DD

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
MARKET DEVELOPMENT COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

October 7, 1991
1:00 p.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.**

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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1. CONSIDERATION OF ADOPTION OF STATEWIDE BOARD OBJECTIVES FOR THE FIRST RECYCLING MARKET DEVELOPMENT ZONE DESIGNATION CYCLE 1

INFORMATION ITEMS

2. STATUS OF MARKET DEVELOPMENT PROGRAMS 4

3. OPEN DISCUSSION

4. ADJOURNMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Market Development Committee
October 7, 1991

AGENDA ITEM #1

ITEM: Consideration of Adoption of The Statewide Board Objectives for the First Recycling Market Development Zone Designation Cycle.

BACKGROUND: The purpose of this item is to submit the Statewide Objectives for the First Recycling Market Development Zone Designation Cycle to the Market Development Committee for discussion; for the Committee to determine the number of Zones the Board will designate in this cycle, and for the Committee to direct staff to mail a notice stating when the first designation cycle will begin.

ANALYSIS: On September 6, 1991, the Office of Administrative Law approved and filed with the Secretary of State the Recycling Market Development Zone regulations.

As required by Section 17902 of the Recycling Market Development Zone regulations, the Board must identify specific statewide objectives for each designation cycle, determine the number of Zones per each designation cycle, and mail a notice announcing the start of each designation cycle.

Staff is prepared to initiate the first designation cycle. Attached find a list identifying the proposed statewide objectives and scoring system to be utilized for selecting the Recycling Market Development Zones in this first designation cycle (See Attachment #1).

Staff is targeting a December 1, 1991 start date for commencing the first designation cycle. Attachment #2, describes the steps in the designation process.

STAFF COMMENTS: Staff recommends that the Board designate eight zones in the designation cycle, approve the December 1, 1991 start date for the first designation cycle, and approve the attached statewide objectives and scoring system to be utilized in the selection of Zones for this first cycle.

ATTACHMENTS:

1. Cycle 1 Objectives and Scoring
2. Recycling Market Development Zone Designation Cycle

Prepared By: Martha Diaz *Martha Diaz* Phone 23681

Approved By: Bill Huston *Bill Huston* Phone 41225

Legal Review By: *MCM* Date *9/27/91 - 10AM*

First Objective (50 points):

To select Zones that have the greatest regional effect and distribute them geographically to stimulate statewide market development.

- Identify the jurisdictions within the region the Zone will serve.
- Describe how the zone will provide services, incentives, and information on secondary materials business enterprise development in the region.
- Identify which of California's nine economic regions, as defined by the California Department of Commerce, the Zone is within.

Second Objective (25 points):

To select Zones that utilize technologies that add highest economic value to secondary materials.

- Describe the technologies used to add value to the secondary materials.
- Describe how the technologies used within the Zone will promote the use of materials available in the local waste stream.
- Describe any new or innovative technologies that will be used to collect, process and manufacture products using secondary materials.

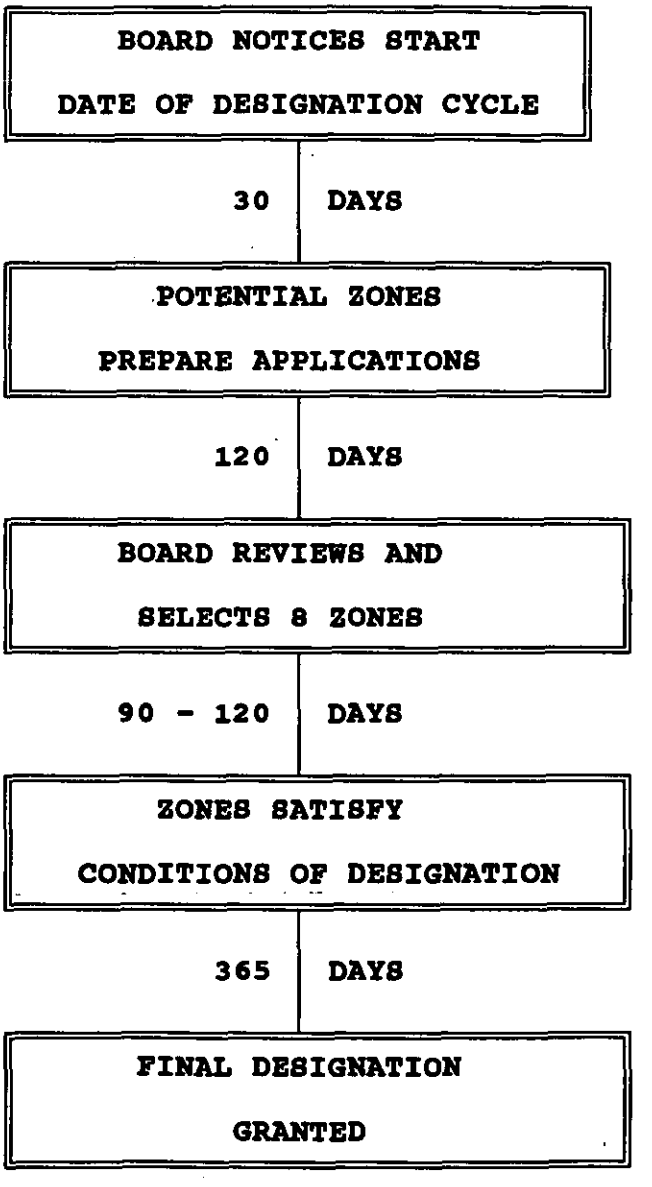
Third Objective (25 points):

To select Zones that extend regional landfill capacity.

- Identify remaining landfill capacity available to the zone.
- Describe how the development of local markets will extend landfill capacity.
- Estimate landfill capacity upon implementation of zone.

RECYCLING MARKET DEVELOPMENT ZONE

DESIGNATION CYCLE



CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Market Development Committee
October 07, 1991

AGENDA ITEM # 2

ITEM: Status of Markets Development Programs.

BACKGROUND: Many programs are well underway to develop secondary waste and recycled materials markets (Recycling Market Development Zones, Investment Tax Credits, Buy Recycled). Understanding of the programs, and input and guidance from the Committee are critical as the staff continues to move forward on these efforts.

Analysis: Staff will present information and answer questions on the following general program areas:

- Tax Credits
- Recycling Market Development Zones
- Private Investment Incentives
- Buy Recycled (newsprint and State government procurement)
- Market Status and Development Reports
- Secondary Markets Study
- CSU Hayward Study

STAFF COMMENTS: Staff expects no committee action on this item, although the Committee may offer guidance to incorporate into the program activities.

Prepared by: Bill Huston Bill Huston Phone 4-1225

Reviewed by: Bill Huston BH Phone 4-1225

Legal review: Maureen O'Morrison Date/Time 9/26/91 - 4:35pm

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
ADMINISTRATION COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

October 8, 1991
10:00 am

NOTICE AND AGENDA

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pulled 1. CONSIDERATION OF BOARD TRAVEL POLICY

2. CONSIDERATION OF CONTRACT FOR GRAPHICS SERVICES WITH THE DEPARTMENT OF WATER RESOURCES — 1

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5. CONSIDERATION OF APPROVAL OF AMENDMENTS TO PROCEDURES FOR CONDUCTING BOARD AND COMMITTEE ACTIVITIES — 19

6. OPEN DISCUSSION

7. ADJOURNMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

ADMINISTRATION COMMITTEE
OCTOBER 8, 1991

AGENDA ITEM 2

ITEM:

Consideration of Contract for Graphic Services with the Department of Water Resources

BACKGROUND:

The Public Information Office (PIO) contracts with the Department of Water Resources (DWR) for graphic services. The department has a photography lab and an audio-visual equipment pool, and offers graphic art services and film and video production.

ANALYSIS:

Last year's interagency agreement, in the amount of $3,000, terminated on June 30, 1991. Although the CIWMB did not utilize the full contract amount, the agreement was not extended. Photographs are needed immediately for displays, exhibits and the media.

Attached is a new interagency agreement with DWR for photography and video services. This agreement is written to include other graphic services as well, and the amount has been increased to $5,000 in anticipation of expanded public information responsibilities. The Description of Services, Exhibit A, allows the CIWMB to utilize any of DWR's graphic services. These services are outlined in the attached Exhibit D, Graphic Service Rates, and Exhibit E, Photography Lab Price List.

STAFF COMMENTS:

Refer to the full Board in October for approval and delegation to the Executive Director for signature so that the PIO can fill routine graphic services requests. If the agreement is not approved, the PIO will not be able to respond to these requests.

ATTACHMENTS:

1. Interagency Agreement IWM-C1027
2. Exhibit A - Description of Services
3. Exhibit B - Agreement Provisions
4. Exhibit C - Standard Clauses - Interagency Agreements
5. Exhibit D - Graphic Service Rates
6. Exhibit E - Photography Lab Price List

Prepared by: Candy Robertson Phone 327-9331

Reviewed by: Tricia Broddrick Phone 327-9333

Legal review: LFC Date/Time 10-1- 1240

STATE OF CALIFORNIA

DWR 154749
NUMBER
IWM-C1027

INTERAGENCY AGREEMENT

STD 13 (REV. 9-81)

THIS AGREEMENT is entered into this 30th day of September, 1991, between the undersigned State Agencies:

Set forth services, materials, or equipment to be furnished, or work to be performed, and by whom, time for performance including the terms, date of commencement and date of completion, and provision for payment per (1212.1-1212.2 and 8760-8760.2 SAM.)

Distribution:
Agency providing services
Agency receiving services
Department of General Services
(unless exempt from DGS approval)
Controller

1. The Department of Water Resources shall provide services as specified on the attached Exhibit(s) A,B,C,D&E which is/are hereby made a part of this Agreement by reference.

2. The maximum amount payable under this Agreement shall not exceed $5,000.00.

3. This Agreement shall commence on 9-30-91 and terminate on 6-30-92.

4. The Department of Water Resources shall submit itemized invoices in triplicate to:
   Fiscal Department
   California Integrated Waste Management Board
   1020 Ninth Street, Suite 100
   Sacramento, CA 95814
   Payments shall be made no more frequently than monthly in arrears and shall be forwarded to:
   Department of Water Resources
   P. O. Box 942836
   Sacramento, CA 94236-0001

NAME OF STATE AGENCY: CA Integrated Waste Management Board	NAME OF STATE AGENCY: Department of Water Resources
CALLED ABOVE (SHORT NAME):	CALLED ABOVE (SHORT NAME): DWR
AUTHORIZED SIGNATURE: ▶	AUTHORIZED SIGNATURE: ▶
TITLE: Executive Director	TITLE: Chief, Graphic Services
(Continued on ____ sheets which are hereby attached and made a part hereof)	PROGRAM/CATEGORY (CODE AND TITLE):

DEPARTMENT OF GENERAL SERVICES USE ONLY					
	AMOUNT ENCUMBERED: $ 5,000.00	FUND TITLE			
	UNENCUMBERED BALANCE: $	(OPTIONAL USE)			
	ADJ. INCREASING ENCUMBRANCE: $	ITEM	CHAPTER	STATUTE	FISCAL YEAR
	ADJ. DECREASING ENCUMBRANCE: $	OBJECT OF EXPENDITURE (CODE AND TITLE)			
	I Hereby Certify upon my own personal knowledge that budgeted funds are available for this encumbrance.		T.B.A. NUMBER	B. R. NUMBER	
	SIGNATURE OF ACCOUNTING OFFICER ▶		DATE		
	I hereby Certify that all conditions for exemption set forth in State Administrative Manual Section 1209 have been complied with and this document ☐ is exempt ☐ is not exempt from review by the Department of Finance.				
	SIGNATURE: OFFICER SIGNING ON BEHALF OF AGENCY ▶		DATE		

EXHIBIT A

Description of Services

Photography and video services, as well as other graphic services as needed.

DWR 164749
IWM-C1027

Exhibit B

Agreement Provisions

The cost of services will be based on the Department of Water Resources (DWR) price list for graphic services work for the fiscal year(s) represented by this agreement. The amount of this agreement is (5,000.00), which is an estimated value of the services required. In the event the actual value of the services required exceeds this amount, the client shall initiate an amendment to this agreement after coordination with DWR.

DWR agrees to make every reasonable effort to avoid delays or failures in the performance of its service. In the event that delays or failures do occur, the client agrees to pay DWR at the contract rate for services rendered.

If the DWR workload is deemed too great to process work requested by the client, DWR agrees to notify the client of any work delay(s) and will make a reasonable effort to negotiate a mutually agreeable revised work schedule based on DWR workload and the client's work volume and priorities.

Once this interagency agreement is fully executed, (the CIWMB) agrees not to disencumber unexpended funds for this agreement without prior written agreement by DWR Graphic Services.

Should disencumbering of funds be under consideration, (the CIWMB) agrees to discuss the impact of such disencumbering upon projects authorized by the agreement.

The following individuals shall be the authorized users of the contract:

(Name)	(Telephone #)
Candy Robertson	327-9331
Tom Estes	327-9328
Tricia Broddrick	327-9333

Only the following Graphic Services Unit(s) shall charge this Contract:

Arts, Equipment Pool
Motion Picture, Photo Lab

Any additions or deletions to the authorized unit or user lists shall only be effective when authorized by:

(Name)	(Telephone #)
Tricia Broddrick	327-9333

State of California
The Resources Agency
DEPARTMENT OF WATER RESOURCES

Agreement No. IWM-C1027

Exhibit C

STANDARD CLAUSES --
INTERAGENCY AGREEMENTS

Audit Clause. The contracting parties shall be subject to the examination and audit of the Auditor General for a period of three years after final payment under the contract. (Government Code Section 10532).

Availability of Funds. Work to be performed under this contract is subject to availability of funds through the State's normal budget process.

Interagency Payment Clause. For services provided under this agreement, charges will be computed in accordance with State Administrative Manual Section 8752.

Termination Clause. Either State agency may terminate this contract upon 30 days advance written notice. The State agency providing the services shall be reimbursed for all reasonable expenses incurred up to the date of termination.

State of California

The Resources Agency

Memorandum

DWR 164749

IWM-C1027

EXHIBIT D

Date : August 3, 1990

To : All Graphic Services
Employees and Clients

From : Bill Wilson, Acting Chief
Graphic Services
Department of Water Resources

Subject : Fiscal Year 1990/91 Graphic Service Rates

Effective July 1, 1990, the hourly rates for various services provided by Graphic Services will be:

AV Equipment Services	$30.00/hour
Art Services	$63.00/hour
Photo Lab	
General Photography	$65.00/hour
Aerial Photography	~~$80~~.00/hour
Film/Video	$90.00
Production Services	$78.00/hours
Video Editing	$88.00/hours

Many rates are unchanged from last fiscal year. Art Services Film/Video production rates, however, are being increased due to increased salary and operating expenses.

Other Prices

Audio-Visual equipment is rented at rates shown on that unit's price list.

Still photographic printing costs are shown on the Photo Lab's price list.

All materials and specialized services from vendors are provided at invoiced cost plus an administrative fee of fifteen percent.

Cost Estimates

It is Graphic Services policy to provide cost estimates prior to beginning major production work and revised estimates when significant changes in content or in scope of the project result in a significant change in the associated costs.

Please ask for estimates when approving new production work. Also request a revised estimate if major changes are required.

Questions should be directed to the supervisors in each cost center or to Gordon Carleton (445-1673) who is responsible for Graphic Services administrative matters.

SURNAME B. Wilson

DWR 155 (Rev. 2/86)

DWR 164749

IWM-C1027

EXHIBIT E

DEPARTMENT OF WATER RESOURCES

PHOTOGRAPHY LAB

PRICE LIST

8

1. DEPARTMENT OF WATER RESOURCES
   Graphic Services
   Chiefs Office - 0420
   1416 9th Street
   Sacramento, CA 94814
   Rm 204-18

2. DEPARTMENT OF WATER RESOURCES
   Graphic Services
   Arts Group - 0421
   1416 9th Street
   Sacramento, CA 95814
   Rm 204-18

3. DEPARTMENT OF WATER RESOURCES
   Graphic Services
   Motion Picture - 0422
   1416 9th Street
   Sacramento, CA 95814
   Rm 204-18

4. DEPARTMENT OF WATER RESOURCES
   Graphic Services
   Photo Lab - 0423
   Sacramento, CA 95814
   Rm 440-8

5. DEPARTMENT OF WATER RESOURCES
   Graphic Services
   Equipment Pool - 0424
   1416 9th Street
   Sacramento, CA 95814
   Rm 204-22

DWR PHOTO LAB
PRICE LIST

PHOTOGRAPHER'S TIME

Ground Photography	$ 65.00/hour
Aerial Photography	$ 90.00/hour
Overtime -	
Ground	$ 97.50/hour
Aerial	$120.00/hour
Special Film Library Research	$ 35.00/hour

Travel, per diem, and standby charges, when applicable.

AIRCRAFT TIME (Aircraft and pilot)

Northern California:	Flight Time	$ 225.70/hour
	Standby Time	$ 36.60/hour
	Overnight Fee	$ 91.50/night
Southern California:	Flight Time	$305.00/hour
	Standby Time	$ 91.50/hour
	Overnight Fee	$183.00/night
	Mobilization Fee	$305.00

DWR BADGE ID PHOTOS

Including laminated badge ..... $ 10.00/each

LABORATORY SCHEDULING AND PRICES

BLACK AND WHITE PRINTS

Normal:	5 working days	- at list price
Rush:	3 working days	- at list price plus 50%
	3 calender days	- at list price plus 100%
	24 hour service	- at list price plus 200%

COLOR PRINTS

Normal:	5 working days	- at list price
Rush:	Less than 5 working days	- at list price, plus vendor's rush and shipping charges.

Please allow 2 working days for library retreival of negatives, if necessary.

CUSTOM B LACK AND WHITE (B&W) PRINTS/NEGATIVES/DEVELOPING

BLACK AND WHITE PRINTS (from B&W negatives) . . . . . 1-10 prints

4 x 5	$ 3.00
5 x 5, 5 x 7	$ 7.00
8 x 10	$ 8.00
8-1/2 x 11	$ 9.00
10 x 10	$ 12.00
11 x 14	$ 12.00
16 x 20	$ 21.00
20 x 24	$ 38.00
20 x 30	$ 90.00
30 x 30, 30 x 40	$ 95.00
40 x 60	$120.00
48 x 96, 54 x 96	$210.00

Gang proof print of 35mm negs on one 8-1/2 x 11 sheet. . $ 9.00

Sepia toning: 100 percent of listed price charge.

PANALURE PRINTS (panchromatic black & white prints from color negatives)

Add 50% to price of same size print made from B&W negative (see above price list)

4 x 5	$ 8.50 (plus print prices)
8 x 10	$ 15.00 (plus print prices)

B&W FILM DEVELOPING

35mm 20 ex	$ 4.25 (plus print prices)
35mm 36 ex	$ 4.75 (plus print prices)
120	$ 4.25 (plus print prices)
4 x 5 film pack	$ 25.00 (plus print prices)

SPECIAL PRICES AND SCHEDULING

DWR Photo Lab work which requires special scheduling and additional costs, such as rush jobs and customizing work, will be done on a job-cost basis rather than at standard unit rates. On the job-cost basis, the user will be charged the hourly labor rate plus direct costs (overtime, materials, etc.). The determination for the charging basis will be made by the Photo Lab supervisor before the work is performed so that customer approval can be obtained.

35mm SLIDE PHOTOGRAPHY (from original artwork)

Size of Original Artwork		Color	BLACK & WHITE (Neg or Pos.)
20" x 24" or smaller	-1st slide	$ 8.00 each	$ 6.50 each
	-Additional slides shot at same time	$ 2.50 each	$ 2.50 each
Larger than 20" x 24"	-1st slide	$ 18.00 each	$ 11.00 each
	-Additional slides shot at at same time	$ 5.00 each	$ 5.00 each

Above prices for labor only. Also add price of film, processing, and mounting.

CAR EXPENSE

State Car.....$ .21/mile
Personal Car.....$ .24/mile

Custom Color Prints and Processing

To determine your price add sales tax and fifteen percent to the order total.

Prints from color negatives or color transparencies in the following formats: 35mm, 70mm, 4x5, 2-1/4x2-1/4, or 8x10.

	first print	additional print	re-order print
4x5 prints	4.50	2.50	4.50
5x7 prints	6.75	4.00	6.75
8x10 print	9.50	4.00	9.50
8-1/2x11 prints	11.00	5.50	11.00
11x14 prints	13.00	9.00	13.00
16x20 prints	21.50	14.00	21.50
20x24 print	41.00	24.00	41.00
20x30 prints	55.00	35.00	55.00
30x40 prints	85.00	55.00	85.00
40x60 prints	175.00	105.00	175.00
40x72 prints	200.00	120.00	200.00
40x96 prints	265.00	160.00	265.00
5x5 proofs	.48	.35	.48

from 2-1/4x2-1/4 negatives or transparencies

State of California
The Resources Agency
DEPARTMENT OF WATER RESOURCES

bid
PHOTOFINISHING BID SHEET

COLOR

ITEM	PRICE
35mm Chrome 20 exposures	$ 3.02
35mm Chrome 36 exposures	$ 3.99
35mm Color 20 exposures	$ 1.33
35mm Color 36 exposures	$ 1.62
3-1/2 x 5 Prints (at time of development)	$ .26
3-1/2 x 5 Jumbo reprints	$ .42
828-110-126-620 (Standard rolls)	$ 2.00
3-1/2 x 3-1/2 Prints (at the time of development)	$ .26
3-1/2 x 3-1/2 Jumbo Reprints	$ .42
5 x 5 Jumbo Reprints	$ .59
2 x Prints from chrome	$ .49
3 x Prints from chrome	$ .49
Duplicate color slides	$ .39
Color copy negative	$ 2.45
Enlargements - unframed	$ 1.99
Enlargements - unframed	$ 3.90

BLACK AND WHITE

35mm B&W 20 exposures	$ 1.63
35mm B&W 36 exposures	$ 2.25
3-1/2 x 5 Prints (at time of development)	$ .17
3-1/2 x 5 Jumbo reprints	$ .35
828-110-126- 620 (Standard rolls)	$ 2.25
3-1/2 x 3-1/2 Prints (at time of development)	$ .17
3-1/2x3-1/2 Jumbo prints	$ .35
4x5 Film pkg 16 exposures	$ 7.50
4x5 film pkg at (at time of development)	$ .60
4x5 Reprints	$ .60
5x5 Jumbo Reprints	$ 1.37
B&W copy negatives (from 35mm slides)	$ 2.10
Copy negative	$ 2.69
Enlargements-unframed (5x7)	$ 1.56
Enlargements-unframed (8x10)	$ 2.00

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Administration Committee
October 8, 1991

Agenda Item 3

ITEM:

Consideration of Adoption of an Affirmative Action/Nondiscrimination Policy Statement

BACKGROUND:

The Administration Committee on August 21, 1991, reviewed a timeline for the implementation and re-affirmation of an affirmative action program by the Board's designated Affirmative Action Officer, Phillip J. Moralez. At that meeting, the Committee directed Mr. Moralez to bring back to the Committee those items identified in the timeline for Board consideration and action.

Under Government Code Sections 19790-19799, all state agencies and departments are required to implement an "affirmative action plan". Also Government Code Sections 19700-19706 require that all employment practices be free from any vestiges of discrimination. These sections specifically outline those groups and/or individuals protected under these sections.

Attachment A is a proposed policy statement by the CIWMB which is responsive to the Government Code sections noted above.

ANALYSIS:

In June, 1984, the Solid Waste Management Board, issued an affirmative action policy statement under the signature of Executive Officer, John Hagerty. With the establishment of a new full time Board and a name change to the California Integrated Waste Management Board, it would seem appropriate that there be a re-affirmation of an "Affirmative Action/Nondiscrimination" policy.

STAFF COMMENTS:

It is recommended that the Committee approve the policy statement as the Board's first step toward the implementation of an effective affirmative action program.

Prepared by: Phillip J. Moralez PJM Phone : 327-3651

Received by: Don Dier Jr. DJ Phone: 324-0266

Legal Review: KFC Date/Time 10-2-91 830

ATTACHMENT A

AFFIRMATIVE ACTION/NONDISCRIMINATION

POLICY STATEMENT

The California Integrated Waste Management Board (CIWMB) is committed to a just personnel system that provides equal employment opportunities for all people at all levels in the Board's workforce and the public as well as a nondiscrimination work environment. To this end, the Board on a continuous basis, reviews and revises employment policies and procedures. Board personnel procedures are to ensure that all hiring, working conditions, training, promoting, compensation, benefits, transfers, and layoffs will be administered fairly to all employees, regardless of age, sex, race, color, creed, religion, national origin, ancestry, disability, marital status, sexual orientation or preference, native language, political affiliation, or pregnancy. Practices and/or decisions motivated by prejudice, racism, sexism, or factors not related to the requirements of the job have no place in the Board's personnel practices.

To assist the Board in complying with nondiscrimination laws, policies, and guidelines, and to meet and sustain its affirmative action responsibilities, the Board will establish and maintain an Equal Employment Opportunity (EEO) advisory committee. This advisory committee will have three sub-committees: the EEO, the Women's Advisory Committee (WAC), and the Disabled Advisory Committee (DAC). The contributions of these committees will enhance and be in concert with laws, policies and guidelines on affirmative action and nondiscrimination.

Through an effective affirmative action program, the Board will corrects the effect of past discrimination by planning, implementing, and monitoring employment activities as they relate to women, minorities, persons with disabilities, and other protected groups or individuals.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Administration Committee
October 8, 1991

Agenda Item 4

ITEM:

Consideration of Adoption of a Policy Prohibiting Sexual Harassment in the Work Place.

BACKGROUND:

The Administration Committee on August 21, 1991, reviewed a timeline for the implementation and re-affirmation of an affirmative action program. The Committee directed the Board's Affirmative Action Officer, Phillip J. Moralez, to bring back to the Committee those items identified in the timeline for Board consideration and action at a later date.

Current state and federal laws prohibit sexual harassment of any kind in the work place. Attachment A is a proposed policy statement which re-affirms the Board's position that the work place be free from this type of conduct.

ANALYSIS:

Current laws prohibit sex discrimination. The purpose of a policy that more clearly identifies sexual harassment as illegal is to clearly define conduct and/or behavior that constitute a more serious form of sex discrimination.

Because of the serious nature of this type of behavior and/or conduct, the State Personnel Board requires that a policy statement prohibiting this type of conduct be issued to all employees on an annual basis.

STAFF COMMENTS:

It is recommended that the Committee approve the policy statement as the Board's notice to all employees and the public that behavior and/or conduct which violates this policy will not be tolerated.

Prepared by: Phillip J. Moralez PJM Phone: 327-3651

Reviewed by: Don Dier Jr. DJ Phone: 324-0266

Legal Review: RFC Date/Time: 10-2-91 830

Attachment A

Sexual Harassment

Policy Statement

The California Integrated Waste Management Board (CIWMB) requires its employees to maintain a work atmosphere which is free from sexual harassment as well as other discriminatory practices. All conversations, discussions, and meetings in the conduct of board business, as well as those activities that may be perceived as conducted or related to the furtherance of the board's business, are to be free of sexual harassment in any form. All Board employees shall conduct themselves in a courteous, respectful manner, cognizant of the rights of others to be free of intimidating, hostile, or offensive acts, language, or innuendo. All employees shall familiarize themselves with this policy and shall be held accountable for its implementation.

A work environment free of sexual harassment means that all persons shall have the right to seek, obtain, and hold employment without harassment directed toward the person's sexual status. It shall mean freedom from any sexually harassing act which may or will result in the creation of an intimidating, hostile or offensive work environment or otherwise interfere with an individual's employment and work performance.

Sexual harassment is unwelcome, imposed behavior or communications, of a sexual nature. It includes verbal, visual, physical, and gestural communication, as well as practical jokes having gender and/or sex as their focus.

The CIWMB will not tolerate any sexually harassing behavior by any of its employees, clients, and/or vendors. The Board will take appropriate disciplinary action against any employee who violates this policy and/or federal, state, and local laws which are related to this policy.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

ADMINISTRATION COMMITTEE
OCTOBER 8, 1991

AGENDA ITEM 5

ITEM: CONSIDERATION OF APPROVAL OF AMENDMENTS TO PROCEDURES FOR CONDUCTING BOARD AND COMMITTEE ACTIVITIES

BACKGROUND:

At its March 11, 1991 meeting, the Administration Committee discussed recommendations to the Board on needed processes and systems for the establishment of consistent committee and Board procedures. At its March 20, 1991 meeting, the Board authorized the Administration Committee to develop a final document that took into consideration all of the Board members' comments. The final document was approved by the Administration Committee on March 26, 1991.

ANALYSIS:

Since the Board hired an Administrative Assistant with primary responsibility for coordination of agendas and item packets for Board and committee meetings, some amendments to the Procedures for Conducting Board and Committee Activities are necessary to update the document.

STAFF COMMENTS:

This is an opportunity for committee members to approve amendments to the procedures as submitted, or to have further input. Generally, the amendments reflect only minor changes.

ATTACHMENTS:

A. Sample Agenda Item for Packet - Committee
B. Sample Agenda Item for Packet - Board
C. Committee Action Record and Transmittal Form

Prepared by: Pat Chartrand P.C. Phone: 2-7346

Legal Review: MCM Date/Time 10/4/91 - 10:36 AM

PROCEDURES FOR CONDUCTING
BOARD AND COMMITTEE ACTIVITIES

A. Preparation for Board Meetings

1. Placement of Board Meeting Agenda Items shall be coordinated by the Administrative Assistant.

   a. Agenda items shall only be placed by:

      (1) Committee requests;

      (2) Board member requests;

      (3) Board staff requests, with the approval of the ~~CEO~~ Executive Director.

   Members of the public wishing to place items on an agenda must go through one of the above avenues.

   Final approval for inclusion in the Board's agenda shall be made by the Chair or the Administration Committee, except that any request by a Board member to place an item on the Board's agenda shall be granted.

   Titles for Board meeting agenda items should be submitted to the Administrative Assistant according to timelines established by the A.A.

   Before ~~agenda and meeting packets~~ agendas are finalized, they should be reviewed by the Chief Counsel, ~~CEO~~, the Executive Director, and the Chair or the Chair's advisor.

   b. The Administrative Assistant shall arrange compilation, publication and distribution to meet 10-day notice requirements. The Administrative Assistant shall develop a submittal schedule for ~~notices, agenda and item preparation on a monthly basis.~~ agendas on a monthly basis, with the goal of establishing a 12-month master calendar for Board and committee meetings.

2. Preparation of Agenda Packet Items.

   a. Agenda packet items should follow ~~existing format, but should include, whenever possible, a summary of the action taken by the committee, and should also include the name of the person who prepared the agenda item as well as who approved it~~ the format described in Attachment A.

b. The preparation of individual agenda packet items shall be the responsibility of the person submitting the ~~items~~ agenda title or his/her designee.

c. Before agenda packet items are finalized, they should be reviewed by the preparer's supervisor, the Chief Counsel, and the Chair or the Chair's advisor.

