY

					CLOSURE	TONAGE				WASTE	SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	YEAR	DAILY	IN PLACE	ACRES	SETTING	SPECIAL	AIR	WATER
All Purpose Landfill	43-AO-0001	landfill	active	2/13/86	unknown	600	unknown	193	urban	none	yes	yes

ACTIVE, PERMITTED FACILITIES

All Purpose Landfill (43-AO-0001)
The only solid waste facility located within the City of Santa Clara's jurisdiction is the All Purpose Landfill--43-AO-0001. This facility is a Class III landfill located at 5401 Lafayette Street, Santa Clara. It is operated by the All Purpose Disposal Company under contract to the City of Santa Clara which owns the site. The inspection of the All Purpose Landfill (43-AO-0001), required three trips due to gas testing equipment problems. This inspection was initiated on March 12, 1991 and completed on April 19, 1991, with the report being sent to the City on May 16, 1991.

Board staff documented twelve violations of state laws and regulations, including nine violations of State Minimum Standards, at the All Purpose Landfill. Five areas of staff concern were also noted.

Violations of State Minimum Standards included:

14 CCR 17607 - Periodic Site Review
14 CCR 17616 - RDSI
14 CCR 17658 - Site Security
14 CCR 17681 - Availability of Cover Material
14 CCR 17682 - Cover (Health Related Standard)
14 CCR 17690 - Salvage
14 CCR 17696 - Operating Site Maintenance
14 CCR 17704 - Leachate
14 CCR 17708 - Drainage and Erosion Control

Violations of state laws and regulations other than State Minimum Standards included:

30 PRC 44015 - Five Year Permit Review
14 CCR 18222 - RDSI
14 CCR 18255 - Final Closure Post Closure Plan

Eight of the nine documented State Minimum Standards violations were non-health related and therefore enforced by the City of Santa Clara LEA. The operator was also found in violation of one health related standard (14 CCR 17682--Cover) which is enforced by the Santa Clara County LEA.

In addition, there is some confusion regarding the planned closure date of the All Purpose Landfill. By correspondence of April 20, 1990, the City stated the landfill would close in the fall of 1992. At the February 25, 1991 meeting with the City, City staff indicated that closure would not occur until 1993 at the earliest. At a subsequent meeting at City offices on April 25, 1991, the City

indicated that the All Purpose Landfill would be closing in 1992 as documented in the June, 1990 Operations and Development Plan prepared by EMCON Associates. If June, 1992 is the projected closure date for the All Purpose Landfill, a Final Closure/Postclosure Maintenance plan became past due on July 1, 1990, pursuant to 14 CCR 18255(a)(4).

The operator at the All Purpose Landfill has also implemented closure activities on Parcel 3/6 of the landfill. This is in violation of 14 CCR 18255(b)(1) which prohibits the implementation of any closure activities, partial or otherwise, without prior approval of a Final Closure/Postclosure Maintenance Plan.

CLOSED, ILLEGAL, ABANDONED, OR EXEMPT FACILITIES

There are no known closed, illegal, abandoned, or exempt sites in the City of Santa Clara LEA jurisdiction.

FINDING

The All Purpose Landfill was found in violation of 12 state laws and regulations during the annual state inspection by Board staff. These violations included nine violations of State Minimum Standards. During the LEA exit interview held on June 21, 1991, the LEAs verified that seven of the nine violations of State Minimum Standard had been corrected by the operator. The two remaining violations of State Minimum Standards were 14 CCR 17682 (Cover) and 14 CCR 17704 (Leachate Control). Cover is a health related standard enforced by the County LEA while Leachate Control is a non-health related standard enforced by the City LEA.

While the City of Santa Clara LEA presented documentation suggesting that the operator may be in compliance with the Leachate Control standard, Board staff did not find this documentation to be adequate. With regards to the Cover violation, Board staff indicated to the County LEA that in order to verify site compliance with the cover standard, a report would be necessary from the operator identifying why the operator was in violation of the cover standard and the steps the operator would take to achieve and maintain compliance. The County LEA said they would investigate this issue further and report back to Board staff by June 26, 1991. On June 26, 1991, the County LEA informed Board staff that the operator continued to be in violation of the Cover standard.

Board staff therefore recommend that the Board notice the owner and operator of the All purpose Landfill of the Board's intent to include the site on the State List of Non-Complying Facilities unless the two remaining violations of State Minimum Standards are corrected within 90 days of Board notice pursuant to PRC Section 43219.

LEA PERFORMANCE

The result of rating the City of Santa Clara LEA's performance against the LEA evaluation criteria are presented in **Figure 2.**

BACKGROUND

In 1978, the City of Santa Clara City Council designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues.

Board files show that in 1981, the City Manager delegated LEA duties and responsibilities to the City Street Superintendent (**Appendix C**). To initiate the Facility Evaluation process, Board staff arranged a meeting on February 25, 1991 with City of Santa Clara Street Superintendent. During this meeting, clarification was sought regarding LEA responsibilities in the City. The Street Superintendent stated that the LEA was the City Manager and that he was the City Manager's designated LEA representative. However, the Street Superintendent also revealed that he was responsible for managing the City's interests with regards to the City owned All Purpose Landfill.

A subsequent review of Board files revealed that Board Resolution 78-9-LEA, which approved the City Council's 1978 LEA designations, specifically prohibits the delegation of LEA authority from the City Manager to any other City official or agency (**Appendix D**). The specific reason for this prohibition was to prevent the City official or agency responsible for managing the City owned All Purpose Landfill from acting as LEA for that facility.

Board files also revealed that when Board staff had questioned this arrangement in the past, the City argued that Board Resolution 78-9-LEA granted the City a waiver pursuant to Title 7.3, Government Code (GC), Section 66796(e) allowing the City Street Superintendent to manage the City's interests at the All Purpose Landfill while acting as LEA.

Whether or not the City ever had a waiver pursuant to 7.3 GC 66796.3(e) is now moot because this section of the Government Code was repealed in 1989. Division 30, Public Resources Code (PRC), Section 43207 prohibits a local governmental department or agency which is responsible for a solid waste facility from acting as the LEA for that facility.

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Figure 2

CITY OF SANTA CLARA 43-AO
FACILITIES EVALUATION REPORT

LEA PERFORMANCE

Criteria for LEA performance rating (Step 1)

Significant Violations of State Minimum Requirements		
a. PRC 45300	- Emergency violation identified and resolved	compliance
b. 14 CCR 18304	- Notice & Order issued for permit violation (Permit Enforcement Policy)	compliance
c. PRC 45000, 44001, 44002	- Active site, no SWFP - appropriate enforcement action taken	n/a
d. PRC 43207	- Conflicting interests	violation
e. PRC, 14 CCR	- Failure to implement LEA program	area of concern
f. 14 CCR 18305	- Enforcement of Notice and Orders	n/a

Criteria for LEA performance rating (Step 2)

LEA Duties and Responsibilities		
1. PRC 43218	- Monthly inspections of active, inactive, and illegal sites	compliance
2. 14 CCR CH.3 ART. 7.8	- Quarterly inspections of closed, abandoned, and exempt sites	n/a
3. 14 CCR 17683	- Weekly inspection of performance standards sites	n/a
4. PRC 43218	- Inspection reports sent within 30 days	compliance
5. PRC 43219 (a)	- Yearly inspections conducted with Board staff	compliance
6. 14 CCR 18302, 18303	- Investigated reports of violations	n/a
7. 14 CCR 18304, 18307 PRC 45000	- Appropriate enforcement action taken (N & O / Compliance Schedules)	n/a
8. 14 CCR 18213	- Five Year Permit Review	violation
9. 14 CCR 18270	- Review of Closure/Postclosure plans	violation

Board staff subsequently determined that the City Manager's delegation of LEA responsibilities to the City Street Superintendent was in direct conflict with City of Santa Clara's 1978 LEA designation and a violation of PRC Section 43207. This finding was brought to the attention of the City Manager in a letter from the Chief of the Enforcement Division dated March 13, 1991, attached as Appendix E. The City Manager's initial response of April 3, 1991 can be found in Appendix F and indicated that she had shifted LEA duties and responsibilities from the City Street Superintendent to the City Planning Department to eliminate any apparent conflicting interests.

In response to a draft Facility Evaluation Report faxed to the City Manager on June 19, 1991, the City Manager responded by letter of June 20, 1991 **(Appendix A)**. In this letter, the City Manager stated that while the City of Santa Clara is the property owner of the All Purpose Landfill, this property is leased to the All Purpose Landfill Company who is the permitted operator of the site. While the City Street Superintendent administers the lease agreement between the City and the All Purpose Landfill Company, the City is not responsible (liable) for operations of the facility. Therefore, the City was never in violation of PRC Section 43207 because there were no conflicting interests between the City Street Superintendent's activities administering the landfill lease agreement and his duties and responsibilities as LEA.

In response, Board staff maintains that a situation of conflicting interests did, and may still exist within the City of Santa Clara with regards to the management of the City's interests at the City owned All Purpose Landfill and the City's implementation of its duties and responsibilities as LEA. This conclusion is based on the following list of indicators that the City Street Superintendent had considerable influence over operations of the landfill while acting as LEA for the site.

1. The current Solid Waste Facilities Permit (SWFP) issued to the All Purpose Landfill Company in 1986 was issued by the City Street Superintendent in his capacity as LEA while administering the landfill "lease agreement" for the city.

2. The 1985 Periodic Site Review of operations at the All Purpose Landfill, which is the basis for the operator's current SWFP, was conducted by the City Street Superintendent for the operator and then approved by the City Street Superintendent in his capacity as LEA.

3. Waste Discharge Requirements (WDRs) issued to landfill operators by Regional Water Quality Control Boards

(RWQCB) are typically issued to the "discharger" or the party responsible (liable) for operating the landfill. The current WDRs for the All Purpose Landfill are issued solely to the City of Santa Clara and make no mention of the All Purpose Landfill Company.

4. Most of the engineering and monitoring documents prepared by outside consultants for the All Purpose Landfill were prepared for the City of Santa Clara and not for the All Purpose Landfill Company.

5. Most of the correspondence in the Board's facility file for the All Purpose Landfill regarding landfill operations are signed by the City Street Superintendent (LEA) and not the All Purpose Landfill Company (operator). In fact there is almost no correspondence in Board files between the City Street Superintendent and the All Purpose Landfill Company or Between the All Purpose Landfill Company and the Board.

6. The SWFP issued by the City Street Superintendent (LEA) to the All Purpose Landfill Company encompasses the entire landfill. The permitted boundary includes a golf course (over old fill) and a golf course club house, restaurant, pro shop and City fire station which are not built on waste but located within the permitted landfill boundary. Board staff question whether the City's lease agreement with the All Purpose Landfill Company includes the entire landfill as described in the All Purpose Landfill Company's SWFP. If the lease agreement does not include the entire landfill as permitted, then the City <u>is the operator</u> of that portion of the landfill not covered by the lease agreement.

7. In the City Manager's June 20, 1991 letter (Appendix A), the City acknowledges that the City's lease with the All Purpose Landfill Company does not include responsibility for closure/postclosure of the City owned All Purpose Landfill. Pursuant to 14 CCR 18255 the Final Closure/Postclosure Maintenance Plan for the All Purpose Landfill became past due on February 13, 1991. The City Street Superintendent manages the City's interest in the landfill. He is therefore responsible for preparing and submitting the Final Closure/ Postclosure Maintenance Plan for the landfill to the LEA, the RWQCB and the Board for review and approval pursuant to 14 CCR 18255. The City Street Superintendent would then be responsible to accept, review, and approve the document as the LEA.

8. The City Street Superintendent applied for and was

awarded the Governmental Refuse Collection and Disposal Association (GRCDA) "Excellence in Sanitary Landfilling Award" in 1989 as the principal professional in charge of operations at the All Purpose Landfill.

FINDING

As documented in Board correspondence to the City of Santa Clara Manager on March 13, 1991, the City of Santa Clara LEA failed to identify a situation of conflicting interests in the management and regulation of the City owned All Purpose Landfill pursuant to PRC Section 43207 (Appendix E). While the City Manager has contested whether the City was ever in violation of PRC Section 43207, Board staff does not agree. While the City Manager has taken positive steps to "eliminate any apparent conflict" (Appendices A and F), Board staff has concluded that further review of the LEA's program is necessary to assure that the corrective actions implemented by the City Manager are consistent with the City's 1978 LEA designation and have resolved the documented violation of PRC Section 43207.

Board staff is concerned that City of Santa Clara LEA failed to identify and document eight violations of State Minimum Standards during the Board's annual inspection of the City owned All Purpose Landfill conducted in conjunction with the LEA. This indicates that the LEA may have failed to implement a basic LEA program.

Board staff therefore recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219.

Board staff also recommend that the Board rate the City of Santa Clara LEA performance as "Unacceptable".

FORMAL PERFORMANCE REVIEW

PRC Section 43219 provides that when the Board identifies significant violations of state minimum requirements that were not identified and resolved by the LEA, the Board shall conduct a formal Performance Review of the LEA within 120 days and prepare a written Performance Report within 60 days of the review. The purpose of the Performance Review is to thoroughly investigate the LEA's program to determine why the LEA failed to identify and resolve significant violations and to determine what steps the LEA must take to correct the documented deficiencies.

Upon receipt of the Performance Report, the LEA has 90 days to submit a Plan of Correction. If the LEA fails to submit an adequate plan or fails to implement the plan, the Board must withdraw its approval of the LEA's designation pursuant to PRC Sections 43219 and 43215.

The City of Santa Clara LEA should approach the Performance Review as an opportunity to improve their LEA program well ahead of the August 1, 1992 LEA redesignation/certification deadline pursuant to PRC Sections 43200 and 43201. Upon receipt of the Board's Performance Report, the City will know exactly what outstanding issues need to be addressed prior to submitting their redesignation/certification package.

SUMMARY OF LEA COMMENTS

On June 21, 1991 Board staff held and exit interview with staff from the City of Santa Clara and the Santa Clara County Health Department to discuss a final draft version of the Facility Evaluation Report for the City of Santa Clara LEA. In attendance at the meeting were Jennifer Sparacino, City Manager, Geoffrey Goodfellow, Director of City Planning and Inspection, Antone Pacheco and John Dufresne of the County Health Department, and John Bell, Jon Whitehill, Jack Miller, and Marc Arico of Board's Enforcement Division.

The purpose of this section is to summarize the City's verbal comments to the Draft Facility Evaluation Report as discussed at the June 21, 1991 exit interview. The City's formal written comments are attached as **(Appendix A)**.

City staff were insistent that there was never a situation of conflicting interests with the City Street Superintendent managing the City's interest in the All Purpose Landfill while at the same time acting as the LEA. This position was based on the fact that the City leased the landfill property to the All Purpose Landfill Company and therefore was not responsible (liable) for operations at the site.

> Board staff does not agree and has concluded that ample documentation of conflicting interests has been presented showing that a conflict did exist with the City Street Superintendent managing the City's interests for the All Purpose Landfill while acting as LEA.

City staff stated that positive steps had been taken to eliminate any appearance of a situation of conflicting interest in the City LEA program by shifting LEA duties from the City Street Superintendent to the City Director of Planning and Inspection. Therefore, the City had resolved this issue.

> Board staff agreed that the City had taken positive steps to correct the situation of conflicting interests in the City LEA program. The Facility Evaluation Report was

therefore revised to reflect this fact. However, Board staff is still concerned that the steps implemented by the City Manager may not be consistent with the City's 1978 designation as LEA and may not have totally eliminated the conflict issue. Board staff therefore will continue to recommend that the Board initiate a formal Performance Review of the City of Santa Clara LEA pursuant to PRC Section 43219.

City staff requested that a term other than "conflict of interest" be used in the report because this term conjured up visions in the public mind of money changing hands illegally.

Board staff carefully considered the City's request but concluded that "conflict of interest" adequately described the situation at the City of Santa Clara. However, staff did change the term "conflict of interest" to the term "a situation of conflicting interests".

City staff requested that the LEA Performance rating of "Unacceptable" be changed to "Performance Review Recommended".

Board technical staff agree that this change would be appropriate, however, Board management staff insists that the performance rating remain as "Unacceptable".

City staff stated that Figure 2 of the draft Facility Evaluation Report was difficult to interpret.

Board staff agreed and reformatted Figure 2 for the final report.

Each violation of state law and regulation documented during the Board's annual inspection of the All Purpose Landfill was reviewed with the co-LEAs. City staff verified that all but one non-health State Minimum Standard had been corrected. The remaining violation was for 14 CCR 17704 - Leachate Control. The County LEA said it needed more time to verify compliance with the health related standard violation of 14 CCR 17682 (Cover).

Board staff stated that the documentation submitted by City staff to verify compliance with the Leachate Control standard was not adequate. Board staff suggested that Board staff and City staff set up a meeting with the Regional Water Quality Control Board in the near future to discuss this issue more fully.

On June 26, 1991 the County LEA advised Board staff that the All Purpose Landfill was still in violation of the Cover standard.

RECOMMENDATIONS

1. Board staff documented nine violations of State Minimum Standards at the All Purpose Landfill (43-AO-0001). As of the exit interview conducted with the LEAs on June 21, 1991, the LEAs had verified that all but two violations (14 CCR 17682 - Cover and 14 CCR 17704 - Leachate Control) had been corrected.

Board staff will therefore recommend that the Board notify the owner and operator of the All Purpose Landfill of the Board's intent to include the site on the State List of Non-Complying Facilities unless the remaining violations of State Minimum Standards are corrected within 90 days of Board notice pursuant to PRC Section 44104.

2. The LEA failed to identify a situation of conflicting interests pursuant to PRC Section 43207. This is considered to be a significant violation of state minimum requirements pursuant to PRC Section 43219. While the City Manager has taken steps to address this conflict, these steps may not be consistent with the City's 1978 LEA designation and may not have resolved the conflict. Board staff is also concerned that the City of Santa Clara LEA failed to identify and document eight violations of State Minimum Standards during the Board's annual inspection of the City owned All Purpose Landfill conducted in conjunction with the LEA. This indicates that the LEA may have failed to implement a basic LEA program.

Board staff therefore recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219 and that the LEA's performance be rated as "Unacceptable".

APPENDICES

Appendix A	LEA Written Comments dated June 20, 1991.
Appendix B	LEA inspections v. State inspection
Appendix C	City notification of LEA contact person dated April 6, 1981.
Appendix D	State Annual Inspection Report of All Purpose Landfill dated May 16, 1991.
Appendix E	Letter from Bernard Vlach to Jennifer Sparacino dated March 13, 1991.
Appendix F	Response from Jennifer Sparacino to Bernard Vlach dated April 3, 1991.

RECEIVED
2 1 1991

THE CITY OF SANTA CLARA
CALIFORNIA

JENNIFER SPARACINO
CITY MANAGER

CITY HALL
1500 WARBURTON AVE.
SANTA CLARA, CA 95050
(408) 984-3101
FAX (408) 241-6771

June 20, 1991

California Integrated Waste Management Board
Attn: Jack Miller, Supv. Unit B
Facilities Evaluation-Enforcement Division
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Dear Mr. Miller:

Thank you for providing the City a copy of your draft Facility Evaluation Report (dated 6/19/91) to allow the City's review so it can be discussed at our meeting of June 21, 1991. The City's comments are summarized as follows:

1. ISSUE OF CONFLICT OF INTEREST (Reference pages Exec. Summary; pg.6 (Item D); pg.9, pg. 12, pg14-15)

   The City is property owner. The City leases the property to All Purpose Disposal Company. The lease provides for the lessee (All Purpose) to develop and operate a municipal landfill in accordance with State, Federal, and local standards. The City is not responsible or administers the operations of the landfill (except in its performance as an LEA). All Purpose is not responsible for post-closure maintenance per the lease agreement with the City.

   Rick Mauck administers the lease agreement, which is not a contract operations agreement. This has been the City's contention all along, "The City is not responsible for operating or administering the operation of the All Purpose Landfill. All Purpose Disposal Company is the party to whom the SWFP for operation has been issued. The City is only the property owner." The City still contends it has been acting properly and within the regulations.

   The action taken in March/April this year to transfer the responsibility of the LEA activities to the City's Planning Department was an additional step to avoid the appearance of any conflict of interest. It was also done in anticipation of the proposed new Enforcement Standards which provides for a totally separate unit, within the local governing body, to be allowed to be the LEA, as long as it is not the "operating unit."

   Please revise your text in the areas noted to properly reflect the above relationship between the All Purpose Disposal Company and the City. Examples of suggested revisions are enclosed.

2. SWIS REPORTS

Included herewith are copies of SWIS inspection reports conducted between March, 1990 which were omitted from your Table in Appendix B. Yesterday, copies of the 6/7/91, 6/17/91 reports were FAX'd to you. Also included was a SWIS report completed today (6/20/91). Please add all of these to your Table in Appendix B of the FER.

3. CORRECTION OF VIOLATIONS OF STATE MINIMUM STANDARDS

All the subject violations noted on pg. 11 of 16 of your FER have been corrected as stated in the DRAFT letter FAX'd to you yesterday. (The Final letter plus enclosures are to be given to Jack Miller at the meeting on 6/21/91).

4. VIOLATIONS OF OTHER STATE MINIMUM STANDARDS

The PSR is to be transmitted tomorrow. The five year Permit Review, and assessment of need for a further amended RDSI has been started and is awaiting CIWMB review and comment. Compliance will be forthcoming and is in progress.

The Final Closure Post Closure Plan is being worked on and anticipated the date for submittal is September 1, 1991 which is technically a couple of months late, given the estimated closure date of July, 1991. If AB939 SRRE programs and commercial recycling et.al. have any short term effect, the actual closure date would probably be extended into the the Fall of 1993 or Spring of 1994 making the requirement for submittal of this subject closure/post closure plan sometime in Fall of 1993.

SUMMARY

The City feels it has responded to and resolved all violations of State Minimum Standards, and the conflict of interest issue. As part of your criteria for LEA Performance Rating it requires the LEA to fail to "resolve" violations and conflicts to have their performance rated "Unacceptable." The City would like you to re-evaluate your rating to "Acceptable with Improvement" and follow up with another inspection within 30 days to verify our compliance.

Sincerely,

Jennifer Sparacino

Jennifer Sparacino
City Manager

Encl.

cc: John Lo Franco, City Code Enforcement Officer
Rick Mauck, DDPW/Street Superintendent
Pete Ghiroso, All Purpose Landfill
Jan Kurahara, Attorney at Law
Paul Lineberry, EMCON
Tony Pacheco, S.C.CO., DOH

CIWMBJAK.MIL

substantial growth in population. Principal industries are the semiconductor and computer industries. The top four employers are Hewlett Packard (computers, semiconductors), Apple Computer, Consolidated Freightways (trucking and shipping), and Intel (semiconductors).

In 1978, the City Council of the City of Santa Clara designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues at solid waste facilities. The County Department of Environmental Health, co-LEA for health related standards, is not evaluated in this report. There are 61 health related State Minimum Standards of a total of 310.

FACILITY INSPECTION RESULTS

Board staff met in the City of Santa Clara with designated representatives of both LEA offices on February 25, 1991. In attendance were Richard Mauck and William Alexander from the City of Santa Clara Street Department; Antone Pacheco and Michael Schott from County of Santa Clara Environmental Health Department; and Thomas Unsell, LEA Evaluations Branch, Jack Miller and Rosslyn Stevens, Facilities Evaluation Branch, Enforcement Division, CIWMB. The Facilities Evaluation process was discussed at this time, with plans to start the evaluation for the City detailed. The inspection date for the All Purpose Landfill was set at this meeting. The City representatives were given a draft copy of the Facilities Evaluation Program Manual, as well as a draft copy of the proposed LEA certification regulations. LEA duties and responsibilities were also discussed at this meeting.

Figure 1 summarizes details of the facility in the City of Santa Clara's LEA jurisdiction. City LEA inspection results from the past year are compared with the results of the Board's annual state inspections in Appendix B. The Board's annual state inspection report is attached as Appendix C.

ACTIVE, PERMITTED FACILITIES

All Purpose Landfill (43-AO-0001)

The only solid waste facility located within the City of Santa Clara's jurisdiction is the All Purpose Landfill--43-AO-0001. This facility is a Class III landfill located at 5401 Lafayette Street, Santa Clara. It is operated by the All Purpose Disposal Company under ~~contract to~~ a lease agreement with the City of Santa Clara which owns the site.

violation of 14 CCR 18255(b)(1) which prohibits the implementation of any closure activities, partial or otherwise, without prior approval of a Final Closure/Postclosure Maintenance Plan.

CLOSED, ILLEGAL, ABANDONED, OR EXEMPT FACILITIES

There are no known closed, illegal, abandoned, or exempt sites in the City of Santa Clara LEA jurisdiction.

FINDING

The All Purpose Landfill was found in violation of nine State Minimum Standard. Board staff will therefore recommend that the Board notice the owner and operator of the landfill of the Board's intent to include the facility on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice pursuant to PRC Section 43219.

LEA PERFORMANCE

The result of rating the City of Santa Clara LEA's performance against the LEA evaluation criteria are presented in Figure 2.

BACKGROUND

In 1978, the City of Santa Clara City Council designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of solid waste facilities permits and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960). This resolution designated the Santa Clara County Department of Environmental Health as the LEA for health related issues.

Board files show that in 1981, the City Manager delegated his LEA duties and responsibilities to the City Street Superintendent (Appendix C). To initiate the Facilities Evaluation process, Board staff arranged a meeting on February 25, 1991 with Mr. Rick Mauck, City of Santa Clara Street Superintendent. During this meeting, clarification was sought regarding LEA responsibilities in the City. Mr. Mauck stated that the LEA was the City Manager and that he was the City Manager's designated LEA representative. However, Mr. Mauck also ~~revealed~~ said that as City Street Superintendent he was responsible for managing the ~~operations contract~~ lease agreement for the City owned property w/ the All Purpose Landfill is located.

A subsequent review of Board files revealed that Board Resolution 78-9-LEA, which approved the City Council's 1978 LEA designations, specifically prohibits the delegation of LEA authority from the

Figure 2

CITY OF SANTA CLARA 43-AO
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

FACILITY NAME SWIS NO.	ALL PURPOSE LANDFILL 43-AO-0001
FACILITY VIOLATIONS	V AOC V(nh) AOC(nh)
30 PRC, 14 CCR, Other (* = Emergency Violation)	12 5 11 4
LEA PERFORMANCE	
PRC 43219 - Significant violations (a through f)	
a. PRC 45300 - Emergency violation identified and resolved	compliance
b. 14 CCR 18304 - Notice & Order issued for permit violation (Permit Enforcement Policy)	violation
c. PRC 45000, 44001, 44002 - Active site, no SWFP - appropriate enf. action taken	n/a
d. PRC 43207 - Conflict of interest	violation City takes exception
e. PRC, 14 CCR - Failure to implement LEA program	violation City takes exception
f. 14 CCR 18305 - Enforcement of Notice and Orders	n/a
PRC 43218 - Monthly inspections of active, inactive, and illegal sites	compliance
14 CCR CIL3 ART. 7.8 - Quarterly inspections of closed, abandoned, and exempt sites	n/a
14 CCR 17683 - Weekly inspection of performance standards sites	n/a
PRC 43218 - Inspection reports sent within 30 days	compliance
PRC 43219 (a) - Yearly inspections conducted with Board staff	compliance
14 CCR 18302, 18303 - Investigated reports of violations	n/a
14 CCR 18304, 18307 PRC 45000 - Appropriate enforcement action taken (N & O / Compliance Schedules)	n/a
14 CCR 18213 - Five Year Permit Review	violation
14 CCR 18270 - Review of Closure/Postclosure plans	violation not-due yet

V = violation; AOC = Area of Concern; N & O = Notice and Order; n/a = Not Applicable; nh = non-health

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City Manager to any other City official or agency (Appendix D). The specific reason for this prohibition was to prevent the City official or agency responsible for managing the operation of the City owned All Purpose Landfill from acting as LEA for that facility.

Board files also revealed that when Board staff had questioned this arrangement in the past, the City argued that Board Resolution 78-9-LEA granted the City a waiver pursuant to Title 7.3, Government Code (GC), Section 66796(e) allowing the City Street Superintendent to both manage ~~operations~~ the lease agreement for the property and be LEA for the All Purpose Landfill. Whether or not the City ever had a waiver pursuant to 7.3 GC 66796.3(e) is now moot because this section of the Government Code was repealed in 1989. Division 30, Public Resources Code (PRC), Section 43207 unequivocally prohibits the same department or agency responsible for operating a solid waste facility from acting as the LEA for that facility.

The City Manager's delegation of LEA responsibilities to the City Street Superintendent is apparently in direct conflict with City of Santa Clara's 1978 LEA designation and a violation of PRC Section 43207. These facts were brought to the attention of the City Manager in a letter from the Chief of the Enforcement Division dated March 13, 1991, attached as Appendix E. The City Manager's response (April 3, 1991 Appendix F), indicated that she would shift her LEA duties and responsibilities from the City Street Superintendent to the City Planning Department.

Still disagree resolve

While Board staff considered the City Manager's April 3, 1991 response, Board staff met with the City Manager on April 25, 1991 to reinitiate the Facility Evaluations process. In attendance were the City Manager, Jennifer Sparacino; City Director of Planning, Geoffrey Goodfellow; John LoFranco, City Department of Planning, Code Enforcement; John Bell, Assistant Chief CIWMB Enforcement Division; Marc Arico, CIWMB LEA Evaluations Branch; and Rosslyn Stevens, CIWMB Facility Evaluations. Representatives from the Planning Department were included as they had been identified as the new contact personnel by the City Manager. At this meeting, the Facilities Evaluation Program was again outlined, along with the proposed LEA Certification Regulations.

FINDING

Board staff feels

The City of Santa Clara LEA failed to identify a conflict of interest in the operation and regulation of the City owned All Purpose Landfill pursuant to PRC Section 43207. While the City Manager attempted to resolve this problem by shifting LEA duties and responsibilities to the City Planning Department, this action does not comply with the terms and conditions of the City's LEA designation or with Board staff's March 13, 1991 correspondence

Board still feels

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directing the City Manager to reassert her authority as LEA. Board staff is also concerned that the City of Santa Clara LEA failed to identify a large number of violations at the City owned All Purpose Landfill indicating that the LEA failed to perform its duties and responsibilities as required by state laws and regulations. Board staff will therefore recommend that the Board initiate a formal Performance Review of the LEA pursuant to PRC Section 43219. Board staff will also recommend that the Board rate the City of Santa Clara LEA performance as "Unacceptable".

FORMAL PERFORMANCE REVIEW

PRC Section 43219 provides that when the Board identifies significant violations of state minimum requirements that were not identified and resolved by the LEA, the Board shall conduct a formal Performance Review of the LEA within 120 days and prepare a written Performance Report within 60 days of the review. The purpose of the Performance Review is to thoroughly investigate the LEA's program to determine why the LEA failed to identify and resolve significant violations and to determine what steps the LEA must take to correct the documented deficiencies.

Upon receipt of the Performance Report, the LEA has 90 days to submit a Plan of Correction. If the LEA fails to submit an adequate plan or fails to implement the plan, the Board must withdraw its approval of the LEA's designation pursuant to PRC Sections 43219 and 43215.

The City of Santa Clara LEA should approach the Performance Review as an opportunity to improve their LEA program well ahead of the August 1, 1992 LEA redesignation/certification deadline pursuant to PRC Sections 43200 and 43201. Upon receipt of the Board's Performance Report, the City will know exactly what outstanding issues need to be addressed prior to submitting their redesignation/certification package.

LEA COMMENTS

**insert LEA comments following June 20 exit interview

RECOMMENDATIONS

1. Board staff documented nine violations of State Minimum Standards at the All Purpose Landfill (43-AO-0001).

Therefore, pursuant to PRC Section 44104, Board staff recommends the Board notify the owner and operator of the All Purpose Landfill of the Board's intent to include the site on the State List of Non-

Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice.

2. The LEA failed to identify and failed to meet Board staff's directive in resolving an apparent conflict of interest as defined in PRC Section 43207. The LEA also failed to identify ~~and resolve~~ a large number of violations at the All Purpose Landfill, further failing to meet its duties and responsibilities as required by state laws and regulations.

Therefore, Board staff will recommend that the Board another Facility Inspection and if no improvement is made then initiate a formal Performance Review of the LEA pursuant to PRC Section 43219 and that the LEA's performance be rated as "Unacceptable".

APPENDICES

Appendix A	LEA Written Comments
Appendix B	LEA inspections v. State inspection
Appendix C	City notification of LEA contact person
Appendix D	State Inspection Report
Appendix E	Letter from Bernard Vlach to Jennifer Sparacino
Appendix F	Response from Jennifer Sparacino

APPENDIX B
CITY OF SANTA CLARA LOCAL ENFORCEMENT AGENCY FACILITIES EVALUATION REPORT
INSPECTION SUMMARY - ALL PURPOSE LANDFILL (43-AO-0001)
MARCH, 1990 to PRESENT

ALL PURPOSE LANDFILL 43-AO-0001	RECORDS	PERSONNEL	SIGNS	SECURITY	ROADS	COMMUNICATIONS	LIGHTING	UNLOADING	GRADING	COVER	SALVAGING	NUISANCE	FIRE	LEACHATE	GAS	DUST	DRAINAGE	LITTER	TRAFFIC	EQUIPMENT	MAINTENANCE	CLOSURE	OTHER
29-MAY-91		V							V	V	V						V	V			V	V	
21-MAY-91																							
17-APR-91																							
12-MAR-91																							
01-FEB-91																							
23-JAN-91																							
15-JAN-91																							
21-DEC-90																							
07-DEC-90																							
13-NOV-90	V																						
11-APR-90																							
15-MAR-90																							

RESULTS OF CIWMB ANNUAL INSPECTION OF 03/12/91

12-MAR-91		A		V	A		A			V	V			V	A		V				V	V	V

V = VIOLATION
A = AREA OF CONCERN

THE CITY OF SANTA CLARA

CALIFORNIA

DIRECTOR OF PUBLIC WORKS
CITY HALL
1500 WARBURTON AVE.
SANTA CLARA CA 95050
(408) 984-3200

April 6, 1981

State Solid Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Attention: Bill Cortner

Gentlemen:

Attached is the Solid Waste Enforcement Agency Program Plan for the City of Santa Clara. Any questions or comments regarding the document should be directed to Bill Weisend, Street Superintendent at (408) 984-3151.

Respectfully submitted,

S. M. Cristofano
Director of Public Works/City Engineer

SMC:y

Attach

cc: Street Superintendent
File 43-A0-001
Warren Stephenson, Solid Waste Specialist
Santa Clara County
Environmental Health Services
2220 Moorpark Avenue
San Jose, CA 95131

VI. STAFF TRAINING

Currently, the City's Street Superintendent handles all non-health related standards enforcement. He is a licensed Civil Engineer with eight (8) years experience in the field of solid waste. Some of his tasks have been:

A. Provide the facilities design, construction services, and contract administration for construction of the City landfill.

B. Secure RWQCB, SSWMB, and other permits for the landfill operation.

C. Establish a monitoring well network and supervise self-monitoring program (RWQCB).

D. Manage a municipal rubbish collection operation.

E. Franchise administrator for nine (9) licensed private haulers operating in Santa Clara.

F. Prepare all contracts and agreements for private collection and disposal operation.

G. Administer litter grant funds from the SSWMB.

H. Supervise street cleaning operations.

I. Coordinator for three (3) non-profit corporations that are responsible for bond redemption and financing (Land payments).

J. LEA (SSWMB) for non-health related standards.

K. Recommend plans for future City needs in solid waste management; such as resource recovery options, future landfill sites, recycling, source separation, and other alternatives.

L. Administer City-wide annual Cleanup Campaign.

In addition to these duties, the Street Superintendent has been President of the Northern California Chapter of GRCDA, and is a member of APWA's Institute for Solid Wastes. He has attended numerous training programs in the field and represents the City in dealings with the SSWMB, RWQCB, County Health Department, and other agencies.

VII. SUPPORT SERVICES

Although the Street Superintendent has primary responsibility for standard enforcement, he has certain supervisorial and clerical support at his disposal. All activities in the field of solid waste are accounted for in the annual operating and capital improvement budgets. These costs are offset through rent payments and franchise fees collected from the landfill operator and licensed haulers.

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 NINTH STREET, SUITE 100
SACRAMENTO, CALIFORNIA 95814

MAY 16 1991

Jennifer Sparacino,
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Subject: State inspection of the All Purpose Landfill
File No.: 43-AO-0001

Dear Ms. Sparacino:

California Integrated Waste Management Board (Board) staff inspected the All Purpose Landfill on March 12, March 25 and April 19, 1991, pursuant to Division 30, Public Resources Code (PRC), Section 44105. A copy of the report is enclosed.

The facility was evaluated for compliance with applicable sections of Division 30 of the Public Resources Code and Title 14, California Code of Regulations (CCR).

The following violations were documented during this inspection:

30 PRC 44015 - Five Year Permit Review
14 CCR 17607 - Periodic Site Review
14 CCR 17616 - Report of Disposal Site Information
14 CCR 18222 - Report of Disposal Site Information
14 CCR 17658 - Site Security
14 CCR 17682 - Cover
14 CCR 17690 - Storage of Salvage
14 CCR 17696 - Operating Site Maintenance
14 CCR 17704 - Leachate
14 CCR 17708 - Drainage and Erosion Control
14 CCR 18255 - Final Closure Post Closure Plan

In addition, the following areas of concern were noted:

14 CCR 17670 - Personnel Health and Safety
14 CCR 17659 - Access Roads
14 CCR 17699 - Lighting
14 CCR 17783.15 - Gas Control
14 CCR 18280 - Financial Responsibility Scope and Applicability

204

Please work with the operator to bring this facility into compliance with all State Minimum Standards. If you have questions, please call Rosslyn Stevens at (916) 322-4416.

Sincerely,

Jack W. Miller

Jack W. Miller, Supervisor Unit B
Facilities Evaluation
Enforcement Division

CC: Pete Ghiroso, All Purpose Landfill Disposal Company
Antone Pacheco, Santa Clara County Department of Environmental Health
George Leyva, Regional Water Quality Control Board, San Fransisco Bay Region

JWM:RS
\allpurp.ltr

enclosure

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE INSPECTION REPORT

Facility:	All Purpose Landfill
Facility File No.:	43-AO-0001
Location:	5401 Lafayette Street Santa Clara, Ca 95050
Acreage:	193
Owner:	City of Santa Clara
Operator:	All Purpose Landfill Co.
Permitted Tonnage:	600 tpd
Permit Issue Date:	2/13/86
Last Permit Review:	2/13/86
Periodic Site Review:	8/13/85
Liquid Waste Accepted:	no
Hazardous Waste Accepted:	no
Gas/Leachate Controls:	gas collection and removal system to co-generation plant; partial LCRS
LEA:	City of Santa Clara City Manager; Santa Clara County Department of Environmental Health
Inspector:	Rosslyn Stevens
Inspection Dates:	March 12, 1991 March 25, and April 19, 1991--gas control only

5/16/91
Unit Supervisor

Waste Management Specialist

206

On March 12, 1991, the main landfill inspection was conducted at this site. I was accompanied by Susan Markie, CIWMB, Facilities Evaluation Branch; Nate Gauff, CIWMB, Closure Branch; Mike Schott, Santa Clara County Department of Environmental Health; and Bill Alexander, City of Santa Clara Street Department. The facility was evaluated for compliance with applicable sections of Division 30 of the Public Resources Code (PRC) and Title 14, California Code of Regulations (CCR).

Due to repeated gas testing equipment problems, I had to return to the site twice to determine operator compliance with 14 CCR 17705-Gas Control. On March 25, 1991, I was accompanied by Mark de Bie, CIWMB, Facilities Evaluation Branch; Mike Schott and Bill Alexander. On April 19, 1991, I was accompanied by Susan Markie and John Dufresne, Santa Clara County Department of Environmental Health. We were met by Bill Alexander, representing the operator, and John LoFranco, representing the city Local Enforcement Agency (LEA).

This inspection was conducted as part of the Facility Evaluation process and will become an integral part of the Facility Evaluation Report for the City of Santa Clara Local Enforcement Agency jurisdiction.

VIOLATIONS

30 PRC 44015 - Five Year Permit Review

This facility is overdue for its five year permit review. The most current five year permit review is dated February 13, 1986. Two letters from the CIWMB Permits Branch have gone to the operator reminding him the review was due, but no review has been filed with the Board to date. The City of Santa Clara has argued that the due date for the five year-permit review should be delayed by virtue of the fact that notification from the Permits Branch was late and did not allow for the 150 day time frame as required by regulation. However, the City was aware of the February, 1991 due date for submittal of the five-year permit review and did so state in a letter dated April 20, 1990. They further stated in this letter that the required five-year review documents (permit review, engineering review) would be submitted by February 13, 1991. These documents have not been received.

Due to the deficiencies documented in the operator's current Report of Disposal Site Information (RDSI), as documented below

R S

Waste Management Specialist

under 14 CCR 17616 and 14 CCR 18222, the operator must submit a revised RDSI with his application for five year permit review.

14 CCR 17607 - Periodic Site Review
This standard requires an operator to have a registered civil engineer conduct an engineering review of site operations every five years. The last Periodic Site Review for the All Purpose Landfill was dated August 13, 1985. Therefore a Periodic Site Review became past due on August 13, 1990. In an April 20, 1990 letter responding to the April 4, 1990 letter from John K. Bell, CIWMB, Enforcement Division, questioning site life, Mr. Richard Mauck of the City of Santa Clara Street Department stated that the five year permit review would be submitted to the Board by February 13, 1991. This document has not been received.

14 CCR 17616 - RDSI
The required amendments describing changes in site operations have not been filed with the Board. Specifically, no amendment was filed regarding the metals salvaging operation, as stipulated in the 1986 permit. No amendment has been filed regarding the vehicles stored on site. In addition, no amendment has been filed indicating the change in refuse stream. All city refuse has been diverted to the Newby Island Landfill for at least a year, yet there is no documentation of this fact on file with the Board.

In addition, the City of Santa Clara conducts annual "clean up" campaigns where households can dispose of larger items such as furniture, remodeling debris, etc. This campaign lasts three weeks and takes in large amounts of waste. No description of this activity is included in the RDSI.

This site has a kennel located behind the maintenance shed and adjacent to the metals salvage operation. The dogs kept there are hunting dogs belonging to the operators. This is not described in the RDSI, nor in any amendment to the RDSI. I am concerned about the welfare of these animals.

14 CCR 18222 - RDSI
The RDSI for this facility is the original filed as a conditioning document for the first SWFP, issued in 1978. It is no longer adequate. At the time of the permit revision in 1986, the Board allowed the periodic site review and five year permit review to be combined into one document and used as an amendment to the 1978 RDSI for this facility. The RDSI must be a stand alone document, as described in the April, 1989 Permit Desk

R.S.
Waste Management Specialist

Manual and include the specified information described in this regulation.

The original permit conditioning 1978 RDSI is inadequate in the following areas (reference--April, 1989 Permit Desk manual):

Item 19c (p.7)--no inplace densities of waste are given
Item 19d (p.8)--no map
Item 19e (p.8)--no plot plan
Item 19g (p.9)--no grading plan is given, schedule is
Item 19h (p.9)--no map
Item 19i (p.9)--Soils report cited in appendix, none found
Item 19j (p.10)--no referenced grading plan in file
Item 19k (p.10)--refers to WDR 73-77, does not describe
Item 19m (p.10)--states no gas monitoring program is required
site has gas collection/monitoring program

It is important to note here that while some of these items are missing because the document is an old and outdated document, their absence is of significance because appropriate addenda to the RDSI (see 14 CCR 17616) have not been filed.

The 1985 Periodic Site Review, used an addendum to the 1978 RDSI and incorporated as a conditioning document into the 1986 permit revision is inadequate for the following reasons (reference--April, 1989 Permit Desk Manual):

Item 19d1 (p.8)--access conditions are not described
Item 19d2 (p.8)--no estimates of traffic are included
Item 19e (p.8)--some maps are given, but often without scale
structures within 1000' not indicated
Item 19f (p.8)--not present
Item 19f1 (p.8)--not given
Item 19f2 (p.8)--not given
Item 19g (p.9)--cover borrow areas not described
Item 19g2 (p.9)--grading plan referenced, not in file
Item 19h (p.9)--not present
Item 19h1 (p.9)--not present
Item 19i (p.9)--soils report referenced, not in file
Item 19j (p.10)--references grading plan, not in file
Item 19k (p.10)--references WDR 73-77
Item 19m (p.10)--states no gas monitoring is required, yet report
names firm with rights to gas collection

Some of these items may be missing because this document was prepared prior to the completion of the April, 1989 Permit Desk

RG

Waste Management Specialist

Manual. A new RDSI, required as part of the five year permit review must include all these missing items to be complete.

14 CCR 17658 - Site Security
Two water monitoring wells were unlocked at this facility. One of these was outside the site security fence, adjacent to Parcel 3/6, along the shoulder of Lafayette Street. This well appears to have been tampered with as the padlock eye holes have been snapped off. The second unlocked well was located on Parcel 1, at the toe of the fill, along the fenceline by the adjacent businesses. All monitoring wells are to be locked.

14 CCR 17681 - Availability of Cover Material
Cover material is delivered to this site in the form of "clean fill" from area contractors. This procedure works through "word of mouth." Stockpiles of this material were of questionable suitability. For material to be appropriate for use as cover, it must meet the requirements of 14 CCR 17682 to prevent the propagation of vectors, control landfill fires, and prevent the creation of nuisances. Many of the piles observed during the inspection were contaminated with shredded plastics, asphalt, and other debris and would not meet Section 17682 requirements.

If the operator wants to continue the practice of using contractor loads for cover, he must ensure the loads are truly clean fill with minimal foreign matter. Other materials used as cover, such as paper pulp from the two local paper mills, are not sanctioned without approval through the Board's alternative cover program. The reliability of sufficient deliveries of cover is also in question.

14 CCR 17682 - Cover
The site had been covered the night before, but large areas of exposed waste remained. All waste is to be covered with 6 inches of suitable cover material, every 24 hours. Several large pieces of plastic were visible, along with many tires, shredded paper and plastic debris, old containers and one large piece of PVC sewer pipe. The uncovered portion of the working face was larger than the covered portion. Some of the cover used at this site was unsuitable as it contained waste residues and did not consist of clean fill. Unless alternative cover materials have been approved by the Board's Advanced Technologies Group, only soil is acceptable for use as daily cover.

14 CCR 17690 - Storage of Salvage
Salvage stored at this facility was not stored so as to avoid the creation of a hazard. The salvage area was exceedingly

KBC
Waste Management Specialist

dangerous, with metal shards strewn over a large area and protruding from debris boxes.

14 CCR 17696 - Operating Site Maintenance

This site's general maintenance needs a great deal of attention. The stored drop box area must be cleaned up. Many of these boxes contain waste. Some of the waste observed in these boxes included hazardous materials containers. I did not check to see if these still contained hazardous materials. There are also two abandoned cars and several abandoned pieces of landfill equipment behind the boxes.

I am concerned as well about the storage of three compactors with waste still in them. Two of these are whole trucks, complete with tractor, while the third is the container portion only. These vehicles were involved in accidents. While I appreciate the need to preserve evidence pending litigation, I am concerned about the prolonged storage of waste in these containers.

Numerous areas of standing water existed around the drop boxes. There was an area behind the maintenance shed where standing water around the drop box was the color of antifreeze. In this puddle were several globules of black sludge.

In addition, an old waste oil bin, located next to the maintenance shed, was abandoned with waste under and around it.

The drop boxes must be emptied of waste and that waste must be buried in the working face. The hazardous containers seen in many of the drop boxes must be checked for residues prior to disposal. Abandoned vehicles should either be salvaged or buried.

14 CCR 17704 - Leachate

Recent samples from groundwater monitoring wells 10 and 12 indicate that groundwater in the vicinity of the landfill has been impacted. These wells are located in the center of the landfill, with old fill (now golf course) on one side, and Parcel 3/6 where current operations are, on the other.

RWQCB monitoring results using EPA Method 601/8010 for samples taken on November 27, 1990 and analyzed on December 6, 1990, showed that monitoring well 10 had 14 ug/L of Vinyl Chloride, 170 ug/L of cis-1,2-Dichloroethene, 33 ug/L of trans 1,2-Dichloroethene, and 23 ug/L of Trichloroethene.

LSF

Waste Management Specialist

Well 12 had 17 ug/L Vinyl Chloride, 170 ug/L cis-1,2-Dichloroethene, 40 ug/L trans-1,2-Dichloroethene, and 15 ug/L Trichloroethene.

Department of Health Services (DOHS), drinking water standards maximum contaminant levels for vinyl chloride are 0.5 ppb (1 ppb is equivalent to 1 ug/L). The Environmental Protection Agency standard is 2.0 ppb. For 1,2-Dichloroethene, cis and trans isomers combined, the DOHS maximum contaminant level (MCL) is 0.5 ppb. EPA is 5.0 ppb. For Trichloroethene, the DOHS level is 5.0 ppb.

At present, the gas cogeneration facility re-injects landfill gas condensate into the landfill to dispose of it. It is questionable whether it is wise to continue this practice when ground water has already been impacted at this site. The gas condensate should be handled as leachate and shunted into the leachate collection and removal system where it can be treated prior to disposal.

14 CCR 17708 - Drainage and Erosion Control

Several areas on site had eroded so badly that waste was exposed. These areas included the intermediate cover slope behind the maintenance building on Parcel 3/6 and several areas along internal roads on Parcel 1 and Parcel 1 NW.

14 CCR 18255 - Final Closure Post Closure Plan

During a meeting with City Officials to discuss the Facilities Evaluation Process, it was stated that final closure of Parcel 3/6 was being conducted as the parcel was being filled. 14 CCR 18255 prohibits the implementation of any closure activities without an approved final closure/postclosure maintenance plan. The operator has yet to submit such a plan for approval. Therefore, any closure activities conducted on Parcel 3/6 may be disapproved if they do not meet the applicable closure/post closure standards.

By letter on April 20, 1990, the operator stated that All Purpose Landfill would reach final grade by the Spring of 1993. This date contradicts the date given in the June, 1990 Operations and Development Plan prepared by EMCON Associates. A copy of this plan was submitted to Board staff when the closure date question was again raised in a another meeting with City officials on April 25, 1991. This Operations and Development Plan states that Parcel 1 NW has two years of capacity remaining. The closure date then becomes June, 1992. Regardless of whether the closure date is June, 92 or Spring, 93, 14 CCR 18255 requires submittal

RG

Waste Management Specialist

of a final closure/postclosure maintenance plan for LEA, RWQCB, and CIWMB approval two years prior to anticipated closure. A final closure/post closure maintenance plan is now due.

If the All Purpose Landfill closure date has been revised beyond the Spring of 1993, a preliminary closure/post closure plan for the Landfill became past due with the Five Year Permit Review on February 13, 1991, pursuant to 14 CCR 18255.

AREAS OF CONCERN

30 PRC 44014b - Compliance with Terms and Conditions of SWFP
The current SWFP states that only cardboard salvage operations are to be conducted on site. Currently metals are being salvaged in an area behind the maintenance shop. Salvage operations for materials other than cardboard are prohibited unless an amendment to the RDSI describing these operations is filed with the Board prior to the start of the salvage activities. No such amendment has been filed.

This site has several abandoned vehicles stored behind the drop boxes. If these vehicles are salvage, their presence constitutes a violation of the terms and conditions of the SWFP as these salvage operations are not sanctioned in the current permit.

14 CCR 17670 - Personnel Health and Safety
One site operator was observed not to be wearing gloves while sorting cardboard. When inquiries were made, landfill manager Pete Ghiorso stated that cardboard was difficult to pick up with gloves, and that that particular individual couldn't wear gloves as one of his fingers was misshapen. Regardless, all personnel handling refuse are required to wear gloves for health and safety reasons.

14 CCR 17659 - Access Roads
Although the landfill operates a street cleaner to clean Lafayette Street of debris, there was still a great deal of mud tracked onto the public road. The site should continue efforts to minimize tracking of debris onto public roads.

14 CCR 17699 - Lighting
This facility operates in hours of darkness. Although I did not observe nitetime operations, it was questionable if the site has adequate lighting for movement of heavy equipment and tipping of refuse.

R St
Waste Management Specialist

14 CCR 17783.15 - Gas Control

The protocol for handling the alarms in the on site structures at the golfcourse has been recently changed by Mr. Bill Alexander of the Santa Clara Street Department. He has raised the threshold to 10,000 ppm. The federal standard requires evacuation if the methane level reaches 1.25% (10,250 ppm) by volume in air. I am concerned that the threshold for this alarm does not allow sufficient warning. I am also concerned that this "protocol" has not been submitted to the Board for consideration.

But perhaps of greatest concern is the reason for this recent change in procedure. Apparently, alarms were going off regularly and were being ignored by golf course staff. Mr. Alexander said the alarms were ignored because they were an inconvenience. The threshold was then raised to preclude triggering the alarms. This begs the question of why these alarms were tripping to begin with. It is disturbing that the response to an alarm was to raise the alarm's threshold. A better response would have been to track the source of the alarm's trigger. With new federal regulations proposed that will greatly reduce acceptable levels of exposure to landfill gas, it would be sensible to track the source of these alarms to facilitate compliance with these standards and to eliminate exposures of golfcourse users to landfill gas.

Final gas testing on April 19, 1991, failed to register any gas in any of the on-site structures, nor in any of the bar hole punches drilled along the perimeter where structures are within a thousand feet. While this is good news, the question of the cause of the alarms remains unanswered.

14 CCR 18280 - Financial Responsibility Scope and Applicability

This facility does not have adequate financial assurance mechanisms in place to cover the costs of closure and post closure maintenance.

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Waste Management Specialist

STATE OF CALIFORNIA

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

MAR 1 3 1991

RECEIVED
MAR 1 8 1991
STREET DEPT./CITY HALL
CITY OF SANTA CLARA

Jennifer Sparacino
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, California 95050

Subject: LEA Designation, City of Santa Clara

Dear Ms. Sparacino:

It has come to my attention that a conflict of interest exists in the operation and regulation of the All Purpose Landfill by the City of Santa Clara. The purpose of this letter is to summarize my concerns and request your immediate attention in resolving this issue.

In 1978, the Santa Clara City Council designated itself and the City Manager as the Local Enforcement Agency (LEA) for matters pertaining to the issuance of Solid Waste Facilities Permits (SWFPs) and enforcement of non-health related solid waste disposal laws and regulations (City Council Resolution #3960, attached). By the same resolution, the City Council also designated the Santa Clara County Health Department as a co-LEA responsible for enforcement of health related solid waste disposal provisions. While the SWFP for the All Purpose Landfill was issued by the City to the All Purpose Landfill Company, this company operates the landfill under contract to the City which owns all or part of the site.

When the City resolution designating LEAs was reviewed by Board staff in preparation for Board approval back in 1978, Board staff expressed concern that a conflict of interest might result with the City owning, managing, and regulating the All Purpose Landfill. To alleviate this concern, the Board, in approving the City Council's LEA designations, directed that all enforcement authority would be held by the City Manager and the Santa Clara Health Department and prohibited the City Manager from delegating his LEA authority to any other agency (Board Resolution #78-9-LEA, attached). A review of our files indicates that the specific reason for this prohibition was to prevent the City Manager from delegating his LEA authority to the City agency with the responsibility for managing the All Purpose Landfill.

Our files also indicate that as early as 1981, the City Manager delegated his LEA authority to the City Street Superintendent, a position within the City Department of Public Works, and the City

staff person responsible for managing the All Purpose Landfill operations contract. In the past, when Board staff questioned the City about this apparent conflict of interest, the City argued that Board Resolution #79-9-LEA granted the City a waiver pursuant to Title 7.3, Government Code (GC), Section 66796(e) in affect allowing the City Street Superintendent to both manage and be LEA for the All Purpose Landfill.

While Board staff has concluded that there was never a basis to support this position, the matter ceased to be an issue when 7.3 GC 66796(e) was repealed in 1989. Now, Division 30, Public Resources Code (PRC), Section 43207 unequivocally prohibits a department or agency which is responsible for operating a solid waste facility from acting as the LEA regulating that facility.

Therefore, all LEA authority currently being exercised by the City Street Superintendent and/or the City Public Works Department with regards to the All Purpose Landfill must immediately revert to your office. This includes but is not limited to the enforcement of the terms and conditions of the operator's SWFP, enforcement of applicable laws and regulations as determined by monthly landfill inspections, the responsibility to conduct SWFP reviews, and the responsibility to review and approve all required landfill documents such as Periodic Site Reviews, Closure/Postclosure Maintenance Plans, and Financial Assurance Mechanisms.

Also, please be advised that regulations are currently being developed to certify LEA's pursuant to 30 PRC 43200. Each LEA must meet the adopted regulations and be certified by August 1, 1992. It is unlikely that these new regulations will continue to allow LEA responsibilities to be divided among city and county agencies. This would mean that your arrangement with the Santa Clara County Health Department to share LEA responsibilities would no longer be allowed. As the County is capable of assuming all LEA responsibilities currently held by the City Council, the City Manager, and the County, the City Council may want to consider designating the County as the sole LEA for the City of Santa Clara at this time.

If you have questions or comments regarding this matter, please contact me at (916) 322-6172 or Jack Miller at (916) 322-2662. Specific questions related to LEA designation and certification should be directed to Tom Unsell of the LEA Evaluations Branch at (916) 322-9543.

Sincerely,

Bernard R. Vlach, Chief
Enforcement Division

BRV:JM:RS
\allpurp3.agn

Attachments

cc: City Council, City of Santa Clara

Rick Mauck, City of Santa Clara Deputy Director of Public Works/Street Superintendent

Antone Pacheco, Santa Clara County Department of Environmental Health

RESOLUTION NO. 3960

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA AMENDING RESOLUTION NO. 3857 ESTABLISHING ENFORCEMENT AGENCIES TO CARRY OUT THE PROVISION. OF THE Z'BERG-KAPILOFF SOLID WASTE CONTROL ACT OF 1976

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, as follows:

That the body of the above entitled Resolution No. 3857 is hereby amended to read as follows:

WHEREAS, by Resolution No. 3611, dated January 27, 1976, the City Council of the City of Santa Clara concurred in principle with the Santa Clara County Solid Waste Management Plan; and

WHEREAS, Section 66796 of the Government Code requires local agencies to designate an enforcement agency to carry out the provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976; and

WHEREAS, the City of Santa Clara has the capabilities necessary to implement the Z'Berg-Kapiloff Solid Waste Control Act of 1976; and

WHEREAS, the Santa Clara County Solid Waste Management Plan provides that each City within the County will designate its own enforcement agency.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council designates itself as the enforcement agency for all solid waste management matters affecting the collection of garbage and the disposal of solid wastes in the City of Santa Clara; and

BE IT FURTHER RESOLVED that the City Manager is designated as the enforcement agency for the collection of rubbish in the City of Santa Clara; provided, however, that the City Manager shall not designate his enforcement responsibility to any other person or agency; and

BE IT FURTHER RESOLVED that the City Council appoints the Santa Clara County Health Department as the enforcement agency for all health related matters as specified in the Z-Berg-Kapiloff Solid Waste Control Act of 1976; and

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a certified copy of this resolution to the State Solid Waste Management Board, and the Board of Supervisors of Santa Clara County.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 24th day of January, 1978, by the following vote:

AYES: COUNCILMEN: Kiely, Mahan, Stewart, Street and Mayor Gissler

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: Hansen and Texera

ATTEST: A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

City Clerk

STATE SOLID WASTE MANAGEMENT BOARD
1709 11TH STREET
SACRAMENTO, CALIFORNIA 95814

March 13, 1978 (FILE #43-AO-001

Santa Clara City Council
1500 Warburton Ave
Santa Clara, CA 95050

Dear Sir:

The Solid Waste Management Board has determined that your designated local enforcement agency meets the requirements to enforce the laws and regulations pertaining to AB 2439 (1976)

Attached is Resolution No. 78-9 adopted on Feb. 23, 1978.

If you have any questions regarding this matter, please contact Mark White at at 322-2657.

Sincerely,

Albert A. Marino
Executive Officer

Attachment

cc: State Department of Health
744 P Street
Sacramento, CA 95814

cc: Santa Clara City Manager
Santa Clara County Health Department

RECEIVED
MAR 16 1978
CITY OF SANTA CLARA
DIR. PUB. WKS./CITY ENG.

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STATE SOLID WASTE MANAGEMENT BOARD

LOCAL ENFORCEMENT AGENCIES APPROVAL NO. 78-9-LEA

NAME OF AGENCIES: Santa Clara City Council
Santa Clara City Manager
Santa Clara County Health Department

JURISDICTION: City of Santa Clara

WHEREAS, the Z'berg-Kapiloff Solid Waste Control Act of 1978 requires that there shall be designated within each county an enforcement agency to carry out the provisions of the Act; and

WHEREAS, the State Solid Waste Management Board has received and reviewed the Notice of Designation dated January 24, 1978 from the Santa Clara City Public Works Department; and

WHEREAS, the State Solid Waste Management Board has received the recommendation for approval from the State Department of Health; and

WHEREAS, the Board has determined that the proposed enforcement agencies, the Santa Clara City Council and the Santa Clara City Manager of the City of Santa Clara and the Santa Clara County Health Department are qualified to become the local enforcement agencies for the City of Santa Clara, and

WHEREAS, a conditional waiver to the requirements of section 61796(d) of the Act has been requested by the City of Santa Clara, and

WHEREAS, it appears that such a conditional waiver should be granted.

NOW, THEREFORE, BE IT RESOLVED THAT based on the foregoing considerations the State Solid Waste Management Board, pursuant to sections 66796.21 and 66796(d) of the Government Code, grants the City of Santa Clara a conditional waiver to the requirements of section 66796(d) and approves the designation of the Santa Clara City Council, the Santa Clara City Manager, and the Santa Clara County Health Department as the local enforcement agencies for the City of Santa Clara, subject to the following conditions:

1. The Santa Clara City Council shall delegate its enforcement responsibilities to the Santa Clara City Manager and to the Santa Clara County Health Department and to no other agencies, and

2. The Santa Clara City Council shall appoint an independent hearing panel pursuant to Government Code section 66796.58.

I, Albert A. Marino, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the action taken by the State Solid Waste Management Board at its February 23-24,1978 meeting.

CERTIFICATION

Date FEB 23 1978

Albert A. Marino

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THE CITY OF SANTA CLARA

CALIFORNIA

DIRECTOR OF PUBLIC WORKS
CITY HALL
1500 WARBURTON AVE
SANTA CLARA CA 95050
(408) 984-3200

April 6, 1981

State Solid Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Attention: Bill Cortner

Gentlemen:

Attached is the Solid Waste Enforcement Agency Program Plan for the City of Santa Clara. Any questions or comments regarding the document should be directed to Bill Weisend, Street Superintendent at (408) 984-3151.

Respectfully submitted,

S. M. Cristofano
Director of Public Works/City Engineer

SMC:y

Attach

cc: Street Superintendent
File 43-A0-001
Warren Stephenson, Solid Waste Specialist
Santa Clara County
Environmental Health Services
2220 Moorpark Avenue
San Jose, CA 95131

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VI. STAFF TRAINING

Currently, the City's Street Superintendent handles all non-health related standards enforcement. He is a licensed Civil Engineer with eight (8) years experience in the field of solid waste. Some of his tasks have been:

A. Provide the facilities design, construction services, and contract administration for construction of the City landfill.

B. Secure RWQCB, SSWMB, and other permits for the landfill operation.

C. Establish a monitoring well network and supervise self-monitoring program (RWQCB).

D. Manage a municipal rubbish collection operation.

E. Franchise administrator for nine (9) licensed private haulers operating in Santa Clara.

F. Prepare all contracts and agreements for private collection and disposal operation.

G. Administer litter grant funds from the SSWMB.

H. Supervise street cleaning operations.

I. Coordinator for three (3) non-profit corporations that are responsible for bond redemption and financing (Land payments).

J. LEA (SSWMB) for non-health related standards.

K. Recommend plans for future City needs in solid waste management; such as resource recovery options, future landfill sites, recycling, source separation, and other alternatives.

L. Administer City-wide annual Cleanup Campaign.

In addition to these duties, the Street Superintendent has been President of the Northern California Chapter of GRCDA, and is a member of APWA's Institute for Solid Wastes. He has attended numerous training programs in the field and represents the City in dealings with the SSWMB, RWQCB, County Health Department, and other agencies.

VII. SUPPORT SERVICES

Although the Street Superintendent has primary responsibility for standard enforcement, he has certain supervisorial and clerical support at his disposal. All activities in the field of solid waste are accounted for in the annual operating and capital improvement budgets. These costs are offset through rent payments and franchise fees collected from the landfill operator and licensed haulers.

LEA FILE 45-AU

APR 25 '85

THE CITY OF SANTA CLARA

CALIFORNIA

CITY HALL
1500 WARBURTON AVE
SANTA CLARA CA 95050
(408) 984-3101

April 23, 1985

Mr. Kerry O. Jones
Chief Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Dear Mr. Jones:

The only comments I have to your draft report of Evaluation of LEA's in Santa Clara County are enclosed.

A letter from your Board dated April 16, 1985, indicated our Enforcement Program Plan was reviewed by the Department of Health Services and State Solid Waste Management Board and determined to complete the requirements of Government Code, Section 66796 for designating the City of Santa Clara as a local solid waste enforcement agency. It was made clear in this document of the contractual relationship between City and the Operator of the City-owned landfill. It was assumed by the City that receiving approval as the LEA also included any conditional waiver required by Section 66796(3)(d). The City, therefore will consider by you any request of City to submit a conditional waiver to Section 66796(3)(d) as strictly procedural and will not be an admission that the City feels it is required to do so as the City is of the position it has already received a conditional waiver from you.

I would appreciate it if and when you do finalize the report and request actions to correct deficiencies that you include sample copies of an approved Enforcement Training Program, Administration and Enforcement Procedures Manual, and Enforcement Training Plan. This would give me something to work from when preparing these documents.

Yours truly,

Rick Mauck
Street Superintendent

RM:ly

ENCL

cc: Director of Public Works/City Engineer

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FILE 43A0001 JUL 29 1985

THE CITY OF SANTA CLARA

CALIFORNIA

STREET DEPT
CITY HALL
1500 WARBURTON
SANTA CLARA, CA 95
(408) 984-3151

July 24, 1985

Mr. Kerry D. Jones
Chief, Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Dear Mr. Jones:

Per your request, the City of Santa Clara, as the Local Enforcement Agent (LEA) for the All Purpose Landfill, Santa Clara, California, but also owner of same facility, requests a conditional waiver to Section 66796.3(d) to allow the City to enforce the non-health standards at the City-owned landfill. The City, acting as the LEA, has been diligent in enforcing these same non-health standards and has been dutifully documenting and completing the Board's Solid Waste Information System (SWIS) inspection forms as required.

The City again requests the Board to provide samples of a satisfactory Enforcement Program Plan, Guidelines for preparing same, or a workshop to prepare same plan. This would greatly assist the City in the timely and proper completion of your required updated Enforcement Program Plan.

The City has established ongoing communication with the County Health Department and the City is anxious to coordinate their activities with ours.

Very truly yours,

Richard J. Mauck
Street Superintendent

RJM:ly

cc: Director of Public Works/City Engineer

For ... please acknowledge by letter. ge

file county 4

THE CITY OF SANTA CLARA

CALIFORNIA

D. R. VON RAESFELD
CITY MANAGER

CITY HALL
1500 WARBURTON AV
SANTA CLARA CA 95C
(408) 984-3100

October 15, 1985

California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Attention: George T. Bowan, Chief Executive Officer

Gentlemen:

The City staff personnel I have designated as our agents in matters pertaining to the collection of garbage and the disposal of solid wastes are as follows:

1. Sam M. Cristofano - Director of Public Works/City Engineer
   (408) 984-3200

2. Richard J. Mauck - Street Superintendent
   (408) 984-3151

Both employees will have the authority to issue permits and other documents in behalf of the City.

Very truly yours,

D. R. Von Raesfeld
City Manager

DRV:RJM:ly

cc: DPW/CE
Street Supt.

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THE CITY OF SANTA CLARA

CALIFORNIA

STREET DEPT
CITY HALL
1500 WARBURTON AV
SANTA CLARA CA 95C
(408) 984-3191

October 15, 1985

Mr. Kerry D. Jones
Chief, Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95814

Dear Mr. Jones:

Enclosed is some backup information that was not submitted with the original Five-Year Engineering Review Report, for the City of Santa Clara All Purpose Landfill, concerning the development of the next area for landfilling Parcel 3/6, Phase I. This material is as follows:

5-Year Review Report Reference	Item
APPENDIX 10	Operations and Development Plan, Parcel 3/6, Phase I, EMCON Associates (OCT. 1985)
APPENDIX 12	Geotechnical Investigation, City of Santa Clara Sanitary Landfill, Parcel 3/6 (Phase I) Landfill Development Study, EMCON Associates (SEPT. 1985)

This should complete a compilation of all the material available for the Five-Year Engineering Review Report.

On another item, per your letter of July 19, 1985, you stated that the City of Santa Clara had not requested a conditional waiver of Section 66796.3(d) to allow the City to enforce the non-health standards of the City-owned All Purpose Landfill.

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Further investigation in our files has produced documents indicating your agency granted the City this waiver on February 23, 1978. Enclosed are copies of these documents.

Very truly yours,

Richard J. Mauck
Street Superintendent

RJM:ly

Encls

cc: Director of Public Works/C.E. (w/o encls)

CERTIFIED MAIL #P 066 762 723/RETURN RECEIPT REQUESTED

CITY OF SANTA CLARA

DATE: January 13, 1978

TO: D. R. Von Raesfeld-City Manager

FROM: S. M. Cristofano - Director of Public Works/CE

☐ INFO ONLY
☐ PLEASE REPLY
☐ CONFIDENTIAL

SUBJECT: Resolution of the City Council of the City of Santa Clara Amending Resolution No. 3857 Establishing Enforcement Agency to Carry Out the Provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976

In 1976, the state legislature enacted into law the Z'Berg-Kapiloff Solid Waste Control Act. This Act requires each local agency to designate the enforcement agencies necessary to implement certain provisions of the Act.

In response to this requirement, the City Council, on May 24, 1977 adopted a resolution designating:

- the City Council as enforcement agency for all solid waste matters affecting the collection of garbage and the disposal of solid wastes
- the office of the City Manager as enforcement agency for the collection of rubbish by City forces
- the Santa Clara County Health Department for all health related matters as specified in the Act.

Subsequently, it has come to our attention that the State Solid Waste Management Board staff has some concern with respect to the designation of the City Manager. The staff felt his designation as enforcement agency would not be effective or comply with the intent of the law if the City Manager delegated his responsibilities to other staff members more closely associated with the operation of the Sanitation Division.

For this reason, a new resolution has been prepared amending Resolution No. 3857. The new resolution is the same as the original except it adds language to indicate that the City Manager shall not delegate his enforcement responsibility to another person or agency.

It is recommended that the Council approve the proposed resolution as submitted.

S. M. Cristofano
Director of Public Works/City Engineer

Approved by:

D. R. Von Raesfeld
City Manager

1-24-78

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JUN 04 1986

THE CITY OF SANTA CLARA
CALIFORNIA

STREET DEPT
CORP YARD
1700 WALSH AVENUE
SANTA CLARA CA 95050
(408) 984-3080

May 28, 1986

California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Att: John K. Bell

Gentlemen:

We received your letter and inspection report dated May 15, 1986. There are several items that need to be addressed.

1) In a letter to you dated October 15, 1985, the City Manager designated Sam M Cristofano, Director of Public Works/City Engineer, and Richard J. Mauck, Street Superintendent as the persons to contact regarding solid waste issues.

2) Items 17616 (pg. 1 of 10) and 17751 (pg. 10 of 10): In a letter from the CWMB to the City dated February 13, 1986, the latest 5 year review was approved.

3) The City has directed in writing, the Landfill Operator, All-Purpose Landfill to correct the areas that were in violation at the date of the inspection (26 Mar 86).

Rick Mauck
Street Superintendent

RM:WRA:sm

cc: DPW/CE

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43-A0-0

THE CITY OF SANTA CLARA

CALIFORNIA

STREET DEPT
CORP YARD
1500 WALSH AVE
SANTA CLARA, CA 9
408-984-3158

RECEIVED
30 1987

December 24, 1987

Bernard Vlach
Chief of Enforcement Division
California Waste Management Board
1020 Ninth Street, Suite #300
Sacramento, CA 95814

Dear Mr. Vlach:

In December of 1986, Mr. Sam Cristofano retired from the City of Santa Clara. The new Director of Public Works is Mr. Robert R. Mortenson. Therefore, the two contact persons designated by the City Manager are:

Robert R. Mortenson-Director of Public Works/City Engineer
Richard J. Mauck-Street Superintendent

Enclosed also is a listing of contact people and phone numbers for the operator of the City of Santa Clara's Landfill, All Purpose Landfill & Disposal Co.

Richard J. Mauck
Street Superintendent

RJM:WRA:sm

Encl.

cc: DPW
City Manager
Chron

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APPENDIX E

THE CITY OF SANTA CLARA

CALIFORNIA

JENNIFER SPARACINO
CITY MANAGER

CITY HALL
1500 WARBURTON AVE
SANTA CLARA CA 95050
(408) 984-3121

FACILITY FILE CARBON COPY

ORIGINAL TO FILE # 43-AA

SUBMITTED BY DATE 4/10/91

BY JB/WO

JM/RS

DO/MV/DR

RECEIVED APR 8 1991

April 3, 1991

Attn: Mr. Vlach
California Integrated Waste
Management Board
Permitting Branch, Permits Division
1020 9th Street, Suite 300
Sacramento, CA 95814

Dear Mr. Vlach:

In response to your letter dated March 13, 1991 regarding the LEA Designation for the City of Santa Clara, I am clarifying the situation by stating that the Santa Clara City Council and the City Manager <u>are</u> the Local Enforcement Agency (LEA) for matters pertaining to the issuance of Solid Waste Facility Permits (SWFP's), and enforcement of non-health related solid waste disposal laws and regulations. Also, the Santa Clara Health Department is designated as a co-LEA responsible for enforcement of health related solid waste disposal laws and regulations.

To eliminate any apparent conflict of interest, the City of Santa Clara's Department of Planning and Inspection and their staff of planners and code enforcement inspectors will assist me in the enforcement of the applicable laws and regulations. As you can see by the enclosed City Organization Chart, the apparent conflict of interest expressed concerning the Public Works Department and its employees who may also be responsible for administration of the All Purpose Landfill operation's lease no longer exists.

The City is aware of the new regulations currently being prepared to certify LEA's pursuant to 30 PRC 43200 and has expressed concerns and objections to them. Our objections are especially concerning the proposal to eliminate divided LEA responsibilities among City and County agencies. Upon adoption of these subject regulations and the timeframes for certifications, the City will at that time consider any necessary changes in the LEA designation for the City of Santa Clara.

If you have any questions, please give me a call at 408-984-3100.

Sincerely,

Jennifer Sparacino

Jennifer Sparacino
City Manager

JS:rts

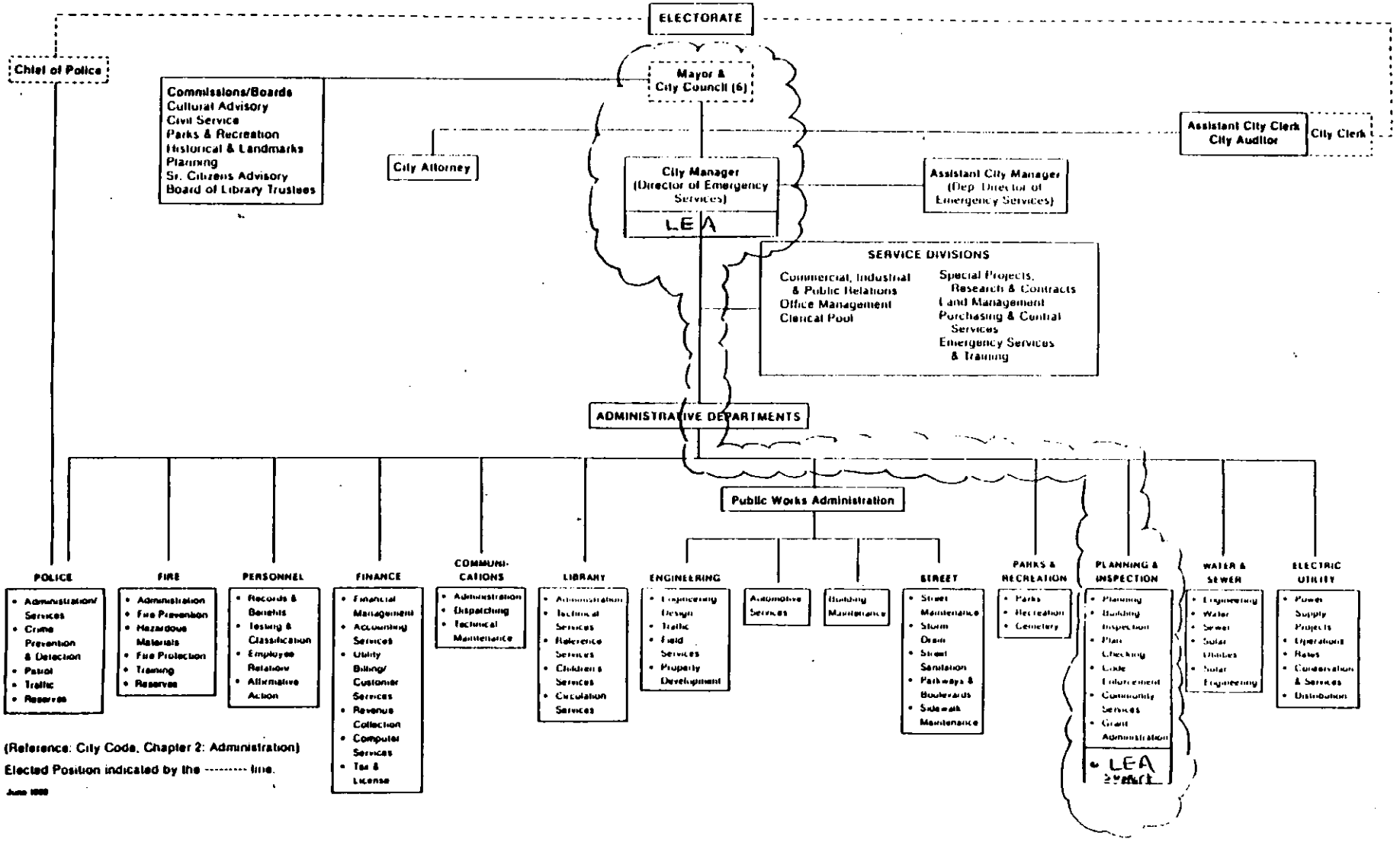
Enclosures

cc: Geoffrey Goodfellow, Director of Planning
Tony Pacheco, Santa Clara Co. Dept. of Envir. Health
Pete Ghiorso, All Purpose Landfill
Sam Rinauro, Mission Trail Waste Systems
Mark Arico, CIWMB, Enforcement Division

CIWMB.

CITY OF SANTA CLARA

ORGANIZATION CHART



(Reference: City Code, Chapter 2: Administration)

Elected Position indicated by the -------- line.

June 1989

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 13

ITEM: Consideration of Policy Concerning Regulation of Disposal of Asbestos Containing Waste

ABSTRACT:

The following report finds that while the CIWMB has attempted in the past to regulate asbestos disposal at Class III landfills, AB 939 actually prohibits the CIWMB and its LEA from regulating this activity. There currently exists a void in enforcing asbestos disposal requirements at Class III landfills.