3. Deadlines for the Preparation of Agenda Items.

a. Compilation, printing and distribution of the agenda packet shall be the responsibility of the Administrative Assistant. Final agenda item write-ups should be submitted to ~~the Administrative Assistant two full business days in advance of the printing deadline.~~ Legal Counsel three full business days in advance of the printing deadline.

b. A master schedule shall be prepared by the Administrative Assistant, working back from Board meeting dates, allowing Board members to receive Board packets ~~at least one week in advance of meeting.~~ by the Thursday afternoon before the Board meeting.

4. Board "Action Items."

a. All Board action items shall first be reviewed by the appropriate committee.

b. If the appropriate committee is not clearly ascertainable by the nature of the item, the Administration Committee shall designate its committee assignment. In the event that the Administration Committee is not meeting, the Board Chair shall decide assignments and notify Board members as appropriate.

B. <u>Preparation for Committee Meetings</u>

1. Placement of Committee Meeting Agenda Items shall be coordinated by the Administrative Assistant.

a. Agenda items shall be placed by:

(1) Board members' requests;

(2) Board staff requests, with the approval of ~~CEO~~ the Executive Director.

Titles for committee meeting agenda items should be submitted to the Administrative Assistant according to timelines established by the A.A.

Final approval for inclusion of items in a committee's agenda shall be made by the Chair of the committee or the Chair's advisor. They should also be reviewed by the Chief Counsel and the Executive Director. The Administrative Assistant shall arrange compilation, publication and distribution to meet the 10-day notice requirement.

~~c.~~ b. Public requests for hearing of particular items or participation in committee meetings will be directed to the ~~chair of the committee~~ committee Chair or his/her staff.

~~b.~~ c. The preparation of individual agenda items for the packet ~~will~~ shall be the responsibility of the person submitting the ~~item.~~ agenda title or his/her designee. Compilation of the agenda packet shall be the responsiblity of the Administrative Assistant, who arranges for printing and distribution of the packets with the assistance of the staff of the Committee Chair.

d. Committee agenda packet items shall follow the format ~~approved by the Board. A sample agenda item format is attached.~~ described in Attachment B.

e. Before committee agenda packet items are finalized, they should be reviewed by the preparer's supervisor, the Chief Counsel, and the Committee Chair or the Chair's advisor. ~~Topics for notice and agenda write-ups should be submitted to the Administrative Assistant at least two full business days prior to the printing deadline.~~ Agenda item write-ups should be submitted to the Chief Counsel at least three full days prior to the printing deadline.

2. ~~Arranging for and~~ Scheduling Committee Meetings

a. The Administrative Assistant shall establish a ~~3-month master committee meeting calendar after consultation, review and approval of the calendar by committee Chairs and members.~~ 12-month master calendar that includes Board and committee meeting dates, after consultation with, and approval of, Board members and their advisors.

C. **Committee Operating Procedures**

1. Quorum/Voting/Selection of Vice Chair

Two committee members constitute a quorum for the transaction of committee ~~activities~~ business. Two votes constitute a majority of the votes to effect action by a committee. Each committee shall elect a Vice Chair to preside and represent the committee in the absence of the Chair.

~~2. Committee Treatment of Board Action Items.~~

~~All committee action items shall be placed on the agenda of a regularly scheduled Board meeting regardless of the committee's decision. It may appear as a consent agenda item. (See Section D.)~~

~~3.~~ 2. Attendance at Committee Meetings

All Board members may attend all committee meetings.

~~4.~~ 3. Recording and Transmittal of Committee Actions

a. For all committees, the secretary to the Committee Chair will record motions and roll call votes.

b. The Integrated Waste Management Planning and the Permitting and Enforcement Committees must have a court reporter present in order to provide complete transcripts of actions relating to planning, permitting and enforcement issues. Other committees shall utilize court reporter services when regulations and other issues the Board has a legal requirement to approve are being heard. The A.A. shall make this determination in consultation with the Chief Counsel.

c. A transmittal document ~~(sample attached)~~ (Attachment C) shall be completed by each committee secretary immediately following each committee meeting and be forwarded to the Administrative Assistant, within three days of the committee meeting, for the record of the Board. Action items shall be included in a subsequent Board meeting agenda, based on the committee's recommendation.

D. **Consent Items**

1. Committee Meetings - At committee meetings, a consent recommendation should be raised for each item. If there is a "no" vote on the item, it cannot be recommended as a consent item.

2. Board Meetings

   a. The Administrative Assistant will prepare the Board's Consent Agenda, place it in a conspicuous location for public review, and have copies available at Board meetings.

   b. The Consent Agenda shall begin with the following statement:

   ~~ON BOARD CONSENT AGENDAS:~~

   "Consideration of Board Consent Agenda Items:

   The following items have been reviewed and approved by a Board committee and ~~are considered to be noncontroversial~~ have been recommended to the Board for consent. The Board will be asked to approve these items at one time without discussion. At the beginning of the meeting, the Chair of the Board will ask Board members or other interested parties or staff who wish to address an item on the Consent Agenda to state their names and the items they wish to address for the record. To remove an item from the Consent Agenda, the Chair or an individual Board member shall make a determination that the item merits further discussion."

   c. The Chair of the Board will call for approval or withdrawal of consent items at the beginning of each Board meeting.

   d. To remove an item from the Consent Agenda, the Board Chair or an individual Board member shall make a determination that the item merits further discussion.

ATTACHMENT A

SAMPLE AGENDA ITEM FOR PACKET - COMMITTEE

DRAFT: Subject to formal approval by Admin. Com.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

_____ COMMITTEE
DATE OF MEETING

AGENDA ITEM ____

ITEM: Consideration of procedures for conducting board and committee activities

BACKGROUND:

This section should include a very brief history of how this issue originated and progressed to the point of consideration by the committee. Any actions that have been taken by the Board which impact the development of policy in this area might also be explained.

ANALYSIS:

In this section, any analytical, research or discussions that have led to the development of each alternative option might be discussed. The pros and cons or support and oppose positions of interested groups could be identified in this section.

STAFF COMMENTS:

This is an opportunity for staff to discuss various options for committee action. This section should also include the ramifications of each option.

ATTACHMENTS:

1.
2.
3.

Prepared by:_____Phone_____

Reviewed by:_____Phone_____

Legal review:_____Date/Time_____

NOTE: The first two signoff lines should have names typed in and then be hand initialed. Legal signoff should continue to be hand written.

SECOND NOTE: Resolutions, if needed, should be the very last page of a packet item. This placement makes them easier to find.

HEADERS FOR SECOND AND SUCCEEDING PAGES:

Name of Committee
Date of Meeting

Agenda Item ___
Page ___

ATTACHMENT B

SAMPLE AGENDA ITEM FOR PACKET - BOARD

DRAFT: Subject to formal approval by Admin. Com.

(No more fancy fonts!)
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

DATE OF MEETING

AGENDA ITEM ____

ITEM: Consideration of procedures for conducting board and committee activities

COMMITTEE ACTION:

This section should briefly note committee action on this item prior to it coming before the Board. If no committee action has been taken when the Board packet item is due, note that in this section.

BACKGROUND:

This section should include a very brief history of how this issue originated and progressed to the point of consideration by the Board. Any actions that have been taken by the Board which impact the development of policy in this area might also be explained.

ANALYSIS:

In this section, any analytical, research or discussions that have led to the development of each alternative option might be discussed. The pros and cons or support and oppose positions of interested groups could be identified in this section.

STAFF COMMENTS:

This is an opportunity for staff to discuss various options for Board action. This section should also include the ramifications of each option.

ATTACHMENTS:

1.
2.
3.

Prepared by:_____Phone_____

Reviewed by:_____Phone_____

Legal review:_____Date/Time_____

NOTE: The first two signoff lines should have names typed in and then be hand initialed. Legal signoff should continue to be hand written.

SECOND NOTE: Resolutions, if needed, should be the very last page of a packet item. This placement makes it easier to find later.

HEADERS FOR SECOND AND SUCCEEDING PAGES:

California Integrated Waste Management Board — Agenda Item ___
Date of Meeting — Page ___

ATTACHMENT C

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
COMMITTEE ACTION RECORD AND TRANSMITTAL FORM

Date:

Committee: Permitting and Enforcement

Commitee Members: Jesse R. Huff, Chair

Sam Egigian

Wesley Chesbro (for Environmental appointee)

Title of Item:

Summary of Action/Motion:

Record of Vote:	Aye	No	Abstain
Egigian			
Chesbro			
Huff			

Recommend Consent: Yes ☐ No ☐

Date of Board Meeting ___/___/9__

Refer To Other Committee Yes ☐ No ☐

Committee Referral:

Date of Committee Meeting ___/___/9__

ther Dispensation:

29

Committee Secretary

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

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

October 8, 1991
1:30 p.m.

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

pulled 1. CONSIDERATION OF REQUEST FOR REDUCTION IN DIVERSION MANDATES FOR THE CITY OF SAN JUAN BAUTISTA

2. CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS: PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND REVISING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS (HOUSEHOLD HAZARDOUS WASTE ELEMENTS), TITLE 14, CALIFORNIA CODE OF REGULATIONS, DIV. 7, CHAPTER 9, ARTICLES 6.3 AND 7 1

3. DISCUSSION OF THE WASTE DIVERSION DILEMMA: ISSUES ASSOCIATED WITH WASTE DIVERSION COMPUTATIONS UNDER THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 82

4. OPEN DISCUSSION

5. ADJOURNMENT

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Integrated Waste Management Planning Committee
October 8, 1991

AGENDA ITEM # 2

ITEM:

Consideration of adoption of proposed regulations: Planning Guidelines and Procedures for Preparing and Revising Countywide Integrated Waste Management Plans (Household Hazardous Waste Elements), Title 14, California Code of Regulations, Division 7, Chapter 9, Articles 6.3 and 7

Key Issues:

- Section 40502 of the Public Resources Code (PRC) authorizes the Board to adopt rules and regulations, as necessary, to carry out Division 30 of the PRC.
- A Notice of Public Hearing to Consider Adoption of the proposed Regulations for Articles 6.3 and 7.0 was issued on May 17, 1991 to initiate a public comment period that concluded on July 1, 1991.
- Responses to written and oral comments received during the 45 day comment period have been prepared and the regulations have been amended accordingly.
- A Public Hearing to consider further testimony on the revised regulations was held on August 6, 1991. No additional comments were received at the meeting and the revised regulations were circulated for an additional 15 day public comment period ending on September 4, 1991.
- No comments were received during the 15 day public review period and no further revisions to the proposed regulations were necessary.

BACKGROUND:

Statutory Authority

The California Integrated Waste Management Act of 1989, (Act), found in Assembly Bill 939 (Stats. 1989-Chapter 1095) and amended by Assembly Bill 1820 (Stats. 1990-Chapter 145) and Assembly Bill 3992 (Stats. 1990, Chapter 1355) created the California Integrated Waste Management Board (Board) as a successor to the California Waste Management Board. The Act listed among the powers and duties of the Board, the authority to adopt rules and

regulations, as necessary, to carry out Division 30 of the Public Resources Code (Public Resources Code section 40502).

Public Resources Code sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans pursuant to the Act. Public Resources Code section 41750 requires each county, and city and county, to prepare and submit to the Board, in accordance with the requirements set forth in Public Resources Code sections 41790 and 41791, an Integrated Waste Management Plan. The Plans shall consist of all city Source Reduction and Recycling Elements prepared and submitted to a county, the county's Source Reduction and Recycling Element for the unincorporated area of the county, and the Countywide Siting Element. Between January 1, 1992 and January 1, 1994, in accordance with Public Resources Code section 41791, counties must submit their Countywide Integrated Waste Management Plans to the Board for review and approval.

With the enactment of AB 2707, codified in PRC sections 41500-41903, the statutory requirement for preparing a Household Hazardous Waste (HHW) component as part of a Source Reduction and Recycling Element (SRRE) was repealed. Statute now requires each city to prepare, adopt and submit to the county in which it is located, a HHW Element with specified contents. In addition, each county is to prepare a HHW Element which identifies a HHW program for the unincorporated area of the county.

The HHW Elements shall identify a program for the safe collection, recycling, treatment, and disposal of hazardous wastes generated by households. Pursuant to the requirements of PRC section 41750, the HHW Elements must be submitted to the Board as part of the Countywide Integrated Waste Management Plans (CIWMPs).

Regulatory Development

Prior to the enactment of AB 2707, program development for dealing with household hazardous waste was one of the mandated components of the Source Reduction and Recycling Elements. Guidelines for preparing that component were included in the Board's regulations specifying the content of SRREs. As a result of the elevation of Household Hazardous Waste programs from component status to element status, Board staff has prepared regulations to guide jurisdictions in the preparation of their Household Hazardous Waste Elements.

Formal Rulemaking

To satisfy the formal rulemaking process required by the Administrative Procedure Act, Board staff began a 45-day public comment period, and noticed its formal rulemaking with the Office of Administrative Law (OAL) on May 17, 1991 for Article 6.3 and 7.0. During this comment period, Board staff received written comments from cities, counties and the private sector. By the end of the comment period Board staff had received 11 comment letters and 2 verbal comments. Board staff then responded to these comments and revised Articles 6.3 and 7.0, where appropriate, for the Administration Committee's consideration. The changes made to Article 6.3 and 7.0 are indicated by strike outs (~~sample~~) for deletions and underlines (sample) for additions (Attachment 1 and 2).

The revised regulations were considered by the Board's Administration Committee on August 6, 1991. This hearing provided an additional opportunity for public comment and oral testimony on these regulations. At that time, no additional comments were received. However, changes made to the regulations based on the comments received during the 45 day review period were "sufficiently related" changes and required an additional 15-day public notice and comment. Consequently, the Administration Committee directed staff to circulate the revised regulations for a 15 day comment period ending September 4, 1991.

Board Findings

The Board must make several findings pursuant to OAL regulations and the Administrative Procedure Act (APA) in the process of formally adopting the regulations. The regulatory package needs to include a Statement of Reasons which provides justification on the need for the regulation, and a determination that the adopting agency finds that no alternatives considered would be more effective and less burdensome than the proposed regulations pursuant to Government Code Sections 11346.14 and 11346.7.

The Board must also determine if these regulations impose a mandate on local agencies or school districts pursuant to Government Code Section 11346.7. The Board must demonstrate that any provisions incorporated by reference are necessary because they would be cumbersome, unduly expensive or impractical to publish in the California Code of Regulations. This finding is to be submitted within the Final Statement of Reasons pursuant to OAL regulations in Title 1, California Code of Regulations, Section 20.

Rulemaking Procedures

Several other regulatory procedures are required by the APA. These procedures and the above findings are addressed within the resolution that follows this agenda item. The Board must transmit to OAL a certified copy of every regulation adopted pursuant to Government Code Section 11343, and a Certificate of Compliance, pursuant to Government Code Section 11346.1.

The Rulemaking Record must be made available to the public pursuant to Government Code Section 11346.5. Within the Rulemaking Record, the Board must address economic impacts on small businesses, and cost impacts on private persons or businesses pursuant to Government Code Section 11346.53. The Board must submit to OAL a Final Statement of Reasons pursuant to Government Code Section 11346.7. Finally, the Board must maintain the rulemaking file pursuant to Government Code Section 11347.3.

Should the Board elect to make changes that substantially alter the requirements or responsibilities of the jurisdictions, then a 45-day public comment period will be necessary. If the changes are "sufficiently related" to the original notice published with OAL, then only a 15-day public comment period would be necessary.

Proposed Regulations

The proposed regulations remove the Household Hazardous Waste component from Article 6.2 of Chapter 9, Division 7, Title 14 of the CCR and provide for a new article, Article 6.3, which describes the contents of the Household Hazardous Waste Element, as required by AB 2707. These regulations are similar to the former HHW component requirements. In addition, AB 2707 requires jurisdictions to address the diversion of HHW, funding for preparing and implementing the HHW Element, and public education relating to HHW.

The proposed contents of the HHW Element (Article 6.3, Chapter 9, Division 7 of Title 14 of the CCR, Attachment 1) include:

> a statement of goals and objectives, a description of existing conditions, an evaluation of the HHW program alternatives, the selection of the HHW program,the implementation of the HHW program, monitoring and evaluation of the HHW program, HHW education and public information, and funding for the HHW program.

Article 7.0, Chapter 9, Division 7 of Title 14 of the CCR (Attachment 2), which currently specifies the procedures for

local and state review and approval of SRREs, has been revised to reflect the requirements for local and state review and approval of HHW Elements. Since the procedures for review and approval for both elements are nearly identical (the exception being that the HHW Element does not have to be reviewed annually), modifications to Article 7.0 mainly consist of adding the term "HHW Element" wherever the term "SRR Element" appears in the applicable sections of the Article. The modifications to Article 7.0 will ensure that the necessary steps for local and state review and approval of HHW Elements are addressed.

A list of those who have commented and a response document has also been prepared, and is appended to this agenda item. The Responses to Comments document has been mailed to all those who submitted written or oral comments the 45 day review period.

STAFF COMMENTS:

Board staff recommend that the Committee direct staff to bring the proposed regulations before the full Board for consideration of approval and submission to OAL for final review and filing with the Secretary of State.

Attachments:

1. **Text of proposed Article 6.3 Regulation**
2. **Text of proposed Article 7.0 Regulation**
3. **Response to Comments document**
4. **Resolution # 91-71**

Prepared by: Dianne Range DR Phone 327-0448

Reviewed by: John Smith JS Phone 327-0450

Legal review: MOM Date/Time 9/27/91-2:15pm

TITLE 14 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Chapter 9. PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND REVISING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS

Adoption of Article 6.3 Household Hazardous Waste Element

Section DETAILED ANALYSIS

Adoption of 18750	Scope
Adoption of 18751	Household Hazardous Waste Element Specific Requirements
Adoption of 18751.1	Household Hazardous Waste Element Goals and Objectives
Adoption of 18751.2	Household Hazardous Waste Existing Conditions Description
Adoption of 18751.3	Evaluation of Household Hazardous Waste Program Alternatives
Adoption of 18751.4	Selection of Household Hazardous Waste Program
Adoption of 18751.5	Implementation of Household Hazardous Waste Program
Adoption of 18751.6	Monitoring and Evaluation
Adoption of 18751.7	Education and Public Information
Adoption of 18751.8	Funding

b

ADOPTION OF ARTICLE 6.3: HOUSEHOLD HAZARDOUS WASTE ELEMENT

Adoption of Section 18750. Scope.

The Household Hazardous Waste (HHW) Element shall specify the means by which each jurisdiction required to prepare and implement a HHW Element shall safely collect, recycle, treat and dispose of household hazardous wastes generated by households within the jurisdiction.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751. Household Hazardous Waste Element Specific Requirements.

The Household Hazardous Waste Element shall include the requirements contained in sections 18751.1 through 18751.6 of this Article.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.1. Household Hazardous Waste Element Goals and Objectives.

The HHW Element shall include statements which define the goals and objectives for the short-term and medium-term planning periods.

(a) HHW Element goals and objectives shall be consistent with the mandates of section 40051 of the Public Resources Code.

(b) Each jurisdiction shall examine and select household hazardous waste element goals and objectives based upon data generated in the Solid Waste Generation Study, conducted pursuant to section 18722, of Article 6.1 of this Chapter. The objectives shall include plans to source reduce and safely collect, recycle, treat and dispose of household hazardous waste generated within the jurisdiction.

(c) The HHW Element shall specify the time frame for achievement of each objective.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 40051, 41500 and 41510, Public Resources Code.

Adoption of Section 18751.2. Household Hazardous Waste Existing Conditions Description.

The description of the existing household hazardous waste program shall:

(a) Identify the types and quantities of household hazardous wastes that are currently source reduced, collected, reused, recycled, treated and/or disposed through existing programs;

(1) Household hazardous waste categories shall include those contained in form CIWMB-303 (1/90), which is incorporated by reference.

(b) Explain the current methods for source reduction, reuse, recycling, collection, treatment, and disposal ~~programs for~~ of household hazardous waste generated within the jurisdiction;

(1) If there is ~~are~~ no existing program~~s~~, this must be stated.

(c) Estimate amounts of household hazardous waste currently being disposed illegally, based on results of the Waste Characterization Study, Section 18722 (j)(7)(B), and on known illegal disposal methods.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.3. Evaluation of Household Hazardous Waste Program Alternatives.

The HHW Element shall include an evaluation of the ~~diversion~~ program alternatives which have been considered for local implementation consistent with the objectives of section 18751.1 of this Article, including but not limited to the following:

(a) Program alternatives including, but not limited to:

(1) collection alternatives ~~programs~~, as follows:

(A) periodic community-wide, or neighborhood household hazardous waste collection;

(B) permanent household hazardous waste drop-off sites; ~~at all new and existing solid waste management facilities, and at all new, or existing, off-site, multi-user, hazardous~~

~~waste treatment, storage and solid waste disposal facilities;~~

(C) mobile household hazardous waste collection; and

(D) local activities, actions or efforts to encourage the formation of privately or publicly operated fee-for-service, door-to-door, or curbside household hazardous waste collection alternatives ~~programs~~.

(2) load-checking programs for household hazardous waste at all solid waste management facilities; and

(3) waste exchange, reuse and/or recycling alternatives ~~programs~~ for household hazardous wastes including, but not limited to, alternatives ~~programs~~ for waste oils, paints, and batteries~~; and~~.

~~(4) public education and information programs to support household hazardous waste collection and recycling efforts and to encourage behavioral modification to effectuate the use of safer substitute products in households.~~

(b) Each alternative considered shall be evaluated in terms of the following criteria and any other local considerations:

(1) hazards, as defined by Section 18720(a)(26) of this Chapter, which are created by the alternative considered;

(2) ability to accommodate changing economic, technological, and social conditions;

(3) whether it can be implemented in the short-term and medium-term planning periods; and

(4) the need for expanding existing facilities or constructing new facilities to support implementation of the alternative.

(5) In addition, the evaluation shall include, but not be limited to, the following:

(A) a discussion of the consistency of each alternative with applicable local policies, plans, and ordinances based upon local conditions;

(B) a discussion of any institutional barriers to local implementation of each alternative;

(C) an estimate of the costs related to the implementation of each alternative being evaluated for the short-term and medium-term planning periods; and

(D) a discussion of the availability of local, regional, state, national, and international end-uses for the materials which would be diverted through implementation of each alternative being considered.

(6) effectiveness in reducing either the volume or weight of HHW generated.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510 Public Resources Code.

Adoption of Section 18751.4. Selection of Household Hazardous Waste Program.

(a) The HHW element shall identify and describe the diversion alternatives which have been selected for the jurisdiction's HHW program, including existing diversion alternatives, expansion of existing diversion alternatives, and new diversion alternatives, which will be implemented to meet the goals and objectives of the element. This selection shall be based upon the evaluations conducted pursuant to section 18751.3 of this Article. The program description shall include, but not be limited to, the following:

(1) a discussion of each diversion alternative selected for the program identifying why the alternative was selected for implementation. This discussion shall be based upon the data compiled in the solid waste generation study conducted pursuant to Article 6.1, of this Chapter; information contained in the solid waste generation analysis required by section 18732 of Article 6.2; and the evaluation conducted pursuant to section 18751.3 of this Article.

(2) as applicable to the element, a listing of the anticipated local, regional, state, national, and/or international end-uses for diverted materials based upon the evaluation of the diversion alternatives required by section 18751.3(b)(5)(D) of this Article;

(3) as applicable to the element, a description of the proposed methods for handling and disposal which may be necessary to implement the selected program; and

(4) a description of any facilities to be utilized for the implementation of the program which section 18751.2 of this Article has shown must be expanded or built to support implementation of the selected program identified in Section 18751.3 of this Article.

(b) In addition to the above requirements, the program description shall include the following:

(1) an identification of the types and quantities of household hazardous wastes anticipated to be collected, recycled, and/or disposed through proposed programs using household hazardous waste categories contained in form CIWMB-303 (1/90), which is incorporated by reference:

(A) where applicable, specification of the targeted public participation goals, by percent of the population of the affected jurisdiction, for each preferred program alternative;

(2) a description of recycling and/or reuse efforts to be used in conjunction with a proposed household hazardous waste program~~(s)~~;

~~(3) a description of proposed public education programs regarding household hazardous waste;~~

(3) a description of all proposed cooperative and/or multi-jurisdictional household hazardous waste program implementation efforts/actions/activities in which the jurisdiction intends to participate.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500, 41510, and 41750, Public Resources Code.

Adoption of Section 18751.5. Implementation of Household Hazardous Waste Program.

(a) The element shall contain a program implementation schedule that includes, but is not limited to, the following:

(1) identification of government agencies and divisions thereof, organizations, and/or persons responsible for implementation of the selected program;

(2) identification of the tasks necessary to implement the selected program; and

(3) identification of a short-term and medium-term planning period implementation schedule addressing each task identified in paragraph (a)(2) of this section which specifies the date each task will be completed~~; and~~.

~~(4) identification of known program implementation costs, including public and private costs, revenues, and revenue sources necessary for implementation of the selected program.~~

(b) The jurisdiction may use technical assistance, program guidelines, and model operation plans, provided by the Board, for community household hazardous waste collection programs in the implementation of its household hazardous waste program.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500, 41510, 47100 through 47106, and 41750, Public Resources Code.

Adoption of Section 18751.6. Monitoring and Evaluation.

The element shall contain an explanation of how the program is to be monitored and evaluated as follows:

(a) identify the methods chosen from (b) of this section, which are being used to monitor achievement of the jurisdiction's objectives, as described in Section 18751.1, including but not limited to, the success in reducing or eliminating household hazardous waste.

(b) each jurisdiction shall use one or more of the following methods to monitor and evaluate the diversion objectives achieved within the jurisdiction:

(1) a Waste Generation Study consistent with the waste generation study prepared under section 18722, of Article 6.1 of this Chapter;

(2) targeted solid waste characterization studies involving all or a representative sample of solid waste landfill facilities, used by a jurisdiction, to measure changes in the volume, weight and hazard of specific materials, with adjustments for shifts in household hazardous waste generation caused by source reductions;

(3) an assessment of any changes in the design, production, distribution, sale, and/or use of selected products and packages which affect household hazardous waste generation;

(4) monitoring of accurately maintained records of the volumes and types of HHW collected; or

(5) another method for which prior written approval has been given by the Board.

(c) Each jurisdiction shall provide the following information based upon the specific monitoring and evaluation methods selected for each program:

(1) written criteria for evaluating the program's effectiveness;

(2) identification of agencies or divisions thereof, organizations, and/or persons responsible for the program's monitoring, evaluation, and reporting;

(3) identification of known monitoring and evaluation funding requirements, revenues, and revenue sources; and

(4) identification of measures to be implemented if monitoring shows a shortfall in the attainment of the objectives of the element. Such measures may include, but are not limited to, provisions for:

(A) increasing the frequency of program monitoring and review, or,

(B) modification of the objectives, or

(C) modification of the program to increase its effectiveness.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.7 Education and Public Information Section of the Element.

(a) Objectives. The education and public information section of the element shall include a statement of educational and informational objectives for the short-term and medium-term planning periods.

(b) Existing program description. A description of all known existing educational and public information programs and activities within the jurisdiction which promote the source reduction, reuse, recycling and safe disposal of household hazardous waste shall be included.

(c) Identification of Preferred Alternatives. The public information and education section shall list the preferred alternatives, both existing and proposed, which will be maintained or implemented in the short and medium term planning periods to achieve the objectives of this section.

(e d) Program implementation. A program implementation discussion which includes the following shall be submitted:

(1) identification of community audiences to be targeted in educational and public information programs;

(2) identification of those agencies or divisions thereof, organizations, and/or persons responsible for implementation;

(3) identification of the required implementation tasks;

(4) short-term and medium-term implementation schedules for tasks listed in (3) above;

(5) identification of all public and private program implementation costs, revenues, and revenue sources necessary for program implementation~~.~~;

(6) Public information and education alternatives to promote the use of safer substitute products or practices in households.

(~~d~~e) Monitoring and evaluation. The section shall:

(1) identify the methods to be used to measure achievement of the education and public information objectives identified pursuant to section (a), above;

(2) establish written criteria by which to evaluate program effectiveness;

(3) identify agencies or divisions thereof, organizations, and/or persons responsible for program monitoring, evaluation, and reporting;

(4) identify monitoring and evaluation funding requirements, revenues, and revenue sources;

(5) identify measures to be implemented if monitoring performed pursuant to section 18751.6 (a) of this Article shows a shortfall in the attainment of the household hazardous waste disposal objectives; and

(6) establish a program monitoring and reporting schedule.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.8 Funding.

(a) The jurisdiction shall demonstrate that there is sufficient funding and allocation of resources for:

(1) program planning and development;

(2) implementation of programs in order to comply with the requirements of section 41500 and 41510 of the Public Resources Code.

(b) The funding section shall provide cost estimates for element programs scheduled for implementation in the short-term planning period, as follows:

(1) The funding section shall identify revenue sources sufficient to support the element programs.

(2) The funding section shall identify sources of contingency funding for element programs in the event that preferred revenue resources are insufficient.

(c) The funding section shall include a table which summarizes program implementation costs, including public and private costs, revenues, and revenue sources necessary for implementation of the selected program.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

TITLE 14 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Chapter 9 PLANNING GUIDELINES AND PROCEDURES FOR PREPARING, AND REVISING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS

Article 7.0 Procedures for Preparing and Revising City and County Source Reduction and Recycling Elements, and Household Hazardous Waste Elements

Section	**DETAILED ANALYSIS**
18762	SRR and HHW Elements Preparation
18763	Circulation of Preliminary Draft SRR and HHW Elements for Review
18764	Review of Preliminary Draft SRR and HHW Elements
18765	Review of Final Draft SRR and HHW Elements
18766	Public Participation; Notice; Local Adoption of the SRR and HHW Elements
18767	Submittal of City SRR and HHW Elements to County
18768	Submittal of City SRR and HHW Elements to the Board
18769	Board Approval of City SRR and HHW Elements
18770	Resubmittal of City or County SRR and HHW Elements
18772	Board's Biennial Review of City or County SRR Elements and HHW Element
18773	Board Approval of Revised SRR and HHW Elements
18775	Reduction in Diversion and Planning Requirements

Section 18762. SRR and HHW Elements Preparation.

(a) A jurisdiction shall prepare the SRR and HHW Elements pursuant to Articles 6.1, ~~and~~ 6.2 and 6.3 of this Chapter, as applicable.

(1) A jurisdiction shall comply with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21000 et seq.

(b) A jurisdiction shall submit written documentation to the Board of its designation of an agency responsible for preparation of the SRR and HHW Elements within 30 days of said designation.

(c) A jurisdiction, in coordination with the LTF, shall prepare and adopt the SRR and HHW Elements, by the dates specified in Public Resources Code sections 41000, ~~and~~ 41300, 41500 and 41510 as applicable.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 21083, 40900, 40950, 41000, 41003, 41300, 41303, 41500, 41510, 41750 and 41780, Public Resources Code.

Section 18763. Circulation of Preliminary Draft SRR and HHW Elements for Review.

A jurisdiction shall prepare a preliminary draft of its SRR and HHW Elements, which shall be sent to adjoining cities, the county agency responsible for the Integrated Waste Management Plan preparation, and the LTF. Each jurisdiction shall also submit ten copies of the draft SRR and HHW Elements to the Board.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40900, 41000, 41300, 41500, 41510 and 41790, Public Resources Code.

Section 18764. Review of the Preliminary Draft SRR and HHW Elements.

(a) Review Period. In accordance with Government Code section 15376, the review period shall be a minimum of 30 days, commencing upon the date of receipt of the Preliminary Draft SRR and HHW Elements by a reviewing agency. The median time for review shall be 38 days. The maximum time for review shall be 45 days.

(1) Review by LTF. In reviewing the preliminary draft SRR and HHW Elements, the LTF shall consider the issues of regional concern pursuant to Public Resources Code section 40950(c) to aid in ensuring that they are addressed. Copies of written comments made by the LTF on the preliminary draft SRR and HHW Elements shall be sent simultaneously to the Board and to the

jurisdiction that prepared the preliminary draft SRR and HHW Elements.

(2) Review by Other Reviewing Agencies. The county, adjacent cities, any association of regional governments and the Board shall review the preliminary draft SRR and HHW Elements and send written comments to the jurisdiction that prepared the preliminary draft SRR and HHW Elements. A copy of the Board's written comments shall be sent simultaneously to the LTF.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code; Section 15376, Government Code. Reference: Sections , 40950, 41000, 41300, 41500, 41510 and 41790, Public Resources Code.

Section 18765. Review of Final Draft SRR and HHW Elements.

(a) Thirty (30) days prior to the public hearing for the adoption of the SRR and HHW Elements, the jurisdiction shall send a copy of the final draft of its SRR and HHW Elements to the LTF for review. Within 15 days of receipt of the final draft of the SRR and HHW Elements, the LTF shall provide written comments to the jurisdiction and the Board regarding the final draft(s).

(1) If deficiencies are indicated in the LTF's comments, the LTF shall meet with the jurisdiction to resolve them. If no resolution between the jurisdiction and the LTF can be achieved, the LTF shall send a letter to the jurisdiction and the Board indicating the remaining deficiencies of the SRR and HHW Elements.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40950, 41000, 41300, 41500 and 41510, Public Resources Code.

Section 18766. Public Participation; Notice; Local Adoption of SRR and HHW Elements.

(a) The general public, affected governmental entities, and private industries shall be given an opportunity to participate in the planning process and implementation of the SRR and HHW Elements through attendance at informative meetings and public hearings.

(1) Pursuant to Public Resources Code section 41793, at least one public hearing shall be held to receive testimony regarding the Preliminary Draft of the SRR and HHW Elements before a jurisdiction adopts its SRR and HHW Elements.

(A) To inform the public of the hearing, the jurisdiction shall publish a notice in a local newspaper of general circulation at least 30 days in advance of the scheduled public hearing on the SRR and HHW Elements.

(2) Jurisdictions may form advisory committees which may review and comment on draft elements, and provide technical guidance and support during the development of the SRR and HHW Elements.

(b) In addition to the hearing or hearings held pursuant to (a)(1) of this section, the governing body of the jurisdiction that has developed the SRR and HHW Elements, shall conduct a public hearing for the purpose of adopting the SRR and HHW Elements. After considering all comments of the members of the governing body and the public, the jurisdiction shall, by resolution, adopt the SRR and HHW Elements.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40900, 41000, 41300, 41500, 41510 and 41793, Public Resources Code.

Section 18767. Submittal of City SRR and HHW Elements to County.

(a) A city shall transmit a copy of its SRR and HHW Elements to the county in which it is located for incorporation into the Countywide Integrated Waste Management Plan (Plan), within 30 days of its adoption by the city. This submittal shall occur no later than July 1, 1991, unless the jurisdiction complies with the requirements of PRC 41000 (b), as amended stats. of 1990, chap. 145.

(1) A signed resolution and documentation that the jurisdiction has complied with CEQA (Public Resources Code sections 21000 et seq.) shall accompany the SRR and HHW Elements that are ~~is~~ submitted to the county.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 21083, 41000, 41300, 41500, 41510 and 41793, Public Resources Code.

Section 18768. Submittal of City SRR and HHW Elements to Board.

(a) If a county fails to submit its Plan to the Board by the dates specified in Public Resources Code section 41791, any city may separately submit its SRR and HHW Elements to the Board for approval.

(1) When submitting the SRR and HHW Elements to the Board, the city shall include a copy of the resolution or resolutions adopting its SRR and HHW Elements, comments on the final draft from the LTF, and verification of compliance with the CEQA (Public Resources Code sections 21000 et seq.).

(2) The Board's 120 day review period for consideration of approval of the SRR and HHW Elements will commence upon receipt by the Board of 10 copies of the SRR and HHW Elements and the

required accompanying documents, pursuant to (1)~~(b)~~ of this section.

(3) Within 30 days of receipt of the SRR and HHW Elements for approval, the Board shall indicate to the city whether all requirements included in (1) and (2) of this section have been fulfilled.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code and Section 15376, Government Code. Reference: Sections 21083, 41750 41800 and 41802, Public Resources Code.

Section 18769. Board Approval of City SRR and HHW Elements.

(a) The Board shall approve or disapprove city SRR and HHW Elements at a public hearing. After receiving testimony from the jurisdiction, the public and the LTF, the Board shall either adopt and prepare written findings approving the SRR and HHW Elements, or issue a Notice of Deficiency partially or fully disapproving the SRR and HHW Elements.

(b) If implementation of the SRR and HHW Elements will achieve the mandated requirements for the jurisdiction, the Board shall adopt a resolution or resolutions approving the SRR and HHW Elements. If the SRR and HHW Elements are ~~is~~ approved, or partially or fully disapproved, the Board shall send a copy of the resolution or the Notice of Deficiency, respectively, to the city or county within 30 days of its action. In the Notice, the Board shall identify the deficient areas of the SRR and HHW Elements.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Section 41800 and 41801, 41802 and 41810 through 41813, Public Resources Code.

Section 18770. Resubmittal of City or County SRR and HHW Elements.

(a) A city or county shall resubmit a corrected version of its SRR and HHW Elements to the Board, pursuant to Sections 18762 through 18768 of this Article, within 120 days of receipt of a Notice of Deficiency.

(b) Within 120 days of receipt of the resubmitted element, the Board shall approve or disapprove the element pursuant to Public Resources Code sections 41812 and 41813.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 21083, 40950, 41000, 41300, 41780, 41790, 41800, 41801, 41802 and 41810 through 41813, Public Resources Code.

Section 18772. Board's Biennial Review of City or County SRR and HHW Elements.

(a) In addition to local jurisdiction review of city and county SRR and HHW Elements, at least once every two years, the Board shall conduct an independent review of SRR and HHW Elements. This biennial review will enable the Board to assess each jurisdiction's progress towards meeting the mandated diversion and disposal requirements. The Board shall determine if the SRR and HHW Elements programs are being implemented, and if jurisdictions are meeting the goals of their SRR and HHW Elements.

(b) If the Board finds that a jurisdiction is failing to implement its SRR and HHW Elements, and is not making progress towards meeting the requirements of Public Resources Code sections 41000, or 41300, 41500, 41510 or 41780, as applicable, after a public hearing on the matter, the Board shall issue a compliance order for achieving those requirements.

(1) The compliance order shall identify the programs and goals of the SRR and HHW Elements which are not being implemented or attained by the jurisdiction, or identify areas of the SRR and HHW Elements which require revision. The Board shall also set a date by which the jurisdiction shall meet the mandated requirements.

(2) The Board shall issue the compliance order within 30 days of making its finding of noncompliance.

(c) If a jurisdiction fails to bring its SRR and HHW Elements into compliance by the date specified by the Board, the Board shall enforce the compliance order pursuant to Public Resources Code section 41850.

NOTE: Authority: Sections 40502 and 41824, Public Resources Code. Reference: Sections 41000, 41300, 41500, 41510, 41780, 41825, and 41850.

Section 18773. Board Approval of Revised SRR and HHW Elements.

(a) The Board shall consider approval of revised SRR and HHW Elements at a public hearing. After considering public testimony and input from the LTF, the Board shall either adopt a resolution approving revised SRR and HHW Elements, or issue a Notice of Deficiency disapproving the SRR and HHW Elements. Board approval shall be based on an evaluation of the jurisdiction's implementation of the hierarchy for waste management practices as described in the California Integrated Waste Management Act of 1989.

(1) If revised SRR and HHW Elements are ~~is~~ partially or fully disapproved, the Board shall send the Notice of Deficiency within 30 days of making its findings.

(2) Partial or full disapproval shall require the jurisdiction to reinstitute the process for preparation and approval of the SRR and HHW Elements, beginning in Sections 18762 through 18768.

(b) If a revised SRR and HHW Elements are ~~is~~ approved, the Board shall send a copy of the resolution of approval to the jurisdiction within thirty (30) days of making its finding.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40050, 40051, 40052, 41780, 41800, 41802, 41810 through 41813 and 41822, Public Resources Code.

Section 18775. Reduction in SRR and HHW Element ~~Diversion~~ Requirements.

~~(b)~~ (c) HHW Element. A jurisdiction may petition the Board, at a public hearing, for alternative, but less comprehensive HHW requirements than those specified in Public Resources Code section 41802(b). To receive a modification of the requirements, the jurisdiction shall present verification to the Board which indicates that achievement of the requirements is not feasible due to the small geographic size of the jurisdiction and because of the small quantity of waste generated within the jurisdiction.

(1) To qualify for alternative but less comprehensive HHW requirements, a city or county shall meet the following requirements:

(A) For an incorporated city, a geographic area of less tha 3 square miles and a waste generation rate of less than 100 cubic yards per day (or 20 tons per day) as measured when received at a recycling or solid waste facility shall be demonstrated.

(B) For the unincorporated area of a county, a geographic area of 1000 square miles or less and a waste generation rate of less than 100 cubic yards per day (or 20 tons per day) as measured when received at a recycling or solid waste facility shall be demonstrated.

(2) Based on information presented at the hearing, the Board may establish alternative, but less comprehensive HHW Element planning requirements pursuant to section 41802(b).

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Section 41782, 41783 through 41786 and 41802, Public Resources Code.

COMMENT REFERENCES

July 16, 1991

1. Contra Costa County, Health Services Department
   L: April 25, 1991/Robin Bedel-Waite

2. County of Riverside, Waste Management Department
   L: June 12, 1991/Robert A. Nelson

3. City of Whittier, Public Services Department
   O: June 17, 1991/Ann Marie Hayashi

4: City of San Diego, Solid Waste Management Department
   O: June 28, 1991/Lisa Wood

5. Brown, Vence & Associates
   L: May 1, 1991/Steven Wisbaum

6. Brown, Vence & Associates
   L: June 25, 1991/Steven Wisbaum

7. People-Service-Environmental, Sanitary Fill Company
   L: June 19, 1991/Paul Fresina

8. County of Santa Clara, Department of Planning & Development
   L: June 28, 1991/Margaret J. Ramos

9. County of San Bernardino, Environmental Health Services
   L: June 25, 1991/Judy Orttung

10. County of Santa Clara, Department of Planning & Development
    L: June 28, 1991/Margaret J. Rands

11. Emcon Associates, Consultants in Waste Management & Environmental Control
    L: June 28, 1991/Yasmine Strenk/Gail Karpinski

12. City of San Diego, Waste Management Department Services Division
    L: July 1, 1991/Lisa F. Wood

13. Gainer & Associates, Recycling Consultants
    L: July 1, 1991/Tedd Ward

Response to Public Comment on the Draft Household Hazardous Waste Regulations, Article 6.3

Section 18751.1(b)

Comment: Regarding Household Hazardous Waste Element (HHWE) Goals and Objectives, the objectives are to include "plans to collect, recycle, treat and dispose household hazardous waste...", we recommend that plans also include source reduction of HHW.

Response: Board staff concur with the comment and shall add the term "source reduced" to the phrase quoted above.

Comment Referenced: 1.L

Section 18751.2

Comment: Determining the quantity of each HHW currently being generated by field quantification is extremely difficult. Sampling households directly for HHW generation and disposal habits will also be subject to uncertainties because few people would likely admit to illegal disposal of HHW, and because HHW is often stored for extended periods of time prior to disposal.

Prior to the release of section 18751.2, Article 6.1 required cities to identify only the total amount of HHW disposed, diverted, and generated. Many cities have already completed their waste generation studies and would have to conduct additional sampling to meet section 18751.2. This would be an expensive, and - given the amount of unavoidable sampling error - virtually useless process.

Because of the difficulties and limited utility involved in estimating HHW generation, the California Integrated Waste Management Board (CIWMB) should provide a set of standard numbers to use for percentage HHW composition or per capita HHW generation. Alternatively, the CIWMB could require cities to estimate the total quantity of HHW generated within the jurisdiction, the total amount of each material source reduced, recycled, or collected for proper disposal, and suggest other methods, such as groundwater testing, for detection improper disposal.

Response: Board staff recognize that there are inherent

difficulties in determining the types and quantities of HHW generated, disposed, recycled and reused. However, in order to implement a HHW program which addresses the needs of a jurisdiction it must first make an attempt to quantify the above terms. Without such information a jurisdiction cannot make an informed choice of what HHW alternatives to implement. In addition, Board staff has determined that sufficient data can be obtained from the waste generation study, data maintained on existing activities and through telephone or mail surveys for jurisdictions to have a basis on which to design their HHW program. Consequently, Board staff believes that the regulation is appropriate and necessary to ensure compliance with statutory requirements.

In response to the recommendation that Board staff provide jurisdictions with information regarding the types and quantities of HHW generated on a per capita basis or a set of standard numbers for percentage HHW composition, staff of the Board's Household Hazardous Waste Management Branch is available to meet with jurisdictions to provide guidance on estimating the types and quantities of HHW generated based on information from existing programs throughout the state.

Comment Reference: 13.L

Section 18751.2(a)(1)

Comment: Board staff has received numerous comments regarding the content and format of form CIWMB-303. The comments largely focused on improving the ease and utility of the reporting requirements.

Response: Form CIWMB-303 is incorporated by reference in the regulation. Board staff is currently in the process of reviewing and revising the form. The revised form will take public comment into account and a written response will be provided to each person who submitted comments on the form. Once the suggested revisions are approved by the Board, the regulation will be amended to incorporate changes to the form.

Comment Referenced: 5.L, 6.L, 7.L, 9.L, 11.L, 13.L

Section 18751.2(b)

Comment: Since source reduction is a public awareness program, it should be described in section 18751.7 "Public Education and Information." Any waste exchange program, however, should be described in section 18751.2(b). This section should be reworded to state "explain the current methods for a waste exchange program."

The reference to "quantify types and quantities of HHW that is source reduced" should be deleted. A more appropriate statement would be "describe the types and quantities of HHW that are reused through a waste exchange program."

Response: Board staff believe that is appropriate to identify methods of source reduction for HHW through the substitution of hazardous products with non-hazardous products or other means identified by a jurisdiction. It is also appropriate to identify how much less HHW is generated as a result of source reduction. Reuse would constitute the recycling, not source reduction, of HHW since reuse implies that a material has entered the waste stream but has been diverted from landfilling and processed for resale or giveaway. On the other hand source reduction involves the generation of less waste. Nonetheless, Board staff shall revise subsections (a) and (b) to allow jurisdictions to identify the types and quantities of HHW that are reused.

Comment Referenced: 11.L

Section 18751.2(c)

Comment: The intent of this paragraph is not clear. If its intent is to only require jurisdictions to identify the quantities of HHW illegally disposed of in landfills, then we have no problem with it. However, if the intent is to require jurisdictions to identify HHW illegally disposed elsewhere then the requirement is inappropriate since no jurisdiction has complete information on all of the disposal methods residents use. Therefore, we recommend that the paragraph be clarified by adding "in the landfill" following the words "disposed illegally."

Response: Board staff concur that the intent of the regulation is not clear. The regulation will be revised to reflect the original intent that a jurisdiction should address known problems regarding the illegal disposal of HHW

both at landfills and anywhere else it may be occurring. However, the regulation does not require jurisdictions to describe all illegal disposal methods, just those that are known problems within the jurisdiction. Since the regulation as revised will not require jurisdictions to identify all disposal methods for HHW, Board staff believes that the regulation is appropriate.

Comment Referenced: 1.L

Section 18751.3(a)(4)

Comment: We recommend that the words "or practices" be added after "safer substitute products" to clarify that reducing the generation of HHW is not only a matter of using less toxic or non-toxic products, but one of changing practices as well.

Response: Board staff concurs with the comment and shall add the recommended language.

Comment Referenced: 1.L

Section 18751.3(a)(1)(b)

Comment: This section states that a permanent facility should be evaluated only if it is located at "...all new and existing solid waste management facilities, and at all new, or existing, off-site, multi-user, hazardous waste treatment, storage and solid waste disposal facilities," Does this exclude other locations as potential sites for a permanent facility, such as a city corporation yard?

Response: No. The regulation merely reflects the fact that all permanent HHW drop-off sites require a DHS permit and, if established at a solid waste facility, a revised solid waste facilities permit. It does not preclude the establishment of permanent drop-off sites at locations other than at permitted solid waste facilities. The intent of the regulation is for each jurisdiction to identify all permanent drop off facilities regardless of where they are located. The regulation will be revised to more accurately reflect this intent.

Comment Referenced: 11.L

Section 18751.3(a)(3)

Comment: This section should include an evaluation of a waste exchange or reuse program with the recycling alternative evaluation.

Response: Board staff concurs that this subsection should also include waste exchange and reuse alternatives. The regulation will be revised to reflect this.

Comment Referenced: 11.L

Sections 18751.3(b)(5)(D) and 18751.4(a)(2)

Comment: These paragraphs require specification of end-uses for diverted materials. This is an appropriate and necessary requirement for those HHWs which are to be recycled because the availability of market end-uses is critical to the decision to recycle. The requirement is not necessary for those HHWs which are intended for incineration or landfilling at a hazardous waste landfill. We recommend that specification of end-uses only be required for those HHW being recycled.

Response: It is not the intent of this regulation to require jurisdictions to identify end-uses and markets for HHWs which are not targeted for recycling or reuse. Such a requirement would be contradictory. Since this is not a condition of the regulation, Board staff find the existing language to be appropriate and adequate.

Comment Referenced: 1.L

Section 18751.4(a)(3)

Comment: This paragraph requires a description of the proposed methods for handling and disposal to implement the program. We believe that such methods are not appropriate for a planning document. Rather, they are appropriate for an operations plan. We recommend that either this paragraph be completely deleted, or that a substitute paragraph require the entity to state that any HHW collection programs will be operated according to appropriate and relevant Department of Health Services (DHS) regulations.

Response: Board staff disagree with the comment. The identification of the proposed handling and disposal methods for the types and quantities of HHW identified in the waste generation study is necessary to develop

an adequate plan for the environmentally safe and economically efficient handling and disposal of HHW. If the unique handling and disposal methods for different types of HHW are not identified, then Board staff will not be able to evaluate the adequacy of the HHW Element. Consequently, Board staff has determined that this requirement is a necessary part of the regulation.

Comment Referenced: 1.L

Sections 18751.3(a)(4), 18751.4(b)(3), and 18751.5(a)(4)

Comment: The Planning Guidelines contain redundant requirements in the public education and funding sections. These redundancies will make the completion and use of the HHWE cumbersome. Section 18751.7 should contain all references to education and public information and section 18751.8 should contain all references to funding.

In addition to the above, section 18751.7 could be strengthened by the addition on one item: "Description of planned program." This should follow 18751.7(b) which requires a description of existing programs.

Response: Board staff concur that the requirements cited above would be better located in the Public Information and Funding components and shall move them as appropriate. However, Board staff believe that the requirements themselves are not redundant and are appropriate and necessary for preparing the HHWE.

Board staff also concurs with the recommendation that a paragraph be added to section 18751.7 requiring jurisdictions to describe the preferred HHW program alternatives. Language will be added to the regulation requiring such a description.

Comment Referenced: 8.L, 11.L

Section 18751.4(b)(1)

Comment: This paragraph requires that types and quantities of HHW to be collected, recycled and/or disposed be identified. For entities with no operating experience in collecting HHW, which can only be done with best guesses. We can draw from other entities having such experience, but as those running collection programs know, the wastes which are collected vary from

community to community. Again, because the HHWE is intended to be a planning document and not an operations plan, identifying specific types and amounts of wastes seems to be a requirement beyond the scope of the HHWE.

We recommend that this paragraph be dropped. We also recommend that some thought be given to adding a paragraph requiring stipulation of resident participation rates in collection programs.

Response: Regarding the first part of the comment, Board staff find that the requirement that jurisdictions identify the types and quantities of HHW to be collected, recycled and/or disposed be identified is appropriate since this information should be readily available from the results of the waste generation study and from the review of existing HHW programs both within and outside the jurisdiction.

Board staff concur with the second part of the comment and shall add language requiring that an estimate of the level of public participation in collection programs be specified.

Comment Reference: 1.L, 4.O

Section 18751.5(a)(3)

Comment: Defining the date to complete an implementation task is too specific, identification of the year is more appropriate. Therefore, it is recommended that the word "year" be substituted for the word "date" in the paragraph.

Response: When implementing its preferred alternatives each jurisdiction should break down the necessary steps or tasks that need to be completed in order to carry out that alternative. The time frame for completing these tasks should be very specific and therefore it is appropriate to identify the date by which each task shall be completed. Consequently, Board staff has determined that the regulation is appropriate.

Comment Referenced: 1.L

Section 18751.5(a)(4), 18751.7(c)(5)

Comment: Since costs can only be estimated, the use of the word identification may be inappropriate. Therefore, it is

recommended that the term "estimate" be used instead of "identification."

Response: The regulation requires jurisdictions to list known program implementation costs but does not speak to the accuracy of data used. The data used would be estimates. Since the regulation only requires jurisdictions to provide that information, and does not require jurisdictions to provide a defense of the accuracy of the numbers, Board staff found the use of the term "identification" to be appropriate.

Comment Referenced: 12.L

Section 18751.6(b)

Comment: The most important criteria for monitoring HHW collection programs is accurately recording volumes and types of wastes collected. This criteria is not included in Subsection (b). We recommend that the first criteria listed under (b) be monitoring of accurately maintained records on the volumes and types of wastes of HHW collected.

Response: Board staff concur that this would be a good method for evaluating the effectiveness of the HHW program and shall add a requirement specifying that such records should be kept.

Comment Referenced: 1.L

Section 18751.6(c)(4)

Comment: An additional measure could be added to this subsection to modify the programs selected, or to modify the design of the program selected. We recommend that a paragraph (C) be added: modification of the program to increase program effectiveness.

Response: Board staff agrees with this proposed change and shall add the wording suggested to the regulation.

Comment Referenced: 1.L, 12.L

Section 18751.6(b)(2)

Comment: Can a load checking program be considered a targeted solid waste characterization study? The objective of a load checking program is to monitor the improper

disposal of prohibited waste at a sanitary landfill. A load checking program characterizes random loads for prohibited wastes and would provide ongoing information about the types and quantities of HHW that are being improperly disposed of at sanitary landfills.

Response: Yes, provided that the field analysis is conducted using the sampling procedures outlined in the California Code of Regulations, Title 14, Division 7, Chapter 9, Appendix 1, "General Guidelines for Sampling When Performing a Quantitative Field Analysis for a Solid Waste Generation Study."

Comment Referenced: 11.L

Section 18751.7(b)

Comment: This subsection should only require a jurisdiction to identify major public information and education activities not all activities. It is not feasible to identify all such activities. Only "major" activities should be listed.

This section should also be reworded to state "safe disposal and source reduction of HHW."

Response: Board staff concur with the comment and shall revise the regulation to require jurisdictions to identify all "known" public information and education activities.

Board staff concur with the recommendation that existing source reduction programs should be identified. The regulation will be revised to require jurisdictions to identify all known public information and education activities regarding the source reduction, recycling, reuse and safe disposal of HHW.

Comment Referenced: 4.O, 11.L

July 23, 1991

Response to Public Comment Regarding Procedures for Preparation and Adoption of Household Hazardous Waste Elements, Article 7.0.

Section 18765(a)

Comment: This section does not allow enough time for review of final city elements by the Local Task Force (LTF). The regulation requires the LTF to review final SRR and HHW Elements within fifteen days of receipt and within thirty days of the public hearing for adoption of the final elements. This fifteen day time frame is not sufficient time for sending copies of the city's elements to the LTF members, and for scheduling a LTF meeting for comment and ratification. In addition, should the LTF have significant comments, which would necessitate the revision the city elements, time is, again, not sufficient for the city to revise the element before the public hearing. The need to revise the element could affect the CEQA process as well. Riverside County suggests widening these time frames to allow cities to submit final elements before public notice of the hearing on the final and to allow the LTF thirty days to review the final elements.

Response: In response to public comment on this section during the public review period for the Source Reduction and Recycling Elements the final LTF review period was shortened from thirty to fifteen days. This change was made in response to comment that the review period was too long and hampered a jurisdiction's ability to revise its element in response to comments and still meet the statutory deadline for local adoption of its element. Since the statutory deadline for local adoption cannot be extended by the Board, if the Board then provided more time for LTF review and comment each jurisdiction would actually have less time to respond to comment and revise its element as necessary and still locally adopt it by the date specified in statute. Consequently, by not making the recommended change jurisdictions will have more time for revising their elements prior to the deadline for local adoption.

Regarding CEQA compliance, if a recommended change in the HHW program could result in adverse environmental impacts which cannot be mitigated, then an EIR would be required for the project. Current statute allows a jurisdiction until December 1, 1991 to complete and certify an EIR and to locally adopt its element. If the impacts can be mitigated the mitigation measures must be identified in the negative declaration. Board

staff believes that there is sufficient flexibility in the regulation to allow jurisdictions enough time to respond to comment and adopt the element with proper environmental documentation.

Comment Referenced: 2.L

Contra Costa County
Health Services Department
ENVIRONMENTAL HEALTH DIVISION
OCCUPATIONAL HEALTH / HAZARDOUS MATERIALS

APR 2 9 1991

April 25, 1991

John Smith
Acting Division Manager
California Integrated Waste Management Board
1020 - 9th Street
Sacramento, CA 95814

SUBJECT: **PROPOSED REGULATIONS FOR HOUSEHOLD HAZARDOUS WASTE ELEMENTS**

Dear Mr. Smith:

The Hazardous Materials Division of Contra Costa County's Health Services Department has received the proposed regulations for the Household Hazardous Waste Elements (HHWE) for Articles 6.3 and 7 of Chapter 9, Division 7, Title 14 of the California Code of Regulations.

We have reviewed these proposed regulations and have the following comments:

1. Section 18751.1 (b) (page 6.3-2) HHWE Goals & Objectives

   The objectives are to include "plans to collect, recycle, treat and dispose household hazardous waste..."

   We recommend that plans also include <u>source reduction</u> of HHW.

2. Section 18751.2 (c) HHW Existing Conditions Description

   The intention in this paragraph is not completely clear. If the intention is to identify quantities of HHW illegally disposed of in the landfill only, according to the Waste Characterization Study, we have no problems with it.

   If the intention, however, is to identify quantities of HHW illegally disposed of not only in the landfill but elsewhere, the requirement is inappropriate and cannot be met. No jurisdiction has complete information on all of the disposal methods residents use.

   We recommend that the paragraph be clarified by adding "<u>in the landfill</u>" following the words "disposed illegally."

35

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3. Section 18751.3 (a) (4) Evaluation of HHW Program Alternatives

This paragraph requires entities to evaluate public education programs which encourage consumer behavior change to reduce generation of HHW. It specifically requires such programs to promote the use of "safer substitute products..."

We recommend that the words "or practices" be added after "safer substitute products" to clarify that reducing the generation of HHW is not only a matter of using less toxic or non-toxic products, but one of changing practices as well (e.g., using razor blades to clean an oven, laying physical barriers to prevent entrance of snails, caulking to keep out ants, combing pets for fleas, etc.).

4. Section 18751.3 (b) (5) (D) Evaluation of HHW Alternatives
Section 18751.4 (a) (2) Selection of HHW Program

These paragraphs require specification of end-uses for diverted materials. This is an appropriate and necessary requirement for those HHW which are to be recycled because the availability of market end-uses is critical to the decision to recycle. The requirement is not necessary for those HHW which are intended for incineration or landfilling at a hazardous waste landfill.

We recommend that specification of end-uses only be required for those HHW being recycled.

5. Section 18751.4 (a) (3) Selection of HHW Program

This paragraph requires a description of the proposed methods for handling and disposal to implement the program. We believe that such methods are not appropriate for a planning document. Rather, they are appropriate for an operations plan.

We recommend that either this paragraph be completely deleted, or that a substitute paragraph require the entity to state that any HHW collection programs will be operated according to appropriate and relevant DHS regulations.

6. Section 18751.4 (b) (1) Selection of HHW Program

This paragraph requires that types and quantities of HHW to be collected, recycled and/or disposed be identified. For entities with no operating experience in collecting HHW, this can only be done with best guesses. We can draw from other entities having such experience, but as those running collection programs know, the wastes which are collected vary from community to community. Again, because the HHWE is

intended to be a planning document and not an operations plan, identifying specific types and amounts of wastes seems to be a requirement beyond the scope of the HHWE.

We recommend that this paragraph be dropped. We also recommend that some thought be given to adding a paragraph requiring stipulation of resident participation rates in collection programs.

7. Section 18751.5 (a) (3) Implementation of HHW Program

This paragraph requires a completion date for each task identified to implement the selected program. We think that specifying a year for this implementation date is appropriate, but that further defining a month or a quarter in the year is requiring much too specific a date.

We recommend that the word "year" be substituted for the word "date" in the paragraph.

8. Section 18751.6 (b) Monitoring & Evaluation

The most important criteria for monitoring HHW collection programs is accurately recording volumes and types of wastes collected. This criteria is not included in Subsection (b).

We recommend that the first criteria listed under (b) be monitoring of accurately maintained records on the volumes and types of wastes of HHW collected.