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991 meeting. As of the date this item went to print, the committee had not taken action.

BACKGROUND:

Asbestos is a naturally occurring family of fibrous minerals which include chrysotile, amosite, crocidolite, tremolite, anthophyllite, and actinolite. Waste material containing asbestos is referred to as asbestos containing waste (ACW). The potential for ACW to release air-borne fibers is dependent upon friability; i.e. the material's ability to be reduced to a powder or dust under hand pressure when dry. Released asbestos fibers may become suspended in air for hours and present a chronic respiratory hazard to exposed individuals. Exposure to asbestos is associated with asbestosis, mesotheliomas of pleura and peritoneum, and carcinomas of the lung.

* ACW is classified as a hazardous waste if it contains greater than 1% friable asbestos by weight (Title 22, California Code of Regulations (CCR) Sections 66680 and 66699).

* A waste mixture resulting from mixing ACW with other wastes or substances is classified as a hazardous waste (22 CCR 66300(a)(2)).

* ACW is allowed to be disposed of at Class III or unclassified landfills if the Regional Water Quality Control Board (RWQCB) expressly allows for this activity in Waste Discharge Requirements (WDR) and all other applicable laws and regulations are met (Health and Safety Code (HSC) Section 25143.7).

* At least 30 Class III landfills, regulated by the CIWMB, accept ACW.

* Division 30, Public Resources Code (PRC) Section 44103(b) requires two permits for facilities that accept both hazardous waste and other solid wastes; a Hazardous Waste Facilities Permit (HWFP) from the Department of Health Services (DHS) and a Solid Waste Facilities Permit (SWFP) from the California Integrated Waste Management Board (CIWMB).

* PRC Section 43211 specifically states that the DHS has regulatory authority for the disposal of hazardous wastes at landfills which accept both hazardous wastes and non-hazardous solid wastes.

* PRC Section 43211 specifically states that the CIWMB only has regulatory authority for the disposal of solid wastes other than hazardous wastes at landfills which accept both hazardous wastes and other solid wastes.

* Fees and taxes are collected through the Hazardous Substance Account (HSA) and the Hazardous Waste Control Account (HWCA) to provide the DHS with funds to regulate and enforce standards relating to the <u>management</u> (removal, transport, and <u>disposal</u>) of ACW.

* The Environmental Protection Agency (EPA) has established asbestos disposal requirements for active and inactive disposal sites in the Clean Air Act's National Emission Standards for Hazardous Air Pollutants (NESHAP) (Title 40, Code of Federal Regulations (CFR), Part 61, subpart M).

* The CIWMB does not have authority to enforce regulations promulgated under NESHAP.

* The DHS does not issue HWFPs to operators of Class III landfills that accept hazardous waste in conflict with PRC 44103(b).

* The DHS does not enforce disposal requirements for ACW at Class III landfills contrary to PRC 43211 and NESHAP.

* The CIWMB does not have regulatory authority to enforce disposal requirements for ACW at Class III landfills (PRC 43211).

* The CIWMB does not have authority to permit Class III landfills to dispose of ACW until the RWQCB has permitted

this activity in WDR and the DHS has issued a HWFP pursuant to PRC Section 44103(b) and 14 CCR 17742.

* The CIWMB has in the past concurred with LEAs in the issuance of SWFPs for Class III landfills which allow for ACW disposal which have not received a HWFP from the DHS pursuant to PRC Section 44103(b).

* Due to unresolved health and safety concerns, CIWMB staff has been directed for the past three years to not inspect Class III landfills which accept ACW.

ANALYSIS:

The DHS regulates hazardous waste in accordance with Title 22, CCR, Division 4, Chapter 30 (Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes). Title 22 CCR 66130 states that,

> "**Management**" or "hazardous waste management" **means the systematic control of the** collection, source separation, storage, transportation, processing, treatment, recovery and **disposal of hazardous waste**. (Bolding and underlining added for emphasis)

Classification

State Regulation classifies ACW as being a **Hazardous Waste** if it contains greater than one percent (1.0%) asbestos by weight and is in a friable, powdered, or finely divided state (22 CCR 66680(d)(e) and 66699(a)(b)). A waste mixture formed by mixing any waste or substance with a hazardous waste is also classified as a hazardous waste pursuant to 22 CCR 66300(a)(2).

Wetting friable ACW and placing it in containers (plastic bags) are dust control measures required to minimize airborne emissions of asbestos fibers. Wetting friable ACW and containerization do not render ACW non-friable or non-hazardous. The landfilling (burial) of ACW reduces or eliminates airborne emissions of asbestos fibers but landfilling does not render ACW non-friable or non-hazardous.

> (Note: Non-friable ACW is considered to be nonhazardous (regardless of asbestos content) and is not subject to regulation under CCR Title 22. This type of asbestos is usually confined to floor tile, ceiling tile, and roofing materials. Non-friable asbestos is considered solid waste and its disposal is regulated by the CIWMB. As a non-hazardous waste it can be deposited at any Class III landfill that has a SWFP which specifically addresses this activity. Precautions must be taken to insure that the non-friable ACW is not rendered friable by improper waste handling and disposal practices.)

Disposal

Once a waste is classified as hazardous, it must be managed (controlled collection, storage, transportation, and disposal) as a hazardous waste. If a waste generator is able to demonstrate that Class I containment is not necessary to protect public health from a particular waste, then the DHS may grant a variance to Class I containment for that particular waste (22 CCR 66310(a)(1)).

Prior to 1986, a hazardous waste that was given a variance to Class I containment by the DHS could be discharged to a Class III landfill if the discharger demonstrated to the appropriate Regional Water Quality Control Board (RWQCB) that the waste did not pose a significant threat to water quality (23 CCR 2520(a)(1)). Since asbestos fibers are immobile in soil and do not pose a significant threat to ground water quality, RWQCBs frequently permitted ACW disposal at Class III landfills.

In 1986, SB 2572 (Marks) was passed relating to asbestos removal and disposal. One section of the bill added Section 25143.7 to the Health and Safety Code:

> Waste containing asbestos may be disposed of at any landfill which has waste discharge requirements (WDR) issued by the RWQCB which allow the disposal of such waste, **provided that the wastes are handled and disposed of in accordance with the Toxic Substances Control Act (P.L. 94-469) and all applicable laws and regulations**. (Bolding and underlining added for emphasis)

The EPA has established asbestos disposal requirements for active and inactive disposal sites under NESHAP (40 CFR Part 61, subpart M). Requirements include no visible emissions to the air during disposal or minimizing emissions by covering (normally with 6 inches of soil) the ACW within 24 hours (40 CFR 61.156(a)(c)). Under the Resource Conservation and Recovery Act (RCRA), the EPA requires that access to a disposal site used for ACW disposal be controlled to prevent exposure of the public to potential health and safety hazards (40 CFR Part 257). Therefore, for liability protection, specific recommendations concerning fencing, warning signs, separate trenching, and record keeping are made to operators of landfills that handle ACW.

Due to SB 2572, the DHS no longer needs to grant a variance to Class I containment for ACW. The DHS has seemingly interpreted this law to mean that the DHS does not need to manage the disposal of ACW, a hazardous waste, once it reaches a Class III or unclassified landfill (Attachment B). By default, this interpretation has left the CIWMB and its LEA "responsible" for

enforcing ACW disposal requirements at Class III landfills and the RWQCB at unclassified landfills. However, the CIWMB has no authority under NESHAP or the PRC to regulate hazardous waste (ACW) at Class III landfills.

> (Note: As discussed below under enforcement, the CIWMB only has enforcement and regulatory powers relating to the control of solid wastes other than hazardous wastes at mixed waste disposal facilities (30 PRC 43211). As a result, disposal requirements for this hazardous waste (ACW) have gone unenforced at Class III landfills.)

Permits

CIWMB files indicate that at least 30 Class III landfills currently accept ACW in California (Attachment A).

Permitting requirements for Class III landfills accepting hazardous wastes including ACW, are described in PRC Section 44103(b):

> For those facilities which accept both hazardous wastes and other solid wastes, two permits shall be required, as follows:
>
> (1) The hazardous waste facilities permit (HWFP) issued by the State Department of Health Services pursuant to Article 9 (commencing with Section 25200) of Division 20 of the Health and Safety Code.
>
> (2) The solid waste facilities permit (SWFP) issued by the enforcement agency pursuant to this article.

In addition, 14 CCR 17742 states that:

> A site shall not accept hazardous wastes unless the site has been approved for the particular waste involved.

In the past, the CIWMB has used the SWFP as the vehicle for granting this approval. As outlined in the Special Wastes Handbook, prepared by EBA for the CWMB (Spring 1988):

> Receipt of asbestos or plans to receive asbestos must be permitted in a SWFP issued by the LEA and concurred on by the CWMB. Acceptance of hazardous wastes at solid waste landfills will only be allowed at landfills approved for such action. If the current permit does not include asbestos, it must be revised. This will also require the modification of [amendment to] the RODSI [Report of Disposal Site Information].

Although SB 2572 allows ACW to be disposed of at Class III or unclassified landfills with RWQCB approval, it does not alter the hazardous waste classification of ACW. In accordance with PRC 44103(b), two permits (HWFP and SWFP) along with WDR that expressly permit the disposal of ACW at Class III landfills that accept both hazardous waste and other solid wastes are required.

Calaveras Asbestos Monofill (CAM)

Calaveras Asbestos, Ltd. has sited an asbestos disposal facility near Copperopolis, Calaveras County. CIWMB files indicate that this facility is operating without a HWFP or a SWFP:

CIWMB staff found that "...because the facility is intended expressly for the purpose of receiving hazardous waste, the California Waste Management Board has no enforcement or regulatory authority and all enforcement activities shall be performed by the Department of Health Services (DHS), pursuant to Division 20 of the Health and Safety Code (Government Code, Section 66796.11)." (Attachment C)

DHS staff found that "...as a followup to our meeting of March 24, 1987, concerning your proposed asbestos disposal landfill, I am pleased to inform you that the California Department of Health Services does not play any role with regard to permitting requirements." (Attachment D)

Enforcement

Enforcement activities for Class III landfills accepting hazardous wastes as well as other solid wastes are described in PRC Section 43211:

> For those facilities which accept both hazardous wastes and other solid wastes, the State Department of Health Services shall exercise enforcement and regulatory powers relating to the control of the hazardous wastes at the facility pursuant to Chapter 6.1 (commencing with Section 25015) and Article 8 (commencing with Section 25180) of Chapter 6.5 of Division 20 of the Health and Safety Code. The board [CIWMB] shall, at mixed waste disposal facilities, exercise enforcement and regulatory powers relating to the control of solid wastes other than hazardous wastes at the facility pursuant to this chapter.
>
> (Note: A waste mixture formed by mixing any waste or substance with a hazardous waste must also be managed as a hazardous waste pursuant to 22 CCR 66300(a)(2))

The CIWMB has yet to develop and implement a respiratory protection program required by federal law for employees working in and around asbestos. For at least the past 3 years, CIWMB staff has therefore been directed not to inspect solid waste facilities which accept ACW. This has resulted in a situation where the CIWMB is concurring with LEAs in the issuance of SWFPs which allow ACW disposal (in violation of PRC Section 44103(b) and 14 CCR 17742) while the CIWMB staff has been directed not to inspect these facilities.

Although SB 2572 allows ACW to be disposed of at Class III or unclassified landfills with necessary WDRs, it does not alter the hazardous waste classification for ACW. In accordance with PRC 43211, at facilities which accept both hazardous wastes and other solid wastes, the DHS "shall exercise" enforcement and regulatory powers to control the disposal of hazardous waste (ACW) and the CIWMB "shall exercise" enforcement and regulatory powers to control the disposal of solid waste other than hazardous waste. The DHS has not been inspecting and enforcing hazardous waste laws and regulations at Class III landfills accepting ACW.

Fees and Taxes

State law imposes a fee and tax on the land disposal of hazardous waste. Fees and taxes apply to asbestos removals and are generally payable directly by the generator of the ACW. The annual Hazardous Substance Account (HSA) tax is calculated after the Board of Equalization (BoE) receives disposal returns. Persons who disposed of more than 500 pounds in a year of asbestos are contacted directly by the BoE for disposal amount verification. The Hazardous Waste Control Account (HWCA) fees are payable directly by generators who have disposed of more than 500 pounds in one year of ACW to land. If the removal involved less than 500 lbs., the disposal fee is payable by the facility which accepted the waste.

For bookkeeping purposes, Class III facilities which accept ACW, record and report this tonnage separately from tonnages for other wastes. The fees and taxes collected on tonnage for ACW are provided to the DHS through the HSA and HWCA for the management of this hazardous waste. The CIWMB does not receive tax dollars for this separately recorded and reported tonnage.

STAFF COMMENTS:

This review of applicable Federal and State laws and regulations indicates that while asbestos containing wastes may be disposed at Class III landfills, the CIWMB has little or no authority to permit or regulate this activity.

The previous Board regularly concurred with LEAs in the issuance of Solid Waste Facilities Permits for Class III landfills which allowed for the disposal of asbestos containing waste. However, under the previous Board, Board staff were not allowed to inspect these landfills because a respiratory protection program had not been developed and implemented for Board landfill inspectors.

This review also indicates that even though the Department of Health Services has the authority to permit and regulate asbestos containing waste at Class III landfills, the DHS has not been permitting or inspecting these facilities.

In the near future, the CIWMB will be considering proposed Solid Waste Facilities Permits for Class III landfills which accept or propose to accept asbestos containing waste. A policy regarding CIWMB concurrence with LEAs in the issuance of such permits needs to be developed as soon as possible. While CIWMB landfill inspectors are trained to use respiratory protection equipment, the CIWMB has not developed and implemented the required respiratory protection program necessary to send inspectors to landfills accepting asbestos containing wastes. The CIWMB Interim Field Health and Safety Plan, dated June 26, 1991, limits CIWMB field staff to conducting Level "D" type inspections, which have no significant respiratory hazards.

In deciding how to deal with this policy issue, the CIWMB could initiate discussions with DHS. Such discussions could result in at least two possible outcomes:

1. An interim understanding between the CIWMB and the DHS that would provide for permitting, inspecting, and enforcement at facilities accepting ACW, and

2. Legislation to re-define the authority over the regulation of disposal of ACW at Class III landfills.

Attachments:

A- SWIS list (6/20/91)of Class III landfills accepting ACW

B- Correspondence (3/31/91) from the CIWMB to the Calaveras County LEA regarding CAM

C- Correspondence (3/24/87) from the DHS to CAM project proponent

D- Correspondence (3/10/88) from the DHS to concerned citizen regarding CAM

Prepared by: Jack W. Miller Phone 322-2662

Reviewed by: [illegible] Phone 322-6172

Legal review: [illegible] Date/Time 7/4/91 12/NT

6/20/91

ATTACHMENT A

Swis No.	Facility Name	County	Permit Date
01-AA-0009 Haz = Asbestos	Altamont Sanitary Landfill	Alameda	11/20/89
05-AA-0024 Haz = Asbestos	Calaveras Asbestos, LTD & Asbestos Containing Waste	Calaveras	none
09-AA-0003 Haz = Non-Friable Asbestos	Union Mine Disposal Site	El Dorado	07/14/78
13-AA-0023 Haz = Asbestos	GSX Services (Imperial Valley) INC.	Imperial	none
14-AA-0005 Haz = Asbestos	Bishop Sunland	Inyo	10/27/78
15-AA-0067 Haz= Asbestos and not permitted to	North Belridge Solid Waste Disp. Site	Kern	04/19/84
15-AA-0151 Haz = Asbestos	Edwards AFB-Rocket Propulsion Landfill (no longer accepted)	Kern	07/27/79
15-AA-0153 Haz = Friable Asbestos	Valley Tree & Const. Disposal Site	Kern	07/27/79
16-AA-0005 Haz = Friable Asbestos	NAS Lemoore Sanitary Landfill	Kern	10/15/79
19-AA-0043 Haz = Asbestos	Nu-Way Industries, Inc. Quit Excepting 1985	L.A.	06/25/90
21-AA-0001 Haz = Asbestos	Redwood Sanitary Landfill	Marin	05/25/78
23-AA-0018 Haz = Asbestos	South Coast Refuse Disposal	Mendocino	04/01/85

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25-AA-0001 Haz = Asbestos	Alteras Sanitary Landfill	Modoc	04/18/78
29-AA-0001 Haz = Asbestos	McCourtney Landfill	Nevada	09/15/78
36-AA-0018 Haz = Asbestos	Kaiser Steel Corporation buried till 1981	San Bern.	None
36-AA-0068 Haz = Asbestos	Reserve Camp Training Center	San Bern.	10/12/79
37-AA-0023 Haz = Asbestos	Sycamore Sanitary Landfill	San Diego	01/16/79
39-AA-0013 Haz = Asbestos	Johns - Manville Corp.	San Joaquin	03/02/78
40-AA-0004 Haz = Asbestos	Cold Canyon Landfill Solid Waste Disp. and not permitted to	San Luis	08/16/79
40-AA-0008 Haz = Asbestos	Chicago Grade Landfill and not permitted	San Luis	10/16/86
41-AA-0002 Haz = Asbestos	Ox Mountain Sanitary Landfill and no longer excepting	San Mateo	01/06/87
42-AA-0012 Haz = Asbestos	Vandenburg AFB Landfill not permitted to	Santa Barbara	09/08/78
43-AA-0004 Haz = Asbestos	Pacheco Pass Sanitary Landfill	Santa Clara	06/20/85
43-AN-0015 Haz = Asbestos	Guadalupe Disposal Site	Santa Clara	06/26/79
44-AA-0004 Haz = Asbestos	Buena Vista Disposal Site	Santa Cruz	06/22/85

48-AA-0002 Haz = Asbestos	B & J Landfill	Solano	01/20/84
48-AA-0075 Haz = Asbestos	Potrero Hills Sanitary Landfill	Solano	12/15/89
57-AA-0004 Haz = Asbestos	Univ. of CA of Davis	Yolo	09/19/78
57-AA-0020 Haz = Asbestos	Spreckles Woodland Landfill	Yolo	09/19/78
58-AA-0005 Haz = Asbestos	Yuba-Sutter Disposal Inc.	Yuba	05/30/80

Total Landfills 352
Number with Asbestos 30

8.5%

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CALIFORNIA WASTE MANAGEMENT BOARD
1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

Don D. -
FYI
Asbestos

March 31, 1988

Mr. Wes Gebb, Director
Environmental Health Department
Calaveras County Health Department
Government Center
San Andreas, CA 95249

Dear Mr. Gebb:

This is in response to your March 3, 1988, letter regarding the proposed operation of a hazardous waste facility in Calaveras County expressly for the purpose of disposal of asbestos containing wastes (ACW). In your letter, you describe the applicant's efforts to meet the regulatory requirements of various state, local and special district concerns. The purpose of your letter was to involve those agencies at an early level to ensure that there were no concerns that were not met. Lastly, you indicated that you would like our comments on your proposed scenario for regulating this facility.

In your letter, you indicated that the facility would be a hazardous waste disposal site, but you did not indicate that the applicant had applied for a Hazardous Waste Facility Permit. You did indicate, however, that an application had been received for a Solid Waste Facilities Permit. Because the facility is intended expressly for the purpose of receiving hazardous waste, the California Waste Management Board has no enforcement or regulatory authority and all enforcement activities shall be performed by the Department of Health Services (DHS), pursuant to Division 20 of the Health and Safety Code (Government Code, Section 66796.11).

If you have any questions, please call Bernard Vlach, Chief of the Board's Enforcement Division, at (916) 322-6172.

Sincerely,

Herbert Iwahiro
Chief Deputy Executive Officer

HI:BV:pm

cc: Dr. Robert E. Marshall, Health Officer, Calaveras County
Brent Harrington, Calaveras County Planning Department
Gordon Coats, Calaveras Asbestos, Ltd.
Earl Withycombe, Mountain Counties Air Basin
Department of Health Services
CRWQCB - Central Valley Region

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY ATTACHMENT C GEORGE DEUKMEJIAN,

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814
(916) 323-2913

March 24, 1987

Gordon A. Coats, President
Calaveras Natural Resources, Inc.
Calaveras Asbestos Ltd.
P.O. Box 127
Copperopolis, CA 95228

Dear Mr. Coats:

As a followup to our meeting of March 24, 1987, concerning your proposed asbestos disposal landfill, I am pleased to inform you that the California Department of Health Services does not play any role with regard to permitting requirements. You are quite correct in your statement that justification is the responsibility of the Calaveras County Health Department. Additionally, you will also need to satisfy all requirements of the Regional Water Quality Control Board.

I enjoyed very much meeting with you and your staff and wish you success in your venture. We are always looking for better ways to help solve our environmental problems.

Sincerely,

Alex R. Cunningham

Alex R. Cunningham
Chief Deputy Director

ATTACHMENT D

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814

(916) 323-2913

RECEIVED

MAR 14 1988

CALAVERAS COUNTY
ENVIRONMENTAL HEALTH DEPT.

MAR 10 1988

Ms. Lea Silva
107 S. Washington
Sonora, CA 95370

Dear Ms. Silva:

Thank you for your recent letter and newspaper article concerning the asbestos disposal site near Copperopolis. We appreciate the concerns expressed in your letter.

The Department of Health Services reviewed the Initial Study and Notice of Preparation, dated August 12, 1987, for the proposed landfill, and made several substantive comments which are to be addressed in the Environmental Impact Report for this project. The Department's role in the siting of this facility, however, is limited. The Regional Water Quality Control Board, another State regulatory agency, is responsible for issuing the waste discharge requirements for this facility. These waste discharge requirements will fully address the potential impacts to water quality which you are concerned about.

The Regional Water Quality Control Boards are charged with protecting the waters of the State, and will not allow the proposed facility to degrade water quality such that beneficial uses are affected. Perhaps you should contact these agencies to discuss this particular point. If you have any further questions concerning the Department's role in this area, please contact me or James Allen, Chief of the Northern California Section regional office at (916) 739-3374..

Sincerely,

Original signed by:

for Alex R. Cunningham
Chief Deputy Director

cc: (See next page)

cc: Regional Water Quality Control Board
Central Valley Region
3443 Routier Road
Sacramento, CA 95827

Harvey R. LaBounty, Director
Calaveras County Environmental Health
Government Center
891 Mountain Ranch Road
San Andreas, CA 95249

James Allen, Chief
Northern California Section
Toxic Substances Control Division
Department of Health Services
4250 Power Inn Road
Sacramento, CA 95826

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 14

ITEM: Consideration of Preliminary Closure and Postclosure Maintenance Plans for Intermountain Landfill, Shasta County

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991, meeting. As of the date this item went to print, the committee had not taken action.

BACKGROUND:

Key Issues

- The Board approved the operator certification for financial assurance for closure and postclosure maintenance on November 9, 1990.
- The Board concurred in the issuance of the revised Solid Waste Facilities Permit on March 20, 1991. The Solid Waste Facilities Permit was issued by the local enforcement agency (LEA) on April 21, 1991.

Facility Facts

Project:	Consideration of Preliminary Closure and Postclosure Maintenance Plans
Facility Type:	Class III landfill
Name:	Intermountain Landfill, Inc. (formerly Packway Materials Landfill), Facility No. 45-AA-0022
Location:	Five miles northeast of the town of Burney in Shasta County
Setting:	Rural
Operational Status:	Commenced operations Summer 1985
Permitted Maximum Daily Capacity:	WMU-I (Municipal Solid Waste) 120 TPD WMU-II (Tire Pit) 1000 tires per year, WMU-III (Ash Monofill) 120 TPD

Volumetric Capacity:	WMU-I	680,000 cubic yards
	WMU-II	Not Applicable
	WMU-III	655,000 cubic yards
Area:	164 acre site, WMU-I 15 acres, WMU-II 0.25 acre, WMU-III 14 acres	
Owner/Operator:	Intermountain Landfill, Inc.	
LEA:	Shasta County Department of Environmental Health	
Closure date:	WMU-I	2017
	WMU-II	2017
	WMU-III	1995

Facility Description

Intermountain Landfill is a regional facility that receives solid waste from the eastern portion of Shasta County. The facility was constructed during 1984-85 and commenced operation in the summer of 1985. The landfill operation covers approximately 40 acres and includes three waste management units (WMU):

WMU-I accepts municipal wastes such as residential and commercial solid wastes, white goods, stumps, auto bodies, dry sewage sludge, and dead animals. The unit is being developed in three phases. Each phase will cover an area 400 feet wide and 300-600 feet long. Solid waste is spread and compacted in 2-foot lifts with a top slope of 5:1 and a sideslope of 3:1. In order to prevent vertical migration of leachate, an impermeable liner is placed beneath the fill. In conjunction with the liner, a leachate collection system is also being installed. The liner and parts of the collection system are installed in advance of the filling operation within each phase. WMU-I has an estimated capacity (Phases I through III) of 680,000 cubic yards and estimated site life of 28 years.

WMU-II uses the trench fill method for disposal of tires and is permitted to accept 1000 tires per year. This WMU covers approximately 1/4 acre with average depth of 25 feet. Upon closure of WMU-I, WMU-II will also be closed.

WMU-III operates as a wood ash monofill. The ash is generated by cogeneration plants in the area. At the anticipated annual rate of fill of 144,000 cubic yards, the life expectancy of the WMU-III is five years. As an ash monofill, under provision that chemical analyses indicate waste to be non-hazardous, the unit does not require a liner

and leachate collection system. There will be, however, a minimum 5-foot layer of native soil between the basalt rock and ash. WMU-III will be developed as a trench fill from the north end of the property, and developed south toward the southern parcel boundary.

The recently revised permit also adds agricultural wastes, wood mill waste, industrial waste, and demolition waste to the list of permitted wastes that may be received at the facility.

ANALYSIS:

California Environmental Quality Act (CEQA)

CEQA requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over a project. A preliminary closure plan does not constitute a project under CEQA because it cannot be implemented as written. A preliminary plan does not contain the detail of a final plan. At the time a final plan is submitted, two years prior to closure, CEQA compliance will be required.

Closure Requirements

The scope of the Intermountain Landfill closure involves compliance with the minimum standards for disposal site closure and postclosure maintenance found in Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 3, Article 7.8. Landfill operators are required to submit preliminary closure and postclosure maintenance plans to the Regional Water Board, Local Enforcement Agency and the Board. After receiving preliminary plans, these three agencies have 30 days to deem the plans complete. After the plans are deemed complete, the LEA and Regional Water Board both have 60 days to transmit written comments about the plans' adequacy to the Board. Within 60 days from the date of written approval by the LEA and the Regional Water Board, the Board must transmit to the operator a formal letter of approval or denial. After a careful review of the closure and postclosure maintenance plans for Intermountain Landfill by all three agencies, both documents have been found in full compliance with the minimum requirements as outlined in Attachment 2.

Closure and Postclosure Certification of Financial Assurance

The operator has complied with statutory requirements by certifying the following:

1) preparation of a cost estimate for closure and postclosure maintenance;

2) establishment of a financial mechanism; and

3) funding of the mechanism to ensure adequate resources for closure and postclosure maintenance.

A trust fund with Franklin Trust Company has been established as the financial mechanism for the Intermountain Landfill. At its April 1990 meeting, the Board delegated the authority to approve non-controversial certifications utilizing standard forms found in Board regulations to the Executive Director. On November 9, 1990, the certification for Intermountain Landfill was approved by the Executive Director.

Cost Estimate

The Board's Closure Branch has reviewed the cost estimate for the preliminary closure and postclosure maintenance of Intermountain Landfill. Board staff has verified that the cost estimate satisfies the minimum requirements of 14 CCR 18263 and 18266.

These cost estimates were prepared and certified by a registered civil engineer. The itemized cost calculations for materials, labor, monitoring, maintenance, and replacement costs of materials have been checked. The following is a summary of closure and postclosure maintenance costs including a 20% contingency.

Closure Costs	$	113,400
Postclosure Maintenance (15 years)	$	113,400
Total Costs	$	226,800

Plan Approval By Other Agencies

On December 28, 1990,the Central Valley Regional Water Quality Control Board approved the preliminary closure and postclosure maintenance plans (Attachment 3). On April 19, 1991, the Shasta County Department of Environmental Health, as the local enforcement agency, approved the preliminary closure and postclosure maintenance plans (Attachment 4).

STAFF COMMENTS:

Board staff found the closure and postclosure maintenance plans to be in compliance with the Board's closure requirements.

Options:

1. Take no action. The Board has until July 18, 1991, to

approve or deny approval of the preliminary closure and postclosure maintenance plans for Intermountain Landfill. Unlike solid waste facilities permits, approval is not given in the absence of Board action.

2. Disapprove the preliminary plans. This action is appropriate if the operator has not complied with the Board's closure requirements.

3. Approve the preliminary plans. This action is appropriate if the operator has complied with the requirements of 14 CCR, Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5.

ATTACHMENTS:

1-A and 1-B. Landfill location maps

2. List of closure and postclosure maintenance requirements

3. Letter of approval from Central Valley Regional Water Quality Control Board

4. Approval letter from Shasta County Department of Environmental Health

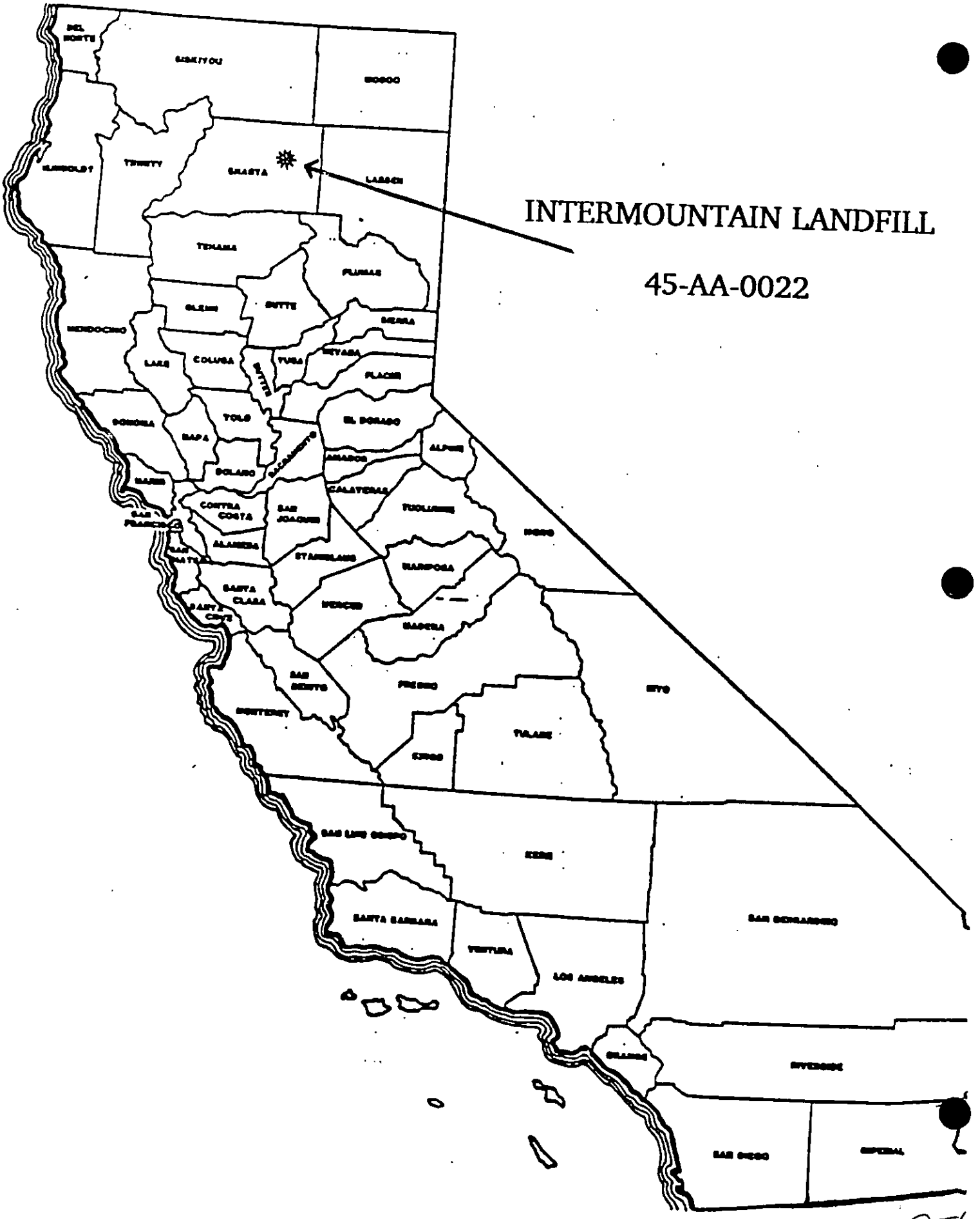
5. Resolution 91-51

Prepared by: _____ Phone: (916) 323-5384

Reviewed By: _____ Phone: 327-9178

Legal review: _____ Date/Time: 7/3/91 - 2:00 pm

ATTACHMENT 1-A



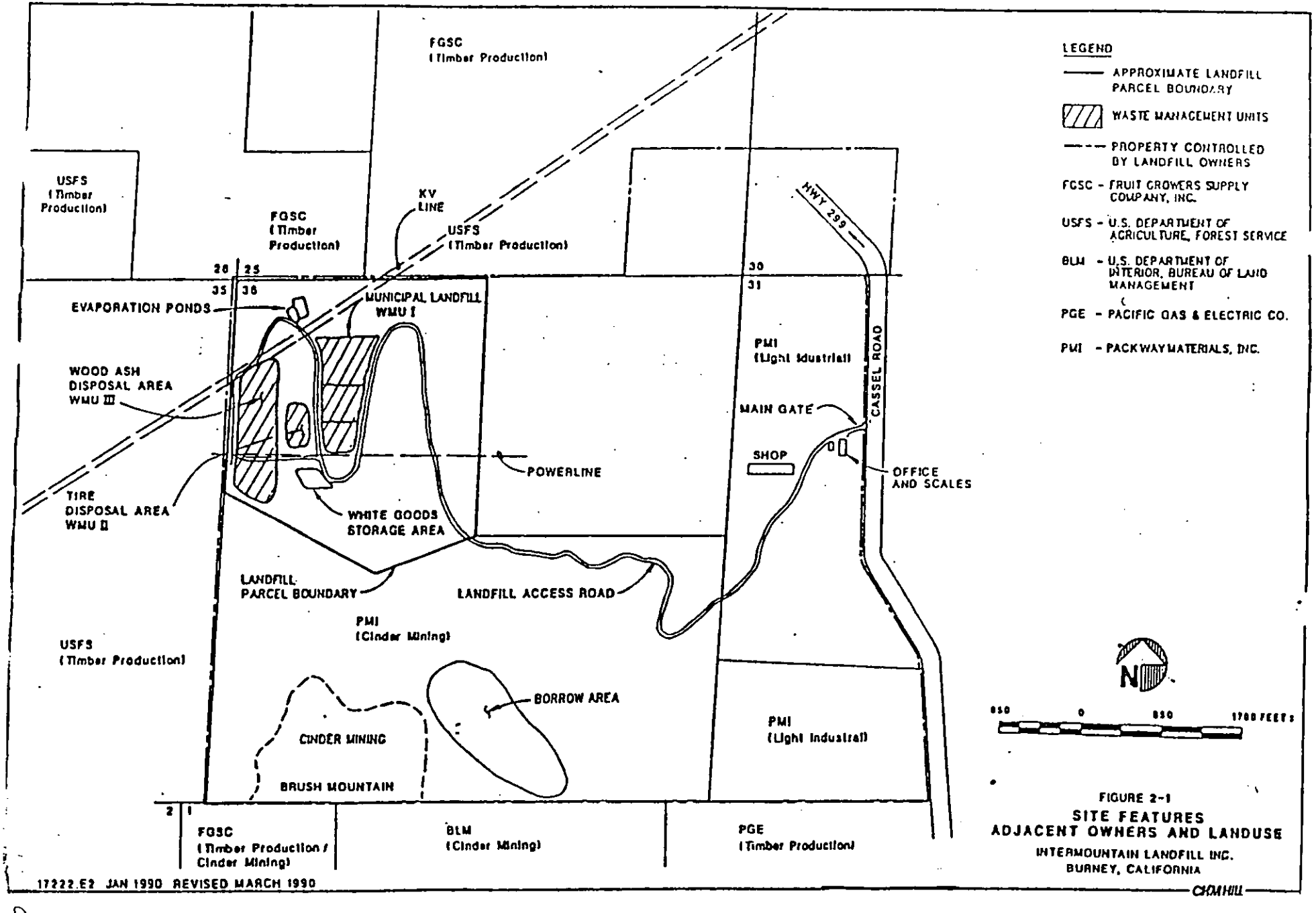


FIGURE 2-1
SITE FEATURES
ADJACENT OWNERS AND LANDUSE
INTERMOUNTAIN LANDFILL INC.
BURNEY, CALIFORNIA

ATTACHMENT 1-B

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LIST OF CLOSURE AND POSTCLOSURE MAINTENANCE REQUIREMENTS SATISFIED BY THE OPERATOR (14 CCR, Division 7, Chapter 3, Article 7.8, Sections 17766 to 17796 and Chapter 5, Article 3.4, Sections 18261 to 18268)

For Closure

1. Landfill location map--see attachment 1.
2. Landfill topographic map.
3. Sequence of closure stages for all three WMU's.
4. A description of landfill structures removal--no structures to be removed.
5. A description of current monitoring and control systems.
6. A description of decommissioning of environmental controls.
7. A description of site security--site access is controlled by a gate and fences around the entire facility.
8. Gas monitoring system.
9. Ground water monitoring--meets requirements of 14 CCR 17782 and facility holds valid Waste Discharge Requirements from the Regional Board for ground water monitoring.
10. Final Grading--the final grading will meet the requirements of 14 CCR 17776.
11. Placement of final cover--final cover will meet the requirements of 14 CCR 17773 and be placed in accordance with 14 CCR 17774.
12. Final site face--will be 3 : 1 (horizontal to vertical) and not require a slope stability report in accordance with 14 CCR 17777.
13. Drainage Controls--drainage diversion ditches will divert runoff around the facility in accordance with 14 CCR 17778.
14. Slope protection and erosion control--native vegetation will be planted to protect the final cover from erosion.
15. Construction Quality Assurance (CQA) procedures--a CQA program is included in the closure plan.

For Postclosure

1. Emergency Response Plan--an emergency response plan has been submitted.
2. A description of postclosure land use--the postclosure land use will be non-irrigated open space.
3. Program for postclosure inspection/maintenance--the postclosure plan meets the requirements of 14 CCR 18265.3.
4. Persons responsible for postclosure maintenance are identified in the plan.
5. Specific monitoring tasks and their frequency are identified.
6. Reporting requirements are given.
7. The closure plan gives a description of collection and recovery systems and frequency of operation.
8. As-built descriptions of current monitoring and collection systems are given.

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION
SHASTA CASCADE WATERSHED BRANCH OFFICE:
:NOLLCREST DRIVE
JING, CA 96002
PHONE: (916) 224-4845

28 December 1990

JUN - 3

Mr. George H. Larson, Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

PRELIMINARY CLOSURE AND POST CLOSURE MAINTENANCE PLANS, WASTE MANAGEMENT UNITS I, II & III, INTERMOUNTAIN LANDFILL, SHASTA COUNTY

We have reviewed the subject report, revised December 1990, for conformance with the requirements of Article 8 of Title 23, Division 3, Chapter 15, California Code of Regulations, DISCHARGES OF WASTE TO LAND.

The plan adequately addresses the requirements of Chapter 15 and is hereby approved. With our current understanding of the site, the plans should provide adequate protection for both surface and ground water throughout the postclosure maintenance period.

If you or your staff have any questions concerning our review, please contact Philip V. Woodward of my staff at (916) 224-4853, or the address above.

FOR
WILLIAM C. CROOKS
Executive Officer

PVW:tch

cc: Mr. Jim Smith, Shasta County Department of Environmental Health, Redding
Mr. Bill Ramsdale, Shasta County Department of Public Works, Redding
Mr. Merle Packham, Intermountain Lanfill, Inc., Hat Creek

ATTACHMENT 4

SHASTA COUNTY

DEPARTMENT OF ENVIRONMENTAL HEALTH
1855 Placer Street
Redding, California 96001
Telephone (916) 225-5787

Russ Mull, R.E.H.S.
Director
James Smith, R.E.H.S.
Deputy Director
Fax (916) 225-5807

RECEIVED
APR 22 1991

April 19, 1991

Cheryl Closson
California Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Preliminary Closure/Post Closure Maintenance Plan for Intermountain Landfill (45-AA-0022)

Dear Ms. Closson:

This office has reviewed the Preliminary Closure/Post Closure Maintenance Plan for Intermountain Landfill. Based on this review, we have determined the plans comply with the regulations contained in 14 CCR, chapter 3, Article 7.8, and Chapter 5, Article 3.4.

Please do not hesitate to contact me if you have any questions in this matter.

Sincerely,

James Smith

James Smith, R.E.H.S.
Deputy Director

JS/dl

California Integrated Waste Management Board
Resolution 91-51
July 18, 1991

WHEREAS, the Board finds that proper closure and postclosure maintenance plans are necessary for the protection of air, land, and water from the effects of pollution from solid waste landfills; and

WHEREAS, Title 7.3, Government Code, Section 66796.22 requires any person intending to close a solid waste landfill to submit closure plans to the Board, Local Enforcement Agency, and the Regional Water Board; and

WHEREAS, the operator of Intermountain Landfill has submitted preliminary closure and postclosure maintenance plans to the Regional Water Board, the Local Enforcement Agency, and the Board for approval; and

WHEREAS, both the Regional Water Board and the Local Enforcement Agency have approved the preliminary closure and postclosure maintenance plans for Intermountain Landfill; and

WHEREAS, Board staff has reviewed the closure and postclosure maintenance plans for the above facility and found that the plans meet the requirements contained in Title 14, California Code of Regulations, Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5; and

WHEREAS, the operator has met the closure and postclosure certification requirements of Title 7.3, Government Code, Section 66796.22(b).

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the preliminary closure and postclosure maintenance plans for Intermountain Landfill, Facility No. 45-AA-0022.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 15

ITEM: Consideration of Preliminary Closure and Postclosure Maintenance Plans for Simpson Paper Company, Twin Bridges Landfill, Shasta County

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the July 9, 1991, meeting. As of the date this item went to print, the committee had not taken action.

BACKGROUND:

Key Issues

- The Board approved the operator certification for financial assurance for closure and postclosure maintenance on January 25, 1990.
- The Board concurred in the issuance of the Solid Waste Facilities Permit on September 27, 1990. The Solid Waste Facilities Permit was issued by the local enforcement agency (LEA) on October 24, 1990.

Facility Facts

Project:	Consideration of Preliminary Closure and Postclosure Maintenance Plans
Facility Type:	Class II landfill
Name:	Twin Bridges Landfill Facility No. 45-AA-0058
Location:	City of Anderson, Shasta County
Setting:	Rural
Operational Status:	Commenced operations September 1990
Permitted Maximum Daily Capacity:	85 tons (113 cubic yards)

Volumetric Capacity:	Phase I	130,000 cubic yards
	Phase II	170,000 cubic yards
	Phase III	210,000 cubic yards
	Phase IV	180,000 cubic yards
	Phase V	160,000 cubic yards
	Total	850,000 cubic yards
Area:	160 acre site, 21 acres of fill area, 5 acres leachate holding pond	
Owner/Operator:	Simpson Paper Company	
LEA:	Shasta County Department of Environmental Health	
Closure date:	Phase I	July 1997
	Phase II	July 2006
	Phase III	July 2018
	Phase IV	July 2028
	Phase V	July 2037

Facility Description

The Twin Bridges Landfill is a Class II landfill receiving non-hazardous solid waste. The site consists of a solid waste facility and a leachate surface impoundment. The landfill is owned and operated by Simpson Paper Company. The site commenced operations in September 1990. The total acreage of the facility is 160 acres. Twenty six acres are permitted for use as a landfill as follows:

> Approximately 21 acres are divided into five landfill cells (WMU 1), and the leachate holding pond (WMU 2) and access roads cover the remaining 5 acres.

The landfill will consist of five cells each having a life span of approximately ten years. Each cell will have a composite liner consisting of a natural soil liner 12 inches or greater in thickness, with a permeability of not more than $1x10^{-6}$ cm/sec overlain with a 60 ml high density polyethylene liner.

The total landfill footprint of Phases I through V will occupy approximately 19.56 acres. The landfill will be closed in phases. The maximum area that will require closure at any time will be 7.32 acres, in Phase V.

The following monitoring systems have been installed at the landfill:

The vadose zone monitoring system - there are currently two pan and two suction lysimeters beneath the Phase I cell of WMU 1. One pan and one suction lysimeter are installed beneath WMU 2.

Ground water monitoring system - currently there are six monitoring wells installed at the site, three upgradient and three downgradient of the facility. These wells will help detect any possible leakages through the liner.

Leachate monitoring system - grab samples of liquid from the leachate holding pond are taken and analyzed.

Additionally, there is also a leachate control system which includes leachate removal and collection system, a leachate holding lagoon, and storm water sedimentation basins. The leachate is collected in the permeable rock blanket installed over the landfill liner and perforated HDPE piping. Dual solid HDPE pipes then transport the leachate to the holding lagoon. The leak detection system monitors both the piping and the effectiveness of the liner. The holding facility was designed to hold leachate and precipitation from a 1000-year, 24-hour event. The holding pond is lined with a 100 ml HDPE liner as well as with a secondary FML\clay liner. The leachate is pumped out and transported once a week to the Simpson Paper Company's mill for treatment. Two storm water sedimentation basins located at the landfill, the primary and the secondary basins, were designed for a 1000-year, 24-hour event and are used to enhance the quality of the run-off before it is discharged to Dry Creek.

The waste accepted at the landfill is a paper mill sludge which is fairly uniform and with a high content of water. The sludge is dewatered in a screw press at the Anderson mill prior to landfilling; at the pressure of 100 psi, the water content is reduced by as much as 50%. At the maximum height of sludge, 65 feet, the pressure on the bottom of the fill will be only 28 psi, thus very little consolidation due to the void area reduction is being anticipated.

The minimum slope of the final cover is 3 percent, and the maximum slope is 25 percent (4:1). In order to monitor the differential settlement, the following techniques will be used after the final cap will be installed:

1. Two permanent monuments will be installed at the landfill site.

2. An aerial photographic survey of the entire site will be performed upon completion of final closure activities and every five years throughout the postclosure maintenance period.

3. Iso-settlement maps will be prepared.

Each phase of the landfill will be closed with a final top cover as final filling contours are reached. When Phase V reaches capacity, final closure activities for the whole site will take place. These will include installation of the perimeter gas monitoring and security systems. The final closure and postclosure maintenance plans will be approved two years prior to the closure of the site.

ANALYSIS:

California Environmental Quality Act (CEQA)

CEQA requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over a project. A preliminary closure plan does not constitute a project under CEQA because it cannot be implemented as written. A preliminary plan does not contain the detail of a final plan. At the time a final plan is submitted, two years prior to closure, CEQA compliance will be required.

Closure Requirements

The scope of the Twin Bridges Landfill closure involves compliance with the minimum standards for disposal site closure and postclosure maintenance found in Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 3, Article 7.8. Landfill operators are required to submit preliminary closure and postclosure maintenance plans to the regional water board, local enforcement agency and the Board. After receiving preliminary plans, these three agencies have 30 days to deem the plan complete. After the plans are deemed complete, the LEA and regional water board both have 60 days to transmit written comments about their adequacy to the Board. Within 60 days from the date of written approval by the LEA and the regional water board, the Board must transmit to the operator a formal letter of approval or denial. After a careful reviewing of the closure and postclosure maintenance plans for Twin Bridges Landfill, both documents have been found in full compliance with the minimum requirements as outlined in Attachment 2.

Closure and Postclosure Certification of Financial Assurance

The operator has complied with statutory requirements by certifying the following:

1) preparation of a cost estimate for closure and postclosure maintenance;

2) establishment of a financial mechanism; and

3) funding of the mechanism to ensure adequate resources for closure and postclosure maintenance.

A trust fund with Bank of America National Trust & Savings Association, has been established as the financial mechanism for the Twin Bridges Landfill.

At its April 1990 meeting, the Board delegated the authority to approve non-controversial certifications utilizing standard forms found in Board regulations to the Chief Executive Officer. On January 25, 1990, the certification for Twin Bridges Landfill was approved by the CEO.

Cost Estimate

The Board's Closure Branch has reviewed the cost estimates for the preliminary closure and postclosure maintenance of Twin Bridges Landfill. Board staff has verified that the cost estimates satisfy the minimum requirements of 14 CCR 18263 and 18266.

These cost estimates were prepared and certified by a registered civil engineer. The itemized cost calculations for materials, labor, monitoring, maintenance, and replacement costs of materials have been checked. The following is a summary of closure and postclosure maintenance costs including a 20% contingency.

Closure Costs	$	2,534,828
Postclosure Maintenance (15 years)	$	2,109,971
Total Costs	$	4,644,799

Plan Approval By Other Agencies

On May 30, 1991, the Central Valley Regional Water Quality Control Board approved the preliminary closure and postclosure maintenance plans (Attachment 3). On April 19, 1991, the Shasta County Department of Environmental Health, as the local enforcement agency, approved the preliminary closure and postclosure maintenance plans (Attachment 4).

STAFF COMMENTS:

Board staff found the closure and postclosure maintenance plans to be in compliance with the Board's closure requirements.

Options:

1. Take no action. The Board has until July 18, 1991, to approve or deny approval of the preliminary closure and postclosure maintenance plans for Twin Bridges Landfill. Unlike solid waste facilities permits, approval is not given in the absence of Board action.

2. Disapprove the preliminary plans. This action is appropriate if the operator has not complied with the Board's closure requirements.

3. Approve the preliminary plans. This action is appropriate if the operator has complied with the requirements of 14 CCR, Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5.

ATTACHMENTS:

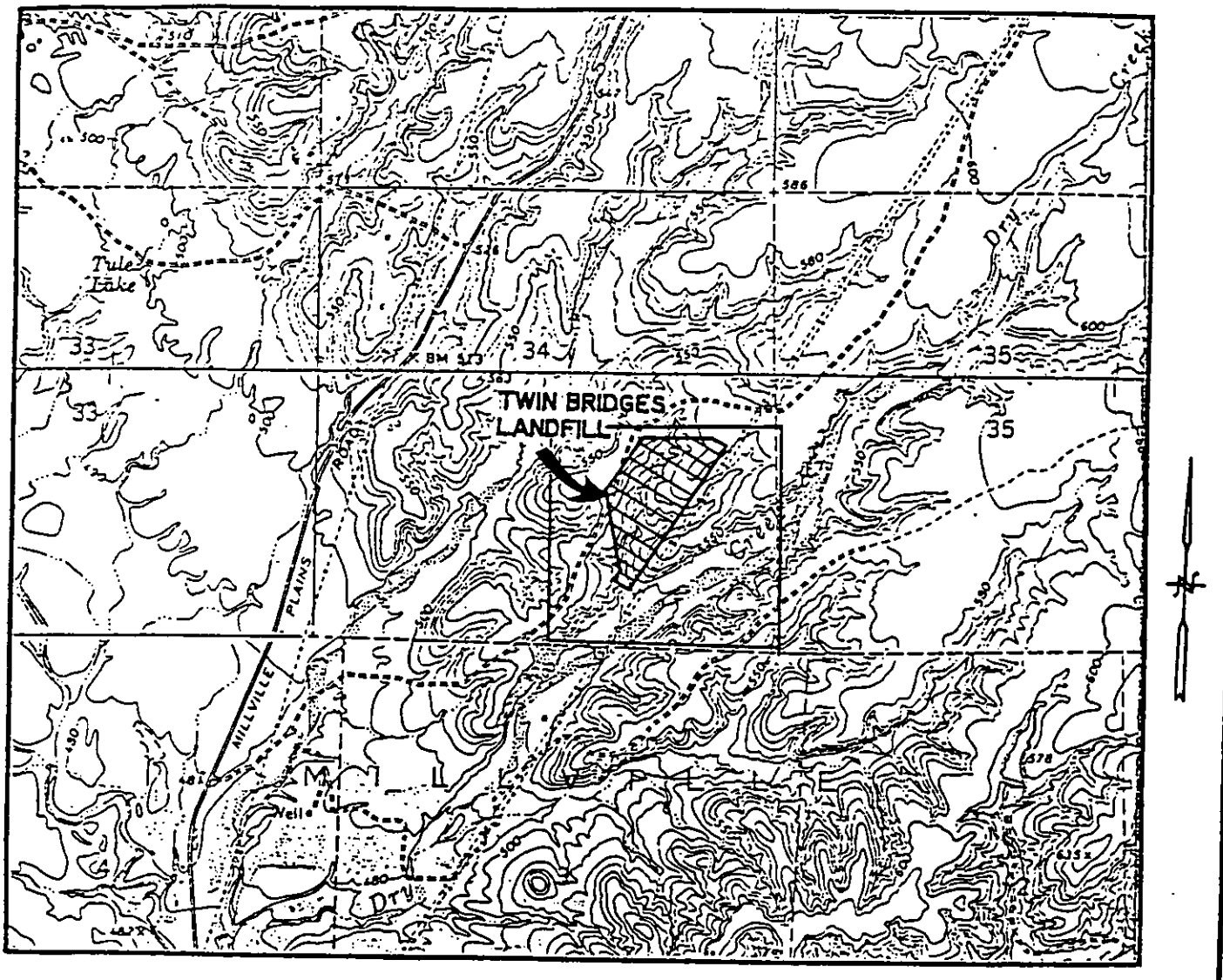
1. Landfill location map
2. List of closure and postclosure maintenance requirements
3. Letter of approval from Central Valley Regional Water Quality Control Board
4. Approval letter from Shasta County Department of Environmental Health
5. Resolution 91-52

Prepared by: _____ Phone (916) 323-5384

Reviewed by: _____ Phone 327-9178

Legal review: _____ Date/Time 7/3/91 - 2:15pm

SITE MAP



SCALE 1:24 000

1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 .5 0 1 KILOMETER

CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL

QUADRANGLE LOCATION

TWIN BRIDGES LANDFILL

45-AA-00058

LIST OF CLOSURE AND POSTCLOSURE MAINTENANCE REQUIREMENTS SATISFIED BY THE OPERATOR (14 CCR, Division 7, Chapter 3, Article 7.8, Sections 17766 to 17796 and Chapter 5, Article 3.4, Sections 18261 to 18268)

For Closure

1. Landfill location map--see attachment 1
2. Landfill topographic map
3. Sequence of closure stages for all five phases.
4. A description of landfill structures removal--no structures to be removed.
5. A description of current monitoring and control systems.
6. A description of decommissioning of environmental controls.
7. A description of site security--site access is controlled by a gate and fences around the entire facility.
8. Gas monitoring system.
9. Ground water monitoring--meets requirements of 14 CCR 17782 and facility holds valid Waste Discharge Requirements from the Regional Board for ground water monitoring.
10. Final Grading--the final grading will meet the requirements of 14 CCR 17776.
11. Placement of final cover--final cover will meet the requirements of 14 CCR 17773 and be placed in accordance with 14 CCR 17774.
12. Final site face--maximum slope will be 4 : 1 (horizontal to vertical) and not require a slope stability report in accordance with 14 CCR 17777.
13. Drainage Controls--drainage will be collected in a holding lagoon and two sedimentation basins located on the premises in accordance with 14 CCR 17778.
14. Slope protection and erosion control--mixture of rye, tall fescue, and red clover will be planted to protect the final cover from erosion.
15. Construction Quality Assurance (CQA) procedures--a CQA program is included in the closure plan.

For Postclosure

1. Emergency Response Plan--an emergency response plan has been submitted.
2. A description of postclosure land use--the postclosure land use will be non-irrigated open space.
3. Program for postclosure inspection/maintenance--the postclosure plan meets the requirements of 14 CCR 18265.3.
4. Persons responsible for postclosure maintenance are identified in the plan.
5. Specific monitoring tasks and their frequency are identified.
6. Reporting requirements are given.
7. The postclosure plan gives a description of collection and recovery systems and frequency of operation.
8. As-built descriptions of current monitoring and collection systems are given.

STATE OF CALIFORNIA

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD—
CENTRAL VALLEY REGION
SHASTA CASCADE WATERSHED BRANCH OFFICE:
415 KNOLLCREST DRIVE
REDDING, CA 96002
PHONE: (916) 224-4845

ATTACHMENT 3

26 November 1990

Mr. George H. Larson, Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

TWIN BRIDGES LANDFILL PRELIMINARY CLOSURE AND POST CLOSURE PLAN, SIMPSON PAPER COMPANY

We have reviewed the subject report dated September 1990. The closure and post closure plan appears to conform to the provisions of Chapter 15, Division 3, Title 23, California Code of Regulations. Regional Board staff does not have any comments on the proposed plan at this time.

If you or your staff have any questions, please contact me at (916) 224-4853 or the above address.

PHILIP V. WOODWARD, C.E.G.
Associate Engineering Geologist

PVW:tch

cc. Mr. Jim Smith, Shasta County Department of Environmental Health, Redding
Mr. David Lutrick, Simpson Paper Company, Anderson
Mr. Shane Hughes, Russ Fetrow Engineering Inc., Eugene, Oregon

RECEIVED
DEC 5 1990

ATTACHMENT 4

SHASTA COUNTY

DEPARTMENT OF ENVIRONMENTAL HEALTH

1855 Placer Street
Redding, California 96001
Telephone (916) 225-5787

Russ Mull, R.E.H.S.
Director

James Smith, R.E.H.S.
Deputy Director

Fax (916) 225-5807

April 19, 1991

Cheryl Closson
California Integrated Waste
Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Preliminary Closure/Post Closure Maintenance Plan for Twin Bridges Landfill (45-AA-0058)

Dear Ms. Closson:

This office has reviewed the Preliminary Closure/Post Closure Maintenance Plan for Twin Bridges Landfill. Based on this review, we have determined that the plans are in compliance with the regulations contained in 14 CCR, Chapter 3, Article 7.8, and Chapter 5, Article 3.4.

We have discussed the proposed landfill gas venting system with the local Air Quality Management District. They have indicated that this system is acceptable at this time but wish to re-evaluate the proposal when the final plan is proposed.

If you have any questions, please feel free to contact me.

Sincerely,

James Smith

James Smith, R.E.H.S.
Deputy Director

JS/v

California Integrated Waste Management Board
Resolution 91-52
July 18, 1991

WHEREAS, the Board finds that proper closure and postclosure maintenance plans are necessary for the protection of air, land and water from the effects of pollution from solid waste landfills; and

WHEREAS, Title 7.3, Government Code, Section 66796.22 requires any person intending to close a solid waste landfill to submit closure plans to the Board, local enforcement agency, and the regional water board; and

WHEREAS, the operator of Twin Bridges Landfill has submitted preliminary closure and postclosure maintenance plans, dated September 1990 (revised January 1991), to the regional water board, the local enforcement agency and the Board for approval; and

WHEREAS, both the regional water board and the local enforcement agency have approved the preliminary closure and postclosure maintenance plans for Twin Bridges Landfill; and

WHEREAS, Board staff has reviewed the closure and postclosure maintenance plans for the above facility and found that the plans meet the requirements contained in Title 14, California Code of Regulations, Division7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5; and

WHEREAS, the operator has met the closure and postclosure certification requirements of Title 7.3, Government Code, Section 66796.22(b).

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the preliminary closure and postclosure maintenance plans for Twin Bridges Landfill, Facility No. 45-AA-0058.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 16

ITEM: Consideration of Adoption of Regulations for Financial Responsibility For Operating Liability Claims

COMMITTEE ACTION:

The Permitting and Enforcement Committee is scheduled to meet on July 9, 1991, and, as such, has not taken action on this item at the time this agenda item is being prepared. Staff will identify the committee action at the July 18, 1991 Board meeting.

BACKGROUND:

PRC 43040 (AB 939, Sher, Statutes of 1989, Chapter 1095) requires that operators of solid waste disposal facilities provide assurance of adequate financial ability to respond to personal injury claims and public or private damage claims resulting from the operations of disposal facilities which occur before closure (Attachment 1).

On March 13, 1991, the Permitting and Enforcement Committee voted to "notice" the proposed regulations, and directed Board staff to schedule a workshop covering the proposed regulations.

On March 20, 1991, the Board concurred with the committee vote to notice the proposed regulations.

On April 19, 1991, the proposed regulations were officially "noticed" for public comment by the Office of Administrative Law.

On May 8, 1991, a workshop on the proposed regulations package was held. Only one commentor was present, and he, Mr. Charles White, representing Waste Management Inc., stated that his comments would be the same as those he proposed to submit in writing. No other comments were taken.

On June 14, 1991, the 45-day public comment period closed on the regulation package. Public comments were heard at the "notice" public hearing during the Permitting and Enforcement Committee meeting.

On June 21, 1991, the amended proposed regulations (Attachment 2) were noticed for an additional 15-day public comment period to allow for comments related to changes made to the proposed regulations. This 15-day comment period closed at 4:00 pm on July 8, 1991. The changes are identified by redline and strikeout "-" on the amended proposed regulations. All changes

were made due to comments received during the 45-day comment period and clarifications staff determined to be necessary.

ANALYSIS:

Staff will summarize the proposed regulations for Board consideration of adoption.

STAFF COMMENTS:

The Board may choose to adopt the regulation package and instruct staff to continue with the rulemaking process by submitting the package to the Office of Administrative Law, or direct staff to make further amendments to the proposed regulations before continuing with the rulemaking process.

Staff suggests that this regulation package, as amended, be adopted by the Board, at which time, staff will continue through the rulemaking process.

ATTACHMENTS:

1. PRC 43040 (AB 939, Sher, Statutes of 1989, Chapter 1095)
2. Amended Proposed Regulations
3. Board Resolution No. 91-53

Prepared By: Richard Castillo Phone 327-9348

Reviewed By: [illegible] Phone 327-9182

Approved by Legal: MCM Date 7/3/91 Time 2:10 pm

Attachment 1

Assembly Bill No. 939
Chapter 1095
[Approved by Governor, September 29, 1989. Filed with Secretary of State, September 30, 1989.]

PART 4. SOLID WASTE FACILITIES
CHAPTER 1. SOLID WASTE FACILITY STANDARDS
Article 3. Financial Responsibility

43040. The board shall adopt standards and regulations on or before January 1, 1991, requiring that, as a condition for the issuance, modification, revision, or review of a solid waste facilities permit for a disposal facility, the operator of the disposal facility shall provide assurance of adequate financial ability to respond to personal injury claims and public or private property damage claims resulting from the operations of the disposal facility which occur before closure.

PROPOSED REGULATIONS

Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

Chapter 5. Enforcement of Solid Waste Minimum Standards and Administration of Solid Waste Facilities Program

Article 3.3. Financial Responsibility for Operating Liability Claims

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18234	*Trust Fund*
18235	*Government Securities*
18236	*Insurance*
18237	*Self-Insurance and Risk Management*
18238	*Financial Means Test*
18239	*Corporate Guarantee*
18240	*Substitution of Mechanisms by Operator*
18241	*Cancellation or Nonrenewal by a Provider of Financial Assurance*
18242	*Bankruptcy or Other Incapacity of an Operator or a Provider of Financial Assurance*
18243	*Recordkeeping and Reporting*
18244	*Release of an Operator from the Requirements*

Section 18230. Scope and Applicability.

(a) This article requires operators of solid waste disposal facilities to demonstrate adequate financial ability to compensate third parties for ~~personal~~bodily injury and property damage caused by facility operation prior to closure.

(b) Operators of all solid waste disposal facilities, except state and federal operators, shall comply with the requirements of this Article upon application for issuance, modification, revision or review of a solid waste facilities permit commencing March 1, 1992.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18231. Definitions.

(a) When used in this article, the following terms shall have the meanings described in Article 3.5, section 18281:

(1) "Assets";
(2) "Current assets";
(3) "Current liabilities";
(4) "Financial reporting year";
(5) "Liabilities";
(6) "Net working capital";
(7) "Net worth";
(8) "Parent corporation"; and
(9) "Tangible net worth".

(b) When used in this article, the following terms shall have the meanings given below:

(1) "Accidental occurrence" means an event which occurs during the operation of a solid waste disposal facility prior to closure, that results in ~~personal~~bodily injury and/or property damage, and includes continuous or repeated exposure to conditions, neither expected nor intended from the standpoint of the facility operator.

(2) "Admitted carrier" means an insurance company entitled to transact the business of insurance in this state, having complied with the laws imposing conditions precedent to transactions of such business.

(3) "Auto" means a land motor vehicle, trailer or semitrailer designed for travel on public roads, including any attached machinery or equipment. But "auto" does not include "mobile equipment", as defined in section 12 below.

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(4) "Bodily injury" means any injury to the body, sickness or disease sustained by a person, including death resulting from any of these at any time. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury." "Bodily injury" excludes:

(A) "Bodily injury" expected or intended from the standpoint of the operator. This exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property.

(B) "Bodily injury" for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the operator would have in the absence of the contract or agreement.

(C) Any obligation of the operator under a workers compensation, disability benefits or unemployment compensation law or any similar law.

(D) "Bodily injury" to:

1. An employee of the operator arising out of and in the course of employment by the operator; or

2. The spouse, child, parent, brother or sister of that employee as a consequence of 1. above.

This exclusion applies:

1. Whether the operator may be liable as an employer or in any other capacity; and

2. To any obligation to share damages with or repay someone else who must pay damages because or the injury.

(E) "Bodily injury" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any operator. Use includes operation and loading or unloading. This exclusion does not apply to:

1. Parking an "auto" on, or on the ways next to, premises the operator owns or rents, provided the "auto" is not owned by or rented or loaned to the operator;

2. "Bodily injury" arising out of the operation of any of the equipment listed in paragraph (F)2. of (F)3. of the definition of "mobile equipment", found in section 12 below.

(~~35~~) "Corporate guarantee" means a contract meeting the requirements of section 18239 of this Article ~~by~~ through which a guarantor promises that, if an operator fails to pay a claim by a third party for ~~personal~~bodily injury and/or property damage caused by an accidental occurrence, the guarantor shall pay the claim on behalf of the operator.

(~~46~~) "Excess coverage" means assurance for third party ~~personal~~bodily injury and property damage costs that are above a specified level (i.e., above the primary coverage level or a limit of lower excess coverage) but up to a specified limit.

(~~57~~) "Financial means test" means the financial assurance mechanism specified in section 18238 of this Article by which an operator demonstrates his or her ability to pay third party claims for ~~personal~~bodily injury and property damage caused by accidental occurrences by satisfying the prescribed set of financial criteria.

(~~68~~) "Government securities" means financial obligations meeting the requirements of section 18235 of this Article that are issued by a federal, state, or local government, including but not limited to, general obligation bonds, revenue bonds, and certificates of participation.

(~~79~~) "Guarantor" means a parent corporation, or a corporation with a substantial business relationship to the operator who guarantees payment of a present or future obligation(s) of an operator.

(~~810~~) "Insurance" means a contract meeting the requirements of section 18236 of this Article by which an insurer or a risk retention group promises to pay a claim by a third party for ~~personal~~bodily injury and property damage caused by an accidental occurrence.

(~~911~~) "Legal defense costs" means expenses that an operator or a provider of financial assurance incurs in defending claims brought:

(A) By or on behalf of a third party for ~~personal~~bodily injury and/or property damage caused by an accidental occurrence; or

(B) By any person to enforce the terms of a financial assurance mechanism.

(12) "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:

(A) Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;

(B) Vehicles maintained for use solely on or next to premises the operator owns or rents;

(C) Vehicles that travel on crawler treads;

(D) Vehicles, whether self-propelled or not, maintained primarily to provide mobility to permanently mounted:

1. Power cranes, shovels, loaders, diggers or drills; or

2. Road construction or resurfacing equipment such as graders, scrapers or rollers;

(E) Vehicles not described in (A), (B), (C) or (D) above that are not self-propelled and are maintained primarily to provide mobility to permanently attached equipment of the following types:

1. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or

2. Cherry pickers and similar devices used to raise or lower workers;

(F) Vehicles not described in (A), (B), (C) or (D) above maintained primarily for purposes other than the transportation of persons or cargo. However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos:"

1. Equipment designed primarily for:

a. Snow removal;

b. Road maintenance, but not construction or resurfacing;

c. Street cleaning;

2. Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and

3. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

(~~10~~13) "Permit modification" means an administrative, non-significant change which is necessary to clarify the terms and conditions of an existing solid waste facilities permit.

~~(11) "personal injury" means an injury that causes physical pain, illness, impairment of physical condition, and associated mental anguish and suffering. "personal injury" excludes:~~

~~(A) Personal injury for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement.~~

~~(B) An obligation of the operator under a workers' compensation, disability benefits, or unemployment compensation law or similar law.~~

~~(C) Personal injury to the spouse, child, parent, brother, or sister of an employee as a consequence of, or arising from, and in the course of the employee's employment by the operator. This exclusion applies whether the operator may be liable as an employer or in any other capacity. This exclusion also applies to any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in this section.~~

~~(D) Personal injury arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft.~~

(~~12~~14) "Primary coverage" means the first priority coverage for third party ~~personal~~bodily injury and property damage costs up to a specified limit when used in combination with other coverage.

(~~13~~15) "Property damage" means ~~an~~physical injury to ~~public or private~~tangible property, ~~that deprives its owner of the full benefit of the property by taking, withholding, deteriorating, or destroying it~~ including all resulting loss of use of that property, or loss of use of tangible property that is not physically injured. "Property damage" excludes:

(A) "Property damage" expected or intended from the standpoint of the operator.

(~~A~~B) "Property damage" for which the operator is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the operator would have in the absence of the contract or agreement.

(~~B~~C) An obligation of the operator under a workers' compensation, disability benefits, or unemployment compensation law or similar law.

(D) "Property damages" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any operator. Use includes operation and loading and unloading. This exclusion does not apply to:

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1. Parking an "auto" on, or on the ways next to, premises the operator owns or rents, provided the "auto" is not owned by or rented or loaned to the operator;

2. "Property damage" arising out of the operation of any of the equipment listed in paragraph (F)2. or (F)3. of the definition of "mobile equipment, found in section 12 above."

(~~C~~E) "Property damage" to:

1. Any property owned, rented, or occupied by the operator;

2. Premises that are sold, given away, or abandoned by the operator if the "property damage" arises out of any part of those premises;

3. Property loaned to the operator;

4. Personal property in the care, custody, or control of the operator; and

5. That particular part of real property o~~f~~n which the operator or any contractors or subcontractors working directly or indirectly on behalf of the operator are performing operations, if the "property damage" arises out of theose operations, or

6. That particular part of any property that must be restored, repaired or replaced because the operator's work was incorrectly performed on it.

(~~14~~16) "Provider of financial assurance" means an entity, other than the operator, that provides financial assurance to the operator of a solid waste disposal facility, including a trustee, an insurer, a risk retention group, or a guarantor.

(~~15~~17) "Substantial business relationship" means a business relationship that arises from a pattern of recent or ongoing business transactions.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18232. Amount of Required Coverage.

(a) An operator of one or more solid waste disposal facilities shall demonstrate financial responsibility for compensating third parties for ~~personal~~bodily injury and property damage caused by accidental occurrences in at least the amount of:

(1) One million dollars ($1,000,000) per occurrence; and

(2) Two million dollars ($2,000,000) annual aggregate for up to 2 facilities.

(3) Three million dollars ($3,000,000) annual aggregate for ~~up to~~ 3 facilities.

(4) Four million dollars ($4,000,000) annual aggregate for ~~up to~~ 4 facilities.

(5) Five million dollars ($5,000,000) annual aggregate for 5 or more facilities, which is the maximum coverage required.

(b) The required amounts of coverage shall be exclusive of legal defense costs, deductibles and self-insured retentions.

(c) The required amounts of coverage shall apply exclusively to an operator's facility or facilities located in the State of California.

(d) An operator may use one or more mechanisms to provide proof of financial assurance.

(e) If a trust fund or government securities is depleted to compensate third parties for ~~personal~~bodily injuries and/or property damages caused by accidental occurrences, the operator shall, within one year of the depletion, demonstrate financial responsibility for the full amount of coverage required by section (a) by replenishing the depleted mechanism(s) and/or acquiring additional financial assurance mechanism(s).

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18233. Acceptable Mechanisms and Combinations of Mechanisms.

(a) Subject to the limitations of sections (c) and (d) of this section, an operator shall use any one, or any combination of the mechanisms which are defined in the following sections:

(1) section 18234, Trust Fund
(2) section 18235, Government Securities
(3) section 18236, Insurance
(4) section 18237, Self-Insurance and Risk Management
(5) section 18238, Financial Means Test
(6) section 18239, Corporate Guarantee

(b) If a combination of mechanisms are chosen, the operator shall designate one mechanism as "primary" and all others as "excess" coverage.

(c) The government securities and self-insurance and risk management mechanisms are acceptable only for solid waste disposal facilities operated by government agencies.

(d) The financial means test and corporate guarantee mechanisms are acceptable only for solid waste disposal facilities operated by private firms.

(1) A private operator may combine a financial means test with a corporate guarantee only if, for the purpose of meeting the requirements of the financial means test, the financial statements of the operator are not consolidated with the financial statements of the guarantor.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18234. Trust Fund.

(a) The trust fund shall have a trustee that is authorized to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(b) The trust agreement shall be established by using form CIWMB ~~106~~130 (~~1~~5/91), which is incorporated by reference.

(c) If, at any time, the value of the trust fund is greater than the required amount of coverage minus the amount of coverage demonstrated by another mechanism, the operator may request in writing that the Board authorize the release of the excess funds. The Board shall review the request within 90 days of receipt of the request. If any excess funds are verified, the Board shall instruct the trustee to release the funds.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18235. Government Securities.

(a) The terms of issuance of government securities shall specify that proceeds from the sale of the securities shall be deposited into a financial assurance mechanism that meets the requirements of section 18235(b) below.

(b) The securities shall have been issued and the proceeds already deposited into the financial assurance mechanism that

provides equivalent protection to a trust fund by meeting the following requirements:

(1) Proceeds from the sale of securities shall be used exclusively to pay claims by third parties for ~~personal~~bodily injury and property damage caused by accidental occurrences and shall remain inviolate against all other claims, including any claims by the operator, the operator's governing body, and the creditors of the operator and its governing body;

(2) The financial operations of the provider of the financial assurance ~~are~~ shall be regulated by a federal or state agency, or the provider ~~is~~ shall be otherwise certain to maintain and disburse the assured funds properly;

(3) If the provider of financial assurance has authority to invest revenue deposited into the mechanism, the provider shall exercise investment discretion similar to a trustee; and

(4) The mechanism meets other reasonable requirements that the Board determines are necessary to ensure that the assured funds shall be available in a timely manner.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18236. Insurance.

(a) The issuer of the insurance policy shall:

(1) Be an insurer ~~or a risk retention group~~ that, at a minimum, is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier; and

(2) Have and maintain a rating of A+, A, or A-, VII, as listed in the most current issue or recent update of Best's Insurance Reports.

(b) If coverage is not available as specified in (a) above, the operator may seek coverage by an insurer which, at a minimum, shall:

(1) Be licensed to transact the business of insurance in one or more States of the United States; and

(2) Be eligible to provide insurance as an excess or surplus lines insurer in California; and

(3) Have and maintain a rating of A+, A, or A-, VII, as listed in the most current issue or recent update of Best's Insurance Reports.

(~~b~~c) Each insurance policy shall be either:

(1) Evidenced by a certificate of liability insurance established by using form CIWMB ~~107~~131 (~~1~~5/91), which is incorporated by reference; or

(2) Amended and evidenced by a liability insurance endorsement established by using form CIWMB ~~108~~132 (~~1~~5/91), which is incorporated by reference.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18237. Self-Insurance and Risk Management.

(a) To use the self-insurance and risk management mechanism an operator shall:

(1) Be a public entity;

(2) Be self-insured;

(3) Employ a risk manager;

(4) Have an active safety and loss prevention program that seeks to minimize the frequency and magnitude of third party damages caused by accidental occurrences and other self-insured losses;

(5) Have procedures for and a recent history of timely investigation and resolution of any claims for third party damages caused by accidental occurrences and other self-insured losses; and

(6) Satisfy any other reasonable conditions that the Board determines are needed to ensure that the assured amount of funds shall be available in a timely manner.

(b) This coverage shall be demonstrated by using form CIWMB ~~109~~133 (~~1~~5/91), which is incorporated by reference.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18238. Financial Means Test.

(a) To pass the financial means test, an operator or a guarantor shall be a private entity and shall meet the criteria of

section (c) or (d) based on independently audited year-end financial statements for the latest completed fiscal year.

(b) The phrase "amount of liability coverage to be demonstrated by the test" as used in sections (c) and (d) refers to the amount of liability coverage required by section 18232 of this article.

(c) The operator or guarantor shall have:

(1) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by the test; and

(2) Tangible net worth of at least $10 million; and

(3) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the amount of liability coverage to be demonstrated by the test.

(d) The operator or guarantor shall have:

(1) A current rating for its most recent bond issuance of AAA, AA, A, or BBB issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

(2) Tangible net worth of at least six times the amount of liability coverage to be demonstrated by the test; and

(3) Tangible net worth of at least $10 million; and

(4) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the amount of liability coverage to be demonstrated by the test.

(e) Within 90 days after the close of each financial reporting year, the operator or the guarantor shall submit the following items to the Board and the local enforcement agency and, in the case of a guarantor, to the operator:

(1) A letter on the operator's or guarantor's official letterhead stationary that is worded and completed as specified in either form CIWMB ~~110~~134 (~~1~~5/91) or CIWMB ~~111~~135 (~~1~~5/91) which contains an original signature of the operator's or guarantor's chief financial officer.

(A) An operator or guarantor shall use form CIWMB ~~110~~134 (~~1~~5/91) to demonstrate or guarantee financial responsibility for liability coverage only. If the operator or guarantor is using a similar financial means test to demonstrate liability coverage for facilities in other states, the operator shall list those out-of-

state facilities, as well as the California facilities on this test.

(B) An operator or guarantor shall use form CIWMB ~~111~~135 (~~1~~5/91) to demonstrate or guarantee financial responsibility for both liability coverage and postclosure maintenance. If the operator or guarantor is using a similar financial means test to demonstrate liability coverage and postclosure maintenance for facilities in other states, the operator shall list those out-of-state facilities and coverages, as well as the California facilities on this test.

(2) A copy of an independent certified public accountant's report on examination of the operator's or guarantor's financial statements for the latest completed fiscal year, with a copy of the operator's or guarantor's financial statements for the latest completed fiscal year.

(3) A letter from an independent certified public accountant stating that:

(A) He or she has compared the data in the letter in section (e)(1), from the chief financial officer specified as having been derived from the financial statements for the latest completed fiscal year of the operator or the guarantor, with the amounts in the financial statements; and

(B) Based on the comparison, no matters came to his or her attention that caused him or her to believe that the specified data should be adjusted.

(4) If the operator or the guarantor is required to make such a filing, a copy of the operator's or guarantor's most recent form 10-K filed with the U.S. Securities and Exchange Commission.

(f) The Board may require updated financial statements at any time from the operator or guarantor. If the Board finds that the operator no longer meets the financial means test requirements of sections (c) or (d) based on such reports or other information, including but not limited to, credit reports and reports from other state agencies, the operator shall obtain alternate coverage within 60 days after receiving the notification of such a finding.

(g) If an operator using the financial means test fails to meet the requirements of the financial means test under sections (c) or (d), the operator shall obtain alternate coverage within 60 days after the determination of such failure.

(h) If the operator fails to obtain alternate coverage within the times specified in sections (f) or (g), the operator shall notify the Board and the local enforcement agency by certified mail within 10 days of such failure.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18239. Corporate Guarantee.

(a) The guarantor shall be:

(1) A parent corporation of the operator;

(2) A firm whose parent corporation is also the parent corporation of the operator; or

(3) A firm engaged in a substantial business relationship with the operator issuing the corporate guarantee as an act incident to that business relationship.

(b) The guarantor shall meet the requirements of the financial means test under sections 18238(c) or (d) of this Article based on the guarantor's audited year-end financial statements.

(c) The corporate guarantee shall be worded and completed as specified by form CIWMB ~~112~~136 (~~1~~5/91), which is incorporated by reference.

(d) The terms of the corporate guarantee shall specify that if the operator fails to satisfy a judgment or an award for ~~personal~~bodily injury and property damage to third parties caused by accidental occurrences, or fails to pay an amount agreed in settlement of a claim arising from or alleged to arise from such injury and damage, the guarantor shall satisfy such judgment, award, or settlement agreement up to the limits of the corporate guarantee.

(e) If the guarantor fails to meet the requirements of the financial means test under section 18238(c) or (d) of this Article or wishes to terminate the corporate guarantee, the guarantor shall send notice of such failure or termination by certified mail to the operator, the Board, and the local enforcement agency within 90 days after the end of that financial reporting year. The corporate guarantee shall terminate no less than 60 days after the date that the operator, the Board, and the local enforcement agency have all received the notice of such failure or termination, as evidenced by the return receipts. The guarantor shall establish alternate coverage as specified in section 18233 of this article on behalf of the operator within 60 days after such notice, unless the operator has done so.

(f) The Board may require updated financial statements at any time from a guarantor. If the Board finds, on the basis of such reports or information from other sources, including but not limited to, credit reports and reports from other state agencies,

that the guarantor no longer meets the financial means test requirements of section 18238(c) or (d) of this Article or any requirements of section 18239 of this Article, the Board shall notify the guarantor and operator of such finding by certified mail. The guarantor shall establish alternate coverage as specified in section 18233 of this article on behalf of the operator within 60 days after such notice, unless the operator has done so.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18240. Substitution of Mechanisms by Operator.

(a) An operator may substitute any alternate financial assurance mechanism(s) as described in sections 18234 through 18239 of this Article, provided that at all times the operator maintains an effective mechanism or a combination of effective mechanisms, that satisfies the requirements of section 18233 of this Article, and informs the Board of such substitution.

(b) In the event an operator obtains alternate financial assurance, it may request that the Board terminate or authorize the termination of the previous financial assurance mechanism. The operator shall submit such a request in writing with evidence of alternate financial assurance.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18241. Cancellation or Nonrenewal by a Provider of Financial Assurance.

(a) Except as otherwise provided in section 18242 of this Article, below, a provider of financial assurance may cancel or not renew a financial assurance mechanism by sending a notice of termination by certified mail to the operator, the Board, and the local enforcement agency.

(b) Termination of a corporate guarantee shall occur no less than 60 days after the date on which the operator, the Board, and the local enforcement agency have all received the notice of termination, as evidenced by the return receipts.

(c) Cancellation or nonrenewal of insurance or self-insurance and risk management coverage shall occur no less than 60 days after the date on which the operator, the Board, and the local enforcement agency have all received the notice of termination, as evidenced by the return receipts; except in the case of non-payment of insurance premiums, in which case cancellation shall occur no less than 10 days after the date on which the operator, the Board,

and the local enforcement agency have all received the notice of termination.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18242. Bankruptcy or Other Incapacity of Operator or Provider of Financial Assurance.

(a) Within 10 days after commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, Title 11 U.S.C. sections 101-1330 in which:

(1) The operator is named as debtor, the operator shall notify the Board and the local enforcement agency by certified mail of such commencement.

(2) A provider of financial assurance is named as debtor, such provider shall notify the operator, the Board, and the local enforcement agency by certified mail of such commencement.

(b) An operator shall be deemed to be without the required financial assurance in the event of bankruptcy of its provider of financial assurance, or in the event of a suspension or revocation of the authority of the provider of financial assurance to issue a mechanism. If such an event occurs, the operator shall demonstrate alternate financial assurance as specified in this article within 60 days after receiving notice of the event. If the operator fails to obtain alternate financial assurance within 60 days, the operator shall notify the Board and the local enforcement agency within 10 days of such failure.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18243. Recordkeeping and Reporting.

(a) An operator shall maintain evidence of all financial assurance mechanisms until the operator is released from the requirements as specified in section 18244 of this Article. This evidence shall be maintained at each solid waste disposal facility, whenever possible, or at an alternate, designated location approved by the Board and which is accessible to the operator, and available for Board staff and local enforcement agency review.

(b) An operator shall maintain the following types of evidence, and shall maintain an original or copy of each mechanism used to demonstrate financial responsibility under this article:

(1) Trust Fund. An operator using a trust fund shall maintain a copy of the trust agreement and statements verifying the current balance of the fund.

(2) Government Securities. An operator using government securities shall maintain a copy of the following:

(A) All official resolutions, forms, letters, or other pertinent documents generated to issue the securities;

(B) The terms of issuance of the securities; and

(C) With respect to the mechanism into which the funds generated by the issuance are deposited:

1. Identify the solid waste disposal facilities covered by the fund and the amount of third party liability coverage;

2. Include a letter from an authorized officer of the institution maintaining the mechanism identifying the amount of funds provided by the mechanism as of the anniversary date of each mechanism for each year; and

3. Include a copy of the evidence documenting that the mechanism meets the requirements of section 18235(b) of this Article.

(3) Insurance. An operator using insurance shall maintain the original or a copy of the insurance policy in addition to the original or a copy of the liability insurance endorsement or the certificate of liability insurance.

(4) Self-Insurance and Risk Management. An operator using self-insurance and risk management shall maintain:

(A) The name and qualifications of the currently employed risk manager;

(B) Pertinent documents verifying the ongoing activity of the operator's safety and loss prevention program; and

(C) Pertinent documents showing procedures for timely investigation and resolution of any claims for third party damages caused by accidental occurrences and other self-insured losses.

(5) Financial Means Test. An operator using a financial means test shall maintain a copy of the information specified in section 18238(e) of this Article.

(6) Corporate Guarantee. An operator using a corporate guarantee shall maintain documentation of the corporate guarantee as specified in sections 18239(a),(b),and (c) of this Article.

(c) An operator shall submit the documentation of current evidence of financial responsibility listed in section 18243(b) of this Article to the Board and the local enforcement agency whenever a financial assurance mechanism is established or amended:

(1) In the case of a trust fund such documentation shall include the original mechanism and a copy of the current statement verifying the balance of the account;

(2) In the case of government securities such documentation shall include the information as specified in section 18243(b)(2) of this Article;

(3) In the case of a financial means test, or a corporate guarantee, such documentation shall include the original mechanism; or

(4) In the case of insurance or self-insurance and risk management, such documentation shall include the original liability insurance endorsement, certificate of liability insurance, or certificate of self-insurance and risk management.

(d) An operator shall submit written notice to the Board of the number of claims paid and the total dollar amount paid as a result of an accidental occurrence at an operating facility. This information shall be compiled for the previous calendar year and submitted to the Board by March 1st of each year.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18244. Release of an Operator from the Requirements.

(a) After receiving and approving certification of closure from the operator as specified by section 18275 of this title, the Board shall notify the operator and the provider of financial assurance in writing, that he or she is no longer required to demonstrate financial responsibility for third party operating liability claims, pursuant to this article, at the particular solid waste disposal facility.

(b) When operational control of a solid waste disposal facility is transferred, the existing operator shall remain subject to the requirements of this article until the new operator provides acceptable financial assurances to the Board.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

TRUST AGREEMENT

Trust Account Number:_____

This Agreement is entered into as of_____ by and between:

GRANTOR	TRUSTEE
Operator Name:	Trustee Name:
Address:	Address:
☐ Corporation ☐ Association ☐ Partnership ☐ Proprietorship In the State of_____	☐ Incorporated in the State of_____ ☐ A National Bank

TERMS OF AGREEMENT

WHEREAS, the California Integrated Waste Management Board has established regulations applicable to the Grantor in Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, requiring that an operator of a solid waste disposal facility shall demonstrate financial responsibility for ~~personal~~bodily injury and/or property damage to third parties caused by accidental occurrences arising from the operation of the facility, and

WHEREAS, the Grantor has elected to establish a trust to assure all or part of such financial responsibility for the solid waste disposal facility or group of solid waste disposal facilities identified herein, and

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW THEREFORE, the Grantor and Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) The term "Beneficiary" means third party claimants who satisfy the requirements either of Section 4(a) or 4(b) of this Agreement.

(d) The term "California Integrated Waste Management Board" or "the Board" means the California Integrated Waste Management Board or its designee.

Section 2. Identification of Facilities and Coverage Amounts. This Agreement pertains to the solid waste disposal facilities, coverage amounts, and determination of primary or excess coverage identified on attached Schedule A [for each facility included in Schedule A, list the facility information system number, name, address, amount of per occurrence coverage and annual aggregate coverage or portions thereof if more than one instrument affords combined coverage as demonstrated by this Agreement, and whether the coverage is primary coverage or excess coverage].

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, hereinafter the "Fund", for the benefit of any and all third parties injured or damaged by accidental occurrences arising from operation of the facility(ies) covered by this trust agreement, in the amounts of _____ ~~[at least $1 million]~~ per occurrence and _____ ~~[at least $2 million]~~ annual aggregate per facility for accidental occurrences, except that the Fund is not established for the benefit of third parties for the following:

(a) "Bodily injury" or "property damage" expected or intended from the standpoint of the Grantor. This exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property.

(ab) ~~Personal~~"Bodily injury" or "property damage" for which the Grantor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the Grantor would be obligated to pay in the absence of the contract or agreement.

(bc) Any obligation of the Grantor under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(cd) ~~Personal~~"Bodily injury" to:

(1) An employee of the Grantor arising from, and in the course of, employment by the Grantor; or

(2) The spouse, child, parent, brother, or sister of an employee as a consequence of ~~(1) above, or arising from, and in the course of employment of the employee by Grantor.~~

This exclusion applies:

(A1) Whether the Grantor may be liable as an employer or in any other capacity; and

(B2) To any obligation to share damages with or repay another person who must pay damages because of the injury ~~to persons identified in paragraphs (1) and (2)~~.

(de) ~~Personal~~"Bodily injury" or "property damage" arising out of the ownership, maintenance, use, or entrustment to others of any aircraft, ~~motor vehicle~~"auto", or watercraft. owned or operated by or rented or loaned to the Grantor. Use includes operation and loading and unloading. This exclusion does not apply to:

(1) Parking an "auto" on, or on the ways next to, premises the Grantor owns or rents, provided the "auto" is not owned by or rented or loaned to the Grantor.

(2) "Bodily injury" or "property damage" arising out of the operation of any of the equipment listed in paragraph (F)2. or (F)3. of the definition of "mobile equipment" (14 CCR, Section 18231).

(ef) "Property damage" to:

(1) Any property owned, rented, or occupied by the Grantor;

(2) Premises that are sold, given away, or abandoned by the Grantor if the "property damage" arises out of any part of those premises;

(3) Property loaned to the Grantor;

(4) Personal property in the care, custody, or control of the Grantor; ~~or~~

(5) That particular part of real property on which the Grantor or any contractors or subcontractors working directly or indirectly on behalf of the Grantor are performing operations, if the "property damage" arises out of these operations~~; or~~

~~(6) That particular part of any property that must be restored, repaired or replaced because the Grantor's work was incorrectly performed on it.~~

The Fund is established initially as consisting of the property (cash or securities), which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the Board.

Section 4. Payment for ~~Personal~~Bodily Injury or Property Damage. The Trustee shall satisfy a third party liability claim by making payments from the Fund only on receipt of one of the following documents:

(a) Certification from the Grantor and the Beneficiary that the liability claim should be paid. The certification must be worded as follows:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties [Grantor] and [Name and Address of Beneficiary(ies)], hereby certify that the claim of ~~personal~~bodily injury and/or property damage caused by an accidental occurrence arising from the operation of [Grantor's] solid waste facility should be paid in the amount of $_____.

_____ Grantor's Signature	_____ Notary	___/___/___ Date
_____ Claimant(s) Signature	_____ Notary	___/___/___ Date

(b) A valid final court order establishing a judgment against the grantor for ~~personal~~bodily injury or property damage caused by accidental occurrences arising from the operation of the Grantor's facility or group of facilities.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee may invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines that the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his or her duties with respect to the trust fund solely in the interest of the potential beneficiaries and with the care, skill, prudence and diligence under the circumstances then prevailing that persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other operator or owner of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, Title 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the federal or state government.

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, Title 15 U.S.C. 80a-1 et seq., including one that may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depositary even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and the Board a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Board shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting on the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If, for any reason, the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the Board, and the present Trustee by certified mail ten days before such change becomes effective. Any expenses insured by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instruction to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Board hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the Board, except as provided for herein.

Section 15. Notice of Nonpayment. If a payment for ~~personal~~bodily injury or property damage is made under Section 4 of this trust, the Trustee shall notify the Grantor of such payment and the amount(s) thereof within five (5) working days. The Grantor shall, within one year of such payment, either make payments to the Trustee in amounts sufficient to cause the trust to return to its value immediately prior to the payment of claims under Section 4, or shall provide written proof to the Trustee that other financial assurance for operating liability coverage has been obtained equalling the amount necessary to return the trust to its value prior to the payment of claims. If the Grantor does not either make payments to the Trustee or provide the Trustee with such proof, the Trustee shall, within 10 working days after the anniversary date of the payment, provide a written notice of nonpayment to the Board.

Section 16. Amendment of Agreement. This agreement may be amended by an instrument in writing executed by the Grantor, Trustee, and the Board, or by the Trustee and the Board if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Board, or by the Trustee and the Board, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor. The Board will agree to termination of the trust when the operator substitutes alternate financial assurance as specified in 14 CCR, 18233 or is released as specified in 14 CCR, 18244.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Board issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act in conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of California.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify and sign under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18234.

Signature of Grantor:	Title:
Typed or Printed Name of Person Signing:	Seal:
Attest: Title	
Signature of Trustee:	Title:
Typed or Printed Name of Person Signing:	Seal:
Attest: Title	

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18234 in order to verify adequate financial assurance of solid waste disposal facilities. Completion of the form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, California 95814, (916) 322-3330.

EXHIBIT A

TRUST AGREEMENT BY AND BETWEEN _____

AND THE _____

As provided in Section 14 of the Trust Agreement, the persons, other than the officials of the Board identified in Section 14 of the Trust Agreement, who, until this Exhibit A is amended, shall have the authority to make orders, requests, and instructions to the Trustee are:

The following:

Officials of the Grantor who have authority to give instructions:

Name:

Title:

Any orders, requests or instructions by the Grantor to the Trustee, pursuant to the foregoing Agreement, may be signed by any one or more of the following persons:

Name:

Title:

TRUST AGREEMENT

SCHEDULE A

This Agreement demonstrates financial assurance for the following liability coverage amounts for the following facility(ies):

Facility Information Number	Name of Facility	Address of Facility	Coverage Amounts for Which Financial Assurance is Being Demonstrated by This Agreement
			Per Occurrence: _____ Annual Aggregate: _____

SCHEDULE B

The fund is established initially as consisting of the following:

$_____, (Spell out dollar amount) as evidenced by (Name of institution drawn on) Check Number _____, dated __/__/__.

I hereby certify that funds have been received and deposited.

Authorized Signature:	Title:
Typed or Printed Name of Person Signing:	Address:

CERTIFICATE OF LIABILITY INSURANCE

(If additional space needed, add attachment.)

Name of Insurer	Address	State of California License Number

Name of Insured	Address

Solid Waste Disposal Facilities Covered: (Enter Information for Each Facility) LIMITS OF LIABILITY

Name	Address	Facility Information Number	Per Occurrence*	Annual Aggregate*
			TOTAL	TOTAL

Policy Number	Effective Date

*Excluding legal defense costs and deductibles

INSURER CERTIFICATION:

1. The insurer hereby certifies that it has issued liability insurance covering ~~personal~~bodily injury and/or property damage to the insured listed above in connection with the insured's obligation to demonstrate financial responsibility under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3. The coverage applies to the above-listed facility(ies) for accidental occurrences arising from the operation of the facility(ies).

2. Indicate whether this coverage is ☐ primary or ☐ excess coverage.

3. The limits of liability are the amounts stated above for "per occurrence" and "annual aggregate", exclusive of legal defense costs. If an excess coverage insurance policy is being provided, complete the following sentence:

[$_____per occurrence and $_____annual aggregate in excess of the underlying limits of $_____per occurrence and $_____annual aggregate.]

4. The insurance coverage is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with sections (a) through (e) of this paragraph shall be amended to conform with sections (a) through (e):

(a) Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this certification applies.

(b) The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement from the insured for any such payment made by the insurer. If another mechanism, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18233, is used to demonstrate coverage of the deductible, then this section does not apply.

(c) Upon request by the Board, the insurer agrees to furnish to the Board the original policy and all endorsements.

(d) Cancellation or any other termination of this certificate, whether by the insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the operator of the solid waste disposal facility(ies), will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is sent by certified mail, and received by the Board and the local enforcement agency for the jurisdiction in which the facility is located, as evidenced by the return receipts. (See exception, section (e))

(e) Cancellation due to non-payment of premiums is effective only upon written notice and only after the expiration of 10 days after the date on which the operator, the Board and the local enforcement agency have all received the notice of termination, as evidenced by return receipts.

The party below certifies and signs under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, that this document is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, and that the insurer is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier.

Signature of Individual Authorized to Sign on Behalf of Insurer	Title of Authorized Person
Typed or Printed Name of Person Signing	Date
Address of Insurer	

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, in order to verify adequate financial assurance of solid waste disposal facilities. Completion of this form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

LIABILITY INSURANCE ENDORSEMENT

(If additional space needed, add attachment.)

Name of Insurer	Address	State of California License Number

Name of Insured	Address

Solid Waste Disposal Facilities Covered: (Enter Information for Each Facility) LIMITS OF LIABILITY

Name	Address	Facility Information Number	Per Occurrence*	Annual Aggregate*
			TOTAL	TOTAL

Policy Number	Effective Date

*Excluding legal defense costs and deductibles

INSURER CERTIFICATION:

1. By endorsement, the insurer certifies that this policy provides liability insurance covering ~~personal~~bodily injury and property damage in connection with the insured's obligation to demonstrate financial responsibility under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3. The coverage applies to the above-listed facility(ies) for accidental occurrences arising from the operation of the facility(ies).

2. Indicate whether the coverage is ☐ primary or ☐ excess coverage.

3. The limits of liability are the amounts stated above for "per occurrence" and "annual aggregate", exclusive of legal defense costs. If the endorsement is for an excess coverage insurance policy, complete the following sentence:

[$_____per occurrence and $_____annual aggregate in excess of the underlying limits of $_____per occurrence and $_____annual aggregate.]

4. The insurance coverage is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with sections (a) through (e) of this paragraph shall be amended to conform with sections (a) through (e):

(a) Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this endorsement is attached.

(b) The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement from the insured for any such payment made by the insurer. If another mechanism, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18233,is used to demonstrate coverage of the deductible, then this section does not apply.

(c) Upon request by the Board, the insurer agrees to furnish to the Board the original policy and all endorsements.

(d) Cancellation or any other termination of this endorsement, whether by the insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the operator of the solid waste disposal facility, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is sent by certified mail, and received by the Board and the local enforcement agency for the jurisdiction in which the facility is located, as evidenced by the return receipts. (See exception, section (e))

(e) Cancellation due to non-payment of premiums is effective only upon written notice and only after the expiration of 10 days after the date on which the operator, the Board and the local enforcement agency have all received the notice of termination, as evidenced by return receipts.

The party below certifies and signs under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, that this document is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, and that the insurer is licensed by the California Department of Insurance to transact the business of insurance in the State of California as an admitted carrier.

Signature of Individual Authorized to Sign on Behalf of Insurer	Title of Authorized Person
Typed or Printed Name of Person Signing	Date
Address of Insurer	

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18236, in order to verify adequate financial assurance of solid waste disposal facilities. Completion of this form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

CERTIFICATE OF SELF-INSURANCE AND RISK MANAGEMENT

(If additional space needed, add attachment.)

Operator	Address
Risk Manager	Address (if different from above)

Solid Waste Disposal Facilities Covered: (Enter Information for Each Facility)

Name	Address	Facility Information Number	LIMITS OF LIABILITY Per Occurrence*	Annual Aggregate*
			TOTAL	TOTAL

*Excluding legal defense costs

CERTIFICATION:

1. The operator and risk manager named above hereby certify that the facilities listed above are self-insured for third party personal bodily injury and/or property damage in connection with the operator's obligation to demonstrate financial responsibility under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3. The coverage applies to the above-listed facility(ies) for accidental occurrences arising from the operations of the facility(ies).

2. The limits of liability are the amounts stated above for "per occurrence" and "annual aggregate", exclusive of legal defense costs.

3. Indicate whether this coverage is ☐ primary or ☐ excess coverage.

4. Upon request by the Board, the operator agrees to furnish to the Board any documents pertinent to this coverage.

5. Termination of this coverage, will be effective only upon written notice, sent by certified mail, and only after the expiration of 60 days after a copy of such written notice is received by the Board and the local enforcement agency for the jurisdiction in which the facility is located, as evidenced by the return receipts.

The parties below certify and sign under penalty of perjury that the information in this document is true and correct to the best of his or her knowledge, and that this document is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18237.

Operator's Signature	Title
Typed or Printed Name of Person Signing	Date
Risk Manager's Signature	Title
Typed or Printed Name of Person Signing	Date

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18237 in order to verify adequate financial assurance of solid waste disposal facilities. Completion of this form is mandatory. The consequence of not completing the form is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

INSTRUCTIONS FOR THE
Letter From the Chief Financial Officer
Financial Means Test for Liability

(a) A letter from the chief financial officer, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238 shall be on corporate letterhead stationery. It shall contain the original signature of the chief financial officer and shall be worded as indicated on the attached form CIWMB 110134 (15/91).

(b) The letter from the chief financial officer shall be accompanied by the following items, as specified in Section 18238:

(1) A copy of an independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal year with a copy of the firm's financial statements for the latest completed fiscal year;

(2) A special report from the independent certified public accountant to the operator stating that:

(A) The independent certified public accountant has compared the data in the letter from the chief financial officer with the amounts in the year-end financial statements for the latest fiscal year; and

(B) In connection with that procedure, no matters came to the independent certified public accountant's attention that caused him or her to believe that the specified data should be adjusted;

(3) A completed financial test using either Alternative I or II;

(4) A copy of the form 10-K most recently filed with the Securities and Exchange Commission, if the operator is required to make such a filing; and

(5) If applicable, the corporate guarantee with wording as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239.

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238, in order to verify adequate financial assurance for solid waste disposal facilities. Submittal of the information requested is mandatory. The consequence of not providing this information is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

I am the chief financial officer of _____
(Operator's or Guarantor's Name and Address)

This letter is in support of the financial means test and/or corporate guarantee to demonstrate financial assurance for liability coverage, as specified in Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, Section 18238.

[Complete the following paragraphs regarding solid waste disposal facilities, including those out-of-state facilities for which this test is being used to demonstrate liability coverage, and associated coverage amounts. If no facilities belong in a particular paragraph, write "None" in the space indicated. For each facility, include its facility information number, name, address, and the amounts of liability coverage provided. Identify each coverage amount separately as to whether it is for "per occurrence" or "annual aggregate" liability coverage for accidental occurrences, and whether it is primary or excess coverage.]

1. This firm is the operator or owner of the following facilities for which the firm is demonstrating financial assurance for liability coverage through the financial means test as specified in 14 CCR, 18238:

2. This firm is the operator or owner of the following facilities for which the firm is demonstrating financial assurance for liability coverage through a similar financial means test(s), including but not limited to, California, federal, or out-of-state hazardous waste treatment storage or disposal facilities, or solid waste landfills, or any other similar financial means tests:

23. This firm guarantees, through the corporate guarantee for liability coverage as specified in 14 CCR, 18238, the liability coverage of the following facilities:

Total annual aggregate coverage in paragraph 1: $ _____

Total annual aggregate coverage in paragraph 2: $ _____

Total amount of liability coverage to be demonstrated: $ _____

24. This firm is/is not required to file a form 10-K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

45. The fiscal year of this firm ends on _____
(Month/Day)

56. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended _____.

67. This coverage is primary/excess coverage.

ALTERNATIVE I
(Omit if using Alternative II)

1.	Amount of annual aggregate liability coverage to be demonstrated	$ _____	
*2.	Current assets	$ _____	
*3.	Current liabilities	$ _____	
4.	Net working capital (line 2 minus line 3)	$ _____	
*5.	Tangible net worth	$ _____	
6.	Total assets in the United States (required only if less than 90 percent of assets are located in the United States)	$ _____	
7.	Is line 5 at least $10 millon?	☐ Yes	☐ No
8.	Is line 4 at least 6 times line 1?	☐ Yes	☐ No
9.	Is line 5 at least 6 times line 1?	☐ Yes	☐ No
10.	Are at least 90 percent of assets located in the United States?	☐ Yes	☐ No
11.	Is line 6 at least 6 times line 1?	☐ Yes	☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____
Signature

_____
Typed or Printed Name

_____
Title

_____
Date

Corporate Seal

ALTERNATIVE II
(Omit if using Alternative I)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____
2. Current bond rating of most recent issuance and name of rating service ..... _____
3. Date of issuance of bond ..... _____
4. Date of maturity of bond ..... _____
5. Tangible net worth ..... $ _____
6. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____
7. Is line 5 at least $10 million? ..... ☐ Yes ☐ No
8. Is line 5 at least 6 times line 1? ..... ☐ Yes ☐ No
9. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No
10. Is line 6 at least 6 times line 1? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____ Signature

_____ Typed or Printed Name

_____ Title

_____ Date

Corporate Seal

INSTRUCTIONS FOR THE
Letter From the Chief Financial Officer Financial Means Test for Liability and Postclosure Maintenance

(a) A letter from the chief financial officer, as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238 shall be on corporate letterhead stationery. It shall contain the original signature of the chief financial officer and shall be worded as indicated on the attached form CIWMB 111135 (15/91).

(b) The letter from the chief financial officer shall be accompanied by the following items, as specified in 14 CCR, 18238:

(1) A copy of an independent certified public accountant's report on examination of the operator's financial statements for the latest completed fiscal year with a copy of the firm's financial statements for the latest completed fiscal year;

(2) A special report from the independent certified public accountant to the operator stating that:

(A) The independent certified public accountant has compared the data in the letter from the chief financial officer with the amounts in the year-end financial statements for the latest fiscal year; and

(B) In connection with that procedure, no matters came to the independent certified public accountant's attention that caused him or her to believe that the specified data should be adjusted;

(3) A completed financial test using either Alternative I or II;

(4) A copy of the form 10-K most recently filed with the Securities and Exchange Commission, if the operator is required to make such a filing; and

(5) If applicable, the corporate guarantee with wording as specified in Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239.

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238, in order to verify adequate financial assurance for solid waste disposal facilities. Submittal of the information requested is mandatory. The consequence of not providing this information is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

I am the chief financial officer of _____
(Operator's or Guarantor's Name and Address)

This letter is in support of the financial means test and/or corporate guarantee to demonstrate financial assurance for liability coverage and postclosure maintenance, as specified in Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, Sections 18238 and 18289, respectively.

[Fill out the following paragraphs regarding all solid waste disposal facilities, including those out-of-state facilities for which this test is being used to demonstrate liability coverage and postclosure maintenance costs, and associated coverage amounts. If no facilities belong in a particular paragraph, write "None" in the space indicated. For each facility, include its facility information number, name, address, and the amounts of liability coverage provided. Identify each coverage amount separately as to whether it is for "per occurrence" or "annual aggregate" liability coverage for accidental occurrences, and whether it is primary or excess coverage. For each facility in paragraphs three and four, indicate the current postclosure cost estimates, identifying separately each cost estimate for postclosure maintenance.]

1. This firm is the operator or owner of the following facilities for which the firm is demonstrating financial assurance for liability coverage through the financial means test as specified in 14 CCR, 18238:

2. This firm guarantees, through the corporate guarantee for liability coverage as specified in 14 CCR, 18238, the liability coverage of the following facilities:

Total annual aggregate coverage in paragraph 1: $ _____

Total annual aggregate coverage in paragraph 2: $ _____

Total amount of liability coverage to be demonstrated: $ _____

3. This firm as the operator or owner, is demonstrating financial assurance for postclosure maintenance through the financial means test as specified in 14 CCR, 18289 or financial assurance for postclosure maintenance through a similar financial means tests as specified in the laws of other states, the postclosure maintenance of the following solid waste landfills in the United States:

~~4. This firm, as the operator or owner, is demonstrating financial assurance for liability coverage through a similar financial means test, for the following, including but not limited to, California, federal, or out-of-state hazardous waste treatment storage or disposal facilities, or solid waste landfills, or any other similar financial means tests:~~

~~4~~5. This firm guarantees, through the guarantee for postclosure maintenance specified in 14 CCR, 18291 or through similar guarantees for postclosure maintenance as specified in the laws of other states, the postclosure maintenance of the following solid waste landfills in the United States:

~~5~~6. This firm is/is not required to file a Form 10-K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

~~6~~7. The fiscal year of this firm ends on _____
(Month/Day)

~~7~~8. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended _____.

~~8~~9. This coverage is primary/excess coverage.

ALTERNATIVE I
(Omit if using Alternative II)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____

2. Sum of postclosure cost estimates ..... $ _____

3. Sum of lines 1 and 2 ..... $ _____

4. Total liabilities (if any portion of the postclosure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 5 and 6) ..... $ _____

*5. Tangible net worth ..... $ _____

*6. Net Worth ..... $ _____

*7. Current assets ..... $ _____

*8. Current liabilities ..... $ _____

9. Net working capital (line 7 minus line 8) ..... $ _____

10. The sum of net income plus depreciation, depletion, and amortization ..... $ _____

11. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____

12. Is line 5 at least $10 millon? ..... ☐ Yes ☐ No

13. Is line 5 at least 6 times line 3? ..... ☐ Yes ☐ No

14. Is line 9 at least 6 times line 3? ..... ☐ Yes ☐ No

15. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No

16. Is line 11 at least 6 times line 3? ..... ☐ Yes ☐ No

17. Is line 4 divided by line 6 less than 2.0? ..... ☐ Yes ☐ No

18. Is line 10 divided by line 4 greater than 0.1? ..... ☐ Yes ☐ No

19. Is line 7 divided by line 8 greater than 1.5? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____ Signature

_____ Typed or Printed Name

_____ Title

_____ Date

Corporate Seal

ALTERNATIVE II
(Omit if using Alternative I)

1. Amount of annual aggregate liability coverage to be demonstrated ..... $ _____

2. Sum of current postclosure cost estimates ..... $ _____

3. Sum of lines 1 and 2 ..... $ _____

4. Current bond rating of most recent issuance of this firm and name of rating service ..... _____

5. Date of issuance of bond ..... _____

6. Date of maturity of bond ..... _____

7. Tangible net worth (if any portion of the postclosure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) ..... $ _____

8. Total assets in the United States (required only if less than 90 percent of assets are located in the United States) ..... $ _____

9. Is line 7 at least $10 million? ..... ☐ Yes ☐ No

10. Is line 7 at least 6 times line 3? ..... ☐ Yes ☐ No

11. Are at least 90 percent of assets located in the United States? ..... ☐ Yes ☐ No

12. Is line 8 at least 6 times line 3? ..... ☐ Yes ☐ No

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18238.

_____ Signature

_____ Typed or Printed Name

_____ Title

_____ Date

Corporate Seal

CORPORATE GUARANTEE

Shall be on corporate letterhead stationery. It shall also contain original signature of Guarantor and shall be worded as indicated in form CIWMB 112136.

Chief Executive Officer
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of [if incorporated within the United States insert "the State of _____ "; if incorporated outside the United States insert the name of the country in which incorporated, the principal place of business within the United States, the name and address of the registered agent in the State of the principal place of business] herein referred to as a guarantor. This guarantee is made on behalf of [Operator] [Business address] to any and all third parties who have sustained or may sustain ~~personal~~bodily injury and/or property damage caused by accidental occurrences arising from operation of the solid waste disposal facilities covered by this guarantee.

Recitals

1. Guarantor meets or exceeds the financial means test criteria of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.3, Section 18238 and agrees to comply with the reporting requirements for guarantors as specified in 14 CCR, 18238, 18239 and 18243.

2. Guarantor is a [parent corporation] of [Name of Operator]; is a [firm whose parent corporation], [Name of Corporate Parent], is also the parent corporation of [Name of Operator]; or engages in a substantial business relationship with [Name of Operator] and is issuing this guarantee as an act incident to that business relationship].

3. [Operator] operates the following facilities covered by this guarantee: [List for each facility: facility information number, name and address; and if guarantor is incorporated outside the United States, list the name and address of the guarantor's registered agent for service in California.]

This corporate guarantee satisfies the Board's operating liability coverage requirements for accidental occurrences for the above-named facilities for coverage in the amount of $1 million per occurrence and [$2 million annual aggregate for up to 2 facilities; $3 million annual aggregate for up to 3 facilities; $4 million annual aggregate for up to 4 facilities; and $5 million for 5 or more facilities.]

4. [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is a parent corporation of the operator); "On behalf of our affiliate" (if guarantor is a firm whose parent corporation is also the parent corporation of the operator); or "Incident to our business relationship with" (if guarantor is providing guarantee as an incident to a substantial business relationship with the operator) [Operator], Guarantor guarantees to the Board that for any and all third parties who may sustain ~~personal~~bodily injury and/or property damage caused by accidental occurrences arising from operations of the facilities covered by this guarantee that in the event that [Operator] fails to satisfy a judgment or award based on a determination of liability for ~~personal~~bodily injury or property damage to third-parties caused by accidental occurrences arising from the operation of the above-named facilities or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage identified above.

5. In the event of combination of this guarantee with another mechanism to meet operating liability coverage requirements, this guarantee will be considered primary/excess coverage.

6. Guarantor agrees that if at any time during or at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial means test criteria, guarantor shall send within ninety (90) days of such determination, by certified mail, written notice to the Board, the local enforcement agency for the jurisdiction in which the facility is located, and to [Operator] that he or she intends to provide alternate liability coverage as specified in 14 CCR, 18233 in the name of [Operator]. Within 120 days after the end of such fiscal year, the guarantor shall establish such liability coverage unless [Operator] has done so.

7. The guarantor agrees to send written notice to the Board, by certified mail of a voluntary or involuntary proceeding under the Bankruptcy Code, 11 U.S.C., 101-1330, naming guarantor as debtor, within ten (10) days after commencement of the proceedings.

8. Guarantor agrees that within (30) days after being notified by the Board of a determination that guarantor no longer meets the financial means test criteria or that it is disallowed from continuing as a guarantor, that alternate liability coverage shall be established as specified in 14 CCR, 18233 in the name of [Operator] unless [Operator] has done so.

9. Guarantor reserves the right to modify this agreement to take into account amendment or modification of the liability coverage requirements set by 14 CCR, Division 7, Chapter 5, Article 3.3 provided that such modification shall become effective only if the Board does not disapprove the modification within thirty (30) days of receipt of notification of the modification.

10. Guarantor agrees to remain bound under this guarantee for so long as [Operator] must comply with the applicable requirements of 14 CCR, Division 7, Chapter 5, Article 3.3, for the above-listed facilities, except as provided in paragraph 10 of this agreement.

11. Guarantor may terminate this guarantee by sending written notice by certified mail to the Board, the local enforcement agency for the jurisdiction in which the facilities are located, and to [Operator], provided that this guarantee may not be terminated unless and until [Operator] obtains, and the Board approves alternative liability coverage complying with 14 CCR, 18233.

12. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

13. Guarantor agrees that this guarantee is in addition to and does not affect any other responsibility or liability of the guarantor with respect to the covered facilities.

14. The guarantor shall satisfy a third party liability claim only on receipt of one of the following documents:

(a) Certification from the operator and the third party claimant(s) that the liability claim should be paid. The certification must be worded as follows:

CERTIFICATION OF VALID CLAIM

The undersigned, as parties [Operator] and [Name and address of third party(ies)] hereby certify that the claim of ~~personal~~bodily injury and/or property damage caused by an accidental occurrence arising from operating [Operator's] solid waste disposal facility should be paid in the amount of $_____.

Operator's Signature	Notary	Date
Claimant's Signature	Notary	Date

(b) A valid final court order establishing a judgment against the operator for ~~personal~~bodily injury or property damage caused by accidental occurrences arising from the operation of the operator's facility or group of facilities.

I hereby certify and sign under penalty of perjury that the information in this document is true and correct to the best of my knowledge, and that this letter is worded as specified by the Board and is being executed in accordance with the requirements of Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239.

Effective Date: _____

_____

(Name of Guarantor)

_____

(Authorized Signature for Guarantor)

_____

(Typed or Printed Name of Person Signing)

_____

(Title of Person Signing)

_____

(Signature of Witness or Notary and Seal)

PRIVACY STATEMENT

This information is requested by the California Integrated Waste Management Board under Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3, Section 18239, in order to verify adequate financial assurance for solid waste disposal facilities. Submittal of the information requested is mandatory. The consequence of not providing this information is denial or revocation of a permit to operate a solid waste disposal facility. Information may be provided to the U.S. Environmental Protection Agency, State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Integrated Waste Management Board, 1020 Ninth Street, Suite 100, Sacramento, CA 95814, (916) 322-3330.

California Integrated Waste Management Board
Resolution 91-53
July 18, 1991

Adoption of Regulations for Financial Responsibility for Operating Liability Claims

WHEREAS, Public Resources Code Section 43040 requires that the Board adopt standards and regulations requiring that, as a condition for the issuance, modification, revision, or review of a solid waste facilities permit for a disposal facility, the operator of the disposal facility shall provide assurance of adequate financial ability to respond to personal injury claims and public or private property damage claims resulting from the operations of the disposal facility which occur before closure; and

WHEREAS, the Board has consulted with the U.S. Environmental Protection Agency, the California Department of Health Services, members of the affected industry and the public at large while developing the financial responsibility for operating liability claims regulations in accordance with Public Resources Code Section 43040.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed regulations for Title 14, Division 7, Chapter 5, Article 3.3 of the California Code of Regulations; and

BE IT FURTHER RESOLVED that the Board directs staff to submit the regulations to the Office of Administrative Law for review and approval.

Certification

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 18, 1991

AGENDA ITEM 17

ITEM: Consideration of Architect-Engineer Contract Regulations

a) Consideration of Adoption of Emergency Regulations and Finding of Emergency

b) Consideration of Publication of Formal Notice for Architect-Engineer Contract Regulations

COMMITTEE ACTION:

This item was scheduled to be heard by the Permitting and Enforcement Committee on July 9, 1991 at the time of this printing.

BACKGROUND:

Public Resources Code (PRC) Section 40505 allows the California Integrated Waste Management Board (Board) to enter into any contracts that the Board determines to be necessary and PRC Section 40502 grants authority to the Board to regulate the process of contracting by allowing it to adopt any necessary regulations. Additionally, Section 4526 of the Government Code mandates the Board to write and adopt Architecture-Engineer contract regulations for the procurement of these types of services.

The power of corrective action is granted to the Board by §§45400 et seq. of the Public Contracts Code. Specifically, Section 45402, PRC allows the Board to contract for the preparation and/or implementation of any closure plan or postclosure maintenance plan. Likewise, Section 45403, PRC allows the Board to contract for corrective action.

Until now, the Board had no reason to adopt regulations which define the process of contracting for Architectural, Engineering, and Land Surveying Services; Construction Project Management; and Environmental Services. However, now that the Board is identifying potential Corrective Action Sites, the need for such regulations is crucial.

ANALYSIS:

CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS AND FINDING OF EMERGENCY

Before the Board can contract for Architectural, Engineering, and Land Surveying services; Construction Project Management; and Environmental Services to design or implement closure plans or postclosure maintenance plans or perform corrective action, regulations specifying contract firm selection criteria and defining the selection process must be adopted by the Board. Pursuant to the rulemaking process defined in the Administrative Procedures Act, the process for writing such regulations and obtaining their approval can not be completed before November 1991. Therefore, emergency regulations will allow the Board to immediately begin contracting are necessary.

Currently, one Notice and Order to take Corrective Action has already been issued. If the owner and operator of this site does not respond as specified, the Board can then access the Solid Waste Disposal Site Cleanup and Maintenance Account for the purpose of contracting to take corrective action and for preparing and implementing a closure and postclosure maintenance plan. However, the Board cannot contract for any of the above mentioned services without having the appropriate regulations in place. Therefore, it is imperative that these regulations be adopted as emergency regulations to allow the Board to immediately begin corrective action programs on sites that present a threat to public health and safety.

These regulations were based on similar regulations used by other departments that use these types of services: the Office of the State Architect, Title 21, Sections 1301 et seq., CCR; CalTrans, Title 21, Sections 1520 et seq., CCR; the Coastal Conservancy, Title 14, Sections 13870 et seq., CCR; Department of Water Resources, Title 23, Sections 380 et seq., CCR; and Department of Corrections, Title 15, Sections 3454 et seq., CCR.

The proposed Architect-Engineer Contract Regulations can be summarized with the following points:

1) The Board must publish each Request for Qualification (RFQ) in the State Contracts Register and in statewide publications of appropriate professional societies. Each announcement must include a brief description of the services required; location, budget, and duration of these services; eligibility and preferences; submittal requirements and deadlines; and name and

telephone number of Board contact for questions on the publication.

2) The Board must select firms based on "professional excellence, demonstrated competence, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, nature and quality of completed work, reliability and continuity of the firm, location, professional awards and other considerations deemed relevant". The Board must also consider any specialized qualifications for the services to be performed and compliance with minority and women business enterprise goals.

3) The Board must review and rank eligible firms on file at the Board using established selection criteria and must interview at least the top three ranked firms. Using the results of the interviews and considering the other criteria mentioned in item 2, the Board must rank the top three firms.

4) The Board must require a State's estimate of fees to be prepared and kept confidential. The Board may order the State's estimate to be reevaluated if it feels the estimate to be unreasonable. The best qualified firm must also prepare a detailed fee proposal and the Board will attempt to negotiate these fees with the firm. If an agreement cannot be reached, the Board will repeat the same procedure with the second most qualified firm and if this is also unsatisfactory, the Board will negotiate with the third. If the Board does not reach a satisfactory agreement with any of the top ranked firms, additional firms may be selected and the negotiations continued.

5) After reaching an agreement with a firm, the Board must sign a contract with that firm. If the State effects a change in the contract, a related change in the firm's compensation may be adjusted by written consent from both parties.

6) If a large project is broken into phases, the entire project does not have to be negotiated at once. The first phase can be agreed upon and the contract should include "provisions that the state, at its option, may utilize the firm for other phases and the firm will accept a fair and reasonable price for subsequent phases".

7) In the case of an emergency, when the Board finds that conditions at a solid waste facility pose an imminent threat to life or health, the Board may negotiate a contract for services to alleviate the threat without following procedures in this regulation.

8) The Board must attempt to involve and encourage the participation of small businesses in this process.

A requirement for regulations to be enacted as emergency regulations, the Board must find that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public, health and safety, and general welfare.

Among several sites in need of immediate action by the Board, one site has had an underground fire burning uncontrollably for several months. The operator has failed to extinguish the fire despite being ordered by the Board to do so. The site is within a few hundred yards of a residential subdivision. The combination of these conditions can easily result in children falling through the thin crust left by the underground fire. This is a specific example which illustrates the need for the Board to make the above declaration of emergency.

CONSIDERATION OF PUBLICATION OF FORMAL NOTICE FOR ARCHITECT-ENGINEER CONTRACT REGULATIONS

Once the emergency regulations are adopted, they will be submitted to the OAL. OAL has ten days to review them and upon approval, they will be in effect for 120 days. Meanwhile, the normal procedure for adopting regulations must be followed and completed within that 120 day period.

In order to follow the formal rulemaking procedure within 120 days, it is necessary to publish the proposed regulations notice in the Notice Register immediately.

STAFF COMMENTS:

Committee members are requested to:

a) Adopt the proposed emergency Architect-Engineer Contract Regulations and the Finding of Emergency.

b) Approve the proposed Architect-Engineer Contract Regulations for Publication of Formal Notice.

ATTACHMENTS:

1. Proposed Architect-Engineer Contract Regulations.
2. Finding of Emergency.
3. Notice of Proposed Rulemaking.
4. Initial Statement of Reasons.

Prepared by: Terry A. Rieken Phone 327-9401

Reviewed by: William R. Orr Phone 5-8588

Legal review: SB Date/Time 7-8-91 15:00

DRAFT
EMERGENCY REGULATIONS

Chapter ___, Contracting with Private Architectural, Engineering, Environmental, Land Surveying and Construction Project Management Firms

§_____. Definitions.

As used in these regulations:

(a) "Architectural, engineering, and land surveying services," "construction project management" and "environmental services" have the respective meanings set forth in Section 4525 of the Government Code.

(b) "Board" means the California Integrated Waste Management Board or the Board's designee authorized to contract for architectural, engineering, environmental, land surveying and construction project management services on behalf of the Board.

(c) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, environmental services, land surveying, or construction project management.

(d) "M/WBE" means Minority Business Enterprise and/or Women Business Enterprise.

(f) "Small Business Firm" has the meaning set forth in Section 14837(c) of the Government Code.

§_____. Publication of Request for Qualifications.

(a) The Board shall publish a Request for Qualifications (RFQ) for expected architectural, engineering, environmental, land surveying and construction project management services in the State Contracts Register and in statewide publications of appropriate professional societies.

(b) The announcement shall include the following information: a brief description of services required; location, budget, and duration; eligibility and preferences; submittal requirements and deadlines; and name and telephone number of Board contact for questions on the publication.

§_____. Selection Criteria.

The Board shall select firms based on the following criteria:

(a) Professional excellence, demonstrated competence, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, nature and quality of completed work, reliability and continuity of the firm, location, professional awards and other considerations deemed relevant.

(b) Specialized qualifications for the services to be performed.

(c) Compliance with M/WBE goals or good faith effort.

These factors shall be weighted by the Board according to the nature of the project, the needs of the State and complexity and special requirements of the specific project.

§_____. Selection of Firms.

After expiration of the deadline date in the publications, the Board shall review and rank eligible firms on file at the Board using established selection criteria. The Board shall conduct interviews with no less than the top three ranked firms to discuss qualifications and methods for furnishing the required services. From the firms with which discussions are held, the Board shall select no less than three, in order of preference, based upon the established criteria, who are deemed to be the most highly qualified to provide the services required.

§_____. Negotiation of Contract.

(a) The Board shall request a detailed fee proposal from the best qualified firm and shall require a State's estimate of fees to be prepared prior to negotiations. The State's estimate shall remain confidential until award of contract or abandonment of any further procedure for the services to which it relates. If the Board determines the State's estimate to be unrealistic for any reason, the Board shall require the estimate to be reevaluated and modified if necessary.

(b) The Board shall attempt to negotiate a contract with the best qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most

qualified at fair and reasonable compensation, negotiations with that firm shall be terminated. The Board shall then undertake negotiations with the second most qualified firm. Failing accord, negotiations shall be terminated. The Board shall then undertake negotiations with the third most qualified firm. Failing accord, negotiations shall be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board may select additional firms in the manner prescribed and continue the negotiation procedure until an agreement is reached.

§_____. Contract Agreement.

(a) After successful negotiations, the Board and the firm shall complete and sign the contract agreement.

(b) In instances where the State effects a necessary change in the contract during the course of performance of the services, the firm's compensation may be adjusted by mutual written agreement in a reasonable amount where the amount of work to be performed by the firm is changed from that which existed previously in the contemplation of the parties.

§_____. Contracting in Phases.

Should the Board determine that it is necessary or desirable to have a given project performed in phases, it will not be necessary to negotiate the total contract price in the initial instance, provided that the Board shall have determined that the firm is best qualified to perform the whole project at reasonable

cost, and the contract contains provisions that the state, at its option, may utilize the firm for other phases and the firm will accept a fair and reasonable price for subsequent phases to be later negotiated, mutually-agreed upon and reflected in a subsequent written instrument. The procedure with regard to estimates and negotiation shall otherwise be applicable.

§_____. Emergency Contracting.

Where the Board Makes a finding that conditions at a solid waste facility pose an imminent threat to life or health and insufficient time exists to implement the foregoing procedures to secure services, the Board may negotiate a contract for such services without following procedures in this regulation, or any part thereof.

§_____. Small Business Participation.

The Board shall endeavor to provide copies of announcements for services to small business firms that have indicated an interest in receiving such announcements. Failure of the Board to send a copy of an announcement to any firm shall not invalidate any selection or contract.

June 10, 1991

FINDING OF EMERGENCY

The California Integrated Waste Management Board finds that an emergency exists, and that the foregoing regulations are necessary for the immediate preservation of the public, health and safety, and general welfare.

This proposed action adopts regulations for the procurement of services performed by engineering, architectural and environmental firms. Pursuant to Government Code Section 4526, state agencies that wish to procure these services must adopt regulations. The facts below describe the situation that requires these regulations to be adopted as emergency regulations so the Board can immediately procure these services.

Specific Facts Showing the Need for Immediate Action

The California Integrated Waste Management Board (Board) is responsible for the regulation of solid waste facilities. These facilities include but are not limited to active, closed, illegal, and abandoned landfills. In addition, the Board was recently given the power (Stats. 1987, ch. 1319, § 4) to take corrective action at landfills, including the power to contract for cleanup and other remedial services.

The Board is discovering a wide assortment of environmental problems associated with California landfills. These problems range from small permit violations to much more significant problems which pose a substantial and imminent threat to public health and safety and the environment, including landfill fires, contamination of drinking water, escaping methane gas in explosive concentrations, and severely eroded covers, which create a serious threat of contamination and land slide.

Compounding the above problem, the Board staff is often unable to locate a responsible party that could be mandated to correct the problem. The Board also occasionally encounters landfill owners or operators who are unwilling or unable to perform the necessary corrective action. These proposed regulations will enable the Board to contract with appropriate engineering, architectural or environmental firms for the purpose of performing the necessary corrective action.

To illustrate the need and urgency of the Board to conduct corrective action and, therefore, contract with appropriate firms, the following typical example should be mentioned. A

specific landfill exists in Placer County which is not in compliance with the Board's regulatory laws and which poses a substantial and imminent threat to public health, safety, and the environment. This landfill ceased to operate in November 1987 but has not been adequately or legally closed. In addition, an underground fire has been burning uncontrollably on the site for many months. The operator has failed to extinguish the fire despite being ordered by this Board to do so. The site is within a few hundred yards of a residential subdivision. The combination of these conditions can easily result in children falling through the thin crust left by the underground fire. Having exhausted all other reasonable courses of action, it appears necessary for the Board to immediately perform the corrective action by putting out the fire and designing and implementing an appropriate closure/post-closure plan. In order to do this, the Board must be able to contract with appropriate engineering, architectural, environmental firms.

The proposed regulations are substantially identical to existing regulations promulgated by the Coastal Conservancy and codified at Title 14, Chapter 8, Sections 13870-13882. They are also similar to the following regulations: Title 21, Group 4, Sections 1301-1361 by the Office of the State Architect, Title 21, Chapter 12, Sections 1520-1521.9 by CalTrans, and Title 23, Chapter 1.7, Sections 380-390 by the Department of Water Resources.

These regulations must be made effective as emergency regulations so that we can immediately begin to correct the problems mentioned above which, at this time, present a serious threat to public health and safety.

Authority and Reference Citations

Authority: Section 4526, Government Code; Section 40502, Public Resources Code.
Reference: Sections 4525 through 4529.5, Government Code.

Informative Digest

Existing law allows the California Integrated Waste Management Board to take corrective action when the responsible party for a solid waste landfill which is out of compliance with existing regulations and presents a threat to public health safety or the environment, cannot be located or when that party is unwilling or unable to perform the corrective action. This applies to non-emergency threats as well as emergency ones (Public Resources

Code, Section 45000, 45005, 45400, and 45402). Existing law also requires state agencies to adopt regulations which specify the required procedures to be followed when selecting an architectural, professional engineering, environmental, land surveying, or construction contractor (Government Code, Sections 4526, 4527, and 4528).

The effect of these regulations is to provide authority to the California Integrated Waste Management Board (Board) to contract with various engineering, architectural and environmental firms for the purpose of performing the above mentioned corrective actions on landfills which pose a threat to public health, safety and/or the environment.

Other Matters Prescribed by Statute

None.

Mandate on Local Agencies or School Districts

The Board has determined that proposed regulations do not impose a mandate on local agencies or school districts.

Cost Estimate

The Board has determined that the regulations will involve no costs or savings to any state agency. No nondiscretionary costs or savings to local agencies or school districts under Section 17561 of the Government Code, and no costs or savings in federal funding to the state.

Revised: June 11, 1991

NOTICE OF PROPOSED RULEMAKING

The California Integrated Waste Management Board (Board) proposes to adopt the proposed regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt the following regulations into the California Code of Regulations (CCR). These regulations pertain to the process of contracting with architectural, engineering, environmental, and/or land surveying firms for the purpose of performing correction actions.

PUBLIC HEARING

The Board will hold a public hearing on September 23, 1991, at 10:00 a.m. This hearing will be conducted in the Board Room of The River City Bank Building, 1020 Ninth Street, Suite 300, Sacramento, CA.

The auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on September 23, 1991. All comments must be received by that time at the Board. Submit comments to:

California Integrated Waste Management Board
Attn: Terri Rieken
1020 Ninth Street, Suite 300
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Public Resources Code 40502 authorizes the Board to adopt the proposed regulations, which would implement, interpret or make specific Sections 4525 through 4529.5 of the Government Code.

INFORMATIVE DIGEST

Existing law allows the Board to take corrective action when the responsible party for a solid waste landfill which is out of compliance with existing regulations, cannot be located or when that party is unwilling or unable to perform the corrective action. This applies to non-emergency threats as well as emergency ones (Public Resources Code, Sections 45000, 45001, 45005, 45400, and 45402). Existing law also requires state agencies to adopt regulations which specify the required procedures to be followed when selecting an architectural, professional engineering, environmental, land surveying, or construction contractor (Government Code, Sections 4526, 4527, and 4528).

The effect of these regulations is to provide authority to the Board to contract with various engineering and environmental firms for the purpose of performing above mentioned corrective actions on landfills which pose a threat to public health, safety, and/or the environment.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Section 17561: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost of savings in federal funding to the state: None
- Cost impact on private persons or directly affected businesses: Insignificant
- Significant adverse economic effect on small business: None
- Significant effect on housing costs: None

CONSIDERATION OF ALTERNATIVES

The Board has determined that no alternative considered by it 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.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Terri Rieken
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, CA 95814
Telephone : (916) 327-9401

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to the above person.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, 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 regulations, and the initial statement of reasons. Copies may be obtained by contacting Terri Rieken at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Terri Rieken at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

a:\notice

INITIAL STATEMENT OF REASONS

TITLE: __, DIVISION _, CHAPTER _
ARCHITECT-ENGINEER CONTRACT REGULATIONS

ARTICLE __. _____.

OVERVIEW

The California Integrated Waste Management Board (Board) is now doing corrective actions, which will immediately be requiring engineering and environmental services. The Board is required by §4525 et seq. to write and adopt regulations for the procurement of these types of services. These resulting regulations are substantially similar to regulations used by other departments that use these types of services: Office of the State Architect, Title 21, Sections 1301 et seq., CCR; the Department of Corrections, Title 15, Sections 3454 et seq., CCR; California Department of Transportation, Title 21, Sections 1520 et seq., CCR; the Coastal Conservancy, Title 14, Sections 13870 et seq., CCR; the Department of Water Resources, Title 23, Sections 380 et seq., CCR.

§_____. Definitions.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

A number of technical terms appear in Chapter ___ which require definition to assure regulatory consistency and clarity. Other terms which appear in this text have multiple meanings. A clear understanding of these regulations by the regulated public is not to be expected without the provision of precise definition of these terms.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

Subsection (a) indicates that the definitions of "Architectural, engineering, and land surveying services", "construction project management", and "environmental services" can be found in section 4525 of the Government Code. These terms are defined to prevent any confusion which could result from members of the regulated public being uncertain as to exactly what services are regulated by using the above terms.

Subsection (b)

Subsection (b) defines the term "Board". This term, which stands for California Integrated Waste Management Board, is used for brevity and its definition is included to prevent confusion with other boards.

Subsection (c)

Subsection (c) defines the term "firm". This definition, again, is provided for the purpose of brevity. Instead of repeatedly stating individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, environmental services, land surveying, or construction project management, the simple word "firm" can be used if it is included in the definitions.

Subsection (d)

Subsection (d) defines the term "M/WBE". This term, Minority Business Enterprise and/or Women Business Enterprise, is simply a combination of terms and it is necessary to include this definition so the abbreviation can be used in the text for the purpose of brevity.

Subsection (e)

Subsection (e) defines the term "Small Business Firm". It is necessary to define this term for the purpose of clarity.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Publication of Request for Qualifications.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

When a Request For Qualifications is released by a state agency, the results can potentially be unfair. A selected few firms may see the request and, therefore, have the opportunity to respond. Likewise, eligible firms could be purposely omitted from the Request for Qualifications mailing list. In addition, the announcement of the Request For Qualifications may not contain sufficient information for the respondents to submit a complete qualification list. This regulation avoids these problems and complies with §4527 of the Government Code.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

This subsection provides a set of guidelines which regulate the process of announcing that the Board will begin accepting information on the qualifications of various architectural, engineering, environmental, land surveying, and construction project management firms. These guidelines are provided to insure that as many potential contractors are notified as possible. This is intended to prevent the omission of potential contracting applicants from the announcement mailing list. This subsection is intended to implement and make specific §4527 of the Government Code.

Subsection (b)

This subsection includes guidelines which provide the minimum amount of information that must be included in the announcements. These requirements are necessary to insure equal treatment of all potential architectural, engineering, environmental, land surveying, and construction project management candidates. In other words, all potential contracting applicants must receive the same information and it must be complete enough that they can properly submit their qualifications proposals. This subsection clearly details what that information is supposed to include. It also implements and makes specific §4527 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Selection Criteria.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This regulation implements the administrative requirements of section 4526 of the Government Code, which requires contractors of engineering and environmental types of services to be selected on the basis of competence and professional qualifications.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

The purpose of this regulation is to specify which criteria should be considered when choosing A/E contract firms. This insures a fair selection. This regulation implements and makes specific §4526 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Selection of Firms.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This regulation implements the administrative requirements of section 4527 of the Government Code, which requires that at least three of the top ranked potential contract firms be interviewed.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation helps prevent the problem of biased selection by requiring that the individual contract firm applicants be ranked not only according to how they scored on the individual criteria mentioned in the previous regulation; but also by their performance in an interview with the selectors. This process is beneficial to both the contract firm applicant and to the selector or selectors. This regulation is intended to implement and make specific §4527 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to

affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Negotiation of Contract.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Once the top three contract firm applicants are chosen, a contract cannot be adequately written and agreed upon unless a mutually agreeable, detailed fee proposal is included. This negotiation of fees and therefore contract, is mandated by Section 4528 of the Government Code.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

This subsection was written to fulfill the intent of Section 4528 of the Government Code. This regulation insures that the fees charged by the contract firm will be reasonable. It does this by requiring the state to first prepare a fee schedule,called the "State's Estimate of Fees", which the board feels is reasonable. During the negotiation, this estimate will be used as the base by which to compare the potential contract firm's proposed fee schedule.

Subsection (b)

This subsection was written with the same intent as the one above. That is, it implements and makes specific §4528 of the Government Code. It describes the process to be followed if the potential contract firm's fee proposals are not acceptable to the Board. If, after comparing the proposed fees with the State's estimates, the Board finds the potential contract firm's proposal unacceptable, the Board must have a procedure which outlines the necessary steps to follow. This regulation insures that the process will not stop if a potential contract firm is not found acceptable. It requires the Board to continue down the ranked list until an acceptable agreement can be made between the Board and a potential contract firm.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has

determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Contract Agreement.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Subsection (a) describes the formal completion of contract process. Subsection (b) describes how change orders will be handled during the course of the contract.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

Subsection (a)

This subsection allows the Board to complete and sign the contract agreement with the selected firm. It also implements and makes specific §6106 of the Public Contract Code and §4528 of the Government Code.

Subsection (b)

This subsection allows for the alteration of the contract once it is signed. It protects the Board and the contract firm by requiring both parties' signature to alter the firm's change in compensation resulting from a change in work responsibilities. This subsection is also intended to implement and make specific §6106 of the Public Contract Code and §4528 of the Government Code.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Contracting in Phases.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

In contracts of this nature, it is often necessary to perform the work in phases. This makes it difficult to estimate the entire cost initially because the scope of work for latter phases cannot be determined without completing the preliminary phases.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

The purpose of this regulation is to allow for phased contracting with separate cost projections for each phase. For example, if the Board wanted to design and implement a closure/ post closure plan, it would complete the design phase before determining an appropriate cost for the construction phase.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Emergency Contracting.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

The procedures which are outlined by these regulations can potentially be very time consuming. In case of emergency, i.e. landfill fire or landslide, the time required to secure a contract could threaten life or health and safety.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation provides an alternative procedure which is to be used in the case of emergency. When life or health and safety is threatened, the Board has the option of disregarding the approved contracting procedure and securing an emergency contract. This regulation is necessary to protect public life or health and safety. An express Board finding of emergency is required to use this emergency procedure.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

§_____. Small Business Participation.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Section 14838, Chapter 6.5 of the Government Code mandates that small business participation in State contracting procedures be encouraged as much as possible.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation encourages small business participation in the in the state Architect-Engineer contracting process.

DISCLOSURES REGARDING SECTION _____:

The Board did not rely on any technical, theoretical, or empirical studies, reports, or similar documents in proposing the adoption of this regulation. In addition, the Board has determined that there are no alternatives considered which would be more effective in carrying out the purpose of this proposed regulation or would be as effective or less burdensome to affected private persons than this proposed regulation. Furthermore, this regulation does not adversely impact small businesses; hence, no alternatives were considered that would lessen any adverse impact upon small businesses.

California Integrated Waste Management Board
Resolution # 91-54
July 18, 1991

WHEREAS, Section 4526 of the Government Code mandates the Board to write and adopt regulations for the procurement of engineering and environmental services;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed regulations for Architect-Engineer contracting procedures; and

BE IT FURTHER RESOLVED that the Board adopts the attached finding of emergency for the subject regulations; and

BE IT FURTHER RESOLVED that the Board directs staff to submit the regulations and finding of emergency to the Office of Administrative Law; and

BE IT FURTHER RESOLVED that the Board adopts the Notice of Proposed Rulemaking for Architect-Engineer contracting regulations and directs staff to file the Notice with the Office of Administrative Law.

Certification

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 18,1991

AGENDA ITEM 18

ITEM: Consideration of Approval of Requests For Qualifications for Architect-Engineer Contracts: Engineering and Environmental Services.

COMMITTEE ACTION:

This item was scheduled to be heard by the Permitting and Enforcement Committee on July 9, 1991 at the time of this printing.

BACKGROUND:

As mentioned in Item #17, Public Resources Code (PRC) Section 40505 allows the California Integrated Waste Management Board (Board) to enter into contracts. Specifically, Section 45402, PRC, allows the Board to contract for the preparation and/or implementation of any closure plan or postclosure maintenance plan. Section 45403, PRC, which is also included in these statutes, allows the Board to contract for corrective action.

Upon approval of the Architect-Engineer Contract Regulations, the process of selecting firms to provide Architectural, Engineering, and Land Surveying services; Construction Project Management; and Environmental Services may begin. This process is initiated by announcing a Request For Qualifications as defined in the regulations.

ANALYSIS:

In order for the Board to begin designing or implementing closure or postclosure maintenance plans or to begin performing corrective action on solid waste facilities which present a threat to public life and safety, the Board must approve the announcement of Requests for Qualifications to initiate the contracting procedure.

Two different types of services are necessary to execute the corrective actions responsibilities assigned to the Board: environmental and engineering services. A Request For Qualifications is necessary for both.

The Request For Qualifications for engineering services will be for a $500,000 contract for 2 years. These services include the design of closure plans, postclosure maintenance plans, and corrective action programs. The engineering qualifications which are required on this contract will be the following:

1. Design of leachate, gas, drainage, and monitoring systems

2. Design of final cover and miscellaneous structures

3. Design of closure and postclosure maintenance plans in accordance with California Code of Regulations, Titles 14 and 23.

The word design as used in this Request For Qualification includes preparation of plans, specifications, studies, and reports. The applicant firms will also be required to submit the following with their qualifications proposals:

1. Letter of Interest

2. Federal Forms 254 and 255

3. Minority/Women Business Enterprise forms and certifications

The Request For Qualifications for Environmental services will be for a $500,000 contract for 2 years. These services include various phases of environmental cleanups. The qualifications which are required on this contract will be the following:

1. Ability to and experience in providing emergency response to contain and cleanup releases of hazardous waste

2. Ability to and experience in extinguishing subsurface landfill fires

3. Ability to and experience in collecting and evaluate data

4. Ability to and experience in conducting limited field investigations

5. Ability to and experience in accomplishing preliminary site characterization, risk assessment, and follow work plans

6. Applicants must also have suitable emergency response and OSHA health and safety programs

The applicant firms will also be required to submit the following with their qualifications proposals:

1. Letter of Intent

2. Federal Forms 254 and 255

3. Minority/Women Business Enterprise forms and certifications

STAFF COMMENTS:

Committee members are requested to grant authority to advertize Requests For Qualifications for one $500,000 contract for engineering services and one $500,000 contract for environmental services and to allow the ranking process to begin with the receipt of all subsequent applications.

STAFF COMMENTS:

Prepared by: Terry A. Rieken Phone 327-9401

Reviewed by: William [illegible] Phone 5-9588

Legal review: Date/Time 7-8-91 15:00

California Integrated Waste Management Board

Legislation and Public Affairs Committee

July ~~9~~ 18, 1991

Agenda Item ~~#1~~ #23

Item: Consideration of Legislation

Key Issues:

1) Analyses of SB 610 (Calderon) and AB 1388 (Horcher) are presented for the Committee's consideration.

2) Information on AB 18 (Sher).

3) Status report on bills which affect the Board.

Background:

1) The April 17 version of SB 610 (Calderon) was discussed by the Legislative and Public Affairs Committee on June 18. Since that time, the bill has been amended, and it is now set for hearing in the Assembly Natural Resources Committee on July 15. A revised analysis, which reflects the recent amendments, is provided for the Committee's consideration.

   The May 15 version of AB 1388 (Horcher) was discussed by the Legislative and Public Affairs Committee on June 18; the Committee took an oppose position on the May 15 version, and that position was subsequently concurred in by the full Board. Since that time, AB 1388 has been amended twice (June 24 and July 3). The bill is set for hearing in the Senate Governmental Organization Committee on July 9. A revised analysis of the July 3 version of AB 1388 is provided for the Committee's consideration.

2) AB 18 (Sher) was amended on July 2 to establish interim fee schedules to fund water quality programs administered by the State Water Resources Control Board (SWRCB); the bill includes a one-time transfer of funds from the Integrated Waste Management Account to the SWRCB. A description of the provisions of AB 18, emphasizing those which most directly affect the CIWMB, is provided for the Board's information. AB 18 was approved by the Senate on July 2 and is now on the Assembly Floor pending concurrence in Senate amendments.

3) The status report on legislation of interest to the CIWMB contains three elements, as follows:

a) A brief update and description of the most currently amended versions of those bills on which the Board has taken positions;

b) A brief update and description of the current amended version of an additional group of bills of interest to the Board; and,

c) A report which lists the current status of all of the bills being actively tracked by legislative staff.

COMMITTEE ACTION:

1) Analyses of SB 610 and AB 1388 are provided for the Committee's consideration.

2) Information on AB 18 is provided for the Committee's information.

3) The current status of legislation being actively tracked by Board legislative staff is provided as an informational update.

Prepared by:_____ Phone_____

Legal Review:_____ Date/Time_____

OFFICE OF ENVIRONMENTAL PROTECTION		
DEPT.	AUTHOR	BILL NO.
CA INTEG WASTE MANAGEMENT BOARD	CALDERON	SB 610
SPONSOR	RELATED BILLS	AMENDED DATE
WASTE MANAGEMENT OF NORTH AMERICA		JULY 8, 1991

SUBJECT
OPERATORS OF SOLID WASTE FACILITIES: FINANCIAL ABILITY

July 8, 1991

SUMMARY

SB 610:

1) Specifies the financial mechanisms which can be used by solid waste disposal facility operators to provide assurances of adequate financial ability to respond to liability claims, and states that the use of these mechanisms is to be authorized to the same extent that their use is authorized by specified federal regulations governing hazardous waste facilities.

2) Requires that evidence of financial ability to meet closure and postclosure costs be in specified forms, and states that the use of these financial arrangements must be allowed to the same extent that their use is authorized by specified federal regulations.

3) Authorizes the use of excess or surplus lines insurance to meet operating liability requirements and closure/postclosure costs, if the insurer meets the following requirements:

   a) Maintains minimum capital and surplus of $25 million.
   b) Complies with specified provisions of state law regarding approval of surplus lines insurance.
   c) Annually provides specified financial statements.

4) Authorizes public agencies to use enterprise funds, self-insurance, or a pledge of revenue to meet operating liability and closure/postclosure costs if CIWMB regulations require substantial proof that if these mechanisms are used, adequate financial resources will be available when they are needed.

LEGISLATIVE HISTORY

SB 610 passed the Senate Governmental Organization Committee (10-0) on April 23, the Senate Appropriations Committee (Section 28.8) on May 6, and the Senate Floor on (35-0) May 16, 1991, and is set in the Assembly Natural Resources Committee on July 15, 1991.

Support: Waste Management of North America, Inc.

Oppose: None known.

CURRENT LAW

Provisions of current law require that:

1) The CIWMB adopt standards and regulations by January 1, 1991, requiring that operators of solid waste disposal facilities provide assurance of adequate financial ability to respond to liability claims which occur before closure.

2) Solid waste landfill owners/operators establish a trust fund or other equivalent financial arrangement acceptable to the Board, and deposit sufficient funds to ensure adequate resources for closure and postclosure maintenance.

3) The CIWMB only approve closure and postclosure maintenance plans which include an acceptable mechanism for providing the funds needed to implement the plans.

4) The Board adopt and amend regulations specifying closure plan and postclosure maintenance plan adoption procedures and uniform closure and postclosure standards.

EFFECTS OF THE BILL

SB 610 revises current law relating to liability coverage and closure/postclosure costs by specifying the particular financial mechanisms to be used in meeting these requirements, and by requiring that use of these financial mechanisms be permitted to the same extent as their use is permitted by specified federal regulations.

The bill would result in increased costs to the Board to revise and draft regulations and to review specified information on insurance companies.

STAFF COMMENTS

1) The CIWMB has adopted regulations for closure/postclosure plans and financial assurances (14 California Code of Regulations 18250-18297) and is in the process of adopting regulations for operating liability coverage. The provisions of SB 610 would negate these two sets of regulations, and would instead specify in statute the financial mechanisms which could be used to provide financial assurances.

2) The current draft of the proposed operating liability regulations (to be considered by the Permitting and Enforcement Committee July 9) addresses a number of the concerns which led to the introduction of SB 610 and the

specific language in the current version of the bill. For example, Section 18236 of the proposed regulations does authorize the use of excess or surplus lines insurance if the insurer is: 1) licensed to transact the business of insurance in one or more states; 2) eligible to provide insurance as an excess or surplus lines insurer in California; and 3) has and maintains a specified rating as listed in Best's Insurance Reports.

Staff indicates that the language governing use of excess or surplus lines insurance in SB 610 would require the CIWMB to acquire specialized staff to review financial statements and certifications on individual insurance companies.

3) The federal regulations referenced in SB 610 apply specifically to hazardous waste facilities. At the present time there are no federal Environmental Protection Agency (EPA) regulations governing financial assurances for non-hazardous and solid waste facilities. Staff indicates that the federal regulations authorize the use of several financial mechanisms which the Board has determined are not appropriate mechanisms.

4) SB 610 does not require the development of regulations to implement its provisions, nor does it specify a date when its requirements would become applicable. The requirements of the bill, therefore, would (if the measure were signed into law) become effective January 1, 1992. Solid waste facilities would be required to be in compliance on that date; facilities using financial mechanisms not specifically authorized by SB 610 would be out of compliance.

5) While the recently amended version of SB 610 allows public agencies to use an enterprise fund, self-insurance or a pledge or revenue to provide financial assurances, the bill also requires that the public agency provide "substantial proof" that adequate financial resources will be available when needed. The meaning of this term is not clear and would need to be specified in regulation. Section 18237 of the proposed operating liability regulations does require that public agencies using self-insurance provide assurances that the assured amount of funds will be available in a timely manner and that the public agency comply with other specified requirements.

AMENDMENTS TO SENATE BILL NO. 610
AS AMENDED IN SENATE APRIL 17, 1991

Amendment 1

On page 3, line 4, strike out "as prescribed" and insert:

which shall at least provide for use of those mechanisms to the extent permitted

Amendment 2

On page 3, line 10, strike out "be subject to approval by the" strike out line 11, and insert:

meet the following requirements:

(1) Maintain minimal capital and surplus of twenty-five million dollars ($25,000,000).

(2) Meet and comply with the provisions of Section 1763 of the Insurance Code regarding surplus lines approval.

(3) Annually provide a certified copy of the statutory financial statements or a certified standard National Association of Insurance Commissioners convention statement to the board.

(4) Annually provide an actuarial certification of the sufficiency of reserves to the board.

(5) Annually provide a copy of its audited financial statements to the board.

(c) Notwithstanding subdivision (a), the board may allow public agencies to provide the assurance of adequate financial ability by means of an enterprise fund, self-insurance, or a pledge of revenue, provided the regulations require substantial proof that if one of those methods is used, adequate financial resources will be available when and if needed to respond to operating liability claims that may arise.

Amendment 3

On page 3, line 33, strike out "as prescribed" and insert:

which shall at least provide for use of those mechanisms to the extent permitted

Amendment 4

On page 3, line 39, strike out "be subject to approval by the" strike out line 40, and insert:

meet the following requirements:

(1) Maintain minimal capital and surplus of twenty-five million dollars ($25,000,000).

(2) Meet and comply with the provisions of Section 1763 of the Insurance Code regarding surplus lines approval.

(3) Annually provide a certified copy of the statutory financial statements or a certified standard National Association of Insurance Commissioners convention statement to the board.

(4) Annually provide an actuarial certification of the sufficiency of reserves to the board.

(5) Annually provide a copy of its audited financial statements to the board.

(c) Notwithstanding subdivision (a), the board may allow public agencies to provide the assurance of adequate financial ability by means of an enterprise fund, self-insurance, or a pledge of revenue, provided the regulations require substantial proof that if one of those methods is used, adequate financial resources will be available when and if needed to respond to closure and postclosure demands that may arise.

OFFICE OF ENVIRONMENTAL PROTECTION

DEPT.	AUTHOR	BILL NO.
CA INTEG. WASTE MGMT. BOARD	HORCHER	AB 1388
SPONSOR	RELATED BILLS	AMENDED DATE
AUTHOR	NONE	JULY 3, 1991
SUBJECT		
BUFFER ZONES		

July 8, 1991

SUMMARY

AB 1388 prohibits a local enforcement agency from approving a solid waste disposal or transformation facility expansion unless the city or county in which the facility is located finds, after a public hearing, that the disposal area is sufficiently distant from residences to adequately abate noise, odor, traffic, litter, and other nuisances. The bill requires that notice of public hearings for facility expansions be made by direct mailing to all owners and occupants of property within 2,000 feet of the permitted disposal area, to all elected governing bodies in the surrounding area, and by publishing a notice in a newspaper of general circulation in the affected area.

LEGISLATIVE HISTORY

AB 1388 passed the Assembly Committee on Natural Resources (12-0) on April 29, 1991, the Assembly Ways and Means Committee (14-5) on May 15, and the Assembly Floor (65-6) on May 30, 1991. AB 1388 is set in the Senate Governmental Organization Committee on July 9, 1991.

Support: California Municipal Utilities Association
Californians Against Waste
Planning and Conservation League

Oppose: California Refuse Removal Council
National Solid Waste Management Association
Solid Waste Association of North America
County Sanitation District of Los Angeles County
Waste Management Inc.
Browning Ferris Incorporated

CURRENT LAW

Current law prohibits a solid waste facility operator from significantly modifying a solid waste facility, except in conformance with an approved permit issued by the LEA. The operator is required to file an application with the LEA to revise the permit at least 120 days prior to changing the design or operation of the facility. Under current hazardous waste law, a buffer zone of at least 2,000 feet must be established around a hazardous waste facility.

CIWMB IMPACT

The bill will have minimal direct impact on the CIWMB, as its requirements would be imposed on LEA's.

OFFICE OF ENVIRONMENTAL PROTECTION

DEPT.	AUTHOR	BILL NO.
CALIF. INTEG. WASTE MGMT. BOARD	SHER	AB 18
SPONSOR	RELATED BILLS	AMENDED DATE JULY 2, 1991

SUBJECT
WATER CODE

INFORMATIONAL ONLY

July 8, 1991

SUMMARY

In its current form (amended July 2), AB 18 (Sher) was passed by the Senate July 2 (21-8) and is now in the Assembly, pending concurrence in Senate amendments.

In brief summary, AB 18 does the following:

1) Requires that $2,248,000 be transferred (on June 30, 1991) from the Integrated Waste Management Account to the Water Protection Fund (which funds specified State Water Resources Control Board programs).

2) States that the transfer described in 1) above is intended to provide short-term funding for the state's water quality program (for the 1991-92 fiscal year), without increasing fees on solid waste landfills.

3) Specifies an interim fee schedule for annual fees to be paid by those subject to waste discharge requirements (WDR) (effective until July 1, 1993). The interim fee schedule includes the following fees (per WDR) for landfills receiving waste: less than 50 tons/day -- $6,500; 50 to 100 tons/day -- $16,500; 101-500 tons/day -- $35,000; over 500 tons/day -- $48,000. For landfills not receiving waste the fees are $750 (50 acres or less) and $7,000 (over 50 acres).

4) Specifies that the landfill fees for landfills receiving waste described in 3) above are to be proportionally reduced for the 1991-92 fiscal year to reflect the transfer of funds from the Integrated Waste Management Account described in 1).

5) Requires the SWRCB and the regional boards to identify dischargers which are not yet subject to WDRs, and requires the Governor to submit proposed legislation to the Legislature by January 1, 1993 which is to establish discharger categories and an annual fee for each category of discharger to take effect by July 1, 1993.

6) Imposes an interim fee schedule for permits to divert or store water, and requires the Governor to submit proposed legislation to the Legislature (by January 1, 1993) which would establish a new fee schedule for these activities.

CIWMB IMPACT

AB 18 transfers $2.248 million from the Integrated Waste Management Account to the Water Protection Fund and specifies that this transfer shall not be added to the Board's budgeted appropriations for the purposes of calculating specified solid waste landfill fees.

CURRENT LAW

Provisions of existing law specify that the quarterly landfill fee imposed by Section 48000 of the Public Resources Code is to be set for fiscal year 1991-92 at an amount sufficient to generate revenues equivalent to the approved budget for the year (including a prudent reserve) but is not to exceed one dollar per ton. The Budget Bill for fiscal year 1991-92 requires that the reserve be no more than 7% of budgeted appropriations.