9. Section 18751.6 (c) (4) Monitoring & Evaluation

This subsection lists measures which can be taken to correct a shortfall in the attainment of any of the HHWE's objectives. An additional measure could be added to modify the programs selected, or to modify the design of the program selected.

We recommend that a paragraph (C) be added: modification of the program to increase program effectiveness.

Thank you for considering these comments and proposed changes in the draft regulations. If you have any questions regarding these suggestions, please contact me at (415) 646-2286.

Sincerely,

Robin Bedell-Waite

Robin Bedell-Waite
Household Hazardous Waste Coordinator

THE COUNTY OF RIVERSIDE
WASTE MANAGEMENT

ROBERT A. NELSON
Director

June 12, 1991

JUN 18 1991

John Smith
California Integrated Waste Management Board
Acting Chief, Local Planning Division
1020 Ninth Street, Suite 100
Sacramento, CA 95814

RE: Proposed Regulations for the Procedures for Preparing and Revising City and County Source Reduction and Recycling (SRR) Elements and Household Hazardous Waste (HHW) Elements

Dear Mr. Smith:

Enclosed are the Riverside County Waste Management Department's comments regarding the proposed regulations for preparing and revising City and County SRR and HHW Elements.

The Department is concerned with the amount of time allowed for review of final city Elements by the Local Task Force (LTF). Section 18765. (a) of the regulations require the LTF to review City final SRR and HHW Elements within fifteen days of receipt and within thirty days of the public hearing for the final elements. This fifteen day time frame is not sufficient time in which to send copies of the city's elements to the LTF members, review the elements and hold a meeting of the LTF for purposes of comment and ratification. In addition, should the LTF have significant comments, which would necessitate the revision of the city elements, time is, again, not sufficient for the city to revise the elements before the public hearing which could affect the C.E.Q.A. process as well. Riverside County suggests widening these time frames to allow cities to submit final elements before public notice of the hearing on the final and to allow the LTF thirty days to review the final elements.

Should you have any questions regarding this comment, please contact Michael Schier at (714) 275-8780.

The Department appreciates the opportunity to comment on these regulations.

Sincerely,

Robert A. Nelson

Robert A. Nelson
Director

MIS:ng

[illegible] Suite A • Riverside, CA 92503 • (714) 785-6081 • FAX: (714) 785-9651

STAFF: M. Leaon

FILE NO. To comment file

DISTRIBUTION:

RECORD OF TELEPHONE CONVERSATION

SUBJECT: HHW Regs/Form 303

DATE: 6/17/91 TIME: 9:30 AM

TO or FROM: Ann-Marie Hayashi (Name), City of Whittier Public Services Dept (Agency) (213) 945-8288 (Telephone)

COMMENTS:

1. # containers - clarify the size of the container
2. Mgmt Method - add additional lines for multiple methods

STAFF: Mike Leaon

FILE NO. HHW Rule Making File

DISTRIBUTION:

RECORD OF TELEPHONE CONVERSATION

SUBJECT: Comments on Draft HHW Regs

DATE: 6/25/91 TIME: 3:40 PM

TO or FROM: Lisa Wood (Name), City of San Diego SWM Dept (Agency), (619) 573-1236 (Telephone)

COMMENTS:

"Estimation" instead of "identification". Data is not available to identify specific numbers. Costs, Types & Quantities 6.3-5, 6.3-6

2. "List all" - (6.3-8) under of 18751.6 (b) education & public information programs. ID only major ones not all

B V A

Brown Vence
& Associates
Energy and
Waste Management
Engineers
120 Montgomery Street
Suite 680
San Francisco CA 94104
415 434-0900
415 956-6220 FAX

May 1, 1991

Paul Fresina
Sanitary Fill Company
501 Tunnel Avenue
San Francisco, CA 94134

SUBJECT: Data Standardization Forms developed by the Data Standardization Task Force, Northern California HHW Information Exchange (NCHHWIE)

Paul:

We recently received a copy (4/9/91) of your data standardization form memo via the Integrated Waste Management Board, HHW Section. Although not yet official members of NCHHWIE, we wanted to take advantage of the opportunity to comment on Forms 1 and 2. As HHW planning consultants, we are familiar with the problems associated with CIWMB Form 303 and very much appreciate the Task Force's efforts to provide an improved structure for the collection of data generated by HHW programs. The availability of more comprehensive data will greatly facilitate the HHW program planning and evaluation activities of jurisdictions throughout the state.

Our comments are as follows:

Form 1

1) Instructions, Part D: The definitions of permanent and periodic collections assume these will be sponsored by jurisdictions; some, however, are sponsored by private-sector entities (e.g., Davis Waste Removal.) Also, the mobile collection definition is unclear, a mobile collection facility could operate with one permanent site or without any associated permanent sites.

2) Part F: It would be useful to know how often participants used the subject HHW collection/recycling service within the reporting period. This would allow for a more accurate assessment of participation rates. If a program has participants fill out surveys or simply asks some basic questions, one of these questions could be, "how many times has your household used this service during the past calendar year?" It would also be useful to know which days of the week the facility is open (e.g., weekday versus weekend).

3) Instructions, Part G: No. of Drums, "This is defined as the "to" number of drums ...."; seems like the word "to" is a typo.

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4) Instructions, Part G: - The definition of "neutralization" should be extended to "neutralization/treatment" to cover wider range of wastes and conform better with AB 2948 (Tanner, 1986).

Form 2

5) Part C. Define "VSQG/CESQG": Clarify that "other items" really means "other programs uses/purposes"

6) Part D. Funding: Should indicate percent break down among services. If users fees are paid only by VSQG/CESQG users, and not households, the form should allow for this distinction to be reported.

7) Part E. Donated items: The value of donation as well as the ongoing versus one-time basis of the donation should be specified for program cost comparison purposes.

8) Part G: Capital Costs: The depreciation costs seem less useful than the initial cost of buildings, equipment, and/or vehicles; It would seem appropriate to eliminate the word depreciation.

9) For the building cost line item, it would seem appropriate to add the words "(design and construction)".

10) The Capital Cost category section should also include site preparation costs and permitting costs.

11) It would be useful to have another numbered category entitled "Recycling". The line items for this category would include: recycling fees; transportation costs; and revenues (e.g. for batteries).

We hope these comments are useful. Please call us at 434-0900 to keep us informed of the progress of your activities or if you have any questions regarding our comments.

Very truly yours,

BROWN, VENCE & ASSOCIATES

Steven Wishaum

Steven Wishaum

Kate Rassbach

Kate Rassbach

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June 25, 1991

Mr. John D. Smith, Acting Chief
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, California 95814

SUBJECT: Comments on Proposed Regulations for Preparing and Revising Integrated Waste Management Plans

Dear Mr. Smith:

I recently received a copy of the proposed regulations being considered for adoption by the California Integrated Waste Management Board (CIWMB) for Title 14, Chapter 9, Articles 6.3 and 7. At this time I would like to suggest a few changes be made to CIWMB Form 303 included by reference in Section 18751.2 (Household Hazardous Waste Existing Conditions Description).

For reference, I am a Planner with Brown, Vence and Associates preparing Household Hazardous Waste Elements (HHWE's) for California cities and counties. While unsatisfied with certain ambiguities and the lack of clear instructions for filling out Form 303, BVA has sent the form to our clients in order to obtain existing conditions information for preparing the HHWE's. However, based on the data obtained from HHW program personnel (coordinators, collection staff, etc.) we have found that the resulting data is difficult to interpret without follow-up data requests.

To ensure more accurate reporting and documentation of collection data and to better address the future HHW planning needs of cites, counties, and the state, I have included a list of recommended modifications and additions to CIWMB Form 303. Examples of these changes and modifications are shown in Form 1 (attached) which I recently developed to obtain HHW collection data from loadchecking programs. The comments listed below are in addition to the comments submitted on the revised Form 303 developed by the Data Standardization Task Force of the Northern California HHW Information Exchange (also attached).

Background Program Information Section:

- For collection programs/events serving more than one jurisdiction, it is necessary to know the source of the HHW (e.g. specific city or unincorporated area). This would probably be best accomplished by maintaining a separate form for each jurisdiction served. Therefore, a line/space should be included in the general program information section to identify the specific jurisdiction being documented (distinct from the sponsoring agency or jurisdiction).

Waste Collection Data Section

- For consistency, use "Gallons" only as the unit of measurement.

- To distinguish between containers <u>used</u> in bulking and/or shipped from the program and those <u>collected</u> through the program, I recommend placing the word "collected" in the "Number of Containers" column.

- To account for materials within the same waste category being managed using different methods, request a breakdown by percent for each method (e.g. "% of total for each method") in the Management Method column.

- To facilitate monitoring and analysis of collection data and to ensure proper management of empty containers, request data on the quantities of empty containers collected and/or generated (e.g. through bulking operations). This can be accomplished by adding two columns, one titled "Number of Empty Containers" and one titled "Management Method (% of total for each method").

- To better reflect the potential management methods that may be used by HHW collection programs, I recommend the addition of three management methods and a clarification of a fourth:

  RU Reused - for usable materials that are collected and placed in an exchange program (e.g. paint exchange), used by the sponsoring public agency, or given away for use by local organizations (as opposed to materials that are reprocessed/recycled).

- To reduce ambiguities and to facilitate data reporting and analyses, I recommend that instructions be included as part of the form which thoroughly explain each line item.

I hope these comments are useful to you. Please contact me if you have any questions.

Very truly yours,

Steven Wisbaum
Planner - Brown, Vence and Associates
120 Montgomery St., Suite 680
San Francisco, CA 94104

SMW/tmv
Enclosures (2)

cc: Ken Hughes, HHW Program, California, Integrated Waste Management Board
Paul Fresina, Data Standardization Task Force, Northern California HHW Information Exchange

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Instructions for Completing Form 1

For each waste stream listed, enter the following information pertaining to the amounts of each type of waste collected.

Gallons

This is defined as the number of gallons of waste collected for the entire reporting period. Actual volume does not include the volume of absorbent or empty space in a drum (Example: a half-full 5 gallon container of a waste, labpacked in a 55 gallon drum, the actual volume is 2.5 gallons). For bulked waste, the actual volume is the same as the volume of the drum (assuming the drum is full). To report the volume of solids (except lead acid batteries), divide the weight (pounds) by 8.3.

Number of containers

This is defined as the number of containers collected through the program.

Number of drums

This is defined as the number of 55 gallon drums of a waste shipped from the program. If the collection program used drums of different sizes, the number of drums should be converted to an equivalent number of 55 gallon drums. The number of drums can be calculated by dividing the volume of all drums (shipped from the collection program during the report period) by 55 gallons per drum. Drum volumes include the volume of absorbent or empty space in a drum. [Example: If the program shipped two 55-gallon drums and three 30-gallon drums containing labpacked waste, the number of drums would be calculated as follows: (2 x 55) + (3 x 30) = 110 + 90 = 200 gallons ÷ 55 gallons = 3.6 drums]

Management method

Use the following abbreviations to indicate how each waste type is managed; if more than one method was used, indicate the percent of the total amount of waste per method (e.g., RU/90%; RC/10%);

RU Reused	Waste is used "as is" for the intended purpose of the material before it became a waste, e.g., latex paint.
RC Recycled	Waste is sent for resource recovery where the raw materials used for making the material before it became a waste are recovered to make new materials of the same or different nature (does not include fuel incineration).
N Neutralization	Treatment by chemically adjusting the pH of the waste such that the waste can be discharged into a public waste water treatment system (does not apply if, after neutralization, waste is still hazardous and is

		sent for disposal or treatment by one of the other methods described here.)
S	Stabilization	Treatment where waste is chemically stabilized into a solid or semi-solid state such that it no longer exhibits hazardous characteristics and can be managed as non-hazardous waste (does not apply if, after stabilization, waste is still hazardous and is sent for disposal or treatment by one of the other methods described here.)
FI	Fuel Incineration	Treatment by thermal destruction where the waste, either either by itself or blended with another material, is burned to recover its potential thermal energy.
DI	Destructive Incineration	Treatment by thermal destruction in a high temperature hazardous waste incinerator where the physical destruction is the sole intent of the treatment process.
LH	Landfill	Disposal of a waste at a Class I hazardous waste landfill.
LN	Landfill	Disposal of a waste at a Class II or III landfill.
RT	Returned	Waste is returned to the generator or the hauler. The final disposition is unknown.

Number of empty containers	This is defined as the number of empty containers generated by the program through bulking of materials such as used oils, paints, and solvents.
Management method	Use the same management method abbreviations listed above.

FORM 1
HOUSEHOLD HAZARDOUS WASTE LOAD CHECKING DATA
for _____

Reporting Agency/Company _____
Address _____
City/State/Zip _____
Contact Person _____
Phone _____
Reporting Period Start date (mm/dd/yy) _____ Reporting Period End date (mm/dd/yy) _____

Waste Category	Gallons (Actual)	Number of Containers (Collected)	Number of Drums (55-gal.)	Mgmt. Method (% of total for each method)	Number of Empty Containers	Mgmt. Method (% of total for each method)
A. FLAMMABLE AND POISON						
1. Used motor oil/oil products						
2. Paints a. Latex						
b. Oil base						
3. Solvents, thinners, and stains						
4. Gasoline and oil (mixed)						
5. Poison (excluding aerosols)						
6. Flammable solid						
7. Reactive and explosive						
8. Other						
SUBTOTAL						
B. PESTICIDES						
Such as herbicides, insecticides, fungicides						
SUBTOTAL						
C. CORROSIVES						
1. Acids Inorganic						
Organic						
2. Alkaline Inorganic						
Organic						
SUBTOTAL						

Management Method

RU Reused	S Stabilization	LH Landfill Hazardous (Class I)
RC Recycled	FI Fuel Incineration	LN Landfill (Class II and III)
N Neutralization	DI Destructive Incineration	RT Returned

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FORM 1 (cont.)
HOUSEHOLD HAZARDOUS WASTE LOADCHECKING DATA
for _____

Waste Category	Gallons (Actual)	Number of Containers (Collected)	Number of Drums (55-gal.)	Mgmt. Method (% of total for each method)	Number of Empty Containers	Mgmt. Method (% of total for each method)
IDIZERS						
utral						
ganic peroxide						
idizing acids						
idizing bases						
TAL						
SCELLANEOUS						
batteries (1 gal each)						
cell batteries						
cury						
freeze						
ical waste						
r						
AL						
CONTAINING						
containing paint						
PCB waste						
SOLS						
sive aerosols						
iable aerosols						
aerosols						
L						
STOS (cubic yards)						
ASTE COLLECTED (bestos)						

Management Method		
RU Reused	S Stabilization	LH Landfill Hazardous (Class I)
RC Recycled	FI Fuel Incineration	LN Landfill (Class II and III)
N Neutralization	DI Destructive Incineration	RT Returned

JUN 26

People · Service · Environment
SANITARY FILL COMPANY

6/19/91

John D. Smith, Acting Chief
Local Planning Division
CIWMB
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Dear Mr. Smith:

The following two comments pertain to proposed regulations to be formally adopted by the CIWMB for Title 14, Chapter 9, Articles 6.3 and 7:

1. As a member of the Northern California Household Hazardous Waste Information Exchange (NCHHWIE), I had the opportunity to work on a task force, whose goal was to make recommendations pertaining to the reporting of waste volumes collected at household hazardous waste collection programs.

   Members of the NCHHWIE are concerned that each agency (or company), which organizes and operates household hazardous waste collection events and/or programs in California, maintains and reports data related to waste volumes differently. (The different methods of reporting information are reflected in the CIWMB's Form 303.)

   Specifically, it is the task force's opinion that Form 303, which we believe was intended to allow a great deal of flexibility, is confusing and difficult to complete. In addition, it lacks much-needed instructions. In response, we have designed the enclosed form, which we would like you to consider as a replacement for Form 303. We have also designed instructions for completing the form. These instructions are enclosed as well.

   The task force's form, which is temporarily titled "Form 1 (Volumes)," was designed and reviewed by the task force and presented to the NCHHWIE for review. Members of the NCHHWIE submitted comments, which were incorporated into the final version.

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2. The first three definitions of the instruction sheet used for Part D, Program Type, are CIWMB's definitions from Title 14, Chapter 7, Article 1.1, Section 18502, however, these definitions should be revised. The definitions of permanent and periodic collections assume these will be sponsored by jurisdictions; some, however, are sponsored by private-sector entities. Also, the mobile collection definition is unclear; a mobile collection facility could operate with one permanent site or without any associated permanent sites. If the CIWMB changes these definitions, the instruction sheet with Form 1 (Volumes) should be changed accordingly.

Thank you for the opportunity to comment on the proposed regulations.

Sincerely,

Paul Fresina

Form 1 (Volumes)
Household Hazardous Waste Collection Information

A. Sponsor

Reporting Agency/Company	
Address	
City/State/Zip	
Contact person	
Phone	( )
Location of event	

B. Co-sponsors

(Check all that apply)

- ☐ County
- ☐ City
- ☐ Private company
- ☐ Other _____
- ☐ Contractor
- ☐ Joint (public/private)
- ☐ Non-profit group

C. Report Period

Start date (mm/dd/yy)	
End date (mm/dd/yy)	

D. Program Type

(Check all that apply)

- ☐ Permanent
- ☐ Periodic
- ☐ Other _____
- ☐ Mobile
- ☐ Recycle only program

E. Location

(Check all that apply)

- ☐ One site
- ☐ Multiple sites
- ☐ Curbside
- ☐ At a sanitary landfill
- ☐ Other _____
- ☐ At a transfer station
- ☐ On city property
- ☐ On county property
- ☐ On private property

F. Participation

Number of cars served		cars
Number of households served		households
Number of days open		days
Collection hours each day	Start Time:	End Time:
Population service		people
Size of service area		square miles
No. of households in area		households
Total no. of containers		containers

Instructions for Completing Form
Household Hazardous Waste Collection Program Information

Part A Sponsor

Reporting agency/company	Enter the organization of the person who completes the form, e.g., county health department, contracting company, garbage company, etc.
Address	Enter the mailing address of the reporting agency/company.
Contact person	Enter your name (the person who completes the form).
Phone	Enter the business phone number of the contact person.
Location of event	Enter the street address and city.

Part B Co-Sponsors

If there is only one sponsor of the event, only check the boxes which describe the reporting agency/company. If there are two or more sponsors, check all boxes to describe all sponsors.

Part C Reporting Period

For a one-day collection, the start date and end date are the same. For on-going (or permanent) collection programs, report data for calendar years only; the start date is January 1, 19xx and the end date is December 31, 19xx. The start date and end date for a periodic (temporary) program can be any dates, and they should be in the same calendar year.

Part D Program Type

Check all boxes that describe the collection program. Here are the definitions of program types:

Permanent	A permanent household hazardous waste collection program is a program in which a jurisdiction sponsors the maintenance of a permanent household hazardous waste collection program at a specific site which is open to the public at least for one day, or a portion of that day, each week.
Mobile	A mobile collection program is two or more permanent household hazardous waste collection sites utilizing at least one transportable container for the sites and operated on an intermittent schedule.
Periodic	A periodic household hazardous waste collection program is a program in which a jurisdiction sponsors household hazardous waste collection activities at least once a year with each collection event beginning and ending within a one week period (seven days).
Recycle only program	A recycle only program is a program which collects only reclaimable materials, such as antifreeze, car batteries, latex paint, and used motor oil/oil products. These programs may also collect household batteries, whether or not they are ultimately recycled.

Part E Location

Check all boxes that describe the location of the collection program.

(continued on back)

Part F Participation

No of cars/households	Be aware that the number of cars and number of households may be different. For neighborhood collection programs, there may be some participants who walk to the collection event. In other situation, there may be two people in one car bringing waste from two different households.
Days open	Enter number of days the collection day was open for business during the report period, indicated by the start date and end date in Part C.
Collection hours	Enter the opening and closing time of the event each day.
Population served	Enter the total number of people living in the service area.
Size of service area	Enter the size of the service area in square miles.
No. of households	Enter the number of households located in the service area.
Total no. of containers	Enter number of containers that were received at the collection program during the report period.

Part G Volumes Collected

For each waste stream listed on the back of the form, enter the following information pertaining to the amounts of each type of waste shipped from the collection program.

Actual volume This is defined as the number of gallons of actual liquid or solid waste. Actual volume does not include the volume of absorbant or empty space in a drum. (For a half-full 5 gallon container of a waste, labpacked in a 55 gallon drum, the actual volume is 2.5 gallons. For bulked waste, the actual volume is the same as the volume of the drum, assuming the drum is full.) The volumes listed in the "Actual Volume" column should be the volumes shipped from the collection event for the entire report period indicated in Part C. If data was collected in pounds, convert waste amounts from pounds to gallons using the conversion 1 gallon = 8.3 pounds.

No. of drums This is defined as the number of 55-gallon drums of a waste shipped from a collection event. If the collection program used drums of different sizes, the number of drums should be converted an equivalent number of 55-gallon drums. The number of drums can be calculated by dividing the volume of all drums (shipped from the collection program during the report period) by 55 gallons per drum. Drum volumes include the volume of absorbant or empty space in a drum. [Example: If a collection program shipped two 55-gallon drums and three 30-gallon drums containing labpacked waste, the number of drums would be calculated as follows:
(2 x 55) + (3 x 30) = 110 + 90 = 200 gallons = 3.6 drums]

Method Use the following abbreviations to indicate how each waste type is managed. If more that one method was used for a waste stream, indicate the relative amounts managed by each method in percentages.

DI	Destructive Incineration	Treatment by thermal destruction at a high temperature hazardous waste incinerator where the physical destruction is the sole intent of the treatment process.
FI	Fuel Incineration	Treatment by thermal destruction where the waste, either by itself or blended with another material, is burned to recover its potential thermal energy.
L	Landfill	Disposal of a waste in the ground at a hazardous waste landfill.
N	Neutralization/ Treatment	Treatment by chemically adjusting the pH of the waste such that the waste can be discharged into a public waste water treatment system (does not apply if after neutralization, waste is still hazardous and is sent for disposal or treatment by one of the other methods described here).
RC	Recycled	Waste is sent for resource recovery where the raw materials used for making the material before it became a waste are recovered to make new materials of the same or different nature (does not include fuel incineration).
RU	Reused	Waste is used 'as is' for the intended purpose of the material before it became a waste.
S	Stabilization	Treatment where waste is chemically stabilized into a solid or semi-solid state such that it no longer exhibits hazardous characteristics and can be managed as non-hazardous waste (does not apply if after stabilization, waste is still hazardous and is sent for disposal or treatment by one of the other methods described here).
O	Other	For example, "removed by bomb squad."

County of Santa Clara
Department of Planning and Development
Office of Toxics and Solid Waste Management
1735 North First Street, Suite 275
San Jose, California 95112

Toxics: (408) 441-1195
Solid Waste: (408) 441-1198
FAX: (408) 441-0365

DATE: 6-28-91

TO: Mike Leaon

FROM: Nancy Rentlinger

Number of Pages Including this Cover Sheet: 3

Message:

County of Santa Clara
Department of Planning and Development
Office of Toxics and Solid Waste Management

1735 North First Street, Suite 275
San Jose, California 95112
Toxics (408) 441-1195
Solid Waste (408) 441-1198

June 28, 1991

John D. Smith
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, California 95814

Subject: Comments on Proposed Regulations for Household Hazardous Waste Elements

Dear Mr. Smith,

We have reviewed the Planning Guidelines and Procedures for Preparing and Revising Household Hazardous Waste Elements and offer the following comments.

The Planning Guidelines contain redundant requirements in the public education and funding sections. These redundancies will make the completion and use of the Household Hazardous Waste Element cumbersome. The sections containing these repetitious requirements are identified and described below.

Section 18751.7; Education and Public Information Section of the Element; was not included in earlier drafts of the Planning Guidelines. Completion of this new section provides an adequate description of existing and proposed education and public information programs. Earlier references to education and public information programs in other sections should now be deleted.

The repetitious references to education and public information are found in the Evaluation of Household Hazardous Waste Program Alternatives Section. This section; 18751.3 (a) 4; requires an evaluation of seven household hazardous waste management alternatives. Education and public information programs is one of the management alternatives. The education programs evaluated in this section must also be described in the Selection of Household Hazardous Waste Program; Section 18751.4; and in the implementation and evaluation sections.

Since education and public information programs are now *required* by Section 18751.7, described above, they do not need to be evaluated along with other ? household hazardous waste management methods. Eliminating education and public information programs from the Evaluation of Household Hazardous Waste

Board of Supervisors: Michael M. Honda, Zoe Lofgren, Ron Gonzales, Rod Diridon, Dianne McKenna
County Executive: Sally R. Reed

Program Alternatives Section would also avoid repetitious discussions in succeeding sections. Instead of this needless repetition, Section 18751.7; Education and Public Information Section of the Element; should contain all references to education and public information. Section 18751.7 could be strengthened by the addition of one item: "Description of *planned* program." This item should follow 18751.7 (b) which requires a description of *existing* programs.

It should also be noted that Section 18751.3 (a) 4 refers to "public education and information programs" while Section 18751.7 is refers to "education and public information programs."

Section 18751.8; Funding; is another more recent addition to the regulations. Like the education and public information sections, it also contains repetitive items that should be deleted from the other sections. For example, Section 18751.5 (a) (4); Implementation of Household Hazardous Waste Program; requires identification of known program implementation costs including public and private costs, revenues, and revenue sources necessary for implementation of the selected program. However, the newer section; Funding; also requires this information. It is suggested that the Funding section contain all references to anticipated program costs and revenue sources. Other references should be deleted.

It is hope that these comments will helpful. Should you have any questions, please contact Nancy Reutlinger, Solid Waste Program Analyst, at (408) 441-1198.

Sincerely,

Margaret J. Rands

Margaret J. Rands
Solid Waste Program Manager

cc: County Supervisors Association of California

ENVIRONMENTAL HEALTH SERVICES

☑ 385 North Arrowhead Avenue • San Bernardino, CA 92415-0160 • (714) 387-4646
☐ 320 East "D" Street • Ontario, CA 91764 • (714) 391-7570
☐ 15505 Civic Drive • Victorville, CA 92392 • (619) 243-8141
☐ 17830 Arrow Boulevard • Fontana, CA 92335 • (714) 829-6244
☐ 57407 Twentynine Palms Highway • Yucca Valley, CA 92284 • (619) 228-5410
☐ San Bernardino County Vector Control Program
2355 East Fifth Street • San Bernardino, CA 92415-0064 • (714) 383-3200
☐ Environmental Enforcement and Housing
172 West Third Street • San Bernardino, CA 92415-0315 • (714) 387-6512/6515

COUNTY OF SAN BERNARDINO
ENVIRONMENTAL
MANAGEMENT GROUP

PAMELLA BENNETT, R[illegible] S.
Director

Also serving the cities of:

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Grand Terrace	Twentynine Palms
Hesperia	Upland
Highland	Victorville
Loma Linda	Yucaipa

JUL - 1

June 25, 1991

MIKE LEAON
California Integrated Waste Management Board
1020 9th Street, Suite 300
Sacramento, ca 95814

SUBJECT: FORM 303 REVISIONS

Thank you for sharing the proposed Form 303 revisions with the Southern California Information exchange. The data collected through the use of this form serves a number of purposes including:

- Identification of scope and nature of problem,
- Assist planning for facilities - both HHW and commercial treatment and/or recycling capacity, and
- Database/clearinghouse of waste management programs and techniques.

Form 303 was the first mandatory reporting form on use for Household Hazardous Waste programs, so it is not surprising that revisions would be necessary.

General Comment:

In general, HHW programs consolidate wastes and maintain data based on the manner on which their hazardous waste contractor will accept these wastes. Consequently some flexibility in the reporting form is desirable in order to avoid a duplication of efforts.

Specific Comments on Revised From 303

Part F, page 1: Our program does not currently track the number of households delivering waste in one car. Technically it is not legal under California law to transport Hazardous Waste for other generators without a license. Additionally, at one-day collection events, we have a difficult time obtaining names and addresses and general categories of waste. If we make our data collection forms too detailed, we will not be able to provide adequate service. The revised form also allows for the number of containers of materials which are bulked such as paint and oil. I am not sure what value there is in providing data on numbers of containers collected.

Part G, page 2: The column for actual volume calls for an estimate on gallons of waste received. Currently we estimate the amount of solid materials by <u>weight</u> and liquids by gallons, quarts, pints and ounces as appropriate to the size of the container. We would have a problem converting weight to volume (gallons) unless an arbitrary conversion factor is assigned.

Part G, #1: a) For various wastes, flammable solid, for example, we have multiple waste management methods - some may be incinerated, some land filled, some recycled, and some sent for fuel blending. The form should indicate how you want multiple management methods dealt with.

b) We also have: Flammable Liquids" as a separate category.

c) Currently we pack aerosols with their category of waste, i.e. flammable, poison, etc.

Part G, #2 and 3 We do not separate organic and inorganic acids. Would a single listing on the sub-total line be appropriate.

Part G, #4 a) We do not separate neutral oxidizers, they are packed with alkaline oxidizers.

b) Technically we do not accept organic

peroxides. Any that we receive to the Bomb Squad.

Part G, #6 — Under our lab-packing scheme, it would appear that we have no aerosols since they are listed with each category.

Part G, #7 — Add the following reclaimable items: gasoline, fuels, mercury, and photographic materials. It would probably be good to leave several blank spaces for additional reclaimable materials.

Part G, #8 — I'm not aware that HHW programs are equipped or permitted to manage medical waste.

Part G, #9 — We maintain data on asbestos by weight,not volume.

Page 3 Budget Information

There are numerous problems with this section and inadequate instructions for completing the form. For example, how are Office staff and Administrative staff differentiated? Does outreach (#5) include labor costs or materials only? Do advertisements include development costs? Since the Board already obtains detailed budget information in a different format under the AB 2448 program, isn't this redundant? I would recommend this part of the form be deleted.

Sincerely,

JUDY ORTTUNG, R.E.H.S.
Supervising Environmental Specialist
Hazardous Waste Minimization and Management

JO:gd

County of Santa Clara
Department of Planning and Development
Office of Toxics and Solid Waste Management

1735 North First Street, Suite 273
San Jose, California 95112
Toxics 408/441-1196
Solid Waste 408/441-1198

June 28, 1991

JUL - 1 1991

John D. Smith
California Integrated Waste Management Board
1020 Ninth Street, Suite 100
Sacramento, California 95814

Subject: Comments on Proposed Regulations for Household Hazardous Waste Elements

Dear Mr. Smith,

We have reviewed the Planning Guidelines and Procedures for Preparing and Revising Household Hazardous Waste Elements and offer the following comments.

The Planning Guidelines contain redundant requirements in the public education and funding sections. These redundancies will make the completion and use of the Household Hazardous Waste Element cumbersome. The sections containing these repetitious requirements are identified and described below.