Status Report on Bills on which the CIWMB has adopted a position.

Following is a listing of bills on which the Board has taken positions, their current location in the legislative process, and a brief description of what these bills (in their most currently amended versions) do.

AB 144 (Sher) (Amended: 4/30/91) Status: Senate Business & Professions Committee. Set for hearing 7/15/91.	**Environmental Advertising.** Adds "compostable" to the terms which can not be used in environmental advertising unless specified criteria are met. (CIWMB position: Support)
AB 193 (Peace) (Amended: 4/2/91) Status: Two-year bill in Assembly Ways and Means	**Recycling - Passenger Air Carriers.** AB 193 would require that every passenger air carrier, arriving in California at a publicly owned and operated airport, ensure that aluminum beverage containers and disposable plastics are recycled. (CIWMB position: Support)
AB 240 (Peace) (Amended: 6/12/91) Status: Senate Toxics Committee. Set for hearing 7/15/91.	**Disposal - Native American Lands.** AB 240 would prohibit the disposal, transport, or delivery of hazardous or the disposal of solid wastes on Native American Indian lands unless the disposal occurs at a facility which is permitted and meets applicable state and federal standards. The bill provides that its provisions do not apply if the tribe and state have entered into a compact which regulates the disposal, treatment, or delivery of hazardous wastes and/or the disposal of solid waste on the reservation or land. (CIWMB position: Support)
AB 1100 (Lee) (Amended: 4/23/91) Status: Senate Appropriations Committee	**Used Oil Collection.** AB 1100, an urgency bill, requires that the California Integrated Waste Management Board adopt guidelines -- instead of regulations -- for the used oil grant program. The bill deletes the July 1, 1991 deadline for Board action on the regulations, and for making grant applications available. (CIWMB position: Support)

AB 1327 (Farr) (Amended: 5/8/91) Status: Senate Committee Governmental Organization	**Recycling: Development Projects.** AB 1327 would enact the California Solid Waste Reuse and Recycling Access Act of 1991. The bill requires the California integrated Waste Management Board to approve a model ordinance for adoption by any local agency for the transfer, receipt, storage, and loading of recyclable materials in development projects. AB 1327 also requires that the draft model ordinance be distributed for comment to all local agencies and other interested parties by July 1, 1992. Local agencies would be required to adopt an ordinance governing the transfer, receipt, storage and loading of recyclable materials in development projects by January 1, 1993. (CIWMB position: Support)
AB 1388 (Horcher) (Amended: 7/3/91) Status: In Senate Governmental Organization Committee. Set for hearing 7/9/91.	**Solid Waste Facilities: Buffer Zones.** Prohibits a local enforcement agency from approving a disposal or transformation facility expansion unless the city or county finds after a public hearing that the facility is distant enough from residences to protect against noise, odor, litter and other nuisances. (CIWMB position: Oppose)
AB 1476 (Eastin) (Amended: 5/7/91) Status: Senate Governmental Organization Committee. Set for 7/9/91.	**Solid Waste Landfills: Inspection and Enforcement.** Requires the State Water Resources Control Board to expend specified funds for support of solid waste landfill permit inspection and enforcement programs in accordance with an interagency agreement with the CIWMB. (CIWMB position: Support)
AB 2092 (Sher) (Amended: 5/2/91) Status: Senate Governmental Organization Committee. Set for hearing 7/16/91.	**Solid Waste Plans and Fees.** AB 2092, an urgency statute, revises provisions of state law governing the preparation and submittal of waste management plans, the inclusion of sludge in waste diversion requirements, and the collection of fees from landfill operators. (CIWMB position: Support)

SB 235 (Hart) (Amended: 5/23/91) Status: Assembly Natural Resources Committee. Set for hearing 7/15/91.	**Rigid Plastic Packaging.** The latest amendments place the bill's requirements under the jurisdiction of the California Integrated Waste Management Board (rather than the Department of Conservation). SB 235 requires manufacturers of rigid plastic packaging containers, sold or offered for sale in the state, to use 10% of postconsumer materials in their containers by January 1, 1993, and 25% by January 1, 1995. (CIWMB position: Support)
SB 487 (Bergeson) (Amended: 6/9/91) Status: Assembly Natural Resources Committee. Set for hearing 7/8/91. (Vote only)	**Local Government Advisory Committee.** SB 487, an urgency bill, would create a Local Government Technical Advisory Committee. The committee would be appointed from representatives of local government, for the purpose of assisting the Board with the implementation of integrated waste management programs. SB 487 has been recently amended to allow the board to set the application fee for applications to the recycling market development loan program at a level determined by the board to be reasonable and equitable. In addition, the amendments authorize the Board to fund administration of the program from the Integrated Waste Management Account. (CIWMB position: Support)
SB 1066 (Dills) (Amended: 5/23/91) Status: Assembly Ways and Means Committee	**Telephone Directories: Recycling.** SB 1066 would mandate that the California Integrated Waste Management Board conduct a study on the feasibility of requiring that all telephone directories issued in California be made of recyclable materials. The bill appropriates $100,000 from the Integrated Waste Management Fund to the CIWMB for the study. (CIWMB position: Support)

Status Report on Miscellaneous Bills of Interest

The following is a listing of additional bills of interest to the CIWMB, their current location in the legislative process, and a brief description of what these bills do.

AB 861 (Friedman)
(Amended: 6/19/91)
Status: Senate Governmental Organization Committee. Set for hearing 7/16/91.

Compact Discs: Packaging.
Prohibits any retail establishment from offering for sale a compact disc or audio cassette in a package that is more than one inch longer and one inch wider than the compact disc or audio cassette itself, unless the packaging is reusable.

AB 1340 (Eastin)
(Amended: 7/1/91)
Status: Senate Committee on Natural Resources and Wildlife. Set for hearing 7/9/91.

Fiberglass Recycled Content Act of 1991.
Requires fiberglass manufacturers to use specified percentages of cullet in the manufacture of fiberglass.

AB 1381 (Areias)
(Amended: 5/2/91)
Status: Senate Governmental Organization Committee

School Sites: Recycling.
Requires the California Integrated Waste Management Board, the Department of Conservation, and the State Department of Eduction to jointly establish 20, 3-year, schoolsite source reduction and recycling pilot programs, which create and implement programs for the purpose of reducing and recycling a significant percentage of the total waste stream generated by each schoolsite, and to educate students about waste management.

AB 1423 (Gotch)
(Amended: 5/30/91)
Status: Assembly Ways Means Committee

Glass: Postconsumer Material Content.
Limits provisions of existing law which require that glass manufacturers use specified minimum percentages of postconsumer glass to glass wine containers. Requires flint and colored glass container manufacturers to use specified amounts of post consumer

	glass in manufacturing rigid glass containers.
AB 1515 (Sher) (Amended:) Status: Senate Governmental Organization Committee. Set for hearing 7/16/91.	**Integrated Waste Management Board.** Amendments are pending to make a number of changes to integrated waste management statutes.
AB 1760 (Eastin) (Amended: 5/8/91) Status: Senate Governmental Organization Committee	**Metallic Waste.** The bill prohibits a solid waste landfill, from accepting for disposal any white goods, vehicle, or other metallic discard, which contains enough metal to be economically feasible to salvage for commercial recycling.
AB 2060 (Polanco) (Amended: 5/2/91) Status: Assembly Ways and Means (Suspense File)	**State Regulations.** Requires every state agency that is organized and operated for the purpose of regulating air pollution, water quality, or land use planning and that is authorized to adopt rules, regulations, or ordinances, to also adopt rules and regulations for granting variances, and to adopt a variance process whereby an individual or private entity may apply for full or partial relief from regulations adopted by that government agency.
AB 2061 (Polanco) (Amended: 5/15/91) Status: Senate Rules Committee	**Regulations.** Requires state agencies proposing to adopt or amend any regulation to actively consider the potential for adverse economic impact on California small business enterprises and individuals.
AB 2076 (Sher) (Amended: 5/20/91) Status: Senate Governmental Organization Committee. Set for hearing 7/16/91.	**Oil Recycling.** Requires the California Integrated Waste Management Board to set a used oil recycling incentive at a higher amount of necessary to promote recycling. Requires the Board to pay a recycling incentive to industrial generators, certified used oil collection centers, and

	the public, for oil transported to a certified used oil recycling facility. Establishes a grant and loan program for nonprofit and governmental entities and businesses to promote use oil collection and recycling. (CIWMB position: Committee "Support in Concept" 6/18/91).
AB 2178 (Brulte) (Amended 5/15/91) Status: Senate Committee on Appropriations. Set for hearing 7/8/91.	**Latex Paint: Recycling.** Exempts a retailer, collection location, or intermediate collection location, which receives or transports used latex paint from specified requirements concerning the receipt, storage, and transportation of hazardous waste, if specified conditions are met.
AB 2213 (Sher) (Amended: 5/29/91) Status: Assembly Ways and Means (Two year bill).	**Recycling Incentive Fees.** AB 2213 requires the California Integrated Waste Management Board to impose a recycling incentive fee on packaging material made from paper, plastics, metal, or glass, or on a newspaper or directory, at the point of first sale in the State. (CIWMB position: Committee support 6/18/91).
SB 97 (Torres) (Amended: 4/9/91) Status: Assembly Natural Resources Committee Set for hearing 7/8/91 (reconsideration and vote only).	**Solid Waste: Transformation.** Specifies that transformation does not include the incineration of unprocessed municipal waste in a mass-burning facility, thereby making such waste ineligible to be counted towards waste diversion requirements.
SB 251 (Roberti) (Amended: 5/7/91) Status: Two-year bill	**Pollution Prevention.** SB 251 enacts the Pollution Prevention Act of 1991. It establishes the Office of Pollution Prevention in the California Environmental Affairs Agency. Duties of the Office relate to the reduction of the uses of hazardous

	materials and prevention of the generation of pollution.
SB 610 (Calderon) (Amended: 7/8/91) Status: Assembly Natural Resources Committee. Set for hearing 7/15/91.	**Landfills: Financial Ability.** Requires that financial assurance mechanisms for solid waste disposal facilities (for both operating liability and closure/postclosure costs) be the same as those authorized by specified federal regulations governing hazardous waste facilities.
SB 960 (Hart) (Amended: 5/23/91) Status: Assembly Committee on Natural Resources Set for hearing 7/15/91.	**Solid Waste: Mixed Paper Waste.** SB 960 requires the California Integrated Waste Management Board to submit recommendations to the Legislature by January 1, 1993, concerning programs which are needed to encourage high levels of recycling for mixed paper waste.
SB 1005 (Hill) (Amended: 4/15/91) Status: Senate Inactive File (Two year bill).	**Solid Waste: Closed Landfill Sites.** Requires that permit regulations adopted by the California Integrated Waste management Board pertaining to postclosure land use be enforced solely by the local enforcement.

'LL-FILE - AGENCY

AB 18 MINING: FINANCIAL ASSURANCES 05/14/91
SHER

SUMMARY: UNDER EXISTING LAW, NO PERSON MAY CONDUCT SURFACE MINING OPERATIONS UNLESS A PERMIT IS OBTAINED FROM, A RECLAMATION PLAN HAS BEEN SUBMITTED TO AND APPROVED BY, AND FINANCIAL ASSURANCES FOR RECLAMATION HAVE BEEN APPROVED BY, THE LEAD AGENCY FOR THE OPERATION, IN ACCORDANCE WITH PRESCRIBED PROCEDURES AND REQUIREMENTS. THIS BILL WOULD REQUIRE, IF A MINING OPERATION IS SOLD OR OWNERSHIP IS TRANSFERRED TO ANOTHER PERSON, THAT THE EXISTING FINANCIAL ASSURANCES REMAIN IN FORCE AND NOT BE RELEASED BY THE LEAD AGENCY UNTIL NEW FINANCIAL ASSURANCES ARE SECURED FROM THE NEW OWNER AND HAVE BEEN APPROVED BY THE LEAD AGENCY. THE BILL WOULD MAKE RELATED CHANGES.

URGENCY FISCAL

ACTIONS:

12/03/90	INTRODUCED IN ASSEMBLY
01/31/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
02/25/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
02/25/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
03/11/91	AMENDED
03/20/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/04/91	PASSED BY ASSEMBLY
04/04/91	INTRODUCED IN SENATE
04/11/91	REFERRED TO SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
05/14/91	TAKEN OFF CALENDAR
05/14/91	AMENDED
05/28/91	PASSED BY SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
05/28/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
06/12/91	PASSED BY SENATE APPROPRIATIONS - 28.8 CALENDAR
7/02/91	Passed Senate

VOTES:

02/25/91	ASSEMBLY POLICY COMMITTEE VOTE	P 14-0
03/20/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 20-0
04/04/91	ASSEMBLY FLOOR VOTE	P 74-0
05/28/91	SENATE POLICY COMMITTEE VOTE	P 7-0

BILL-FILE - AGENCY

CALENDAR: 07/02/91 IN SENATE--THIRD READING FILE--ASSEMBLY BILLS
49 SENATE CONVENES AT 5 P.M.

STATUS: ~~IN SENATE--THIRD READING FILE--ASSEMBLY BILLS--~~
IN ASSEMBLY - concurrence in Senate amendments

TILL-FILE - AGENCY

AB 130 ENVIRONMENTALLY SAFE PRODUCTS:
HANSEN LABELING

SUMMARY: THIS BILL WOULD REQUIRE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO ESTABLISH AN ENVIRONMENTALLY SAFE PRODUCTS LABELING PROGRAM AND REQUIRE THE SOURCE REDUCTION ADVISORY COMMITTEE TO ADVISE THE BOARD ON THE DESIGN, APPLICATION FOR LICENSING, AND STANDARDS FOR PRODUCTS TO MEET IN THE PROGRAM. THE BILL WOULD PROVIDE FOR THE FEES FOR THE LICENSES.

FISCAL

ACTIONS:
12/07/90 INTRODUCED IN ASSEMBLY
01/31/91 REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/15/91 TAKEN OFF CALENDAR

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

BILL-FILE - AGENCY

AB 144 ENVIRONMENTAL ADVERTISING 04 30 91
SHER

SUMMARY: EXISTING LAW MAKES IT UNLAWFUL FOR ANY PERSON TO REPRESENT THAT ANY CONSUMER GOOD, AS DEFINED, WHICH IT MANUFACTURES OR DISTRIBUTES IS ''OZONE FRIENDLY,'' ''BIODEGRADABLE,'' OR ''PHOTODEGRADABLE,'' UNLESS THESE TERMS ARE CONSISTENT WITH THE SPECIFIED DEFINITIONS OR MEETS DEFINITIONS ESTABLISHED IN TRADE RULES ADOPTED BY THE FEDERAL TRADE COMMISSION. THIS BILL WOULD ADD ''COMPOSTABLE,'' AS DEFINED, TO THE ABOVE. THIS BILL WOULD ALSO PROVIDE THAT A CONSUMER GOOD MAY ALSO BE LABELED WITH THE ABOVE TERMS IF IT MEETS DEFINITIONS ESTABLISHED IN ENFORCEABLE REGULATIONS ADOPTED BY THE ENVIRONMENTAL PROTECTION AGENCY FOR SPECIFIED PURPOSES.

URGENCY FISCAL STATE-MANDATED

ACTIONS:

12/13/90	INTRODUCED IN ASSEMBLY
01/31/91	REFERRED TO ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
03/20/91	HELD IN COMMITTEE
04/03/91	AMENDED
04/10/91	PASSED BY ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
04/10/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/30/91	AMENDED
06/12/91	TAKEN OFF CALENDAR
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/18/91	URGENCY CLAUSE ADOPTED
06/18/91	PASSED BY ASSEMBLY
06/18/91	INTRODUCED IN SENATE
06/26/91	REFERRED TO SENATE COMMITTEE ON BUSINESS AND PROFESSIONS

VOTES:

04/10/91	ASSEMBLY POLICY COMMITTEE VOTE	P 10-0
06/13/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 23-0
06/18/91	ASSEMBLY FLOOR VOTE	P 77-0

CALENDAR: 07/15/91 SENATE COMMITTEE ON BUSINESS & PROFESSIONS
4 10:30 a.m. Room 3191

'LL-FILE - AGENCY

STATUS: SENATE COMMITTEE ON BUSINESS & PROFESSIONS

BILL-FILE - AGENCY

AB 193 PEACE — RECYCLING: PASSENGER AIR CARRIERS — 04/02/91

SUMMARY: THIS BILL WOULD REQUIRE EVERY PASSENGER AIR CARRIER TO EITHER ESTABLISH RECEPTACLES FOR THE DEPOSIT OF ALUMINUM BEVERAGE CONTAINERS AND DISPOSABLE PLASTICS, AS DEFINED, FOR RECYCLING, OR TO ENTER INTO CONTRACTS OR ARRANGEMENTS WITH THE AIRPORT FOR THE COLLECTION OF THESE MATERIALS FOR PURPOSES OF RECYCLING.

FISCAL STATE-MANDATED

ACTIONS:

01/04/91	INTRODUCED IN ASSEMBLY
01/31/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
02/19/91	AMENDED
02/25/91	TAKEN OFF CALENDAR
03/18/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
03/18/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/02/91	AMENDED
05/22/91	TAKEN OFF CALENDAR

VOTES: 03/18/91 ASSEMBLY POLICY COMMITTEE VOTE P 9-5

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

two-year bill

ILL-FILE - AGENCY

AB 240 HAZARDOUS WASTE DISPOSAL: NATIVE 06/12/91
PEACE AMERICAN INDIAN RESERVATIONS

SUMMARY: THIS BILL WOULD MAKE A STATEMENT OF LEGISLATIVE INTENT, DEFINE TERMS, AND WOULD PROVIDE THAT THE PROHIBITIONS AND PENALTIES CONCERNING THE TREATMENT, STORAGE OR DISPOSAL OF HAZARDOUS WASTE APPLY TO ALL HAZARDOUS FACILITIES LOCATED ON NATIVE AMERICAN INDIAN RESERVATION LAND OR LAND DEDICATED FOR USE BY NATIVE AMERICANS. THIS BILL WOULD PROHIBIT ANY PERSON FROM TRANSPORTING HAZARDOUS WASTE FOR THE PURPOSE OF DISPOSAL, TREATMENT, OR STORAGE OF THAT WASTE, OR ENTERING INTO A CONTRACT TO DELIVER HAZARDOUS WASTE TO ANY SITE WITHIN THE BOUNDRIES OF NATIVE AMERICAN INDIANS, IF THE SITE HAS NOT RECEIVED A STATE HAZARDOUS WASTE FACILITIES PERMIT, TRIBAL HAZARDOUS WASTE FACILITIES PERMIT, AND ANY OTHER SPECIFIED PERMIT REQUIRED BY STATE LAW.
THE BILL WOULD PROVIDE THAT THESE PROHIBITIONS DO NOT APPLY TO ANY FACILITY OR SITE LOCATED ON NATIVE AMERICAN INDIANS RESERVATION LAND OR LAND DEDICATED FOR USE BY NATIVE AMERICANS IF THAT NATIVE AMERICAN INDIAN TRIBE AND THE STATE HAVE ENTERED INTO A COMPACT WHICH REGULATES THE DISPOSAL, TREATMENT, OR STORAGE OF HAZARDOUS WASTE ON THAT RESERVATION OR LAND.

FISCAL STATE-MANDATED

ACTIONS:

01/14/91	INTRODUCED IN ASSEMBLY
01/31/91	REFERRED TO ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
03/11/91	AMENDED
04/02/91	PASSED BY ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
04/02/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/10/91	AMENDED
04/22/91	AMENDED
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/22/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/10/91	AMENDED
06/12/91	AMENDED

BILL-FILE - AGENCY

	06/13/91	JOINT RULE 61 SUSPENDED	
	06/19/91	PASSED BY ASSEMBLY	
	06/19/91	INTRODUCED IN SENATE	
	06/26/91	REFERRED TO SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT	
VOTES:	04/02/91	ASSEMBLY POLICY COMMITTEE VOTE	P 10-2
	04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 11-1
	05/22/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 14-8
	06/19/91	ASSEMBLY FLOOR VOTE	P 49-19

STATUS: SENATE COMMITTEE ON TOXICS & PUBLIC SAFETY

set for hearing July 15

BILL-FILE - AGENCY

AB 556 SOLID WASTE: TRANSFORMATION
HORCHER

SUMMARY: THIS BILL WOULD REQUIRE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO REPORT, AS SPECIFIED, TO THE LEGISLATURE BY SEPTEMBER 1, 1991, AS TO WHETHER THERE ARE ANY LANDFILLS OPERATING IN THE STATE WHICH ACCEPT ASH FROM A TRANSFORMATION FACILITY IN A MANNER WHICH IS NOT CONSISTENT WITH THEIR SOLID WASTE FACILITIES PERMIT.

URGENCY FISCAL

ACTIONS:
02/15/91 INTRODUCED IN ASSEMBLY
02/25/91 REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

two-year bill

BILL-FILE - AGENCY

AB 861 SOLID WASTE: COMPACT DISCS AND 06 19 91
FRIEDMAN AUDIO CASSETTE PACKAGING

SUMMARY: THIS BILL WOULD, ON AND AFTER JANUARY 1, 1993, PROHIBIT ANY RETAIL ESTABLISHMENT, AS DEFINED, FROM SELLING, OR OFFERING FOR SALE, A COMPACT DISC OR AUDIO CASSETTE IN A PACKAGE, AS DEFINED, THAT IS MORE THAN ONE INCH LONGER AND ONE INCH WIDER THAN THE COMPACT DISC OR AUDIO CASSETTE ITSELF, UNLESS THE PACKAGING IS REUSABLE, AS SPECIFIED.

FISCAL STATE-MANDATED

ACTIONS:

02/28/91	INTRODUCED IN ASSEMBLY
03/07/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/15/91	TAKEN OFF CALENDAR
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/29/91	JOINT RULE 62(A) WAIVED
05/30/91	TAKEN OFF CALENDAR
06/12/91	TAKEN OFF CALENDAR
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/19/91	AMENDED
06/24/91	PASSED BY ASSEMBLY
06/24/91	INTRODUCED IN SENATE
06/26/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 9-5
06/13/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 17-5
06/24/91	ASSEMBLY FLOOR VOTE	P 42-31

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

set for hearing 7-16-91

'L-FILE - AGENCY

AB 905 SOLID WASTE: ENFORCEMENT
CLUTE

SUMMARY: THIS BILL WOULD SPECIFY THAT NOTHING SHALL RESTRICT THE RIGHT TO USE ANY SOLID WASTE MATERIAL FOUND AT ANY SITE TO IDENTIFY PERSONS UNLAWFULLY DISPOSING OF SOLID WASTE.

ACTIONS:
02/28/91 INTRODUCED IN ASSEMBLY
03/07/91 REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/08/91 HELD IN COMMITTEE
04/15/91 TAKEN OFF CALENDAR

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

two-year. bill

BILL-FILE - AGENCY

AB 937 TOXIC DEVELOPMENTS: PROJECT SITE 06/16/91
ROYBAL-ALLARD DEMOGRAPHICS.

SUMMARY: UNDER EXISTING LAW, ANY PUBLIC AGENCY WHICH IS THE LEAD AGENCY FOR A DEVELOPMENT PROJECT IS REQUIRED TO APPROVE OR DISAPPROVE THE PROJECT WITHIN SPECIFIED TIME LIMITS DEPENDING ON THE REQUIRED ENVIORNMENTAL DOCUMENTATION AND IS SUBJECT TO SPECIFIED REQUIREMENTS FOR DETERMINING THE COMPLETENESS OF ANY APPLICATION SUBMITTED TO IT FOR A DEVELOPMENT PROJECT. THIS BILL WOULD PROHIBIT THE APPROVAL OF A PERMIT FOR A TOXIC DEVELOPMENT PROJECT, UNLESS THE APPLICATION INCLUDES A DESCRIPTION OF THE PROJECT SITE DEMORAPHICS WHICH INCLUDES A BREAKDOWN OF THE TOTAL POPULATION BY RACE AND ETHNICITY, AGE, INCOME LEVELS, AND LANGUAGES SPOKEN FOR THE SPECIFIED AREAS WITHIN WHICH THE PROJECT SITE IS LOCATED. THE BILL WOULD PROHIBIT A PUBLIC AGENCY FROM ACCEPTING AS COMPLETE AN APPLICATION FOR TOXIC DEVELOPMENT PROJECTS UNLESS THE APPLICATIONS INCLUDE A DESCRIPTION OF THE PROJECT SITE DEMOGRAPHICS. THE BILL WOULD PRESCRIBE RELATED REQUIREMENTS.

FISCAL STATE-MANDATED

ACTIONS:

03/04/91	INTRODUCED IN ASSEMBLY
03/11/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/08/91	AMENDED
06/12/91	TAKEN OFF CALENDAR
06/13/91	JOINT RULE 61 SUSPENDED
06/14/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/16/91	AMENDED
06/25/91	PASSED BY ASSEMBLY
06/25/91	INTRODUCED IN SENATE

VOTES:

04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 9-6
06/14/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 12-9
06/14/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 12-9
06/25/91	ASSEMBLY FLOOR VOTE	P 45-30

LL-FILE - AGENCY

STATUS: SENATE COMMITTEE ON RULES

BILL-FILE - AGENCY

AB 1100 USED OIL COLLECTION 04/23/91
LEE

SUMMARY: EXISTING LAW, THE USED OIL COLLECTION DEMONSTRATION GRANT PROGRAM ACT OF 1990, REQUIRES THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO DEVELOP AND ADMINISTER A USED OIL GRANT PROGRAM. THE BOARD IS REQUIRED TO ADOPT REGULATIONS BY JULY 1, 1991, TO ADMINISTER THIS PROGRAM. THIS BILL WOULD INSTEAD REQUIRE THE BOARD TO ADOPT GUIDELINES TO ADMINISTER THE PROGRAM. THE BILL WOULD PROVIDE THAT THESE GUIDELINES ARE NOT REGULATIONS AND WOULD EXEMPT THEM FROM THE PROCEDURES FOR THE ADOPTION OF REGULATIONS, INCLUDING REVIEW BY THE OFFICE OF ADMINISTRATIVE LAW.

URGENCY FISCAL

ACTIONS:

03/05/91	INTRODUCED IN ASSEMBLY
03/14/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/15/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/15/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/23/91	AMENDED
05/22/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/29/91	URGENCY CLAUSE ADOPTED
05/29/91	PASSED BY ASSEMBLY
05/29/91	INTRODUCED IN SENATE
06/05/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/15/91	ASSEMBLY POLICY COMMITTEE VOTE	P 14-0
05/22/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 23-0
05/29/91	ASSEMBLY FLOOR VOTE	P 73-0

CALENDAR: 07/02/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
7 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

'L-FILE - AGENCY

AB 1122 ENVIRONMENTAL PROTECTION: 05/15/91
SHER HEALTH

SUMMARY: THIS BILL WOULD CREATE THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY. THE BILL WOULD INCLUDE WITHIN THAT AGENCY THE STATE AIR RESOURCES BOARD, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, THE STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION, THE STATE WATER RESOURCES CONTROL BOARD, EACH CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, AND THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL, AND WOULD STATE THESE AGENCIES' DUTIES AND FUNCTIONS, AS SPECIFIED.

FISCAL

ACTIONS:

03/05/91	INTRODUCED IN ASSEMBLY
04/25/91	REFERRED TO ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
04/25/91	REFERRED TO ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
05/06/91	JOINT RULE 61 SUSPENDED
05/07/91	PASSED BY ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
05/07/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/15/91	AMENDED
06/12/91	TAKEN OFF CALENDAR
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	TO WAYS AND MEANS SUSPENSE FILE
06/24/91	TAKEN OFF CALENDAR
06/25/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/30/91	PASSED BY ASSEMBLY
06/30/91	INTRODUCED IN SENATE

VOTES:

05/07/91	ASSEMBLY POLICY COMMITTEE VOTE	P 8-4
06/25/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 13-9

STATUS: SENATE COMMITTEE ON RULES

BILL-FILE - AGENCY

AB 1327 WASTE MANAGEMENT 05/08/91
FARR

SUMMARY: THIS BILL WOULD ENACT THE CALIFORNIA SOLID WASTE REUSE AND RECYCLING ACCESS ACT OF 1991 TO REQUIRE THAT, ON AND AFTER JULY 1, 1992, ANY AREA IN A DEVELOPMENT PROJECT USED TO TRANSFER, RECEIVE, OR STORE SOLID WASTE BE DESIGNED TO ACCOMODATE AT LEAST 4 RECEPTACLES FOR THE PURPOSE OF SEPARATING AND REUSING OR RECYCLING ALL SOLID WASTE MATERIALS GENERATED BY THE PROJECT. THE BILL WOULD REQUIRE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, TO ADOPT A MODEL ORDINANCE FOR ADOPTION BY LOCAL AGENCIES RELATING TO ADEQUATE AREAS FOR COLLECTING AND LOADING RECYCLABLE MATERIALS IN DEVELOPMENT PROJECTS. THE BILL WOULD REQUIRE LOCAL AGENCIES TO ADOPT SUCH AN ORDINANCE, OR TO ENFORCE THE MODEL ORDINANCE BY IMPOSING THIS REQUIREMENT ON LOCAL AGENCIES.

		FISCAL	STATE-MANDATED
ACTIONS:	03/07/91	INTRODUCED IN ASSEMBLY	
	03/18/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES	
	04/08/91	HELD IN COMMITTEE	
	04/15/91	TAKEN OFF CALENDAR	
	04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES	
	04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS	
	05/08/91	AMENDED	
	06/12/91	TAKEN OFF CALENDAR	
	06/13/91	JOINT RULE 61 SUSPENDED	
	06/13/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS	
	06/19/91	PASSED BY ASSEMBLY	
	06/19/91	INTRODUCED IN SENATE	
	06/26/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION	
VOTES:	04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 9-4
	06/13/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 14-9
	06/19/91	ASSEMBLY FLOOR VOTE	P 46-27

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL-FILE - AGENCY

AB 1340 FIBERGLASS RECYCLED CONTENT ACT 05 30 91
EASTIN OF 1991

SUMMARY: THIS BILL WOULD MAKE A STATEMENT OF LEGISLATIVE INTENT AND WOULD ENACT THE FIBERGLASS RECYCLED CONTENT ACT OF 1991 TO REQUIRE A FIBERGLASS MANUFACTURER TO USE SPECIFIED PERCENTAGES OF CULLET, AS DEFINED, IN THE MANUFACTURE OF FIBERGLASS, UNLESS THE DEPARTMENT MAKES A SPECIFIED DETERMINATION OR THE CULLET DOES NOT MEET MINIMUM QUALITY SPECIFICATIONS.
THE DEPARTMENT OF CONSERVATION WOULD BE REQUIRED TO MAKE MARKET DEVELOPMENT PAYMENTS TO FIBERGLASS MANUFACTURERS WHO COMPLY WITH THE ACT, THEREBY MAKING AN APPROPRIATION. THE DEPARTMENT WOULD BE REQUIRED TO INCLUDE IN ITS ANNUAL REPORT TO THE LEGISLATURE A DISCUSSION CONCERNING INCREASING THE CONTENT OF CULLET IN FIBERGLASS. THE DEPARTMENT WOULD BE REQUIRED TO REFER TO THE ATTORNEY GENERAL, FOR PROSECUTION FOR FRAUD, THE PROVIDER OF ANY FALSE OR MISLEADING INFORMATION CONCERNING THE RECYCLED CONTENT OF GLASS CULLET OR THE PROVIDER OF ANY FALSE OR MISLEADING CERTIFICATE AND WOULD MAKE ANY PERSON WHO VIOLATES THE BILL'S MINIMUM CONTENT REQUIREMENTS GUILTY OF AN INFRACTION AND PUNISHABLE BY A FINE OF NOT MORE THAN $1,000.

		FISCAL	STATE-MANDATED
ACTIONS:	03/07/91	INTRODUCED IN ASSEMBLY	
	03/18/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES	
	04/24/91	AMENDED	
	04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES	
	04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS	
	05/08/91	AMENDED	
	05/30/91	AMENDED	
	06/12/91	TAKEN OFF CALENDAR	
	06/13/91	JOINT RULE 61 SUSPENDED	
	06/13/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS	
	06/18/91	PASSED BY ASSEMBLY	
	06/18/91	INTRODUCED IN SENATE	
	06/26/91	REFERRED TO SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE	

BILL-FILE - AGENCY

	07/01/91	AMENDED	
VOTES:	04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 13-0
	06/13/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 23-0
	06/18/91	ASSEMBLY FLOOR VOTE	P 77-0
CALENDAR:	07/09/91	SENATE COMMITTEE ON NATURAL RESOURCES & WILDLIFE # 25 8:30 a.m. Room 4203	
STATUS:	SENATE COMMITTEE ON NATURAL RESOURCES & WILDLIFE		

LL-FILE - AGENCY

AB 1353 GROCERY BAGS: CREDITS 05/16/91
BATES

SUMMARY: THIS BILL WOULD DEFINE TERMS AND WOULD REQUIRE EACH SUPERMARKET TO OFFER A CREDIT OF 5¢ TOWARDS THE PURCHASE OF GROCERIES FROM THAT SUPERMARKET FOR EACH GROCERY BAG, AS DEFINED, RETURNED BY THAT CUSTOMER WHICH IS EMBOSSED, PRINTED, OR STAMPED WITH THE CREDIT VALUE AND IS NOT TOO SOILED, TORN, OR DAMAGED TO BE REUSED FOR GROCERIES. THE BILL WOULD REQUIRE MANUFACTURERS OF GROCERY BAGS TO INDICATE ON EVERY BAG, AS PRESCRIBED, THE 5¢ CREDIT VALUE TOWARD PURCHASES THE BILL WOULD REQUIRE THE SUPERMARKET TO ENSURE THAT GROCERY BAGS WHICH ARE TOO SOILED, TORN, OR DAMAGED TO BE USED ARE RECYCLED. THE BILL WOULD MAKE A VIOLATION OF THESE PROVISIONS AN INFRACTION PUNISHABLE AS PRESCRIBED.

FISCAL STATE-MANDATED

ACTIONS: 03/07/91 INTRODUCED IN ASSEMBLY
03/18/91 REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
05/16/91 AMENDED

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

BILL-FILE - AGENCY

AB 1381 SOLID WASTE: SCHOOLSITES 05 03/91
ARBIAS

SUMMARY: THIS BILL WOULD REQUIRE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, THE DEPARTMENT OF CONSERVATION, AND THE STATE DEPARTMENT OF EDUCATION TO JOINTLY ESTABLISH 20, 3-YEAR, SCHOOLSITE SOLID WASTE SOURCE REDUCTION AND RECYCLING PILOT PROGRAMS, WHICH CREATE AND IMPLEMENT A PROGRAM FOR THE PURPOSE OF REDUCING AND RECYCLING A SIGNIFICANT PERCENTAGE OF THE TOTAL SOLID WASTE STREAM EMANATING FROM EACH SCHOOLSITE AND TO EDUCATE STUDENTS ABOUT WASTE MANAGEMENT ACTIVITIES.

FISCAL

ACTIONS:

03/07/91	INTRODUCED IN ASSEMBLY
03/18/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/02/91	AMENDED
05/29/91	JOINT RULE 62(A) WAIVED
05/30/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/05/91	PASSED BY ASSEMBLY
06/05/91	INTRODUCED IN SENATE
06/12/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/22/91	ASSEMBLY POLICY COMMITTEE VOTE	P 14-0
05/30/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 20-2
06/05/91	ASSEMBLY FLOOR VOTE	P 69-3

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

LL-FILE - AGENCY

AB 1388 SOLID WASTE: FACILITIES: 06/24/91
HORCHER LOCATION

SUMMARY: EXISTING LAW, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989, PROHIBITS A SOLID WASTE FACILITY OPERATOR FROM MAKING A SIGNIFICANT CHANGE IN THE DESIGN OR OPERATION OF ANY SOLID WASTE FACILITY, EXCEPT IN CONFORMANCE WITH THE TERMS AND CONDITIONS IN AN APPROVED SOLID WASTE FACILITIES PERMIT. THIS BILL WOULD REQUIRE A LOCAL ENFORCEMENT AGENCY, WITHIN A COUNTY WITH A POPULATION GREATER THAN 5,000,000, TO DISAPPROVE A REVISION OF A SOLID WASTE FACILITIES PERMIT FOR AN EXISTING SOLID WASTE DISPOSAL FACILITY OR TRANSFORMATION FACILITY IF THE OUTSIDE PERIMETER OF THE DISPOSAL AREA OR TRANSFORMATION FACILITY WOULD BE EXPANDED TO WITHIN 2,000 FEET OF ANY SCHOOL FOR PERSONS UNDER 21 YEARS OF AGE, CHILD CARE FACILITY, OR COMMERCIAL RETAIL BUSINESS UNLESS THE ENFORCEMENT AGENCY MAKES SPECIFIED FINDINGS. THE BILL WOULD, WITHIN A COUNTY WITH A POPULATION GREATER THAN 5,000,000, PROHIBIT ANY CITY OR COUNTY FROM AUTHORIZING THE USE OF LAND FOR SPECIFIED PURPOSES IF THE LAND USE WILL BE LOCATED WITHIN 2,000 FEET OF AN EXISTING AND OPERATING SOLID WASTE DISPOSAL SITE OR AREA, UNLESS THE CITY OR COUNTY MAKES SPECIFIED DETERMINATIONS.

FISCAL STATE-MANDATED

ACTIONS:

03/07/91	INTRODUCED IN ASSEMBLY
03/18/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/23/91	AMENDED
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/15/91	AMENDED
05/22/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/30/91	PASSED BY ASSEMBLY
05/30/91	INTRODUCED IN SENATE
06/05/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
06/24/91	AMENDED

7-3-91 Amended.

BILL-FILE - AGENCY

VOTES:	04 29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 12-0
	05/22/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 14-5
	05/30/91	ASSEMBLY FLOOR VOTE	P 65-6

CALENDAR: 07/09/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
6 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Set for hearing 7-9-91

ILL-FILE - AGENCY

AB 1423 RIGID PACKAGING: POSTCONSUMER 05/30/91
GOTCH MATERIAL CONTENT

SUMMARY: EXISTING LAW REQUIRES EACH GLASS CONTAINER MANUFACTURER TO USE A SPECIFIED MINIMUM PERCENTAGE OF CALIFORNIA POSTFILLED GLASS IN THE MANUFACTURING OF GLASS, FOOD, DRINK OR BEVERAGE CONTAINERS, AND TO REPORT TO THE DEPARTMENT OF CONSERVATION EACH MONTH, BEGINNING OCTOBER 1, 1991 THE AMOUNT OF TOTAL SALES OF NEW GLASS CONTAINERS AND THE PERCENTAGE OF CALIFORNIA POSTFILLED GLASS USED IN THE MANUFACTURING OF THOSE NEW CONTAINERS. THIS BILL WOULD LIMIT THOSE PROVISIONS TO GLASS WINE CONTAINER MANUFACTURERS, AS DEFINED, AND MAKE RELATED CHANGES. THE BILL WOULD REQUIRE EACH FLINT AND COLORED GLASS CONTAINER MANUFACTURER TO USE SPECIFIED AMOUNTS OF POSTCONSUMER GLASS IN THE MANUFACTURING OF RIGID GLASS CONTAINERS. THE BILL WOULD ALSO MAKE OTHER PROVISIONS RELATING TO THE ABOVE.

FISCAL STATE-MANDATED

ACTIONS:

03/07/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/08/91	AMENDED
05/30/91	AMENDED
06/12/91	TAKEN OFF CALENDAR
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	TO WAYS AND MEANS SUSPENSE FILE
06/24/91	TAKEN OFF CALENDAR
06/25/91	REJECTED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS

VOTES:

04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 9-4
06/25/91	ASSEMBLY FISCAL COMMITTEE VOTE	F 9-10

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

BILL-FILE - AGENCY

AB 1476 SOLID WASTE LANDFILLS: 05 07.91
EASTIN INSPECTION AND ENFORCEMENT

SUMMARY: EXISTING LAW REQUIRES THE STATE WATER RESOURCES CONTROL BOARD TO EXPEND FUNDS APPORTIONED TO IT FROM THE SOLID WASTE DISPOSAL SITE CLEANUP AND MAINTENANCE ACCOUNT IN THE INTEGRATED WASTE MANAGEMENT FUND FOR THE INSPECTION OF SOLID WASTE LANDFILLS, ENFORCEMENT OF THE LANDFILLS SOLID WASTE FACILITIES PERMITS, AND ENFORCEMENT OF WASTE DISCHARGE REQUIREMENTS BY REGIONAL WATER QUALITY CONTROL BOARDS. THIS BILL WOULD, INSTEAD, REQUIRE THE STATE WATER BOARD TO EXPEND THOSE FUNDS FOR SUPPORT OF SOLID WASTE LANDFILL PERMIT INSPECTION AND ENFORCEMENT PROGRAMS RELATED TO LANDFILLS IN ACCORDANCE WITH AN INTERAGENCY AGREEMENT WITH THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

FISCAL

ACTIONS:
03/07/91 INTRODUCED IN ASSEMBLY
03/21/91 REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91 PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91 REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/07/91 AMENDED
05/29/91 JOINT RULE 62(A) WAIVED
05/30/91 PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/06/91 PASSED BY ASSEMBLY
06/06/91 INTRODUCED IN SENATE
06/12/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:
04/29/91 ASSEMBLY POLICY COMMITTEE VOTE P 15-0
05/30/91 ASSEMBLY FISCAL COMMITTEE VOTE P 22-0
06/06/91 ASSEMBLY FLOOR VOTE P 74-0

CALENDAR: 07/09/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
7 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

ALL-FILE - AGENCY

AB 1481 STATE CONTRACTS: RECYCLED PAPER
LEE

SUMMARY: UNDER EXISTING LAW, THE STATE CONTRACT ACT PROVIDES A COMPREHENSIVE STATUTORY SCHEME FOR THE REGULATION OF CONTRACTS ENTERED INTO BY SPECIFIED STATE AGENCIES WHICH ARE SUBJECT TO THE ACT. THIS BILL WOULD REQUIRE THAT EVERY CONTRACT SUBJECT TO THE STATE CONTRACT ACT ENTERED INTO ON OR AFTER JANUARY 1, 1992, SHALL CONTAIN A PROVISION REQUIRING EACH CONTRACTOR TO EXECUTE ALL PAPERWORK PURSUANT TO THE CONTRACT ON RECYCLED PAPER PRODUCTS, AS DEFINED.

FISCAL

ACTIONS: 03/07/91 INTRODUCED IN ASSEMBLY
04/01/91 REFERRED TO ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY

STATUS: ASSEMBLY COMMITTEE ON CONSUMER PROTECTION

two-year bill

BILL-FILE - AGENCY

AB 1515 CALIFORNIA INTEGRATED WASTE
SHER MANAGEMENT BOARD: HEARINGS

SUMMARY: THIS BILL, AS TO HEARINGS REQUIRED TO BE CONDUCTED BY THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PURSUANT TO STATUTORY PROVISIONS RELATING TO THE ADMINISTRATIVE ENFORCEMENT OF REQUIREMENTS IMPOSED UPON A TRANSFER OR PROCESSING STATION OR DISPOSAL SITE, WOULD REQUIRE THE HEARINGS TO BE CONDUCTED BY A HEARING PANEL OF 3 PERSONS APPOINTED BY THE CHAIRPERSON OF THE BOARD.

FISCAL

ACTIONS:

03/07/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/15/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/29/91	INTRODUCED IN SENATE
05/30/91	PASSED BY ASSEMBLY
05/30/91	INTRODUCED IN SENATE
06/05/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 15-0
05/15/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 22-0
05/30/91	ASSEMBLY FLOOR VOTE	P 75-0

CALENDAR: 07/09/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
8 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

ILL-FILE - AGENCY

AB 1520 SOLID WASTE LANDFILLS: 05/29/91
SHER SOURCE REDUCTION

SUMMARY: EXISTING LAW REQUIRES CITIES AND COUNTIES TO DIVERT 25% OF ALL SOLID WASTE FROM LANDFILL OR TRANSFORMATION FACILITIES BY JANUARY 1, 1995, AND EXCEPT AS SPECIFIED, 50% BY JANUARY 1, 2000, THROUGH SOURCE REDUCTION, RECYCLING, AND COMPOSTING LEVELS ARE CALCULATED. THIS BILL WOULD DELAY UNTIL JULY 1, 1992, THE TERMINATION DATE OF THE STATUTORY DEFINITION OF ''SOLID WASTE'' FOR THOSE PURPOSES.

URGENCY

ACTIONS:

03/07/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	TAKEN OFF CALENDAR
05/06/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
05/29/91	AMENDED
06/03/91	PASSED BY ASSEMBLY
06/03/91	INTRODUCED IN SENATE
06/12/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

05/06/91	ASSEMBLY POLICY COMMITTEE VOTE	P 11-0
06/03/91	ASSEMBLY FLOOR VOTE	P 71-1

CALENDAR: 07/16/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
6 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL-FILE - AGENCY

AB 1609 HEAVY METAL PACKAGING 04/30/91
CORTESE

SUMMARY: THIS BILL WOULD ENACT THE HEAVY METAL PACKAGING WASTE ACT OF 1991 TO, WITH SPECIFIED EXCEPTIONS, PROHIBIT THE USE, ON AND AFTER JANUARY 1, 1997 OF PACKAGE OR PACKAGING, AS DEFINED, IN ANY BOTTLING OR MANUFACTURING PROCESS FOR ANY PRODUCT SOLD AT RETAIL OR WHOLESALE IN CALIFORNIA IF IT IS COMPOSED OF ANY INTENTIONALLY INTRODUCED LEAD, MERCURY, CADMIUM, OR HEXAVALENT CHROMIUM. THE BILL WOULD PROHIBIT LOCAL REGULATION ON AND AFTER THAT DATE UNLESS THE LOCAL AGENCY IS IN COMPLIANCE WITH THIS PROVISION.

FISCAL

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/15/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/15/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/30/91	AMENDED
05/22/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/29/91	PASSED BY ASSEMBLY
05/29/91	INTRODUCED IN SENATE
06/05/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/15/91	ASSEMBLY POLICY COMMITTEE VOTE	P 14-0
05/22/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 23-0
05/29/91	ASSEMBLY FLOOR VOTE	P 73-0

CALENDAR: 07/02/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
10 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

LL-FILE - AGENCY

AB 1642 ENVIRONMENTAL QUALITY: 06/11/91
SHER REPORTS: DECLARATIONS

SUMMARY: EXISTING LAW REQUIRES AN ENVIRONMENTAL IMPACT REPORT OR NEGATIVE DECLARATION PREPARED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO BE PREPARED BY, OR UNDER CONTRACT TO, A PUBLIC AGENCY. THIS BILL WOULD INCLUDE DRAFT ENVIRONMENTAL IMPACT REPORTS WITHIN THAT REQUIREMENT. THE BILL WOULD REQUIRE THE LEAD AGENCY TO INDEPENDENTLY REVIEW AND ANALYZE THOSE REPORTS AND DECLARATIONS, AS SPECIFIED. THE BILL WOULD REQUIRE THE LEAD AGENCY TO PROVIDE A WRITTEN PROPOSED RESPONSE, TO COMMENTS IT HAS RECEIVED, AS SPECIFIED.

FISCAL STATE-MANDATED

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/11/91	AMENDED
04/15/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04.15/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/24/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/02/91	PASSED BY ASSEMBLY
05/02/91	INTRODUCED IN SENATE
05/09/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
06/11/91	AMENDED
06/18/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
06/18/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
06/28/91	PASSED BY SENATE APPROPRIATIONS - 28.8 CALENDAR
07/01/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS

VOTES:

04/15/91	ASSEMBLY POLICY COMMITTEE VOTE	P 14-0
04/24/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 22-0
05/02/91	ASSEMBLY FLOOR VOTE	P 75-0
06/18/91	SENATE POLICY COMMITTEE VOTE	P 9-0

CALENDAR: 07/02/91 IN SENATE--THIRD READING FILE--ASSEMBLY BILLS # 120 SENATE CONVENES AT 5 P.M.

BILL-FILE - AGENCY

STATUS: IN SENATE--SECOND READING FILE--ASSEMBLY BILLS

BILL-FILE - AGENCY

AB 1707 SOLID WASTE: RECYCLABLE MATERIALS 05/29/91
BECERRA

SUMMARY: THIS BILL WOULD PROVIDE THAT THE RECYCLABLE MATERIALS ARE THE PROPERTY OF THE AUTHORIZED AGENT FROM THE TIME THEY ARE PLACED FOR COLLECTION. IN ADDITION, IN A CIVIL ACTION AGAINST THE UNAUTHORIZED PERSON, THE BILL WOULD AUTHORIZE THE AWARD OF EITHER TREBLE DAMAGES, AS AS MEASURED BY THE VALUE OF THE MATERIAL REMOVED, OR A CIVIL PENALTY OF NOT MORE THAN $1,000, WHICHEVER IS GREATER, FOR EACH UNAUTHORIZED REMOVAL.

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
05/01/91	AMENDED
05/13/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
05/29/91	AMENDED
06/03/91	PASSED BY ASSEMBLY
06/03/91	INTRODUCED IN SENATE
06/12/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

05/13/91	ASSEMBLY POLICY COMMITTEE VOTE	P 13-0
06/03/91	ASSEMBLY FLOOR VOTE	P 49-15

CALENDAR: 07 16/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
7 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL-FILE - AGENCY

AB 1760 SOLID WASTE: METALLIC WASTE 05/08/91
EASTIN

SUMMARY: THIS BILL WOULD PROHIBIT A SOLID WASTE LANDFILL, AS DEFINED, FROM ACCEPTING FOR DISPOSAL ANY WHITE GOODS, VEHICLE, OR OTHER METALLIC DISCARD, AS DEFINED, WHICH CONTAINS ENOUGH METAL TO BE ECONOMICALLY FEASIBLE TO SALAVAGE FOR COMMERICAL RECYCLING AND WHICH IS LARGE ENOUGH TO BE EASILY SEPARATED FROM THE WASTE STREAM BUT WOULD PERMIT THE LANDFILL TO ACCEPT THEM FOR RECYCLING.

FISCAL

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
03/21/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/23/91	AMENDED
04/29/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/08/91	AMENDED
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/19/91	PASSED BY ASSEMBLY
06/19/91	INTRODUCED IN SENATE
06/26/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/29/91	ASSEMBLY POLICY COMMITTEE VOTE	P 11-4
06/13/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 21-2
06/19/91	ASSEMBLY FLOOR VOTE	P 50-25

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL-FILE - AGENCY

AB 2060 GOVERNMENTAL REGULATIONS 05/15/91 *
POLANCO

SUMMARY: THIS BILL WOULD REQUIRE STATE AGENCIES, AND AIR POLLUTION DISTRICTS, AS SPECIFIED, TO ADOPT RULES AND REGULATIONS TO GRANT VARIANCES AND TO ADOPT A VARIANCE PROCESS, AS SPECIFIED, WHEREBY AN INDIVIDUAL OR PRIVATE ENTITY MAY APPLY FOR RELIEF FROM REGULATIONS ADOPTED BY THAT GOVERNMENTAL AGENCY.

FISCAL STATE-MANDATED

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
04/01/91	REFERRED TO ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
05/02/91	AMENDED
05/08/91	PASSED BY ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
05/08/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/15/91	AMENDED
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	TO WAYS AND MEANS SUSPENSE FILE
06/24/91	TAKEN OFF CALENDAR
06/25/91	HELD IN COMMITTEE

VOTES: 05/08/91 ASSEMBLY POLICY COMMITTEE VOTE P 8-1

STATUS: WAYS AND MEANS SUSPENSE FILE

BILL-FILE - AGENCY

AB 2061 REGULATIONS 06/26/91
POLANCO

SUMMARY: THIS BILL WOULD REQUIRE STATE AGENCIES PROPOSING TO ADOPT OR AMEND ANY REGULATION TO CONSIDER, AS DEFINED, THE POTENTIAL FOR ADVERSE ECONOMIC IMPACT ON CALIFORNIA SMALL BUSINESS ENTERPRISES AND INDIVIDUALS, AS SPECIFIED. THE BILL WOULD ALSO MAKE OTHER RELATED PROVISIONS.

FISCAL STATE-MANDATED

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
04/01/91	REFERRED TO ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
04/24/91	HELD IN COMMITTEE
05/06/91	JOINT RULE 61 SUSPENDED
05/08/91	PASSED BY ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
05/08/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/15/91	AMENDED
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	TO WAYS AND MEANS SUSPENSE FILE
06/24/91	TAKEN OFF CALENDAR
06/25/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/26/91	AMENDED
06/30/91	PASSED BY ASSEMBLY
06/30/91	INTRODUCED IN SENATE

VOTES:

05/08/91	ASSEMBLY POLICY COMMITTEE VOTE	P 11-0
06/25/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 22-0

STATUS: SENATE COMMITTEE ON RULES

BILL-FILE - AGENCY

AB 2076 OIL RECYCLING 05/20/91
SHER

SUMMARY: AMONG OTHER THINGS, THIS BILL WOUD ENACT THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT, UNDER WHICH, BEGINNING OCTOBER 1, 1992, EVERY OIL MANUFACTURER, AS DEFINED WOULD BE REQUIRED TO PAY QUARTERLY 5 CENTS TO THE CALIFORNIA WASTE MANAGEMENT BOARD FOR EACH QUART, OR 20 CENTS FOR EACH GALLON, OF LUBRICATING OR INDUSTRIAL OIL SOLD OR TRANSFERRED IN THIS STATE OR IMPORTED INTO THIS STATE IN THAT QUARTER, EXCEPTING OIL ON WHICH A PAYMENT HAS BEEN PAID AND EXCEPTING BULK OIL, AS DEFINED, IMPORTED, TRANSFERRED, OR SOLD IN THIS STATE FOR USE BY MOTOR CARRIERS, AS DEFINED.

FISCAL STATE-MANDATED

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
04/01/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/15/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/20/91	AMENDED
05/30/91	PASSED BY ASSEMBLY
05/30/91	INTRODUCED IN SENATE
06/05/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/22/91	ASSEMBLY POLICY COMMITTEE VOTE	P 8-2
05/15/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 17-2
05/30/91	ASSEMBLY FLOOR VOTE	P 55-19

CALENDAR: 07/09/91 SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
10 9:30 a.m. Room 3191

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

BILL-FILE - AGENCY

AB 2092 SOLID WASTE: PLANS AND FEES 05/02/91
SHER

SUMMARY: EXISTING LAW, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989, REQUIRES EACH CITY TO PREPARE, ADOPT, AND SUBMIT TO THE COUNTY IN WHICH IT IS LOCATED A SOURCE REDUCTION AND RECYCLING ELEMENT BY JULY 1, 1991, EXCEPT AS SPECIFIED, AND REQUIRES EACH COUNTY TO PREPARE AND ADOPT SUCH AN ELEMENT BY THAT DATE. THIS BILL WOULD EXTEND THE DATES WHEN THE SOURCE REDUCTION AND RECYCLING ELEMENT IS REQUIRED TO BE PREPARED AND ADOPTED TO JANUARY 1992, IN THE CASE OF A CITY ELEMENT, AND JANUARY 1, 1992, IN THE CASE OF A COUNTY ELEMENT, AND WOULD MAKE RELATED CHANGES.

URGENCY FISCAL STATE-MANDATED

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
04/01/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/22/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/02/91	AMENDED
06/13/91	JOINT RULE 61 SUSPENDED
06/13/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/18/91	URGENCY CLAUSE ADOPTED
06/18/91	PASSED BY ASSEMBLY
06/18/91	INTRODUCED IN SENATE
06/26/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

VOTES:

04/22/91	ASSEMBLY POLICY COMMITTEE VOTE	P 14-0
06/13/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 23-0
06/18/91	ASSEMBLY FLOOR VOTE	P 77-0

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

set for hearing 7-16-91

BILL-FILE - AGENCY

AB 2135 ENVIRONMENTAL ACTIONS
POLANCO

SUMMARY: EXISTING LAW PERMITS THE ATTORNEY GENERAL TO INTERVENE IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN WHICH FACTS ARE ALLEGED CONCERNING POLLUTION OR ADVERSE ENVIRONMENTAL EFFECTS WHICH COULD AFFECT THE PUBLIC GENERALLY. THIS BILL WOULD SIMILARLY PERMIT THE INTERVENTION OF A DISTRICT ATTORNEY, OR A CITY ATTORNEY OF A JURISDICTION WITH A POPULATION IN EXCESS OF $750,000, IN THOSE CASES AND WOULD MAKE RELATED CHANGES.

ACTIONS: 03/08/91 INTRODUCED IN ASSEMBLY
04/08/91 REFERRED TO ASSEMBLY COMMITTEE ON JUDICIARY

STATUS: ASSEMBLY COMMITTEE ON JUDICIARY

two-year bill

BILL-FILE - AGENCY

AB 2177 STATE CONTRACTS: RECYCLED 04/16/91
BRULTE PAPER PRODUCTS

SUMMARY: EXISTING LAW DECLARES STATE POLICY TO IMPROVE ENVIRONMENTAL QUALITY BY THE RECYCLING OF PAPER PRODUCTS. EXISTING LAW EFFECTUATES THIS POLICY BY REQUIRING THE DEPARTMENT OF GENERAL SERVICES TO PROVIDE SPECIFIED PREFERENCES TO THE PURCHASE OF RECYCLED PAPER PRODUCTS, AS DEFINED, WHEN THE DEPARTMENT PURCHASES PAPER FOR USE BY THE STATE GOVERNMENT. THIS BILL WOULD REVISE THE DEFINITIONS OF SPECIFIED TYPES OF RECYCLED PAPER PRODUCTS THE USE OF WHICH BY THE STATE IS PREFERRED PURSUANT TO THE POLICY INDICATED ABOVE.

FISCAL STATE-MANDATED

ACTIONS:
03/08/91 INTRODUCED IN ASSEMBLY
04/01/91 REFERRED TO ASSEMBLY COMMITTEE ON CONSUMER PROTECTION, GOVERNMENTAL EFFICIENCY
04/16/91 AMENDED
04/24/91 REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

two-year bill

BILL-FILE - AGENCY

AB 2178 UNUSED LATEX PAINT: DISPOSAL 06/17/91
BRULTE

SUMMARY: THIS BILL WOULD DEFINE THE TERM RECYCLABLE LATEX PAINT AND WOULD GENERALLY PROHIBIT ANY PERSON FROM DISPOSING OF LATEX PAINT, UNLESS AUTHORIZED. THE BILL WOULD ALLOW RECYCLABLE LATEX PAINT TO BE ACCEPTED AT ANY LOCATION IF SPECIFIED REQUIREMENTS ARE MET CONCERNING THE MANAGEMENT OF THAT PAINT.

FISCAL STATE-MANDATED

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
04/01/91	REFERRED TO ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
04/15/91	AMENDED
04/16/91	PASSED BY ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
04/16/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
04/25/91	AMENDED
05/15/91	AMENDED
05/22/91	PASSED BY ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/29/91	PASSED BY ASSEMBLY
05/29/91	INTRODUCED IN SENATE
06/05/91	REFERRED TO SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
06/17/91	AMENDED
06/24/91	PASSED BY SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
06/24/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS

VOTES:

04/16/91	ASSEMBLY POLICY COMMITTEE VOTE	P 11-0
05/22/91	ASSEMBLY FISCAL COMMITTEE VOTE	P 23-0
05/29/91	ASSEMBLY FLOOR VOTE	P 73-0
06/24/91	SENATE POLICY COMMITTEE VOTE	P 7-0

CALENDAR: 07/08/91 SENATE COMMITTEE ON APPROPRIATIONS
56 9:30 a.m. Room 4203

STATUS: SENATE COMMITTEE ON APPROPRIATIONS

BILL-FILE - AGENCY

AB 2211 INTEGRATED WASTE MANAGEMENT
SHER

SUMMARY: UNDER EXISTING LAW, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1898 ESTABLISHES A STATE SOURCE REDUCTION PROGRAM, THE RECYCLED MARKET DEVELOPMENT COMMISSION, THE OFFICE PAPER RECOVERY PROGRAM, THE LOS ANGELES COUNTY PILOT LITTER PROGRAM, REQUIRES THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, TO THE EXTENT AVAILABLE RESOURCES, TO PROVIDE TECHNICAL ASSISTANCE TO THE PUBLIC AND PRIVATE SECTOR IN THE FORM OF GOVERNMENT AND BUSINESS WASTE EVALUATIONS IF REQUESTED, AND ESTABLISHES A PROGRAM TO FACILITATE THE ASSESSMENT OF WASTE MANAGEMENT OPTIONS BY LOCAL JURISDICTIONS. THIS BILL WOULD REPEAL ALL OF THOSE PROVISIONS OF EXISTING LAW.

FISCAL

ACTIONS: 03/08/91 INTRODUCED IN ASSEMBLY
04/04/91 REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

two-year bill

ILL-FILE - AGENCY

AB 2213 SOLID WASTE: RECYCLING INCENTIVE 06/17/91
SHER FEES

SUMMARY: UNDER EXISTING LAW, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD IS REQUIRED TO SUBMIT TO THE LEGISLATURE, ON OR BEFORE JANUARY 1, 1991, A REPORT AND MODEL LEGISLATION FOR THE MOST EFFECTIVE MEANS OF ENACTING AND IMPLEMENTING A DISPOSAL COST FEE SYSTEM ON GOODS SOLD IN CALIFORNIA WHICH ARE NORMALLY DISPOSED OF IN SOLID WASTE LANDFILLS OR PROCESSED IN TRANSFORMATION FACILITIES. THIS BILL WOULD DELETE THOSE PROVISIONS. THIS BILL WOULD REQUIRE THE BOARD TO ESTABLISH AND ASSESS AT THE FIRST POINT OF SALE, AS SPECIFIED, A RECYCLING INCENTIVE FEE FOR ANY MATERIAL, AS DEFINED.

FISCAL

ACTIONS:

03/08/91	INTRODUCED IN ASSEMBLY
04/04/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
04/29/91	TAKEN OFF CALENDAR
05/06/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
05/06/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
05/06/91	AMENDED
05/29/91	AMENDED
06/13/91	JOINT RULE 61 SUSPENDED
06/17/91	AMENDED
06/19/91	TAKEN OFF CALENDAR

VOTES: 05/06/91 ASSEMBLY POLICY COMMITTEE VOTE P 9-5

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

two-year bill

BILL-FILE - AGENCY

SB 50 NONHAZARDOUS WASTE CLASSIFICATION: 06/28/91
TORRES BIOMASS COMBUSTION

SUMMARY: THIS BILL WOULD REQUIRE THE STATE DEPARTMENT OF HEALTH SERVICES TO CLASSIFY AS NONHAZARDOUS WASTE ASH OR RESIDUES GENERATED FROM A BIOMASS COMBUSTION PROCESS, AS DEFINED. THE BILL WOULD REQUIRE AN OPERATOR OF A BIOMASS FACILITY TO NOTIFY THE DEPARTMENT WHEN SPECIFIED CHANGES OCCUR. THE BILL WOULD REQUIRE THAT ASH OR RESIDUE GENERATED FROM THE COMBUSTION OF MUNICIPAL SOLID WASTE AT SPECIFIED FACILITIES BE SAMPLED FOLLOWING TREATMENT, FOR THE PURPOSES OF CLASSIFICATION OF THE ASH OR RESIDUE.

FISCAL STATE-MANDATED

ACTIONS:

12/04/90	INTRODUCED IN SENATE
12/17/90	REFERRED TO SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
01/07/91	PASSED BY SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
01/07/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
03/18/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
03/21/91	PASSED BY SENATE
03/21/91	INTRODUCED IN ASSEMBLY
04/01/91	REFERRED TO ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
06/18/91	PASSED BY ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
06/18/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS
06/28/91	AMENDED

VOTES:

01/07/91	SENATE POLICY COMMITTEE VOTE	P 4-0
03/18/91	SENATE FISCAL COMMITTEE VOTE	P 11-0
03/21/91	SENATE FLOOR VOTE	P 33-0
06/18/91	ASSEMBLY POLICY COMMITTEE VOTE	P 9-2

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

BILL-FILE - AGENCY

SB 51 CALIFORNIA ENVIRONMENTAL 06/13/91
TORRES PROTECTION AGENCY.

SUMMARY: THIS BILL WOULD MAKE A STATEMENT OF LEGISLATIVE INTENT AND WOULD CREATE THE ENVIRONMENTAL PROTECTION AGENCY. THE BILL WOULD INCLUDE WITHIN THAT AGENCY THE STATE AIR RESOURCES BOARD, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, THE STATE WATER RESOURCES CONTROL BOARD, EACH CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, AND THE TOXIC SUBSTANCES CONTROL DEPARTMENT, WHICH THIS BILL WOULD CREATE. THE BILL WOULD CREATE THE SECRETARY OF ENVIRONMENTAL PROTECTION IN STATE GOVERNMENT ON JULY 1, 1992, WHO WOULD BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE SENATE. THE BILL WOULD CREATE WITHIN THE AGENCY, THE OFFICE OF POLLUTION PREVENTION AND THE OFFICE OF REGULATIONS AND STANDARDS, WITH SPECIFIED DUTIES, AND WOULD REQUIRE BOTH OFFICES TO SUBMIT PLANS TO THE GOVERNOR AND THE LEGISLATURE AS SOON AS POSSIBLE AFTER JANUARY 1, 1992, CONCERNING COORDINATION OF ENVIRONMENTAL REGULATION. THIS BILL WOULD REPEAL PROVISIONS REGULATING ECONOMIC POISONS AND WOULD ENACT SUBSTANTIALLY IDENTICAL PROVISIONS WHICH WOULD BE ADMINISTERED BY THE TOXIC SUBSTANCES CONTROL DEPARTMENT.

FISCAL

ACTIONS:

12/04/90	INTRODUCED IN SENATE
12/17/90	REFERRED TO SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
01/07/91	PASSED BY SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
01/07/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
04/08/91	TO APPROPRIATIONS SUSPENSE FILE
04/10/91	AMENDED
06/05/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
06/13/91	AMENDED
06/20/91	PASSED BY SENATE
06/20/91	INTRODUCED IN ASSEMBLY
06/24/91	REFERRED TO ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY

VOTES:

01/07/91	SENATE POLICY COMMITTEE VOTE	P 5-0
06/05/91	SENATE FISCAL COMMITTEE VOTE	P 7-0

BILL-FILE - AGENCY

06/20/91 SENATE FLOOR VOTE P 25-7

STATUS: ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY

ILL-FILE - AGENCY

SB 97 SOLID WASTE: TRANSFORMATION 04/09/91
TORRES

SUMMARY: UNDER THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989, COUNTIES ARE REQUIRED TO PREPARE INTEGRATED SOLID WASTE MANAGEMENT PLANS, WHICH INCLUDE CITY AND COUNTY SOURCE REDUCTION AND RECYCLING ELEMENTS, AND TO INCLUDE IMPLEMENTATION SCHEDULES TO DIVERT 25% OF SOLID WASTE FROM LANDFILL OR TRANSFORMATION FACILITIES BY JANUARY 1, 1995, AND 50% BY JANUARY 1, 2000. FOR ANY CITY OR COUNTY SOURCE REDUCTION AND RECYCLING ELEMENT SUBMITTED TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AFTER JANUARY 1, 1995, THE 50% SOURCE REDUCTION AND RECYCLING REQUIREMENT MAY INCLUDE NOT MORE THAN 10% THROUGH TRANSFORMATION, AS DEFINED, ONLY IF SPECIFIED CONDITIONS ARE MET. THIS BILL WOULD SPECIFY, FOR PURPOSES OF THAT REQUIREMENT, THAT ''TRANSFORMATION'' DOES NOT INCLUDE THE INCINERATION OF UNPROCESSED MUNICIPAL WASTE IN A MASS-BURNING FACILITY, AS SPECIFIED, AND THAT UNPROCESSED MUNICIPAL WASTE DOES NOT INCLUDE BIOMASS WASTES, AS DEFINED.

FISCAL STATE-MANDATED

ACTIONS:

12/13/90	INTRODUCED IN SENATE
01/18/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
03/14/91	AMENDED
04/02/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/02/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
04/09/91	AMENDED
04/17/91	PASSED BY SENATE APPROPRIATIONS - 28.8 CALENDAR
05/20/91	TAKEN OFF CALENDAR
05/30/91	PASSED BY SENATE
05/30/91	INTRODUCED IN ASSEMBLY
06/06/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
07/01/91	REJECTED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES

VOTES: 04/02/91 SENATE POLICY COMMITTEE VOTE P 6-2

BILL-FILE - AGENCY

05/30/91 P 21-10

CALENDAR: 07/08/91 ASSEMBLY COMMITTEE ON NATURAL RESOURCES
12 1:30 p.m. Room 444

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

BILL-FILE - AGENCY

SB 235 RIGID PLASTIC PACKAGING 05 23.91
HART CONTAINERS

SUMMARY: EXISTING LAW REQUIRES ALL RIGID PLASTIC BOTTLES AND CONTAINERS TO BE LABELED WITH A SPECIFIED CODE WHICH INDICATES THE RESIN USED TO PRODUCE THE BOTTLES OR CONTAINERS. THIS BILL WOULD MAKE A STATEMENT OF LEGISLATIVE INTENT AND WOULD REQUIRE A MANUFACTURER OF RIGID PLASTIC PACKAGING CONTAINERS, AS DEFINED, SOLD OR OFFERED FOR SALE IN THE STATE TO MEET SPECIFIED CRITERIA, COMMENCING JANUARY 1, 1993, AND JANUARY 1, 1995. THE BILL WOULD AUTHORIZE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO EXEMPT A MANUFACTURER FROM SPECIFIED REQUIREMENTS UPON SPECIFIED CERTIFICATIONS AND WOULD AUTHORIZE THE BOARD TO WAIVE SPECIFIED REQUIREMENTS FOR A MANUFACTURER IF THE BOARD MAKES ONE OF SPECIFIED FINDINGS. THE BILL WOULD ALSO REQUIRE A MANUFACTURER TO SUBMIT AN ANNUAL CERTIFICATION TO THE BOARD OF COMPLIANCE WITH THE REQUIREMENTS OF THE BILL. THE BILL WOULD REQUIRE THE BOARD TO REFER TO THE ATTORNEY GENERAL FOR PROSECUTION FOR FRAUD, THE PROVIDER OF ANY FALSE OR MISLEADING CERTIFICATE AND WOULD MAKE ANY PERSON WHO VIOLATES THE BILL'S REQUIREMENTS GUILTY OF A PUBLIC OFFENSE AND PUNISHABLE BY A FINE OF NOT MORE THAN $100,000, THEREBY IMPOSING A STATE-MANDATED LOCAL PROGRAM BY CREATING A NEW CRIME.

FISCAL STATE-MANDATED

ACTIONS:

01/28/91	INTRODUCED IN SENATE
02/06/91	REFERRED TO SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
04/11/91	AMENDED
04/16/91	AMENDED
04/23/91	TAKEN OFF CALENDAR
04/23/91	AMENDED
04/30/91	PASSED BY SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
04/30/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
05/02/91	AMENDED
05/20/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
05/23/91	AMENDED
05/30/91	PASSED BY SENATE

BILL-FILE - AGENCY

	05/30/91	INTRODUCED IN ASSEMBLY	
	06/06/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES	
VOTES:	04/30/91	SENATE POLICY COMMITTEE VOTE	P 5-0
	05/20/91	SENATE FISCAL COMMITTEE VOTE	P 9-0
	05/30/91	SENATE FLOOR VOTE	P 36-0
CALENDAR:	07/15/91	ASSEMBLY COMMITTEE ON NATURAL RESOURCES # 1 1:30 p.m. Room 444	
STATUS:	ASSEMBLY COMMITTEE ON NATURAL RESOURCES		

BILL-FILE - AGENCY

SB 466 SOLID WASTE DISPOSAL SITES:
ROGERS SMALL CITIES

SUMMARY: UNDER EXISTING LAW, SMALL CITIES THAT MEET SPECIFIED CRITERIA RELATING TO POPULATION, WATER TABLE, AND RAINFALL, AND THAT OPERATE SOLID WASTE DISPOSAL SITES HAVING A DESIGNATED CAPACITY ARE EXEMPT FROM THE GENERAL REQUIREMENT THAT OPERATORS OF SOLID WASTE LANDFILLS MUST (1) PREPARE AND SUBMIT TO DESIGNATED AGENCIES CERTAIN SCREENING QUESTIONNAIRES OR TEST REPORTS, (2) PREPARE AND SUBMIT A POSTCLOSURE MAINTENANCE PLAN OR PROVIDE A FUND FOR POSTCLOSURE MAINTENANCE, AND (3) CONDUCT SOLID WASTE AIR QUALITY AND WATER QUALITY ASSESSMENT TESTS ON CLOSED SOLID WASTE DISPOSAL SITES. THIS BILL WOULD REQUIRE THAT, IN ORDER FOR A SMALL CITY TO BE EXEMPT FROM THOSE REQUIREMENTS, THE SMALL CITY MUST SATISFY THE ABOVE-DESCRIBED CRITERIA AT THE TIME THE SCREENING QUESTIONNAIRE, POSTCLOSURE MAINTENANCE PLAN OR FUND, OR TEST REPORT IS DUE.

FISCAL

ACTIONS: 02/25/91 INTRODUCED IN SENATE
03/07/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

two-year bill

BILL-FILE - AGENCY

SB 487 SOLID WASTE: LOCAL GOVERNMENT 06/09/91
BERGESON TECHNICAL ADVISORY COMMITTEE

SUMMARY: THIS BILL WOULD CREATE THE LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE IN THE BOARD, WHOSE MEMBERS WOULD BE APPOINTED, AS SPECIFIED, BY THE GOVERNOR, THE SENATE COMMITTEE ON RULES, AND THE SPEAKER OF THE ASSEMBLY FOR TERMS OF 2 YEARS. THE BILL WOULD SPECIFY THE DUTIES OF THE ADVISORY COMMITTEE AND WOULD REQUIRE THE BOARD TO PROVIDE STAFF TO ASSIST THE ADVISORY COMMITTEE. THIS BILL WOULD ALSO MAKE PROVISIONS REGARDING LOW-INTERESTS LOANS MADE BY THE BOARD OF CALIFORNIA INTEGRATED WASTE MANAGEMENT TO LOCAL GOVERNMENTAL AGENCIES AND PRIVATE BUSINESS ENTITIES.

	URGENCY	FISCAL	
ACTIONS:	02/26/91	INTRODUCED IN SENATE	
	03/07/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION	
	04/09/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION	
	04/09/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS	
	04/16/91	AMENDED	
	04/29/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS	
	06/03/91	AMENDED	
	06/09/91	AMENDED	
	06/11/91	URGENCY CLAUSE ADOPTED	
	06/11/91	PASSED BY SENATE	
	06/11/91	INTRODUCED IN ASSEMBLY	
	06/17/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES	
	07/01/91	TAKEN OFF CALENDAR	
VOTES:	04/09/91	SENATE POLICY COMMITTEE VOTE	P 9-0
	04/29/91	SENATE FISCAL COMMITTEE VOTE	P 7-3
	06/11/91	SENATE FLOOR VOTE	P 35-0
CALENDAR:	07/08/91	ASSEMBLY COMMITTEE ON NATURAL RESOURCES # 11 1:30 p.m. Room 444	

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

BILL-FILE - AGENCY

SB 514 CALIFORNIA ENVIRONMENTAL 06/09/91
MARKS PROTECTION PROGRAM

SUMMARY: EXISTING LAW AUTHORIZES THE DEPARTMENT OF MOTOR VEHICLES TO ISSUE PERSONALIZED ENVIRONMENTAL LICENSE PLATES. IN ADDITION TO REGULAR MOTOR VEHICLE REGISTRATION FEES, THE DEPARTMENT IS GENERALLY REQUIRED TO CHARGE $35 FOR THE ISSUANCE OF THE PLATES AND $20 FOR THEIR RENEWAL. EXISTING LAW REQUIRES THESE FEES TO BE DEPOSITED IN THE CALIFORNIA ENVIRONMENTAL LICENSE PLATE FUND. THIS BILL WOULD, AMONG OTHER THINGS, INCREASE THOSE FEES TO $40 AND $25 RESPECTIVELY, AND WOULD ESTABLISH NEW ELIGIBILITY AND EXPENDITURE REQUIREMENTS, AS SPECIFIED, FOR THE USE OF THE FUNDS GENERATED.

FISCAL

ACTIONS:

02/27/91	INTRODUCED IN SENATE
03/07/91	REFERRED TO SENATE COMMITTEE ON TRANSPORTATION
04/02/91	PASSED BY SENATE COMMITTEE ON TRANSPORTATION
04/02/91	REFERRED TO SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
04/09/91	AMENDED
04/30/91	PASSED BY SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
04/30/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
05/13/91	TAKEN OFF CALENDAR
05/20/91	TO APPROPRIATIONS SUSPENSE FILE
06/05/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
06/09/91	AMENDED
06/14/91	PASSED BY SENATE
06/14/91	INTRODUCED IN ASSEMBLY
06/20/91	REFERRED TO ASSEMBLY COMMITTEE ON TRANSPORTATION

VOTES:

04/02/91	SENATE POLICY COMMITTEE VOTE	P 7-0
04/30/91	SENATE POLICY COMMITTEE VOTE	P 7-0
06/05/91	SENATE FISCAL COMMITTEE VOTE	P 10-0
06/14/91	SENATE FLOOR VOTE	P 39-0

CALENDAR: 07/08/91 ASSEMBLY COMMITTEE ON TRANSPORTATION
13 1:30 p.m. Room 4202

BILL-FILE - AGENCY

STATUS: ASSEMBLY COMMITTEE ON TRANSPORTATION

BILL-FILE - AGENCY

SB 545 SOLID WASTE DISPOSAL SITES
CALDERON

SUMMARY: EXISTING LAW REQUIRES THE OPERATOR OF A SOLID WASTE LANDFILL TO CONDUCT SOLID WASTE AIR QUALITY AND WATER QUALITY ASSESSMENT TESTS ON CLOSED SOLID WASTE DISPOSAL SITES. THIS BILL WOULD, AMONG OTHER THINGS, REQUIRE EACH COUNTY TO NOTIFY THE PUBLIC ON THE RESULTS OF THE SOLID WASTE ASSESSMENT TEST REPORTS IN A SPECIFIED MANNER, AND WOULD ALSO REQUIRE EACH COUNTY TO CONDUCT A PUBLIC HEARING TO OBTAIN PUBLIC OPINION ON THE RESULTS OF THE WATER QUALITY TEST REPORT.

FISCAL STATE-MANDATED

ACTIONS: 02/28/91 INTRODUCED IN SENATE
03/14/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

two-year bill

BILL-FILE - AGENCY

SB 576 LANDFILL COVERS
ROYCE

SUMMARY: EXISTING LAW REQUIRES EACH CITY OR COUNTY SOURCE REDUCTION AND RECYCLING ELEMENT TO INCLUDE AN IMPLEMENTATION SCHEDULE FOR SPECIFIED GOALS FOR DIVERSION OF SOLID WASTE FROM LANDFILL OR TRANSFORMATION FACILITIES, THROUGH SOURCE REDUCTION, RECYCLING, AND COMPOSTING. THIS BILL WOULD PERMIT A CITY OR COUNTY TO COUNT TOWARDS THOSE GOALS THE TOTAL WEIGHT OF ANY COVER MATERIAL OTHER THAN CLEAN SOIL, WHICH IS APPROVED BY THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR USE, AS SPECIFIED, IF THE ALTERNATIVE COVER MATERIAL IS MADE OF RECYCLED SOLID WASTES OR COMPOST, AND THE SOLID WASTES FROM WHICH THE ALTERNATIVE COVER IS MADE WERE NORMALLY DISPOSED IN SOLID WASTE LANDFILLS.