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Board of Supervisors: Michael M. Honda, Zoe Lofgren, Ron Gonzales, Rod Diridon, Dianne McKenna
County Executive: Sally B. Reed

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It is hope that these comments will helpful. Should you have any questions, please contact Nancy Reutlinger, Solid Waste Program Analyst, at (408) 441-1198.

Sincerely,

Margaret J. Rands

Margaret J. Rands
Solid Waste Program Manager

cc: County Supervisors Association of California

June 28, 1991

California Integrated Waste Management Board
1020 Ninth Street, Suite 310
Sacramento, California 95814
ATTN: John D. Smith

Re: Comments on AB 2707 Regulations

Dear Members of the Board:

EMCON Associates is an engineering and planning firm specializing in waste management and environmental control. EMCON Associates has been working with about 20 percent of the jurisdictions in California to prepare Source Reduction and Recycling Elements (SRRE) and Household Hazardous Waste Elements (HHWE). As such, we have become very familiar with the draft regulations for AB 939 and AB 2707. In an effort to further clarify and revise the draft AB 2707 regulations, we have enclosed comments and questions raised by our staff. We hope our comments will be useful to you in making the necessary final revisions.

Thank you for your attention.

Very truly yours,

EMCON Associates

Yasmine Strenk
Staff Planner

Gail Karpinski

Gail Karpinski
Project Manager
Waste Processing Group

Enclosures

ADM AB2707.E0W

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Jose, Calif 95131-1721 (408) 453-7300 Fax (408) 437-9526

Section 18751.2 (a) (1) Form CIWMB-303

Form CIWMB-303 is not adequate for identifying the types and quantities of household hazardous waste (HHW) collected. Data on HHW collection is collected using the Department of Transportation (DOT) manifest and the categories on the DOT manifest do not correspond to form 303. Most of the waste types on the DOT manifest do not fit in any specific category on form 303, and therefore end up in the "other" category. If the CIWMB would like to standardize the way HHW information is documented, we recommend revising form 303 to more closely match DOT manifests since HHW quantity data is required to be collected in this manner by the DOT.

Section 18751.2 (b) Explain Current Methods for Source Reduction.

Source reduction of HHW is promoted on the local level through related public education activities, including brochures on nonhazardous substitutes and promoting the purchase of smaller quantities of hazardous materials. Since source reduction is a public awareness program, it should be described in Section 18751.7 "Public Education and Information." Any waste exchange program, however, should be described in Section 18751.2 (b). This section should be reworded to state "explain the current methods for a waste exchange program."

Delete the reference to "quantify types and quantities of HHW that is source reduced." A more appropriate statement would be "describe the types and quantities of HHW that are reused through a waste exchange program." For example, it would be extremely difficult to quantify the amount of hazardous insecticide spray that is source reduced by using a fly swatter.

18751.3 (a) (1) (b) Permanent facility

This section states that a permanent facility should be evaluated only if it is located at "...all new and existing solid waste management facilities, and at all new, or existing, off-site, multi-user, hazardous waste treatment, storage and solid waste disposal facilities." Does this exclude other locations as potential sites for a permanent facility, such as a city corporation yard?

18751.3 (a) (3) Recycling Programs for HHW

This section should include an evaluation of a waste exchange or reuse program with the recycling alternative evaluation. Recycling and reuse programs are both usually conducted in conjunction with an HHW collection facility. The HHWE requires both recycling and reuse to be discussed together in more detail in Section 18751.4 (b) (2) (...description of recycling and/or reuse efforts to be used in conjunction with proposed HHW programs).

18751.3 (a) (4) Evaluation of Public Education and Information Programs

Section 18751.3 (a) (4) requires a jurisdiction to evaluate public education and information as an alternative HHW program. If the public education alternative is selected, it must be described in accordance with Section 18751.4 (a). Section 18751.4 (b) (3), however, requires the proposed public education program to be described again. Moreover, Section 18751.7 (the education and public information section of the HHWE) requires public education and information to be discussed in more detail, including objectives, existing conditions, selected program, implementation, and monitoring and evaluation.

Section 18751.7, "Public Education and Information," seems to be written based on the SRRE's public education component. The public education component of the SRRE, does not however, require public education to be evaluated as an alternative. Since public education is an integral component of any HHW program, it is redundant and unnecessary to evaluate public education as an alternative in Section 18751.3 (a) (4). An "alternative evaluation" implies that it may or may not be selected. Obviously, public education is an essential component of any HHW management program. We recommend that sections 18751.4 (b) (3) and 18751.3 (a) (4) be deleted and that public education be discussed in its entirety in Section 18751.7. This should alleviate any confusion when reviewing public education in the document.

Section 18751.6 (b) (2)

Can a load checking program be considered a targeted solid waste characterization study? The objective of a load checking program is to monitor the improper disposal of prohibited waste at a sanitary landfill. A

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load checking program characterizes random loads for prohibited wastes and would provide ongoing information about the types and quantities of HHW that are being improperly disposed of at sanitary landfills.

Section 18751.7 (b)

This section should be reworded to state "safe disposal and *source reduction* of HHW."

THE CITY OF
SAN DIEGO
WASTE MANAGEMENT DEPARTMENT, SERVICES DIVISION
4950 MURPHY CANYON ROAD • SAN DIEGO, CA 92123 - 4325

Telephone (619) 492-5010
FAX (619) 492-5021

July 1, 1991

Michael Leaon
Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 95812

Dear Mr. Leaon:

Thank you for taking the verbal comments I made last week on the House Hold Hazardous Waste Guidelines. Pursuant to your suggestion, I am following up the phone conversation with written comments on the matter.

Two words in the regulations may be inappropriate. The first is the word "identification" used for data that can only be estimated. The word identification is misleading and may result in consternation and pointless detailed data collection. I suggest the word "estimation" be used instead in the following places:

> Page 6.3 - 5, seventh paragraph: "an <u>estimate</u> of the types and quantities of Household hazardous waste anticipated to be collected..."
>
> Page 6.3 - 6, eighth paragraph: "an <u>estimate</u> of known program implementation costs..."
>
> Page 6.3 - 8, eighth paragraph: "<u>estimation</u> of all public and private program implementation costs..."

The second word that may be inappropriate is the word "all," used on page 6.3 - 8, second paragraph. A description of all education programs could be very length, and could include trivial programs that do not result in measurable waste reduction. I suggest only "all <u>major</u>" programs be listed.

A final suggestion for the regulations is the inclusion of a subsection (C) on the bottom of page 6.3 - 7. Subsection C would be invoked if the objectives were not met, and would require modifying the program to meet the objectives.

I hope these comments are helpful. Thank you for the opportunity to comment. Please call me at (619) 573-1236 if you have any questions regarding these comments.

Sincerely,

Lisa F. Wood

Lisa F. Wood
Senior Planner, Waste Management Department

cc Robert Epler, Assistant Director, Waste Management Department
Yvonne Hunter, League of California Cities

GAINER
& ASSOCIATES

RECYCLING CONSULTANTS
Planning, Promotion & Development

July 1, 1991

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Attention: Mike Leaon
Local Planning Division
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Post-it™ brand fax transmittal memo 7671	# of pages ▸ 2
To Mike Leaon	From Todd Ward
Co. CIWMB	Co. Gainer & Assoc.
Dept. Local Planning Div	Phone # (707) 822-4448
Fax # (916) 327-6694	Fax # (707) 822-5328

Dear Mr. Leaon:

RE: COMMENTS ON THE HOUSEHOLD HAZARDOUS WASTE REGULATIONS
Section 18751.2

Section 18751.2 of the Household Hazardous Waste (HHW) Regulations currently require cities in California to identify (a) the types and quantities of HHW which are being source reduced, collected, recycled, treated or disposed by existing programs, and (c) to estimate the amounts of HHW currently being disposed illegally, according to the categories contained on form CIWMB-303.

Determining the quantity of each HHW currently being generated by field quantification is extremely difficult. Those liquid materials which were disposed in drains and sewers, leaked out of garbage packer trucks, or absorbed by the paper in the waste stream would escape measurement. Flammables, pesticides, corrosives and oxidizers are all liquids, and so a waste generation study would only detect these materials for partially-full containers found in the residential waste stream. Furthermore, estimating even this fraction of a city's waste generation rate for each of the materials on form CIWMB-303 would require between 500 and 200,000 samples (Waste Characterization Study: Assessment of Recyclable and Hazardous Components, SRI International, June 1988). The inherent inaccuracy of such sampling is due to the small separable percentage of HHW found in the residential waste stream and the large number of categories on form CIWMB-303. An accurate estimation of the amount of HHW present in any solid waste stream is probably not possible so long as the definition of HHW includes liquid wastes, no matter how many samples are conducted.

Sampling households directly for HHW generation and disposal habits will also be subject to uncertainties because few people would likely admit to illegal disposal of HHW, and

because HHW is often stored for extended periods of time prior to disposal.

Estimating the quantities of materials illegally disposed must be based on the total quantity of HHW detected by the waste generation study, the percentage composition of the HHW stream for each city, and the accurate measurement of the amounts of HHW being source reduced, recycled, or collected for proper disposal.

Prior to the release of section 18751.2, Article 6.1 required cities to identify only the total amount of HHW disposed, diverted, and generated. Many cities have already completed their waste generation studies and would have to conduct additional sampling to meet section 18751.2. This would be an expensive, and - given the amount of unavoidable sampling error - virtually useless process.

Because of the difficulties and limited utility involved in estimating HHW generation, the CIWMB should provide a set of standard numbers to use for percentage HHW composition or per capita HHW generation. Alternatively, the CIWMB could require cities to estimate the total quantity of HHW generated within the jurisdiction, the total amount of each material source reduced, recycled, or collected for proper disposal, and suggest other methods, such as groundwater testing, for detecting improper disposal.

Sincerely,

Tedd Ward

GAINER & ASSOCIATES
Tedd Ward, Consultant

People · Service · Environment
SANITARY FILL COMPANY

6/11/91

To: Members of the Northern California Household Hazardous Waste Information Exchange

From: Paul Fresina, Data Standardization Task Force

Re: Data Standardization Forms

Thank you for volunteering to fill out the attached two forms. Instructions for completing the forms are included.

Form 1 is for reporting volumes of waste managed/handled by household hazardous waste collection programs. It may be adapted or adopted by the California Integrated Waste Management Board as a replacement for the CIWMB Form 303.

Form 2 is intended as a general survey form to replace and standardize the many forms that many municipalities design as they investigate the costs of setting up and maintaining collection programs.

When the forms are finalized, we suggest that all these municipalities use Forms 1 and 2 when making requests for program descriptions, rather than designing individual and different forms, because they often request similar information. We hope that the form can be filled out once a year (or once for each collection), and the program directors can mail copies of it to a variety of interested parties.

This is a trial form, and we look forward to your comments and suggestions for ways to improve the form. Please include your comments when you return the completed form. Once we receive your completed forms and any suggestions, we plan to make any necessary changes and present the forms to the Southern California Information Exchange for their comments as well.

If you have any questions about the forms, please call me at 415/468-2442.

501 TUNNEL AVENUE · SAN FRANCISCO, CA 94134 · TELEPHONE 415/468-2442 · FAX 415/468-3266
An Employee-Owned Norcal Waste Systems Company

PRINTED ON RECYCLED PAPER

Form 1 (Volumes)
Household Hazardous Waste Collection Information

A. Sponsor

Reporting Agency/Company	
Address	
City/State/Zip	
Contact person	
Phone	( )
Location of event	

B. Co-sponsors

(Check all that apply)

- ☐ County
- ☐ City
- ☐ Private company
- ☐ Other _____
- ☐ Contractor
- ☐ Joint (public/private)
- ☐ Non-profit group

C. Report Period

Start date (mm/dd/yy)	
End date (mm/dd/yy)	

D. Program Type

(Check all that apply)

- ☐ Permanent
- ☐ Periodic
- ☐ Other _____
- ☐ Mobile
- ☐ Recycle only program

E. Location

(Check all that apply)

- ☐ One site
- ☐ Multiple sites
- ☐ Curbside
- ☐ At a sanitary landfill
- ☐ Other _____
- ☐ At a transfer station
- ☐ On city property
- ☐ On county property
- ☐ On private property

F. Participation

Number of cars served		cars
Number of households served		households
Number of days open		days
Collection hours each day	Start Time:	End Time:
Population service		people
Size of service area		square miles
No. of households in area		households
Total no. of containers		containers

G. Volumes Collected

			Actual Volume	No. of Drums	Method
1. Flammable & Poison	Flammable solid	1.1			
	Oil-base paint	1.2			
	Poison (excl. aerosols)	1.3			
	Reactive and explosive	1.4			
	Solvent	1.5			
	Subtotal	1.6			
2. Acid	Inorganic acid	2.1			
	Organic acid	2.2			
	Subtotal	2.3			
3. Base	Inorganic base	3.1			
	Organic base	3.2			
	Subtotal	3.3			
4. Oxidizer	Neutral oxidizers	4.1			
	Organic peroxides	4.2			
	Oxidizing acid	4.3			
	Oxidizing base	4.4			
	Subtotal	4.5			
5. PCB-containing	PCB-containing paint	5.1			
	Other PCB waste	5.2			
	Subtotal	5.3			
6. Aerosol	Corrosive aerosols	6.1			
	Flammable aerosols	6.2			
	Poison aerosols	6.3			
	Subtotal	6.4			
7. Reclaimable	Antifreeze	7.1			
	Car batteries (1 gal. each)	7.2			
	Latex paint	7.3			
	Used motor oil/oil products	7.4			
	Subtotal	7.5			
8. Other	Medical waste	8.1			
	Household batteries	8.2			
	Other	8.3			
	Subtotal	8.4			
9. Asbestos (cubic yards)		9.1			
10. Grand Total	(excluding asbestos)	10.1			

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Form 2 (Budgets)
Household Hazardous Waste Collection Information

A. Sponsor

Reporting Agency/Company	
Address	
City/State/Zip	
Contact person	
Phone	( )
Location of event	

B. Budget Period

Start date (month/day/year)	
End date (month/day/year)	

(Check one) ❑ Calendar Year ❑ Fiscal Year

C. Other Items

(Check other items)

❑ Load checking ❑ VSQG/CESQG

❑ Other _____

D. Funding Sources

(Check all that apply)

❑ General Fund ❑ Grants

❑ Included in garbage bill ❑ Landfill fee

❑ Private funding ❑ Surcharge/tax

❑ Donations ❑ User's fee

❑ Other _____

E. Donated Items

(Check all that apply)

❑ Equipment ❑ Site/Location

❑ Money ❑ Publicity

❑ Labor, please describe _____

❑ Other, please describe _____

F. Staffing

Classification	*Number of employees*	*Total Hours for this class.*
Administrative employees		
Technical employees		
Office employees		

Work hrs. in a year: 2080

Work hrs. in a month: 173

Work hrs. in a week: 40

G. Budget Information

		Line item	Subtotals
1. Capital Costs	❑ Building depreciation		
	❑ Building rental		
	❑ Equipment depreciation		
	❑ Equipment rental		
	❑ Vehicles rental		
	❑ Vehicles depreciation		
2. Disposal	❑ Dipsoal fees		
	❑ Profile fees		
	❑ Transportation		
3. Staffing	❑ Technical staff		
	❑ Office staff		
	❑ Administrative staff		
	❑ Contract labor		
	❑ Health insurance		
	❑ Other benefits		
	❑ Training		
4. Insurance	❑ Sudden and accidental		
	❑ Polution liability		
Self-insured	❑ Auto		
	❑ Add'l insured endorsement		
	❑ Worker's Compensation		
	❑ Performance bond		
	❑ Other_____		
5. Outreach	❑ Displays at fairs/events		
	❑ Flyers		
	❑ Mailings		
	❑ Print advertisements		
	❑ Radio/TV Advertisements		
	❑ Speakers		
	❑ Tours		
6. Other	❑ Maintenance/repairs		
	❑ Supplies (drums, etc.)		
	❑ Consulting fees		
	❑ Utilities		
	❑ Meals		
	❑ Other		
7. Grand Total			

Instructions for Completing Form 1
Household Hazardous Waste Collection Program Information

Part A Sponsor

Reporting agency	Enter the organization of the person who completes the form, e.g., county health department, contracting company, garbage company, etc.
Address	Enter the mailing address of the reporting agency.
Contact person	Enter your name (the person who completes the form).
Phone	Enter the business phone number of the contact person.
Location of event	Enter the street address and city.

Part B Co-Sponsors

If there is only one sponsor of the event, only check the boxes which describe the reporting agency/company. If there are two or more sponsors, check all boxes to describe all sponsors.

Part C Reporting Period

For a one-day collection, the start date and end date are the same. For permanent collection programs, report data for calendar years only; the start date is January 1, 19xx and the end date is December 31, 19xx. The start date and end date for a periodic (temporary) program can be any dates, and they should be in the same calendar year.

Part D Program Type

Check all boxes that describe the collection program. Here are the definitions of program types:

Permanent	A permanent household hazardous waste collection program is a program in which a jurisdiction sponsors the maintenance of a permanent household hazardous waste collection program at a specific site which is open to the public at least for one day, or a portion of that day, each week.
Mobile	A mobile collection program is two or more permanent household hazardous waste collection sites utilizing at least one transportable container for the sites and operated on an intermittent schedule.
Periodic	A periodic household hazardous waste collection program is a program in which a jurisdiction sponsors household hazardous waste collection activities at least once a year with each collection event beginning and ending within a one week period (seven days).
Recycle only program	A recycle only program is a program which collects only reclaimable materials, such as antifreeze, car batteries, latex paint, and used motor oil/oil products. These programs may also collect household batteries, whether or not they are ultimately recycled.

Part E Location

Check all boxes that describe the location of the collection program.

(continued on back)

Part F Participation

No of cars/households	Be aware that the number of cars and number of households may be different. For neighborhood collection programs, there may be some participants who walk to the collection event. In other situation, there may be two people in one car bringing waste from two different households.
Days open	Enter number of days the collection day was open for business during the report period, indicated by the start date and end date in Part C.
Collection hours	Enter the opening and closing time of the event each day.
Population served	Enter the total number of people living in the service area.
Size of service area	Enter the size of the service area in square miles.
No. of households	Enter the number of households located in the service area.
Total no. of containers	Enter number of containers that were received at the collection program during the report period.

Part G Volumes Collected

For each waste stream listed on the back of the form, enter the following information pertaining to the amounts of each type of waste shipped from the collection program:

Actual volume This is defined as the number of gallons of actual liquid or solid waste. Actual volume does not include the volume of absorbant or empty space in a drum. (For a half-full 5 gallon container of a waste, labpacked in a 55 gallon drum, the actual volume is 2.5 gallons. For bulked waste, the actual volume is the same as the volume of the drum, assuming the drum is full.) The volumes listed in the 'Actual Volume' column should be the volumes shipped from the collection event for the entire report period indicated in Part C.

No. of drums This is defined as the to number of 55 gallon drums of a waste shipped from a collection event. If the collection program used drums of different sizes, the number of drums should be converted an equivalent number of 55 gallon drums. The number of drums can be calculated by dividing the volume of all drums (shipped from the collection program during the report period) by 55 gallons per drum. Drum volumes include the volume of absorbant or empty space in a drum. [Example: If a collection program shipped two 55-gallon drums and three 30-gallon drums containing labpacked waste, the number of drums would be calculated as follows:
$(2 \times 55) + (3 \times 30) = 110 + 90 = 200$ gallons = 3.6 drums]

Method Use the following abbreviations to indicate how each waste type is managed:

DI	Destructive Incineration	Treatment by thermal destruction at a high temperature hazardous waste incinerator where the physical destruction is the sole intent of the treatment process.
FI	Fuel Incineration	Treatment by thermal destruction where the waste, either by itself or blended with another material, is burned to recover its potential thermal energy.
L	Landfill	Disposal of a waste in the ground at a hazardous waste landfill.
N	Neutralization	Treatment by chemically adjusting the pH of the waste such that the waste can be discharged into a public waste water treatment system (does not apply if after neutralization, waste is still hazardous and is sent for disposal or treatment by one of the other methods described here.)
RC	Recycled	Waste is sent for resource recovery where the raw materials used for making the material before it became a waste are recovered to make new materials of the same or different nature (does not include fuel incineration).
RU	Reused	Waste is used 'as is' for the intended purpose of the material before it became a waste
S	Stabilization	Treatment where waste is chemically stabilized into a solid or semi-solid state such that it no longer exhibits hazardous characteristics and can be managed as non-hazardous waste (does not apply if after stabilization, waste is still hazardous and is sent for disposal or treatment by one of the other methods described here.)

Instructions for Completing Form 2
Household Hazardous Waste Collection Program Information

Part A Sponsor

Reporting agency	Enter the organization of the person who completes the form, e.g., county health department, contracting company, garbage company, etc.
Address	Enter the mailing address of the reporting agency.
Contact person	Enter your name (the person who completes the form).
Phone	Enter the business phone number of the contact person.
Location of event	Enter the street address and city.

Part B Budget Period

Report budget data for calendar years or fiscal years only. If your fiscal year is the same as the calendar the start date is January 1, 19xx and the end date is December 31, 19xx. If your fiscal year is other than the calendar year, enter the start date and end date for your fiscal year. Check the appropriate box.

Part C Other Items

Since many programs are unable to separate the budget figures for household hazardous waste collection programs completely from other related activities, use this area to indicate if any other programs are included in the figures that you will report on the back of the form.

Part D Funding Sources

Check all boxes that indicate the source of funds for the collection program(s).

Part E Donated Items

Check all boxes that describe the types of items that are donated to your program or otherwise received by your program, but they are not included in the budget figures.

(continued on back)

Part F Staffing

Enter the number of each type of employee who works on/for the collection program. In the column for 'total hours for this classification' enter the number of hours the employee works in a year solely for the collection program. Two examples are shown below:

Example 1: A permanent program employs two technicians, one administrator and one half-time office staff year round solely for the collection program.

	No. of employees	Total Hours (all employees)
Administrative employees	1	2,080
Technical employees	2	4,160
Office employees	1	1,040

Example 2: A one-day program employs five technicians for two days (16 hrs. total), one administrator for one-month and one office person for two months.

	No. of employees	Total Hours (all employees)
Administrative employees	1	173
Technical employees	5	80
Office employees	1	346

Part G Budget Information

The back page of Form 2 is designed to be flexible, depending on the amount of budget detail that is available.

Detailed budget
1. Check the box next to each item listed if it is included in your budget.
2. Enter the amount budgeted for each item in the spaces in the column with the heading 'line item.'
3. Calculate the subtotals.
4. Calculate the grand total.

Some detail to your budget
1. Check the box next to each item listed if it is included in your budget.
2. Enter the numbers in the subtotals column
3. Calculate the grand total.

No detail to your budget
1. Check the box next to each item listed if it is included in your budget.
2. Enter the grand total.

Insurance Definitions

Sudden and Accidental	An endorsement to an auto policy; with regards to sudden accidental pollution of anything. (e.g., truck runs into a tree)
Pollution Liability	Covers the exclusion of General liability as regards to pollution.
Auto	Coverage relating to damage to or from use of a motor vehicle. Generally covers owned, hired and non-owned. US DOT requires $5 million for bulk transfer, $1 million for non-bulk.
Additional Insured Endorsement	Your insurance company will respond on behalf of additional insured, regarding losses and liability of the work you do.
Worker's Compensation	Covers insured's legal liability to employees for occupational injury, disease, or death. Required by California, minimum $1 million.
Performance Bond	Guarantees performance of the contract.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 91-71

FOR THE ADOPTION OF MODIFIED REGULATIONS FOR:
CHAPTER 9, ARTICLES 6.3 AND 7.0
FOR PLANNING GUIDELINES AND
PROCEDURES FOR PREPARING AND REVISING
COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS

OCTOBER 30, 1991

WHEREAS, Public Resources Code section 41824 authorizes the Board to adopt rules and regulations to guide local governments in preparing Household Hazardous Waste Elements and Countywide Integrated Waste Management Plans; and

WHEREAS, Public Resources Code sections 41500 and 41510 require cities and counties to prepare a Household Hazardous Waste Element which identifies a program for the safe collection, recycling treatment, and disposal of hazardous waste generated by households; and

WHEREAS, the formal notice of rulemaking activity for Articles 6.3 and 7.0 was published on May 17, 1991; there has been a 45-day public comment period for all the regulations; and the Board's Administration Committee held a public hearing to adopt the modified Planning Guidelines and Procedures for Preparing and Revising Integrated Waste Management Plans, as found in Chapter 9, Articles 6.3 and 7.0 of Title 14 of the California Code of Regulations on August 6, 1991; and

WHEREAS, the Administration Committee approved the proposed regulations, with nonsubstantial changes or sufficiently related changes, at its August 6, 1991 meeting and circulated the proposed regulations for an additional 15-day public comment; and

WHEREAS, no comments were received during the 15-day comment period which ended September 4, 1991; and

WHEREAS, the Board's Integrated Waste Management Planning Committee held a second public hearing on October 8, 1991; and

WHEREAS, no comments were recieved during the 15-day comment period and no public testimony was given at the Board's Integrated Waste Management Planning Committee held on October 8, 1991; and

WHEREAS, the Board has taken all public comments under consideration; and

WHEREAS, the Board finds that it has fulfilled all the requirements of Government Code sections 11343, 11346.1, 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 Government Code section 11347.3; and

WHEREAS, the Board finds that proper guidance is necessary for local governments to develop programs for maximizing the amount of Household Hazardous Waste diverted from landfills and for long-term and environmentally safe disposal of hazardous wastes generated by households.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the regulations, as modified, for Chapter 9, Articles 6.3 and 7.0, and directs staff to submit the rulemaking file, including a Certificate of Compliance, to the Office of Administrative Law for review and eventual filing with the Secretary of State.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE
October 8, 1991

AGENDA ITEM # 3

ITEM:

Discussion of the Waste Diversion Dilemma: Issues Associated with Waste Diversion Computations Under the California Integrated Waste Management Act of 1989.

INTRODUCTION:

Board staff has prepared this item to provide background material on the issues surrounding compliance with diversion requirements as part of the Board's ongoing effort to assist local jurisdictions in the preparation of the planning documents required under Assembly Bill 939, Sher (Stats. 1989, Ch. 1095).

BACKGROUND:

Legislative Response to a Potential Statewide Waste Disposal Crisis

In the late 1980s the state was faced with an impending disposal crisis. This crisis was the result of diminishing landfill capacity and a growth in the amount of waste generated. Landfill capacity was diminishing due to the difficulty in siting new facilities, public opposition to the siting of new or expanded solid waste facilities, and the lack of sites which could meet environmental regulations. By 1989, the state had approximately ten years of cumulative remaining landfill capacity.

To address this problem, the legislature enacted Assembly Bill 939, Sher (Stats. 1989, Ch. 1095). AB 939, known as the Integrated Waste Management Act of 1989, requires each county to prepare a Countywide Integrated Waste Management Plan (Plan). The Plan must identify programs for diverting the maximum feasible amount of waste from landfilling, and for ensuring that there is adequate disposal capacity for wastes which cannot be diverted from landfills.

To accomplish the above, the Plan contains three elements:

- City and County Source Reduction and Recycling Elements (SRREs),

- City and County Household Hazardous Waste Elements (HHWEs), and a
- Countywide Siting Element.

In the SRREs, each incorporated city, for the area under its jurisdiction, and each county, for its unincorporated area, is required to identify program alternatives for diverting 25 and 50 percent of the waste generated by the city and the county by the years 1995 and 2000 respectively. In the Siting Element, the county is required to demonstrate that there is either a minimum of 15 years of permitted countywide disposal capacity for disposing of waste which could not be diverted, or new or expanded sites reserved in the Plan and the applicable city or county general plan, which would provide at least 15 years of capacity. If there is not 15 years of permitted countywide disposal capacity, and there are no sites for reserving new or expanded solid waste facilities, the county is to identify a program which will provide 15 years of disposal capacity through a combination of increased diversion and the export of waste to other jurisdictions.

Evaluating What Materials Should Count Towards the Diversion Requirements

To ensure that diversion alternatives will actually conserve sufficient disposal capacity in the state in order to avoid regional disposal shortages within the next 5 to 10 years, it would be helpful to reconsider some requirements already established in statute or regulation which will affect the amount of disposal capacity that is conserved.

First, to conserve the maximum amount of landfill capacity, it may be warranted to revise PRC section 41781 to require that diversion be measured against the amount of waste disposed instead of generated. Second, it might be advisable to consider whether or not to repeal the provision in PRC section 41781 which allows a jurisdiction to count toward diversion requirements a material which was otherwise excluded from counting, if it can demonstrate that that material was normally disposed of by the jurisdiction as of January 1, 1990.

In addition to the above two issues, the following related issues should also be considered: whether to measure diversion in weight or volume; the effect of population growth on the amount of waste generated; and an analysis of waste generation studies from final SRREs. Additionally, the establishment of a database to track the quantities of waste generated, disposed and diverted seems imperative.

To thoroughly analyze the question of what materials should be counted toward diversion, the following issues should be evaluated:

- Whether to measure diversion requirements against waste generated or waste landfilled
- Whether to redefine "Normally Disposed of"
- Whether diversion should be measured by weight or volume
- Which materials should be excluded from counting
- Effects of population growth
- Analyzing solid waste generation studies
- Development of a waste generation database

A brief discussion of the issues surrounding these topics is included below.

1. Measuring Diversion Requirements against Waste Generated or Waste Disposed

PRC Section 41781 requires jurisdictions to measure their diversion requirements against the amount of waste generated within their jurisdiction. Measuring the requirements in this way allows a jurisdiction to receive credit for existing diversion activities. As a consequence, measuring in this manner does not ensure that there will be either a 25 or 50 percent reduction in the amount of materials landfilled because jurisdictions may meet a large percentage of the diversion requirements through existing credit. For this reason it may be advisable to measure diversion against the amount of waste landfilled to ensure that the diversion requirements result in significant reductions in the amount of materials landfilled as intended by AB 939.

2. Redefining Normally Disposed of

Both statutes and Board regulations currently provide that jurisdictions count toward diversion only those materials which are "normally disposed of" by the jurisdiction. This term is now defined in Title 14, California Code of Regulations (CCR) section 18720(a)(44) as follows:

> "Normally disposed of" refers to those waste categories and/or waste types which: 1) have been demonstrated by the Solid Waste Generation Study, conducted pursuant to section 18722 of this Chapter, to constitute at least 0.001% of the total weight of solid wastes disposed in a solid waste stream attributed to the jurisdiction as of January 1, 1990; 2) which are deposited at permitted solid waste landfills or transformation facilities

subsequent to any recycling or composting activities at those solid waste facilities; and 3) which are allowed to be considered in the establishment of the base amount of solid waste from which source reduction, recycling, and composting levels shall be calculated, pursuant to the limitation listed in Public Resources Code section 41781(b).

Depending on how liberally the term is interpreted it may allow a jurisdiction to receive existing credit for materials which may not comprise a significant amount of solid waste disposed of by the jurisdiction. This could also allow a jurisdiction to meet its diversion requirements without significant landfill capacity savings.

3. Measuring in Weight or Volume

Another important issue, which the Board will be studying, is whether to measure reductions in weight or volume, and establishing accurate conversion factors for converting between weight and volume. Currently, for practical reasons, diversion is measured in weight, and thus does not directly reflect landfill capacity (volume) conservation.

4. Materials Excluded from Counting Toward Diversion Requirements

The legislature amended AB 939 in 1990 with the passage of Assembly Bill 1820 (Stats. 1990, Ch. 145), now codified in Public Resources Code Section 41781(b), to specify waste types which are to be excluded from counting towards the diversion requirements.

Statute now requires that the following waste types be excluded from counting as a solid waste, unless a jurisdiction can show that they were normally disposed of as of January 1, 1990, and that there was an existing diversion program for these wastes as of that date:

1. Agricultural wastes
2. Inert solids, including inert solids used for structural fill
3. Scrap metals
4. Discarded white-coated major appliances
5. Sludge
6. Other waste products which would not normally be disposed at a landfill or transformation facility

Because of the way the term "normally disposed of" is currently defined in the Board's regulations, it may be that none of these waste types are effectively excluded from

counting toward diversion. As a result jurisdictions may claim significant amounts of diversion credit for these materials. Some materials diverted as a result of existing programs may be diverted in sufficient quantities to allow a jurisdiction to attain its diversion requirements without any significant reduction in the amount of wastes disposed.

Additionally, if AB 1515, Sher (1991) is signed into law in 1991, all wood wastes used as a fuel cannot be counted towards the diversion requirements.

5. Population Growth

Another critical issue affecting the achievement of the mandated diversion requirements is population growth. In recent population projections, demographers have predicted that the state's total population may grow from its current level of 30 million to 50 million by the year 2010. This rapid population growth will cause the amount of waste generated in the state to increase. The expected growth in the waste stream may have a significant effect on the attempts being made by cities and counties to avert a disposal crisis in the state.

6. Waste Characterization

In determining whether or not diversion requirements are being met, and in determining whether the diversion that is being counted is resulting in commensurate conservation of landfill capacity, it will be necessary to review, summarize and analyze the data contained in city and county SRREs on a statewide basis. In order to achieve this, Board staff propose an Interim Solid Waste Generation Database, which is discussed below, in the Analysis section.

As background, the Integrated Waste Management Act of 1989, as amended, requires each jurisdiction in the state to prepare a separate Waste Characterization Component as a part of its SRRE (PRC Sections 41030 and 41330). The information gathered is to be representative of the solid waste generated and disposed within the area affected by the jurisdiction's SRRE, and is to reflect seasonal variations. The solid waste constituent materials are to be identified by volume or its equivalent in weight, and by source of generation (i.e., residential, commercial, governmental and industrial sources).

The Board's regulations (Title 14, California Code of Regulations, Chapter 9, Articles 3 and 6.1, Sections 18720, 18722, 18724, and 18726, including Appendix 1) require each jurisdiction to prepare an Initial Solid Waste Generation

Study (SWGS) which characterizes each jurisdiction's solid waste stream in terms of the types and quantities (in tons) of solid wastes generated, diverted and disposed by the jurisdiction. The in-place volume of total solid wastes disposed by a jurisdiction is also required to be included in the Initial SWGS.

Solid waste is to be characterized within at least three sources of waste generation in the jurisdiction: residential, commercial, and industrial (waste from government sources is split between the commercial and industrial sources of waste, to reflect predominant waste collection practices).

Forecasts are required by regulation (14, CCR 18722(c)) to be made in the SRRE, for estimates of solid wastes generated, diverted and disposed by a jurisdiction for a 15-year period; the first forecasting period is 1991-2005.

7. Waste Characterization Database

The information needed to establish a waste characterization database is currently being submitted to the Board in the preliminary SRREs, but Board staff do not currently have a database which includes basic information on the types and quantities of solid waste generated, diverted and disposed by a given jurisdiction. To date, human and material resources (hardware, software), as well as time have not been available to Board staff to undertake this considerable task.

However, the Board has awarded a contract (Contract No. IWM-058, "Waste Generation Rates Study") to Mr. Tom Jacobson to determine the cost of a full-scale, interactive solid waste generation database.

ANALYSIS:

The above issues, concerning what materials should be counted toward diversion requirements to ensure that landfill capacity is conserved on a statewide basis and that regional disposal shortages are averted, are analyzed below.

1. Measuring Diversion Against Waste Generated or Waste Disposed

Public Resources Code Section 41781 mandates that diversion requirements be measured against the amount of waste generated in a jurisdiction. This has the effect of rewarding jurisdictions which had taken the initiative to implement local diversion programs. Conversely, if the measurement was made against the amount of waste landfilled, no jurisdiction would receive any credit for existing diversion programs.

The concern to be emphasized in this discussion is that measuring diversion against waste generated may not result in the achievement of a 25 and 50% reduction in the amount of waste disposed on a local, regional or statewide basis. Since measuring the diversion requirements against the amount of waste generated allows for the granting of existing credit, many jurisdictions may meet the diversion requirements without significant reductions in the amount of waste they dispose of because of claiming existing credit. If too many jurisdictions meet the diversion requirements in this manner the state may fail to avoid a disposal crisis in some regions.

To address this problem, it may be necessary to consider a change in statute in which one measures diversion against waste disposed only.

2. Defining Normally Disposed

Currently, Board regulations define "normally disposed of" as any material which comprises at least 0.001 percent of the total weight of materials disposed of by a jurisdiction. This creates a problem when heavy materials, which may not make up a significant portion of materials being landfilled, are identified as solid waste and a jurisdiction then claims existing credit for the amount of that waste which is not being disposed. This may result in high diversion levels without a significant reduction in the amounts of materials disposed. Materials which pose a problem of this nature include auto bodies, scrap metals, construction/demolition wastes and inert wastes. Consequently, it may be necessary to revise the regulation to include a more stringent definition of normally disposed of (e.g., a 0.1% or 1.0% value), or amend the statute to exclude certain materials altogether.

However, if the definition of normally disposed of is made more restrictive, some light-wieght materials for which there are highly efficient diversion alternatives, such as aluminum cans, which should legitimately be counted towards diversion may not meet a revised definition of "normally disposed of". Consequently, it may be wiser to specify certain types of waste which would be exempt from a more conservative definition of "normally disposed of".

3. Measuring in Weight or Volume

Depending on whether particular materials are measured by weight or volume, and depending on the presence or absence of an existing program for diverting such materials, a jurisdiction could achieve high diversion levels without a commensurate savings in landfill capacity. This is a result of the fact that dense materials can contribute greatly toward achievement of the

necessary tonnages to meet diversion requirements, but if it is not actually disposed of in great quantities a significant savings in landfill capacity is not also realized.

The Board has awarded a contract to study this issue, and to develop conversion factors for various materials that will accurately reflect the volume that materials will take up in landfills. This will assist the Board to accurately assess how much landfill capacity savings will be realized as a result of diversion alternatives for specific waste types.

4. Materials Excluded from Counting Toward Diversion Requirements

To ensure that jurisdictions do not meet a significant portion of their diversion requirements through existing diversion credit for certain waste types, the following waste types were excluded from counting toward diversion unless they were shown to be normally disposed of, and were diverted, as of January 1, 1990:

- Agricultural wastes - Some generators produce large quantities which never enter the waste stream, but which are tilled into the soil or burned on site.

- Inert wastes - Such wastes consume moderate to large volumes of space in landfills, and yet always constitute large tonnages, due to their great density. Since diversion credits are measured in tons, not volume, inert wastes diverted could be responsible for large increments of total wastes diverted.

  The term "structural fill" is included in the definition of inert wastes (PRC Section 41781(b)(2)). Structural fill is excluded by statute from being counted towards diversion. However, statute (PRC Sections 42700 and 42701) encourages the use of recycled materials for road base, subbase and pervious backfill materials. Crushed concrete materials and recycled asphalt pavement are commonly used for these purposes; thus the definition of structural fill has been narrowly interpreted by staff to refer only to structural fill (e.g., concrete rubble, rock) being placed in excavations for buildings (e.g., skyscrapers), and not to include inert fill being used as roadbase grade and subgrade. In other words, inerts used as roadbase grade and subgrade could be counted towards diversion if those waste materials were also normally disposed as of January 1, 1990.

- Scrap metals - Such wastes consume small to moderate volumes of space in landfills yet constitute large tonnages, due to their great density. Since diversion credits are measured in tons, not volume, scrap metals, such as auto

bodies, diverted could be responsible for large increments of total wastes diverted.

- White goods - Such wastes consume small to moderate volumes of space in landfills yet could constitute moderately large tonnages, due to their density. Since diversion credits are measured in tons, not volume, white goods diverted could be responsible for moderately large increments of total wastes diverted. As well, estimation of weight of white goods is difficult, due to the great variety of white goods generated and the large variation in size.

- Sludge - The determination of whether or not sludge poses a threat to public health and the environment is perhaps the greatest barrier in the determination of whether or not co-composting, land application of, or other diversion methods for sludge could be countable towards diversion requirements. Per statute, unless the Board determines otherwise, sludge may become countable towards diversion credits on October 1, 1991. Assembly Bill 1520 (Sher, 1991), if signed into law, would extend the period of time for the Board to make this determination to July 1, 1992.

- Other Waste Products which would not normally be disposed at a landfill or transformation facility - cotton seed and grape pumice, fats and other rendered wastes, newsprint roll cuttings, and non-household incinerator ash are some common examples. Very small quantities of these wastes are normally disposed in some landfills, yet some jurisdictions "divert" large quantities of these waste materials to other uses, such as: livestock feed; tallow factories; pulp paper vats; and minor components of concrete blocks and soil amendments.

Since many jurisdictions may be able to demonstrate that these materials meet the definition of "normally disposed of", it may be necessary to pursue legislation which will only allow jurisdictions to count that amount of a specified waste type that it can demonstrate is currently disposed of and diverted by the jurisdiction, but not that portion which was already being diverted prior to January 1, 1990.

Alternately, the definition of "normally disposed of" could be amended in regulation, to require a greater percentage of waste types to be identified in the solid waste generation study before diversion credit may be claimed. Finally, the definition could be amended to require only post consumer wastes to be countable towards diversion, or to disallow diversion credits from certain large generators of one or more of the six groups of wastes identified in PRC section 41781(b).

5. Population Growth

Since the state of California is expected to undergo significant population growth during the next two decades, it is anticipated that the resulting growth in the amount of waste generated will have a significant impact on the state's ability to avoid a disposal crisis in one or more regions.

One of the intents of AB 939 was to avert such a disposal crisis through the conservation of disposal capacity by diverting 25 and 50 percent of waste from disposal by the years 1995 and 2000, respectively.

However, when the effect of population growth on the amount of waste generated is accounted for (see **Attachment 1**), it is apparent that even if the AB 939 diversion requirements achieve a 50 percent reduction in the amount of material landfilled, the state will still exhaust its remaining landfill capacity by the year 2010, assuming that in this time period no additional significant disposal capacity is added.

In summary, it is estimated by staff that as a consequence of population growth, the state will gain only an additional ten years of disposal capacity (see **Attachment 2**) from diversion efforts, assuming that the 50 percent diversion requirement results in a 50 percent reduction in the amount of material disposed.

6. Waste Characterization

Proper characterization of diverted solid wastes, in terms of material types and tonnage, will be a key factor in a jurisdiction's ability to accurately identify the specific wastes countable towards diversion credit. Of the eight waste categories and 36 waste types listed in Board regulations for the SWGS, six groups of wastes which overlap several waste types have been excluded from the definition of solid waste by AB 1820 (PRC Section 41781(b)) and are, under specific circumstances, excluded from being counted towards diversion:

1. Agricultural wastes
2. Inert solids
3. Scrap metals
4. Discarded white-coated major appliances
5. Sludge
6. Other waste products which would not normally disposed at a landfill or transformation facility

These six waste groups generally correspond to the following waste types listed in the Board regulations (14 CCR 18722(j)):

1. Agricultural crop residues, manure, and wood wastes from orchards
2. Inert solids
3. Ferrous metals and tin cans, non-ferrous metals including aluminum scrap; other metals
4. White goods
5. Sewage sludge and industrial sludge
6. Other special wastes

7. Waste Characterization Database

The Board has a short-term need to develop an Interim Database which will contain the essential information that the Board, Executive Office, and managers need to be proactive in identifying forthcoming solid waste issues at the local, regional and state-wide level. A full-scale, interactive waste generation database, if approved, cannot be completed for an estimated 12-18 months. A proposed Solid Waste Generation Interim Database outlined in draft form in **Attachment 3**, will allow the Board to monitor the amounts of wastes being generated, diverted and disposed on a statewide basis.

In order to develop and implement the proposed Solid Waste Generation Interim Database, Board staff have considered 12 options for database design and data entry. We have also considered the pros and cons of each option, in terms of: human resources needs; need to purchase new hardware or software; cost; implementation time; difficulty in work coordination; end-product data quality; and compatibility with the new computer system planned for Cal Center and with other databases being developed by the Board.

Staff reviewed the following options for database design: Database design completed by Board staff, or by existing Board Feasibility Study Report (FSR) contractee, or by new Board contractee.

The options staff reviewed for data input were: Data input by Board staff, by student assistants, by a new Board contract with a private firm, or by a Board contract with another state agency.

All options would require that Board professional staff in the Planning and Assistance Division compile the raw data by completing a common form (the Database Master Log), by hand or on computer. The common form contains blanks to input the "raw data" of interest which is gleaned from the SRRE and certain other data sources. Such raw data would include, for example,

the jurisdiction's waste categories and waste types, and their respective tonnages generated diverted and disposed, by statutory base year 1990, and the years 1995 and 2000. The database would also include a list of preferred programs identified in each component, and the tons to be diverted by each preferred program. (See **Attachment 3**, section IV, for the proposed data base field names.)

STAFF COMMENTS:

In summarizing the above analysis (except for the analysis of waste generation studies and the need for a waste characterization database which are commented on below) when considering what materials should be counted toward meeting the diversion requirements it is important to consider whether counting these materials will result in a significant volumetric reduction in the amount of materials landfilled. Meeting the diversion requirements and saving significant landfill capacity should be what each jurisdiction achieves in its diversion programs. If there is no significant reduction in the amount of waste disposed because jurisdictions are achieving their diversion requirements through existing programs for which they are receiving large amounts of diversion credit, then it may be advisable to measure the diversion requirements against the amount of waste disposed instead of generated.

In addition to the above, it is also important to consider the effect of a rapidly growing population on the reduction of the amount of waste generated and disposed. As indicated in **Attachment 2**, even if the 50% diversion requirement is met statewide, the state will still face a disposal shortage in the year 2010, assuming that no additional disposal capacity is added to the amount that existed in May of 1989. When the effect of population growth is considered it becomes apparent that there will be a continuing need for new and expanded solid waste facilities and for even more aggressive diversion programs.

Waste Characterization

With regard to waste characterization, there have been no significant problems brought to the Board staff's attention with regard to potential conflicts between the six waste groups listed in statute and eight waste categories and 36 waste types listed in Board regulations. Jurisdictions appear generally able to match the statutorily-excluded waste groups with the associated waste categories and types given in Board regulations, until further Board assistance.

Waste Characterization Database

With regard to the waste characterization database (i.e., the

solid waste generation database), Board staff believe the best option for database design would be to modify Board Contract No. IWM-058 (the FSR for the full-scale, interactive waste generation database). The current contractee, Mr. Tom Jacobson, has been consulted and has agreed it is possible to make changes in the contract to accomodate the expanded scope of work. The Executive Office and Board staff will investigate the possibility of amending the existing contract or issuing a new contract.

Data entry conducted by student assistants, with primary supervision by staff of the Waste Generation Analysis and Environmental Assessment Branch and secondary supervision by Local Assistance Branch staff seems the most efficient route.

Staff have reviewed 15 database software programs (including dBase IV, Ashton-Tate), 5 spreadsheet software programs (including Lotus 1-2-3 ver. 3.1+, Lotus Development Corp.), and several statistical software packages needed for the interim database system, and will make our recommendations to the Executive Office (see **Attachment 5**). Several sample fields for the full-scale interactive waste generation database have already been developed by the current contractor (see **Attachments 4a and 4b**) using one of the software programs under consideration. Staff anticipate further internal discussion of the choice of software during October.

Additionally, staff have reviewed the hardware needs to implement the interim database system, including future compatibility with the computer system to be installed at Cal Center (machines with 80386 chips operating under Windows on a LAN), staff of the Waste Generation Analysis and Environmental Assessment Branch will be consulting with the Electronic Data Processing (EDP) branch, and will make our recommendations to the Executive Office.

In terms of personnel needs, staff will be recommending to the Executive Office that one staff member of the Waste Generation Analysis and Environmental Assessment Branch would need to dedicate 25-50% of daily time to interim database implementation from now to at least January 1992. As well, the Branch manager would need to devote an equal amount of time to management of the interim database project and its staff, including student assistants.

Components of the proposed Workplan to implement this option are:

Sept/91 1. Design form for entry of raw waste characterization data and related data

Oct/91 2. Review of form by Board staff and outside reviewers
3. Staff entry of SWGS/SRRE data on forms, for each jurisdiction

4. Staff entry of demographic/geographic data on forms
5. Executive Office amendment of contract
6. Software purchase (Windows, database, spreadsheet)
7. Staff obtain dedicated computer for database
8. Consultant begins design of interim database program

Nov/91 9. Consultant completes skeleton of interim database; data input begins

Dec/91 10. [Local approval of IWMPs begins]
11. Data output tested and refined
12. Consultant finalizes database program

Jan/92 13. [First IWMPs due to Board]
14. Update of database begins, using data from submitted IWMPs

mid/92 15. [Board's first consideration of submitted IWMPs, using information from interim database]

ATTACHMENTS:

1.	Projected waste disposal with and without AB 939 Requirements.[1]
2.	Remaining Landfill Capacity with and without AB 939 Requirements.[2]
3.	Draft Outline of Solid Waste Generation Interim Database.
4a, 4b.	Draft Sample of Fields for some basic Waste Characterization Data prepared in Omnis 5.
5.	List Prices of Software under Consideration.

Prepared by: Michael Leaon Phone 327-0449
Steven K. Ault* Phone 322-4035

* Waste Characterization and Waste Characterization Database sections only.

Reviewed by: Dianne Range Phone 327-0448
Steven Ault for George Larson Phone 322-4235

Legal review: [illegible] Date/Time 10/1/91 - 5:05pm
[illegible] Date/Time "

[1]. These graphs reflect an estimate of the annual quantities of waste that will be disposed in California over the next 20 years. These estimates are based on the assumption that the state's population will reach 50 million by the year 2010, a per capita waste generation average of 8 lbs/person per day, a diversion level of 20% in the first graph, and AB 939 diversion mandates in the second graph.

[2] The projection of remaining landfill capacity is based on the base year of 1989 and assumes that no new capacity will be added during the time period of 1990-2010.

Figure 1. Waste disposed without AB 939 diversion requirements. Estimated based on a 20% statewide diversion level.

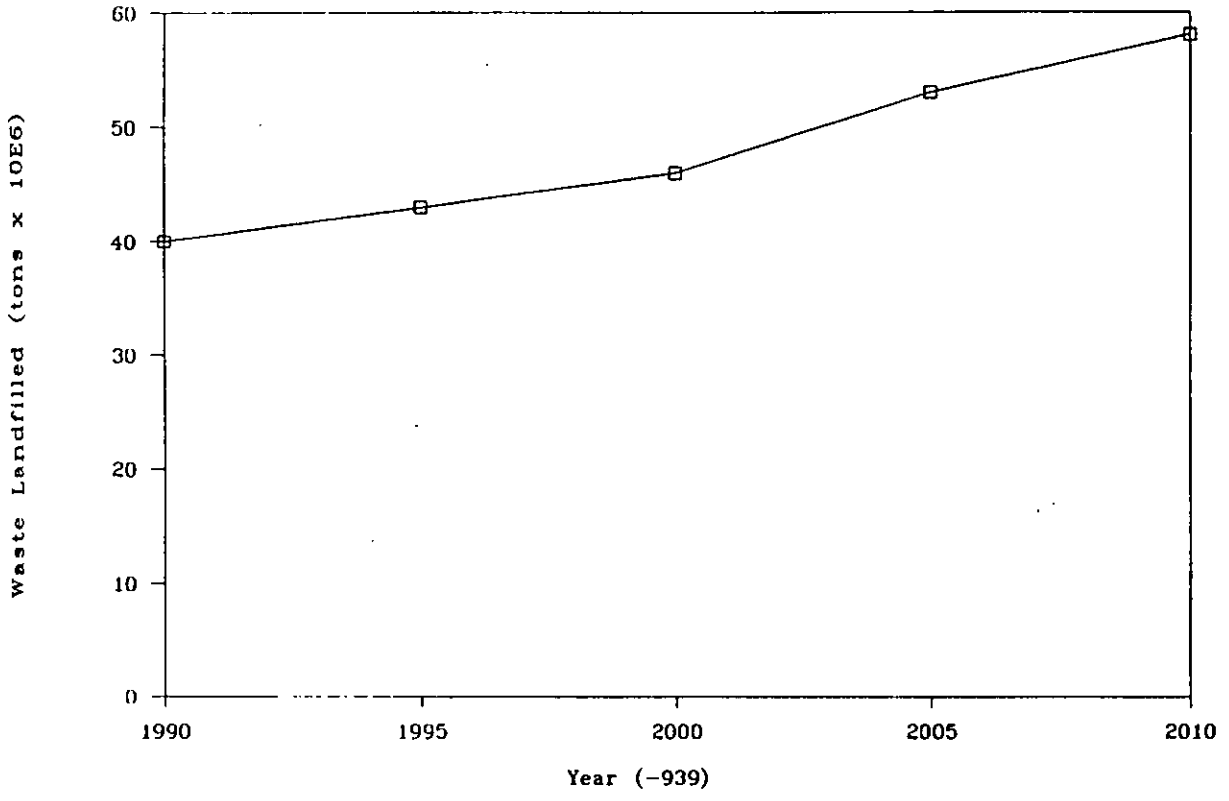


Figure 2. Waste disposed with AB 939 diversion requirements.

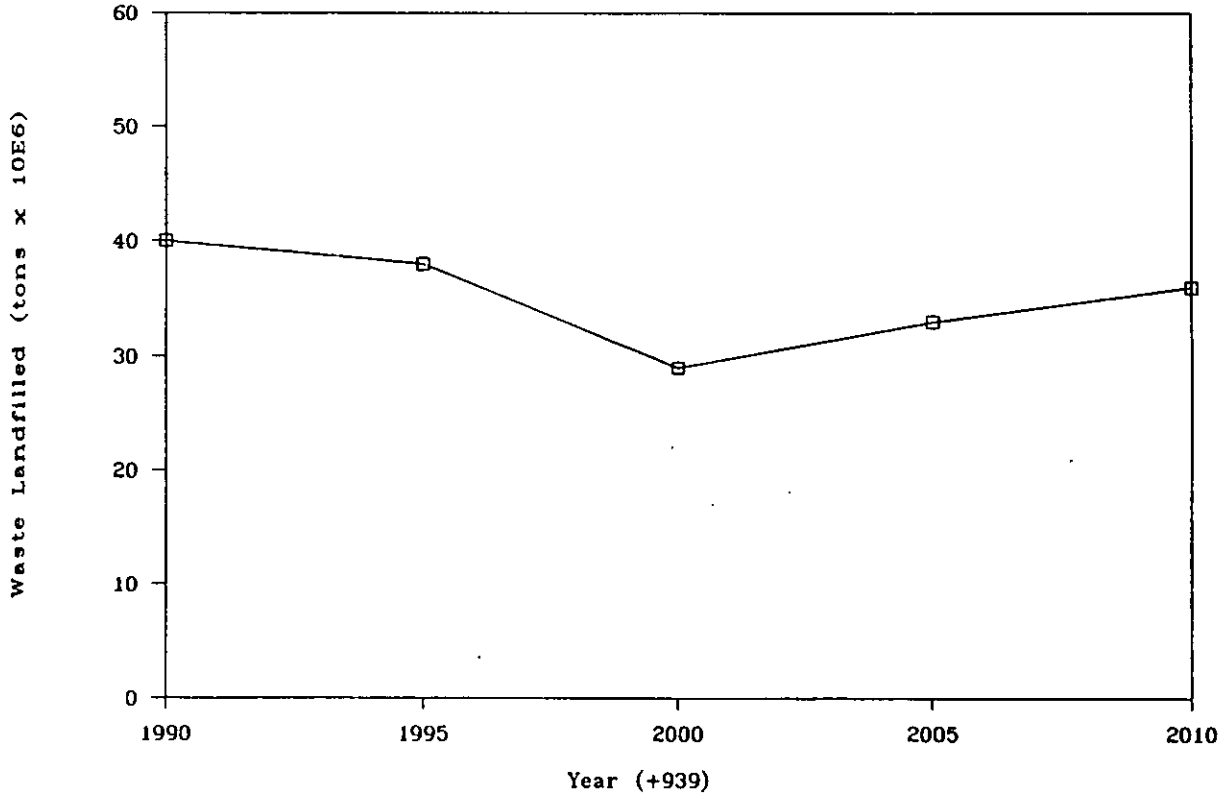


Figure 1. Remaining statewide landfill capacity without AB 939 diversion.

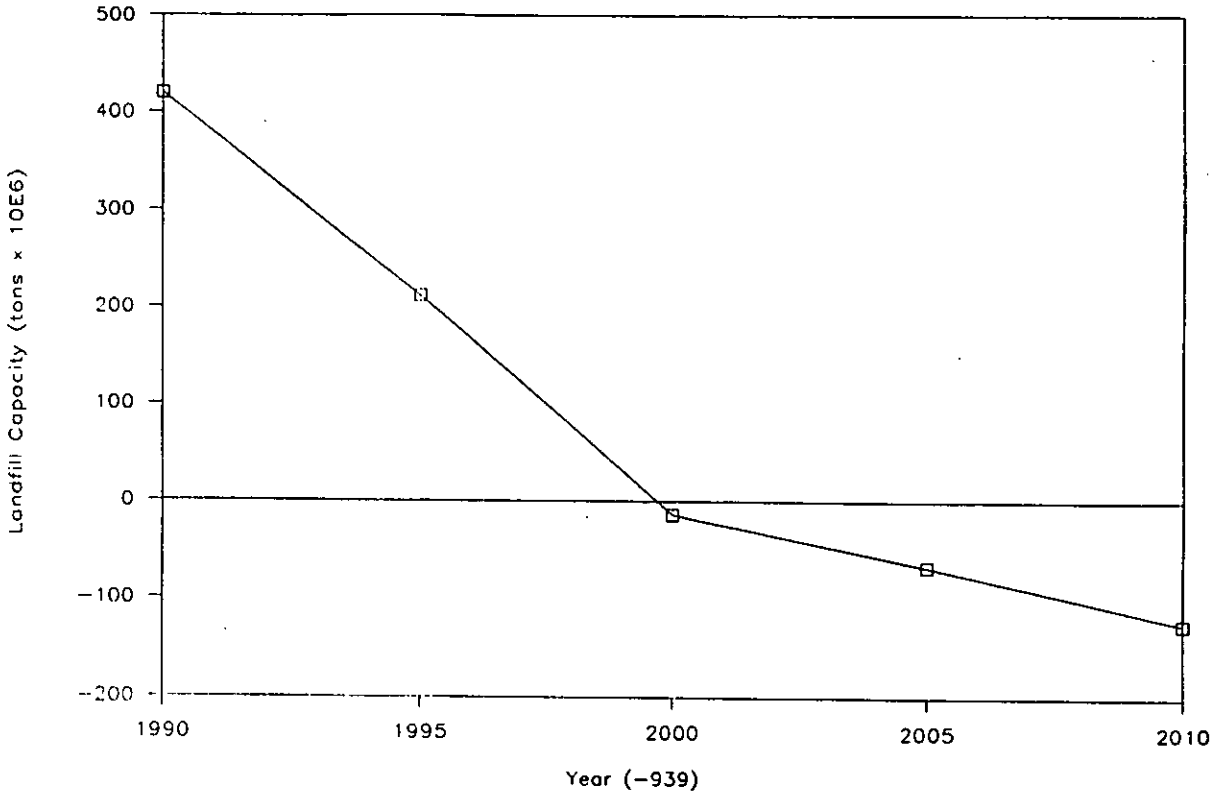
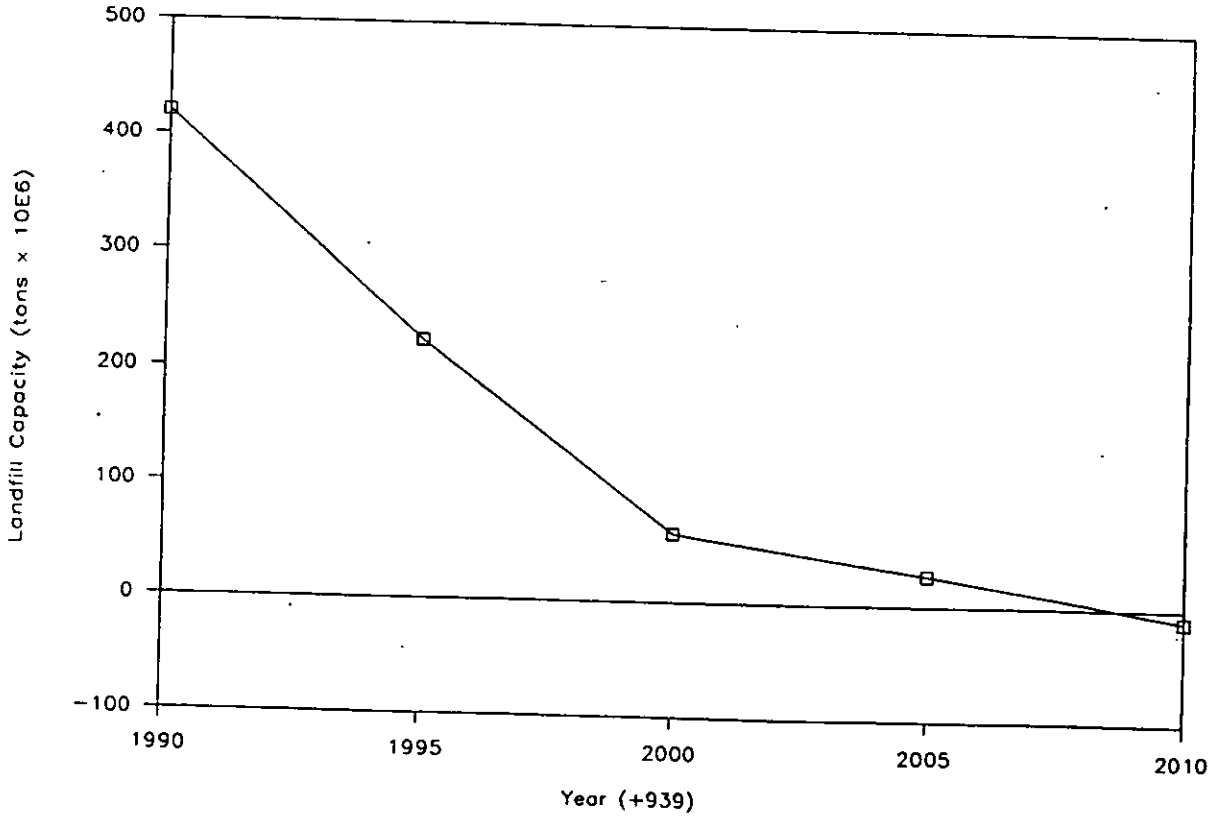


Figure 2. Remaining statewide landfill capacity with AB 939 diversion.