FISCAL

ACTIONS:
03/04/91 INTRODUCED IN SENATE
03/14/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/09/91 TAKEN OFF CALENDAR
04/23/91 HELD IN COMMITTEE

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

two-year bill

BILL-FILE - AGENCY

SB 685 WATER QUALITY: SOLID WASTE 04/29/91
CALDERON DISPOSAL SITES

SUMMARY: THIS BILL WOULD REQUIRE THE STATE WATER RESOURCES CONTROL BOARD TO ADOPT A FEE SCHEDULE, AS PRESCRIBED, WHICH ASSESSES A FEE ON ANY OWNER OR OPERATOR OF A SOLID WASTE DISPOSAL SITE WHO HAS NOT SUBMITTED A COMPLETE AND CORRECT SOLID WASTE WATER QUALITY ASSESSMENT TEST TO THE REGIONAL BOARD BY JULY 1, 1991, THEREBY IMPOSING A TAX FOR PURPOSES OF ARTICLE XIIIA OF THE CALIFORNIA CONSTITUTION.

	URGENCY	FISCAL
ACTIONS:	03/05/91	INTRODUCED IN SENATE
	03/13/91	REFERRED TO SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
	04/08/91	HELD IN COMMITTEE
	04/22/91	PASSED BY SENATE COMMITTEE ON TOXICS AND PUBLIC SAFETY MANAGEMENT
	04/22/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
	04/29/91	AMENDED
	05/13/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
	05/20/91	TAKEN OFF CALENDAR
	05/30/91	URGENCY CLAUSE ADOPTED
	05/30/91	PASSED BY SENATE
	05/30/91	INTRODUCED IN ASSEMBLY
	06/13/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
VOTES:	04/22/91	SENATE POLICY COMMITTEE VOTE P 4-0
	05/13/91	SENATE FISCAL COMMITTEE VOTE P 7-0
	05/30/91	SENATE FLOOR VOTE P 29-1

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

two-year bill

BILL-FILE - AGENCY

SB 610 OPERATORS OF SOLID WASTE FACILITIE 04/17/91
CALDERON ADEQUATE FINANCIAL ABILITY

SUMMARY: THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 REQUIRES THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD, ON OR BEFORE JANUARY 1, 1991, TO ADOPT STANDARDS AND REGULATIONS REQUIRING THE OPERATOR OF ANY DISPOSAL FACILITY SEEKING A PERMIT OR A REVIEW OF, OR CHANGE IN A PERMIT, TO PROVIDE ASSURANCE OF ADEQUATE FINANCIAL ABILITY TO RESPOND TO PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS. THIS BILL WOULD SPECIFY THE PERMITTED FORMS FOR THE ABOVE ASSURANCES OF FINANCIAL ABILITY AND WOULD PROVIDE THAT WHEN FINANCIAL ASSURANCE IS PROVIDED BY MEANS OF EXCESS OR SURPLUS LINES OF INSURANCE, THE INSURER SHALL BE SUBJECT TO APPROVAL BY THE BOARD ON A CASE-BY-CASE BASIS.

FISCAL

ACTIONS:

03/04/91	INTRODUCED IN SENATE
03/14/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/04/91	AMENDED
04/17/91	AMENDED
04/23/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/23/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
05/06/91	PASSED BY SENATE APPROPRIATIONS - 28.8 CALENDAR
05/16/91	PASSED BY SENATE
05/16/91	INTRODUCED IN ASSEMBLY
05/24/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES

VOTES:

04/23/91	SENATE POLICY COMMITTEE VOTE	P 10-0
05/16/91	SENATE FLOOR VOTE	P 35-0

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

set for hearing 7-15-91

BILL-FILE - AGENCY

SB 846 PUBLIC UTILITIES: RECYCLED SOIL 05/16/91
BERGESON

SUMMARY: THIS BILL WOULD PERMIT ANY PUBLIC UTILITY, OR ITS CONTRACTOR TO WHICH AN EXCAVATION PERMIT HAS BEEN ISSUED BY ANY LOCAL AGENCY FOR THE INSTALLATION, REMOVAL, MAINTENANCE, OR REPAIR OF UNDERGROUND FACILITIES TO BACKFIL THE PERMITTED ESCAVATION IN ANY PUBLIC ROAD OR HIGHWAY WITH NATIVE SOIL, IF SPECIFIED CONDITIONS ARE MET.

URGENCY

ACTIONS:

03/07/91	INTRODUCED IN SENATE
03/22/91	REFERRED TO SENATE COMMITTEE ON ENERGY AND PUBLIC UTILITIES
04/01/91	WITHDRAWN FROM COMMITTEE
04/01/91	REFERRED TO SENATE COMMITTEE ON LOCAL GOVERNMENT
04/08/91	AMENDED
04/17/91	PASSED BY SENATE COMMITTEE ON LOCAL GOVERNMENT
05/16/91	AMENDED
05/24/91	PASSED BY SENATE
05/24/91	INTRODUCED IN ASSEMBLY
06/10/91	REFERRED TO ASSEMBLY COMMITTEE ON UTILITIES AND COMMERCE
06/24/91	PASSED BY ASSEMBLY COMMITTEE ON UTILITIES AND COMMERCE

VOTES:

04/17/91	SENATE POLICY COMMITTEE VOTE	P 6-0
05/24/91	SENATE FLOOR VOTE	P 35-0
06/24/91	ASSEMBLY POLICY COMMITTEE VOTE	P 9-0

CALENDAR: 07/02/91 IN ASSEMBLY--SPECIAL ORDER
3 ASSEMBLY CONVENES AT 10 a.m.

STATUS: IN ASSEMBLY--THIRD READING FILE--SENATE BILLS

BILL-FILE - AGENCY

SB 960 SOLID WASTE: MIXED PAPER WASTE 05/23/91
HART

SUMMARY: UNDER EXISTING LAW, THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD IS REQUIRED TO FILE A BIENNIAL REPORT WITH THE LEGISLATURE ON SPECIFIED MATTERS CONCERNING SOLID WASTE. THIS BILL WOULD REQUIRE THE BOARD TO SUBMIT RECOMMENDATIONS TO THE LEGISLATURE BY JANUARY 1, 1993, CONCERNING PROGRAMS WHICH ARE NEEDED TO ENCOURAGE HIGH LEVELS OF RECYCLING FOR MIXED PAPER WASTE.

FISCAL

ACTIONS:

03/08/91	INTRODUCED IN SENATE
03/22/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/30/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/30/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
05/13/91	TAKEN OFF CALENDAR
05/20/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
05/23/91	AMENDED
05/30/91	PASSED BY SENATE
05/30/91	INTRODUCED IN ASSEMBLY
06/06/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES

VOTES:

04/30/91	SENATE POLICY COMMITTEE VOTE	P 9-0
05/20/91	SENATE FISCAL COMMITTEE VOTE	P 10-0
05/30/91	SENATE FLOOR VOTE	P 36-0

CALENDAR: 07/15/91 ASSEMBLY COMMITTEE ON NATURAL RESOURCES
5 1:30 p.m. Room 444

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

KEL-FILE - AGENCY

SB 1005 SOLID WASTE: CLOSED LANDFILL 04/15/91
BILL SITES

SUMMARY: THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 MANDATES THAT ANY PERSON OWNING OR OPERATING A SOLID WASTE LANDFILL IS REQUIRED TO SUBMIT A CLOSURE PLAN AND A POSTCLOSURE MAINTENANCE PLAN TO THE ENFORCEMENT AGENCY, AS DEFINED, AND TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. UNDER EXISTING LAW, THE BOARD IS REQUIRED TO ADOPT REGULATIONS SPECIFYING PLAN ADOPTION PROCEDURES AND UNIFORM CLOSURE AND POSTCLOSURE STANDARDS. THIS BILL WOULD PERMIT REGULATIONS ADOPTED BY THE BOARD PERTAINING TO POSTCLOSURE LAND USE TO BE ENFORCED SOLELY BY THE LOCAL ENFORCEMENT AGENCY.

FISCAL

ACTIONS:
03/08/91 INTRODUCED IN SENATE
03/22/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/15/91 AMENDED
04/30/91 PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/30/91 REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
05/08/91 PASSED BY SENATE APPROPRIATIONS - 28.8 CALENDAR

VOTES: 04/30/91 SENATE POLICY COMMITTEE VOTE P 10-0

STATUS: IN SENATE--INACTIVE FILE

two-year bill

BILL-FILE - AGENCY

SB 967 ENVIRONMENTAL AFFAIRS AGENCY
BERGESON

SUMMARY: THIS BILL WOULD ESTABLISH THE ENVIRONMENTAL AFFAIRS AGENCY.

FISCAL

ACTIONS: 03/08/91 INTRODUCED IN SENATE
03/22/91 REFERRED TO SENATE COMMITTEE ON RULES

STATUS: SENATE COMMITTEE ON RULES

two-year bill

ILL-FILE - AGENCY

SB 1021 ENVIRONMENTAL REPORT AND MESSAGE
HART

SUMMARY: UNDER EXISTING LAW, THE GOVERNOR IS NOT REQUIRED TO SUBMIT AN ANNUAL ENVIRONMENTAL REPORT. THIS BILL WOULD REQUIRE THE GOVERNOR TO TRANSMIT TO THE LEGISLATURE, NOT LATER THAN MARCH 15 OF EACH YEAR, AN ENVIRONMENTAL REPORT DESIGNATED AS THE ''ENVIRONMENTAL REPORT OF THE GOVERNOR'' AND AN ENVIRONMENTAL MESSAGE SETTING FORTH SPECIFIED INFORMATION.

FISCAL

ACTIONS:

03/08/91	INTRODUCED IN SENATE
03/22/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/30/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/30/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
05/08/91	PASSED BY SENATE APPROPRIATIONS - 28.8 CALENDAR
05/16/91	PASSED BY SENATE
05/16/91	INTRODUCED IN ASSEMBLY
05/24/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES

VOTES:

04/30/91	SENATE POLICY COMMITTEE VOTE	P 9-0
05/16/91	SENATE FLOOR VOTE	P 35-0

CALENDAR: 07/08/91 ASSEMBLY COMMITTEE ON NATURAL RESOURCES
8 1:30 p.m. Room 444

STATUS: ASSEMBLY COMMITTEE ON NATURAL RESOURCES

BILL-FILE - AGENCY

SB 1066 WASTE MANAGEMENT: RECYCLING 05/23/91
DILLS TELEPHONE DIRECTORIES

SUMMARY: THIS BILL WOULD REQUIRE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO CONDUCT A STUDY OF THE FEASIBILITY OF REQUIRING THAT ALL TELEPHONE DIRECTORIES, AS DEFINED, WHICH ARE ISSUED OR SOLD IN THIS STATE, BE MADE OF MATERIALS WHICH MAKES THEM ACCEPTABLE TO MOST RECYCLING OPERATIONS. THE BILL WOULD REQUIRE THE BOARD TO REPORT THE RESULTS OF THE STUDY AS SPECIFIED, TO THE LEGISLATURE ON OR BEFORE JULY 1, 1994. THE BILL WOULD DECLARE IT TO BE THE GOAL OF THE STATE THAT SPECIFIED PERCENTAGES OF TELEPHONE DIRECTORIES DISTRIBUTED BE RECYCLED AFTER PRESCRIBED DATES, AND WOULD SPECIFY RELATED MATTERS.

FISCAL

ACTIONS:	03/08/91	INTRODUCED IN SENATE
	03/22/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
	04/29/91	AMENDED
	04/30/91	PASSED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
	04/30/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS
	05/07/91	AMENDED
	05/20/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS
	05/23/91	AMENDED
	05/30/91	PASSED BY SENATE
	05/30/91	INTRODUCED IN ASSEMBLY
	06/06/91	REFERRED TO ASSEMBLY COMMITTEE ON NATURAL RESOURCES
	06/24/91	PASSED BY ASSEMBLY COMMITTEE ON NATURAL RESOURCES
	06/24/91	REFERRED TO ASSEMBLY COMMITTEE ON WAYS AND MEANS

VOTES:	04/30/91	SENATE POLICY COMMITTEE VOTE	P 9-0
	05/20/91	SENATE FISCAL COMMITTEE VOTE	P 10-0
	05/30/91	SENATE FLOOR VOTE	P 36-0
	06/24/91	ASSEMBLY POLICY COMMITTEE VOTE	P 13-0

STATUS: ASSEMBLY COMMITTEE ON WAYS & MEANS

BILL-FILE - AGENCY

SB 1142 SOLID WASTE: SOURCE REDUCTION
KILLEA

SUMMARY: THIS BILL WOULD MAKE A STATEMENT OF LEGISLATIVE INTENT AND WOULD REPEAL THE PROVISIONS ESTABISHING THE SOURCE REDUCTION ADVISORY COMMITTEE. THE BILL WOULD CREATE, WITHIN THE BOARD, AN OFFICE OF SOURCE REDUCTION AND AN OFFICE OF RECYCLING MARKETS DEVELOPMENT AND RESUABLE PRODUCT INFORMATION EXCHANGE, WITH SPECIFIED DUTIES RELATED TO WASTE REDUCTION AND REUSE OF MATERIALS. THE BILL WOULD INCREASE THE MEMBERSHIP OF THE RECYCLED MARKET DEVELOPMENT COMMISSION BY 6 MEMBERS WITH THE SPECIFIED QUALIFICATIONS, APPOINTED BY THE GOVERNOR. THE BILL WOULD ALSO REQUIRE THE BOARD TO ADOPT A FORM FOR CONDUCTING WASTE EVALUATIONS FOR BUILDINGS WHICH EXCEED AN UNSPECIFIED SQUARE FOOTAGE.

FISCAL

ACTIONS: 03/08/91 INTRODUCED IN SENATE
03/22/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

two-year bill

BILL-FILE - AGENCY

SB 1143 HOUSEHOLD HAZARDOUS PRODUCTS: 04/25/91
KILLEA FEE: LABELS

SUMMARY: THIS BILL WOULD MAKE A STATEMENT OF LEGISLATIVE INTENT AND WOULD REQUIRE THE STATE BOARD OF EQUALIZATIONTO COLLECT A FEE ON THE FIRST SALE OF A POTENTIALLY ENVIRONMENTALLY HAZARDOUS PRODUCT, IN THE STATE. THE BILL WOULD REQUIRE THE FEE TO BE SET AT 5% OF THE SALES PRICE ON OR AFTER JULY 1, 1992, UNTIL DECEMBER 31, 1992. THE BILL WOULD ALSO PROHIBIT ANY PERSON FROM SELLING ANY POTENTIALLY ENVIRONMENTALLY HAZARDOUS PRODUCT WHICH IS NOT LABELED IN A SPECIFIED MANER CONCERNING THE DISPOSAL OF THE PRODUCT, EXCEPT AS SPECIFIED.

		FISCAL	STATE-MANDATED
ACTIONS:	03/08/91	INTRODUCED IN SENATE	
	03/22/91	REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION	
	04/25/91	AMENDED	
	04/30/91	REJECTED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION	
	05/07/91	RECONSIDERATION GRANTED	
VOTES:	04/30/91	SENATE POLICY COMMITTEE VOTE	F 5-4

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

two-year bill

BILL-FILE - AGENCY

SB 1197 CRIME: LITTERING AND DUMPING 05/08/91
KOPP

SUMMARY: THE BILL WOULD PROVIDE THAT A PERSON WHO KNOWINGLY CAUSES ANY SUBSTANCE TO BE RELEASED THAT IS A SUBSTANTIAL THREAT, OR HAS THE POTENTIAL TO BECOME A SUBSTANTIAL THREAT, TO THE HEALTH OR SAFETY OF INDIVIDUALS OR TO THE ENVIRONMENT TO BE DEPOSITED INTO OR UPON ANY ROAD, STREET, HIGHWAY, ALLEY, OR RAILROAD RIGHT-OF-WAY, OR UPON THE LAND OF ANOTHER WITHOUT PERMISSION OF THE OWNER OR INTO THE WATERS OF THIS STATE IS PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAT ONE YEAR OR BY IMPRISONMENT IN THE STATE PRISON.

		FISCAL	STATE-MANDATED
ACTIONS:	03/08/91	INTRODUCED IN SENATE	
	03/22/91	REFERRED TO SENATE COMMITTEE ON JUDICIARY	
	04/17/91	AMENDED	
	04/23/91	TAKEN OFF CALENDAR	
	04/30/91	PASSED BY SENATE COMMITTEE ON JUDICIARY	
	04/30/91	REFERRED TO SENATE COMMITTEE ON APPROPRIATIONS	
	05/08/91	AMENDED	
	05/20/91	PASSED BY SENATE COMMITTEE ON APPROPRIATIONS	
	05/30/91	PASSED BY SENATE	
	05/30/91	INTRODUCED IN ASSEMBLY	
	06/06/91	REFERRED TO ASSEMBLY COMMITTEE ON PUBLIC SAFETY	
VOTES:	04/30/91	SENATE POLICY COMMITTEE VOTE	P 9-0
	05/20/91	SENATE FISCAL COMMITTEE VOTE	P 9-0
	05/30/91	SENATE FLOOR VOTE	P 38-0

STATUS: ASSEMBLY COMMITTEE ON PUBLIC SAFETY

BILL-FILE - AGENCY

SB 1238 WASTE MANAGEMENT: VARIABLE 04 15 91
ROYCE GARBAGE CAN RATES

SUMMARY: THIS BILL WOULD REQUIRE EVERY CITY AND COUNTY AND ANY SPECIAL DISTRICT OR OTHER PUBLIC AGENCY, WHICH SETS OR APPROVES WASTE COLLECTION RATES, TO ESTABLISH, BY JULY 1, 1992, OR THE NEXT SCHEDULED RATE MODIFICATION, VARIABLE CAN RATES, A AS DEFINED, FOR ALL WASTE COLLECTION SERVICES PROVIDED BY PUBLIC OR PRIVATE ENTITIES TO RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR OTHER WASTE GENERATORS. THE BILL WOULD REQUIRE THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO UTILIZE AN ENDS-BASED TEST, RATHER THAN A MEANS-BASED TEST, TO DETERMINE WHETHER THE REQUIREMENTS OF THE BILL HAVE BEEN SET AND TO PROVIDE MAXIMUM DISCRETIONARY AUTHORITY TO ANY CITY, COUNTY, DISTRICT, OR OTHER PUBLIC AGENCY IN THE DESIGN, IMPLEMENTATION, AND DOCUMENTATION OF THE SYSTEM.

FISCAL: STATE-MANDATED

ACTIONS:
03/08/91 INTRODUCED IN SENATE
03/22/91 REFERRED TO SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
04/15/91 AMENDED
04/30/91 TAKEN OFF CALENDAR
05/07/91 REJECTED BY SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION
05/21/91 RECONSIDERATION GRANTED
05/21/91 HELD IN COMMITTEE

VOTES: 05/07/91 SENATE POLICY COMMITTEE VOTE F 2-4

STATUS: SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

P[illegible] FILE - AGENCY

SCR 17 CALIFORNIA MARINE DEBRIS ACTION
MORGAN PLAN

SUMMARY: THIS MEASURE WOULD EXPRESS THE LEGISLATURE'S SUPPORT OF THE RECOMMENDATIONS IN THE CALIFORNIA MARINE DEBRIS ACTION PLAN, INCLUDING THOSE FOR STATE AGENCY ACTION ON ELIMINATING MARINE DEBRIS FROM THE CALIFORNIA COASTLINE.

ACTIONS:

02/04/91	INTRODUCED IN SENATE
02/14/91	REFERRED TO SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
04/30/91	PASSED BY SENATE COMMITTEE ON NATURAL RESOURCES AND WILDLIFE
05/09/91	PASSED BY SENATE
05/09/91	INTRODUCED IN ASSEMBLY
05/24/91	REFERRED TO ASSEMBLY COMMITTEE ON WATER PARKS AND WILDLIFE
07/02/91	PASSED BY ASSEMBLY COMMITTEE ON WATER PARKS AND WILDLIFE

VOTES:

04/30/91	SENATE POLICY COMMITTEE VOTE	P 7-0
05/09/91	SENATE FLOOR VOTE	P 32-0

CALENDAR: 07/02/91 ASSEMBLY COMMITTEE ON WATER PARKS & WILDLIFE
6 9:00 a.m. Room 437

STATUS: IN ASSEMBLY--SECOND READING FILE--SENATE BILLS

California Integrated Waste Management Board

Legislation and Public Affairs Committee

Agenda Item #1 23

July 8, 1991
18

Item: State Budget Update

Key Issues: The Budget Bill (AB 222) has been returned to the Assembly by the Governor, and thus remains unsigned. In addition, pending legislation (see informational analysis of AB 18 under Agenda Item #1) transfers $2.248 million from the Integrated Waste Management Account to the State Water Resources Control Board.

Background:

The 1991-92 Budget Bill was first sent to the Governor by the Legislature on Thursday June 20. On July 3 the Governor returned the Budget Bill to the Assembly, thereby extending by twelve days the time which the Legislature and the Governor have to resolve outstanding budget issues.

A number of changes to the CIWMB budget (as contained in the Governor's proposed 91-92 budget and subsequent BCPs) were made during the course of legislative budget hearings; these changes are reflected in the Budget Bill (June 15 version of AB 222). The changes to the Board's budget are summarized as follows:

1. The Budget Bill requires that for fiscal year 1991-92, the CIWMB set the tipping fee (authorized by Section 48000 PRC Code) at a level that results in maintaining a "prudent reserve of no more than 7% of approved expenditures".

2. The Budget Bill reduces the amount of an augmentation requested by the Board by 16 positions and $1 million; the CIWMB had requested an augmentation of $3.8 million dollars and 58 positions to fund additional staff in the areas of local planning, resource conservation, advanced technology and assessment, permitting, enforcement, public affairs, and program administration and management. As a result of this reduction, the pending budget includes an additional $2.8 million and 42 positions for specified CIWMB programs.

3. The Budget Bill eliminates a transfer of $4.8 million from the General Fund to the Waste Management Incentive Account at the beginning of FY 1991-92, and the corresponding transfer of $4.8 million back to the General Fund at the end

of FY 1991-92. (The elimination of these two transfers was recommended by the Legislative Analyst and concurred in by the budget committees, as the transfers had no net impact on the General Fund but did serve to tie up $4.8 million which could be put to other uses.)

4. The Budget Bill authorizes the Board to offset the costs of administering the revolving loan program for Recycling Market Development Zones with Integrated Waste Management Account funds. (Under existing law, the board is required to fully fund administration of this program with application fees.) In addition to the Budget Bill language, the CIWMB is pursuing statutory change to the requirement that application fees fully fund this program (amendments have been made to SB 487, Bergeson).

Incorporating the changes described above, the approximate status of the CIWMB's various accounts is as follows:

Integrated Waste Management Account	$32,596,000
Recycling Market Development Revolving Loan Acct.	$ 5,000,000
Tire Recycling Program	$ 3,300,000
Disposal Site Cleanup & Maintenance Account	$12,879,000
Grants/Local Assistance	$ 6,400,000
TOTAL	$61,231,000

(Note: the "grants/local assistance" item includes household hazardous waste grants and local assistance from the Solid Waste Disposal Site Cleanup and Maintenance Account, as well as the used oil program grants; administrative costs, which are distributed among the accounts, total $12,950,000.)

Pending legislation (AB 18, Sher) will also affect the Board's budget. Among other things, AB 18 transfers the sum of $2.248 million from the Integrated Waste Management Account to the State Water Resources Control Board for support of state water quality programs. This is to be a one-time transfer for fiscal year 1991-92 only. AB 18 has been approved by the Senate and is now on the Assembly Floor, pending concurrence in Senate amendments. Once approved by the Assembly, the bill will advance to the Governor's desk. Related legislation (SB 685, Calderon) which would impose additional landfill fees to fund State Water Resources Control Board administration of the Solid Waste Assessment Test Program (SWAT) has become a two-year bill; the issue of increased funding for this landfill program will be discussed in the context of legislation next year.

Legislation which would impose mandatory work furloughs and wage cuts on state employees is also pending further action in the

Legislature; the impact which such requirements would have on CIWMB employees has not been determined.

COMMITTEE ACTION:

Information on the status of the state Budget Bill and of legislation affecting the Board's budget is provided for the Committee's information.

Agenda Item Submitted By: Dorothy Fettig Phone: 5-1420

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 25

ITEM: Consideration of Adoption of Scores from RFP and Award of Contract for Public Awareness Program Research and Marketing

COMMITTEE ACTION:

This item was not considered by one of the Board's current committees. The Request for Proposals was drafted with the input of an *ad hoc* committee established before the current Board membership and committee structure were established. The evaluation team included Board members/advisors representing the current Legislative and Public Affairs Committee.

BACKGROUND:

In response to the public awareness and education mandates of Public Resources Code §§ 42600-42603, the Board issued a request for proposals (#IWM-C036) on February 4, 1991. The RFP requested proposals addressing the following scope of work:

A. **Market Research**

The Contractor is to review and compile available research to determine how consumers, retailers and manufacturers can be motivated to participate in source reduction efforts. Primary and secondary research, in-house market studies, focus groups and other research conducted by governmental agencies and private industries should be examined. Prospective contractors were required to identify any new market research proposed to be conducted.

B. **Marketing Strategy**

Research findings from Task A will be used to develop a three-year marketing strategy for the Board. The strategy is to include at least the following:

- segmentation of target audiences including, at a minimum, consumers, retailers and manufacturers;
- recommended strategic message concepts to reach specific audiences;
- recommended media to deliver each message; and

- timeline and budget for implementation of the overall marketing strategy (the timeline and budget will prioritize expenditures over the course of the contract term, including the two one-year option terms).

The marketing strategy is due to the Board within four (4) months of commencing the contract work.

C. **Implementation**

Following Board approval of the marketing strategy, the Contractor shall begin development, production and distribution of campaign materials. Specific implementation activities will be determined by the results of research conducted under Task A and the strategy approved by the Board under Task B. These may include, but not be limited to:

- public relations and collateral services;
- broadcast media and audio-visual services;
- media planning/buying; and
- tracking research.

Two hundred copies of RFP IWM-C036 were mailed to firms and individuals responding to the notice published in the *State Contracts Register*. Fifteen proposals were received by the March 20, 1991 deadline. The respondents were:

1. Barnes Clarke, Inc.
2. DDB Needham Worldwide
3. Evans/Los Angeles
4. GCI Group West
5. Hill & Knowlton
6. Holt, Ross & Yulish
7. Kresser/Craig
8. Laufer Associates
9. MacDaniels, Henry & Sproul
10. Ogilvy & Mather
11. The PBN Company
12. Ray McNally and Associates
13. Shandwick-Dorf & Stanton/West
14. Solem and Associates
15. Stoorza, Ziegaus & Metzger

ANALYSIS:

All 15 proposals were reviewed by the evaluation team (Board member Kathy Neal, advisors Jon Waldie, Terry Leveille and Bobbi Lungren, and public affairs staff Chris Peck) according to the procedures and criteria published in the RFP. Six proposals were deemed non-responsive to the RFP requirements, either because they failed to meet the Minority/Women Business Enterprise standards, or because they did not provide cost proposals for Tasks A and B, as required. A listing of these proposals and a summary of their defects follows:

Proposer	Defect
Barnes Clark, Inc.	Does not meet M/WBE criteria. [Combined 16.2% participation]
GCI Group West	Cost proposal non-responsive. [No task A and B proposal]
Kresser/Craig	Cost proposal non-responsive. [No task A and B proposal]
MacDaniels, Henry & Sproul	Does not meet M/WBE criteria. [1.8% MBE; 79.3% WBE]
Ogilvy & Mather	Cost proposal non-responsive. [No task A and B proposal]
Shandwick-Dorf/Stanton	Does not meet M/WBE criteria. [Combined 6.7% participation]

The Board has received letters of objection from two of the bidders whose proposals were determined by the evaluation team to be non-responsive. Letters dated June 24, 1991 and June 25, 1991 from Barnes Clarke, Inc. and June 27, 1991 from the GCI Group are attached to this item. The Board's Legal Counsel has reviewed the issues presented by both Barnes Clarke and GCI and concluded that the recommendation of the evaluation team to reject these proposals is appropriate and necessary under the terms of RFP IWM-C036.

The remaining nine (9) proposals were evaluated and scored using the Scoring Sheet published in the RFP. Section VI of the RFP, Evaluation and Scoring, is attached to this item for reference.

The evaluation team's ratings and ranking of the responsive proposals are listed in the table on the following page of this item.

Under the procedures of RFP No. IWM-C036, only the top three ranked proposals received the minimum required number of points (525). The top-ranked proposer, DDB Needham Worldwide, submitted the highest cost proposal for Tasks A and B at $619,548. The Board's RFP included a process allowing the selection of the highest rated proposer rather than the lowest cost qualified bidder. In this process, cost was evaluated along with other criteria. It was a significant factor in the evaluation (more points were awarded for cost than any other criteria); but, it was not the determining factor. DDB Needham Worldwide's cumulative score is indicative of its superior

overall rating. The evaluation committee is confident in recommending DDB based upon their most comprehensive research and strategic methodology.

Rank	Proposer	Score
1	DDB Needham Worldwide	584.0
2	Laufer Associates	531.0
3	PBN Company	527.0
4	Hill and Knowlton	516.0
5	Holt, Ross & Yulish	500.0
6	Ray McNally and Associates	489.0
7	Solem and Associates	487.0
8	Evans/Los Angeles	448.5
9	Stoorza, Ziegaus & Metzger	423.0

By letter dated June 18, 1991 the third-ranked proposer, the PBN Company, has objected to the process under which the proposals were evaluated and scored. A copy of that letter is attached to this item. The Board's Legal Counsel has reviewed the issues raised in the PBN letter and concluded that the evaluation and scoring process was consistent with the procedures prescribed in RFP IWM-C036.

Award of Contract

Under the terms of RFP IWM-C036, budgeted funds for the initial term of this contract were to include approximately one million dollars ($1,000,000) from the FY 1990-91 budget and, subject to the availability of funds, five hundred thousand dollars ($500,000) from the FY 1991-92 budget. However, as the 1990-91 fiscal year has closed, the Board will have to allocate the full one million five hundred thousand dollars ($1,500,000) from its 1991-92 fiscal budget in order to execute the work anticipated under RFP IWM-C036.

Two one-year contract options, exercised at the Board's discretion, are possible under the RFP. Those options are for an additional one million dollars ($1,000,000) from the FY 1992-93 budget, and one million dollars ($1,000,000) from the FY 1993-94 budget. The basis for granting these contract options will be the Board's satisfaction with the contractor's performance and measurable campaign success.

STAFF COMMENTS:

The Board has several options in considering this item. Staff comments on these options follow.

1. **Adopt the ratings and ranking recommended by the RFP evaluation team and award the contract to DDB Needham Worldwide.** On the basis of their comprehensive research methodology and strategic development plan, DDB is the highest rated proposer. Awarding the contract to DDB is consistent with the procedures identified in the RFP that describe selection of the highest rated proposer. Under this option, the Board would encumber $1,500,000 in available contract funds from its 1991-92 fiscal budget.

2. **Revise the ratings and ranking, using the RFP Scoring Sheet, and award the contract to the highest rated proposer.** If the Board disagrees with the evaluation team's ratings, it can revise them; however, reconsideration of any proposals must be done in accordance with the evaluation and scoring procedures prescribed in the RFP. If any proposals determined by the evaluation team to be non-responsive are reconsidered by the Board, they must be rated using the scoring sheet and criteria included in the RFP.

3. **Do not award the contract.** A contract could be awarded later using the present procurement process, or a new RFP could be issued. Staff sees no advantage to postponing an award under the current RFP; a new RFP process would take considerable time and staff resources to complete.

Attachments:

1. Letter dated June 24, 1991 from Barnes Clarke
2. Letter dated June 25, 1991 from Barnes Clarke
3. Letter dated June 27, 1991 from the GCI Group
4. RFP No. IWM-C036, Section VI, Evaluation and Selection
5. Letter dated June 18, 1991 from the PBN Company
6. California Integrated Waste Management Board Resolution No. 91-46

Prepared by: _____ Phone: 28745

Reviewed by: same as above Phone: _____

Legal review: _____ Date/time: 7-10-91 09:20

VI. EVALUATION AND SELECTION

Each proposal shall be evaluated to determine responsiveness to the State's needs as described in this RFP. The State reserves the right at any time to reject any or all proposals. The selection process complies with the requirement for competitive bidding in the State Public Contract Code Section 10377.

During the evaluation and selection process, the state may wish to interview a competitor to provide further clarification of their proposal. No competitor will be allowed to change its proposal during such an interview.

A. Phases of Evaluation and Selection

1. After the period has closed for receipt of proposals, each proposal is opened and examined to determine compliance with the format and minimum administrative requirements. If a proposal does not meet these requirements, it shall be rejected from further competition.

2. The Contract Manager will review each Contractor Status Form to determine if any bidder claims small business preference. All claims will be verified with the Office of Small and Minority Business.

3. Proposals that meet the requirements will be submitted to the Evaluation Committee, which will evaluate each proposal and assign points.

4. The Evaluation Committee will meet and score those proposals that meet or exceed the required minimal proposal points. In evaluating proposals, the committee may choose to conduct on-site inspections of the offices and facilities of proposers and their proposed subcontractors.

5. The Committee will present the final scores to the Board for adoption. Scores may be modified by the Board, prior to adoption, using the evaluation criteria.

6. Small businesses are given five percent preference, if applicable, calculated on the cost criteria only.

7. Selection of the Contractor is based on the highest total scored proposal.

8. All competitors are notified of the results. Notice of the proposed award is posted for five working days at the Board's office located at 1020 Ninth Street, Sacramento, California.

B. Evaluation

1. The criteria stated in Subsection D, Weighting Factors and Criteria, are used in the evaluation of the technical proposal. Those proposals that meet the RFP format requirements are evaluated for:

   a. Content - Responsiveness to all RFP requirements.

   b. Quality - How well each requirement is met. Point values shall be assigned to each criteria according to Scoring (Paragraph 2 below).

2. Scoring

   The proposal must attain the minimum required proposal points, which is 70% of total possible points as explained in this section. Proposals not attaining the minimum are eliminated from further competition.

   Each of the criteria is given a weight factor that indicates the level of importance to the project. Points are applied to each of the criteria and are multiplied by the weight factor to arrive at the total score. The point system is as follows:

   a. Fail (0 points)

      Zero points are given when the category being evaluated is nonresponsive. A proposal is considered nonresponsive if:

      1) It is not in substantial accord with the RFP requirements

      2) It has a potentially negative, significant effect to the State by the net cost or the prior quality of product and/or service.

   b. Below Average (1-4 points)

      One to four points are awarded to responses considered to be minimally acceptable. For example:

      1) The proposal states a requirement, but offers no explanation of how or what will be accomplished.

      2) The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where or when, which is part of an overall statement or description.

c. Average (5 points)

Five points are awarded if the proposal satisfies the requirements and describes specifically how and/or what will be accomplished.

d. Above Average (6-9 points)

Six to nine points are awarded if the proposal satisfies the requirements and describes specifically how and/or what will be accomplished in an exemplary manner, including sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.)

e. Exceptional (10 points)

Ten points are awarded if the proposal satisfies the requirements and describes specifically how and/or what will be accomplished in a superior manner, both quantitatively and qualitatively.

Final Scoring

The final score for a proposal is determined after applying the small business preference, if applicable. The proposal or proposals with the highest score is awarded the contract or contracts.

C. Evaluation Committee

The Evaluation Committee will be comprised of Board members and staff and, if appropriate, representatives of other state agencies.

D. Weighting Factors and Criteria

	Weighted Factor x	Points =	Weighted Points
RESEARCH AND STRATEGIC PLANNING:			
Understanding of total project objectives	10.0	_____	_____
Clarity and applicability of proposed research methodology to the project.	7.0	_____	_____
Quality and creativity of strategic approach.	13.0	_____	_____
Knowledge of the affected industries and the qualifications and experience in coordination of similar statewide cooperative advertising and public relations campaigns with private industry.	5.0	_____	_____
IMPLEMENTATION ACTIVITIES:			
Quality and creativity of related work projects in:			
A. P.R. and Collateral Services	3.5	_____	_____
B. Broadcast media/AV Services	1.5	_____	_____
C. Media Planning/Buying	1.5	_____	_____
D. Tracking Research	3.5	_____	_____
ORGANIZATIONAL CAPABILITIES:			
Qualifications and experience of project team on similar and effective research and strategic planning (including an agency principal's commitment to at least 70% of the daily management of the tasks).	10.0	_____	_____
Qualifications and experience of agency on similar and effective research and strategic planning (considering demographic and socioeconomic variations).	3.0	_____	_____
Technical, administrative and recordkeeping capabilities, necessary for the administration of a contract of this magnitude.	2.0	_____	_____
SUBTOTAL SCORE:			_____

COST EFFECTIVENESS:

Overall cost effectiveness of elements in the proposer's marketing campaign.	15.0	_____	_____

Maximum Total Proposal Points = 750

Minimum Required Proposal Points = 525

TOTAL SCORE: _____

ASSSIGNMENT OF SMALL BUSINESS PREFERENCE:

A.	Cost of highest rated proposal by non-small business proposer		$ _____
B.	Small business preference (A x 0.05)		$ _____
C.	Cost proposal of certified small business		$ _____
D.	Cost proposal including preference (C - A)		$ _____
E.	Adjusted COST EFFECTIVENESS rating after SBP	15.0	_____ _____
F.	Adjusted TOTAL SCORE after SBP (SUBTOTAL SCORE + E)		_____

The PBN Company

Main Office
Three Embarcadero Center, Suite 2210
San Francisco, California 94111
(415) 989-0536 F (415) 391-0759

Capital Office
1225 Eighth Street, Suite 590
Sacramento, California 95814
(916) 444-2671 F (916) 444-0159

June 18, 1991

Mr. Michael Frost
Chairman, California Integrated
Waste Management Board
1020 Ninth Street, 3rd Floor
Sacramento, CA 95814

Dear Mr. Frost:

We were both pleased and disappointed yesterday when we received a copy of the staff recommendation for Agenda Item #8 on the Board's June 19th meeting, which is consideration of the award of the CIWMB Public Awareness Program Research and Marketing. We were pleased to finally receive the staff's scores of the proposals, which we have requested since we were notified that we were one of the finalists.

However, we were obviously disappointed to learn that the staff is recommending DDB Needham as the contractor and not The PBN Company. From the beginning, we have maintained an exceedingly high level of enthusiasm over the possibility of working on this important project with you and other members of the Integrated Waste Management Board.

The purpose of this letter is to draw your attention to concerns we have over the selection process. And, while we have serious concerns, we also want to notify you that we do not intend to file a formal protest should the Board approve the staff's recommendation to award the contract to DDB Needham. We have no intention of delaying the award of this contract, since we believe such a delay would not be in the Board's best interest. Please be assured that this letter is in no way an attempt to establish a basis for such a protest, but to express our concerns with the process.

Our concerns stem from our perception that the selection process and proposal scoring were both arbitrary and unfair. As such, we feel it necessary to draw your attention to several critical facts:

- When our team was notified that we were one of three finalists for the Public Education Campaign contract, we were told by Chris Peck of CIWMB <u>that scores had not been assigned to any of the bidders</u>. After our oral presentation, Chris again stated that the <u>proposals had not been scored and that points would be assigned to reflect the selection committee's decision</u>.

This is highly unusual. It is also unfair, not only to The PBN Company but to the firms that did not make it into the finals. If, as stated in the staff's recommendation on Agenda Item #8, a proposal had to score a minimum of 525 points to become a finalist, how were the finalists selected even before the proposals had been scored? Scoring after a decision is made – to justify that decision – is unfair and contrary to accepted bidding practices.

- Prior to the CIWMB meeting in San Francisco in late May we had received extensive feedback that the scores between The PBN Company and DDB Needham were extremely close, with The PBN Company in second place and Laufer Associates a distant third in the scoring process. **Therefore, it comes as a considerable surprise that between the May meeting and the current notice of finalists' scores that our team now ranks a distant third behind DDB Needham.**

  When asked about this discrepancy, Chris stated that "The PBN Company was always in third place," but also stated that the scores for the proposals had been "modified slightly" since the Board meeting on May 29th. On what grounds were they modified? To the best of our knowledge, no additional presentations or new information were submitted to warrant a reexamination of the proposals. Chris's explanation is that the scores prepared for the CIWMB meeting in May were "only in draft form." Yet, we do not understand how that could be since it was the Board's intention to award the contract at that meeting.

- Finally, we are amazed in this era of tightened budgets **that the staff of CIWMB had recommended a bidder whose price for preliminary research and planning is nearly four times as high as The PBN Company's price**. DDB Needham's proposal for conducting a market research program and developing a marketing plan for $619,548 will consume more than 40 percent of the first year's budget in the first four months. In fact, as stated in the staff recommendations, DDB Needham's proposal was the most expensive of any of the 15 firms that submitted proposals.

  In contrast, The PBN Company proposed a comprehensive and extensive market research and planning program for $160,000. The PBN Company's approach is a Cadillac treatment which allows for a faster and more cost efficient program launch. In our view, it is not necessary nor fiscally prudent to "gold plate" that Cadillac approach as DDB Needham has proposed.

Coping with education programs designed to diminish landfill waste is an issue with which our firm has 10 years experience. We pride ourselves on our ability to work closely with

governmental agencies, the private sector and policy makers from all backgrounds. We don't, quite frankly, believe the challenges ahead for the CIWMB can be met by an advertising campaign alone. As stated in our proposal and at our oral presentation, the challenge you face requires a comprehensive marketing approach, utilizing public relations techniques to establish the program framework with businesses, retailers and local government before going to consumers through advertising and promotional programs. We believe this approach is further supported by the fact that out of the 15 teams which bid, only two or three were advertising agencies.

Finally, we want to wish the CIWMB well in making its decision. We understand what a difficult task it is to select a contractor for such a program, particularly when there are such vastly different approaches and budgets. We want to reiterate that we have no intention of filing a formal protest, but felt compelled to share with you what we believe are serious flaws and problems with the selection process.

I will be attending the Board meeting tomorrow and would be happy to answer questions you might have. Additionally, you can contact me today at our Sacramento office at 916/444-2671 if you have any questions.

Thank you for your attention to this matter and we wish you the best of luck in your deliberations.

Sincerely,

Peter B. Necarsulmer
President

cc: Ms. Kathy Neal
Mr. Wes Chesbro
Mr. Jess Huff
Mr. Sam Egegian
Mr. Chris Peck

BARNES CLARKE
INCORPORATED

June 24, 1991

Ms. Kathy Neal
Chairperson
Legislative and Public Affairs
Committee
California Integrated Waste
Management Board
1020 9th Street
Sacramento, California 95814

re: IWM-CO36, Public Awareness Program Research and Marketing

Dear Ms. Neal:

I have received informal word that my firm's proposal responding to IWM-CO36 was disqualified. We believe that we have met all necessary administrative requirements and would like our proposal to be evaluated on its technical merits. I am writing to discuss this matter with you.

My understanding, from speaking with Chris Peck in your Public Affairs office, is that our firm was given credit for having only 16.2 percent of the contract committed to minority- and women- owned businesses. By our calculations, 16.2 percent was committed to minority-owned businesses, and an additional 5.2 percent to women-owned businesses. Our cost proposal, on Pages V-9 and V-10 of Volume I of our technical proposal, presents the following allocation of dollars to minority and women business enterprises:

Minority-Owned Businesses

Warren International	$21,000	
Cohen Advertising Group	$21,000	
Ku & Associates	$21,000	
Total Minority-Owned		$63,000
Percentage of Contract		16.2%

562 MISSION STREET, SUITE 201 • SAN FRANCISCO, CA 94105 • (415) 227-4000 • FAX: (415) 227-4711

Women-Owned Businesses

Gillian Craig Associates (Graphics): $20,000

Total Women-Owned	$20,000
Percentage of Contract	5.2%

Together, these firms give us more than our required 20% committed to minority- and women-owned businesses.

Should our assessment of the situation be correct, we would urge the Board's immediate review of our technical proposal based on the formal evaluation criteria established for this contract. We feel we have submitted a strong proposal to your Board and would like the opportunity for the proposal to be evaluated on its merits.

Please call me at 415-227-4000 to discuss this matter.

Regards,

Charlene F. Clarke

Charlene F. Clarke
Principal

cc: Mike Frost, Legislative and Public Affairs Committee
Wes Chesbro, Legislative and Public Affairs Committee
Chris Peck, Public Affairs Division
Steve Sphar, Deputy General Counsel

BARNES CLARKE
INCORPORATED

June 25, 1991

Mr. Chris Peck
Public Affairs Division
California Integrated Waste
Management Board
1020 9th Street
Sacramento, California 95814

re: IWM-CO36, Public Awareness Program Research and Marketing

Dear Mr. Peck:

We appreciated the call from you and Mr. Sphar this afternoon. Thank you for giving us your explanation of the Board's review process and the tightrope you and the Board often find yourselves walking in evaluating proposals. As you know from our discussion, we continue to feel that the information in our proposal did outline our 20-percent commitment to minority- and women-owned business participation.

In addition, we believe there may be some question of whether the Board applied correctly the standard for review and evaluation of our proposal (State Procurement Code, Section 10378(b)). But, because we would like to do business with the Board in the future, and maintain a good relationship in the meantime, we have chosen not to pursue this matter further.

At the same time, we would like, for the record, to present the facts as we see them: that your proposal clearly lays out our M/WBE participation. Attached are several pages, photocopied from the proposal that was submitted, that show clearly that Gillian/Craig Associates was secured to perform $20,000 dollars worth of work during Tasks 1 and 2 of the contract. The pages are as follows:

- **Properly-executed M/WBE certificate** for Gillian/Craig Associates, a 55-percent women-owned business.
- **Project Team Organization Chart** showing Gillian/Craig Associates listed as one of our subcontractors.
- **Page IV-6, Personnel and Organization section**, showing Gillian/Craig Associates, a San Francisco-based women-owned business, listed as the subcontractor selected to provide graphics support.

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- **Page V-1, Subcontractor Rates**, noting that such rates were included in following pages. **Page V-7, Standard Rate Sheet**, the specific rate sheet for Gillian/Craig Associates, a subcontractor.

- **Pages V-9 and V-10, Detailed Cost Proposal**, showing a total of $20,000 dedicated to graphics, to be performed by our graphics subcontractor.

I feel that these pages support our clear intention to use Gillian/Craig Associates, a WBE, as a subcontractor for $20,000 of the contract funds. This $20,000, in addition to the $63,000 committed to minority business enterprises in our proposal, shows our dedication of $83,000, or 21.4 percent of the contract to MBE/WBE. This clearly fulfills the administrative M/WBE requirements.

In conclusion, Chris, we feel that we submitted a good proposal and would have liked for it to be evaluated with the others. We thank you again for your insight into State contracts procedures and look forward to bidding on other California Integrated Waste Management Board projects in the future.

We will await the formal notice of award for this contract. Thank you for your attention to this matter.

Regards,

Charlene F Clarke

Charlene F. Clarke
Principal

attachments

cc: Steve Sphar, Assistant Chief Counsel
Kathy Neal, Legislative and Public Affairs Committee
Mike Frost, Legislative and Public Affairs Committee
Wes Chesbro, Legislative and Public Affairs Committee

MINORITY/WOMEN BUSINESS ENTERPRISE (M/WBE) CERTIFICATION

OFFICE OF SMALL AND MINORITY BUSINESS

ATTACHMENT 3

DSMS 832 REV 10-90

I hereby certify that this firm is a M/WBE as defined in Title 2, California Code of Regulations, Section 1896.61. In making this certification, I am aware of Section 12650 et seq. of the Government Code providing for the imposition of treble damages for making false claims against the State and Section 10115.10 of the Public Contract Code making it a crime for intentionally making an untrue statement in this certificate.

COMPANY NAME: Gillian/Craig Associates, Inc.

BIDDER'S SIGNATURE: [signature]

DATE SIGNED: 3/7/91

BIDDER'S NAME (Please Type or Print): Gillian F. Smith

BIDDER'S TITLE (Business Owner/Chief Executive Officer) (Please Type or Print): Owner and President

BIDDER'S MAILING ADDRESS: 165 8th st 301 San Fran, CA 94103

TELEPHONE NUMBER (Include Area Code): 415 -558-8988

Please check the box which best describes the ownership and control of your business.

BUSINESS OWNERSHIP

(X)	ETHNIC/GENDER CLASSIFICATION (See ethnic definitions below.)	%	(X)	ETHNIC/GENDER CLASSIFICATION (See ethnic definitions below.)	%
	Black			Filipino	
	Hispanic		X	Woman-Owned (Caucasian or Ethnic)	55%
	American Indian				
	Alaskan Native				
	Asian				

Definitions:

"Minority" OR "women-owned business" (M/WBEs) is a business concern:

(1) Which is at least 51% owned by one or more minorities or women or, in the case of a publicly owned business, at least 51% of the stock of which is owned by one or more minorities or women, and

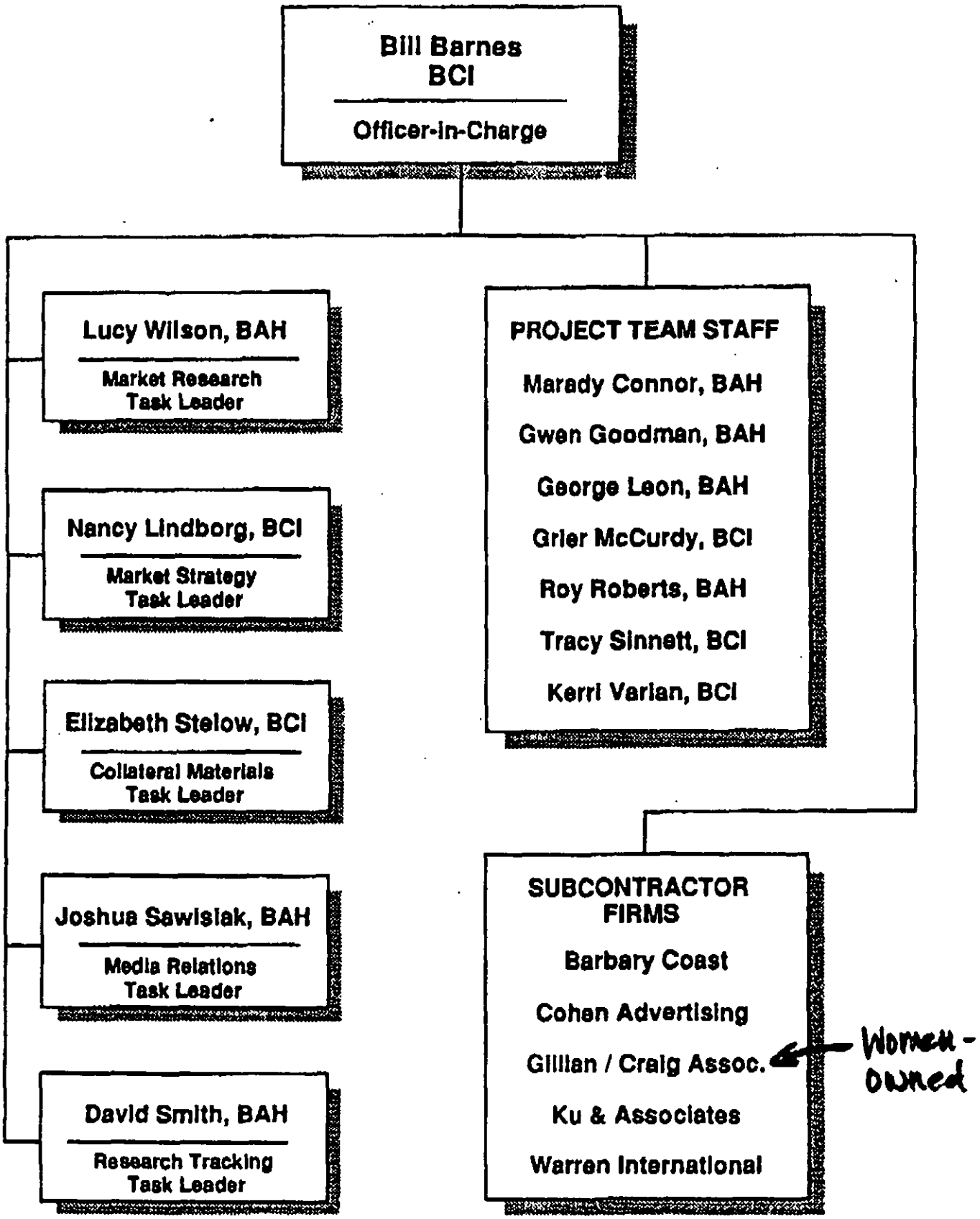
(2) Whose management and daily business operations are controlled by one or more such individuals, and

(3) Domestic company - A sole proprietorship, corporation, or partnership with its home office in the United States.

"Minority" means an ethnic person of color including American Indians, Asians (including, but not limited to, Chinese, Japanese, Koreans, Pacific Islanders, Samoans, and Southeast Asians), Blacks, Filipinos, and Hispanics.

Exhibit IV-1

PROJECT TEAM ORGANIZATIONAL CHART



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Grier McCurdy is an Account Executive with Barnes Clarke and has provided regional, state-wide, and national media outreach services to her clients since 1987. She will support any necessary media activities in the implementation phase of this project.

Gwen Goodman is a Senior Consultant with Booz, Allen. She has significant solid waste and recycling program experience. She will support the development of effective market research and implementation of the market strategy.

Marady Connor, a Research Assistant with Booz, Allen, spent much of her college career focusing on local, regional, and statewide recycling issues. With this experience, she will provide substantial support to the market research phase of this project.

Tracy Sinnett is an Account Assistant with Barnes Clarke. She will support market strategy and implementation activities.

Kerri Varian, Creative Director for Barnes Clarke, ensures that public education and outreach campaigns begin, proceed, and end with consistent creative approaches. She will provide editing and graphic design support.

Detailed resumes for the CIWMB '91 project staff members are included as Appendix A to this proposal.

2. Subcontractor Staff

The CIWMB '91 team proposes to subcontract the graphics production, video production, and media buying aspects of this project to qualified firms. In addition, as mentioned in our approach, the team plans to use market strategy subcontractors to ensure that the public awareness strategy developed under this contract is appropriate for the vast ethnic and cultural diversity of the state. Rates for each of these subcontractors are presented in Section V of this document.

GILLIAN/CRAIG ASSOCIATES
San Francisco, California
Graphics Support

Gillian/Craig Associates is a woman-owned business in San Francisco. Gillian Smith, the managing partner of the firm, has been involved in graphic design for over 18 years. Gillian/Craig Associates will provide support to the CIWMB '91 team in the areas of graphic design and production of collateral materials.

DETAILED RATES

A. BARNES CLARKE - STAFF BILLING RATES

The following represents Barnes Clarke Inc. billing rates before the application of G&A and fee. These rates will be increased each January 1, at a rate of six (6) percent, over the life of this contract.

Position	Hourly Rate	Staff Member
Officer-in-Charge	$178.57	William Barnes
Vice President	$98.22	Nancy Lindborg
Account Executive	$71.43	Elizabeth Stelow Grier McCurdy
Creative Director	$58.04	Kerri Varian
Account Assistant	$31.25	Tracy Sinnett
Clerical	$22.32	

A 12 percent fee will be added to these rates, as noted in Section G below.

B. SUBCONTRACTOR RATES

Rates for all subcontractors are attached as Exhibit V-1 on pages V-3 through V-8.

C. TRAVEL

Travel will be reimbursed at prevailing state rates.

D. EQUIPMENT

No equipment will be purchased under this contract.

E. OTHER DIRECT COSTS

Other direct costs will be reimbursed at the actual costs to the team member.

Gillian/Craig Associates
Standard Rate Sheet
March 13, 1991

Staff Billing Rates

Position	Hourly Rate	Staff Member
All	$50	All

These rates will increase each January 1, at a rate of eight (8) percent per year, over the life of this contract.

Additional Charges

Telephone, facsimile, delivery, printing, and binding are to reimbursed at our cost. Travel is to be reimbursed at prevailing state rates.

Exhibit V-2

Task A

	LABOR	ODCs	Subcontractors	Travel	Total
Barnes Clarke		$2,000		$500	$2,500
Barnes	$8,000				$8,000
Lindborg	$1,000				$1,000
Stelow	$5,000				$5,000
McCurdy					
Varian	$1,000				$1,000
Hickman					
Sinnett					
Graphics		$2,000			$2,000
Booz, Allen			$130,000		$130,000
Warren			$6,000		$6,000
Ku			$6,000		$6,000
Cohen			$6,000		$6,000
TOTAL					$167,500

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Task B

	LABOR	ODCs	Subcontractors	Travel	Total
Barnes Clarke		$4,000		$1,000	$5,000
Barnes	$30,000				$30,000
Lindborg	$40,000				$5,000
Stelow	$10,000				$30,000
McCurdy	$3,000				$40,000
Varian	$6,000				$10,000
Hickman	$2,000				$3,000
Sinnett	$2,000				$6,000
Graphics		$18,000			$18,000
Booz, Allen			$28,500		$28,500
Warren			$15,000		$15,000
Ku			$15,000		$15,000
Cohen			$15,000		$15,000
TOTAL					$220,500

Exhibit V-2

GCI GROUP

RECEIVED
J - 1 1991

June 27, 1991

Michael Frost
Chairman
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, CA 95814

ıul Spindler
resident

Dear Mr. Frost,

We recently received a correspondence from the CIWMB's Deputy Director of Public Affairs, Christopher Peck, informing our agency that GCI had been disqualified from consideration in the competition for RFP No. IWM-C036.

As you might expect, a disqualification brings great concern to an agency with high standards such as ours. However, when two other agencies with similar reputations are rejected for the same reason, serious questions must arise as to the manner in which the requirements are presented.

These valid concerns alone wouldn't warrant a letter to your office. What is exceedingly aggravating is the matter of the six week delay involved in the resolution of RFP No. IWM-CO36. If potentially ambiguous information in the RFP caused three well-regarded agencies to commit the same error, why weren't these agencies notified during the extensive delay in order to make the necessary adjustments?

This simple redress would have permitted the inclusion of three additional qualified candidates, allowing the State to judge them on their programs and capabilities, and not the questionable presentation of the RFP guidelines.

As disconcerting as this episode is to us, the real disservice is to your agency, your staff, and ultimately to the people of the State of California who benefit from these programs.

Sincerely,

Paul Spindler

Paul Spindler

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6100 Wilshire Boulevard, Suite 840, Los Angeles, CA 90048 213 930-0811 FAX 213 930-1241

Amsterdam, Bologna, Brussels, Canberra, Frankfurt, Genoa, The Hague, Hong Kong, London, Los Angeles, Maastricht, Melbourne

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION 91-46

July 18, 1991

BE IT RESOLVED that the California Integrated Waste Management Board hereby awards the Public Awareness Program Research and Marketing Contract to [insert contractor name] pursuant to the terms of its bid. The amount of this contract is one million five hundred thousand dollars ($1,500,000); and

BE IT FURTHER RESOLVED that at the sole discretion of the Board this contract may be extended annually through June 30, 1994 with an additional one million dollars ($1,000,000) from the Board's fiscal year 1992-93 budget and one million dollars ($1,000,000) from the Board's fiscal year 1993-94 budget, pending the appropriation of funds by the Legislature.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board on July 18, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 18, 1991

AGENDA ITEM 26

ITEM: Resolution commemorating the twentieth anniversary of the Arcata Community Recycling Center

WHEREAS, the Arcata Community Recycling Center was born in July of 1971, and its goal was to provide Humboldt County with an alternative to disposing waste in landfills by combining a public education campaign and a volunteer-run collection center; and,

WHEREAS, in its infancy, the Arcata Community Recycling Center depended on a small group of volunteers who used donated trucks and hand-painted signs and who provided untold hours of sweat labor; and,

WHEREAS, the Arcata Community Recycling Center was originally a pilot project of the Northcoast Environmental Center; and the organization acquired its first truck in 1973 and, soon thereafter, the County of Humboldt provided grant money for purchase of a baler, a forklift and a glass crusher; and,

WHEREAS, the Arcata Community Recycling Center moved to its present location at 9th and N Street in 1974 and, as evidence of its success, has continually expanded the amount of materials collected to over 2200 tons in 1990; and,

WHEREAS, throughout its twenty years, the Arcata Community Recycling Center has provided technical assistance to other grassroots recycling groups and has supported a variety of legislative proposals to enhance the quality of life in California; and,

WHEREAS, the Center's ability to survive during lean funding years and its successful strategies for gaining community support is evidence of a highly skilled staff and strongly committed group of volunteers; and,

WHEREAS, the Arcata Community Recycling Center has received local, state and national honors, including the "Best Integrated Community Recycling System" award from the California Integrated Waste Management Board;

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board commends and congratulates the Arcata Community Recycling Center on the occasion of its 20th anniversary; and,

BE IT FURTHER RESOLVED, that the Board extends its thanks to the many volunteers and staff who have guided the Center and made it such a fine example of what a dedicated group of people can achieve in the name of community service.

California Integrated Waste Management Board

July 17, 1991

Agenda Item #27

ITEM: Market Development Workshop

COMMITTEE ACTION:

There is no committee action on this item. As an informational workshop item, it was not heard by the Administration Committee. Board member Chesbro asked that this item be placed on the Board's July agenda for the benefit of the full Board.

BACKGROUND:

For the statewide recycling and composting programs to be successful, adequate markets must be established to handle the secondary and postconsumer waste materials removed from the wastestream.

The Board currently has several programs to assist local communities in developing markets for secondary and postconsumer waste materials.

Rural communities have a wide range of special problems associated with increasing markets to consume recycled products.

ANALYSIS:

In conjunction with the July Board meeting in Eureka, a workshop will be held to assist political and business leaders in rural northern California to better understand Board programs to assist market development.

The workshop will address local and regional issues of rural market development.

STAFF COMMENTS:

Staff recommends the attached proposed agenda for the workshop.

Prepared by: [illegible] Phone 79390

Reviewed by: [illegible] Phone 7-9335

Legal Review: RC Date/Time 7/10 09:33

Agenda For Workshop On

Local Economic Development and Recycled Materials Markets

Purpose: The workshop will cover market development activities and programs designed to both stimulate the market for locally collected materials and provide the opportunity for local business development.

Agenda: 1. What is the problem of markets in rural areas?

- Volume of materials
- Cost of collection
- Cost of transportation to markets
- Instability of markets

2. What is the Board's model for local market development?

- Maximum and appropriate value adding to materials
- Identification of regional wastesheds
- Coordinated regional efforts
- Regional marketing agreements

3. Specific examples of businesses using locally generated materials

4. State tools and resources for local business and market development

- Zones
- Loans
- Industrial development bonds
- Technical assistance
- Department of Commerce

STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, California 95814

Meeting of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Wednesday, July 31, 1991
10:00 A.M.

NOTICE AND AGENDA

Note: Items are listed in the order they are scheduled to be considered. Changes in the order may occur. Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's secretary on the date of the meeting. Twenty two-sided copies of all written comments should be provided.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

This notice and Agenda may have been published and mailed prior to a Committee Meeting from which matters may have been referred to the full Board. Some of the items listed below, therefore, may, upon recommendation of a Committee, be placed on the Board's Consent Agenda for this meeting.

		Page
1.	REPORTS OF THE BOARD'S COMMITTEES	
2.	CONSIDERATION OF ADOPTION OF REGULATIONS FOR LOCAL ENFORCEMENT AGENCY DESIGNATION AND CERTIFICATION (PERMITTING & ENFORCEMENT COMMITTEE)	1
3.	CONSIDERATION OF LEGISLATION	
4.	OPEN DISCUSSION	

5. ADJOURNMENT

NOTICE: The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Section 11126(a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 322-3330

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 31, 1991

AGENDA ITEM 2

ITEM: Consideration of Regulations for Local Enforcement Agency Designation and Certification

COMMITTEE ACTION:

On July 9, 1991, the Permitting and Enforcement Committee approved an amended version of the LEA Designation and Certification Regulations, and instructed staff to re-notice the regulations for a 15-day sufficiently-related public comment period as allowed by the Administrative Procedures Act and the Office of Administrative Law (OAL). This 15-day comment period ended on July 25, 1991.

BACKGROUND:

One of the many provisions of Assembly Bill 939 (Sher, 1989) requires the California Integrated Waste Management Board (Board) to develop and adopt regulations for the designation and certification of Local Enforcement Agencies (LEAs). Now codified as Public Resources Code (PRC) Section 43200 et seq., AB 939 mandates that the Board adopt LEA designation and certification regulations by August 1, 1991. Additionally, all LEAs must be designated and certified by August 1, 1992, or the Board will assume the role of LEA for that jurisdiction. The law requires that the regulations state requirements in the following areas:

(1) Technical expertise.
(2) Adequacy of staff resources.
(3) Adequacy of budget resources.
(4) Training requirements.
(5) Existence of at least one permitted solid waste facility within the jurisdiction.
(6) No operational involvement in any of the types of facilities it enforces.

The PRC allows four separate types of certification for which an LEA may be designated:

(1) Solid waste landfills;
(2) Solid waste incinerators; and
(3) Transfer and processing stations.
(4) Litter, odor, and nuisance regulations at solid waste landfills.

The law requires the regulations to address LEA duties and responsibilities, and establish standards for LEA performance. Once certified by the Board, LEAs become agents of the state and carry out State solid waste management permitting, inspection, and enforcement duties at the local level.

At the Permitting and Enforcement Committee's April 3, 1991, workshop, the following timeline for adoption of the regulations was proposed:

October 1990	Research and prepare outline
November 1990	Initial drafting
December 1990	In-house review
January 1991	Final draft
April 1991	Board Committee review of Section 100 changes
April 1991	Board Committee workshop
May 1991	Board adoption of preliminary regulations and official Notice
(45 day public	comment period begins May 24)
June 1991	Board Committee workshop
(45 day public	comment period ends July 8)
July 1991	Board Committee final review
July 1991	Board consideration of adoption of final regulations

The regulatory language has undergone extensive in-house review. Prior to May 8, 1991, Board staff received 25 written comments from LEAs and other interested parties. Board staff discussed the proposed regulations at three meetings of the Enforcement Advisory Council (EAC) held on February 7 and 28, 1991, and May 2, 1991. Staff also heard many oral comments from interested parties. All of these suggestions and comments were examined and addressed, resulting in many changes to the proposed language.

At the Permitting and Enforcement Committee's May 8, 1991, meeting, the Committee directed staff to notice the proposed regulations with OAL beginning the required 45-day official written public comment period. The regulations were noticed by OAL on May 24, 1991, beginning the 45 days. On June 12, 1991, the Committee conducted a public workshop in Southern California to receive oral testimony on the regulations. On July 8, 1991, a public hearing on the proposed regulations was held in Sacramento. The 45-day public comment period ended on July 8, 1991.

ANALYSIS:

Board staff received 34 sets of written comments during the official 45-day public comment period. At the June 12, 1991, workshop, 7 people gave testimony, and 12 people gave testimony at the July 8, 1991, public hearing. Staff have responded to all of the comments received or made. Comments made during the 45-day public comment period, and their responses can be found in attachment No. 1. Board staff will discuss comments received during the 15-day public comment period. All LEAs, cities, counties, and interested parties received copies of the proposed regulations, its statement of reasons, and regulatory notice. Board staff have made every effort to incorporate the comments and suggestions received, however a few major issues remain. Commentors raised seven major issues concerning the proposed regulations.

LEA Minimum Staffing

The first of these involves the requirement for at least one full time staff person for performing LEA duties. The PRC requires that LEAs perform environmental health duties as implied by the types of certifications available. Environmental health expertise remains the most essential function of the LEA. The Board's Waste Management Specialists, for example, must meet extensive education, training and experience requirements. The Board is currently spending about $9,000.00 per field employee for initial equipment and training with annual training and maintenance costs of $4,000.00 per employee. LEAs must also function as the central agency responsible for insuring the protection of human health and the environment from the adverse affects of solid waste handling and disposal. For these reasons, the regulations mandate at least one full time person for performing the functions of an LEA. The regulations allow for the formation of Joint Powers Agreements (JPAs), so local agencies can pool their resources and lessen the financial impact of establishing an LEA in rural areas. Local agencies may also contract for services with other LEAs or qualified professionals.

Comprehensive Program

A second concern raised by some existing LEAs, involved the requirement for LEAs to be a single comprehensive agency. Often local jurisdictions utilized one agency for handling LEA health issues and another for other LEA functions. Two and sometimes three local agencies became responsible for separate LEA functions. In the past, this situation led to confusion and duplication of effort. The public found multiple LEAs to be non-responsive, and some LEA duties were neglected due to inter-agency confusion. Experience has shown multiple LEAs

within a single jurisdiction are cumbersome and lead to communication, enforcement, and permitting problems.

Conflict of Interest

The third area of concern deals with the requirement for LEAs to be free from any potential conflict of interest. Historically, some LEAs fell under the supervision of those that directly operated or were in other ways responsible for the operation of solid waste facilities. LEAs, in such positions, found problems obtaining funding and legal support when enforcement actions were taken against public landfill operators. The proposed regulations, in accordance with the mandates of the Public Resources Code, forbid LEAs from reporting directly to any agency, short of the local governing body, that operates a solid waste facility.

Re-Designation

In the fourth area of concern, existing LEAs worried about the designation process when many cities existed within a county-wide LEA. State law requires a majority of the cities within a county (with a majority of the population) to designate the county as LEA for a county-wide LEA to be formed. The regulations were amended to allow existing, comprehensive, sole LEAs to re-designate by re-affirmation of existing city resolutions. This process should make designation by counties containing many cities less onerous.

Line Item Budgeting

In the fifth concern some LEAs objected to separate line item budgeting for demonstrating the adequacy of resources. Jurisdictions with extensive budgets found this requirement to be overly burdensome. LEAs are a separate entity within local governments, and line item accounting was required to insure adequate resources for LEAs as required by law. Budgets must be submitted annually based on the LEA's fiscal year. Proper documentation is the only way the Board can fully insure that funds designated for LEA use are actually used for the correct program. Board staff accommodated these concerns by removing the requirement for a separate line item budget, and allowing LEAs to use methods of their own choice when demonstrating adequacy of budget resources.

Inter-Jurisdictional Proposals

The sixth concern raised involved how these regulations would impact inter-jurisdictional solid waste transfer proposals such as rail haul plans. The regulations allow for the formation of

JPAs or contracts for the purposes of forming a LEA that may cross local jurisdictions. The formation of JPAs or contract LEAs between the involved jurisdictions will help streamline waste transfer proposals while still preserving local control as mandated by the PRC. The regulations do not preclude an LEA from contracting with an other LEA for support services.

Conditional Interim LEAs

The seventh major concern raised involved certifying new LEAs that do not currently have permitted solid waste facilities. Several local jurisdictions that currently do not have facilities, want to be the LEA before new facilities are permitted. Section 43200 of the PRC requires the Board to define LEA certification requirements including the existence of at least one permitted solid waste facility within the LEA's jurisdiction. Board staff, however, believes that the conditional certification approval provisions of Section 18054(b)(3) of the proposed regulations will allow the Board to give conditional, time-limited certification to new LEAs while new facilities are being permitted. This issue is explained in the final statement of reasons can be further clarified by legislative change.

Staff expects about one-third of the approximately 120 existing LEAs to be dropped for statutory reasons. About 30 to 40 LEAs may re-designate by re-affirmation of existing resolutions.

Staff will discuss any comments received too late for inclusion in this agenda item.

STAFF COMMENTS:

Based on the public comments received staff prepared an amended version of the regulations which then underwent a 15-day public comment period. The regulations can be found in attachment No. 2. Portions of the regulations that have been changed from the May 24, 1991 officially noticed version are indicated by underlining. Text added is indicated by redline and text deleted is noted by ~~strikeout~~.

The California Conference of Directors of Environmental Health (CCDEH) supports the latest version of the regulations.

The Board has three options when considering these proposed regulations:

1) The Board could adopt the regulations and Resolution 91-56. This option is appropriate if the Board finds the current language of the regulations to be acceptable given the mandates

of the Public Resources Code. The Board would instruct staff to complete the required rulemaking file and submit the regulations to OAL for their review. Using this option the Board would meet the August 1, 1991, statutory deadline and give LEAs the most time to comply with the August 1, 1992, deadline for certification.

2) The Board could direct staff to make further changes to the purposed regulations and re-notice for another 15-day public comment period. This option is appropriate if the current language of the regulations can be made acceptable with specific amendments. The Board would give staff specific language changes to the purposed regulations. Using this option the Board would not meet its August 1, 1991, statutory deadline, but would allow for specific concerns to be addressed.

3) The Board could disapprove the regulations and instruct staff to re-write and re-notice the proposed regulations for another 45-day public comment period. This option is appropriate if major changes to the regulatory language are warranted. Using this option, the Board would instruct staff on how the regulations are to be re-written. This option would not allow the Board to meet its August 1, 1991 statutory deadline, and would give LEAs less time to seek certification by the Board, but would allow for major concerns to be addressed.

Prepared by: Michael O. Finch Phone 3-3624

Reviewed by: Bernard R. Vlach Phone 2-6172

Legal review: SS Date/Time 7-23-91 10:50

Attachments: 1) Comments Received and Responses
2) Proposed Regulations
3) Resolution No. 91-56

SUMMARY OF COMMENTS AND RESPONSES:

Comments are listed by order of Section number following the general comments on this rulemaking process. Commentors and their comments are identified by the reference numbers following each response. The commentor number occurs before the decimal point and the comment number occurs after the decimal point.

Example: **14.16** means the **16**th comment by commentor no. **14**.

Please note that the same comment may have more than one reference number when more than one person made the same or a similar comment. Oral comments heard at the June 12, 1991, Public Workshop are identified by an "A" at the beginning of the reference number (i.e. A4.8). Oral comments heard at the July 8, 1991, Public Hearing are identified by a "B" at the beginning of the reference number (i.e. B5.11). Individual comments may also be divided into subunits identified by capital letters at the end of the reference number (i.e. 16.12B).

LIST OF COMMENTORS DURING 45-DAY PUBLIC COMMENT PERIOD

Written Comments

Commentor No.	
1.	Jennifer Sparacino, City Manager City of Santa Clara
2.	Gary E. Kovall, Senior Vice President Eagle Mountain Project, Mine Reclamation Corporation
3.	Penny M. Weiand, Associate Sanitary Engineer City of Los Angeles, Bureau of Sanitation, Enf. Div.
4.	Richard Hanson, Director Solid Waste Man. Program County of Los Angeles, Department of Health Services
5.	John Scholtes, Environmental Health Specialist III County of San Luis Obispo, Dept. of Public Health
6.	Dennis Shuler, Program Manager, Solid Waste Man. Div. Stanislaus County, Department of Environmental Res.
7.	Rufus B. Howell, Chief, Environmental Health Ser. Sect. California Department of Health Services
8.	Gary R. Stephany, Dept. Dir., Env. Health Services County of San Diego, Dept. of Health Services
9.	Dennis Shuler, Program Manager, Solid Waste Man. Div. Stanislaus County, Department of Environmental Res.

10. Vicki Everly, President
California Environmental Health Association

11. Gary Erbect, Deputy Director, Env. Health Services
County of Santa Barbara, Environmental Health Services

12. Donald W. Koepp, Director, Environmental Health Div.
County of Ventura, Resource Management Agency

13. Les H. Cohen, for Regional Council of Rural Counties
Les H. Cohen & Associates, Sacramento

14. Ron Valinoti, Director, Env. Health Division
San Joaquin County, Public Health Services

15. John M. Fanning, Chairman, Local SWM Enf. Agency
County of Riverside, Department of Health

16. Geoffrey Goodfellow, Director of Planning
City of Santa Clara

17. Charles Nicholson, Solid Waste Program Manager
and Dan Guerra, Deputy Director, Env. Health
Contra Costa County, Health Services Department

18. James M. Ward, Mono Co. Public Works Director, and
Mono County Board of Supervisors

19. Diane L. Evans, Director of Environmental Health
County of Santa Cruz, Health Services Agency

20. Trent Cave, Director, Environmental Management
Napa County, Department of Environmental Health

21. Kenneth C. Stuart, Chief, Env. Health Division
County of Sacramento, Environmental Mang. Dept.

22. T. A. Tidemanson, Director of Public Works
County of Los Angeles

23. Richard S. Dickson, Director of Environmental Health
County of Colusa, Public Health Department

24. Antone Pacheco, Program Manager, Solid Waste Enf.
County of Santa Clara, Health Department

25. Brian J. Zamora, Director, Env. Health Services Div.
County of San Mateo, Department of Health Services

26. Delwin A. Biagi, Director, Bureau of Sanitation
City of Los Angeles, Department of Public Works

27. Pamella V. Bennett, Director
San Bernardino County, Environmental Health Services

28. William A. Avritt, Chief, Rural and Community Health D.
California Department of Health Services

29. Laurel R. Riek, Environmental Health Services
Marin County, Department of Health and Human Services

30. Charles A. White, Manager Regulatory Affairs
Waste Management of North America, Inc.

31. Robert E. Merryman, Director, Env. Health Division
County of Orange, Health Care Agency

32. John Scholtes, Environmental Health Specialist III
County of San Luis Obispo, Dept. of Public Health

33. Michael D. Perry, Management Analyst, Solid Waste Prog.
Santa Clara Co., Office of Toxics and SW Management

34. Tim Snellings, Director,
Nevada County, Department of Environmental Health

June 12, 1991 Public Workshop
Oral Testimony

Commentor No.

A1. Donald W. Koepp, Director, Environmental Health Div.
County of Ventura, Resource Management Agency

A2. Penny M. Weiand, Associate Sanitary Engineer
City of Los Angeles, Bureau of Sanitation, Enf. Div.

A3. Michael L. Schmaeling, Solid Waste Management
County of Santa Barbara, Environmental Health Division

A4. Richard Hanson, Director Solid Waste Man. Program
County of Los Angeles, Department of Health Services

A5. John M. Fanning, Chairman, Local SWM Enf. Agency
County of Riverside, Department of Health

A6. Wesley Chesbro, Board Member
California Integrated Waste Management Board

A7. Jesse R. Huff, Board Member
California Integrated Waste Management Board

July 8, 1991 Public Hearing
Oral Testimony

Commentor No.	
B1.	Jack Michaels, Government Relations for Los Angeles County Public Works
B2.	Antone Pacheco, Program Manager, Solid Waste Enf. County of Santa Clara, Health Department
B3.	Brian J. Zamora, Director, Env. Health Services Div. County of San Mateo, Department of Health Services
B4.	Diane L. Evans, Director of Environmental Health County of Santa Cruz, Health Services Agency
B5.	Tom Pittman, Supervisor San Diego County, Environmental Health Services
B6.	Ron Valinoti, Director, Env. Health Division San Joaquin County, Public Health Services
B7.	Ed Padilla, Environmental Health Division San Joaquin County, Public Health Services
B8.	Trent Cave, Director, Environmental Management Napa County, Department of Environmental Health
B9.	Richard S. Dickson, Director of Environmental Health County of Colusa, Public Health Department
B10.	Kenneth C. Stuart, Chief, Env. Health Division County of Sacramento, Environmental Mang. Dept.
B11.	Jesse R. Huff, Board Member California Integrated Waste Management Board
B12.	Tim Snellings, Director, Nevada County, Department of Environmental Health

TITLE 14: CALIFORNIA CODE OF REGULATIONS

Chapter 5

General Comments

Comment: We are concerned with language in the proposed regulations which seems to indicate that an LEA is solely responsible for carrying out solid waste management inspection enforcement and permitting functions within its jurisdiction. This language may impact private waste transfer projects.