September 27, 1991

SOLID WASTE GENERATION INTERIM DATABASE
(Draft)

Waste Generation Analysis and Environmental Assessment Branch
Planning and Assistance Division
California Integrated Waste Management Board

I. Interim Database Objective: General

- To provide the Board a tool to help measure the success of local jurisdictions in meeting the 25% and 50% mandatory diversion goals

- To provide reports to the Board, Board staff, and other interested parties regarding solid waste generation, diversion and disposal rates and quantities in California

- To give the Board a tool to enhance decision-making about local, regional and State-wide solid waste management issues

- To manage the flow of documents in the SWGS review process within the Branch

- To fold this database into the Board's main "Solid Waste Generation Database" and "Integrated Database System", when they are completed

II. List of Reports Wanted

WASTE GENERATION DATABASE

Date of Last Entry x Jurisdiction

Waste Types x Jurisdiction x Year (1990, 1991, 1995, 2000)

Total Wastes Generated/Diverted/Disposed (tons) x Jurisdiction x Year
Total Wastes Generated/Diverted/Disposed (cu yds) x Jurisdiction x Year

99

Per Capita Generation Rate: Total Wastes Generated x Person x Jurisdiction x Year
Per Capita Diversion Rate: Total Wastes Diverted x Person x Jurisdiction x Year
Per Capita Disposal Rate: Total Wastes Disposed x Person x Jurisdiction x Year

Residential/Commercial/Industrial/Governmental/Other Wastes Generated/Diverted/Disposed (tons) x Jurisdiction x Year
Residential/Commercial/Industrial/Governmental/Other Wastes Generated/Diverted/Disposed (cu yds) x Jurisdiction x Year

Sum of Total Wastes Generated/Diverted/Disposed (tons) in State x Waste Type x Year
Sum of Total Wastes Generated/Diverted/Disposed (cu yds) in State x Waste Type x Year

Sum of Total Wastes Generated/Diverted/Disposed (tons) in State x Year (all waste types combined)
Sum of Total Wastes Generated/Diverted/Disposed (cu yds) in State x Year (all waste types combined)

Type of SWGS Study (draft, final, other) x Jurisdiction

SWGS Methodology Used (comparable data, field sampling, etc) x Jurisdiction

Date of Last Sort of Waste Disposed x Jurisdiction

Date of Data Source x Jurisdiction

CIWMB Staff Reviewer x Jurisdiction x Date

PREFERRED PROGRAMS DATABASE

Preferred Programs Identified in SRRE x Component
Tons Diverted by each Preferred Program x Component x Year (years 1990, 1991, 1995, 2000)

LANDFILL CAPACITY DATABASE

Total Remaining Landfill Capacity (cu yds; yrs) x Jurisdiction x Year (years 1991, 1995, 2000, and 2005)

Additional Disposal Capacity Needed (cu yds/yr) x Jurisdiction x Year (years 1991, 1995, 2000, and 2005)

CONSULTANTS DATABASE

Name of SWGS Consultant Firm/Preparer x Jurisdiction
Name of SRRE Consultant Firm/Preparer x Jurisdiction

LTF CONTACT DATABASE

LTF Chairperson x Address x Zip x Phone

DEMOGRAPHICS DATABASE

Total Population x Jurisdiction x Year
Population Density x Jurisdiction x Year

ENVIRONMENTAL DOCUMENT DATABASE

Type of Environmental Document x Jurisdiction x Date
Type of Environmental Document x Jurisdiction
Type of Environmental Document x Date

Type of Environmental Document Received x Jurisdiction x Date
Environmental Document Review Completed x Jurisdiction
Environmental Document Review Completed x Date

CLIMATIC AND GEOGRAPHIC DATABASE

Seasons Identified

Area of County (sq mi, sq km)
Area of City (sq mi, sq km)

III. Mandatory Information Needed to Create Database

Data from SWGS
Data from SRRE/HHWE
Data from Environmental Documents

Demographic Data (Demographic Research Unit, CA Dept of Finance)

Climatic Data (NOAA, USDA, Univ Calif Agric Extension, DWR, County Agric Commissioner, St of Calif Teale Data Center)

IV. Database Field Names

Date of Last Entry (mo/da/yr)

Jurisdiction Name:
County of ____
City of ____
Unincorporated ___

County Name

For each Waste Category and Waste Type:

- Tons Generated x Year x Source* (including 1990 baseline year)
- Tons Diverted x Year x Source (including 1990 baseline year)
- Tons Disposed x Year x Source (including 1990 baseline year)
- Confidence Interval x Waste Type

Waste Category 1: Paper
Corrugated/Brown paper bags
Mixed
Newspaper
High Grade Ledger
Other

Waste Category 2: Plastics
HDPE
PET
Film
Other

Waste Category 3: Glass
Refill Glass Beverages
CA Redemption Value
Other Recyclable
Other Non-recyclable

Waste Category 4: Metals
Al cans
Bi-metal Containers
Ferrous/Tin
Non-ferrous/Al scrap
White Goods
Other

Waste Category 5: Yard Waste
Leaves/Grass/Prunings

Waste Category 6: Other Organics
Food Waste
Tires/Rubber

Wood Waste
Agric Crop Residues
Manure
Textiles/Leather
Other Misc

Waste Category 7: Other Wastes
Inerts
HHW/HHW Containers

Waste Category 8: Special Wastes
Ash
Sewage Sludge
Indust Sludge
Asbestos
Auto Shredder Wastes
Auto Bodies
Other

Percent of Total Waste Stream (for each waste type and waste category)

Reported Overall Diversion Rate 1990 (from SWGS)
Reported Overall Diversion Rate 1991 (from SWGS)

Total Tons Generated x Year (including the 1990 baseline year)
Total Tons Diverted x Year (including the 1990 baseline year)
Total Tons Disposed x Year (including the 1990 baseline year)

Total Cubic Yards Generated x Year
Total Cubic Yards Diverted x Year
Total Cubic Yards Disposed x Year

Cubic Yards Generated x Year x Source
Cubic Yards Diverted x Year x Source
Cubic Yards Disposed x Year x Source

Name of Data Source (Draft SRRE, Final SRRE, Other SWGS)
Date of SWGS

Consultant's Name
Consultant's Address
Consultant's Zip
Consultant's Phone

Jurisdiction Contact Name
Jurisdiction Contact Address
Jurisdiction Contact Zip
Jurisdiction Contact Phone

LTF Chairperson
LTF Address
LTF Zip
LTF Phone

Date SWGS Received
Date SWGS Comments Due
Date SWGS Comments Completed
Name of Branch's Staff Reviewers

Seasons Identified (None, Season Name, No. of Seasons)

Methodologies Used x Source of Waste Generation:
- Quant Field Analy
- Materials Flow
- Comparable Data In-State
- Comparable Data Out-of-State
- Jurisdiction-Specific Data

Date of Last Field Sort of Waste Disposed

Type of Environmental Document Received
Date Envir Doc Received
Date Staff Comments Sent on Envir Doc
Name of Branch's Staff Reviewers
Notes on Envir Doc

Jurisdiction Total Population x Year
Jurisdiction Population Density (sq mi, sq km) x Year

Preferred Programs Identified in SRRE x Component
Tons Diverted by each Preferred Program (years 1990, 1991, 1995, 2000)

Total Remaining Landfill Capacity (cu yds; yrs) x Jurisdiction x Years 1991, 1995, 2000, and 2005

Additional Disposal Capacity Needed (cu yds/yr) x Jurisdiction x Years 1991, 1995, 2000, and 2005

* Source (of Waste Generation) = Residential, Commercial, Industrial, Governmental, Other

V. Database Users

Branch Staff and Managers
Division Staff and Managers
Other Board Staff and Managers

Board Members and Advisors

California Environmental Protection Agency Staff

Legislators and Governor's Office

Local Government Staff
Other State Agency Staff
Federal Agencies Staff (EPA, etc.)

Private Industry/Private Sector
Public Interest Groups (CAW, Sierra Club, etc.)

Attorneys and their Clients (litigation)

VI. Notes

- Interim database may have to serve the Board for at least a 12-18 month period.
- Goal: Data to be timely on a daily and weekly basis.
- Goal: Data to be available within the hour.
- Database to be Omnis 5 (Blyth Software), FoxPro ver. 2.0 (Fox Software) or Paradox ver. 3.5 (Borland International).
- Spreadsheet to be Excel (Microsoft Corp.) ver. 3.0.
- Statistical package to be KnowledgeSeeker (FirstMark Technologies Ltd.).
- Interim Database system to run on stand-alone 80386 personal computer with hard disk, mouse, and Windows ver. 3.0 (Microsoft Corp.) graphical interface program.
- Staff member will complete a standard data-entry form (Database Master Log) with the data (records entered into fields) needed for the database.
- Data on standard form will be entered by data-entry clerk (student assistants, contract state agency, contract private firm, or Board clerical staff) on a weekly basis.

- Managers will be responsible for ensuring that data is provided to data-entry personnel on a weekly basis.
- Verification/Cross-check by comparing Database Master Log to data printout.
- Database Master Log to be numbered "page __ of __ pages", for ease of clerical entry.
- Database Master Log to be kept in Jurisdiction file.

	Sample Method	Guessed	Guessed	Guessed	Guessed	Guessed
	Author	Joe's Engineering	Joe's Engineering	Joe's Engineering	Joe's Engineering	Joe's Engineering
	Date	91	91	91	91	91
	Revision	6	6	6	6	6
	Confidence Quotient	2	2	2	2	2
			Percentage of Total by Jurisdiction			
	Jurisdiction	Jusidiction 1	Jusidiction 2	Jusidiction 3	Jusidiction 4	Jusidiction 5
TOTAL		100%	100%	100%	100%	100%
Paper		11%				
	Corrugated Containers	4%				
	Mixed Paper	3%				
	Newspaper	1%				
	High Grade Ledger Paper	1%				
	Other Paper	2%				
Plastics		13%				
	HDPE Containers	3%				
	PET Containers	3%				
	Film Plastics	4%				
	Other Plastics	3%				
Glass		5%				
	Refillable Beverage Container	1%				
	Cal Redemption Value Containers	2%				
	Other Refillable Glass	1%				
	Other Non-Refillable Glass	1%				
Metals		14%				
	Aluminum Cans	2%				
	Bi-Metal Containers	4%				
	Ferrous Metals & Tin Cans	2%				
	Non-Ferrous Metals/Aluminum Scrap	1%				
	White Goods	4%				
	Other Metals	1%				
Yard Waste		28%				
	Leaves, Grass, Prunings					
Other Organics		14%				
	Food Waste	1%				
	Tires & Rubber	3%				
	Wood Waste	2%				
	Agricultural Crop Residue	2%				
	Manure	1%				
	Textiles and Leather	3%				
	Other Organics	2%				
Other Wastes		10%				
	Inert Solids	6%				
	Household Hazardous Waste	4%				
Special Wastes		5%				
	Ash	1%				
	Sewage Sludge	0%				
	Industrial Sludge	0%				
	Asbestos	0%				
	Auto Shredder Waste	2%				
	Auto Bodies	1%				
	Other	1%				

	Jurisdiction	LA County				
	Sample Method	Guessed				
	Author	Joe's Engineering				
	Date	91				
	Revision	6				
	Confidence Quotient	2				
			Disposed	Diverted	Disposed	Diverted
			Tons	Tons	Volume	Volume
TOTAL						
Paper						
	Corrugated Containers	1				
	Mixed Paper	2				
	Newspaper	3				
	High Grade Ledger Paper	4				
	Other Paper	5				
Plastics						
	HDPE Containers	6				
	PET Containers	7				
	Film Plastics	8				
	Other Plastics	9				
Glass						
	Refillable Beverage Container	10				
	Cal Redemption Value Containers	11				
	Other Refillable Glass	12				
	Other Non-Refillable Glass	13				
Metals						
	Aluminum Cans	14				
	Bi-Metal Containers	15				
	Ferrous Metals & Tin Cans	16				
	Non-Ferrous Metals/Aluminum Scrap	17				
	White Goods	18				
	Other Metals	19				
Yard Waste						
	Leaves, Grass, Prunings	20				
Other Organics						
	Food Waste	21				
	Tires & Rubber	22				
	Wood Waste	23				
	Agricultural Crop Residue	24				
	Manure	25				
	Textiles and Leather	26				
	Other Organics	27				
Other Wastes						
	Inert Solids	28				
	Household Hazardous Waste	29				
Special Wastes						
	Ash	30				
	Sewage Sludge	31				
	Industrial Sludge	32				
	Asbestos	33				
	Auto Shredder Waste	34				
	Auto Bodies	35				
	Other	36				

Attachment 5

List Prices of Software under Consideration

The total for the manufacturer's list prices for all the software packages under consideration ranges from $1884 - $2089:

$99	Windows ver. 3.0	[Graphic Interface]
$1000	Omnis 5 }	[Database]
$795	Paradox ver. 3.5 }	(one of three)
$795	FoxPro ver. 2.0 }	
$495	Excel ver. 3.0 for Windows	[Spreadsheet]
$495	KnowledgeSeeker ver. 2.0	[Statistics]
$1884- 2089	TOTAL	

Installation of the software on a dedicated, stand-alone 80386 - chip computer with large hard disk capacity, is considered by staff to be the desirable option.

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
PERMITTING AND ENFORCEMENT COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

October 9, 1991
10:00 am

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.**

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

pulled 1. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR PINE GROVE TRANSFER STATION, AMADOR COUNTY

pulled 2. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR ELSINORE DISPOSAL SITE, RIVERSIDE COUNTY

3. CONSIDERATION OF ADOPTION OF REGULATIONS FOR FINANCIAL RESPONSIBILITY FOR OPERATING LIABILITY CLAIMS 1

4. CONSIDERATION OF FORMAL ADOPTION OF ARCHITECT-ENGINEER CONTRACT REGULATIONS 48

5. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COUNTY OF TEHAMA LOCAL ENFORCEMENT AGENCY JURISDICTION 57

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6. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COUNTY OF NAPA LOCAL ENFORCEMENT AGENCY JURISDICTION 84

7. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COUNTY OF SONOMA LOCAL ENFORCEMENT AGENCY JURISDICTION 113

PULLED 8. CONSIDERATION OF LEA DESIGNATION AND CERTIFICATION REGULATIONS

9. CONSIDERATION OF STATUS CONCERNING TUOLUMNE COUNTY ADMINISTRATIVE OFFICE ACTING AS OPERATOR OF SOLID WASTE FACILITIES 150

10. OPEN DISCUSSION

11. 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

Permitting and Enforcement Committee

October 9, 1991

AGENDA ITEM 3

ITEM: Consideration of Adoption 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 on the regulation package. Public comments were heard during the Permitting and Enforcement Committee meeting held on that day.

On June 21, 1991, the first amended proposed regulations were noticed for an additional 15-day public comment period to address changes made to the proposed regulations. This 15-day comment period closed at 4:00 pm on July 8, 1991.

On July 9, 1991, the amended regulations were brought before the Permitting and Enforcement Committee. The committee instructed staff to contact the Department of Insurance regarding the requirements of the regulations, and to amend the language in Section 18236 - Insurance, if necessary, to satisfy concerns of the public.

On August 7, 1991, Board advisors, staff and Board counsel met with counsel from the Department of Insurance regarding the insurance issues and coverage requirements of the proposed regulations.

On September 18, 1991, the Permitting and Enforcement Committee directed staff to "notice" the proposed amended regulations for an additional 15-day public comment period.

On September 19, 1991, the proposed regulations (Attachment 2) were noticed for an additional 15-day public comment period due to amendments to the language. The comment period closed on October 4, 1991.

ANALYSIS:

Board staff will summarize all comments received during the public comment period and identify the responses to the comments for concurrence by the Committee.

STAFF COMMENTS:

Staff believe that there are two actions for the Committee to pursue. The first is to recommend the proposed regulations with amendments for adoption at the October 30th Board meeting. The second is to direct Board staff to make additional changes to the proposed regulations and bring them back for Committee concurrence.

ATTACHMENTS:

1. PRC 43040 (AB 939, Sher, Statutes of 1989, Chapter 1095)
2. Amended Proposed Regulations
3. Board Resolution No. 91-72

Agenda Item Prepared By: Richard Castle RC Phone 327-9348

Agenda Item Approved By: Garth Adams GA by RC Phone 327-9287

Approved by Legal: MOM Date 9/23/91 Time 2:18pm

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

September 19, 1991

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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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

Underline identifies new proposed regulations to be added to the California Code of Regulations.
Redline identifies amendments to the proposed regulations which will add language.
~~Strikeout~~ identifies amendments to the proposed regulations which will delete language.

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 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~~July 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 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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(5) "Corporate guarantee" means a contract meeting the requirements of section 18239 of this Article through which a guarantor promises that, if an operator fails to pay a claim by a third party for bodily injury and/or property damage caused by an accidental occurrence, the guarantor shall pay the claim on behalf of the operator.

(6) "Excess coverage" means assurance for third party 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.

(7) "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 bodily injury and property damage caused by accidental occurrences by satisfying the prescribed set of financial criteria.

(8) "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.

(9) "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.

(10) "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 bodily injury and property damage caused by an accidental occurrence.

(11) "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 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.

(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.

(14) "Primary coverage" means the first priority coverage for third party bodily injury and property damage costs up to a specified limit when used in combination with other coverage.

(15) "Property damage" means physical injury to tangible property, 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.

(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.

(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:

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."

(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 on 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 those operations, or

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6. That particular part of any property that must be restored, repaired or replaced because the operator's work was incorrectly performed on it.

(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, but not limited to, a trustee, an insurer, ~~a risk retention group,~~ or a guarantor.

(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 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 3 facilities.

(4) Four million dollars ($4,000,000) annual aggregate for 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 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 130 (5/91), which is incorporated by reference.

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(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 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 shall be regulated by a federal or state agency, or the provider 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)~~ ~~B~~be an insurer 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)~~ ~~B~~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.~~

(c) If coverage is obtained as described in section (b) of this section, the insurance shall be transacted by and through a surplus line broker currently licensed under the regulations of the California Department of Insurance (California Insurance Code (CIC), Division 1, Part 2, Chapter 6) and upon the terms and conditions prescribed by the California Department of Insurance.

(d) The Board or its designee may object to the use of any insurer at anytime, whether before or after placement of coverage based on information obtained from, but not limited to, the Surplus Line Association of California, Best's Insurance Reports, and/or the Non-Admitted Insurers Quarterly List.

(~~e~~e) Each insurance policy shall be either:

(1) Evidenced by a certificate of liability insurance established by using form CIWMB 131 (5~~7~~/91), which is incorporated by reference; or

(2) Amended and evidenced by a liability insurance endorsement established by using form CIWMB 132 (5~~7~~/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 133 (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 134 (5/91) or CIWMB 135 (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 134 (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 135 (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 136 (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 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	☐ Incorporated in the State of_____
☐ Partnership ☐ Proprietorship	☐ A National Bank
In the State of_____	

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 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 _____ per occurrence and _____ 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.

(b) "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.

(c) Any obligation of the Grantor under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(d) "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.

This exclusion applies:

(1) Whether the Grantor may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay another person who must pay damages because of the injury

(e) "Bodily injury" or "property damage" 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 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).

(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;

(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 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 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 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 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~~ Toxic Substances Control, 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)

Name	Address	Facility Information Number	LIMITS OF LIABILITY 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 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~~ Toxic Substances Control, 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)

Name	Address	Facility Information Number	LIMITS OF LIABILITY 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 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~~ Toxic Substances Control, 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 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~~ Toxic Substances Control, 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 134 (5/91).

(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/Toxic Substances Control~~, 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 135 (5/91).

(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~~ Toxic Substances Control, 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:

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:

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.

7. The fiscal year of this firm ends on _____
(Month/Day)

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 _____.

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 136.

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 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 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 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 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 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~~Toxic Substances Control, 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 91-72
October 30, 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 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; and

WHEREAS, the Board has consulted with the U.S. Environmental Protection Agency, the California Department of Health Services, California Department of Insurance, members of the affected industry and the public at large while developing financial responsibility for operating liability claims regulations in accordance with Public Resources Code Section 43040; and

WHEREAS, the Board has taken all 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 of the California Code of Regulations, Section 20.

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.

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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE
OCTOBER 9, 1991

AGENDA ITEM 4

ITEM:

Consideration of Formal Adoption of Architect-Engineer Contract Regulations.

BACKGROUND:

The Public Hearing for the Proposed Architect-Engineer (A-E) Contract Regulations was held by this Committee on September 18, 1991. No oral comments were made by the public. The end of the day on September 18, 1991 (5:00 pm) also marked the end of the 45-day public comment period. Only one comment, which was submitted in writing, was received by the Board during this comment period.

Revisions which were proposed at the September 18, 1991 Permitting and Enforcement Committee Meeting have been made. These revisions were in response to the one comment received from the public and to preliminary suggestions made by the Office of Administrative Law (OAL) when it reviewed these regulations as emergency regulations in August 1991. All of the revisions were explained in detail in the September 18, 1991 Permitting and Enforcement Committee Agenda Item 1, and are shown clearly in Attachment 1, the proposed regulations.

The revised A-E regulations, together with a 15-day Notice of Comment-on-Change and a cover letter, were mailed on September 24, 1991, with the Committee's approval. This postmark initiated the additional 15-day public comment period which will end on October 9, 1991.

ANALYSIS:

As stated above, the proposed regulations are shown in Attachment 1. The original text, as formally noticed on August 2, 1991, is redlined. Revisions in the form of additions are indicated with underline and revisions in the form of omissions are indicated with ~~strikeout~~.

For convenience, the revisions which were made to the noticed A-E regulations, will again be summarized in this agenda item. The revisions made to this document were in response to two different sources of comments:

First, the originally proposed and noticed text was submitted to the OAL as proposed emergency regulations in addition to being formally noticed as proposed permanent regulations in July 1991.

The OAL required several minor revisions be made to the emergency regulations. Therefore, the same changes were made to the formally noticed regulations. In addition, OAL suggested, but did not mandate, a few other small changes which were made and are indicated on Attachment 1.

Second, one written comment was received during the 45-day public comment period. This comment was submitted by a representative of Brown, Vence, and Associates who requested more detail on Section 17027, Emergency Contracting.

In response to the above suggestions, Section 17027 was more thoroughly justified and more detail was added. That is, some of the more time consuming procedures, (announcement, formal ranking, and interviewing), which are detailed in Sections 17020 - 17029 may not be followed in cases where the Board makes a Finding of Emergency. Those procedures, as well as the procedures which must be followed (selection criteria, and fee determination), are now specified. Also, the regulation now states that for the Board to make a Finding of Emergency, it must determine that conditions at a solid waste facility pose an imminent threat to life or health and insufficient time exists to implement the procedures in proposed Sections 17020 -17029.

The addition of Section 17029, Unlawful Activities and Conflict of Interest, is included to specifically eliminate unlawful activities such as rebates and kickbacks from the selection process. It also excludes Board employees with potential conflicts of interest from participating in the contractor selection process.

Section 17022, Selection Criteria, was a little too vague and, therefore, was made to be more specific. Also, all of the sections' reference citations were more clearly specified. The above mentioned changes were made as well as minor wording changes. A detailed explanation of each revision will be available at the October 9, 1991 Committee Meeting.

The revised document is currently in its 15-day Comment-On-Change period. This period will end on October 9, 1991. If no further revisions are required, staff will request that the regulations be forwarded to the Board for formal adoption at the October 30, 1991 meeting. If revisions, resulting from comments submitted during the additional 15-day public comment period, are necessary, staff will be requesting approval to make further changes and initiate another 15-day Comment-On-Change period. Staff does not anticipate the necessity for further revisions.

STAFF COMMENTS:

If no revisions resulted from the 15-day Comment-On-Change period, Committee members are requested to approve the A-E Contract Regulations and forward them to the Board for adoption.

If revisions resulted from the 15-day Comment-On-Change period, and the revisions are considered sufficiently related, Committee members are requested to approve revisions and direct staff to initiate a second 15-day Comment-On-Change period.

ATTACHMENTS:

1. Proposed Architect-Engineer Regulations
2. Board Resolution No. 91-___

Prepared by: Terri A. Rieken Phone 445-9563
Reviewed by: Gregg Jacob Phone 445-9587
Legal review _____ Date/Time 10-1-91 10:00am

CALIFORNIA CODE OF REGULATIONS

REVISED PROPOSED REGULATIONS

TITLE 14, DIVISION 7, CHAPTER 1

ARTICLE 2. Contracting with Architectural, Engineering, Environmental, Land Surveying and Construction Project Management Firms.

17020. Definitions.

As used in these regulations:

(a) "Architectural, engineering, environmental, ~~and~~ land surveying services," and "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.

(e) "DVBE" means Disabled Veteran Business Enterprise.

(~~e~~f) "Small Business Firm" has the meaning set forth in Section 14837(c) of the Government Code.

Authority cited: Section 40502, Public Resources Code
Section 4526, Government Code

Reference cited: Sections 4525, 4526, ~~4525 — 4529.5~~ Government Code
Sections 45402, 45403 Public Resources Code

17021. 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 contract identification number, 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, 4529.5, ~~4525 – 4529.5~~ Government Code
Sections 45402, 45403, Public Resources Code

17022. Selection Criteria.

The board shall select firms based on their ability to perform the specific functions outlined in the RFQ. The criteria for selection will include:

~~(a) Professional excellence, demonstrated competence, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, of the firm, location, professional awards and other considerations deemed relevant.~~

(a) Overall professional experience, reliability, and continuity of the firm as related to the tasks described in the RFQ.

(b) Professional experience of the firm in executing contracts of a similar nature.

(c) Adequacy of personnel numbers within specific disciplines required to complete the work required by the RFQ.

(d) Experience and training of key personnel as related to the work described in the RFQ.

(e) Adequacy of number of principal(s) which are intended to be assigned to the contract.

(f) Knowledge of applicable regulations and technology associated with the contract.

(g) Quality and timeliness of recently completed or nearly completed projects which were similar to the work described in the RFQ.

~~(b)~~(h) Specialized qualifications for the services to be performed.

~~(c)~~(i) Compliance with M/WBE and DVBE goals or good faith effort pursuant to Public Contract Code section 10115 et seq.

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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, 4529.5, ~~4525 – 4529.5~~ Government Code
Sections 45402, 45403, Public Resources Code

17023. 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 the ~~established~~ selection criteria contained in Section 17022. 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, 4529.5, ~~4525 — 4529.5~~ Government Code
Sections 45402, 45403, Public Resources Code

17024. 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 by board staff 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 above and continue the negotiation procedure until an agreement is reached.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4528, ~~4525 — 4529.5~~ Government Code
Sections 45402, 45403, Public Resource Code

17025. 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.~~

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4528, ~~4525 — 4529.5~~ Government Code Sections 45402, 45403, Public Resource Code

17026. 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, ~~4525 — 4529.5~~ Government Code Sections 45402, 45403, Public Resource Code

17027. Emergency Contracting.

Where the board makes a finding of emergency, the board may negotiate a contract for such services without following procedures in Sections 17020 - 17029. The finding of emergency must include 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 selection criteria will be the same as those listed in Section 17022 and fees will still be negotiated as described in Section 17024. The announcement, formal ranking, and interviewing procedures, as specified in Sections 17021 and 17023 may be by-passed.

Authority cited: Section 4526, Government Code Section 40502, Public Resources Code

Reference cited: Sections 45001, 45002, 45402, and 45403, Public Resources Code ~~4525 — 4529.5, Public Resource Code~~

17028. 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, ~~4525 - 4529.5~~ Government Code
Sections 45402, 45403, Public Resource Code

17029. Unlawful Activities and Conflict of Interest.

Practices which might result in unlawful activity, including, but not limited to, rebates, kickbacks, or other unlawful consideration are prohibited. Additionally, a board employee shall not participate in the selection process if the employee has a relationship of a type specified in section 87100 of the Government Code, with a person or business entity seeking a contract subject to this chapter.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Section 4526, Government Code
Sections 45402, 45403, Public Resource Code

Attachment 2

California Integrated Waste Management Board
Resolution 91-00
October 30, 1991

WHEREAS, formal notice of rulemaking activity was published on August 2, 1991, the 45-day public comment period has passed, and the Board has held a public hearing on September 18, 1991 to consider the adoption of regulations pertaining to the contracting of engineering and environmental services; and

WHEREAS, the Board held a 15-day public comment period on changes the Board's Permitting and Enforcement Committee approved at its September 18, 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 the proper procedures for contracting engineering and environmental services 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 Architect-Engineer contract regulations to be codified in 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 91-00 duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 9, 1991

AGENDA ITEM 5

ITEM: Consideration of Facilities Evaluation Report for County of Tehama Local Enforcement Agency Jurisdiction

BACKGROUND:

The Public Resources Code (PRC) Section 43219(b) states that the California Integrated Waste Management Board (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(c) states that 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. In addition, PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate State Minimum Standards. The inventory has been designated by the Board as the State List of Non-Complying Facilities.

ANALYSIS:

The County of Tehama Health Department, Division of Environmental Health is the sole Local Enforcement Agency for Tehama County. There is one active "conventional" landfill, one active woodwaste landfill, one inactive woodwaste landfill, three active small volume transfer stations, one inactive recycling facility, and fourteen closed, illegal, or abandoned sites within the LEA's jurisdiction.

During March 1991, each active and inactive solid waste facility within Tehama County was inspected by Board staff in conjunction with the Local Enforcement Agency (LEA), pursuant to PRC Section 43219(b). Closed, illegal, and abandoned sites which could be located were also assessed and referred to the Board's Closed, Illegal and Abandoned Sites Branch.

At the time of the exit interview, September 19, 1991, two of the seven solid waste facilities within the LEA's jurisdiction continue to be in violation of at least one State Minimum Standard.