Response: The proposed regulations address the above comment in the following sections: 18011(a)(4), 18051(c)(a), 18052(a), 18070(b) and 18072(a). It is the intent of these regulations to provide a single comprehensive solid waste management agency (an LEA or an enforcement agency) for each jurisdiction in the state. Black's Law Dictionary (Revised Fourth Edition) defines: "sole" as meaning; single or individual; separate; the opposite of joint. Existing regulation in 14 CCR Division 7, Section 17225.7, defines "Solid Waste Management" as "solid waste management--includes a planned program for effectively controlling the generation, storage, collection, transportation, processing and reuse, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as [issues related to] the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives".

Webster's New-World Dictionary (Second College Edition, 1989) defines "comprehensive:" 1. dealing with all or many of the relevant details; inclusive; 2. able to comprehend fully.

Additionally, the LEA duties and responsibilities are set forth in statute and existing regulations for inspection enforcement and permitting including corrective actions, closure and postclosure, as well as site investigations, assessments, characterizations, remediation alternatives and the handling if solid waste, related to permitted, closed, abandoned, exempt, illegal, and inactive sites and facilities.

Reference: 2.1

Comment: In discussions with the Board staff, it has been suggested that a joint powers agreement be used to address the problem of a county LEA operating in another jurisdiction. While

this arrangement may work, it does pose some practical problems. Each time a new MRF/transfer station comes on line the original JPA may have to be modified requiring the approval of all participating parties. This could prove to be a lengthy and cumbersome process.

Response: The issue of control and jurisdiction is a local concern, and should be resolved accordingly. The Board recognizes that it is difficult to obtain agreement among several local jurisdictions on common issues, but to accommodate a project of this magnitude, it may be necessary. Use of a JPA is only a suggestion by Board staff and many other avenues may exist to solve the problems associated with transport of waste between existing jurisdictions.

No regulatory changes are warranted by this comment.

Reference: 2.10

Comment: As LEAs, Environmental Health Divisions are in a position to provide a complete enforcement program since they also conduct waste enforcement programs outside of the areas of LEA authority. Examples are medical waste, septage, household hazardous waste and hazardous waste programs. Staff working on these programs bring insights to the LEA program. This advantage would not be attained if an LEA does not have a staff associated with an Environmental Health Program. This knowledge is gained through working on the enforcement issues regarding other types of wastestreams as per California Code of Regulations, Title 17. In our County, the Division of Environmental Health's knowledge of various wastestreams, that is obtained through our other waste oversight programs, strengthens the LEA program in a substantial way. In jurisdictions where Environmental Health Programs are not the sole LEA, eliminating the co-LEA system will destroy the broad scope solid waste enforcement system that would otherwise be provided.

Response: Section 43209(g) of the Public Resources Code requires that the LEA consult, as appropriate, with the local health department on actions involving "health" standards. Local health departments are given adequate notice and opportunity to evaluate and report on the situation. This consultation effort will provide an opportunity for the information exchange as identified by the commentor as being advantageous. It is for this reason that the requirement in the Public Resources Code exists.

No regulatory change is warranted by this comment.

Reference: 24.5, 24.6

Comment: The City has several problems with the proposed regulations and has submitted them in writing to the Board. Board staff has not yet responded to the issues raised by the City.

The City has submitted comments on draft regulations dated April 19, 1991, and May 7, 1991. The City was surprised when reviewing the May 13, 1991 draft regulations that it contained revisions that, to the City's knowledge, had not been requested or reviewed by either the Enforcement Advisory Council or the Board's Permitting and Enforcement Committee. This made it necessary to perform a detailed line-by-line review of the new draft regulations to find the changes.

Response: Board staff has received and reviewed the City's written comments. These comments were taken into consideration in subsequent drafts of the proposed regulations. Copies of the City's written comments have been made part of the rule making file.

The May 13, 1991 proposed regulations were drafted to incorporate the changes made at the May 2, 1991 Enforcement Advisory Council meeting. The May 13, 1991 draft regulations were brought before the Permitting and Enforcement Committee on May 8, 1991. The committee gave approval to submit then to the Office of Administrative Law (OAL) and to send them out for the official 45 day comment period. It is in the best interest of the City to perform a detailed line-by-line review of the draft regulations during the 45 day comment period.

No regulatory language change is warranted by this comment.

Reference: 16.1

Comment: The operator requests that the Board make accommodations for the "contracted agent" LEA approach.

Response: The proposed regulations allow for this type approach as long as no conflict of interest is involved. Proposed regulations allow other types of enforcement arrangements that could be used instead of the "contracted agent" LEA.

No regulatory changes are warranted by this comment.

Reference: 2.11

Comment: The use of joint powers agreements (JPAs) may not work for some rural counties that have less than one full time person workload.

Response: The regulations do not require rural counties to use JPAs.

Several options are also available. These include: 1) allowing the Board to become LEA and the Board will bill based on an hourly rate; 2) contracting with another Board Certified LEA; and 3) including additional solid waste duties with the LEA function such as general litter control, vector control, abandoned vehicles, etcetera. No regulatory change is warranted by this comment.

Reference: 13.5

Comment: Unfortunately, the tone of the regulations and the lack of significant changes in some sections of the regulations that have caused concern for LEAs appear to indicate a distrust on the part of the IWMB about the abilities of LEA's to do the job. Rather than the regulations being an establishment of performance standards for LEAs, the regulations are a compilation of requirements for actually running a local program. Within the regulations, there are no positive statements or indications of what the Board's role is other than that of making sure that the LEA does what the regulations say they must do, with identification of punitive action the Board will take when it is judged that the LEA is not doing what the Board feels is required. In essence, the regulations would make LEAs agents of the Board, without paying them to be their agents. There appears to be an intent to leave little or no allowance for discretionary activities or program management by LEAs.

As an LEA, I appreciate your concerns for providing a quality program, however, these regulations clearly indicate that the bureaucracy has gone overboard toward micromanaging. The message being sent is that the LEAs are not capable of managing them selves. I take offense.

As written now these regulations (including Section 18084) allow the Board to intervene and investigate an LEA's designation and certification if it disagrees with the LEA. We believe that the two agencies should work together.

Response: It is important to this commentator to reflect on the scope and intent of this particular rule making, designation and certification of LEAs. The issue of trust and distrust of the LEA's abilities is irrelevant. Statutes mandate these regulations as detailed in the informative digest and the statement of reasons. The proposed regulations do establish performance standards with emphasis of a non-prescriptive approach (see Statement of Reasons (SOR) for Section 18081). The regulations are a compilation of requirements for actually running a local program only in terms of duties and responsibilities, Staff and budget support. The legislation has determined that consistency in LEA requirements will enhance performance statewide and the regulations merely specify their intent for clarity and consistency.

The Board's role is stated in statutes and existing regulations: to insure that solid waste issues are handled to protect the health and safety of the citizens of the state and the environment. Positive or negative impressions vary with the point of perception and are not a consideration for rulemaking, statutory mandates are. The portion of the comment regarding paying LEA's as agents is accomplished by the statutory allowance of a fee basis to offset the cost of the local enforcement program and it works well where it is taken advantage of. We disagree that the intent of the regulation is to leave little or no allowance for discretionary activities or program management by the LEA unless this statement involves compliance with statutes and regulations. The Board has not proposed actual hours for various LEA duties, specific budget requirements, specific training, or staffing so as not to be prescriptive and allow local discretion and program operation. Most LEA's have commented favorably on these regulations.

No regulatory language change is warranted by this comment.

Reference: 19.1, 25.11, 31.8B

Comment: Facilities Evaluation Report (FER) should indicate rates of compliance, violations at active and inactive sites, and LEA's expertise. The LEA should be evaluated by their current ability to achieve compliance with Solid Waste Regulations.

Response: Facilities Evaluation Report (FER) are not part of this rule making process. No regulatory change is warranted by this comment.

Reference: 23.2

Comment: Certified LEA's should be required to evaluate the their assigned CIWMB staff annually in such areas as: compliance, competence, abilities, and expertise.

Response: This comment is beyond the scope of these regulations. No regulatory change is warranted by this comment.

Reference: 23.4

Comment: Modify the proposed regulations to provide exemptions for rural counties for excessive budgetary items such as additional staffing, consultant fees, legal fees, excessive training, seminars, etc.

Understand that no rural county has sufficient revenues to

address all their existing public health and safety needs. Moreover, the State cannot continue to pass the costs of mandated programs on to rural counties.

The Board should assume the role of LEA for rural counties including the costs of the program.

Response: The mandates of PRC Section 43200 et seq. do not allow for exemptions from the LEA requirements of minimum staffing, training, adequate budget, etc. The California Integrated Waste Management Act of 1989 allows for local governments to recover costs from LEA programs by charging a fee at disposal sites and facilities. The Board can also assume the role of LEA for any county and charge a fee for service. No regulatory changes are warranted by this comment.

Reference: 18.1, 18.3, 18.4

Comment: The county desires the ability to inspect and reject loads that originate outside of its jurisdiction.

Response: LEAs have power and authority only in their own jurisdiction. If they wish to address concerns in another jurisdiction, they must do so through the LEA in that jurisdiction. If local governing bodies wish to create a special district or joint powers agreement for solid waste issues, they can do so by designating a sole enforcement agency for the proposed jurisdiction.

No regulatory changes are warranted by this comment

Reference: 2.7

Comment: The operators of a regional transport and disposal project propose to enter into a contract with the operator of a MRF/transfer station that would allow them, or their designated agent, the right to inspect and reject loads at the facility where they originate. They intend to contract for these inspections with an LEA that regulates them in another jurisdiction. The operator seeks clarification on how the proposed regulations would affect such an arrangement.

Response: Load inspections, or checks, are an operator function and may also be a condition of the permit outlined in the waste discharge requirements. A regional transport and disposal project may contract with facility operators to inspect loads, in addition they can also contract with an agent to provide these services. This agent could be an LEA from another jurisdiction as long as no conflict of interest exists. Section 18072(b) of the proposed regulations, Public Resources Code Section 43207, and Government Code

Sections 87100 et seq., 1090 et seq., and 1125 et seq. prohibit conflict of interest.

No regulatory changes are warranted by this comment.

Reference: 2.8, 2.9

Comment: Would the Board be capable of performing all of the duties and responsibilities required of the LEA if the Board were to assume the enforcement role?

Response: Should it become necessary, the Board is prepared to become the Enforcement Agency and perform all duties required by statute and regulation

Reference: 5.7

Comment: The regulations should allow for co-LEAs because of the difficulty in separating the publicly operated solid waste disposal functions from the health and environmental functions.

We feel that co-LEAs should remain intact. Since divisions of environmental health are required to enforce statutes related to public health (including solid waste), they should be allowed to remain the co-LEA. We request that you reconsider Sections 18070 and 18072, and allow co-LEAs to continue their mutually beneficial arrangements.

The elimination of co-LEAs is detrimental and creates a duplication of effort because health divisions will be needed by each city.

Response: The Board rejects the suggestion that the regulations allow for co-LEAs. It has been shown that a single comprehensive agency is more effective at performing the duties of an LEA. Co-LEAs are inconsistent in their application of State Minimum Standards. It is more efficient for operators and the public to deal with a single agency rather than multiple agencies. Board experience since 1976 has shown that co-LEAs are not clear on their responsibilities and many were not even aware of their designation. The Board report titled The Effectiveness of Enforcement of the State Minimum Standards for Solid Waste Handling and Disposal (January 1982), supports the concept of a sole LEA. There is no need to separate operational solid waste functions from health and environmental functions because a sole LEA can regulate both aspects of solid waste management.

The Board also rejects that the elimination of co-LEAs will be detrimental and lead to a duplication of effort. Health divisions will not be required by each city, only by each

LEA. Without a central "clearing house" for all LEA duties in a jurisdiction, the Board has no assurance that solid waste standards will be uniformly enforced, and the public has no central organization to contact for solid waste complaints.

No regulatory change is warranted by this comment.

Reference: A2.1, 33.3, 33.4, B2.1, B2.3

Comment: Section 43207 of the PRC does not allow operating units to be LEAs. This provision is confusing. How will it effect co-LEAs? The regulations should clarify this point.

Response: The Board agrees that PRC Section 43207 does not allow a local governmental department or agency which is the operating unit as defined in 14 CCR 18011(a)(15), to become an LEA. The proposed regulations will effect co-LEAs in two ways. Based on statute the LEA cannot be an operating unit and the regulations allow for only a single LEA per jurisdiction. Therefore, those LEAs existing as either an operating unit or as a co-LEA will not be able to function after August 1, 1992. No regulatory change is warranted by this comment.

Reference: A2.2

Comment: We object to the definition and restructuring of hearing panels.

Response: This proposed regulatory action does not define "hearing panels" or give restructuring of the panels. These are defined by statute. No regulatory change is warranted by this comment.

Reference: 13.7

Comment: We agree with the single LEA per jurisdiction concept. However, we have concerns over regional solid waste programs which collect, transport and dispose of waste in a manner spanning more than one jurisdiction.

Response: The proposed regulations do not preclude in any way the formation of a special district by the affected local governing bodies. This act would be accomplished by an appropriate agency designation as an LEA for Board concurrence and certification. The PRC mandates designation of local agencies in a specific manner. It is up to the localities to elect the method of designation. The issue of control and jurisdiction is a local concern and must be resolved accordingly. The Board recognizes that it may be

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difficult to obtain agreement among several local jurisdictions on common issues. It is, however, a public matter beyond the Board's scope and authority. The issue of allowing authority extensions beyond jurisdictional boundaries is a local one to be resolved by the involved parties. The Board will continue to recognize the authority of the properly designated and certified LEA. Any mutual arrangements must ultimately conform to, and flow through, the properly designated and certified LEA. No regulatory change is warranted by this comment.

Reference: 2.2, 2.4, 2.6

Comment: We believe the following sections will adversely impact private waste transfer projects: Sections 18011(a)(14), 18070(b), 18072(a), and 18081(a)(1).

Response: The Board rejects the suggestion that the proposed regulations apply to private operators or facility operators. The definition of "Local Enforcement Agency" has been formed to meet the statutory and regulatory requirements of PRC Division 30 and 14 CCR Division 7. Specifically, the definition provides for a clear and necessary definition which meets the statutory requirements of PRC Sections 43200, 43201, 43207 and 43209, the Administrative Procedures Act, Government Code Section 11340 and CCR Title 1. It defines the extent of the duties and responsibilities of an LEA to prevent conflict of interest between operators of Solid Waste Facilities and the Enforcement Agencies which regulate Solid Waste Facilities. Additionally, the use of the term "Operating Unit" as defined in the regulations (Section 18011) clarifies the Statute (PRC 43207) further and provides the necessary conditions to meet the statutory requirements set for LEA and operators in PRC Division 30 and the expanded regulations found in this chapter.

No regulatory changes are warranted by this comment.

Reference: 2.3

Comment: The Board should not discourage the use of rail hauls for waste.

Response: The Board staff rejects the suggestion that the proposed regulations discourage the use of rail hauls. The regulations address local enforcement agencies or proposed enforcement agencies, not operators of solid waste facilities and sites. The designation of LEA jurisdictions, the designation of LEAs, the creation of contracts or JPAs and the creation of special districts are all duties and responsibilities of local governments (i.e: cities,

counties, cities and counties, joint powers districts, and special districts) pursuant to statutes PRC Section 43203, and Government Code 6500. Additionally, under the proposed regulations, conflicts of interest are not allowed pursuant to PRC 43207 and the proposed certification regulations.

No regulatory changes are warranted by this comment.

Reference: A6.1, A7.1

Comment: The commentor raises two of the many ways conflict of interest issues are mitigated: 1) Contracts, and 2) Independent Hearing Panels.

Response: The "conflict of interest issues" related to the proposed regulations are manifold and may occur in the: LEA vs. Operator, LEA consultants vs. Operator consultants, LEA vs. the "Operating Unit," Consultants that are "Facility Operators," Hearing panel members that are also Facility Operators, and the lack of an independent hearing panel where publicly operated facilities or sites exist in a jurisdiction, are just a few examples. Additional conflict of interest issues may arise if LEAs contract out for inspection, permitting and enforcement duties instead of with another LEA, or the Board.

Specifically, "Contracts" allowed in the proposed regulations (Sections 18050, 18051 and 18072) address the "conflict of interest" between an LEA and consultants for engineering duties (not inspection, enforcement and permitting duties of an LEA) as provided in statutes and regulations. LEA consultants shall not be "operators," "facility operators" or "operating units" (as defined in statute and these regulations) in the LEAs jurisdiction. LEA consultants shall not be "facility operators" as defined in 18011(a)(10) so as to preclude any conflict of interest in an LEA jurisdiction pursuant to Section 18072. However, a facility operator in one jurisdiction could be an LEA in another jurisdiction, as long as it is not an "operating unit" in the other jurisdiction. Only local public agencies can be designated as LEAs pursuant to 14 CCR Section 18051, and only local governing body's can designate local agencies as enforcement agencies pursuant to PRC Section 43203. Additionally, only local agencies that are <u>not</u> "operating units" in the designated jurisdiction can be LEAs pursuant to PRC Section 43207.

14 CCR Section 18050 states "...a local governing body may enter into a contract or joint powers agreement with another LEA for enforcement, inspection and permitting duties within its territorial jurisdiction." Existing LEAs not issued certification and not obtaining Board approval of its EPP and designation under PRC Division 30, and 14 CCR Division 7

will cease to exist after August 1, 1992.

No regulatory changes are warranted by this comment.

Reference: 3.1(B), 3.2(A), 9.2

Comment: There are references in the regulations to an LEA being "sole" agency within a jurisdiction. Yet there are also references to Counties or Cities having contracts, or joint power agreements with another County or City for their duties. Can you have more than one LEA in any one jurisdiction?

Response: There can be only one LEA in a designated jurisdiction. A jurisdiction can be a County, a City, and City and County, or any combination of cities, counties, or cities and counties. Unincorporated areas, joint powers agreements and special districts created for solid waste issues, may also designate. Joint powers agreements and special districts, are in most instances, a vehicle for pooling resources and designating an enforcement agency to be the sole LEA for a combination of counties, cities, and/or counties and cities. Some possible scenarios include, a jurisdiction(s) lacking an LEA contracting with another having an LEA. Another possibility is two or more jurisdictions all having LEAs and wanting a special district and that designates one of the LEAs or a new sole LEA. The last possibility is multiple jurisdictions each having no LEAs and designating one common LEA for their combined jurisdictions. These possibilities are consistent with the "sole" LEA per jurisdiction regulatory requirement, as they re-define a jurisdiction for the designation. All designations are subject to Board approval and certification.

No language change is warranted by this comment.

Reference: 6.1

Comment: The use of hearing panels will eliminate conflict of interest for LEAs that are operators. The regulations should allow for LEAs to also be operators.

Response: PRC Section 43207 prohibits what this comment suggests. Furthermore, Board experience with waivers for LEA-Operators, which were permissible in the repealed regulations, demonstrate general failure in the enforcement of regulations by an entity on itself. No regulatory language change is warranted by this comment.

Reference: A2.4

Article 1

Section 18010

Comment: Sections 18010 et seq. of the May 13, 1991 draft reference a sole-LEA enforcement system and eliminate the option for a co-LEA system. In a co-LEA system, the city LEA typically enforces non health standards and the Health LEA, an Environmental Health Program pursuant to the California Code of Regulations, Title 17, Section 1353, enforces health standards. Amend draft regulations to allow continuation or re-designation of existing co-LEAs and to require any newly designated LEAs to be sole-LEAs thereby phasing in the sole-LEA requirement. Existing co-LEA enforcement systems in our County are workable and effective and meet the enforcement needs of the jurisdictions.

Response: History has shown that a single comprehensive agency is more effective at performing the duties of an LEA. In instances where more than one LEA shared responsibility for the same jurisdiction, the program was fragmented, with many duties not being performed by either party. Many of the split LEA did not understand their responsibilities and some were not even aware of their designation. There is no need to separate operational functions from health and environmental functions because a sole LEA can regulate both aspects of solid waste management.

No regulatory change is warranted by this comment.

Reference: 24.1, 24.2A, 24.3

Comment: Can a County contract with another neighboring LEA for services outside of their territorial jurisdiction instead of with the State?

Response: Yes, if the proper designations by the counties and their respective cities so meet the required statutory and regulatory conditions set forth in this rule making file (i.e. the Certification and Designation Regulations). The contracting County and its City's have to give authority to the contracted LEA and the contracted LEA must hold the proper certification(s) for the type(s) of facilities in both counties and be funded by both counties and the contracting cities.

No regulatory language change is warranted by this comment.

Reference: 34.1

Comment: Can two neighboring counties enter into a Joint Powers

agreement with each other for LEA services?

Response: A joint powers agreement is a special condition whereby local governing bodies be they cities, counties, or cities and counties create a new governmental organization and that agency or government is the public agency for solid waste issues in this case (i.e. the LEA) for the joint power jurisdiction as defined by the agreement. Also, see Response 34.1.

No regulatory language change is warranted by this comment.

Reference: 34.1, 34.2

Comment: Section 18010: Page 1, line 19 of the draft regulations: Delete the word "these."

Response: The word "these" does not appear in line 19.

No regulatory language change is warranted by this comment.

Reference: 17.1

Section 18011

Comment: The term "Jurisdiction" is used throughout the regulations, but is not defined. The term "territorial jurisdiction" is also used in places, but is neither defined nor used consistently. Jurisdiction can mean the area in which a local agency has legal authority, or the geographical area of a local agency. For example, a county may have a geographical area within its jurisdiction or geographical boundaries which include incorporated cities, but generally only has legal jurisdiction within the unincorporated area of the city.

Response: The Board rejects the suggestion that the term jurisdiction be defined and that it has not been used inconsistently. The term "jurisdiction" is used in existing regulatory language in lines 145, 223, 230, 233, 290, 292, 523, and 832. The use of the term throughout the existing and the proposed regulatory language is consistent with the contextual usage and the related sections, titles or scope in which the term is found.

For the purposes of this rule making file, jurisdiction means, but is not limited to: The city's, county's, special district's, or a joint powers agreement's geographical boundaries as defined by the creation of a city, county, special district or a joint powers agreement, or by contract between the local governing bodies involved. A city or

county jurisdiction is defined by city or county a charter by the state and federal constitutions. The State of California has 58 counties and 462 incorporated cities, each with specific charters creating their jurisdiction. An LEA jurisdiction is that territorial jurisdiction or geographical territory which is designated by the local governing bodies (cities, counties, special districts or joint powers governing body) as that geographical area made up of a city, a county, a group of cities and the unincorporated area of a county, a group of cities, a group of counties, a combination of cities or counties, a special district made up of one or more of the above, or sub sets of the same. The jurisdictional boundary or territorial jurisdiction is defined by the Constitution, the State Constitution, state statutes and regulations as well as a county's or city's charter, ordinances, special districts, or joint powers agreements. It is the local governing bodies of the cities, counties, special districts and/or joint powers districts that through the designation process shall define the LEA jurisdiction and their jurisdiction. An LEA jurisdiction is defined and/or created by the local governing bodies pursuant to PRC Section 43203 and 14 CCR Section 18051.

Only local governing bodies can designate an LEA <u>and</u> the jurisdiction or territories that the designated LEA shall have authority therein. The LEA then shall have authority of a LEA for permitting, inspection and enforcement of LEA duties and responsibilities only after approval and receiving certification by the Board.

The local governing bodies in or of a proposed LEA jurisdiction must agree pursuant to PRC Section 43203 and 14 CCR Section 18051 to the creation and the LEA authority together.

It would be impossible and redundant for the Board to establish jurisdictional definitions for each existing county or city charter.

No regulatory language change is warranted by this comment.

Reference: 22.1, B1.1, B1.2

<u>Comment</u>: Based on the definitions in the regulations, a Local Enforcement Agency (LEA) is a local agency that has Board certification as an LEA. The question of legal versus territorial jurisdiction becomes important if several cities within a county and the county's designates a county agency as their LEA. Clearly, the LEA must have legal jurisdiction within the total area if the county and cites so designating.

The definition of LEA conflicts with statute. Specific LEA Sections are needed.

Response: The Board disagrees that the LEA definition conflicts with statute. The intent of statute and the proposed regulations are that a local agency is designated pursuant to PRC 43203 and 14 CCR 18052 and then becomes an Enforcement Agency subsequently, pursuant to the certification regulations and after Board approval of the EPP, and the designation and Board issuance of certification(s), then the Enforcement Agency becomes the LEA for the designated jurisdiction(s).

Pursuant to PRC Section 43203 and 14 CCR Section 18051, and then pursuant to PRC Article 1, Chapter 2, Part 4, Division 30, when an LEA jurisdiction is defined/created and an Enforcement Agency is issued certification, then the newly created LEA has the powers and authority of an LEA in the designated jurisdiction so created by the consent of the local governing bodies creating the designated jurisdiction.

An LEA jurisdiction so designated above by way of the method or procedure set forth in PRC 43203 which is chosen by the local governing body(s).

A designated jurisdiction may not include all of the territory of a given county or city. If some territory is not designated then the Board shall become the Enforcement Agency for that territory, jurisdiction, city, or county.

Also see response 2.3. No regulatory language change is warranted by this comment.

Reference: 22.2, B1.3

Comment: Include in the definitions section a detailed description of each type of facility and site.

Response: There is no definitions section in Section 18071. The Public Resource Code (PRC) defines solid waste facilities and sites, so a detailed description of the various types is unnecessary.

No regulatory language change is warranted by this comment.

Reference: 26.5

Comment: Section 18011: Page 1, line 38, Definitions: define Local Governing Body.

Response: Local Governing Body is already defined in Public Resources Code Subsection 40150.

No regulatory language change is warranted by this comment.

Reference: 17.2

Comment: The term "responsible party" needs to be defined. Unless there is an alternate definition of responsible party, this is not a useful definition as the property owner becomes the default responsible party for enforcement action should there be no records of or current information on the original owner/operator of the site (or should that party no longer exist). There is always a property owner, as unclaimed land reverts to some level of the government.

Response: The commentor is correct that unless there is an alternate definitions of responsible party, the property owner becomes the default responsible party for enforcement action. The Board has not found a better alternative to define "responsible party." The property owner has the problem on his/her property, and with no operator, lessee or other responsible entity, he/she is it unless legal action rules otherwise.

No regulatory language change is warranted by this comment.

Reference: 15.1

Comment: Pursuant to Section 18011(a)(1), would a disposal site which has ceased accepting waste, which has not officially closed, and which has a responsible party, i.e. a property owner, be considered to be an abandoned site? There may be hundreds of these types of sites our county.

Response: This comment scenario has to be applied to the proposed regulatory definitions of "abandoned site," "closed site," "illegal site," "inactive site," and "permitted site." Additionally, the specific date that the site ceased accepting waste is needed to make an determination of the site status. The site status is determined by providing indications of: site assessment, any needed corrective actions, closure/postclosure requirements and plans, site security and monitoring as well as required inspection frequency. The scenario stated in the comment would make the site an illegal site. Once the complete status of the site is obtained through inspection, assessment and monitoring as needed, then the site may be given a "closed" status.

No regulatory change is warranted by this comment.

Reference: 4.1

Comment: Section 18011(a)(6): Does closed mean "closure" requirements at the time that waste acceptance was terminated?

Response: Closure/postclosure is addressed in PRC Division 30, Part 4, Article 7.8, and in 14 CCR Division 7, Chapter 3, Article 7.8 and Chapter 5, Article 3.4 and 3.5.

"Closure" is defined in 14 CCR Section 17761(a)(7)(A and B). For the purpose of this response, "closure" would be limited to any applicable statute and regulation existing at the time the site ceased accepting wastes, and any health and safety issues or changes in land use at the site that apply under applicable statute, regulation and local or federal enactments at the time the site ceased accepting waste. Additionally, any corrective action, immediate health and safety issue, or concerns of the Regional Water Quality Control Boards, the Integrated Waste Management Board, or the State or local Health Departments, shall be addressed by the LEA and the responsible persons such as operators and owner(s) of the property.

"Closed" sites before 1972 may have no closure/postclosure requirements, but may have RWQCB requirements or local land use and conditional use permit issues to address and meet. Health and Safety issues, and local Environmental Health issues also apply.

"Closed" sites between 1972 and 1988 would be required to meet applicable Closure/Postclosure regulations and statutes, local land use and conditional use permit requirements existing at the time the site ceased accepting wastes.

Sites ceasing to accept waste after January 1, 1988, are to meet the Closure/Postclosure Regulations in 14 CCR Division 7, and PRC Division 30.

No regulatory change is warranted by this comment.

Reference: 4.2

Comment: Section 18011(a)(15): Would the Solid Waste Management Program (SWMP) qualify as an "Operating Unit" by virtue of its responsibilities to the County Garbage Disposal Districts (GDD)? The SWMP prepares contracts which are then bid upon by the Private Waste Collectors within our county. The lowest responsible bidder will be awarded the contract for periods up to five years to remove refuse from residential areas in the GDDs. The SWMP monitors the activity of the contractor to assure that the specifications of the contract are followed.

Response: The Board agrees with the comment that the Solid Waste

Management Program (SWMP) is an "Operating Unit" by virtue of its responsibilities and relation to the County Garbage Disposal Districts (GDD). The existing relation of the County, Department of Health Services, Environmental Health Division, Solid Waste Management Program, as both "LEA" and "operating unit" is a conflict of interest not allowed by statute (PRC 43207).

No regulatory change is warranted by this comment.

Reference: 4.3, A4.1

Comment: I recommend that Garbage Disposal Districts (GDDs) be explicitly exempted from the definition of solid waste handling, as the agencies who oversee the operation of the GDDs are not "solid waste handlers" in the traditional meaning of the term.

Response: The Board rejects the suggestion that the Garbage Disposal Districts be exempted from the definition of solid waste handling, and also rejects the suggestion the GDDs are not "solid waste handlers" in the traditional meaning of the term.

Statute (PRC Section 40195) defines "Solid waste handling" or "handling" as: The collection, transport, storage, transfer, or processing of solid waste. Additionally, PRC Section 43207 expressly does not allow "operating units" to be LEAs for the types of solid waste handling or disposal in the jurisdiction.

No regulatory change is warranted by this comment.

Reference: 4.4, A4.2

Comment: Reference "illegal site." This is a misleading definition for it can be applied to pre-Title 14 sites that were in their day perfectly legal, but are now closed and not subject to closure. Further, it is difficult to determine if a site is exempt if it never applied for a solid waste facility permit (SWFP). We would suggest that pre-Title 14 sites be given a different name and definition.

Response: See response to comment 5.1 below to determine, based on site history and applicable regulation at that time, the degree of required compliances or exemption from current statutes and regulations.

No regulatory language change is warranted by this comment.

Reference: 15.2

Comment: Section 18011(6). Most of the older "closed" sites have no documentation on how closure was conducted. Does this make them "abandoned sites?"

Response: The Board cannot answer the posed question without further information. The site status and history needs to be defined and then applied to the definition of: "abandoned site," "inactive site," "closed site," or "permitted site." The proposed regulatory definition of "abandoned site" states: "...a site that has ceased accepting waste, but is not closed, and where there is no responsible party as determined by the Local Enforcement Agency and the Board."

Sites that have ceased accepting waste before 1972 would have no closure/postclosure plans requirements and maintenance except those existing in applicable enactments, local ordinances and land use permits, or RWQCB requirements for the site (i.e. RWQCB waste discharge requirements, local land use codes, and applicable enactments).

Sites that have ceased accepting waste between 1972 and 1988 would have to meet the applicable enactments at the time the site ceased accepting waste. Specifically, the enactments of the RWQCB, Chapter Fifteen (15), Title 14 CCR, and Government Code requirements for closure and site maintenance, monitoring, assessment, corrective actions and site security, in addition to local enactments and any land use changes, apply.

All sites that ceased receiving wastes after Jan 1, 1988 are required to meet the Closure/Postclosure regulations found in 14 CCR Division 7, and PRC Division 30. The immediate Health & Safety requirements of the Board, the RWQCB, the Air Resources Board (ARB), and the local Air Pollution Control Board, and local ordinances apply. Changes in land use at the site also apply. Those sites meeting PRC Division 30 and 14 CCR Division 7, Chapters 3 & 5 requirements would be "Closed Sites".

No regulatory change is warranted by this comment.

Reference: 5.1

Comment: We recommend that a definition of "territorial jurisdiction" be included such as follows and that necessary modification be made accordingly throughout the regulations: "Territorial jurisdiction means, for the purposes of this Chapter, the geographical area of the LEA which encompasses the territory of all the local agencies that have designated the LEA, and in which area the LEA shall have legal jurisdiction to perform its responsibilities pursuant to this Chapter."

Response: The Board rejects the proposed regulatory language and the suggestion that "territorial jurisdiction" be defined in the proposed regulation for the following reasons.

The term "territorial jurisdiction" is existing statutory and regulatory language. The suggestion does not provide any additional clarity to the proposed regulations and only lengthens and extends the regulatory language to no purpose. The Board in this case does not wish to add to the Administrative Procedures Act (APA) process and wishes to meet the requirements of Government Code Section 11340 et sequens.

The proposed definition for "territorial jurisdiction" in the comment has local agencies designating LEAs; therefore a local agency could designate itself as the LEA and create its own jurisdiction. This is directly opposite to PRC 43203 which allows only local governing bodies to designate LEAs and jurisdictions.

Under existing statutes in the PRC, Sections 43201, 43202, 43204, and 43205, true LEAs have the "legal jurisdiction" or authority or powers of an Enforcement Agency in the designated jurisdiction and additional regulatory language is not required or warranted by this comment. Again, the Board does not wish in this case to add to the APA process and wishes to meet the requirement of Government Code Section 11340 et sequens.

No regulatory language change is warranted by this comment.

Reference: 22.3

Comment: Section 18011(a)(14): This definition of Local Enforcement Agency specifies that the LEA is solely responsible for carrying out solid waste management in its jurisdiction as defined in 14 CCR 17225.70 and Division 30 Public Resource Code (PRC). It is our understanding that the intent is to eliminate Co-LEA's as they now exist. However, Division 30 of the Public Resource Code contains all the provisions related to solid waste management, including planning, collection, disposal, etc. Therefore as written, this definition provides for the LEA to be responsible for everything. We recommend that clarifying language be added.

Response: The Board rejects the suggestion that LEA's are also to be operators or operating units or facility operators.

The Board reminds the commentor to read the statutes in addition to the proposed regulations. Statutes require that LEAs are responsible through certification for permitting, enforcement, and inspection of facilities and sites in its jurisdiction.

The duties and responsibilities of solid waste management as set forth in 14 CCR Section 17225.70, related to LEA's are limited by statute to inspection, enforcement and permitting duties and responsibilities pursuant to PRC 43500 through 43209. In addition, LEA's cannot be the operating unit in its jurisdiction pursuant to PRC Section 43207.

No regulatory language change is warranted by this comment.

Reference: 22.4

Comment: Section 18010(b), and 18011(a)(11) why is "disposal sites" and "solid waste facility" singled out? What is implied in the distinction between the two types of facilities?

Response: Recent legislation contained in the PRC has distinguished between these two terms and both must be included to cover all possible types of waste facilities that come under the jurisdiction of LEAs. No regulatory changes are warranted by this comment.

Reference: 12.1, 12.2

Comment: The definition of closes site Section 18011(a)(6), should say: "...in effect at the time of closure."

Response: The Board agrees and the following language change has been made to the definition: "Closed site" means a solid waste disposal site that has ceased accepting waste and has documentation that closure was conducted in accordance with applicable statutes, regulations, and local ordinances in effect at the time.

Reference: 11.1

Comment: Line 86: Define "Solid Waste Handling System".... Too vague.

Response: The Public Resource Code (PRC) defines "solid waste handling" in Section 40195 which reads: "Solid Waste Handling" or "handling" means the collection, transport, storage, transfer, or processing if solid waste." The term "solid waste" is defined in PRC Section 40191.

Black's Law Dictionary (Revised) Fourth Edition (1968) defines "system": "Orderly combination or arrangement of particular parts, or elements, into a whole; especially such combination according to some rational principle; any methodic arrangement of parts."

No regulatory language change is warranted by this comment.

Reference: 9.1

Comment: Section 18011(a)(11) implies that exemptions can be made to obtaining a solid waste facility permit. While we support this exemption there is no explicit statutory authority to exempt facilities. The authority to exempt facilities should be listed at the end of the section.

Response: The Board and through it the LEAs are given the general authority to regulate solid waste and write regulations. The exemption process is part of this general authority. This general authority is found in PRC sections 40502, 43020, 43200, and 43214. This authority is listed at the end of Section 18011. No regulatory change is warranted by this comment.

Reference: 12.3, 12.11, 12.13

Comment: In Section 18011(a)(11), how can exempt facilities be allowed? Statute does not allow for exemptions.

Response: The existing regulatory language allowing permit exemptions under specific conditions is contained in 14 CCR Section 18215. The statutory authorities for this regulation are PRC sections 40502 and 43020. The statutory reference is PRC Section 43020. No regulatory changes are warranted by this comment.

Reference: A1.2

Comment: The commentor quotes PRC Section 43207: "No local governmental department or agency which is the operating unit for solid waste handling or disposal operation shall be the enforcement agency for the types of solid waste handling of disposal operation it conducts".

Furthermore, the commentator would like the term "special district" found in the definition of "local agency" Section 18011(a)(13) explained, and the term local public agency or department defined.

Response: The statutory requirement of PRC Section 43207 is further defined and clarified in the definition of "operating unit" found in Section 18011(a)(15). A special district or "District" as it is used in this Chapter refers to any district formed pursuant to this Chapter to provide an LEA jurisdiction, or designated jurisdiction, for the solid waste issues of enforcement, permitting and inspection pursuant to PRC Division 30, and 14 CCR Division 7. Furthermore, a "District" can be a city or county, city and

county, or any municipal or county or public district such as the following: Fire district, Drainage district, Mosquito abatement district, School district, Tax district, Sanitary district, Water district, Improvement district, or one created for solid waste issues. A local public agency or department is a major subdivision of a local governing body such as the Public Health Department, Environmental Health Department, or the Public Works Department. For the purposes of this Chapter, the local public agency or department means a department, agency, or bureau of a local governing body separate from the local governing body's department, agency, or bureau that is the "operating unit" for solid waste handling, facilities, and sites pursuant to PRC Section 43207, and 14 CCR Section 18011(a)(13).

No regulatory change is warranted by this comment.

Reference: 3.1A, 9.2

Comment: Section 18011(14). Solid Waste Management in 14 CCR, Section 17225.70 includes...the control of generation, reuse, and conversion. Under many Integrated Waste Management (IWM) plans, this function has been assigned to recycling coordinators or IWM authorities. How then, can the LEA be "solely" responsible for carrying our solid waste management?

Section 18011(a)(4) states that the LEA is solely responsible for carrying out solid waste management in its jurisdiction as defined in 14 CCR 17225.70. "Solid Waste Management" in 14 CCR 17225.70 includes, by definition, the control of generation, reuse and conversion. Under our IWM Plan, this function has been assigned to recycling coordination and IWM authorities. How then can the LEA be "solely responsible?"

Response: An LEAs responsibility in comprehensive solid waste management lies in the permitting, enforcement and inspection of solid waste facilities, sites, and handling of solid waste in its jurisdiction. The operator of solid waste facilities and sites including, materials recovery facilities, disposal sites, facilities, etc., by statute cannot have the LEA responsibility (PRC Section 43207). An LEA cannot be the operating unit for solid waste handling or disposal operations for which it has enforcement duties and responsibilities in its jurisdiction, pursuant to PRC Section 43207. (Also see Reference 5.3, Section 18052.)

No regulatory change is warranted by this comment.

Reference: 5.2, 32.3

Comment: Section 18011(a)(14) should be changed so that abandoned vehicles and litter programs are not included in the definition.

Response: The Board rejects the suggestion that abandoned vehicles and litter programs not be included in Section 18011(a)(14). Statutory law (PRC Section 43200(b)(4) requires the Board to issue four (4) types of certification including: "Inspection and Enforcement of litter, odor, and nuisance at solid waste landfills" to local agencies seeking certification to be designated as an LEA. PRC Section 40191(a) defines "solid waste" and incudes "abandoned vehicles..." and "...parts there of," "trash," "paper," etcetera, as definitions.

Additionally, PRC Section 43209 requires the enforcement agency within its jurisdiction and consistent with its certification by the Board to do all of the following:

> (a) Enforce applicable provisions of this chapter and the regulations adopted thereunder, and under Section 43020, pertaining to the minimum standards for solid waste handling and disposal for the protection of air, water, and land, and land from pollution and nuisances....
>
> (e) Adopt an enforcement program consisting of regulations necessary to implement this chapter and the standards adopted pursuant thereto, and to establish specific local standards for solid waste handling.... However, any such regulations shall be consistent with this title and all regulations adopted by the Board.

The majority of LEAs existing now are Environmental Health Agencies/Departments that have on-going litter enforcement and abandoned vehicle removal programs in the state and their jurisdictions as part of their solid waste programs or elements.

No regulatory changes are warranted by this comment.

Reference: A3.1, A3.2

Comment: Line 116: Suggest the following addition "A local agency within a jurisdiction that administers contracts and/or agreements that do not place it in conflict, as determined by the Board, shall not be deemed to be an operating unit.

Response: The Board rejects the suggestion that it should mediate each and every potential conflict of interest after it has occurred. Pursuant to PRC Section 43207 and clarified in 14 CCR 18011(a)(15), no operating unit can be an LEA for the type of solid waste handling or disposal operation it

conducts in the designated jurisdiction. The Board can not write or propose regulation that supersedes statute. Nor does the Board wish to mediate a potential of hundreds to thousands of facility by facility conflict of interest items.

No regulatory language change is warranted by this comment.

Reference: 9.2 (See also 8.6, 8.7. and 8.8)

Comment: The term "solid waste disposal or handling system" is not defined. The meaning of the regulations lack clarity due to absence of definition for this term(s).

Response: The Board rejects the suggestion that "solid waste disposal" or solid waste handling are not defined. The PRC in Sections 40192 and 40195 respectively, define the terms. The term "system" as defined in Black's Law Dictionary (revised Fourth Edition 1968) states: Orderly combination, or arrangement as of particular, parts or elements into a whole; especially such combination according to some rational principle; any methodic arrangement of parts.

No regulatory language change is warranted by this comment.

Reference: 30.1, 9.1

Comment: Section 18011(a)--Materials Recovery Facilities (MRFs)--need to be included in "Definitions." MRFs are not defined in the Public Resource Code (PRC) except in a very limited context in Section 50000. Conflict, confusion, and jurisdictional questions arise as the widely-held meaning of processing of recyclables may be contrary to the State's meaning of waste transfer station activities.

Response: The Board rejects the suggestion that a definition for MRFs be added to the proposed regulation. The definition of Materials Recovery Facility is in 14 CCR Section 19720(a)(36). The distinction between MRF and Small Transfer Station is in 14 CCR 17421. The Board rejects the suggestion that confusion, conflict and jurisdictional questions arise between MRF and Transfer Station as set forth in the Public Resources Code and 14 CCR.

No regulatory language change is warranted by this comment.

Reference: 27.1

Comment: Section 18011 (a)(6)--"Closed site" definition should be expanded to include language or provisions regarding applicable statutes, regulations, and local ordinances which

were in effect at the time of closure of the facility.

Response: The Board agrees with the comment in general, however, the term "closure" is construed to mean "the date on which a site ceased accepting waste" except for those sites which "closed" after January 1, 1988, which are required to have closure plans and postclosure maintenance etc. pursuant to the Public Resource Code (PRC) Division 30 and 14 CCR Division 7.

The Board has amended the proposed regulatory language to Section 18011(a)(6) by adding to the end of the definition phrase "...in effect at the time."

Reference: 27.2

Comment: Many old closed sites have little or no documentation of closure. We believe that old closed sites should only be required to be closed pursuant to regulations in force at the time of closure. At a minimum, however, a two (2) foot final cover could be required since this standard has been in effect for many years.

Response: The Board agrees with the first sentence of this comment and also the second sentence (see Response for 27.2). The Board has modified the proposed regulations to reflect the suggestion for the definition of "closed site" in the comment.

However, the Board rejects the suggestion that cover requirements of 23 CCR Chapter 15, or local ordinances or codes be superseded by changes to existing statutes and regulation set forth in Public Resource Code, Water Code, and 14 CCR Division 7.

No regulatory language change is warranted by this comment.

Reference: 32.2

Comment: We request that Subsection 18011(a)(1) be amended to read: "Abandoned site" means a site that has ceased accepting waste but ~~is~~ [was] not closed [in accordance with applicable statutes, regulations, and local ordinances that were in effect at that time], and where there is no responsible party as determined by the local enforcement agency and the Board.

Response: The Board agrees with the suggestion that the definition be further clarified. The Board has amended the definition to include the phrase [("pursuant to applicable statutes, regulations and local ordinances in effect at that time")], between "...not closed" and "and where..." in the proposed

regulatory language of section 18011(a)(1). However, the Board rejects the suggestion that an abandoned site is, or has ever been, "closed" pursuant to 14 CCR Division 7, Chapter 3, Article 7.8 and Chapter 5, Articles 3.4 and 3.5.

Reference: 31.1

Comment: Amend subsection 18011(a)(6) to read "closed site" means a solid waste disposal site that has ceased accepting waste and has documentation that closure was conducted in accordance with applicable statutes, regulations, and local ordinances [that were in effect at the time of closure].

Response: The Board agrees that for clarity the subsection should be amended. The Board has amended the subsection by adding the phrase ["in effect at the time"] to the end of the definition. However, the Board rejects that "closure" has occurred pursuant to 14 CCR Division 7, Chapter 3 and 5 requirements for Closure/Postclosure and closure plans and postclosure maintenance. The period of time the site(s) ceased accepting waste is the date in question to apply applicable enactments.

No regulatory language change is warranted by this comment.

Reference: 31.2, 27.2

Comment: Add definitions for the following terms: Active Site, Exempt Site, and Permitted Site.

Response: The Board rejects the suggestion that the terms "Active site," "Exempt site" and "Permitted site" be included in the proposed regulations for the following reasons: the regulations for Permitting a site are set forth in the Public Resource Code Division 7, Part 4, Chapters 3 and 4 as well as in 14 CCR Division 7, Chapter 5, Article 3.1.

Additionally, 14 CCR Section 18215 sets forth the exemptions from the Requirements of a Permit and the definition of an Exempt facility or site.

An "active site" is a site receiving waste or is having solid waste deposited on or in it.

No regulatory language change is warranted by this comment.

Reference: 31.3

Section 18012

Comment: Section 18012 should allow for the submission of facsimile transmission documents followed by confirmation submitted by mail. This Section should also allow for delivery by other mail carriers than just the United States mail.

Response: Section 18012 is existing regulatory language and already allows for documents to be "...transmitted, delivered, or sent...." Facsimile documents come under the category of "transmitted" documents. The existing language also allows for "personal delivery" of documents which allows for mail carriers other than just the United States mail. As a matter of practice the Board is always willing to accept facsimile documents and private mail carriers. No regulatory changes are warranted by this comment.

Reference: 33.1, B2.1

Section 18013

Comment: The text of Section 18013 is completely missing from the May 13, 1991 draft regulations and the Initial Statement of Reasons. Please provide this section.

Response: This section no longer exists. No regulatory change is warranted by this comment.

Reference: 12.4

Section 18020

Comment: The file maintenance requirements of Section 18020 should allow for electronic data filing.

Response: The Board rejects the suggestion that there is any limitation on the type of medium that the required files/records may take. Existing regulatory language in 14 CCR Section 18020(a) uses the term "papers." If the LEA uses more than one medium for its records and files, each medium shall reference and cross reference the other so as to provide for finding all records and files that an enforcement agency is required to maintain by statute and regulation or other enactment. No regulatory changes are warranted by this comment.

Reference: A1.3

Comment: Line 165. This requirement is too broad, Many of our files have nothing to do with LEA/CIWMB activities. Limiting language should be used to refer to LEA/CIWMB activities.

Response: The Board rejects the suggestion that limiting language be added to Section 18020(c). The Regulations and Statutes upon which these proposed regulations stand relate only to local agencies that are issued certifications and designated to be Solid Waste Local Enforcement Agencies for solid waste issues in their designated jurisdictions. The LEAs under the proposed regulatory language are required to keep files and logs related to solid waste issues, statutes, regulations, and other related enactments. If the LEA can not distinguish between its duties as an LEA, and other duties outside its designated and certified duties and responsibilities as an LEA, then it should not be an LEA.

No regulatory language change is warranted by this comment.

Reference: 9.3

Comment: Section (e). Maintenance of a separate and current chronological log of enforcement and legal actions..., correspondence, documents etc., on enforcement and legal actions are copied to California Integrated Waste Management Board (CIWMB) staff. If this log is to be used solely as a certification measure by Board staff, then the responsibility of maintaining such a log should be the responsibility of CIWMB staff.

A separate chronological log of enforcement legal actions is unnecessary and redundant.

Response: The intent of the log set forth in the proposed regulations (Subsection 18020(e)) is multi-faceted and manifold. Some LEAs will have only a few facilities and/or sites and even fewer enforcement actions or legal actions as set forth in 14 CCR 18304 and 18084. Specifically, Notice and Orders, injunctive relief, civil actions, administrative hearings, Hearing Panel Actions, etc. are to be placed in the log so both the LEA and the Board can maintain current and up to date information on each actions beginning, its continuing status, and its outcome or end point. For those LEAs with scores of facilities and or sites the log is a powerful tool to keep track of the status of actions initiated by several staff members and is a good management tool to remain current on the over-all working of the LEA enforcement program and its compliance with its certification(s).

Additionally, the Board now keeps a electronic data base of all Notice and Orders, corrective actions, Cease and Desist, Clean Up and Abate, Stipulated Notice and Orders, and Resource Conservation and Recovery Act (RCRA) Open Dumping

lists for each LEA as they are received by the Board staff in the "Enforcement Order Log" data base.

No regulatory language change is warranted by this comment.

Reference: 25.1, B3.1

Comment: Request change: Delete lines 172 through 179. Reason: Additional maintenance of logs of information that is readily available would increase staff time away from performing duties having more of a significant impact protecting human health and the environment.

Response: The Board rejects the suggestion that lines 172 through 179 (i.e. Section 18020(d) and (e)) be deleted from the proposed regulations. The enforcement actions and legal actions to be logged pursuant to 18020(e) include the significant impact protection duties of LEA as they relate to human health, public health and safety and the protection of the environment so noted in the comment.

No regulatory language change is warranted by this comment.

Reference: 8.15, 8.16, 8.17, 8.18, 9.4, 25.1, 25.2

Comment: Line 172. Section 18020(e) was not specified in statute. This type of information is "facility specific." Such a requirement would produce unnecessary work/copies and is contrary to the concept of source reduction.

Response: The Board rejects the suggestion that Section 18020(e) is beyond the statutory review of the certification and designation regulations. PRC 43200 specifically allows for this type of regulation as it relates to maintenance of certification and designation of LEA's. If the commentor would read the whole subsection (18020(e)) they would find the strict limitations set on the content of the log pursuant to existing statute and regulation cited and the proposed regulatory language.

No regulatory language change is warranted by this comment.

Reference: 9.4, 8.15

Comment: Is it the intent of the California Integrated Waste Management Board (CIWMB) that the LEA maintain a separate enforcement log including minor violations?

Response: The Board rejects the suggestion that the certification

regulations include changes to existing regulatory language found in 14 CCR Division 7 not related to the PRC Section 43200. There are no "minor" violations set forth in statute or existing regulations in 14 CCR Division 7. Creating "major" and "minor" violations is beyond the statutory limits of preparing and adopting requirements of certification pursuant to PRC 43200. It is the intent of the Board for LEA to provide for and maintain a separate log for the purposes stated in the proposed regulations.

No regulatory language change is warranted by this comment.

Reference: 8.15, 8.16

Comment: If so, what purpose will this log serve and what information will be derived?

Response: It is the intent of the Board to provide for and facilitate the rapid review of "enforcement action(s)" in a total Solid Waste Management Program and Local Enforcement Agency. The log is required so it would not be necessary to search through each and every individual facility file to obtain a pattern of enforcement relative to all the facilities within a jurisdiction. There may be few, to hundreds of facility and site files in a single jurisdiction. Additionally, LEA administrative staff would thereby have an up to date compilation of the number, type, status, and outcome of Notices and Orders, Cease and Desist Orders, Hearing Panel Actions, and Court Actions. Furthermore, pursuant to the proposed regulatory language the log would contain at a minimum: the facility or site name, address, facility number, the action type, the date issued, and the outcome(s) of the action(s).

No regulatory language change is warranted by this comment.

Reference: 8.15, 8.17

Comment: Revise Section 18020 to read: Upon certification, each LEA shall maintain a separate and current chronological log of all [major] enforcement actions[.] [Major enforcement actions include actions on violations requiring facility permit modifications or revisions, and legal actions resulting in prosecution through the court system.] ~~and legal actions, taken pursuant to 14 CCR 18084 and Article 4 of this Chapter related to this Division and Parts 4 and 5 of Division 30 of the Public Resource Code....~~

Response: The Board rejects the suggested changes to the proposed regulatory language for the following reasons: The Board can not change statutory and regulatory requirements of enforcement actions, which are not allowed in this rule

making process (i.e.: Chapter 4 CCR Division 7 State Minimum Standards). There is also no provision for major and minor violations in existing statutes and regulations. Additionally, the proposed regulatory changes noted in the comment are limiting allowing just a few of the many legal and enforcement actions set forth as the duties and responsibilities of LEAs in existing statutes and existing regulations as well as the proposed regulatory language of this rule making file.

Furthermore, by retaining the citations of 14 CCR 18084, Article 4, Chapter 5 of this Division and Part 4 and 5 of Division 30 of the PRC, when deletions, additions, or amendments are made to these statutes and/or regulations, the Section will remain current.

No regulatory language change is warranted by this comment.

Reference: 8.18

Comment: If the intent of the regulations(18020(e)) is that a log be maintained for every minor corrective action, we feel that this log will become a cumbersome duplication of documentation, and the information won't serve a useful purpose.

Response: The Board rejects the suggestion that the log of information required by Section 18020(e) is beyond the regulatory language of 18020(e) which states that the log of enforcement actions and legal actions are taken pursuant to 14 CCR Section 18084, and Article 4, Chapter 5, Division 7, Title 14 California Code of Regulations (CCR).

Article 14, Chapter 5, 14 CCR Division 7 sets forth the regulatory requirements of enforcement actions and legal actions in the form of Notice and Orders, Emergency Actions, Actions to Modify, Suspend, or Revoke a Permit, etcetera. The related enforcement actions and legal actions of Part 4 and Part 5, Division 30 of the Public Resource Code (PRC) as applied to the proposed regulatory language include: Permitting violations, and Closure/Postclosure violations in Part 4 and Enforcement Actions in Part 5 for Civil Penalties, Hazard Pollution or Nuisance, Corrective Actions requested of the Board by the LEA and Administrative Appeals using Hearing Panels, petitions of the superior for injunctive relief, and the use of the courts for jurisdictional disputes. (See PRC Sections 43500 through 44817, and Sections 45000 through 45601.)

The Board rejects the suggestion that corrective action as defined in PRC Division 30, Section 46204 is subdivided into major and minor levels of corrective action. Any failure to act by an enforcement agency when required is not a "minor"

condition or corrective action for a site in violation which causes a nuisance or which cause a threat to human health and the environment. It is not within the intent or scope of this rule making to modify existing solid waste facility or disposal site regulations.

No regulatory language change is warranted by this comment.

Reference: 8.15, 9.4

Comment: The Board should establish a filing system, or central records depository (such as on microfilm) that would be a statewide library, because of the length of some records and the long time they need to be stored.

Response: The Board rejects the suggestion that it should establish a filing system because of the length of some records and the long time they need to be stored. The Board has, keeps, and will maintain all records and files it generates or receives from other Federal, State, local Agencies/Departments, and their cities, counties and any other public entities as well as private operators, applicants, and correspondents. The Board now maintains files, reports, documents, records, etc., in several different mediums, including: paper, electronic data bases, computer software and word processing records, film, video tape, audio tape, court reporters transcripts, as well as older printed records, maps, documents, reports and deliverables in a written paper medium. The Board's Solid Waste Information System (SWIS) is a large electronic data base holding all inspection data for all sites and facilities now in the Boards inventory, as well as all new additions that are reported to the Board, or discovered by the Board. No regulatory changes are warranted by this comment.

Reference: A1.4, 12.5

Article 2

Section 18050

Comment: Section 18050(a) should be clarified. Is contracting out for the entire jurisdiction, or for only one facility or function?

Response: The Board rejects the suggestion that Section 18050(a) should be clarified. Section 18050 is the Scope of Article 2 of this Chapter. Contracting out for LEA duties and responsibilities is set forth in the certification sections of this chapter, Article 2.1; specifically in Sections

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18072(a) and (b). The separate issue of contracts for LEA duties and responsibilities other than enforcement, inspection, and permitting in the jurisdiction may be contracted out to public and private entities for "engineering" requirements on a site by site basis only. LEA duties and responsibilities of permitting, enforcement and inspection is an all or nothing proposition limited to a designated and certification holding Local Enforcement Agency (LEA) in the total designated jurisdiction.

The proposed regulations allow for only a single or "sole" LEA per jurisdiction and not for each facility or site. With more than 1000 permitted facilities, and several thousand illegal, closed, abandoned, exempt, and inactive sites in the state, allowing a single LEA per site is not practical.

Under existing stature and existing and proposed regulations, the LEA jurisdictions are limited to cities, counties, Joint Powers Agreements (JPA), special districts, and contracts between these public jurisdictions. Additionally, only local governing bodies of city, county, or city and county, JPA, or special districts can designate an LEA for its jurisdiction pursuant to PRC Section 43203. Facilities, public or private, and LEAs cannot designate jurisdictions.

No regulatory changes are warranted by this comment.

Reference: A2.3

Comment: "Enforcement Agency" should be LEA in Draft May 7, 1991, lines 23, 197 and 835.

Response: The Board rejects the suggestion that the term is improperly used in these sections. The use of the term "enforcement agency" in line 23 is existing language and is consistent in usage in that the statutory definition implies the designated local agency or the existing LEA until August 1, 1992.

The use of the term "enforcement agency" in line 197 is consistent with the statutory process in PRC Section 43203 in that a local governing body may designate a local agency as its enforcement agency pursuant to 14 CCR 18050.

The use of the term "enforcement agency" in line 835 is existing regulatory language and is consistent in usage in that the Board or an LEA can be the enforcement agency for a jurisdiction. The Board and an LEA are enforcement agencies for solid waste issues under PRC Division 30, and 14 CCR Division 7.

Reference: 1.12, 16.23

Section 18051

Comment: Considering the requirements of Sections 18051 and 18052, will health related LEAs have to be designated or re-designated?

Response: Pursuant to PRC Section 43203, only local governing bodies can designate. Existing LEAs and future proposed LEAs all need to be designated, receive certifications, and get their Enforcement Program Plan (EPP) and designation approved to become LEAs under AB 939. (PRC Division 30, Sections 43200-43208)

No CO-LEAs, and dual or triple LEAs are allowed for a given jurisdiction. Only local governing bodies with existing LEAs that are the sole or single LEA for the existing jurisdiction can use the Section 18052 process for developing their local governing bodies designation information package to be designated.

All proposed new or future sole local agencies that are to be the LEA are to be designated by the local governing body(s) and use Section 18051 to develop their designation information package to be designated.

No regulatory changes are warranted by this comment.

Reference: A3.3

Comment: The purpose of Section 18051 as it exists is to describe how to designate the LEA. By striking out the word enforcement and designated in some places, you are confusing and critically changing this section. The City comment is to leave Section 18051(a) and (b) as they currently exist. Your draft is too far afield in how it defines LEA, local agency and designated agency. Your new item 18051(b)(7) is ok, as are the modified Sections 18051(c) and (d).

Response: Existing text in Section 18051 must be changed to reflect the changes in the designation process. Public Resource Code (PRC) sections 43201-43207 presents specific guidelines for the designation process and it needs to be reflected in this section. By striking the word enforcement and designated from the existing text and making the changes as they exist in Section 18051 of the draft regulations, the resulting language is an accurate outline of the designation procedure.

No regulatory language change is warranted by this comment.

Reference: 16.5

Comment: Section 18051(c): Page 6, line 278: Add "for LEA's designated pursuant to Section 43203(a)," a tabulation of...."

Response: Section 18051(c)(5) applies only to the designation procedure in 43202(a). Since it is clear that it does not apply to 43203(a) and 43203(c), it is unnecessary to modify 18051(c)(5) as stated in the comment.

No regulatory language change is warranted by this comment.

Reference: 17.3

Comment: Section 18051(a): Page 8, line 337; Add: "...their jurisdiction for facilities located within both unincorporated areas and cities currently...."

Response: It is unnecessary to incorporate this comment into the proposed regulations. Existing designation resolutions already define the sole LEA's jurisdiction.

No regulatory language change is warranted by this comment.

Reference: 17.6

Comment: For Subsection 18051(b)(6), "certified statement" needs to be defined.

Response: A certified statement means a written statement by which a fact is formally attested to. Furthermore, the proposed language includes a definition of "certified" in Section 18011(a)(4).

No regulatory language change is warranted by this comment.

Reference: 14.1

Comment: Section 18051 states that the LEA needs to list the owner and operator of abandoned landfills. However, by definition in Section 18011, an abandoned landfill does not have a "responsible party," therefore the LEA could not provide this information for the list of abandoned landfills in the designation package, thus the designation package would be deemed incomplete.

Response: The section requires an enumeration of all types of facilities which includes among other things the owner and

operator. As stated in the comment, by definition an abandoned site has no responsible party as determined by the LEA and the Board. Obviously, the designation information package cannot be deemed incomplete based on such lacking information.

No regulatory language change is warranted by this comment.

Reference: 15.4

Comment: Section 18051(c)(5). The "percent of the cities and populations approving the designation" concept is archaic. The concept applies back when fees charged to cities for performing the duties of the LEA were small. The cost of being the LEA is becoming so large that the jurisdiction being designated would be foolhardy not to enter into contract or JPA with each designating jurisdiction. This type of negotiated contracting may take more time than the Board has allowed.

Response: The Board agrees with the general statement, however, the county, state and the cities still remain democratic political units. The Board rejects the suggestion that the statutory requirements of the public resources Code (PRC) not be adhered to. Section 43203 of the PRC states: "The designation of the enforcement agency shall be made by any of the following procedures:

(a) The Board of supervisors of the county may designate the enforcement agency to carry out this chapter in the county. The designation is subject to the approval by a majority of the cities within the county which contains a majority of the population of the incorporated areas of the county, except in those counties which have only two cities, in which case the designation is subject to approval by the city which contains the majority of the population of the incorporated area of the county.....

The Board rejects the suggestion that the proposed regulations not provide for a method to provide proof of meeting the requirements of PRC Section 43203. Additionally, the requested changes in the comment are beyond the purview of the certification regulations and require changes in statutes, not in the regulation.

No regulatory language change is warranted by this comment.

Reference: 32.5

Comment: Submittal of the Enforcement Program Plan (EPP) does not appear to be specifically required as part of the

Designation Information Package (DIP). The EPP is a critical component for evaluating the proposed LEA and must be included as one of the elements to be submitted for evaluation.

Response: The proposed regulations require the DIP to be submitted first in that the jurisdiction needs to be defined first along with the enumeration of every solid waste facility and disposal site in the jurisdiction by the Local Governing Body(s). The existing proposed regulations require that an accepted and complete DIP be a component of the EPP developed and adopted by the designated enforcement agency. The Board agrees that an EPP is a critical component for evaluating the proposed LEA and must be included as one of the elements to be submitted for evaluation.

No regulatory language change is warranted by this comment.

Reference: 30.2

Comment: Subsection 18051(b)(7). Designation of Local Agency: "An enumeration of every solid waste facility and disposal site in the jurisdiction including permitted, closed, abandoned, exempt, illegal, inactive facilities".

WE suggest that the first sentence be reworded to read: ["To the extent possible,] an enumeration of every [known] solid waste facility in the jurisdiction including permitted, closed, abandoned, exempt, illegal, and inactive facilities". By rewording this Section, LEA's will not be asked to do the impossible (i.e. enumerate facilities that are not known to exist).

Response: The Board rejects the suggested regulatory language changes and the suggestion that the States LEA's are being asked to do the "impossible". The Board's intent is to obtain a complete enumeration from professional staff at both the LEA and the Board. The additional language suggested does not add to the clarity of the regulatory language. The terms "known" and "extent" and "possible" are vague at best and do not provide any additional clarity to the proposed regulatory language and only lengthens and extends the regulatory language to no purpose. The Board in this case does not wish to add to the APA process and wishes to meet the requirements of Government Code Section 11340 et sequens.

No regulatory language change is warranted by this comment.

Reference: 33.2

Comment: No provision is made regarding the maintenance of files on

sites that never applied for or never possessed a solid waste facilities permit. It would seem advisable to keep records of such sites, especially since there was less control over what materials went into such facilities.

Response: Subsection 18051(a) states "every enforcement agency should maintain a file on each disposal site and facility within its jurisdiction." This is a provision for maintenance of the files mentioned by the commentor.

No regulatory language change is warranted by this comment.

Reference: 15.3

Comment: In types of certifications, Section 18051, the definitions of MRFs, recycling facilities, and other types of facilities need definitions.

Response: The 14 CCR Section 18051 does not address types of certifications but the Designation of Local Agency. The definition of Materials Recovery Facility (MRF) is found in 14 CCR Section 18270(a)(36). Other and numerous definitions of facility types are found in the following statutory and regulatory sections: PRC Sections 40060-40201, and 43200-44817; 14 CCR Sections 17225.00-17225.74, and 17761, 18011, and 18720.

No regulatory changes are warranted by this comment.

Reference: A2.8

Comment: "Designated Agency" should be "Designated Local Agency" in Draft May 7, 1991, lines 229, 230, 234, 237, 238, 271, 274, 406, 422, and 476.

Response: The Board rejects this suggestion for the following reasons:

1) The usage of "Designated Agency" in lines 229, 230, 234 and 422 are existing language in the regulation. Lines 237, 271, 274, 406 and 470 are consistent with the existing regulatory language from the 1976 Act, and the new Act.

2) The use of "Designated Agency" is existing language and the continued use is consistent with existing language in this Chapter and with the Administrative Procedures Act (APA), and CCR Title 1. The suggestion does not provide additional clarity to the proposed regulations and only lengthens and extends the regulatory language to no purpose. The Board in this case does not wish to add to the APA process and wishes to meet the requirements of Government Code Section 11340 et

sequens.

Reference: 1.11, 16.22

Comment: The commentor raises two of the many ways conflict of interest issues are mitigated: 1) Contracts, and 2) Independent Hearing Panels.

Response: The "conflict of interest issues" related to the proposed regulations are manifold and may occur in the following interactions: LEA vs. Operator, LEA consultants vs. Operator consultants, LEA vs. the "Operating Unit," Consultants that are "Facility Operators," Hearing panel members that are also Facility Operators, and the lack of an independent hearing panel where publicly operated facilities or sites exist in a jurisdiction, and other examples. Additional conflict of interest issues may arise if LEAs contract out for inspection, permitting and enforcement duties instead of with another LEA, or the Board.

Specifically, "Contracts" allowed in the proposed regulations (Sections 18050, 18051 and 18072) address the "conflict of interest" between an LEA and consultants for engineering duties (not inspection, enforcement and permitting duties of an LEA) as provided in statutes and regulations. LEA consultants shall not be "operators," "facility operators" or "operating units" (as defined in statute and these regulations) in the LEAs jurisdiction. LEA consultants shall not be "facility operators" as defined in 81011(a)(10) so as to preclude any conflict of interest in an LEA jurisdiction pursuant to Section 18072. However, a facility operator in one jurisdiction could be an LEA in another jurisdiction, as long as it is not an "operating unit" in the other jurisdiction. Only local public agencies can be designated as LEAs pursuant to 14 CCR Section 18051, and only local governing body's can be designated local agencies as enforcement agencies pursuant to PRC Section 43203. Additionally, only local agencies that are not "operating units" in the designated jurisdiction can be LEAs pursuant to PRC Section 43207.

14 CCR Section 18050 states "...a local governing body may enter into a contract or joint powers agreement with another LEA for enforcement, inspection and permitting duties within its territorial jurisdiction." Existing LEAs not issued certification and not obtaining Board approval of its EPP and designation under PRC Division 30, and 14 CCR Division 7 will cease to exist after August 1, 1992.

No regulatory changes are warranted by this comment.

Reference: 3.1B, 3.2A

Comment: The commentor sites 14 CCR Section 18051: "Designation of a Local Agency," (page 6) (b)(6), "...certified statement that designated local agency is not the operating unit." Older drafts of the proposed regulations provided for mitigation to any conflict of interest."

Response: The Board rejects the suggestion that old drafts of the regulations provided for mitigation to any conflict of interest. The existing language of 14 CCR 18051(a)(2), 18051(a)(6)(B), and 18051(a)(6)(C) no longer is allowed in that the statutory section on which they stood (i.e.: Government Code Section 66796) has been repealed with the Chaptering of AB 939 (Statutes of 1989, Chapter 1095).

AB 939 repealed the allowance of limitations on solid waste handling or disposal operations within its subject matter and territorial jurisdiction of the local governing body.

Additionally, with the repeal of Government Code Section 66796, Sections 18051(a)(6)(B and C) also have no basis in statute and therefore specific measures defined by the proposed LEA or its local governing body to alleviate any conflicts between its role as an operator and its role as enforcement agency are not allowed. Existing statute does not allow an operating unit to be an LEA (PRC Section 43207).

Finally, with the repeal of Government Code Section 66796, conditional waivers to allow the enforcement agency to be a facility operator in the jurisdiction have been repealed and are also not allowed in PRC Division 30.

The existing text of 14 CCR Section 18051 which has been stricken out was done so to reflect the repeal of Government Code Section 66796 and the chaptering of AB 939 (PRC Division 30).

The Board rejects the suggestion that Subsections 18051(a)(6)(B and C) were stricken for other than statutory reasons. Article 2.1 covers certification requirements which are separate issues in the overall process of approving an LEA.

No regulatory changes are warranted by this comment.

Reference: 3.2B

Comment: You need to mention any contract or joint powers agreement in Section 18051, to justify designation.

Response: The Board rejects this suggestion for the following reasons. All contracts and joint powers agreements must be part of the designation information package if they relate to the

designation of the jurisdiction and or to another LEA. Contracts set forth for certification must be addressed in the LEAs EPP. Contracts for engineering duties cited in 18072 are also to be addressed (pursuant to 18073 and 18074) to provide for demonstration of adequacy of staff and budget resources in the EPP.

No regulatory changes are warranted by this comment.

Reference: 3.3

Sections 18052 & 18055

Comment: These sections, and the CIWMB Form 1000 submitted with the May 13th draft regulations seem to clarify the possibility of a possible transition gap period.

Response: The Board acknowledges this comment. No regulatory change is warranted by this comment.

Reference: 16.3

Section 18052

Comment: This section provides for a simplified process of LEA designation for existing LEAs. However, as written, this process appears to be available only to LEAs that are the sole LEA in their jurisdiction. Separate from the confusion in the meaning of jurisdiction, it appears that this process would not be available to Los Angeles County LEA since they are designated as Co-LEA in a few cities. The County Department of Health Services is the LEA for the County and approximately 70 Cities in the County.

Response: The Board rejects the suggestion of confusion is present in the use of the term jurisdiction (see Response to comment Reference No. 22.1 through 22.3). The Board does agree with the rest of the comment as expressed above.

No regulatory language change is warranted by this comment.

Reference: 22.5

Comment: Thirty days from the effective date of the chapter is inadequate time for existing LEAs to determine if they wish to be redesignated and seek certification, and prepare and submit a re-designation letter, including required affirmations. A minimum of 60 days is strongly recommended.

Response: We have accepted this comment and respond by changing the thirty (30) day requirement to sixty (60) days in subsection 18052(b).

Reference: 19.2, B4.1

Comment: Existing sole LEAs should be able to use Section 18052 for redesignation.

Response: The Board agrees. Existing, sole LEAs may use this Section pursuant to the provisions of subsection (a) and 14 CCR 18051. No regulatory change is warranted by this comment.

Reference: B1.4

Comment: Section 18052(a): Page 8, line 341: add, "...from the local governing body which may include a city or cities, county or both to fulfill...."

Response: The letters of affirmation of an existing designation must be from the various governing bodies which generated the original resolutions or designation concurrences document. An LEA may be or may have been designated by several cities and/or counties, therefore, all resolutions existing have to be accompanied by a letter of affirmation from each designating local governing body. We are unable to incorporate this comment into 18052(a) as it would be restrictive because it requires a single local governing body to submit a letter of affirmation rather than allowing each designating local governing body the opportunity to submit its own letter of affirmation.

No regulatory language change is warranted by this comment.

Reference: 17.5

Comment: The "Initial Statement of Reasons" indicates that this simplified process is necessary to save time and expense during the transition to the new requirements. Because of the time and expense in dealing with the numerous "agencies" in Los Angeles County, we believe this process should be available to the Los Angeles County LEA. We recommend that the requirements be modified or clarified to at least enable the process to be used by those local agencies for which the Los Angeles County LEA is the sole LEA.

Response: The Board rejects the suggestion that the regulatory language be further modified or clarified to enable just Los Angeles County to avoid the statutory requirements of designation mandated by PRC Section 43203 (as defined in 14 CCR Sections 18051 and 18052). Section 18052 of the

proposed regulations already allows for a streamlined process for the redesignation of existing LEAs.

No regulatory language change is warranted by this comment.

Reference: 22.6

Comment: Section 18052(b): Page 8, line 346: Insert new subsection (b) as follows: (b) "LEAs existing on August 1, 1991, which are LEA only for facilities in unincorporated areas or a single city, and meet all the designation requirements pursuant to 14 CCR 18051, may provide a letter of affirmation or resolution from the County or City, as appropriate, to meet the requirements of Section 43203(c) or (d)."

Response: Addition of the proposed language in this comment is not necessary. The existing subsection 18052(a) allows LEAs the opportunity to act in the same manner as described in this comment.

No regulatory language change is warranted by this comment.

Reference: 17.7

Comment: Section 18052: Page 8, line 346: Subsection (b) becomes Subsection (c) without change.

Response: Because no changes were made to the proposed regulations, this comment is not necessary.

No regulatory language change is warranted by this comment.

Reference: 17.8

Comment: Section 18052(c): Page 8, line 358: Delete "90" and insert "180." Page 8, line 364: Delete "180" and insert "90." It will be more difficult for an LEA with a large population to achieve the foal of this section.

Response: The Board rejects the idea that a time change be made in subsection 18052(b)(1). This schedule provides for LEAs with the most population to be approved first, and those with decreasing populations follow. This graduated process based on population will space out the workload during the transition period from 1991 to 1992, and provide for timely designation and certification of LEAs. This process will also assure a quicker conversion in terms of population.

No regulatory language change is warranted by this comment.

Reference: 17.9, 17.10

Comment: Subsection 18052(b)--Clarify the submitted dates for the Designation Information Package (DIP) and the Enforcement Program Plan (EPP). Doesn't the DIP require a completeness determination from the CIWMB before the EPP can be submitted?

Response: The Board rejects the suggestion that Section 18052(b) allows any exemption to the requirements of Section 18051, except 18051(c). It is the intent of the Board to provide for the protection of greatest number of the people of the state be requiring that those existing sole LEA's be designated and certified before the August 1, 1992 deadline. Existing sole LEAs already have existing designated jurisdictions in the state and the required resolutions already in place. Additionally, the submitted dates set forth in Section 18052(b)(1) requires existing sole LEAs that wish to be re-designated to start the process by submitting their EPP and their local governing body's DIP by the dates indicated.

Both the DIP and EPP for each LEA, and its jurisdiction, are required to be complete and approved by the Board pursuant to Sections 18051 and 18054, and Article 2.1 of the proposed regulations before the designated enforcement agency can be issued certification and then the EPP and the designation approved by the Board.

No regulatory language change is warranted by this comment.

Reference: 26.1

Comment: Section 18052 would not be applicable at this time since no LEA can meet the requirements of these regulations which have yet to be finalized. Request change: Include an alternative for current LEA's that would allow them to be re-designated by letter of request along with a one-year period to meet finalized regulation requirements.

Response: The Board agrees that the regulated public cannot meet regulations that are unknown and not yet effective. Additionally, no LEA is required to meet any of the proposed regulatory language requirements in that they have not passed the Office of Administrative Law (OAL) or become law yet. Furthermore, the Board has allowed for the concept of limited conditional designation approval and/or temporary LEA certification in the proposed additional regulatory language of Section 18054(b)(3) which states: [(3)" The Board may elect to issue temporary LEA certifications and/or designation approval for specific time periods"]

No regulatory language change is warranted by this comment.

Reference: 25.3

Comment: Subsection 18052(b)(1) requires the submission of a Designation Information Package and an Enforcement Program Plan (EPP) by a given schedule. The Designation Information Package and the EPP include lengthy documents that will require a great deal of time and effort by the LEA. The schedule requires that larger counties submit their Designation Information Packages within 90 days, and smaller counties within 180 days. Since larger counties generally have more cities to obtain affirmation letters from, this schedule should be revised.

Response: The Board rejects the suggestion that counties with large populations to protect and relatively larger amounts of staff and money per-capita to be given a longer time to get an LEA in place. It is the intent of the Board to protect the areas with the most potential for exposure to unregulated and hazardous solid waste management in their jurisdiction first. While larger counties (i.e. High populations) have more cities, these "large" counties also generate more solid waste, have larger fee bases, bigger LEA's (i.e. staff numbers) and are better equipped to provide for the "lengthy documents" as so stated by the comment.

The Board rejects the suggestion that the proposed schedule for submittal of existing sole LEAs EPP's and their local governing body's DIP's be reversed from the schedule set forth in Section 18052.

Additionally, only an existing LEA on August 1, 1991 which is the sole LEA in its jurisdiction can use Section 18052 and therefore must follow the schedule therein. These LEAs which are sole LEA for their jurisdiction, and wish to remain so, then already have in place resolutions designating a single (sole) LEA for the jurisdiction.

No regulatory language change is warranted by this comment.

Also see Reference No. 25.3.

Reference: 31.4

Comment: Subsection (a), line 336 makes reference to LEAs "which are the sole LEA in their jurisdiction." How is it possible to have more than one LEA in each jurisdiction? This language needs to be eliminated or clarified to indicate which situations that the proposed regulations could be referring to in which LEA is not the "sole LEA in their jurisdiction."

Response: The commentator may not be cognizant that there are 100+ LEAs in the state. Under existing regulations dual, triple, or sole (single) LEAs are allowed. The intent of the proposed regulatory language is to allow only one, single (sole) LEA per designated jurisdiction. Those existing LEA's on August 1, 1991 which are the sole (single) LEA as designated by their existing valid Local Governing Body's resolutions for the designated jurisdiction may use Section 18052 to be redesignated.

The comment is taken out of context of the first sentence of 18052(a) and is not used in accordance with the previous designation Section (18050) which has been modified in the first 15 day re-noticing of the proposed regulatory language to clarify that only a single (sole) LEA shall be designated per jurisdiction (see line 205 of Section 18050).

The Board rejects the suggestion that the sentence be eliminated and that it be clarified, in that the designation Sections 18050, 18051, and 18052 provide for all regulatory aspects of designation required by statute and Board intent.

No regulatory language change is warranted by this comment.

Also see Reference Nos. 1.1A, A3.3, A3.4, and 5.7.

Reference: 30.3

Comment: Section 18052(b): Strike "the effective date of this chapter" and replace with "request by the Board."

Response: The Board rejects the idea that we strike the existing draft language and replace it with the suggested language. It is preferable to have those LEA's wishing to redesignate notify the Board of their intent rather than having the Board request a notice of intent from every existing LEA.

No regulatory language change is warranted by this comment.

Reference: 16.6

Comment: In the letter of affirmation mentioned in Section 18052(a) is this in lieu of the specific requirements os Section 18051(c)? What is the connection with the requirements of 18052(b)(1)? When an LEA sends a letter of affirmation should they also send a complete designation package as listed in 18051(b & c)?

Response: The Board agrees that Section 18052(a) is for existing (on August 1, 1991), sole (in their jurisdiction) LEAs. Specifically those local governing bodies may designate their existing, sole LEA by submitting a copy of their valid

Resolution(s), and a letter of affirmation from the local governing body re-affirming the intent to designate and fund the LEA. Redesignation requires a complete designation information package including existing resolutions, and letters of affirmation. No regulatory changes are warranted by this comment.

Reference: 12.6(A)

Comment: For Subsection (a), the Environmental Health Department agrees with the concept of this section, However, one important change is needed. Change "the letter of affirmation from the cities and county" to "letter of affirmation from the LEA's City Council or County Board of Supervisors." Since all the city populations vote for the County Board of Supervisors this would meet the intent of 43203. The County Board of Supervisors do represent all the constituents within the county.

Response: PRC Section 43203 details the various mechanisms for enforcement agency designation. Cities are autonomous and can designate. The letters of affirmation of an existing designation must be from the various governing bodies which generated the original resolutions or designation concurrences document. An LEA may be or may have been designated by several cites and/or counties therefore all resolutions existing have to be accompanied by a letter of affirmation from each designating local governing body.

No regulatory language change is warranted by this comment.

Reference: 14.2

Comment: The County Environmental Management Department (an LEA) is requesting that LEAs existing on August 1, 1991, should not be required to obtain any further documentation from the designating Cities or counties as long as the LEA can produce a copy of the original designating resolution(s). Although a letter of affirmation, as presently proposed (section 18052), may not be difficult to obtain from these governing bodies, the cost of doing so would not be justified. This would be especially true if LEAs that have several cities on their jurisdiction such as Los Angeles County.

Please delete "accompanied by a letter of affirmation" from line 341. The proposed regulation undermines county-wide LEAs and may even favor proliferation of smaller LEAs. There is no need for a letter of reaffirmation from cities as these governing bodies remain bound by their ordnance codes even if they were passed a number of years ago. The designation may be withdrawn only with the repeal of the

ordinance.

Response: The Board rejects this suggestion that all local governing bodies in a designated LEA jurisdiction not be allowed to participate in the statutory requirements of PRC 43203. Additionally the existing 1976 designations and subsequential redesignation of many cities are not current or valid.

The Board rejects the suggestion that some form of affirmation by each local governing body in an LEA's designation jurisdiction not be obtained to make them current, correct and to show that the resolved cities and/or counties are still desirous of the designation and ready to fund such an agency.

No regulatory changes are warranted by this comment.

Reference: 21.1, 17.4

Comment: Reference Subsection (b)(1)(B), Extending EPP submittal from 150 days to 180 days. Considering the extent of these regulations, an extra 30 day extension is warranted.

Response: The regulations specify a date of compliance from the effective date of this chapter, not from August 1, 1991, which is the statutory Board adoption date. The effective date will, more than likely, be more than 30 days beyond Board adoption of these regulations. The extension is not warranted as it may conflict with the August 1, 1992, statutory compliance date for all LEAs.

No regulatory language change is warranted by this comment.

Reference: 14.3

Comment: We suggest that Section 18052 be rewritten so that the PRC authority requiring redesignation of any existing LEA is clearly explained and referenced. PRC Section 43201 does not implicitly imply, nor does it explicitly state that previously designated LEAs are required to be redesignated.

Response: The authority and reference for this Section are listed at the end and include PRC Sections 40502, 43020, and 43200; the reference includes PRC Sections 43200 and 43203 through 43207. The proposed regulations do not require previously designated, sole LEAs to redesignate. A letter of affirmation from the various local governing bodies is required and not a new designation. The letter of affirmation is necessary to acquaint the local governing bodies of the new and expanded LEA requirements in the PRC and Title 14 CCR. No regulatory changes are warranted by

this comment.

Reference: 12.6(B)

Comment: Section 18052 should include procedures for new LEA designations.

Response: The Board rejects the suggestion that the proposed regulations are lacking a regulatory procedure for processing designations for new local agencies (aka LEAS).

Section 18051 is the general process in concert with PRC Sections 43203 through 43209 to designate existing LEAs or proposed "new" local agencies.

Section 18052 was developed pursuant to the Enforcement Advisory Council (EAC) (all members being existing LEA Directors and managers) which represents all of the State LEAs. Section 18052 provides for existing sole LEAs in a jurisdiction an option in the designation methods in PRC Section 43203. (See Initial Statement of Reasons for Section 18052.)

No regulatory changes are warranted by this comment.

Reference: A3.4

Comment: Section 18052 concerns redesignation of existing LEAs. Currently we are the County-wide LEA for health issues only and we are seeking sole LEA status. We would like you to clarify the applicability of this section to the applicability of a new designation. Do the same time frames apply for new designation as those in the redesignation section?

Response: Section 18052 applies to the redesignation of existing sole LEAs only. LEAs that are not the sole LEA for the jurisdiction for all solid waste issues (including health and non-health) cannot use this section, but must use section 18051 for new designations. The time frames of 18052 for redesignation do not apply to new designations. No regulatory changes are warranted by this comment.

Reference: 11.2, 11.3

Comment: Section 18052(b)(1)(C). How can the LEA be separated from the public agencies that are operating units when Section 18011(14) requires the LEA to be "solely responsible" for carrying out all the management functions of 14 CCR Section 17225.70?

Response: The duties and responsibilities of solid waste management as set forth in 14 CCR Section 17225.70, related to LEAs, are limited to inspection, enforcement, and permitting duties and responsibilities pursuant to PRC 43200 through 43209. An LEA cannot be the operating unit in its jurisdiction pursuant to PRC Section 43207.

An LEA can demonstrate separation from public agencies or departments that are operating units by meeting the requirements of Sections 18050, 18051(a)(6), 18051(C)(2) and (3), 18073, 18074(a) and 18077(a).

In its Designation Information Package (DIP), the LEA has to demonstrate that it is a public agency/department, separate and distinct from the public agency/departments that operate solid waste facilities and disposal sites in the jurisdiction. Additionally, the LEA must demonstrate that its budget is separate and distinct from the operating budget of the operating unit of the local governing bodies. There are no statutes and regulations which limit the number and type of operating units in a jurisdiction.

No regulatory changes are warranted by this comment.

Reference: 5.3

Section 18054

Comment: The term "Local Agency" should be "Designated Local Agency" in Draft May 7, 1991, lines 393 and 558.

Response: The Board rejects the suggestion that the term is improperly used. In line 393 of Section 18054 of the May 7, 1991, draft, the use of "local agency" is correct in that only a "local agency" can be designated. See the statutory definition of "enforcement agency," PRC Section 43010, and regulatory definition of "Local Agency" and "Local Enforcement Agency" in 14 CCR, Section 18011(a)(13 & 14). The Board would not contact any other agency than the "designated" local agency and its local governing body for designation purposes. No definition of "designated local agency" is set forth in 18050.

Reference: 1.9, 9.1, 16.20

Comment: How will an LEA know what the enforcement plan of the County Integrated Waste Management Plan will be when it submits its EPP, which in all probability will be before the County plan is prepared?

Response: Pursuant to AB 2296, until such time as a County wide

Integrated Waste Management Plan is in place, the existing County Solid Waste Management Plan (Co-SWMP) shall remain in effect. The proposed local agency or existing LEA (before Aug. 1, 1992) shall be consistent with the applicable Waste Management Plan for Enforcement in the county. When the County wide Integrated Waste Management Plan is developed, the LEAs EPP will have to reflect, and be consistent with the enforcement scheme contemplated in the plan pursuant to 14 CCR 18054(a)(2), and the County wide Integrated Waste Management Plan. The LEAs EPPs in a county will be the Enforcement Plan for the County.

No regulatory change is warranted by this comment.

Reference: 4.5

Comment: The CIWMB has no inspection requirements for collection vehicles or companies. The Board has no inspection frequency standards, forms, and offers no guidance regarding collection or handling of solid waste, yet the LEA can be considered an "operating unit" if involved in handling, therefore producing a conflict of interest. Is this true? Will any additional regulations regarding waste collection be enacted in the future?

Response: This comment is not true for the following reasons. Article 5 of 14 CCR Division 7 beginning with Section 17301 clearly addresses the comment. There are specific sections regarding containers, equipment, construction, safety, parking, identification, and inspection. Many of the other standards in Article 6 of the same regulation apply to the collection of company sites. The regulations for vehicles are not prescriptive, but do guide and allow the LEAs flexibility in terms of frequency and reporting format. The portion of the comment regarding a conflict of interest should the LEA be involved in "handling" is inaccurate. Being involved in enforcement is not synonymous with being involved in operational functions. Additional regulations regarding waste collection that may be enacted in the future are beyond the scope of this rulemaking. No change to existing language is warranted by this comment.

Reference: 4.6, 4.7, 4.8, 4.9, 4.16, A4.3, A4.4, A4.5

Comment: Line 400. Add after line 400--"If the Board fails to notify the designated local governing body(s) within 45 days, whether the proposed designation package is complete or incomplete, it shall be deemed by the Board to be complete and accepted.

Response: The Board rejects the suggestion that it proceed to issue certifications to a Local Agency or LEA without the local

governing body(s) providing for the statutory requirements of PRC Division 30 and specifically PRC Sections 43200 through 43209. Without a properly designated LEA, a defined jurisdiction, appointed hearing panel(s), a complete enumeration of facilities etc., and the certified resolutions necessary to establish the manner in which Article 1 of Chapter 2 (commencing with Section 43200) and Article 3 of Chapter 4 (commencing with Section 44800) of the Public Resource Code (PRC) have been satisfied, no certification shall be issued. Pursuant to PRC 43204, no enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the Board. The Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulfilling its responsibilities under the enforcement program and meets the certification requirements adopted by the Board pursuant to Section 43200.

No regulatory language change is warranted by this comment.

Reference: 9.5

Comment: In 18054(a), reference should be made to your new Section 18052 and 18055(b). It appears you would have a gap between the chaptering of these Sections and redesignation proceedings.

Response: Subsection 18054(a) does make reference to Section 18052. Subsection 18055(b) refers to redesignation and does not belong as a reference in Subsection 18054(a). There will be no gap between chaptering of these regulations and the redesignation proceedings. All LEA's, new or existing, will have to have their designations approved and certifications issued between the date these regulations are chaptered and August 1, 1992, if they wish to be an LEA after August 1, 1992.

No regulatory language change is warranted by this comment.

Reference: 16.8

Comment: Why is Section 18054(c) deleted? The City feels the more expansive notification of designation is more appropriate.

Response: Existing regulations in Subsection 18054(c) were stricken because these requirements have been repealed by statute. Notice of approval or disapproval of the designation information package to the local agency and the local governing body is addressed in Subsection 18054(a). It is no longer required to notify designation status to the State Department of Health.

No regulatory language change is warranted by this comment.

Reference: 16.7

Section 18055

Comment: Section 18055 should include the effective date of 1 August 1992 in accordance with statutes.

Response: Yes, the Board agrees that the proposed language of 14 CCR, Section 18055(a) should include the effective date of August 1, 1992. The effective date is in statute (PRC 43201) but regulatory language should be consistent with statute pursuant to the APA and CCR Title 1.

The regulatory language in (a) is to be changed to read: "After August 1, 1992, no designated agency shall...."

Reference: A2.6, 1.2, 9.6, 26.2

Comment: A gap exists between the time the regulations are adopted, and when LEAs will have authority. A "grand-fathered authority" for existing LEAs is necessary.

Response: We have accepted the first comment and respond as follows: Subsection (a) will be prefaced by "After August 1, 1992." The second comment regarding grand-fathering existing LEAs is in conflict with the statutory requirements for LEA certification based on Board adopted regulations pursuant to PRC Division 30, Chapter 2, Article 1, beginning with section 43200. No change to the existing language is warranted by this comment.

Reference: 1.2, 9.6, 9.7, 9.8, 9.9, A2.6

Comment: The text of Section 18055(a) is awkward. We suggest it read "...this chapter until the designation and certification(s) are approved by the Board."

Response: The Board has reworded this Subsection to read: "(a) After August 1, 1992, no designated agency shall be, nor shall any designated agency have the powers of, a local enforcement agency pursuant to this chapter until the designation is approved by the board and upon certification(s) issued by the board." The commentor should remember that designations are approved and that certification(s) are issued.

Reference: 12.7

Section 18056

Comment: Section 18056. We are unable to find any provision for allowing an LEA to withdraw from a designation. If, for example, a city should fail to pay the necessary costs for services to an LEA, the LEA may wish to discontinue being designated by the city.

Response: The reason that withdrawal of designation is not addressed via the LEA is that Statute (PRC Section 43203 and 43206) allows only the local governing bodies in the jurisdiction to designate or withdraw designation in the methods set for in PRC Section 43203. The LEAs are not empowered to designate or de-designate themselves pursuant to Statute.

No regulatory change is warranted by this comment.

Reference: 5.4

Comment: Section 18056(b) expressly conditions the withdrawal of designation on Board approval, yet it is the local governing body that designates and should be able to withdraw.

Response: The Board rejects the suggestion that the proposed regulations do not allow withdrawal of designation by the local governing body. Public Resources Code (PRC) Section 43206 states: "A designation made pursuant to this Article may be withdrawn in the same manner in which it was made." Therefore, the local governing bodies can, by statute not regulation, withdraw their own existing designation as allowed by the methods set forth in PRC Section 43203.

The Board also rejects the suggestion they shall expressly condition the withdrawal. Existing regulation states that the Board may expressly condition a withdrawal on Board approval of the new designation.

No regulatory changes are warranted by this comment.

Reference: A2.7

Comment: Section 43215 of the PRC should be discussed in Section 18056.

Response: The Board rejects the suggestion that PRC 43215 be discussed in 14 CCR 18056. The Designation Section is not the appropriate location to discuss LEA duties and responsibilities as set in the PRC. Article 2.2 of this Chapter discusses these responsibilities as they relate to PRC 43215. No regulatory language change is warranted by

this comment.

Reference: 26.4

Comment: Subsection 18056(b): explain the meaning of "expressly conditioned" and describe the conditions.

Response: Section 18056(b) of the proposed regulations is existing regulatory language. The intent of the term "expressly conditional" as it relates to withdrawal of designation is to provide a mechanism whereby a change of designation of an enforcement agency in a jurisdiction does not cause a gap in LEA duties causing risk to public health and the environment.

"Expressly conditioned" may include, but is not limited to:
1) Specific time frames;
2) Stipulated Notice and Orders or other contracts;
3) Allowance for decertification in one or more types; and
4) Specific conditions set forth in a plan of correction pursuant to PRC 43219.

No regulatory language change is warranted by this comment.

Reference: 26.3

Comment: Sections 18056 and 18081 allow the Board to withdraw its approval of a designation of an LEA or certification of an LEA. There are no provisions for the LEA to appeal the determination by Board staff. This appeal process is necessary to insure that the LEA receives due process in the certification and designation review.

Response: The LEA can obtain an appeal of a Board staff recommendation at both Board and Board Committee meetings. These Board meetings are hearings open to the public.

Board decisions can be appealed by a writ of mandate or writ of prohibitions filed in Superior Court. There is no legal requirement to include an additional or different review procedure in these regulations.

No regulatory language change is warranted by this comment.

Reference: 29.3, 31.7A

Comment: The regulations appear to assume that the current LEA will wish to continue to be designated as before. There appears to be no provision for a County LEA to revoke or withdraw from a designation made by a City. Also, the County may with to become the LEA for the unincorporated areas only.

This may present a problem if the revenue for enforcement is based on tipping fees and the landfills are located in the unincorporated areas.

Response: The Board rejects the suggestion that there is no provision for any local governing body to change its designation of an enforcement agency and its jurisdiction. Statute (PRC 43203) only allows local governing bodies to designate or withdraw (PRC 43207). LEAs serve as the behest of their local governing body(s). Pursuant to PRC 43203 and 43207, a County can change its designation forms (14 CCR 18051).

It is up to the local governing bodies of a County and/or City to designate via the appropriate regulatory and statutory procedures set forth for establish funding mechanisms to run the LEA program.

No regulatory language change is warranted by this comment.

Reference: 32.4

Section 18060

Comment: An independent hearing panel--Section 44801--does not require a panel member to be from the local governing body but section 18060 does require it.

Response: Public Resource Code (PRC) Section 44801(a) does state "If an independent hearing panel is appointed, not more than one member of the local governing body shall serve on the hearing panel." The proposed regulations in Subsection (4) require only the name of that person. It does not require a member of the local governing body.

No regulatory language change is warranted by this comment.

Reference: 14.4

Comment: Line 492 (Section 18060) makes reference to "each" hearing panel. Does this make reference to the fact that the statutes allows either the governing body to form the hearing panel or also allows the formation of an independent hearing panel? In any event, wouldn't there only be one panel? Does the CIWMB envision more than one panel one panel existing simultaneously? If so, the regulations should clarify existing law to indicate when these situations occur.

Response: PRC Sections 44800 and 44801 set forth the requirements of hearing panels (both public and independent). Fourteen CCR 18060 sets forth the appointment of hearing panel(s) by the

local governing body. Section 18080(d)(2) of Title 14, CCR, requires that the local governing body of the LEA shall maintain an independent hearing panel when in the LEA's jurisdiction there exists a publicly operated solid waste facility or disposal site.

There may be three possible combinations for existing hearing panels in an LEA jurisdiction:

1) The City Council or Board of Supervisors may be the panel;
2) An independent hearing panel pursuant to PRC 44801; or
3) Both a public and an independent hearing panel simultaneously in the LEA jurisdiction pursuant to 14 CCR 18080(d)(2) and PRC 14800 and 44801.

No regulatory language change is warranted by this comment.

Reference: 30.4

Comment: Section 18060--Appointment of Hearing Panel (page 9)(a)--How can a local governing body appoint an independent hearing panel (section 18081(a)(a2)) if a conflict of interest exists?

Response: The Board rejects the suggestion that only after a "conflict of interest" exists a independent hearing panel will be appointed by the local governing body. Section 18060 specifically provides for two types of hearing panels in a jurisdiction. The designated local agency's local governing body shall appoint itself as the hearing panel and/or appoint an independent hearing panel pursuant to 18081(d)(2) and PRC Sections 44800 and 44801. In the draft May 13, 1991, proposed regulations subsection 18060(a) [line 483] and subsection (d) [line 506] contained errors. Section 18081(a)(2) should read 18081(d)(2) in both lines noted.

All hearing panel appointments shall be made up front in the designation information package from each local governing body. Without a complete designation information package accepted by the Board, no further processing of the package will be forthcoming pursuant to Section 18054(a).

No change to the regulatory language is warranted by this comment.

Reference: 3.6, 19.3

Comment: The text of Section 18060(b) should be specific as to when the certified notice shall be given to the Board.

Response: No certification can be approved by the Board until the

certified notice of the appointment of hearing panel(s) is received by the Board. No other time restrictions are necessary in order to offer LEAs the widest flexibility in assembling a complete designation package. No regulatory changes are warranted by this comment.

Reference: 12.8

Comment: Hearing panels eliminate any conflict of interest in the jurisdiction.

Response: As it related to "hearing panels," the Board rejects the suggestion that a conflict of interest shall exist if, when in the jurisdiction there exists publicly operated facilities or sites and an independent hearing panel is appointed to hear cases related to publicly operated facilities and sites. Section 18060 and Section 18081(d)(2) in concert with PRC Sections 44800 and 44801 cover the possible hearing panel options and allow the local governing body options as to having one or two hearing panels to meet both statutory and proposed regulatory requirements.

No change to the regulatory language is warranted by this comment.

Reference: 3.7, 9.2

Comment: "...Title 14, existing regulations (page 4)," Section 18060 deals with appointment of independent hearing panels to limit conflicts of interest when the LEA also operates solid waste facilities.

Response: The Board agrees that existing regulatory language of 14 CCR Section 18060 sets forth the requirement of hearing panels and the comment section addresses possible conflict in Government code Section 66796.58. AB 939 repealed Government Code Section 66796.58, and PRC Division 30 does not allow any conflict of interest, nor does the PRC Division 30 allow an LEA to also be an operator pursuant to PRC Section 43207. Therefore, existing statute does not allow operating units to be LEAs and an independent hearing panel is required when publicly operated facilities or sites exist in a jurisdiction pursuant to 14 CCR 18081.

No change to the regulatory language is warranted by this comment.

Reference: 3.8

Section 18070

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No change to the regulatory language is warranted by this comment.

Reference: 3.8

Section 18070

of certification it currently needs to perform additional duties. These duties were not part of its jurisdiction upon initial certification sought by the LEA. This subsection provides for a mechanism whereby an LEA can request additional lacking certification(s).

No change to the proposed language is warranted by this comment.

Reference: 3.4

Comment: Section 18070(b) and 18071 requires that the LEA be the sole designated agency to exercise jurisdiction over a comprehensive solid waste management program including: waste handling, storage, disposal, refuse vehicle inspection, trash and litter complaints, etcetera. In Section 18071 LEAs will be certified in four types of certification A through D. It is unclear if the Board will be requiring the LEA also be responsible for enforcing additional litter and nuisance complaints which are not specifically associated with a solid waste facility.

Response: The Board is not requiring LEAs to enforce duties that are not already required by law. It is possible for local governing bodies to expand LEA duties to aspects of solid waste not required by law such as general litter provisions. No regulatory changes are warranted by this comment.

Reference: 11.6

Comment: 18071(d) What does the term "permit is surrendered" mean to line 585? This term must be defined.

The requirement for an LEA to have a type "A" certification in order to have a type "D" certification does not make any sense and appears to be contrary to the meaning within the statute. Type "D" certifications were intended to allow the LEA to have a presence to monitor nuisance conditions as solid waste facilities without having to comply with the full type "A" requirements.

Response: PRC Section 43200(5) requires the existence of at least one permitted solid waste facility as a condition of LEA certification. If that solid waste facility no longer accepts waste, meets the requirements of 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5, or has its permit rescinded, revoked, or otherwise rendered invalid, its permit would be considered surrendered for the purposes of the LEA Certification Regulations.

We disagree with the commentators issue with requiring a Type A certification as a pre-requisite for type D

certification. Type D certification involves landfills or performance standards rather than the normal daily cover requirements. This status is subject to site performance and can be revoked. If the site fails under performance standards it reverts to conventional minimum standards. Therefore, the LEA must be certified as a Type A in order to continue to perform its duties under the described change.

No regulatory language change is warranted by this comment.

Reference: 30.5A, 30.5B

Comment: Section 18071: Include in the definition section a detailed description of each type of facility and site.

Response: There is no definition section in Section 18071. The PRC defines solid waste facilities and sites. A detailed description of the various types is unnecessary. No change to the regulatory language is warranted by this comment.

Reference: 26.5

Comment: Subsection 18071(c) requires LEA to submit "a new complete EPP" each time it requests issuance of an additional certification not previously held. A requested change should be an amended section to the LEA's EPP without requiring a "new complete EPP."

Response: The EPP is a fluid document subject to many changes. A change in one component could result in modification for several other components. The regulation requires the LEA to modify only the necessary components and simply provide a new complete EPP version for the Board to review, approve, and replace the existing EPP. This is by far a more efficient and accurate way to document the changes without continually removing obsolete portions of one EPP and replacing them with current information. Some of the potential problems with a search and replace method of updating an EPP which has been previously submitted to the Board includes page numbering and sequencing, pates partially modified, the table of contents, also the act of repeatedly dismantling the same document and verifying what is obsolete, what the replacement covers or misses, and continuity within the document.

No regulatory language change is warranted by this comment.

Reference: 25.4

Comment: Annual review is not necessary when EPP only has minor changes.

Response: The EPP must accurately reflect the LEA enforcement program. In the course of a year regulations could change, facilities could be added, among many other factors. It is imperative that the LEA keeps its EPP as a working, functional document. An annual review and amendment is the minimum time lapse to document these changes. Also, see Initial Statement Of Reasons (ISOR) for Section 18077.

No regulatory language change is warranted by this comment.

Reference: 14.12

Comment: LEAs should be allowed to obtain all types of certification even if it does not have a type A, B, etc. facility within its jurisdiction. Implement a cooperative certification program with a jurisdiction that have appropriate facilities within their area of responsibility.

It would be more efficient to allow an LEA to seek certification for both existing types of facilities as well as types they know are going to be proposed for their jurisdiction.

Response: Section 18071 does not restrict the type of certification to the type of facility that physically exists within a jurisdiction. The Board rejects the notion of a cooperative certification program as it is unnecessary, an LEA can apply for any certification type it wishes.

No regulatory language change is warranted by this comment.

Reference: 14.11, 19.4, B5.2

Comment: Under the regulations, if all permitted waste facilities exist in incorporated cities, and all of the cities become LEAs, then the County cannot be the LEA in the unincorporated area. We disagree with this provision.

Response: The above comment is correct. PRC Section 43200 requires the regulations to have at least one permitted facility in every LEA jurisdiction. No regulatory change is warranted or possible by this comment.

Reference: B2.4

Comment: Section 18071(a) lists several different kinds of solid waste facilities only some of which are defined in Section 18011. For clarity each of the kind of facility listed in 18071(a) should be defined in Section 18011.

Response: The other facilities are already defined in the PRC or in

Title 14 regulations. Title 1 CCR and the APA generally do not allow for the restating of statute or other regulations. No regulatory changes are warranted by this comment.

Reference: 12.9

Section 18072

Comment: The intent of this section as written appears to require that each Local Enforcement Agency (LEA) shall hire, at least, one Registered Environmental Health Specialist (REHS) for solid waste issues. If that is the sole intent of this section, then I would recommend that a period be placed after "code" in line 609 and that the remainder of line 609 and lines 610 and 611 be eliminated.

Response: The Board rejects the suggestion that only REHS are to be "hired." It is not the Board's sole intent to have the LEA's "hire" just REHS's, but to allow the managers or Directors of LEAs to hire other qualified professionals including: Hazardous Materials Specialists, Air Pollution Specialists, Engineers, Geologists, Engineering Geologists, Waste Management Specialists, Environmental assessors, and other health specialists certified by the LEA Director or manager that meet the educational and experience requirements of Registered Environmental Health Specialists (REHS). The requirements of REHS are set forth in Health and Safety Code Section 520. Additionally, it is the intent of the Board not to limit LEAs just to Public Health or Environmental Health Departments or agencies of the local governing bodies.

Additionally, the Board's intent is to use an REHS as a major component of an LEAs staff and an REHS should be the first choice of a local governing body and or the designated agency director/manager in staffing a Local Enforcement Agency.

No regulatory language change is warranted by this comment.

Reference: 7.1, 17.11

Comment: Section 18072(a)(1) appears to require that the LEA must retain a consultant who would satisfy the three (3) types of professional requirements listed here. Is this true?

Response: The Board rejects the suggestion that an LEA must retain a consultant to satisfy the types of professional requirements in Section 18072 (a and b). The LEA has the option to maintain on staff, person(s) that meet the requirements of Section 18072 (a) and (b), or when the engineering duties

are beyond the technical expertise of the LEA staff, then the LEA is required to provide the statutory and regulatory duties and responsibilities for engineering tasks at facilities and sites via contract professionals, which ar not facility operators, or consultants of operators in the jurisdiction, and meet the Section 18072 (a) and (b) requirements.

No regulatory change is warranted by this comment.

Reference: 4.11

Comment: Section 18072(b) would eliminate those companies which have expertise in solid waste matters in our County. I suggest the LEA be allowed to retain several engineering consultants and choose the one which will not cause a conflict of interest on specific projects.

Response: The Board rejects the suggestion that Section 18072(b) would eliminate engineering consultants in an LEA jurisdiction which have expertise in solid waste matters. The LEAs are required to avoid conflict of interest conditions which arise when LEA consultants are operators, facility operators, or operating units. When LEA consultants are concomitantly, or simultaneously, the consultants of operating units or facility operators, there is a direct conflict of interest. There are numerous companies, or public or private staff, which meet the professional requirements of 14 CCR Division 7, Chapter 3, Article 7.8, Section 17761(a)(6), (40) and (51) in the State.

No regulatory change is warranted by this comment.

Reference: 4.12, A4.6, B1.5

Comment: The Initial Statement of Reasons supporting Section 18072 (pages 29 and 31) indicates that "...the Board shall approve ... contracts..." between LEAs and their consultants. This is highly inappropriate, if not potentially illegal. Contracts are negotiated and are signed between the contracted (the jurisdiction paying for services) and the contractor (the party performing services). The Board has no authority or standing to "approve" these contracts or act as a third party in the establishment of such contracts.

Response: The commentators understanding of the mentioned Board approval is inaccurate. The Board's approval consists of verification that the LEA selected contractor does indeed meet the technical expertise and non-conflict of interest requirements as stated in the SORs for this Section.

No regulatory language change is warranted by this comment.

Reference: 19.5, B4.2

Comment: I am requesting that, "for all certification types the dedicated staff shall be composed of: At least one registered environmental health specialist, pursuant to Section 514 through requirement of Section 520 of the Health and Safety Code, or person(s) meeting the requirements of Section 520 of the Health and Safety Code, as certified by the LEA program director or manager" be deleted from Section 18072 because: 1) it would create an undue hardship on our County and our employees currently assigned to the Solid Waste Program, and 2) Section 18075 adequately addresses expertise through training.

This County currently utilizes hazardous materials specialists in the performance of the majority of our LEA duties. These people are well qualified and educated to perform these duties. Some may even meet the qualifications in Health and Safety Code Section 520. All are college graduates with a Science background. However, 520 requires specific course work such as microbiology which staff may lack. Therefore, I cannot certify them as meeting the requirements of 520. An alternative to deleting the language is to allow the LEA program director or manager to make the determination that the person(s) meets requirements equivalent to Section 520. Also, the issue of expertise is addressed in Section 18075 by requiring training all LEA staff in solid waste management.

These regulations will impact us in our ability to provide a comprehensive environmental health program. Our personnel are responsible for performing duties in all environmental health programs. Our staffing pattern is based on workload needs in the various programs and is tailored for efficiency.

Technical expertise, line 605 (Section 18072), should make reference to one or more full time staff members "or their equivalent".

Response: The Board rejects the suggestion that this County's LEA and its LEA staff not be held to the same educational and experience requirements set forth in the Health and Safety Code as all other prospective LEAs and staff shall be. Additionally, the Board rejects the suggestion that Section 18075 address technical expertise requirements of Section 520 of the Health and Safety Code, it does not. Furthermore, the use of staff members lacking a basic educational requirement such as microbiology as required by the Health and Safety Code Section 520 is rejected by the Board.

It is the mission of both the Board and LEAs to protect the

public health and safety and the environment and the biological issues including; medical, public health, environmental health issues as the relate to the enforcement agency's duties and responsibilities.

Microbiology is a very basic requirement of public health in that the fundamental concepts of: medicine, bacteriology, virology; mycology parasitology, protozoology, algaeology communicable diseases, epidemiology vector control, water sanitation, water supply, rabies, biomedical waste, waste water treatment, nosology, nosocomial infections, etc., are addressed in the discipline.

The Board also rejects the suggestion that this County LEA not be subjected to the "undue hardship" of providing sufficiently educated staff to protect the public health and safety as set forth for all California State Registered Environmental Health Specialists (i.e. Sanitarians) pursuant to the Health and Safety Code.

The public of California and the CIWMB by statutes and regulations respectively wish to provide for all aspects of biological, chemical, and physical applications necessary to protect the public health and safety within <u>each</u> enforcement agency.

Also see the response for Reference No. 1.1A in this Section.

No regulatory language change is warranted by this comment.

Reference: 20.2, 28.1A, 30.6A

<u>Comment</u>: In Subsection 18072(a)(1) the purpose "Beyond the Technical Abilities of the LEA's Staff," should be clarified and more specific as to what those technical abilities are. "Be Performed" should be changed to assist or comment. Performed could imply legal authority of approving such documents, thus taking that authority away from the LEA's.

<u>Response</u>: The composition of the LEA staff will provide a given level of technical expertise that cannot be predetermined. It is up to the LEA to determine based in its staff composition, experience, and competence, the point at which a document needs evaluation from someone other than the staff. The use of the word performed is within context and conventional meaning to act on so as to accomplish or bring to completion, or carry out. No legal approval authority is taken away from the LEA for this type of professional consultation.

No regulatory language change is warranted by this comment.

Reference: 15.7

Comment: Why can't type A be included in 18072(a)(2)?

Response: Type A certification as it relates to technical expertise is addressed in Subsection 18072(a)(1). Because of the scope of the type A certification, solid waste landfills, it does not fit into 18072(a)(2) with type B (incinerators) or type C (transfer and processing stations).

No regulatory language change is warranted by this comment.

Reference: 16.10

Comment: The City is vehemently opposed to being required to provide at least one full time staff individual dedicated solely to solid waste issues. The workload to satisfy the requirements of the Public Resource Code does not warrant a full time person in this jurisdiction. The cost to provide this level of staffing to cities or rural counties with limited revenue sources would be economically burdensome. To the large LEA with permanent full time staff, the regulation is extraneous, and for the small LEA it is burdensome. Suggesting a joint powers agreement or contracting with other LEAs to provide service is possible, but don't presume this solution will work all the time. Please delete the requirement for a full time staff person dedicated solely to solid waste.

Response: The Board feels that a full time staff person is necessary to carry out a comprehensive solid waste program. If the cost to provide this level of service is too burdensome, then an alternative such as a JPA or contract with another jurisdiction or LEA should be considered.

Forming a JPA or entering into a contract is a local issue and could be dealt with at that level. The Board rejects the idea that we delete the requirement for a full time staff person dedicated solely to solid waste.

No regulatory language change is warranted by this comment.

Reference: 16.4

Comment: The regulations should require any newly designated sole-LEA to reside within an Environmental Health Program, since, pursuant to the California Code of Regulations, Title 17, Section 1353, solid waste enforcement is a program required to meet local environmental health and sanitation needs. Divisions of Environmental Health are required to enforce statute relating to public health, including statutes

related to solid waste. Section 18072(a) would foster a duplication of health enforcement that is already required of Environmental Health Divisions. This will cause a unnecessary expense to the public.

Response: Pursuant to Public Resources Code section 43200, LEAs are certified by the Board. Once certified, the LEA has, among other powers, the powers enumerated in section 43209. Subdivision (a) of section 43209 states that LEAs shall enforce the minimum standards, "for the protection of air, water and land from pollution and nuisance, and for the protection of human health." This statute makes it clear that an LEA, whether a "health agency" or not, has full power to enforce all the minimum standards. Additionally, the minimum standards for solid waste facility operation entail many requirements that are not "health" in nature, but are more geared towards engineering.

No regulatory change is warranted by this comment.

Reference: 24.2B, 24.4

Comment: Section 18072(a) would allow for the proliferation of LEAs since many Cities, not currently LEAs, might opt to become sole LEAs by hiring an Environmental Health Specialist. If one agency has oversight responsibilities at all facilities in a county, a county-wide perspective is developed and can be used to enhance the solid waste program by enabling all facilities in the county to benefit from shared success and failure of other facilities.

Response: Public Resources Code section 43203 identifies four ways local governing bodies can designate an LEA. Additionally, in order to be an LEA, a permitted solid waste facility must exist within the jurisdiction pursuant to Public Resources Code section 43200(a)(5). Public Resources Code section 43203(c) allows cities to designate an LEA. It is not within the Board's authority to disallow cities to become LEAs if so designated, and they are able to meet the requirements to be certified by the Board.

No regulatory changes are warranted by these comments.

Reference: 24.7, 24.8

Comment: Amend section 18072(a) to require a minimum staff size based on work load analysis and eliminate the need for at least one full time employee dedicated solely to solid waste issues.

Response: LEAs must function as the central agency responsible for insuring the protection of human health and the environment

from the adverse affects of solid waste handling and disposal. In addition to performing extensive permitting, inspection, and enforcement duties, the LEAs must maintain adequately trained staff. The Board is currently spending about $9,000.00 per field employee for initial equipment and training with annual training and maintenance costs of $4,000.00 per employee. For these reasons, the regulations require at least one full time person to perform the functions of an LEA. The regulations allow for the formation of Joint Powers Agreements (JPAs), so local agencies can pool their resources and lessen the financial impact of establishing an LEA. Local agencies may also contract for services with other LEAs or qualified professionals.

No regulatory changes are warranted by this comment.

Reference: 24.9, 24.10, 24.11

Comment: Section 18072(a). The City requests the deletion of the word "solely" from line 605 of the draft regulations. CIWMB staff has defined the term "solely" to be a full time staff member dedicated for solid waste issues. It would preclude a combination of dedicated full time employees who have multiple responsibilities.

Section 18072(a), Technical Expertise, of the Initial Statement of Reasons states "the specific purpose of this section is to assure technical expertise." In addition, one full time solely dedicated staff member is stated as being necessary for continuity and consistency , but no statement exists that solely equates to assurance of technical expertise, the addition of the term solely is not supported by analysis, evidence, legislation or justification.

Response: The intent of Section 18072(a) is to keep all issues including Enforcement, Inspection, and Permitting in a single comprehensive solid waste management agency and staff. The requirement of at least one full time staff member dedicated solely for solid waste issues is necessary to provide continuity and consistency in the program. The Board staff feels, and experience has proven, that a combination of dedicated full time employees with multiple responsibilities often fails to meet the demands of a single comprehensive solid waste management agency. This subsection does not preclude the use of contracted services. Contracted services may be used in addition to the full time staff person or the jurisdiction may contract for services that satisfy the requirement of a full time person dedicated solely to solid waste.

The commentor is correct, Section 18072(a) in the Initial Statement of Reasons does state that this section is to

assure technical expertise. Because no statement exists connecting technical expertise to a full time staff person dedicated solely to solid waste is no reason to disregard the requirements for them. The requirement for a full time staff member dedicated to solid waste issues insures a time dedication to fully investigate and correct any public health, safety, and environmental concerns related to these waste issues within a jurisdiction. This requirement will also assure adequate time dedication to solid waste technical and regulatory knowledge requirements. Technical expertise is addressed by allowing the manager of director of the LEA to hire qualified professionals as stated in Section 18072. In addition, the use of the word solely is supported by analysis of past evidence and legislation as stated in Public Resources Code (PRC) 43200(a)(2).

No regulatory language change is warranted by this comment.

Reference: 16.2, 16.11

Comment: What is the meaning of "sole comprehensive solid Waste management?"

Response: Blacks Law Dictionary (Revised fourth edition) defines "sole" as meaning: single or individual; separate; the opposite of joint. Existing regulations in 14 CCR Division 7, Section 17225.7, defines "Solid Waste Management" as: solid waste management--included a planned program for effective controlling the generation, storage, collection, transportation, processing and reuse, conversion or disposal of solid wastes in a sage, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives.

Webster's New World Dictionary (Second College Edition, 1984) defines "Comprehensive" as: 1) Dealing with all or many of the relevant details; inclusive. 2) Able to comprehend fully.

No regulatory change is warranted by this comment.

Reference: 4.10

Comment: Line 629. This section (18072(b)) should provide a means for a jurisdiction whose LEA is in conflict with a specific facility, to contract with another certified LEA to provide services for that facility only. All other local facilities would still come under the local LEA. We find nothing in

statute to prevent this type of arrangement.

Response: The Board rejects the suggestion that Section 18072(b) should be amended to allow for the circumstances set forth in the comment. The scenario set forth in the comment is allowed in existing proposed regulatory and statutory language. Additionally, the Board can not supersede the PRC Section 43203, statutory requirements of designation by the local governing bodies. The local governing bodies must agree to give up part or all of their jurisdiction as part of the designation process. The Board can not, through regulation, override statute, specifically PRC Section 43203. The specific facilities to be affected must be included in the LEAs jurisdiction by JPA, special district, or contract between local governing bodies and their designation of a jurisdiction.

No regulatory language change is warranted by this comment.

Reference: 9.10

Comment: Subsection 18072(a)(1) uses the term "shall" in line 616, while Subsection (a)(2) uses "may" in line 624. We do not understand why must meet rigorous requirements only in some cases.

Response: The intent of The Board is to differentiate between the extensive statutory and regulatory requirements associated with disposal sites and the lesser requirements of transfer stations, processing stations, and solid waste transformation facilities. (The air pollution issues associated with transformation facilities are not generally the purview of the LEA.)

Disposal sites have numerous enactment at the Federal, State, and local levels related to, but not limited to, permitting, operation, closure and postclosure, and monitoring that are not usually required by the other types of facilities.

The Board rejects the suggestion that more lenient standards should be applied to solid waste disposal facilities. No regulatory language change is warranted by this comment.

Reference: 30.7

Comment: Line 641. Define Deliverable or "Deliverable" What?

Response: Black's Law Dictionary (Revised Fourth Edition, 1968) defines Delivery as "The act by which the res or substance thereof is placed within the actual or constructive possession or control of another. The transfer from one

person to another of the res or a right or interest therein which means more than physical transfer of possession.

Webster's New World dictionary (Second College Edition, 1984) defines Delivery as: 1) a giving or handing over, transfer; 2) a distributing as if goods or mail, LAW a) the irrevocable transfer of a deed or other instrument of conveyance--therefore the "Deliverable" as used "res" is defined in Black's Law Dictionary (Revised Fourth Edition, 1968) as: "Latin in Civil Law. A thing; an object, also '<u>Res</u>,' therefore, in its general meaning comprises actions of all kinds, while in its restricted sense it comprehends every object of right except actions." Specifically--"<u>Res corporales</u>," in civil law. Corporeal things; things which can be touched, or are perceptible to the senses.

For the purposes of this Section and the proposed regulations the noun Deliverable is something "able" to be delivered or capable of being delivered (i.e. information, data, reports, documents, studies, results of test or studies, studies, legal documents, requested materials, requested information, requested data, etcetera.

No regulatory language change is warranted by this comment.

Reference: 9.11

<u>Comment</u>: The California Environmental Health Association has reviewed the CIWMB regulations on LEA certification and has a concern with Section 18072--Technical Expertise (page 15, lines 612-628). [No indication of which draft of the regulations was referenced.]

<u>Response</u>: The Board will assume the comment pertains to the noticed Draft of the Regulations (May 13, 1991 Draft).

The Board rejects the suggestion that the proposed regulations (May 13, 1991 Draft) noticed with Office of Administrative Law (OAL) do not address the previous concerns of Environmental Health Agencies on the technical expertise of Registered Environmental Health Specialist (REHS) as they pertain to engineering duties and responsibilities of an LEA.

The proposed regulations allow the LEA's staff, who may be REHS's or other certified staff, to consider if some LEA engineering duties as set forth in Sections 18072(a)(1) and (2) may be beyond their technical expertise and therefore the duties may be contracted out to qualified engineering professionals as needed.

The subsections require the LEA's staff as professionals to ascertain what is beyond their technical expertise and

provide for contractors and consultants needed to meet the Engineering review duties of an LEA. The Board shall approve these contracts based on the technical expertise requirements of subsection (a) of this section as it relates to type "A" and/or "B" certifications.

Furthermore, the Board rejects the suggestion that the proposed regulations notice (May 13, 1991 Draft) have not already been carefully changed to provide language different from previous drafts of Section 18072. The Board has amended the Section as per the Enforcement Advisory Committee (made up of Directors/Managers of Environmental Health Agencies) recommendations that have eliminated any ambiguity that could effectively prevent an entire profession from performing specified duties that they are qualified to perform.

No regulatory language change is warranted by this comment.

Reference: 10.1, 10.2, 10.3

Comment: As the proposed regulations are written, the wording of lines 609, 610, and 611 indicate that consideration is being given to the possibility of hiring Environmental Health Specialist Trainees as defined in Section 517(d) of the California Health and Safety Code. It should be noted that a person is only allowed to work as an Environmental Health Specialist Trainee for a period not to exceed three (3) years (Health and Safety Code, Section 519), and that any organization which plans to hire Environmental Health Specialist Trainees must have a training plan approved by the Department of Health Services (DHS) Environmental Health Specialist Registration Committee. Since DHS officially certifies applicants for Environmental Health Specialists Trainee positions, line 611 should be changed to read "certified by the Environmental Health Services Section of the state Department of Health Services."

Amend the draft to provide for the State Department of Health Services to determine if a staff person meets the requirements of Section 520 of the Health and Safety Code. It is the State's responsibility to determine the staff's educational equivalency, and not that of the LEA program director.

Response: The Board rejects the suggestion the LEA staff be limited to Registered Environmental Health Specialist and Registered Environmental Health Specialist Trainees. If an LEA Director or Manager wishes to "hire" REHS Trainees they may do so and under statute (Health & Safety Code 519) the trainees are required to meet the necessary conditions so set forth in statutes. However, the LEA Directors and Managers can also upon their certification, as stated in the

proposed regulations, elect to staff their LEA for solid waste issues with other professionals such as engineers, Air Pollution Specialist, Hazardous Materials Specialist, Waste Management Specialist, Engineering Geologists, Environmental Assessors and other professionals which also meet the educational and experience requirements of REHS's as set forth in the Health and Safety Code.

No regulatory language change is warranted by this comment.

Reference: 7.2, 24.12, 24.13, 24.14, 24.15

Comment: While we feel that eliminating any conflict of interest is of prime importance, we believe that a strict interpretation of this section (18072(b)) may limit our ability to contract with qualified consultants.

Response: The Board rejects the suggestion that Section 18072(b) limits the commentor's ability to contract with qualified consultants. Section 18072(b) clarifies and makes consistent the requirements of PRC Section 43207. Operating units, Facility Operators, operators and their consultants, staff etc., can not be LEAs in any capacity related to permitting, inspection or enforcement duties and responsibilities in the LEA jurisdiction. LEAs, to maintain their certifications and or designation, are required to avoid conflicts of interest as related to solid waste issues in their jurisdiction, pursuant to the proposed regulations.

No regulatory language change is warranted by this comment.

Reference: 8.6, 22.7

Comment: May a "consultant" contract with an LEA at the same time they are working on unrelated projects for the same or different operators? Please clarify the extent to which this conflict of interest section will apply.

Response: The conflict of interest issue here is jurisdictionally based and operator based, not facility based. The Board rejects the suggestion that the conflict of interest issues can be applied facility by facility or site by site. Again, PRC 43207 strictly does not allow an operator, facility operator or operating unit to be an LEA, an LEA consultant, or an LEA staff member for the types of solid waste handling or disposal operation they conduct in the designated jurisdiction. This pertains to Inspection, Enforcement, and Permitting duties and responsibilities of an LEA. How can certain operators, facility operators or operating units be consultants for an LEA and the other operators, facility operators or operating units be excluded as consultants in

the same LEA jurisdiction. The use of some operators and not other operators is a direct conflict of interest and not fair to the LEA regulated public. The Board again rejects the suggestion that conflict of interest avoidance be based on a facility by facility bases and not on a jurisdictional basis.

No regulatory language change is warranted by this comment.

Reference: 8.7, 22.7

Comment: RECOMMENDATION: Revise Section 18072(b), line 634 to read: The above contracts or joint powers agreements shall preclude conflict of interest between the cities or counties, their designated LEA, or the LEA's consultants and facility operators in the jurisdiction. ~~The consulted professionals~~ [The LEA shall not contract for project services from a contractor or consultant] as defined in 14 CCR 17761(a)(g), (40), (41), and (51), [who is concurrently contracted for services with the same solid waste facility operator, A contractor or consulted professional] shall not be a facility operator[.] ~~or consultants for solid waste facilities or disposal sites~~ within the LEAs jurisdiction.

Response: The Board rejects the recommended language changes set forth in the comment for the following reasons: Conflict of interest issues as related to PRC Section 43207 and the proposed regulatory language can not be based on a project by project , or a facility by facility basis. All relations between the LEA and operators and their contractors or consultants have to be based on the total jurisdictional duties of the LEA. How can an LEA use some operators, facility operators, or operating units and their staff in the LEA jurisdiction and not other operators, facility operators or operating units and their staff or consultants in the same jurisdiction. The proposed language changes allow direct conflicts of interest and are not consistent with the free enterprise system and a level playing field for all operators in a jurisdiction.

No regulatory language changes is warranted by this comment.

Reference: 8.8, 22.7

Comment: We oppose the use of the term "solely" as used in Section 18072(a): "The LEA shall have one or more full time staff members dedicated solely for solid waste issues." "Solely" implies that 100% of that dedicated staff members time would be working on solid waste issues. No statutory requirements could be found in your referenced PRC Sections which support the use of the word "Solely" in the subject context.

Your proposed Sections 18082 through 18084 prescribe the LEA duties and responsibilities for Permitting, Inspections, and Enforcement. Section 18073 requires the LEA to compute and certify adequate FULL TIME EQUIVALENT (FTE) staff resources in its Enforcement Program Plan. The resultant FTE will not result in a full years worth of staff time for most of the existing LEAs in the state. Also, much of the work could be performed by other public and private entities as provided in Section 18072, therefore requiring less full time staff. Our duties as stipulated in your regulations would not require a full time staff person. However, we believe the decision as to staffing is a local decision, is best made by the local agency.

Small rural counties do not have the workload to warrant one full time person dedicated solely to solid waste. We believe that the regulations need to be flexible to allow the needs of rural counties to be met with out placing an undue burden on rural counties. We also object to mandatory training levels and budget levels.

Limit rural county requirements to the basic needs of this program and allow staffing to reflect actual program needs and not mandatory one full-time staff member.

The requirement for LEAs to have one or more full time staff member is inappropriate for some counties. A more appropriate method to determine staffing needs is to establish a level of staff resources that is adequate for achieving the requirements of these regulations as described in Section 18073. This is best decided at the local level.

There should be opportunity for multiple part time positions as long as they are functionally equivalent to one full time position.

Response: The Board rejects this suggestion of removing the requirement of at least one or more full time staff members dedicated "solely" for solid waste issues for the following reasons: The Public Resource Code (PRC) requires that LEAs perform environmental health duties as implied by the types of certifications available. Environmental health expertise remains the most essential function of the LEA. The Board's Waste Management Specialists, for example, must meet extensive education, training and experience requirements. The Board is currently spending about $9,000.00 per field employee for initial equipment and training with annual training and maintenance costs of $4,000.00 per employee for OSHA-required health & safety reasons. Additional technical training can easily double these figures.

LEAs must function as the central agency responsible for insuring the protection of human health and the environment from adverse affects of solid waste handling and disposal.

When LEAs must divide their duties between Solid Waste and other duties, the Board has no assurances that the required Solid Waste duties are actually performed. Historically, the Board has found that during funding shortages, local jurisdictions often adjust LEA duties away from Solid Waste issues to other concerns such as food and restaurant inspections. The PRC implies that LEAs are agents of the State at the local level. Without at least one full time staff member an LEA will have difficulty functioning as the central agency responsible for solid waste. Those existing or future LEAs and their jurisdictions which have less than a person-year of workload (i.e. one full FTE workload) have the option of expanding their jurisdictions so as to provide sufficient facilities, and sites, to justify one or more full time staff members dedicated solely to solid waste issues. Other options included in the proposed regulations are to contract with another LEA, form a joint powers jurisdiction, or a special district, or have the Board be the Enforcement Agency.

The Board rejects the suggestion that it is not empowered to prepare and adopt Certification Regulations. The referenced PRC Sections (i.e. PRC Section 40502 & 43200) do give the Board the power to prepare and adopt Certification Regulations for Local Enforcement Agencies. Specifically, the Board is to prepare and adopt certification regulations including, but not limited to: 1) Technical expertise, 2) Adequacy of staff resources, 3) Adequacy of budget resources, and 4) Training requirements.

The Board rejects the suggestion that at least one full time staff member is not needed in a jurisdiction. To provide sufficient: inspection, permitting, maintenance of records corrective actions, site assessments, follow-up inspections, staff, staff training, staff technical expertise and experience, and staff time for all of the above, the LEA shall provide adequate enforcement, permitting, inspection, administration, closure/postclosure, and corrective action duties and responsibilities, at least one full time staff member is needed.

Throughout the State, at this time, there are only 14 cities of the 462 incorporated cities which are existing LEAs and that have at least one permitted solid waste facility. Six of the 14 cities, that are existing LEAs, have only one permitted solid waste facility. Additionally, there are 58 existing County LEAs for a potential of 520+ LEAs in the State.

LEA duties have been expanded by recent legislation, and include permitting, enforcement, and inspection requirements for closed, abandoned, inactive, illegal, permitted, and exempt solid waste facilities and sites, as well as the inspection of solid waste handling facilities and vehicles.

The law requires LEAs allocate additional technical equipment and training, including sufficient staff, staff time for training for experience, and health and safety issues for all aspects of LEA duties and responsibilities.

Existing and future proposed LEAs with jurisdictions having 1 or a few permitted solid waste facilities (especially only transfer of composing stations, and Materials Recovery Facilities) may find it difficult to generate fees to fund all the duties and responsibilities of an LEA.

Duplicating the staff expertise, equipment, training and administration and infrastructure in a county or JPA by maintaining a city as an LEA is not efficient for enforcement, permitting, and inspection duties and responsibilities.

A majority of current LEAs welcome the concept of at least one full time staff position as a program wishes to enhance the knowledge and performance of the local program. Allowing a small workload jurisdiction LEA to exist does not provide for the necessary and expanding training and on going technical expertise necessary to provide up to date technical expertise for the requirements of PRC Division 30 and 14 CCR Division 7, for Solid Waste Facilities (SWF) and disposal sites. A jurisdiction with less than one full year (P.Y.) of work should contract out to another LEA or form a JPA, or special district, with other cities or counties to provide ongoing LEA services in all aspects of solid waste management.

Most LEAs or proposed LEAs with a jurisdiction having less than on full year (FTE) full time equivalent work load should also find that the necessary requirements of demonstrating certification adequacy for such a jurisdiction to be difficult. When the FTE staff member (dedicated "solely" to part time LEA duties and part time to <u>other</u> duties <u>not</u> related directly to LEA duties and responsibilities) does not allow the designated FTE staff person to pursue training and expertise necessary to provide technical expertise in <u>all</u> aspects if solid waste issues and management in addition to maintain proficiency with the monitoring and testing equipment that do exist, or may arise in the jurisdiction. For example, three counties or cities with 1/3 P.Y. workload <u>each</u>, could create a special district, Joint Powers Agreement, or contract with each other and support a full time staff person, and train only one staff person instead of three separate individuals.

PRC Section 43213 provides for the Local Governing Body to provide its LEA with sufficient funds through fee's in the jurisdiction to fund the required LEA program.

For the Board to provide for the optimum protection of the

public health and safety as well as the environment throughout the State, and to maintain competent well trained, experienced staff at the local level, the minimum staffing level for each jurisdiction must provide for sufficient staff time to maintain on going training experience and minimum competency in all aspects of Solid Waste Management. Within a given jurisdiction, solid waste management issues include, but are not limited to: Monthly inspections of all solid waste facilities and sites within the jurisdiction (PRC 43218); inspection, enforcement and permitting of: permitted, abandoned, illegal, inactive, closed, exempt facilities and sites as well as the transportation, processing, and handling of solid waste in the jurisdiction.

Of the 460 plus incorporated cities in California, 49 are existing LEAs for their jurisdictions. Only 14 of the 49 existing city LEAs will, as of this date, remain LEAs under the statutory requirements of PRC Section 43207 and 43200(a)(5)if they are re-designated and receive certification. Seven (7) of the remaining 14 have only one Permitted Solid Waste Facility (PSWF).

Under the existing proposed regulatory language of Chapter 5, those existing seven (7) city LEAs with only one PSWF would find it difficult to fund and staff an LEA with sufficient certification requirements to cover all aspects that exist, or may exist in the future, for the additional requirements of: closure/postclosure, corrective actions, inspection frequencies, permitting, and enforcement duties and responsibilities in the jurisdiction pursuant to PRC Division 30 and 14 CCR Division 7.

There is approximately 107 existing LEAs (County and City) in the State, and 460+ cities and 58 counties. All 58 counties (except one) can meet the requirement of PRC Section 43200(a)(5), and only 14 of the 49 existing city LEAs.

The 1982 Report of the Effectiveness of Enforcement of the State Minimum Standards for Solid Waste Handling and Disposal (which does not include the duties and responsibilities of an LEA under PRC Division 30, and 14 CCR Division 7 as now existing in the statutes and proposed in regulations) a LEA Evaluation of 40 of the 121 LEAs in the state had the following findings:

1) Several agencies were unaware of their designation, thirty percent maintain insufficient records.

2) Eighty-five percent (85%) employed one part time staff person to solid waste enforcement, most of whom had received little or no training.

3) Discerning the source of funding for local waste enforcement activities was often difficult. While twenty-seven of the forty (40) charged fees as authorized by law, half of those relied on other funding sources to support their programs. Eighty percent (80%) of the cost of local enforcement was derived from funds other than the legally authorized solid waste enforcement fees.

4) Seventy-five percent (75%) had filed NO reports with the Solid Waste Information System, which is a major element of the States enforcement records.

5) Solid waste enforcement training receives little emphasis at the local level. Only a few agencies were found to provide any type of formal solid waste enforcement training for their staff. Most agencies rely on training seminars conducted by the Board. Informal on the job orientation for new employees is the common means of training in solid waste enforcement.

6) Activities of the agencies evaluated reveal a wide range of both scope and effectiveness of enforcement programs. Some programs consist of facility inspections only. Enforcement programs in metropolitan areas usually include the enforcement of storage, collection and transportation in addition to disposal standards. A few agencies were also designated by county governments as the solid waste management plan liaison agency. A number of agencies which have no solid waste facilities within their jurisdiction were unaware that an enforcement agency designation had been made by their legislative body, or specifically who was designated.

7) Managers of the forty (40) agencies that had inspection programs revealed familiarity with complaint filing procedures. However, managers were unfamiliar with the use if the Notice and Order Program.

8) Funding for solid waste enforcement is not clearly identified in many city and county budgets, and most budgets do not specifically allocate funds for solid waste enforcement programs. Funding for enforcement positions frequently is included in the total budget of a larger unit, and is not specifically identified for solid waste enforcement. However, a few organizational budgets contain a precise amount for solid waste enforcement. In conclusion, the existing LEA status has resulted in a reduction of skill.

Finally, the Board entertained the requirement that an LEA jurisdiction with a work load of less than 1.0 Person-Year

(PY) (1.0 FTE per year) for solid waste management not be issued certification, and therefore not receive designation approval by the Board. By allowing a local governing body to designate a local agency for a jurisdiction with less than 1.0 PY of workload, but yet still fund the LEA and staff it so as to maintain a minimum level of expertise, training and competency throughout the State was preferred to the aforementioned requirement.

Reference: 1.1A, 13.1, 13.2, 13.3, 13.4, 13.6, 13.8, 16.2, 16.11, 18.2, 20.1, 21.2, 23.1, 23.3, 26.3, 29.1, 30.6B, 33.5, 33.6 B9.1, B7.4, B7.5, B8.1, B8.2

Comment: The proposed regulations do not allow for staff resource utilization based on program need, but rather arbitrarily requires one or more full time staff member dedicated to solid waste issues. Many small rural counties do not have this workload. We suggest that the personnel needs be based on workload requirement predicated on performance standards and the ability to meet those standards, and not mandated levels. Change the language to: "The LEA shall be staffed based on workload requirements predicated on performance standards and the ability to meet those standards."

Response: The Board rejects the suggestion that the regulations is not based on the "minimum" need to staff an LEA program and also rejects that suggestion that the requirement of one or more full time staff members is arbitrary. The Board rejects the suggestion that LEA jurisdictions staffing be based only on workload. The commentator is directed to the response to Reference 1.1A located immediately above.

No regulatory language change is warranted by this comment.

Reference: 28.2, 33.6

Comment: We suggest the line 604 (Section 18072(a)) be changed as follows: "~~The LEA shall have one or more full time staff members dedicated solely for solid waste issues.~~" Add the following instead: "The LEA shall be required to maintain sufficient minimum staffing levels based on an analysis of the jurisdiction's workload." An analysis of the LEA's workload is possible through the requirement of Section 18073 "Adequacy of Staff Resources."

Response: The Board rejects the suggested changes and the suggestion that LEA staffing be based solely on jurisdiction workload. Adequacy of staff resources is not to be based on workload analysis but should include, but not be limited to, staffing needs for: inspections, enforcement, permitting, training, travel, etcetera, as the workload varies in the jurisdiction. In small workload jurisdiction the quality of

technical expertise and staff training is just as important as the workload. The commentator is referred to the response to Reference 1.1A above, for further details.

Reference: 33.7

Comment: Technical expertise provisions of Section 18072 requires LEA program directors or managers to determine if the person(s) meet the requirements of Section 520 of the Health and Safety Code (H&S). A mechanism for this already exists: amend the regulations to provide for the State Department of Health Services (DHS) to determine if the persons meet the requirements.

Response: The Board rejects this proposed change. The Board is aware of the registration requirements of a Registered Environmental Health Specialist (REHS) and Registered Environmental Health Specialist Trainee set forth in statute. The directors and managers of LEA programs may use DHS for supporting evidence of qualified staff that are trainees. However, all other qualified staff (such as engineers) and not just REHSs or REHS Trainees must be certified by the director or program manager.

No regulatory language change is warranted by this comment.

Reference: 25.5

Comment: Section 18072(a) also would require the LEA program director or manager to determine if a staff person meets the requirements of Section 520 of the Health and Safety Code (H&S). The State Department of Health Services (DHS) is responsible for determining whether such a staff person meets the requirements of Section 520. Requiring the program director or manager to make this determination is duplicative and problematic.

We suggest that you change to regulation to the following: line 611: "...~~as certified by the program direction or manager~~ as certified by the State Department of Health Services."

Response: The Board rejects the suggestion that DHS certify the proposed LEA staff members except for Registered Environmental Health Specialist (REHS) and REHS Trainees. The Board rejects the suggestion that LEA program directors or managers certifying staff is duplicative and problematic. The staff of LEAs will include other professionals that do not come under the direct influence of H&S Section 520. These professionals include geologists, engineers, engineering geologists, air pollution specialists, hazardous material specialists, waste management specialists, and

others. No regulatory change is warranted by this comment.

Reference: 33.8, B7.3, B7.6, B8.3

Comment: The provisions of Section 18072 for a Sole LEA should not adversely impact the implementation of large scale waste transportation projects such as rail hauling.

Response: The Board rejects the suggestion that the proposed regulations ("would") adversely impact the implementation of large scale waste transportation projects such as rail hauling.

The Board can not control the designation of local agencies by local governing bodies of cities, counties, special districts, and joint powers agreements, or contracts between local governments. Public Resource Code (PRC) Section 43203 states: "The designation of the enforcement agency shall be made by any one of the following procedures: A) The board of supervisors of the county may designate the enforcement agency to carry out this chapter in the county. The designation is subject to the approval by a majority of the cities within the county which contain a majority of the population if the incorporated areas of the county except in those counties which have only two cities in which case the designation is subject to approval by the city which contains the majority of the population of the incorporated area of the county. B) The county and the cities within the county may enter into a joint exercise of powers agreement pursuant to Section 6500 of the Government Code for the purpose of establishing an enforcement agency to carry out this chapter in the jurisdiction of the joint powers agency. C) A city council may designate an enforcement agency to carry out this chapter in the city. D) The board of supervisors of the county may designate an enforcement agency to carry out this chapter in the unincorporated areas of that county.

The proposed regulations would give additional options to local governing bodies to create for solid waste issues, LEA jurisdictions so designated by the local governing bodies in agreement. Specifically, a local governing body (LGB) or bodies may enter into a contract or joint powers agreement with another LEA out side their jurisdiction for the enforcement inspection and permitting duties within its (LGB) territorial jurisdiction. If a group of local jurisdictions (LGBs) wish to create a new jurisdiction separate from their jurisdiction and a distinct subset of one or more existing city(s) and or county(s) jurisdictions for the purpose of "large scale waste transportation projects" such as rail hauling, the existing proposed regulations do allow this option. The proposed regulations do allow for specifically designated jurisdictions with a

single sole LEA for that designated jurisdiction but, does not allow overlapping jurisdictions or dual or simultaneous LEAs in a given jurisdiction.

No regulatory changes are warranted by this comment.

Reference: A5.1

Comment: The sole LEA requirements of Section 18072 should not impact the implementation of Joint Powers Agreements (JPAs).

Response: The Board rejects the suggestion that the proposed regulations impact the implementation of JPAs. Existing statute (Government Code Section 6500 et sequins) sets forth the requirements of joint powers agreements between cities, counties, the state, public districts or public corporations.

The Board has no regulatory power in the existing statutes governing JPAs. The Board is empowered under the PRC to prepare and adopt certification regulations for local enforcement agencies. To avoid by practice and in statutory mandate conflict of interests, the Board has in the proposed certification regulations required that only a one single sole separate LEA exist for a given jurisdiction. And the Board also wishes to avoid any conflicts that may occur when there exist two or more local enforcement agencies in a given jurisdiction. The regulated public should have to respond and work with a single agency that speaks with one voice.

See Initial Statement of Reasons for Sections: 18011(a)(14), 18070, 18071, 18072, 18073, 18074 and 18075.

No regulatory changes are warranted by this comment.

Reference: A5.2

Comment: Section 18072(b), Technical Expertise (pg. 13): (b); "counties of cities may have contracts or joint powers agreements with another county, city or a joint powers jurisdiction LEA to provide enforcement, inspection, and permitting duties and responsibilities in the designated jurisdiction of the local governing body. The above contracts shall preclude conflict of interest between the cities or counties, their designated LEA, or the LEAs consultants and facility operators in the jurisdiction."

Response: The above comment does not apply to the rule making process in that the subsection is not properly quoted and does not reflect the proposed existing language as found in the May 13, 1991 draft. See the Statement of Reasons section for

further explanation of this subsection.

No change to the regulatory language is warranted by this comment.

Reference: 3.5

Comment: We believe Section 18072(a) will adversely impact private waste transfer projects.

Response: The Board rejects the suggestion that the regulations apply to private operators of solid waste facilities and sites. Section 18072 of the proposed regulations sets forth the certification requirements related to technical expertise of LEAs. The designating local governing body's enforcement agency has to maintain sufficient staff numbers and technical expertise of each member to fulfill its duties and responsibilities and maintain its certifications and designation. It is the responsibility of the LEAs to provide enforcement, inspection and permitting duties of an LEA and not the load checking responsibilities and duties of an operator pursuant to an operators permit to operate a Solid Waste Facility. The terms and conditions of the facility Permit include waste discharge requirements of the Regional Water Quality Control Boards which may require a load checking program as a condition of the permit. Load checking is not directly a requirement of the State minimum standards as set forth in Chapter 3 of Division 7, Title 14 CCR. Pursuant to 14 CCR Section 17742, a site shall not accept hazardous wastes unless the site has been approved for the particular waste involved, and liquid wastes and sludges may be accepted at a site only as approved by the California Regional Water Quality Control Board, the local health entity, and the enforcement agency pursuant to 14 CCR Section 17743. It is the responsibility of the owner/operator of a solid waste facility or site to provide for operator responsibilities and duties under all relevant enactments and permits.

Reference: 2.5

Comment: A full time employee (FTE) will not result in a full years worth of staff work for the us, and most existing LEAs in the state also have less than one full year FTE.

Response: The Board agrees that at this time, some LEAs have less than a one person year (one year of FTE) workload. However, eighty five plus percent (85%+) of the counties have at least one PY (one year FTE) of workload at this time under PRC Division 30, and 14 CCR Division 7.

Reference: 1.1B, 16.12B

Comment: The commentor states that "in fact, the entire County of Santa Clara, with 10 active landfills, 2 transfer stations, and several closed sites would not require one full time staff member solely dedicated to solid waste issues in the County of Santa Clara."

Response: The Board rejects the statement that the workload exists as they have stated in their written comment. The County of Santa Clara has 23 inventoried Solid Waste Facilities and sites, and 20 Solid Waste Assessment sites for water (including 5 transfer stations and 18 landfills). [The Water Resources Control Board also show 20 SWAT sites as of June 22, 1989]

The work load for 23 facilities, each with one inspection per month including the required reporting for inspection duties alone is above one PY per year, not taking into account numerous other duties and responsibilities of an LEA.

Reference: 1.1C, 16.12C

Comment: We are fully committed to accomplishing the required tasks. However, we believe the decision as to staffing is a local decision, best made by the City. Finally, if your Board insists on requiring a "solely" dedicated (100% of his/her time) staff person, we (as provided for in the California Constitution) request reimbursement for these mandatory additional costs (difference between mandatory full time, and the required part time).

Response: The Board rejects this suggestion. Assembly Bill 939, Statutes of 1989, Chapter 1095, Section 37 states no reimbursement is required.

PRC Section 43213 states: "The enforcement agency may, upon a majority vote of its local governing body, prescribe, revise, and collect fees or other charges from each operator of a solid waste facility, or from any person who conducts solid waste handling if the local governing body having rate-setting authority has approved rate adjustments to compensate the solid waste hauler or solid waste facility for the amount of the surcharge imposed pursuant to this section. The fee or other charge shall be based on weight, volume, or type of solid waste which is received or handled by any such operator or person or on any other appropriate basis or any combination of the foregoing. In no case shall the fee or other charge imposed by the enforcement agency under this section exceed the actual cost of the solid waste enforcement authorized under this title."

Reference: 1.1D, 16.12D

Comment: This comment addresses subsection 18072(a)(8-10). It assumes the Procedure Manuals referred to are Board manuals and requests that the regulations specifically identify these manuals, and require their being included in the EPP by reference only.

Response: The beginning of the section clearly states that the LEA shall develop, submit for Board approval, and adopt an EPP. The EPP content is then outlined including a minimum list of components. The regulation is clearly without reference to any Board materials to be included in the EPP. Additionally, PRC Section 43209(d) requires the LEA to develop the program. This comment is based on an incorrect assumption and does not warrant any change to the proposed language.

Reference: 1.3, 16.14

Comment: We recommend deletion in Subsection (1) of 18072(a) of the May 7, 1991 Draft Regulations...of the portion..."beyond the technical abilities of the LEAs staff, shall "...and replace with "may."

Response: The Board rejects the recommendation of deleting the requirement of providing sufficient technical expertise to carry out the LEA engineering duties and responsibilities set forth in PRC Division 30 and 14 CCR Division 7. When an engineering review beyond the technical expertise of the professionals making up the LEAs staff exists, the LEA must provide sufficient technical expertise to fulfill the duties and responsibilities of an LEA, and protect the public health and safety, and the environment.

To meet these duties and responsibilities required for certification, the LEA must provide for the necessary contract duties via sufficient funding demonstrated in the Adequacy of Budget section of its EPP.

To be a responsible LEA and to maintain sufficient technical expertise as needed without requiring a full time staff professional(s) to meet 18072(a)(1) requirements, the LEA has to provide some mechanism to keep abreast of the latest technology and methods consistently arising at solid waste facilities and sites. This includes technologies related to Closure/Postclosure, Corrective Actions, Alternative Covers, Mitigation, and Monitoring of sites and facilities as well as health and safety issues of the staff and public.

Also see reference no. 21.3, below, for this Section. No Regulatory change is warranted by this comment.

Reference: 1.4, 14.5, 14.6, 16.15, B6.1, B7.1, B7.2

Comment: We ask if Section 18072(a)(1 and 2) use of the term "public and private entities" as specified in the LEAs EPP mean you have to specify, by name, the public or private entity (consultant) or if you can designate a selection of consultant (entity) at the time of review.

Response: The public or private entities do not have to be identified up front, but the contract funds are to be identified and available each year. The only requirements are that the LEA provide for the consultation mechanism where required, and have the funds set aside for such need when it arises, not after. Funds for consultation, both engineering and legal, are required in Section 18073 and 18074 under Adequacy of Staff and Budget Resources.

No specific consultants have to be identified up front, but this would be wise to identify one or more entities both private and public which meet the requirements for consultants before documents, data, reports and other deliverables are received, and used, by the LEA. Use of, and fees paid to illegal and unapproved consultants, may cause the LEA to lose its certification as well as its designation. Reports, data, documents, etc. from unapproved consultants that are used to meet duties and responsibilities of LEAs, or consultants that are in conflict of interest with facilities and sites in the jurisdiction, and contracted for by the LEA are grounds for withdrawal of designation.

Reference: 1.5, 16.16

Comment: Section 18072 (a)(1) and (2): We take exception to the implication that a Registered Environmental Health Specialist (REHS) is not qualified to review engineering reports. REHS's review those type of reports in other Environmental Health Programs, routinely with no difficulty. If we were required to employ a Registered Engineer to review engineering reports, our costs would increase and it would be tantamount to a fox watching a chicken house.

Response: The Board rejects the suggestion that the proposed regulatory language requires an LEA to contract with or employ an engineer. Only when the LEA staff have duties beyond their technical expertise, then they should employ the required professionals in 18072(a)(1) and (2). Also see response to reference no. 1.4, above, for this Section. No regulatory language change is warranted by this comment.

Reference: 21.3

Article 2.1

Section 18073

Comment: "Local Agency" should be "LEA" in Draft of May 7, 1991, line 656.

Response: The Board rejects the suggestion that the term is improperly used in this section. The use of "local agency" is correct in Section 18073(a)(3), line 656, since the local agency is not an LEA yet. Additionally, existing LEAs are also not LEAs after August 1, 1992, unless issued certifications. In general, all existing LEAs and future LEAs are local agencies in that none have been issued certifications, and existing LEAs lacking certifications after August 1, 1992, will also revert to local agencies without authority to be an LEA.

Reference: 1.10, 16.21

Comment: The time allocation requirements are too detailed and difficult to account for. It is not flexible enough to use existing time analysis. A more general time accounting should be satisfactory.

Response: The Board has determined that compliance with statutory adequacy of staff requirements necessitate accuracy in LEA task analysis. The proposed regulation merely reflects LEA duties and responsibilities which must be accounted for. The issues of detail and difficulty vary with jurisdiction and are irrelevant.

No regulatory language change is warranted by this comment.

Reference: 14.7

Comment: Section 18073: What is the hourly rate for the CIWMB staff? What is the annual cost for 1 full-time staff person if a County declines to be the LEA in their own County?

Response: This comment is not related to Section 18073 or this rule making. They are, however, valid questions which the Board responds to on a one to one basis after considering the involved jurisdiction and the current Board expenses for the period in question.

No regulatory language change is warranted by this comment.

Reference: 34.3, 34.4

Comment: Section 18073 requires LEA to submit results of analysis regarding time allocation. Requested change: Delete lines 657 through 673. Reasons: A time allocation analyses of proposed activities to be performed by staff is an activity which is dependent upon the needs within a LEA's jurisdiction. This activity should be left to the discretion of the LEA.

Response: The Board disagrees with the basic premise of this comment which is, LEA activities should be left to the discretion of the LEA. That is simply not in line with the intent or content of the PRC, or Title 14 of the California Code of Regulations (CCR). Any jurisdictional needs not foreseen in this Section should be added by the LEA. This Section is intended to reflect minimum requirements for all jurisdictions.

No regulatory language change is warranted by this comment.

Reference: 25.6

Comment: Subsection 18073(a)(1) should be clarified. Does "collection and handling equipment" mean only the equipment used at a site or does it also apply to waste collection vehicles collecting wastes at the site of generation? Subsection (a)(2) should be clarified. Does workload calculation for complaints refer only to complaints related to inventoried sites or does it also apply to complaints of general nuisances related to handling, storage, and removal of solid wastes?

Response: The regulations apply to all solid waste collection and handling equipment and all complaints. The commentator should review existing statutory, regulatory, and local requirements.

No regulatory language change is warranted by this comment.

Reference: 19.6

Section 18074

Comment: Section 18074(a)(1)(E): The narrative regarding "independent legal counsel" needs to be expanded, or at least included in "Definitions" (Section 18011(a)). Most LEAs are county entities represented by the same County Counsel Department which represents the county entity operating the county solid waste facilities. Specific regulations are needed to ensure the integrity and effectiveness of the regulatory enforcement process.

Response: We disagree with the comment that independent legal counsel needs to be expanded or included in Section 18011(a). We do agree with the comment with regard to the relationship between operators, LEAs and County Counsels. We believe that the regulations, as written, do ensure the integrity and effectiveness of the enforcement process by requiring an independent counsel be available when the LEA cannot get representation from the County Counsel. This subsection will assure that sufficient funds are available for legal counsel costs should it become necessary.

No regulatory language change is warranted by this comment.

Reference: 27.3

Comment: Full funding should come from the State or federal government when detailed audits are required.

Response: The California Integrated Waste Management Act of 1989 already allows local governments to recover costs of running required programs by charging a fee. No regulatory change is warranted by this comment.

Reference: B8.4

Comment: Audits should be after the fact and not before.

Response: Any audit required by these regulations is intended to be after the fact and not before. No regulatory change is warranted by this comment.

Reference: B11.1

Comment: Section 18074(a)(1) requires the LEA to use line item accounting methods to demonstrate adequate budget resources. Amend to allow LEAs to use methods within their specific budget process. The regulations should address results.

This provision is an attempt by the Board to manage the LEA's program and is too onerous. We need what is fair for everyone. Will the state do the same line item when it is the LEA?

Response: The Board agrees with this comment and has changed the language in Subsection 18074(a)(1). The new language is as follows: "The LEA shall use methods that demonstrate adequate budget resources for implementing the provisions of this Article."

Reference: 1.6, 19.7, 21.4, 25.7, B3.3, B4.3, B10.1, B10.2

Comment: Line item accounting items may not be used by all local agencies. Section 18074(a)(1) should be deleted allowing the LEA flexibility in demonstrating adequate budget resources. The EPP will cover all budgeting concerns. Time accounting should be more important.

Response: Section 18074(a) does not require local agencies to use line item accounting to figure their budget. It allows the LEA to use any budget accounting process capable of identifying expenditures and revenues which are adequate to fulfill their LEA duties and responsibilities. Only those documents submitted to the Board to demonstrate adequacy of budget resources must be of the line item accounting type or method. Because line item accounting is commonly used by cities and counties, and for consistency in reviewing budget demonstration, this method is preferred.

No regulatory changes are warranted by this comment.

Reference: 1.6, 16.17, 19.7, B8.5, B8.6

Comment: For independent legal council we may need access to the Attorney General.

Response: This comment is beyond the scope of these regulations. No change to the regulatory language is warranted or possible by this comment.

Reference: B12.1

Comment: No LEA should be required to do a separate line item budget for the LEA alone. Most jurisdictions in which the LEA is located have up to 20 different and separated programs. It is difficult to imagine the complexity and cost of separate line item budgets for each one. A program plan which indicates staffing, training, inspections, etc. should be sufficient.

Response: The Board rejects the suggestion that LEAs which are Public Health Department or Environmental Health Departments should be exempt from demonstrating adequacy of budget resources in a line item accounting methods while other public agencies that are LEAs should not be exempt from the requirements of PRC Section 43200(a)(3) and 14 CCR 18074.

For the Board to justify an exemption for Health Departments or Environmental Health Departments just because they have taken on more than they can handle or LEAs that have created a very complex program which can not keep their LEA duties separate from their other varied and complex duties is not fair to LEA's created for solely solid waste issues.

If the local governing bodies designated a local Health Department or Environmental Health Department as their Enforcement Agency then that Department so designated has to be held accountable for all the requirements set forth by Statute and regulation.

No regulatory language change is warranted by this comment.

Reference: 21.4

Section 18075

Comment: The Board has never offered any guidance or training relating to solid waste collection.

Response: Section 18075 of the proposed regulations state that LEA personnel shall be trained in solid waste management. The entire responsibility for the training program is not the Boards alone, it is to be coordinated with other state and local agencies. Since solid waste collection is generally governed by local ordinances, and the standards for collection are addressed in 14 CCR Division 7, Chapter 3, Article 5, then the local agencies should have primary responsibility for training in this area.

No regulatory changes are warranted by this comment.

Reference: 4.13

Comment: Clarify the definition "Board approved seminars and workshops."

Response: Board approved seminars and workshops are those that are either sponsored by the Board or are endorsed by the Board as providing useful training in their subject areas.

No regulatory changes are warranted by this comment.

Reference: 4.14

Comment: This is an admirable list of training but it is impractical to demonstrate how this training is accomplished. General training goal/goals should be the function of this requirement. The achievement of training goal/goals should then be the responsibility of the LEA.

Response: PRC Section 43200 et seq. requires the Board to adopt regulations in the area of training requirements for LEAs. The Board has interpreted the Legislature's intent to be that LEAs currently are inadequately trained. These

regulations present training goals for LEAs and not a list of required training seminars, classes, or curriculum. It is the LEA's responsibility to meet these training goals.

See the Initial Statement of Reasons (ISOR) for Section 18075.

No regulatory language change is warranted by this comment.

Reference: 14.10

Comment: Section 18075(a)(2): Delete the words "and scheduling." Requiring staff to be trained in scheduling techniques implies that these professionals do not know how to schedule or manage their time.

Response: The Board rejects the idea that scheduling is not an important part of LEA training. We do not believe that training people who are new to an LEA program implies that they do not know how to manage their time.

No regulatory language change is warranted by this comment.

Reference: 25.8

Comment: Reference Subsection 18075(a), Budget adequacy (after certification) should be submitted only after major changes have occurred. It is redundant to annually justify a "budget adequacy" when there are not any major changes. Certainly a budget review is necessary whenever major changes occur.

Response: Budget adequacy must be demonstrated to the Board as required by statute and detailed by the proposed regulations. The LEA must justify its budget adequacy locally on an annual basis in order to appropriate funds. The Board requirement is simply an extension of this task. It is a simple matter to justify no changes, but annual budget review is necessary to determine that fact. Maintenance of an adequate budget is a requirement of continued certification. Furthermore, the budget is a component of the EPP, and is one of manu documents which should be reviewed and amended when necessary annually. The portion of the comment requesting a definition of "generally is accepted line item accounting" is rejected. This is based on the flexibility it allows an LEA and the vast availability of such information in virtually any basic accounting textbook. The Board rejects the portion of the comment claiming Subsection(a)(1)(A) is repetitive with respect to Subsection (a)(1)(F), consultants are not staff.

No regulatory language change is warranted by this comment.

Reference: 14.9, 14.8

Comment: Subsection 18075(a) requires clarification as to what "coordination of an LEA's training program with the Board" means. Does it mean that the Board must approve course work and classes employed by the LEA for training or does it mean that the Board will coordinate their training programs so that LEA's can participate, for example?

Response: The proposed language states: "The LEA's training program shall be coordinated with the Board as well as other state and local agencies...." Clearly, the scope of solid waste involves several state and some local agencies other than the LEA. It is imperative for the LEA to consider the benefits of gaining knowledge by coordinating attendance when possible with the mentioned sources for any applicable seminars, presentations, or formal workshops.

No regulatory language change is warranted by this comment.

Subsection (a)(6) states "attendance of Board approved seminars and workshops." While this is not specifically an area of training, it does encompass several areas of training as provided.

No regulatory language change is warranted by this comment.

Reference: 19.8

Section 18076

Comment: Board revue of EPP. How often is periodically? Section should be made specific on frequency of review and reason for review.

Response: PRC Section 43214 requires periodic Board review of LEA's. This review will include the EPP and its implementation. The reason for the review, as per statute, is to evaluate the LEA's implementation of its permitting, inspection, and enforcement programs.

No regulatory language change is warranted by this comment.

Reference: 15.8

Comment: Subsection 18076(b) allows the Board to "subsequently" develop a report and finding without any specified time frame. This could mean any period of time and therefore lacks clarity. These regulations should specify a maximum period of time for the Board to develop the report and

finding and issue a certification decision.

Response: The Board agrees with the first half of the comment and has removed lines 772 through 776 of the proposed regulatory language (draft many 13, 1991).

The Board rejects the suggestion that the time frames set in Section 18076, with regards to completeness, acceptance, review and issuance are not specific. The Board has 60 days to review the complete and accepted application (EPP) and issue certification(s), decision and approval decisions on the designation and the LEA's application pursuant to Section 18076(b)(1) and (2). No further regulatory language changes are warranted by this comment.

Reference: 30.8

Comment: Section 18076 proposes to include the review of the LEA's request for certification as an agenda item and that the LEA may elect to be present when this item is heard please amend part (b) to read:

"When an EPP is complete and accepted, the board shall have 60 days from the date of acceptance, to conduct a review of the designation and certification information in the EPP. Subsequently, the staff shall generate a report and finding recommending issuance or denial of certification(s) and approval or disapproval of the designation and the EPP. This report will be distributed to the LEA for review 30 days prior to the board hearing. The LEA may elect to be present when this agenda item is heard to concur or appeal the staff recommendation."

This will allow the LEA to review and respond to any areas of concern and, if needed, to formulate their appeal.

Response: The Board rejects the suggestion that Section 18076 does not adequately allow LEAs to respond to any areas of concern and formulate their appeal. The proposed regulations were constructed as to meet the time frames and appeal processes of the 1981 Permit Reform Act. The Board, however, agrees that there are clarity problems with the above subsection and has deleted all but the first sentience. No further regulatory language changes are warranted by this comment.

Reference: 31.5

Section 18077

Comment: Is the LEA to develop its own procedure manuals or are these

handed down from the State? It seems that LEAs would lack continuity if they developed their own procedure manuals. We recommend that the State provide a model EPP with guidelines for preparing an EPP to retain continuity throughout the State.

Subsections (8), (9) and (10) appear to require every LEA to develop three separate procedure manuals which are independent of each other and independent of every other LEA in California. This would appear to foster a lack of uniformity statewide, which would be contrary to the basic intent of the legislation. Instead, the Board should prepare a model manual for each of the three identified areas and provide them to LEA's for any needed tailoring to specific local conditions.

Subsections 8, 9, and 10 require independent procedural manuals. We feel they are unnecessary.

Response: Yes, the LEA is to develop their procedures manuals. See Initial Statement Of Reasons (ISOR) for section 18077. The EPP minimum contents and format have been addressed in this section. These are the guidelines and they do provide for continuity throughout the State. A model EPP could be interpreted as prescriptive and encroaching on local authority.

No regulatory language change is warranted by this comment.

Reference: 15.9, 19.11, B4.4

Comment: Section 18077: The CIWMB should produce a state-wide manual on enforcement policies and procedures, as mentioned in Subsection (10), to provide consistent site identification, assessment, and corrective actions throughout the state.

Response: The Board has consistently avoided, whenever possible, a prescriptive regulatory approach. This comment suggests just that. The LEA, as expert for its jurisdiction, is most aware of its local sites and needs. It is more able to develop a workable staff procedure manual which details how the LEA will apply appropriate solid waste statutes and regulations. Also, the commentator is referred to the statement of reasons for Section 18077.

No regulatory language change is warranted by this comment.

Reference: 31.6, B4.5

Comment: Section 18077: The EPP requires procedure manuals be prepared as well as a time task analysis to demonstrate the adequacy of staff resources. Requested change: Delete

Subsection (a)(8,9,10 and 12), lines 811 through 816 and lines 819 through 820. Reason: By virtue of accepting a responsibility of becoming the LEA each agency has agreed to conduct these activities as specified in the laws and regulations.

Response: Public Resource Code (PRC) Section 43209(c) requires the enforcement agency to develop an enforcement program. The regulations require this enforcement program to be contained in the LEA's Enforcement Program Plan (EPP). The above suggestion would eliminate the requirement for an effective enforcement program. The commentator is referred to the statement of reasons for Section 18077 for further clarification.

No regulatory language change is warranted by this comment.

Reference: 25.9

Comment: How is staff technical expertise best demonstrated pursuant to subsection 18077(a)(4)? Does subsection (a)(7) imply that a local program must also include permitting and routine inspection of waste collection vehicles employed by public and private entities throughout the jurisdiction?

Subsection (a)(12) as well as Section 18073 should provide more guidance for workload calculations (i.e. what hours should a routine monthly inspection encompass as contrasted to a weekly inspection pursuant to a permit allowance for performance standards).

Response: Staff technical expertise is best demonstrated pursuant to Section 18072 and documented pursuant to subsection (a)(4). Subsection (a)(7) requires a list of the types of solid waste facilities, disposal sites, and solid waste handling and collection vehicles within the jurisdiction. The commentator is referred to 14 CCR, Division 7, Article 5 for the state standards to be enforced. The portion of the comment regarding subsection (a)(12) supports the Board intent to leave and allow discretion for appropriate activities rather than being unduly prescriptive.

No regulatory language change is warranted by this comment.

Reference: 19.9, 19.10, 19.12

Comment: Will the EPP need to be modified each time a new city designates an existing LEA to be their LEA?

We feel that a new complete EPP for every level of certification is unnecessary.

Response: Yes, the EPP needs to reflect the LEAs jurisdictional authority as approved by the Board. Furthermore, other elements of the EPP affected by the additional responsibility, such as the sites listing, staffing, and budgeting, and son on, need to be modified as necessary and require Board approval.

The Board disagrees that a new EPP is unnecessary for each level of certification. Each level of certification reflects different types of solid waste facilities and environmental problems. Different expertise is required for each type and must be reflected in the LEA's EPP.

No change to existing language is warranted by this comment.

Reference: 4.15, B3.2

Comment: With reference to Section 18077(a)(10), the Board should establish uniform procedures for inspecting abandoned sites.

Response: This comment assumes the status of a site as being "abandoned," alters the standards for regulation and compliance at solid waste facilities and disposal sites. It does not. Inspecting an abandoned site is the same as inspecting any site, the same standards apply. However, that is not to say achieving compliance is the same. Subsection 18077(a)(10) does not limit local creativity and flexibility in the methodology of complying with existing statutes and regulations. No regulatory change is warranted by this comment.

Reference: A1.5

Comment: Section 18077(a)(10) is unclear as to what is specifically required. We suggest that it be changed to state it reefers to illegal and abandoned disposal sites and the LEA's assessment of their hazards and/or nuisance as described in the Initial Statement of Reasons for this section. We suggest that the Board develop uniform state-wide procedures for the identification, assessment, and corrective actions associated with illegal and abandoned disposal sites.

Response: This Section requires that LEAs delineate procedures for disposal site identification and corrective actions. This requirement is more broad than just illegal and abandoned sites. The Board is in the process of developing regulations for illegal and abandoned sites, and corrective actions. No regulatory charges are warranted by this comment.

Reference: 12.10

Comment: EPP (9) and (10) are similar and one should be deleted.

Response: Subsection (9) and (10) are different. Subsection (9) applies to all sites. Subsection (10) applies only to problem sites requiring problem identification and assessment followed by corrective actions to abate the situation.

No regulatory language change is warranted by this comment.

Reference: 14.14

Article 2.2

Section 18081

Comment: The lead agency requirement of Section 18081 conflicts with the administration functions of existing new facilities.

Response: There is no Lead Agency requirement in the proposed regulation. (14 CCR Division 6, Article 4 addresses Lead Agency requirements.) No proposed regulatory language change is warranted by this comment.

Reference: A3.5

Comment: "Applicable Duties" related to the California Environmental Quality Act (CEQA) should be clarified. The statement of reasons (page 52) mention that the LEA should be the lead agency responsible for CEQA. If this is desired, then the regulations should be clear in that requirement which is not the case.

Response: The statement of reasons (page 52) mentions the LEA could be not should be the lead agency for CEQA actions. See comment A3.5 response.

No regulatory language change is warranted by this comment.

Reference: 15.10, 31.7B

Comment: Section 18081(d)(4) requires an annual review of the Enforcement Program Plan. This section should be expanded to describe the nature and content of this review.

Response: The standards for the components of the Enforcement Program Plan are contained in Section 18077. No regulatory changes are warranted by this comment.

Reference: 12.12

Comment: Section 18081(e) requires that LEAs perform all applicable CEQA duties. The Initial Statement of Reasons for this section states this will require a singe designated LEA to be the lead agency responsible for permitting, protection of the environment, and CEQA. We are currently acting as a "responsible agency" rather than a "lead agency" with regard to CEQA. Please clarify this issue.

Response: Currently some LEAs also act as lead agency under CEQA. To clarify this issue the Initial Statement of Reasons has been changed to add the phrase "...when applicable..." for lead agency under CEQA.

Reference: 11.4

Comment: Subsection 18081(d)(2) mentions that when a publicly operated solid waste facility exists within the LEA's jurisdiction, an independent hearing panel must be maintained. The function and role of the hearing panel needs further description and definition, especially as to specific roles and responsibilities of the panel.

Response: We disagree that specific and detailed roles of an independent hearing panel need further description and definition, they are the same for all hearing panels and detailed in the PRC.

No regulatory language change is warranted by this comment.

Reference: 27.4, 26.6

Comment: Section 18081: If the CIWMB is the LEA, who will monitor the performance of the LEA?

Response: The Board does not become the LEA, it assumes the LEA duties and becomes the Enforcement Agency for that jurisdiction. The Board is not local. CIWMB performance is monitored by the Board members appointed by the Governor and the State Legislature.

No regulatory language change is warranted by this comment.

Reference: 34.5

Comment: Subsection 18081(d)(2) implies that hearing panels are only required for situations involving publicly operated facilities within the jurisdiction. This regulation should also clarify that such hearings must also be used in jurisdictions where only private operators exist.

Response: The mentioned Subsection distinguishes and is specific with respect to the independent hearing panel requirement. It does not mention any others. The commentator is urged to review both the PRC and Title 14 CCR. They describe and define hearing panel functions as appropriate for various issues.

No regulatory language change is warranted by this comment.

Reference: 30.9

Comment: Subsection 18081(d)(1) Requires LEA to provide for and maintain "necessary" technical, safety and regulatory equipment, clothing and vehicles for field inspectors plus identify such in its EPP.

Requested Change: Delete (d)(1) lines 883 starting with "The LEA... through 887.

Reason: The LEA is responsible for the health and safety of its staff who cannot field inspections and in particular those who may come in contact with or be exposed to hazardous substances under State and Federal OSHA regulations.

Response: Title 8 of the California Code of Regulations (CCR), Title 20 of the Code of Federal Regulations, and the California Labor Code are designed to protect employees from workplace hazards. Management is responsible for insuring employee safety to the extent of implementing a program of condition for workplace safety and duty performance consistent with safety plans and rules. The proposed regulation is not prescriptive but requires the LEA management to confirm to these requirements by developing its own staff safety rules and documenting then in the EPP.

No regulatory language change is warranted by this comment.

Reference: 25.10

Comment: Section 18081(d)(2) requires hearing panels when publicly operated solid waste facilities exist in an LEA's jurisdiction. The permitting and enforcement role of the hearing panel is unclear in the proposed regulations and the Initial Statement of Reasons. In these areas will the hearing panel be used only when an conflict exists between the LEA and the operator? Are hearing panels subject to Brown Act provisions?

Response: The proposed regulations refer to sections 44800 through 44817 of the PRC which define the role of hearing panels. OAL regulations and the APA generally do not allow the

restating of statutes in regulations. All public hearing must follow the provisions of the Brown Act. No regulatory changes are warranted by this comment.

Reference: 11.5

Comment: This comment addresses elements of this section as being extraneous and reiterating requirements of other sections, creating confusion, in addition to being poorly worded.

Response: The comments in the reference were based on a May 7, 1991 draft version of the regulation. Subsequent to this date, in the May 13, 1991 version submitted for the official public comment period, this section was extensively redone eliminating and modifying various subsections to insure clarity, necessity and non-duplication. No change to existing language is warranted by this comment

Reference: 1.7, 1.8, 16.18, 16.19

Comment: This comment is regarding Subsection 18081(d)(2), the independent hearing panel requirement for jurisdictions having publicly operated solid waste facilities or disposal sites.

Response: PRC Section 44800 addresses the types of hearing panels required under statute. This subsection of the regulations is necessary to clarify the circumstances under which an independent hearing panel is necessary. As the purposed regulation states, when a publicly operated solid waste facility or disposal site exists in the LEA's jurisdiction an independent hearing panel is required. This provision precludes potential conflict of interest which could result if a local governing body, which is involved in solid waste operation, arbitrates enforcement issues for its public sites. No proposed language changes are warranted by this comment.

Reference: 3.9

Comment: The status of Solid Waste Management Programs referred to in Sections 18052 and 18054 is unclear if the LEA is not approved.

Response: The plans addressed in the existing language of 14 CCR Sections 18052 and 18054 are the County Solid Waste Management Plans (Co-SWMPs) which are an element of the County General Plan.

Pursuant to AB 939, the Co-SWMPs have been repealed. However, clean-up legislation for AB 939 in AB 2296 (Chapter

1617 of the Statutes of 1990) allows the existing Co-SWMPs to stand until the County-wide Integrated Waste Management Plan (CIWMP) is in place for the county. The LEAs Enforcement Program Plan (EPP) is to be consistent with the applicable "Co-SWMP" or "CIWMP" and the EPP is to be revised when the "plan" changes.

No regulatory changes are warranted by this comment.

Reference: A2.5

Section 18082

Comment: Since an LEA's EPP has no standing as a standards document by which a facility permit is to be prepared by an operator, it should not be cited in subsections 18082(a)(1)(B) and (a)(3)(A).

Response: The commentator is obviously unaware that a solid waste facility permit is prepared by the LEA and NOT the operator.

No regulatory language change is warranted by this comment.

Reference: 19.13

Comment: Subsection 18082(a)(1)(B) apparently makes incorrect reference to "subsection (a) of this section" which does not contain the referenced state standards.

Subsection (a)(2)(D) includes the hearing panel process in the wrong chronological order. Such should take place after the permit determination in (E), not before.

Response: The first portion of the comment refers to an incorrect reference to subsection (a). We disagree, for example, Article 3.1 of 14 CCR Division 7, Chapter 5 addresses specific applications for and solid waste facilities permits. We also disagree with the second portion of the comment which claims the hearing panel process is in the wrong chronological order. The purpose of the hearing panel is to resolve conflict should it arise, and render a decision. Issuance, modification prior to issuance, or denial of a solid waste facilities permit could be based on that decision subject to Board concurrence.

No regulatory language change is warranted by this comment.

Reference: 30.10, 30.11

Section 18083

Comment: Section 18083: There may be hundreds of abandoned sites in our County. As the overwhelming majority do not change from year to year, a quarterly inspection requirement would be expensive and unneeded.

Response: The premise of this comment is to eliminate a requirement based on its magnitude and expense rather that its merit. Abandoned sites contain wastes just as other permitted sites do. They have similar problems such as security, public access, illegal dumping, erosion, leachate, and gas generation, etc., and some may require corrective actions to abate any negative impacts to public health, safety, and the environment. It is the Boards intent to fulfill its statutory mandate and eliminate or minimize these negative impacts. While it is true most sites do not change, some do. Some have severe problems and the only way to assure the ongoing status, or correcting active implementation at these sites is to inspect them quarterly as a minimum, as proposed, until such a time that they can be documented as no longer being a potential hazard to public safety, health, or the environment. No change to existing language is warranted by this comment.

Reference: 4.17, B8.7A

Comment: Monthly inspections of inactive sites is not practical or responsible in the majority of cases. Quarterly inspections would be more than sufficient to cover concerns at most inactive disposal sites. More frequent inspections may be necessary at the discretion of the LEA .

Response: Inactive sites provide great opportunities for many activities. Some concerns include, illegal dumping, site security, and periodic owner/operator site alterations, modifications, and additions without proper authority and supervision. The inactive status is troublesome, and could involve stalling tactics to avoid proper closure and postclosure maintenance. A lot can happen in three months, therefore, a quarterly inspection frequency was not deemed in the best interest of the citizens of the State or of the environment.

No regulatory language change is warranted by this comment.

Reference: 15.11, B8.7B

Comment: This comment is specific to Subsection 18083(a)(5): Most older closed sites have limited closure information. What would be their postclosure maintenance period duration?

Response: 14 CCR Division 7, Chapter 3, Article 7.8, requires

monitoring and maintenance of environmental protection systems until it can be documented that there no longer exists any threat to public health, safety, or the environment. No propose language change is warranted by this comment.

Reference: 5.6

Comment: Subsection 18083(a)(4) uses the term "off-site" without definition. Does this term mean without inspection? This terms must be defined in order to clarify the meaning of the regulations.

Subsection (a)(7) makes reference to monthly inspections for illegal sites and facilities. We believe that illegal sites and facilities should be subject to at least weekly inspections to insure that public health and safety is being adequately protected from harm by these illegal operations.

Response: This section categorizes the types of inspection currently required from the LEA. Subsection (4) is the fourth type and states "upon receipt of a complaint or emergency notification which cannot be resolved off-site." Clearly some investigations lead to on-site inspections while some do not require an on-site inspection and can be resolved off-site. The use of "off-site" is conventional in meaning and context. The commentator's believe that illegal sites should be inspected "at least weekly" by regulation in onerous. An increase in the frequency of inspection by an LEA decision is perfectly within the scope of the regulations as they set only minimum standards.

No regulatory language change is warranted by this comment.

Reference: 30.12, 30.13

Comment: Section 18083 mandates precise schedules for solid waste facilities and disposal sites (including abandoned and illegal sites) in each jurisdiction. There needs to be flexibility in these inspection schedules to allow for professional judgement. Some sites need additional surveillance, while others need less. The frequency of those inspections can best be decided at a local level. In addition, Section 18083(a)(6) requires quarterly inspections of exempted sites. If these sites have been deemed exempt from the requirements of a permit, then they should be exempt from inspection as well.

Response: The commentator's statement that this section mandates precise inspection schedules is not entirely true. The commentator is referred to the statement of reasons for Section 18083 and Section 43218, Division 30 PRC which

states "each enforcement agency shall inspect each solid waste facility within its jurisdiction at least one time each month and shall file, within 30 days of the inspection, a written report in a format prescribed by the Board." We disagree with the commentator's statement that the frequency of inspection is best decided at a local level. That concept never worked in the past and necessitate the mentioned statutory requirement. Increasing the frequencies of inspections is a local purview. Furthermore, we disagree with the statement that sites that have been exempted from a solid waste facilities permit should be exempt from inspection requirements. How else would we insure that these sites have not altered their operation and are not in violation of their exemption requirements?

No regulatory language change is warranted by this comment.

Reference: 29.2

Comment: "The amended EPP components shall be submitted to the Board for approval" should be changed to "any significant changes of EPP should be submitted to the Board for approval."

Response: See Initial Statement Of Reason (ISOR) for Section 18081 and Final Statement Of Reason (FSOR) for Section 18076. The Board rejects the concept of only significant change warranting its approval. Many changes in one component require changes in another, such as workload as related to staffing, training, and budget, and so on. The Board must approve the initial EPP, it also must approve any amendments to insure their overall consideration in the program.

No regulatory language change is warranted by this comment.

Reference: 14.15

Comment: Although the frequency for closed sites, abandoned sites, exempt sites and illegal sites and facilities is adequate in most cases, frequencies should be increased or decreased based on individual site characteristics. Language should be inserted to allow for alternate frequencies based on informal judgement of the LEA and the Board.

Response: The commentator agrees with the proposed frequency of inspection but feels there should be flexibility to allow alternate frequencies based on LEA and Board judgement. The regulations set minimum frequencies. The LEA can, based on his or her judgement, increase the inspection frequency. We disagree with providing flexibility for a decreased frequency. That provision would simply eliminate the effectiveness of the regulation and create confusion for its application. The minimum frequencies were selected based on

the requirements of existing statutes and regulations.

No regulatory language change is warranted by this comment.

Reference: 20.3

Comment: Subsection 18083(a)(1), annual inspections of inactive sites should be adequate instead of monthly inspections.

The establishment of minimum monthly inspection frequency for illegal sites in Subsection 18083(a)(7) may not be appropriate in situations where access has been denied or where the site is extremely remote and isolated and cannot be reached except by extraordinary measures. Flexibility is needed.

We feel that inactive sites should be inspected quarterly instead of monthly. Older closed sites should be inspected annually.

Response: Section 43218 of the Public Resource Code (PRC) requires monthly inspections of each solid waste facility within a jurisdiction. Furthermore existing closure regulation require monitoring on a quarterly basis. See the Statement of Reasons for Section 18083 for further details.

No regulatory language change is warranted by this comment.

Reference: 14.16, 19.14, 32.1

Section 18084

Comment: Section 18084(a)(3) should distinguish between major and minor permit violations.

Response: There exists no statutory or regulatory intent or actual distinction as to major or minor permit violations. All permit violations are to be handled in the same manner. It is not within the intent or scope of this rulemaking to modify existing solid waste facility permit regulations. No proposed regulatory language change is warranted by this comment.

Reference: A1.1

Comment: Section 18084(d) requires LEAs to issue Notice and Order for all known permit violations or the Board will assume that function and investigate the LEA's designation and certification, yet Section 18084(a) allows LEAs to issue notices and orders "...as it deems appropriate." Does the

Board intend that every violation be covered by a Notice and Order? If too many Notice and Orders are issued, solid waste operators may become complacent.

Response: The Board rejects the suggestion that all violations be addressed only by notice and order. Notice and order should be used only as needed and for permit violations pursuant to existing regulations (14 CCR 18211, PRC 44002 through 44004 and 14 CCR 18304).

The intent of the PRC and Title 14 regulations are for the laws and regulations to be enforced. The use of Notices and Orders are the primary enforcement tool of the LEA and the Board. All violations require action by the LEA. There are however, various levels of enforcement action. An LEA can issue warning notices, notice of violation, notice and order, stipulated notice and order, civil penalties, injunctive relief, permit suspension, and permit revocation. All of these enforcement actions come under the general title of "Notice and Order." While an LEA must take action on all known violations, the nature and severity of that action should be at the LEA's discretion. No regulatory change is warranted by this comment.

Reference: 12.14, A1.1A

Comment: Section 18084: Numbers 2, 3, and 4 are written as if they are intended to define three types of violations. In numbers 2, 3, and 4 commas are used to set off the violation type from the definition. If these numbers are intended to be definitions, a hyphen or colon should be used to set off the violation type from the definition.

Response: The mentioned subsections are not definitions of violations. They are simply categories of violations pursuant to existing regulations, see statement of reasons for Section 18084.

No regulatory language change is warranted by this comment.

Reference: 33.9

Comment: Subsection 18084(d) requires the LEA to issue a Notice and Order for violations. This action may not be appropriate for some initial, minor violations such a signs, access roads, traffic, nuisance, lighting, and security. The regulations should allow the LEA more flexibility to take various types of enforcement actions.

If the board feels that a Notice and Order should be issued in a particular instance, they should request a review meeting in which they could then request the LEA to proceed

with the Notice and Order.

Response: The commentator misses an important qualifying term prior to the word violation in Subsection (d), the word "permit". This subsection does not require anything the commentator is describing, existing regulations do. This subsection is an LEA duty and responsibility performance standard and goes on to explain what happens to an LEA if 14 CCR Section 18034 is not complied with.

No regulatory language change is warranted by this comment.

Reference: 31.8

Comment: On January 14, 1988 the Board adopted "Guidelines for Enforcement of the State Minimum Standards for Solid Waste Handling and Disposal." Section 18084 is not consistent with this Board-adopted guideline. The guidelines included a list of several options for enforcement action including warning notices, notice of violation, notice and order, civil penalties, listing as a non-complying facility, civil penalties, injunctive relief, and permit suspension and revocation. These options should be included in Section 18084.

Response: All "guidelines" are considered "underground regulations" by the Office of Administrative Law and do not have the force of law. Also, the Board has changed completely since 1988 with the advent of AB 939. The list of enforcement options was not included because it conflicted with statutes, and with proposed regulations on corrective actions. No regulatory changes are warranted by this comment.

Reference: 12.15

Section 18091

Comment: A hearing panel should be established in Section 18091 when disagreement occurs between the LEA and the CIWMB staff regarding the acceptance of the Enforcement Program Plan (EPP) or Facility Evaluation Report (FER). When there is a disagreement the hearing panel would then mediate between the two parties. The Enforcement Advisory Council would make a good hearing panel. These decisions could then be appealed to the Board if either party wants to appeal the hearing panel's decision.

Response: There is no Section 18091. LEAs may appeal any Board staff finding to Board staff supervisors, Board Committee Meetings, as well as Board Meetings. FERs are not apart of these regulations.

No regulatory language change is warranted by this comment.

Reference: 14.17

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities Permits; Loan Guarantees

Article 1. Definitions and General Provisions

18010. Scope.

(a) This chapter is adopted pursuant to and for the purpose of implementing the California Integrated Solid Waste Management Act of 1989 (ACT) commencing with Section 40000 of the Public Resources Code (PRC) ~~Z'berg-Kapiloff Solid Waste Control Act of 1976. Chapter 3 (commencing with Section 66795) of Title 7.3 of the Government Code~~, as it may be amended from time to time. ~~No attempt has been made in these regulations to reproduce the provisions of the Act. Therefore,~~ ~~T~~these regulations should be read together with the Act. ~~Where the regulations stipulate form approval by the board, the board delegates the approval of local enforcement agency forms to the executive officer.~~

(b) This Chapter implements those provisions of the Act relating to solid waste facilities and disposal sites, and application of minimum standards for solid waste handling and disposal (Chapter 3 of this Division) to such facilities. Nothing in this chapter is intended to limit the authority of the enforcement agency or the board to enforce the minimum standards as they apply to collection, storage, and removal of solid wastes pursuant to the provisions of Sections 43209 and 43300 of the Public Resources Code (PRC). ~~66796.10 and 66796.691 of the Government Code.~~ Nothing in this Chapter is intended to limit the authority of the state or local health agencies. ~~to enforce minimum standards for solid waste handling and disposal for the protection of the public health, adopted pursuant to Section 66770 of the Government Code and Section 4520 of the Health and Safety Code.~~

NOTE: Authority cited for Chapter 5 (Sections 18010-18354, not consecutive): Sections 40502, 43020, 43200, and 43214 of the Public Resources Code (PRC). ~~66790, Government Code.~~ Reference: Sections 43200 - 45601 of the Public Resources Code ~~66795-66796.82, Government Code.~~

18011. Definitions.

~~(a) Except as otherwise provided in this chapter, the definitions contained in the Nejedly-Z'berg-Dills Solid Waste Management and Resource Recovery Act of 1972 and the Z'berg-Kapiloff solid Waste Control Act of 1976, as those acts have been and may be amended, shall govern construction of this chapter, and terms defined in those acts and used herein are to be given their statutory meanings unless the context otherwise requires.~~

(a) ~~(b)~~ Unless the context otherwise requires, the following definitions shall govern construction of this Chapter:

(1) "Abandoned site" means a site that has ceased accepting waste but is not closed pursuant to applicable statutes, regulations and local ordinances in effect at that time, and where there is no responsible party as determined by the local enforcement agency and the board.

(2) ~~(1)~~ "Act" means the California Integrated Solid Waste Management Act of 1989. ~~Z'berg-Kapiloff Solid Waste Control Act of 1976.~~

(3) ~~(2)~~ "Applicant" means the proposed operator of a facility.

(4) ~~(3)~~ "Certified" means submitted and stated under oath, affirmation, or penalty of perjury.

(5) "Certification" means certification by the Board of an enforcement agency pursuant to Section 43200 of the Public Resources Code and Articles 2.1, and 2.2 of this Chapter.

(6) "Closed site" means a solid waste disposal site that has ceased accepting waste and has documentation that closure was conducted in accordance with applicable statutes, regulations, and local ordinances in effect at the time.

(7) ~~(4)~~ "Enactment" means a federal, state, regional, or local statute, ordinance, regulation, permit, or similar provision having the force of law.

(8) ~~(5)~~ "Enforcement action" means an action of the enforcement agency or the board, taken pursuant to the act or this chapter, including, but not limited~~,~~ to issu~~ing~~ a notice and order, a cease and desist order, ~~to issue~~ cleanup or abatement order, or a corrective action order; to institute a proceeding to modify, suspend, or revoke a permit; to institute a judicial proceeding to obtain an injunction; or to institute a judicial action to obtain civil penalties.

~~(6) "Enforcement agency" means the local agency designated pursuant to Section 66796 of the Government Code for the purposes of carrying out the provisions of the Act and the board when acting in the place of such local agency.~~

(9) ~~(7)~~ "Facility" means a solid waste facility as defined in Public Resources Code Section 40194 or disposal site as defined in Public Resources Code Section 40122.

(10) "Facility operator" means the operating unit, and other person(s) who through a lease, franchise agreement or other arrangement with the owner of the property is granted the approval to operate a solid waste facility, disposal site, transfer or processing station, composting station, or solid waste handling system, or the owner of the property.

(11) "Illegal site" means a solid waste disposal site that is not permitted and not exempt from obtaining a permit and is not a closed site.

(12) "Inactive site" means a site that is temporarily idle, for a specific period ~~or~~ due to known circumstance and not part of the normal operation pattern contained in the solid waste facilities permit.

(13) "Local Agency" means a local public agency or department of a county or a city, a joint powers jurisdiction, or a special district.

(14) ~~(8)~~ "Local Enforcement Agency" (LEA) means an enforcement agency with board certification(s) totally separate from the operating unit(s) of the local governing body. An LEA is a comprehensive solid waste management agency which performs enforcement, inspection, and permitting duties for handling, permitted, closed, abandoned, exempt, illegal, and inactive facilities. An LEA is solely responsible for carrying out solid waste management in its jurisdiction as defined in 14 CCR 17225.70 and Division 30 of the Public Resources Code. Upon certification(s) the LEA shall be an agent of the state. ~~any enforcement agency other than the board.~~

(15) "Operating unit" means a local agency within the jurisdiction of the designating local governing body that operates, causes to operate, or administers contracts or agreements for any portion of a facility or solid waste handling and disposal system.

(16) ~~(9)~~ "Owner of the property" means the person or persons owning the fee interest in the property and the person ~~and~~ or persons owning any leasehold interest in the property.

(17) ~~(10)~~ "Permit" means a solid waste facilities permit.

(18) ~~(11)~~ "Property" means the real property on which a facility or disposal site, any part thereof, or any support structure exists or is proposed to exist, including any portion of such real property that is not occupied by the facility or any support structure but that is contained within the legal description of the land on which the facility is located as that description is set forth in the most recently recorded deed.

(19) ~~(12)~~ "Violation" means violation of an enactment.

Note: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Section 43200 of the Public Resources Code.

18012. Mailing and Delivery.

Except as otherwise provided in this chapter, any requirement of this chapter that a document be transmitted, delivered, provided, or sent to any person shall be satisfied in one of the following ways: by personal delivery to the person, by personal delivery to an address the person has given, or by first class United States mail, postage prepaid, to an address the person has given.

Note: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.

Reference: Section 43200 through 45601 of the Public Resources Code.

18013. Mailing Documents to the Board.

18020. Maintenance of Files.

(a) Every enforcement agency shall maintain a file on each disposal site and facility within its jurisdiction. These files shall include all solid waste facilities that ~~has~~ have been granted a permit or that are ~~is~~ or have ~~has~~ been the subject of an application for a permit. The file on each facility or site shall contain all applications, permits, notices, orders, reports, correspondence and other documents pertaining to the facility or site, which have been initiated or received by the enforcement agency. However, the enforcement agency, pursuant to Section 44102 of the Public Resources Code, shall separately maintain all papers relating to the facility or site for which a request for confidential treatment has been made, and such papers shall be suitably protected until such time as it has been determined that confidential treatment is not required.

(b) The file for each facility or site shall bear a number, which shall consist of from one to six letters and one to five numerals. The letters shall be identical for all files maintained by a single enforcement agency and shall be assigned by the board at the time the designation of the enforcement agency is approved by the board. The numerals shall be assigned sequentially by the board.

(c) Each enforcement agency shall maintain a current list of all files it maintains. The list shall be available for public inspection upon request.

(d) All ~~papers in the~~ files and their contents shall be retained by the enforcement agency for as long as a facility or disposal site physically exists, and until written discard approval is given by the board. ~~at least six years.~~

(e) Upon certification each LEA shall maintain a separate and current chronological log of the enforcement and legal actions, taken pursuant to 14 CCR 18084 and Article 4 of this Chapter related to this Division and Part 4 and 5 of Division 30 of the Public Resources Code. This log shall be retained by the LEA as a file, and shall include at a minimum the following information: facility or site name, address, facility number, the action type, the date issued, and the outcome of the action(s).

~~Comment: This section is intended to facilitate the statewide implementation of the Act by providing some consistency in the maintenance of records among the many enforcement agencies. By giving each facility a single~~

~~file, all pertinent records should be more easily located. The file numbers are to be preceded by an alphabetic code identifying the enforcement agency to minimize the chance that papers sent to the board will be misplaced.~~

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code. ~~66790(f), Government Code.~~ Reference: Sections 43200, 43209, 44102, 45000, 45200, 45201, 45300, and 45301 of the Public Resources Code. ~~66790, 66796.10 and 66796.36, Government Code.~~

Article 2. Designation of a Local ~~Enforcement~~ Agency and the Appointment of Hearing Panels

18050. Scope. This Article sets forth the requirements for the designation of a local agency as an enforcement agency, ~~establishment and designation of enforcement agencies~~ and the establishment of hearing panels pursuant to the California Integrated Solid Waste Management Act of 1989. ~~Z'berg-Kapiloff Solid Waste Control Act of 1976.~~
A local governing body of a city, county, or a joint powers body may designate a single local agency to be its enforcement agency pursuant to Section 18051 of this Article. Upon board approval of the designation and certification(s) of the local agency pursuant to Articles 2.0, 2.1, and 2.2 of this Chapter, the designated local agency shall become the local enforcement agency (LEA) in the designated jurisdiction. A local governing body may enter into a contract or joint powers agreement with another LEA for enforcement, inspection and permitting duties within its territorial jurisdiction. This action is subject to board approval of the designation and certification of the contract LEA or the joint powers LEA.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 45601 of the Public Resources Code.

18051. Designation of a Local ~~Enforcement~~ Agency.

(a) After the effective date of this chapter, each local governing body that wishes to designate a local agency shall so notify the board. ~~and on or before July 1, 1977, notice shall be given the board of the designation of each local enforcement agency having jurisdiction to enforce the Act.~~

(b) The notice of designation, by the local governing body of ~~each~~ a local ~~enforcement~~ agency, ~~shall include~~ shall be made in a designation information package which includes a completed California Integrated Waste Management Board form #1000 (Notice

of Designation) and all of the following information:

(1) The name or title of the designated agency;

(2) The territorial jurisdiction of the designated agency ~~and any limitation on the types of solid waste handling or disposal operations within its subject matter and territorial jurisdiction~~;

(3) The mailing address of the designated agency;

(4) The name, address, and telephone number of the designated agency's director or other person responsible for ~~its~~ management of the designated agency;

(5) The name and mailing address of ~~its~~ the designated agency's local governing body (i.e., its legislative body);

(6) ~~Either~~ A ~~a~~ certified statement that the designated local agency is not the operating unit for any solid waste handling or disposal operation, solid waste facility, or disposal site in the designated jurisdiction ~~or provision of the following information:~~ and

~~(A)~~ (7) An enumeration of every solid waste facility and disposal site in the jurisdiction including permitted, closed, abandoned, exempt, illegal, and inactive facilities. ~~handling and disposal facility operated by the designated agency~~. The enumeration shall include the site address or location, the owner(s) and operator(s) names, addresses, and phone numbers, and shall state whether the site or facility lies within the unincorporated area of the jurisdiction, or within an incorporated city and the city name.

~~(B) specification of measures that have been taken to alleviate any conflicts between its role as an operator and its role as enforcement agency, and~~

~~(C) any other information the designated agency finds relevant to the question of whether the board should conditionally waive the requirement that no facility operator serve as enforcement agency.~~

(c) The designation information package ~~notice of designation~~ shall be accompanied by certified copies of all resolutions and other official documents necessary to establish the manner in which ~~subsection (a) of Section 66796 of the Government Code~~ Article 1 of Chapter 2 (commencing with Section 43200) and Article 3 of Chapter 4 (commencing with 44800) of the Public Resources Code and Section 18060 of this Chapter ~~has~~ have been satisfied~~.~~ including:

(1) a cover letter requesting approval of the designation by the board;

(2) an organizational chart documenting the separation of the designated agency from public agencies or departments that are the operating units under the local governing body;

(3) an organizational chart documenting the organization of the designated agency;

(4) an identification of each required hearing panel pursuant to Section 18060 of this Chapter; and

(5) a tabulation of city resolutions including the listing of all city names, their populations, and the percent of cities and populations approving the designation for the jurisdiction.

(d) For any solid waste facility to which the provisions of Chapter 6.5 (commencing with section 25100) of Division 20 of the Health and Safety Code apply, the local governing body shall designate either the State Department of Health or the county health entity, in accordance with the department's decision and the board's concurrence.

~~Comment: In a single city or in the unincorporated territory of a single county there may be more than one enforcement agency, where it has been determined that a division of enforcement jurisdiction is desirable. For example, where the enforcement agency is the operator of a facility, enforcement jurisdiction over its own facility may be vested in another entity.~~

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 and 43203 through 43207 of the Public Resources Code ~~66796, Government Code.~~

~~18052. Designation in County Solid Waste Management Plans.~~

~~(a) If a county solid waste management plan purports to designate an enforcement agency, that designation shall be deemed to satisfy the requirements of Section 18051 if, and only if, both of the following are satisfied:~~

~~(1) The county and a majority of the cities within the county containing a majority of the population of the incorporated area of the county have each approved the plan after September 28, 1976, and~~

~~(2) The contents of the plan evidenced an intention to vest in the designated agency the powers of an enforcement agency under the Act.~~

~~(b) Approval of a county solid waste management plan by the board does not constitute approval of the designation of an enforcement agency therein.~~

~~(c) If the county and its cities have designated an enforcement agency in a plan being considered by the board after the effective date of this chapter, the board shall review the plan and the proposed designation concurrently. If an enforcement agency is designated in a plan that satisfies subsection (a) of this section and that was approved by the board before the effective date of this chapter, within thirty days after this chapter becomes effective the board shall review the designation~~

~~in the same manner it reviews a designation made pursuant to the provisions of Section 18051.~~

~~Comment: Several county solid waste management plans adopted and approved in 1976 refer to an "Enforcement Agency." However, where the plans were drafted and voted on before the Act was passed by the Legislature and signed by the Governor, it cannot fairly be assumed that the local governing bodies intended to vest the specified agency with the considerable powers created by the Act. Thus, such references can be interpreted as designations for purposes of the Act only where the ratification took place after enactment of the statute.~~

Note: Authority cited: 40502, 43020, and 43200 of the Public Resources Code.

18052. Redesignation of Existing LEAs.

(a) LEAs existing on August 1, 1991, which are the sole LEA in their jurisdiction, currently carrying out a comprehensive solid waste management program, and meeting all designation requirements pursuant to 14 CCR 18051, may provide to the board, certified copies of their existing designation resolutions accompanied by a letter of affirmation from the cities and county to fulfill the requirement of 14 CCR 18051(c). Any changes in the LEA's existing jurisdictional authority must be established with the appropriate resolutions pursuant to Public Resources Code Section 43203 and 14 CCR 18051.

(b) Within ~~30~~ 60 days of the effective date of this Chapter, each existing LEA which intends to be redesignated and seek certification(s) shall notify the board in writing.

(1) Each local governing body that intends to redesignate an existing LEA, after the effective date of this Chapter, shall submit to the board a complete designation information package pursuant to Section 18051(b and c) of this Chapter. Each redesignated LEA shall submit to the board a complete request for certification(s) in the form of an Enforcement Program Plan (EPP) pursuant to Article 2.1, and Section 18077 of this Chapter by the schedule below:

(A) Local governing bodies of or within a county of over 500,000 population by 90 days from the effective date of this Chapter.

(B) Local governing bodies of or within a county with a population between 500,000 and 100,000 by 150 days from the effective date of this Chapter.

(C) Local governing bodies of or within a county of under 100,000 population by 180 days from the effective date of this Chapter.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 and 43203 through 43207 of the Public Resources Code.

~~18053. Distribution of Notice of Designation.~~

~~(a) Within seven days of receipt of a notice of designation submitted pursuant to Section 18051 or made in a county solid waste management plan pursuant to Section 18052, the board shall transmit notice of the designation to the State Department of Health and to any person who has requested in writing that such notice be provided.~~

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
~~Reference: Section 66796.21, Government Code.~~

18054. Review of ~~Proposed~~ Designation.

~~(a) No less than thirty days after distribution of the notice of designation, as provided in Section 18053, the board shall review the proposed designation, the recommendation of the State Department of Health, and any other comments at a public meeting.~~
~~(b) The board shall approve or disapprove the proposed designation within forty-five days of receipt of the notice of designation given pursuant to Section 18051. If the designation is made in a county solid waste management plan as provided in subsection (a) of Section 18052, the board shall approve or disapprove the proposed designation within forty-five days of approval of the plan.~~
(a) Upon receipt of the designation information package, pursuant to Sections 18051 and 18052, the board staff shall, within 45 days, review the designation and notify the local agency and the designating local governing body in writing whether or not the proposed designation information package is complete and accepted by the board staff. Should the designation information package be incomplete, the local governing body shall provide to the board the specific missing information thereby starting a new 45 day review period from the date of resubmittal.

~~(c) Upon approving or disapproving a proposed designation, the board shall give notice of such action to the agency proposed therein, to the local governing body, and to the State Department of Health.~~

(b) ~~(d) It is the policy of~~ ~~In addition, t~~The board shall use the following criteria when~~, in~~ reviewing ~~proposed~~ designations~~.~~:

(1) ~~To insure that~~ the designated agency ~~designated to enforce the health related standards~~ shall ~~has~~ demonstrate capability and experience in the enforcement of public health and environmental regulations;~~,~~ and

(2) ~~To guarantee that~~ the designation and certification must be ~~is~~ consistent with the enforcement scheme contemplated in the Ceountywide Integrated Waste Management Plan upon its adoption and the LEA's EPP. ~~solid waste management plan, insofar as the scheme is consistent with state law and other board policies.~~

(3) The board may elect to issue temporary LEA certifications and/or designation approval for specific time periods.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200, 43203, and 43204 of the Public Resources Code. ~~66796, 66796.21, Government Code; Section 17207, 14 Cal. Admin. Code.~~

18055. Effective Date of Designation~~; Filing of Papers~~.

(a) After August 1, 1992, Nno designated agency shall be, nor shall any designated agency have the powers of, a local enforcement agency pursuant to this chapter until the designation is approved by the board and upon certification(s) issued by the board.

~~(b) If papers are to be filed with the enforcement agency prior to board approval of designation, they shall be transmitted to the board in the manner specified in Section 18352. Upon board approval of the designation, the board shall, within five business days, transmit all papers filed with it to the local enforcement agency. Any papers received by the board prior to approval of the designation for filing with the enforcement agency shall be deemed received by the enforcement agency either as of the date of approval of the designation or as of August 15, 1977, whichever is earlier.~~

(b) Those sole LEAs existing on Aug 1, 1991 shall have their designation(s) reapproved by the board upon issuance of their certification(s).

~~Comment: Subsection (b) of this section, together with Section 18070, insures that at all times persons seeking to file~~

~~papers with the enforcement agency can be certain of a legally sufficient method of filing. Papers are held by the board pending approval of designation of the enforcement agency to insure an unbroken chain of custody of all documents.~~

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Section 43200 through 43219 of the Public Resources Code ~~66796.21, Government Code.~~

18056. Withdrawal of Designation.

(a) A designation of an LEA ~~enforcement agency~~ may be withdrawn by the local governing bodies that originally made the designation. No approval of the board is required for the withdrawal. However, board approval of a new designation is required. Notice of the withdrawal shall be given to the board, a minimum of 90 days in advance of the effective date of the withdrawal, in the same manner as notice of designation is given. If after 30 days from the withdrawal of designation, ~~a designation is withdrawn and~~ no new local agency ~~local enforcement agency~~ is designated and issued certification(s), then the board shall become the enforcement agency.

(b) A withdrawal of designation may be expressly conditioned on board approval of the new designation.

(c) Notice of designation of a new local agency, ~~local enforcement agency~~ upon withdrawal of a previous designation, shall be made in the manner specified in Section 18051.

(d) If the board withdraws its approval of a designation of an LEA or certification(s) of an LEA, pursuant to Article 1 of Chapter 2 (commencing with Section 43200) of the Public Resources Code, the board shall become the enforcement agency until such time that a designated agency is issued certification by the board.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43203, 43206, and 43216 of the Public Resources Code. ~~66796, Government Code.~~

18060. Appointment of Hearing Panel(s).

(a) Before the board can approve a designation ~~Within thirty days of board approval of a designation of an enforcement agency~~, the designated local agency's local governing body shall appoint

~~designate~~ itself as the hearing panel and/or appoint an independent hearing panel pursuant to Section 18081(~~a~~d)(2). ~~Until such appointment is made, the local governing body shall serve as the hearing panel~~.

(b) Certified notice of the appointment of a hearing panel(s) shall be given the board and shall include the following:

(1) The name of each member~~,~~ and hers or his position in the local governing body;

(2) the address to which filings and correspondence shall be mailed;

(3) indication whether ~~the~~ each hearing panel was appointed pursuant to Section 44800 or Section 44801 of the Public Resources Code. ~~subsection (1) or subsection (2) of Government Code Section 66796.58~~;

(4) If a ~~the~~ hearing panel is appointed pursuant to Section 44801 of the Public Resources Code ~~subsection (2) of Government Code Section 66796.58~~, an indication of which person is the technical expert in solid waste management, which person is the member of the local governing body, and which person is the representative of the public at large; and

(5) the date, terms and conditions of the appointment.

(c) Certified notices of appointments to vacant positions on the hearing panel shall be given in the same manner.

(d) When the board serves as the enforcement agency, hearing panels shall be as set forth in 14 CCR Sections 18081(~~a~~d)(2), and 18353.

~~Comment: There is an apparent possible conflict in Government Code Section 66796.58 where the local governing body does not consist of five members. In order to avoid the disfavored conclusion that subsection (1) of Section 66796.58 is inapplicable in such cases--a proposition having no independent support--it must be concluded that the five member requirement of Section 66796.58 applies only to independent hearing panels.~~

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200, 43209, 44800, and 44801 of the Public Resources Code ~~66796.58, Government Code.~~

~~**18070. Directory of Enforcement Agencies and Hearing Panels.**~~

~~The board shall maintain a statewide directory of enforcement agencies and hearing panels. The directory shall include a description of the jurisdiction and mailing address of each and shall be open to public inspection pursuant to Article 4 of Chapter 1 of this division. The board shall promptly respond to~~

~~inquiries by the public regarding the identity or location of an enforcement agency or hearing panel.~~

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.

ARTICLE 2.1 LEA Certification Requirements

Section 18070. Scope.

(a) This article sets forth the LEA certification types, the requirements for certification including, but not limited to: technical expertise, adequacy of staff resources, adequacy of budget resources, training, and the LEA's Enforcement Program Plan (EPP), which the designated local agency shall develop, submit for board approval, and adopt pursuant to Public Resources Code Section 43209(e) and Section 18077 of this Chapter, and the periodic review of the LEA certification(s) pursuant to Article 2.2 of this Chapter.

(b) After certification(s) are issued and upon board approval, the designated local agency shall become the sole LEA in its jurisdiction, and shall maintain and comply with its board approved EPP to exercise its statutory power and authority pursuant to Division 30 of the Public Resources Code and 14 CCR Division 7. The LEA shall enforce the state and local minimum standards for solid waste collection, handling, storage, and disposal for the protection of the air, water, and land from pollution and nuisance, and for the protection of the public health, safety, and the environment. This Article also addresses board directories of hearing panels and enforcement agencies.

NOTE: Authority Cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 45601 of the Public Resources Code.

Section 18071. Types of Certification

(a) The Board may approve a designated local agency and issue certification(s) to the local agency in one or more of the following types of certifications:

(1) Type "A": permitting, inspection, and enforcement of regulations at solid waste disposal sites;

(2) Type "B": permitting, inspection, and enforcement of regulations at solid waste transformation facilities;

(3) Type "C": permitting, inspection, and enforcement of regulations at transfer and processing stations, materials recovery facilities, and composting facilities; and

(4) Type "D": inspection and enforcement of litter, odor, and nuisance regulations at solid waste landfills.

(b) In jurisdictions where LEAs lack a certification to permit a new type of facility, the permit applications, for that type of facility, shall be filed with the board. The LEA shall, within 120 days of the permit application, obtain certification for this facility type, or the board shall review the performance of the LEA pursuant to Section 18051 and Article 2.2 of this Chapter and compliance with Public Resources Code Section 43201.

(c) An LEA lacking a specific certification type pursuant to 18071(a), may submit a new complete EPP for board review, and request issuance of an additional certification to perform permitting, inspection, and enforcement duties in another jurisdiction, or inspection and enforcement duties in its jurisdiction, both pursuant to Article 2.1 of this Chapter, and subsequent to board approval.

(d) When in the LEA's jurisdiction only one permitted solid waste disposal facility exists and its permit is surrendered, the LEA shall retain its type "A" certification, unless the LEA certification is withdrawn by the board.

(1) For LEAs to be issued type "D" certification they shall be required to have type "A" certification.

(e) A designated local agency shall demonstrate that it meets the certification requirements for each certification type requested. The LEA shall maintain compliance with the requirements of this Chapter.

(f) Sections 18071 through 18075 of this Article set forth the LEA certification requirements pursuant to Public Resources Code Section 43200.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, and 43209 of the Public Resources Code.

Section 18072. Technical Expertise

(a) Performance of enforcement, inspection, and permitting duties and responsibilities of comprehensive solid waste management issues shall reside solely within an LEA. The LEA shall have one or more full time staff members dedicated solely for solid waste issues. For all certification types the dedicated staff shall be composed of: at least one registered

environmental health specialist, pursuant to Sections 514 through 534 of the Health and Safety Code, or person(s) meeting the requirements of Section 520 of the Health and Safety Code, as certified by the LEA program director or manager.

(1) ~~In addition f~~For type "A" certification, pursuant to 14 CCR 18071(a)(1), LEA review of documents or reports generated pursuant to engineering requirements of Public Resources Code Division 30 and 14 CCR Division 7 beyond the technical abilities of the LEA's staff, shall be performed by public and private entities as specified in the LEA's EPP, whose staff meet the definitions contained in 14 CCR ~~Division 7 Chapter 3 Article 7.8 Section~~ 17761(a) (6), (40), and (51), and may be contracted for by the LEA.

(2) ~~In addition f~~For type "B" and "C" certifications, pursuant to 14 CCR 18071(a)(2 and 3), LEA review of documents or reports generated pursuant to engineering requirements of Public Resources Code Division 30 and 14 CCR Division 7, may be performed by public and private entities, as specified in the LEA's EPP, under contract to the LEA, which meet the definitions contained in 14 CCR ~~Division 7 Chapter 3 Article 7.8 Section~~ 17761(a) (6), (40), and (51).

(b) Counties or cities may have contracts or joint powers agreements with another county, city, or a joint powers jurisdiction LEA to provide enforcement, inspection, and permitting duties and responsibilities in the designated jurisdiction of the local governing body(s), with approval of the board. The above contracts or joint powers agreements shall preclude conflict of interest between the cities or counties, their designated LEA, or the LEA's consultants and facility operators in the jurisdiction. The consulted professionals defined in 14 CCR Section 17761(a) (6),(39),(40),(41), and (51), shall not be facility operators or consultants for solid waste facilities or disposal sites within the LEA's jurisdiction.

(c) Any opinion, report, analysis, or other deliverable provided to an LEA through contract or joint powers agreement shall be endorsed, affirmed or denied by the contracting LEA.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, 43207, and 43209 of the Public Resources Code.

Section 18073. Adequacy of Staff Resources.

(a) The LEA shall demonstrate the adequacy of its staff resources by submitting results of the following analyses:

(1) the number and type of operating and non-operating solid waste facilities, disposal sites, and collection and handling equipment;

(2) the number of annual compliance and projected complaint inspections based on the previous years records and anticipated additions or deletions;

(3) the time allocation requirements of local agency staff for:

(A) inspections, travel, research, analysis of findings, and documentation;

(B) enforcement activities including warnings, notices, meetings, hearings, legal proceedings, and documentation;

(C) permit activities including reviews, modifications and revisions, and closure or postclosure activities, including applications and plan reviews, site evaluations and investigations, and documentation;

(D) corrective actions including: review and approval of site investigations, assessments, characterizations, remediation alternatives, and corrective measures;

(E) training including field, meetings, seminars, workshops, courses, and literature reviews;

(F) management including day to day operation scheduling, and supervision; and

(G) support staff both technical and non-technical.

(4) The staff resources shall be computed based on an Full Time Equivalence (FTE) not to exceed 230 eight hour work days per year per person. The FTE baseline hours shall be identified in the EPP.

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, and 43209 of the Public Resources Code.

Section 18074. Adequacy of Budget Resources.

(a) The LEA shall maintain a budget accounting process capable of identifying expenditures and revenues which are adequate to fulfill their LEA duties and responsibilities pursuant to its board approved EPP, this chapter, and Part 4 and 5 of Division 30 of the Public Resources Code. Additionally, LEAs shall, at the beginning of each fiscal year upon adoption by the local governing body, submit to the board supporting information demonstrating budget adequacy.

(1) the LEA shall use ~~generally accepted line item accounting~~ methods that demonstrate adequate budget resources for implementing the provisions of this Article. ~~In demonstrating adequate budget resources, t~~The LEA shall account for all

anticipated expenditures, including but not limited to the following:

(A) staffing pursuant to 14 CCR 18073;

(B) monitoring and testing materials and equipment;

(C) health and safety protection equipment and materials for staff;

(D) travel and per diem for training seminars, conferences, etc.;

(E) enforcement actions including staff time and independent legal counsel costs to preclude conflict of interest and lack of timely initiation of legal actions pursuant to 14 CCR 18051(b)(6) and 14 CCR 18084;

(F) consultant and technical support;

(G) transportation; and

(H) agency overhead.

(2) LEAs shall identify their revenue by sources and amounts. Sources may include, but are not limited to:

(A) Funds from LEA Grant(s) Account;

(B) Permitting Fee(s);

(C) Inspection or Service Fee(s);

(D) Post Closure Fee(s);

(E) Tipping or Tonnage Fee(s);

(F) 5 Year Permit Review Fee(s);

(G) General Fund; and

(H) Other (specify).

NOTE: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200 through 43204, 43207, and 43209 of the Public Resources Code.

Section 18075. Training Requirements.

(a) LEA personnel shall be trained in solid waste management. The LEA's training program shall be coordinated with the Board as well as other state and local agencies, be part of the LEA's Enforcement Program Plan pursuant to 14 CCR 18077, and provide specific training in the following areas:

(1) permitting, inspection, and enforcement duties and responsibilities pursuant to Public Resources Code Division 30, Parts 4 and 5, 14 CCR Division 7, and local ordinances and resolutions relating to solid waste collection, handling, processing, storage, and disposal;

(2) inspection techniques and scheduling;

(3) preparation for hearing panel and court proceedings;

(4) administration practices within a solid waste enforcement program;

(5) monitoring equipment, data evaluation, and interpretation of the results as related to solid waste management;
(6) attendance of board approved seminars and workshops; and
(7) field staff health and safety training in the categories of: planning of field inspections, safety equipment, on-site procedures, decontamination and hazard recognition and avoidance.
(8) For type "A" certification, specific training in performance standards pursuant to 14 CCR Section 17683, when applicable.

NOTE: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43200 through 43204, and 43209 of the Public Resources Code.

Section 18076 Request for and Review of Certification.

(a) Within 30 days of the receipt of a request for certification(s), the board shall notify the requesting local agency in writing as to whether the request in the form of an Enforcement Program Plan (EPP) pursuant to Section 18077 of this Chapter is:
(1) complete and accepted and shall be reviewed; or
(2) the EPP is incomplete and what specific information is missing, and needs to be submitted to the board to provide for a complete EPP. The board will require the agency to provide the specific missing information, thereby starting a new 30 day process from the date of resubmital.
(b) When an EPP is complete and accepted, the board shall have 60 days from the date of the acceptance, to conduct a review of the designation and certification information in the EPP. ~~Subsequently, the staff shall generate a report and finding recommending issuance or denial of certification(s) and approval or disapproval of the designation and the EPP. The LEA may elect to be present when this agenda item is heard to concur or appeal the staff recommendation.~~
(1) The board shall issue a certification(s) decision ~~in the form of a resolution~~ stating which types of certification are to be issued or denied, and that the designation and EPP are approved or disapproved. A copy of the board decision shall be sent to the requesting agency, its local governing body, and all appropriate State agencies.
(2) If during the review process the board finds any specific deficiencies, it shall notify the requesting agency within 30 days from the date of acceptance for review. A new 60 day review period shall begin on the date of resubmittal.

(c) After approval of the EPP, the board shall periodically review the LEAs enforcement program plan (EPP) and its implementation of the permitting, inspection, and enforcement programs pursuant to Public Resources Code Sections 43209 and 43214.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference:Section 43200 through 43209 of the Public Resource Code.

Section 18077. Enforcement Program Plan. (EPP)

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

(1) a certification request letter;

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

(3) a statement of EPP goals and objectives;

(4) a demonstration of staff technical expertise;

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

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

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

(8) a procedure manual for solid waste facility permitting and closure or postclosures;

(9) a procedure manual for inspection, investigation, compliance assurance, enforcement, and hearing panel utilization;

(10) a procedure manual for disposal site identification, assessment, and corrective actions;

(11) a detailed staff training procedure pursuant to 14 CCR 18075;

(12) a time task analysis demonstrating the adequacy of staff resources pursuant to 14 CCR 18073; and

(13) an operating budget demonstrating adequacy of budget resources pursuant to 14 CCR 18074.

NOTE: Authority Cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43200 through 43209 of the Public Resources Code.

18070~~8~~. Directory of Enforcement Agencies and Hearing Panels.

The board shall maintain a statewide directory of ~~enforcement agencies and~~ hearing panels~~,~~ and local enforcement agencies as approved and issued certification(s) by the board. The directory shall include a description of the jurisdiction and mailing address of each and shall be open to public inspection pursuant to Article 4 of Chapter 1 of this division. The board shall promptly respond to inquiries by the public regarding the identity or location of an enforcement agency or hearing panel.

Note: Authority cited: Sections 40502, 43020, and 43200 of the Public Resources Code.
Reference: Sections 43200, 43201, 43204, 44800, and 44801 of the Public Resources Code.

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

Section 18080. Scope.

(a) This Article, pursuant to Public Resources Code Section 43214, sets forth the LEA's duties and responsibilities, performance standards, certification maintenance requirements, and board evaluation of LEAs.

NOTE: Authority Cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43209, 43214, 43215, 43216, and 43219 of the Public Resources Code.

Section 18081 LEA Performance Standards and Evaluation Criteria

(a) In performing its permitting, closure and postclosure, inspection, and enforcement functions, the LEA shall meet its duty requirements and comply with the standards pursuant to

Public Resources Code Division 30, Parts 4, 5, and 6; 14 CCR Division 7 and its EPP. Deviation from these standards may result in a performance review by the board pursuant to Public Resources Code Sections 43214, 43215 and 43219, including establishment of LEA compliance schedules or withdrawal of designation and certification(s). The board's evaluation and decisions will consider the severity of the deviation(s) as related to the potential negative impacts on public health, safety or the environment.

(b) The LEA shall be assessed for compliance with the certification requirements pursuant to Article 2.1 and 2.2 of this Chapter, Public Resources Code Section 43209, and its board approved EPP.

(c) All facilities and disposal sites within the LEA's jurisdiction shall:

(1) be in compliance with the State minimum standards and the terms and conditions of the solid waste facility permits; and

(2) be permitted or exempted; or

(3) be under appropriate enforcement action(s) pursuant to 14 CCR Section 18084 to remedy any violations.

(d) All LEAs shall retain their certification(s) and designation by maintaining compliance with their board approved EPP and this Chapter.

(1) The LEA shall provide for, obtain, and maintain the necessary technical, safety and regulatory equipment, clothing and vehicles for field inspectors. The LEA shall identify in its board approved EPP what constitutes "necessary" for staff safety and field monitoring, measurement,inspection, and enforcement requirements for all its solid waste management duties and responsibilities and its certification(s).

(2) The local governing body of the LEA shall maintain an independent hearing panel for permit, enforcement and appeal purposes, when in the jurisdiction of the LEA there exists a publicly operated solid waste facility or disposal site, as per Section 18060 of this Chapter and Sections 44800 through 44817 of the Public Resources Code.

(3) The LEA shall provide for technical review of corrective actions and post closure land use pursuant to Section 45300 of the Public Resources Code.

(4) The components of the EPP shall be reviewed and amended annually, by the LEA, to reflect any changes. The amended components shall be submitted to the board for approval.

(e) The LEA shall perform all applicable duties related to the California Environmental Quality Act.

NOTE: Authority cited: Sections 40502, 43020, 43200, 43203, and 43214 of the Public Resources Code.
Reference: Sections 43200 through 43204, 43207, and 43209 of the Public Resources Code.

Section 18082. LEA Duties and Responsibilities for Permitting and Closure or Postclosure.

(a) The LEA shall implement the solid waste facility permitting regulations pursuant to Public Resources Code Division 30, Parts 4 and 5 and 14 CCR Division 7, Chapter 5, and its EPP as follows:

(1) applications:

(A) verify the submission of required documents, site and personal information, and fees;

(B) evaluate the application documents for accuracy and conformity to the EPP and the appropriate state standards cited in subsection (a) of this Section;

(C) review for short and long term environmental impacts, damage, and proposed mitigation measures;

(D) decide whether or not to accept the application and proceed with a proposed permit for board approval;

(E) initiate appropriate public notice and comment period; and

(F) submit copies of the above documents, notices, comments, and responses to the board.

(2) proposed permit:

(A) prepare permits with specific conditions for design, operation, and adverse environmental effect, monitoring and mitigation;

(B) submit proposed permits to the board and the applicant;

(C) allow a waiting period for review, concurrence, or objection by the board, and modification by the LEA as required;

(D) allow permit review, concurrence, or objection by the applicant, and a hearing panel process if necessary;

(E) issue or deny the issuance of the solid waste facilities permit, upon satisfactory conclusion of the above process; and

(F) the LEA shall act upon applications and plans to generate a proposed solid waste facilities permit within the required regulatory or statutory time frames.

(3) closure and postclosure:

(A) pursuant to Public Resources Code Division 30 Part 4 and 5 and 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5, and the EPP, the LEA shall require any person owning or operating a solid waste landfill to submit for LEA and board approval the following:

1. plans for the landfill closure and postclosue maintenance;
2. estimates of closure and postclosure maintenance costs; and
3. financial mechanisms to insure adequate availability of funds.

NOTE: Authority Cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43200, 43209, 43500 through 43606, 44001 through 44017, 44300, and 44301 of the Public Resources Code.

Section 18083. LEA Duties and Responsibilities for Inspections.

(a) Pursuant to Public Resources Code Division 30, Parts 4 and 5, and 14 CCR Division 7, Chapters 3 and 5, and its EPP, the LEA shall inspect and investigate solid waste collection, handling, storage, solid waste facilities and disposal sites and equipment to verify compliance with the state and local minimum standards for the protection of the environment and the public health. The LEA shall perform these inspections and investigations and forward the required documents to the operator, or owner and the board within the statutory time frame for the following inspections types:

(1) monthly, for all active and inactive sites;

(2) weekly, for sites operating on performance standards pursuant to 14 CCR 17683;

(3) as necessary pursuant to the EPP upon receipt of a permit application, revision, modification, review, or closure application;

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

(5) quarterly, for closed sites for the duration of the postclosure maintenance period pursuant to 14 CCR 17788;

(6) quarterly, for abandoned sites, and sites exempted pursuant to 14 CCR 18215; and

(7) monthly, for illegal sites and facilities pending abatement by enforcement action(s).

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

Section 18084. LEA Duties and Responsibilities for Enforcement.

(a) If during an inspection, investigation, or at any other time, the LEA finds a solid waste facility or disposal site is in violation of state or local standards, or the terms and condition of the permit, the LEA shall enforce the applicable provisions as required by PRC Division 30, 14 CCR Division 7, Chapter 5, Article 4, and its EPP. The LEA enforcement actions shall address the following categories of violations:

(1) operational violations pursuant to 14 CCR Division 7, Chapter 3 and Division 30 of the Public Resources Code;

(2) emergency violations, these are violations pursuant to subsection (1) above which present an imminent threat to public health, safety, or the environment an require immediate action pursuant to Part 5, Division 30 or the Public Resources Code;

(3) permit violations, these are violations pursuant to Public Resources Code Division 30 Part 4, Chapter 3 and 14 CCR Division 7, Chapter 5;

(4) closure and postclosure violations, these are violations pursuant to Public Resources Code Division 30, Part 4, Chapter 2, Articles 3 and 4, Part 5, and 14 CCR Division 7, Chapter 3, Article 7.8, and Chapter 5, Articles 3.4 and 3.5;

(b) LEA enforcement action options include, but are not limited to: 14 CCR Division 7 Chapter 5, Article 4 and Public Resources Code Division 30 Parts 4 and 5.

(c) If in the course of an enforcement action, the LEA deems legal counsel to be necessary to achieve enforcement, compliance, relief, or the assessment of monetary penalties through the courts, the LEA shall utilize legal counsel which will be prepared to initiate legal proceedings within 30 days of notification.

(d) If an LEA has knowledge of a permit violation, but fails to issue a Notice and Order as required by 14 CCR 18304, the board may assume that responsibility and investigate the LEA's designation and/or certification.

NOTE: Authority cited: Sections 40502, 43020, 43200, and 43214 of the Public Resources Code.
Reference: Sections 43209, 43504, 44013, 44016, and 44500 through 45601 of the Public Resources Code.

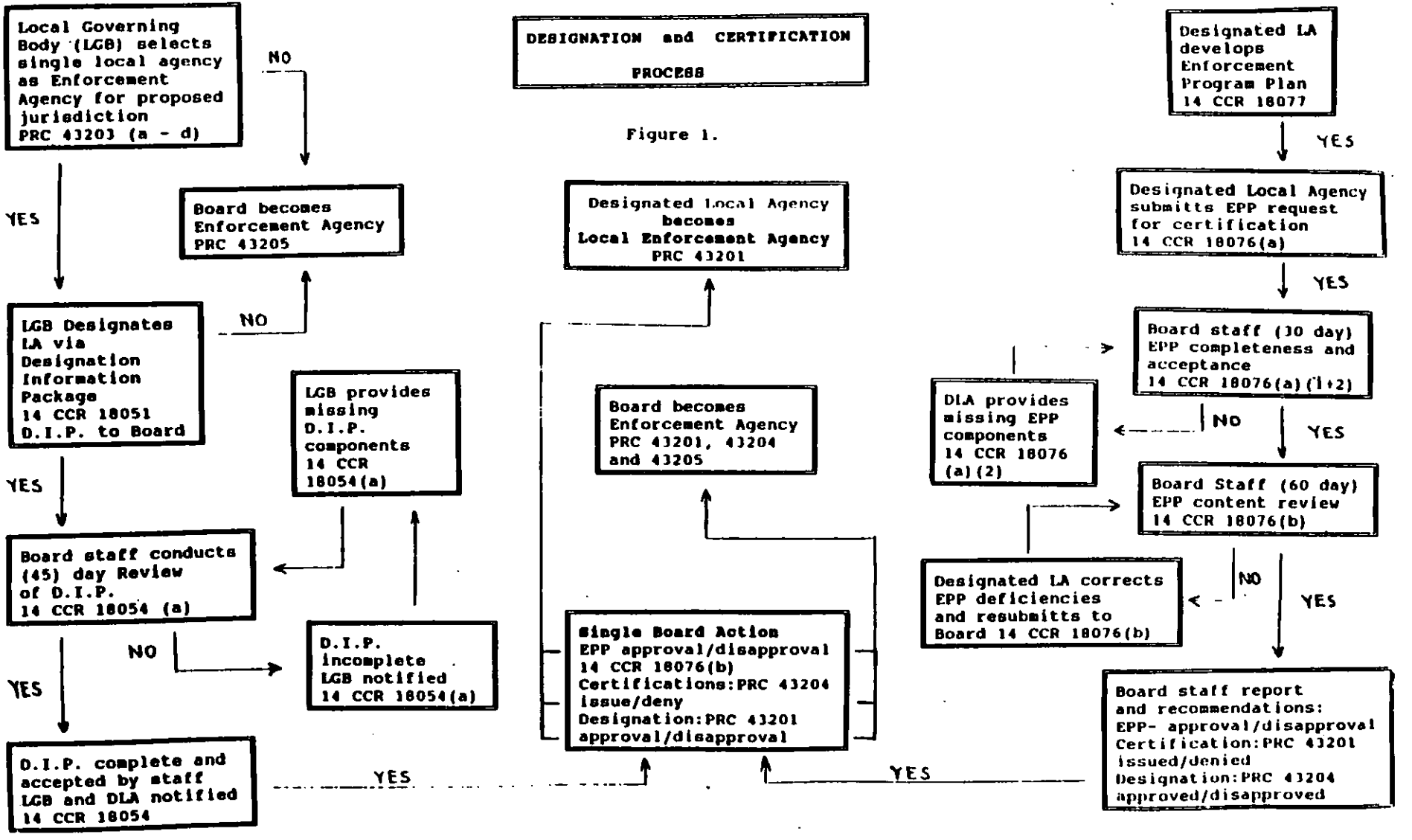
DESIGNATION and CERTIFICATION PROCESS
Local Governing Body (LGB) selects single local agency as Enforcement Agency for proposed jurisdiction PRC 43203 (a - d)
NO
Board becomes Enforcement Agency PRC 43205
YES
LGB Designates LA via Designation Information Package 14 CCR 18051 D.I.P. to Board
NO
LGB provides missing D.I.P. components 14 CCR 18054(a)
YES
Board staff conducts (45) day Review of D.I.P. 14 CCR 18054 (a)
NO
D.I.P. incomplete LGB notified 14 CCR 18054(a)
YES
D.I.P. complete and accepted by staff LGB and DLA notified 14 CCR 18054
YES
Designated Local Agency becomes Local Enforcement Agency PRC 43201
Board becomes Enforcement Agency PRC 43201, 43204 and 43205
Single Board Action EPP approval/disapproval 14 CCR 18076(b) Certifications: PRC 43204 issue/deny Designation: PRC 43201 approval/disapproval
YES
Designated LA develops Enforcement Program Plan 14 CCR 18077
YES
Designated Local Agency submitts EPP request for certification 14 CCR 18076(a)
YES
Board staff (30 day) EPP completeness and acceptance 14 CCR 18076(a)(1+2)
NO
DLA provides missing EPP components 14 CCR 18076 (a)(2)
YES
Board Staff (60 day) EPP content review 14 CCR 18076(b)
NO
Designated LA corrects EPP deficiencies and resubmitts to Board 14 CCR 18076(b)
YES
Board staff report and recommendations: EPP- approval/disapproval Certification: PRC 43201 issued/denied Designation: PRC 43204 approved/disapproved

Figure 1.

CIWMB Form 1000
page 1

NOTICE OF DESIGNATION OF LOCAL AGENCY (14 CCR SECTIONS 18051 & 18052)

_____
(Name of Agency)

_____
(Street Address)

_____
(City) (State) (Zip)

_____
(Date)

TO: CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PLEASE TAKE NOTICE that the _____ **has**
(Name of Local Agency)
been designated as the local agency in:

_____

_____ on _____
(County, City, or Special District) (Date)

( ) Attached is a sheet listing additional jurisdictions.

1. The designation was made in accordance with California Public Resources Code Section 43203, using the following procedure:

   a. ( ) The local agency was designated by the County Board of Supervisors, and was approved by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county;

   b. ( ) A joint exercise of powers agreement pursuant to Government Code Section 6500, was formed as referenced in Public Resources Code Section 43203(b);

c. ( ) The local agency was designated by the _____

_____ since the city
(City)
has decided to designate a separate enforcement agency;

d. ( ) The County Board of Supervisors designated the local agency for the unincorporated areas of the county.

2. The above designation _____ in specific accordance
(is) (is not)
with the designation indicated in the County-wide Integrated Waste Management Plan.

3. The following are exceptions to our territorial jurisdiction shown in the first paragraph of this NOTICE: (Please include a map clearly identifying the jurisdictional boundaries)

_____

_____

_____

4. The name and address of the governing body of this local agency is:

_____
(NAME)

_____
(Street Address) (City) (State) (Zip Code)

_____
(Telephone Number)

5. Name and address of the hearing panel of this local agency is/are:

_____
(Name(s))

_____
(Street Address) (City) (State) (Zip Code)

(_____)_____
(Telephone Number)

6. The person responsible for direction, or management, of the local agency and its designated persons are:

_____
(Name of Local Enforcement Agency Program Manager)

_____
(Telephone No.)

_____
(Name of Contact Person)

_____
(telephone No.)

7. All resolutions and other documents relevant to compliance with Public Resources Code Section 43203, and Title 14 California Code of Regulations Sections 18051 and 18052, have been certified and are enclosed.

8. The undersigned certifies that the designated local agency is not the operating unit for any solid waste handling or disposal operation, solid waste facility, or disposal site in the designated jurisdiction.

9. Attached is a listing of every permitted, closed, abandoned, exempt, illegal, and inactive solid waste facility and disposal site in the local agency jurisdiction.

Signed by _____

_____
(Typed or Printed Name)

_____
(Title)

California Integrated Waste Management Board
Resolution 91-56
July 31, 1991

WHEREAS, Public Resources Code Section 43200 et seq. requires the Board to adopt regulations for designation and certification of Local Enforcement Agencies (LEAs) by August 1, 1991; and

WHEREAS, formal notice of rulemaking activity was published on May 24, 1991, the 45-day public comment period has passed, and the Board has held a public hearing to consider the adoption of regulations pertaining to the designation and certification of LEAs on July 8, 1991; and

WHEREAS, the Board held a 15-day public comment period on changes the Board's Permitting and Enforcement Committee approved at its July 9, 1991 meeting; and

WHEREAS, the Board has taken these public comments under consideration; and

WHEREAS, since the Board has fulfilled all of the requirements of Government Code Sections 11343., 11346.1, 11346.14, 11346.4, 11346.5, 11346.53, 11346.7, 11346.8, and 11347.3; and Title 1 California Code of Regulations Section 20; and

WHEREAS, the Board has maintained a rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to the Government Code Section 11347.3; and

WHEREAS, the Board finds that the proper designation and certification of LEAs are necessary for the protection of air, land and water from the effects of pollution from solid waste;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the LEA designation and certification regulations to be codified in Chapter 5, of Title 14 of the California Code of Regulations, with only non-substantial changes and directs staff to submit the regulations and rulemaking file to the Office of Administrative Law.

CERTIFICATION

The undersigned Chairman of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of resolution 91-56 duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 31, 1991.

Dated:

Michael R. Frost
Chairman