No significant violations of state minimum requirements were documented during the evaluation that had not been previously identified and resolved by the LEA.

The Tehama County LEA has generally implemented their Enforcement Program at an acceptable level. They have performed monthly

inspections of all active, permitted facilities since January, 1990. However, although the Tehama County LEA has initiated the steps necessary for issuing SWFPs for many of the active, non-permitted sites, they must continue efforts required to determine the need for SWFPs and to ensure that, when needed, all SWFPs are issued and processed in a timely manner.

Board staff, in conjunction with the LEA, will re-inspect all facilities within the LEA's jurisdiction again next year, pursuant to PRC Section 43219(b).

Board staff has prepared a Facilities Evaluation Report (FER) outlining the compliance status of the solid waste facilities as well as the effectiveness of the Tehama County LEA's Programs. The FER is included as Attachment 1 of this Agenda Item.

STAFF COMMENTS:

1. Pursuant to 30 PRC 44104, Board staff recommends that the Board notify the owner and operator of each of the following solid waste facilities of the Board's intent to include each site on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of the Board notice:

Manton Transfer Station	(52-AA-0004)
Paynes Creek Transfer Station	(52-AA-0006)

   Without following up with a notice of intent to place these sites on the List, there would be further delays in bringing the sites into compliance with State Minimum Standards.

2. Initiating a Performance Review or Periodic Review of the LEA signifies that the LEA did not identify and resolve significant violations of state minimum requirements or did not fully implement its LEA program. Board staff finds that there is not a need to pursue further review of the Tehama County LEA at this time.

3. Board staff finds the Board should recommend that the LEA increase their efforts in determining permit status for non-permitted sites in order for the LEA to obtain and/or maintain their certification.

ATTACHMENTS:

1. Facilities Evaluation Report for the County of Tehama

Prepared by: RH Robert Holmes/H. Thomas Unsell SA for TU Phone: 2-8414

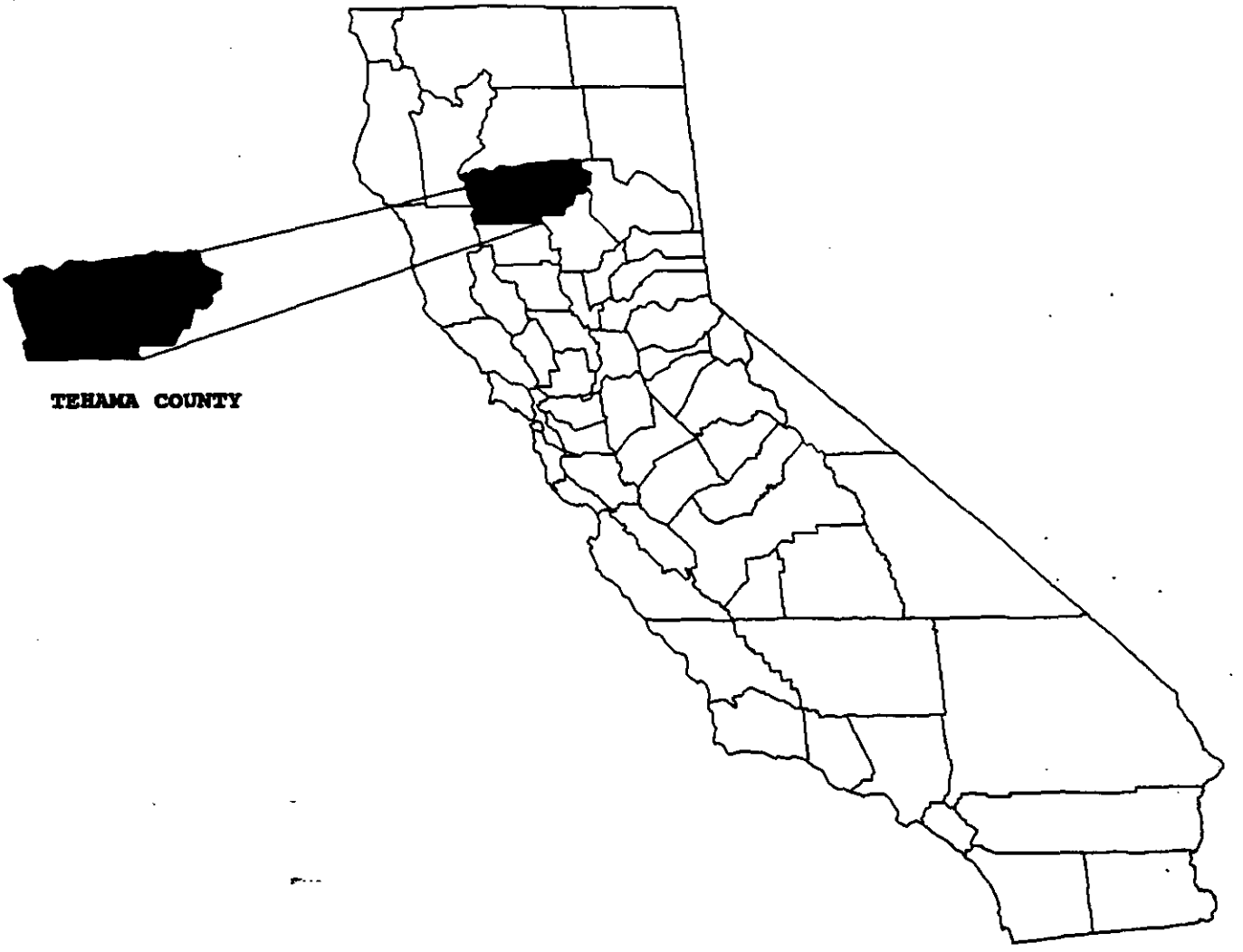
Reviewed by: John K. Bell JKB by SA 9/25/91 Phone: 3-6520

Legal Review: RGC 9.27.91 Date/Time: 0939

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Facilities Evaluation Report

County of Tehama, LEA Jurisdiction, 52-AA



Prepared By:

Robert Holmes
Waste Management Specialist
Compliance Branch, Unit B
Permitting and Compliance Division

October 9, 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 TEHAMA, LEA 52-AA

EXECUTIVE SUMMARY

The Tehama County Health Department is the sole Local Enforcement Agency (LEA) for the County of Tehama. There is one active "conventional" landfill, one active woodwaste landfill, one inactive woodwaste landfill, three active small volume transfer stations, one inactive recycling facility, one closed woodwaste landfill, and ten illegal or abandoned sites within the LEA's jurisdiction.

In March, 1991, each solid waste facility and disposal site within the County of Tehama 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(b).

Three out of seven permitted solid waste disposal facilities were found to be in violation of at least one State Minimum Standard. Two of those facilities remain in violation. Board staff will therefore recommend that the Board give each operator of a non-complying facility a notice of the Board's intent to place the site on the State List of Non-Complying Facilities pursuant to PRC Section 44104 unless all violations are corrected within 90 days. No other facilities in the County of Tehama 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.

The County of Tehama LEA has generally implemented their Enforcement Program at an acceptable level. They have performed monthly inspections of all active, permitted facilities since January, 1990. However, although the County of Tehama LEA has initiated the steps necessary for issuing SWFPs for many of the active, non-permitted sites, they must continue efforts required to determine the need for a SWFPs and to ensure that, when needed, all SWFPs are issued and processed in a timely manner. Board staff finds the Board should recommend that the LEA increase their efforts in determining permit status for non-permitted facilities in order for the LEA to obtain and/or maintain their certification.

FACILITIES EVALUATION REPORT
COUNTY OF TEHAMA, LEA JURISDICTION 52-AA

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A. LEA WRITTEN COMMENTS (No written comments submitted)
B. LEA INSPECTION SUMMARY
C. STATE ANNUAL INSPECTION REPORTS

PROGRAM GOALS

The goal of the California Integrated Waste Management Board's Facilities 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 and are operated to protect the environment and ensure the public health and safety.

Local Enforcement Agencies (LEAs) have the primary responsibility for ensuring the proper operation and closure of solid waste facilities. As agents of the state, the LEAs enforce state solid waste laws and regulations and implement Board policies.

A primary goal of the Board is to ensure that LEAs are implementing effective Enforcement Programs. One way the Board accomplishes this task is by inspecting all solid waste facilities on an annual basis through its Facilities Evaluation Program. This program not only allows the Board to monitor compliance at solid waste facilities, it also allows the Board to evaluate the effectiveness of LEA Programs.

STATUTORY AUTHORITY

The Facilities Evaluation Program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) **PRC Section 43219(b)** "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...".

2) **PRC Section 43214** "The board shall develop performance standards for evaluating local enforcement agencies and shall periodically review each enforcement agency and its implementation of the permit, inspection, and enforcement program. The Board's review shall include periodic inspections of solid waste facilities to assess compliance with state standards".

3) **PRC Section 44104** "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 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...".

4) **PRC Section 43219(c)** "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, prepare a written performance report within 60 days of the review, and require the submission of a plan of correction by the enforcement agency within 90 days of the report".

5) PRC Section 43215 "If the board finds that an enforcement agency is not fulfilling its responsibilities, the board shall notify the enforcement agency of the particular reasons for finding that the enforcement agency is not fulfilling its responsibilities and of the board's intention to withdraw the approval of the designation if, within a time to be specified in that notification, but in no event less than 30 days, the enforcement agency does not take the corrective action specified by the board".

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered individually. To initiate, the annual Facilities Evaluation process within an LEA jurisdiction, Board staff meet with the LEA to discuss the review process and the LEA's responsibilities during the review. Permitting, closure/ postclosure maintenance, implementation of AB 939 and other pertinent issues are also discussed.

Each permitted solid waste facility within an LEA's jurisdiction is then inspected by Board staff in conjunction with an inspection conducted by the LEA. Facilities are evaluated for compliance with applicable sections of the Public Resources Code (PRC) and Title 14 of the California Code of Regulations (CCR). Inspection reports are transmitted to the LEA within 30 days pursuant to PRC Section 43219(b) and to the operator and other responsible agencies. All closed, illegal, abandoned, and exempt sites which can be located are also visited and assessed.

Based upon the combined results of the facility inspections, a general assessment is made of the LEA's ability to implement its Enforcement Program Plan (EPP) (14 CCR 18077, pending Office of Administrative Law (OAL) approval). A draft Facilities Evaluation Report (FER) is then prepared for the LEA jurisdiction which summarizes both the facilities inspection results and the assessment of the LEA's ability to implementation its EPP.

Upon completion of a draft FER, the report is transmitted to the LEA for review. The draft FER is then discussed with the LEA at an interagency meeting designated as the "exit interview". LEA comments are incorporated into a final draft FER which is presented to the Board's Permitting and Enforcement Committee for

consideration. Upon acceptance by the committee and then the full Board, a final FER is transmitted to the LEA.

FACILITIES 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 and the LEAs 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(b).

The operator and the LEA then have a "grace period" in which to correct all documented violations of State Minimum Standards. The 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 violations of State Minimum Standards have been corrected.

Any solid waste facility which continues to be in violation of one or more State Minimum Standard, as of the date of the LEA exit interview, will be recommended for notification 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 includes a solid waste transfer or processing station, a composting facility, a transformation facility, and a disposal facility, pursuant to PRC Sections 40194.

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 and the LEAs, 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.

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.

Exit Interview is defined as the meeting held between Board staff and the LEA to review a draft of the Facilities Evaluation Report for the LEA's jurisdiction. This meeting is held after all

inspections of solid waste facilities within the LEA's jurisdiction have been completed and Board staff has developed a draft FER.

Grace Period is defined as the period between the annual Board inspection of a solid waste facility conducted in conjunction with the LEA and the exit interview concluding the annual Facilities Evaluation process for the LEA jurisdiction. The length of the grace period may vary in length 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 a draft of the Facilities Evaluation Report. In no case will the grace period be less than 30 days.

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 must 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) pursuant to PRC Section 44106.

LEA ASSESSMENT CRITERIA

The assessment of an LEA's ability to implement its Enforcement Program Plan (EPP) (14 CCR 18077, pending OAL approval) is primarily based on the compliance status of solid waste facilities in an LEA's jurisdiction. However, the assessment also includes a general review to determine if an LEA is meeting its LEA duties and responsibilities as defined in Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval).

SIGNIFICANT VIOLATIONS OF STATE MINIMUM REQUIREMENTS

PRC Section 43219(c) states that if the Board identifies significant violations of state minimum requirements during its annual facility inspections that were not previously identified and resolved by the LEA, then the Board shall conduct a comprehensive Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced at solid waste facilities 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 violation which threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the environment or the public health, welfare or safety.

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.

Performance Review is a comprehensive review of an LEA's program pursuant to Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval).

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. Once the Performance Review is initiated by the Board, Board staff have 120 days to complete the review and another 60 days to prepare a Performance Review Report.

Upon receipt of the Performance Review 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.

LEA PROGRAM REVIEW CRITERIA

PRC Section 43214 states that the Board shall periodically review the LEA's implementation of its permit, inspection, and enforcement program. This periodic review shall include inspections of solid waste facilities to assess compliance with state standards.

If during the Facilities Evaluation process the Board determines that an LEA is experiencing difficulties with the implementation of its permit, inspection, or enforcement programs, the Board may initiate a periodic review of the LEA.

Periodic Review is a review of an LEA's permit, inspection, and enforcement program pursuant to Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval). The Periodic Review may be comprehensive or may be focused on a particular problem area identified during the Facilities Evaluation process.

PRC Section 43215 provides that if the results of a Periodic Review indicate that an LEA is not fulfilling its responsibilities, the Board must notify the LEA of its intent to withdraw its approval of the LEA's designation unless the deficiencies are corrected in a time specified by the Board, but in no case less than 30 days.

The criteria used during the Facilities Evaluations process to assess whether an LEA is experiencing difficulties with the implementation of its permit, inspection, or enforcement programs are as follows:

A) 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 solid waste 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.

B) 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.

C) Failure by the LEA to identify and resolve situations of conflicting interests where the LEA is also an operating unit

responsible for operating or administering a solid waste facility pursuant to PRC Section 43207.

D) 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 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.

E) 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 solid waste facility owner or operator has failed to comply with an enforcement order issued by the LEA <u>or</u> b) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a solid waste facility 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 solid waste 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.

LEA PERFORMANCE EVALUATION CRITERIA

If the Board determines that there is a significant violation of a state minimum requirement at a solid waste facility in an LEA's jurisdiction or that an LEA is not meeting its duties and responsibilities or implementing its inspections, permit, inspection or enforcement program, the Board will initiate a Performance or Periodic review.

Although the Board may choose not to initiate either a Performance Review or a Periodic Review, the Board may make recommendations which will assist the LEA in maintaining and/or obtaining their certification.

Recommendations are based on LEA compliance with the following LEA performance evaluation criteria.

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 closed,

abandoned, and exempt sites pursuant to 14 CCR 18083 (pending OAL approval).

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(b).

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 14 CCR 18304.

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.

COUNTY OF TEHAMA LEA

The Tehama County Health Department is the designated LEA for the jurisdiction defined as the County of Tehama (52-AA). The County of Tehama Board of Supervisors designated this agency as the LEA for: the County of Tehama on May 31, 1977; the City of Red Bluff on June 7, 1977; the City of Corning on May 23, 1977; and the City of Tehama on June 1, 1977. The Board approved the designation on July 14, 1977. The duties and responsibilities of the LEA are performed by the Tehama County Health Department, Division of Environmental Health. At the exit interview on September 19, 1991, the LEA notified staff that, effective September 1, 1991, the Tehama County Division of Environmental Health is now part of the newly established Tehama County Health Agency. The Tehama County Health Department no longer exists. A new designation from the local governing bodies has not yet been submitted to the Board. The Director of the Tehama County Division of Environmental Health at the time the facility evaluations were performed was Walter L. Kruse, R.E.H.S.; Mr. Kruse resigned effective April 16, 1991 and is now the Director of the Division of Environmental Health for the County of Tuolumne. Mr. Lee Mercer, R.E.H.S. is performing Director's duties until a new Director is appointed. Mr. Mercer is also the staff person who performs monthly inspections, writes and

TEHAMA COUNTY LEA 52-AA
FACILITIES EVALUATION REPORT

FIGURE 1

FACILITY INVENTORY

					CLOSURE	TONNAGE				WASTE	SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	YEAR	DAILY	IN PLACE	ACRES	SETTING	(SPEC.)	AIR	WATER
Tehama/Red Bluff	52-AA-0001	Landfill	Active	2/10/89	2011	100	1142Kcy	83.6	Lt. Res.	None	08/87	06/87
Louisiana Pacific	52-AA-0002	Landfill	Active	8/28/78	2002	40	100,000	79	Lt. Res.	Wood	Yes	08/90
Tehama-Los Molinos	52-AA-0003	Transfer	Closed	Cancell	1983	-	-	-	-	-	-	-
Manton	52-AA-0004	Transfer	Active	11/19/87		100 cy	N/A	3.51	Mountain	None	N/A	N/A
Mineral	52-AA-0005	Transfer	Active	8/29/78		100 cy	N/A	0.92	Mountain	None	N/A	N/A
Paynes Creek	52-AA-0006	Transfer	Active	12/3/87		100 cy	N/A	0.5	Mountain	None	N/A	N/A
Corning	52-AA-0007	Transfer	Closed	Cancell	1983	-	-	-	-	-	-	-
Paskenta	52-AA-0008	Transfer	Closed	Cancell	1983	-	-	-	-	-	-	-
Diamond	52-AA-0009	Landfill	Active	02/ /87	2022	62	650 K cy	95	Rural	Wd/Ash	w/LP	No
Tehama Co. Recycling	52-AA-0021	Transfer	Inactive	06/ /86	2006	85 cy	N/A	0.57	Industry	Recycl.	N/A	N/A
Deer Valley Road	None	Landfill	Illegal	None		None	140Ktire	unk.	Lt. Res.	Tires	No	No
City of Red Bluff	Pending	Compost	Illegal	None		unk.	100 cy	12	Rural	Sl/SS/G	No	No
Crane Mills	Pending	Landfill	Illegal	None		20	unk.	2.3	Rural	Wood	No	No
Calahan	None	Landfill	Abandon?	N/A		unk.	unk.	30	Lt. Res.	Wood	w/LP	w/LP
City of Corning	None	Dump	Abandon	N/A		unk.	unk.	unk.	Lt. Res.	SS	No	No
Red Bluff	None	Landfill	Abandon	N/A		unk.	unk.	unk.	Lt. Res.	unk.	No	No
Owl Pooey	None	Dump	Illegal	None		unk.	unk.	unk.	Rural	unk.	No	No
Lourence Ranch	None	Septage	Illegal	None		unk.	N/A	unk.	Lt. Res.	Sp/Gr	No	No
Nunes Ranch	None	Septage	Illegal	None		unk.	N/A	unk.	Rural	Sp/Gr	No	No
Fishman Property	None	Septage	Illegal	None		unk.	N/A	unk.	Lt. Res.	Sp/Gr	No	No
Dye Creek	None	Trans.?	Closed?	N/A?	unk.	unk.	unk.	unk.	Rural	unk.	No	No
Ben's Trucking	None	Treat	Illegal?	None		unk.	None	397	Lt. Res.	Cn.Soil	No	No
Manton Dump	None	Dump	Illegal	None		None	None	1	Mountain	G/other	No	No
Corning	None	Worm Fd	Illegal?	None		unk.	None	unk.		SS/Sl	No	No

cy=cubic yard
G=green waste
SS=street sweepings
Sl=septage sludge
Lt.Res.=light residential
CnSoil=contaminated soil
K=1,000
Wd=wood
Sp=septage
Gr=grease
w/LP=in conjunction with Louisiana Pacific

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reviews permits, and reviews RFIs and other documents. Mr. Mercer began performing solid waste facilities duties for the county in 1986.

The Tehama County Solid Waste Enforcement Program submitted to the Board in 1984, classifies the 52-AA jurisdiction as rural. The population, obtained from the California Department of Finance Report 90 E-1, is approximately 49,000 including three incorporated cities: the City of Red Bluff, population 12,450; the City of Corning, population 5,925; the City of Tehama, population 400. There are also several smaller towns of 200-300 persons scattered throughout the county. All of the landfills are located near the floor of the Sacramento Valley at an elevation of less than 700 feet. The mean annual rainfall in the valley is approximately 22 inches per year with more than 90 percent occurring from October through April. Three active small volume transfer stations are located in the Sierra Nevada foothills.

There are five active, permitted, and two in-active, permitted, solid waste facilities in the County of Tehama **(Figure 1)**.

There are 14 other known closed, abandoned, or illegal sites within the LEA's jurisdiction **(Figure 1)**. These sites will be reviewed by the Board's Closed, Illegal, and Abandoned Sites Branch.

FACILITY INSPECTION RESULTS

The evaluation of the County of Tehama LEA began with a meeting of Board staff Myron Amerine, Gabe Aboushanab, Andy Marino and Robert Holmes and LEA representatives, Walter Kruse and Lee Mercer, at the Board's Sacramento office on February 13, 1991. The Board's Facility Evaluation process, LEA responsibilities and the Board's LEA designation/certification process were discussed. During March, 1991, each permitted solid waste facility in the County of Tehama was assessed for compliance with applicable sections of the Public Resources Code and Title 14, California Code of Regulations (CCR). Closed, illegal and abandoned sites which could be located were also visited and assessed. Each inspection and visit was conducted in conjunction with the LEA.

Board staff documented at least one violation of State Minimum Standards at three of the seven permitted solid waste facilities located in the County of Tehama LEA's jurisdiction. LEA facility inspection results for the last year compared with the results of the Board's annual inspection are presented in **Appendix B**. The Board's annual State Inspection Reports for permitted solid waste facilities in the LEA's jurisdiction are attached as **Appendix C**. Several closed, and abandoned sites were identified that require

further assessment and have been referred to the Board's Closed, Illegal and Abandoned Sites Branch.

ACTIVE, PERMITTED FACILITIES

Tehama County - Red Bluff Landfill (52-AA-0001)
This landfill is jointly owned by the County of Tehama and the City of Red Bluff and is the County's only municipal waste landfill. The disposal site was opened in 1964 as an open burn dump and was converted to a sanitary landfill in 1974. The operator of record for the 84 acre site is the Tehama County Planning Department. Actual operation is performed under contract by the Suburban Transfer and Landfill Company. The landfill is located approximately three miles north-west of the City of Red Bluff. The LEA was present during this Board inspection on March 8, 1991 which documented two violations and nine areas of concern (Appendix C). The LEA has conducted monthly inspections of this landfill since January of 1990 and submitted records of observed violations to the Board.

Louisiana Pacific Landfill (52-AA-0002)
This landfill is located approximately 2.5 miles north-west of the City of Red Bluff. The landfill is a 40 acre private wood waste landfill owned by the Louisiana Pacific Corporation. The Louisiana Pacific Corporation operates the facility for their exclusive use. The LEA was present during the Board inspection on March 7, 1991 which documented no violations but contained three areas of concern (Appendix C). The LEA has conducted monthly inspections of this landfill since January of 1990 and submitted records of observed violations to the Board.

Manton Transfer Station (52-AA-0004)
This facility is a small volume transfer station located in the Sierra Nevada foothills, along the Tehama County/Shasta County border, approximately 22 miles north-east of the City of Red Bluff. The unmanned facility consists of approximately thirty, 10 cubic yard (yd^3) bins which are emptied weekly. The waste is disposed of at the Tehama County/Red Bluff Landfill. The facility is located on property owned by the County of Tehama. The operator of record is the Suburban Landfill and Transfer Company. The LEA was present during the Board inspection on March 25, 1991 which documented one violation and two areas of concern. The LEA has conducted monthly inspections of this facility since January of 1990 and submitted records of observed violations to the Board.

Mineral Transfer Station (52-AA-0005)
This facility is a small volume transfer station located in the Sierra Nevada foothills, approximately 32 miles north-east of the

City of Red Bluff. The unmanned facility consists of approximately thirty, 10 yd^3 bins which are emptied weekly. The waste is disposed of at the Tehama County/Red Bluff Landfill. The facility is located on property owned by the United States of America; managed by the United States Department of Agriculture, Forest Service (Forest Service). The LEA was present during the Board inspection on March 25, 1991 which documented two violations and one area of concern. The LEA has conducted monthly inspections of this facility since January of 1990 and submitted records of observed violations to the Board.

During a Solid Waste Facilities Permit (SWFP) review in late 1988, the LEA discovered that the Special Use Permit, issued by the Forest Service, for this facility had expired. The LEA personally made several requests to the Forest Service to issue a new Special Use Permit. However, the Forest Service apparently assigned this project a low priority. A new Special Use Permit and a new SWFP application was eventually submitted to the LEA on April 16, 1991. A draft SWFP for the facility is currently being amended by the LEA and will be transmitted to the Board for concurrence.

Paynes Creek Transfer Station (58-AA-0006)
This facility is a small volume transfer station located in the Sierra Nevada foothills, approximately 17 miles north-east of the City of Red Bluff. The facility is located on property owned by the County of Tehama. The operator of record is the Suburban Landfill and Transfer Company. The unmanned facility consists of approximately thirty, 10 yd^3 bins which are emptied weekly. The waste is disposed of at the Tehama County/Red Bluff Landfill. The facility is located on property owned by the County of Tehama. The operator of record is the Suburban Landfill and Transfer Company. The LEA was present during the Board inspection on March 25, 1991 which documented two violations and two areas of concern. The LEA has conducted monthly inspections of this facility since January of 1990 and submitted records of observed violations to the Board.

INACTIVE, PERMITTED FACILITIES

Diamond Landfill (Larzabal Disposal Site) (52-AA-0009)
This facility is a 34 acre wood waste disposal site operated by the Diamond Lands Corporation. The property is owned by John and Veronica Larzabal. The facility is located approximately 8 miles west of the City of Red Bluff. No waste has been disposed at the landfill since the fall of 1989 due to the "shut-down" of the Diamond Mill. The LEA was present during the Board inspection on March 7, 1991 which documented no violations but contained three areas of concern. The LEA has conducted monthly inspections of this landfill since January of 1990 and submitted records of

observed violations to the Board.

Tehama County Recycling (52-AA-0021)
This facility is a in-active recycling and transfer station located within the city limits of the City of Red Bluff. The operator, Red Bluff Disposal Company, processed recyclable materials between June 1989 and February 1990. No municipal solid waste was ever processed at this facility as proposed. According to the LEA, the facility was closed for economic reasons however, the SWFP has been maintained in anticipation of re-opening the facility.

CLOSED, ILLEGAL and ABANDONED SITES

Callaghan Woodwaste Landfill
This facility is located directly adjacent to the Louisiana Pacific (LP) Landfill. The facility ceased operating around 1977 just after the LP site opened. The property is owned by Mr. Eddie Callaghan and was historically operated by LP for the disposal of wood wastes. Because of its close proximity to the LP site, groundwater at this site is monitored in conjunction with the monitoring required by the Regional Water Quality Control Board's Waste Discharge Requirements for the LP site.

Deer Valley Road Landfill
The owner of this site illegally landfilled a reported 140,000 used tires. He later admitted to burying much less. This site is located near the Tehama County/Red Bluff Landfill. The owner initially began stockpiling tires under an agricultural exemption from tire stockpiling registration requirements. It was later determined that the exemption was not appropriate; the owner was directed to apply for registration. The facility was then registered with the Board as a Minor Waste Tire Facility. However, instead of stockpiling the tires, the owner used them for "erosion control" projects. On November 14, 1990, the LEA directed the owner to clean up and properly dispose of the tires by January 1, 1991. After the owner showed no indication that he would comply with the directive and continued burial operations, the LEA built a case based on Public Resources Code, Section 44002 (operating a solid waste facility without a permit) and several County ordinances. The case was referred to the Tehama County District Attorney and was delivered to the Justice Court in November 1990. On or about May 15, 1991, the District Attorney dismissed the charges against the owner. The LEA will nevertheless pursue the owner until a SWFP is obtained or until all illegal conditions are abated.

City of Red Bluff Composting
The City of Red Bluff started using this site around 1987 to

annually deposit septage sludge in shallow unlined trenches. The sludge was later excavated, mixed with soil and used as a soil amendment. This site is also used to compost green waste and street sweepings from city maintenance operations. No sewage sludge was noted during the March 25, 1991 Board inspection but over 100 yd^3 of stockpiled green waste/street sweepings were observed.

On December 26, 1990, the LEA notified the owner that a Solid Waste Facilities Permit is required for the type of on-going operation at this site, and directed the owner to submit an application for a SWFP and any necessary supporting documentation. The City of Red Bluff initiated steps to obtain a SWFP but recently decided to discontinue those plans. The LEA will assure that all waste currently stored at the site is removed and properly disposed.

Crane Mills Landfill
This facility is 2.3 acre wood waste disposal site owned by the Crane Mills Sawmill. The site is located near the Town of Paskenta, approximately 25 miles west of the City of Corning. Crane Mills operates the facility for their exclusive use. Crane Mills submitted a SWFP application to the LEA in December 1990. The LEA returned the application because it was incomplete. Crane Mills has recently decided to reclaim all waste disposed on their property rather than pursue a SWFP to operate a landfill.

Owl Pooey
Indiscriminate dumping occurred on this ranch, located approximately 2 miles north of the City of Corning. A complaint investigation was initiated by the LEA in October, 1985. The LEA ordered the site cleaned of all solid waste in November, 1985. The clean-up was completed by June, 1986, however since that time, additional dumping has occurred in the same location as well as on an adjoining property. The LEA will again issue an order to clean the both sites and follow-up as necessary to obtain compliance.

Lourence Ranch
This property, owned by Louis Lourence, is located approximately 3.25 miles south-west of the City of Red Bluff. Septage, grease, and industrial sludge are land spread and periodically worked-in to the soil. The Central Valley Regional Water Quality Control Board (RWQCB) issued Waste Discharge Requirements (WDR) 83-097 for the facility.

Nunes Ranch
This property, owned by Richard Nunes, is located approximately 7 miles north-east of the City of Red Bluff. Septage, grease, and industrial sludge are land spread and periodically worked-in to the

soil. The Central Valley Regional Water Quality Control Board (RWQCB) issued Waste Discharge Requirements (WDR) 83-031 for the facility.

Fishman Property
This property, owned by Bernard Fishman, is located approximately 1.25 miles north of the City of Corning. Septage, grease, and industrial sludge are land spread and periodically worked-in to the soil. The Central Valley Regional Water Quality Control Board (RWQCB) issued Waste Discharge Requirements (WDR) 85-138 for the facility.

Dye Creek
This facility is in Rank 9 on the RWQCB's Solid Waste Assessment Test list. Neither the LEA nor, the RWQCB contact are aware of the exact location and type of facility. The LEA suspects that a small volume transfer station once existed in the Dye Creek area, approximately 10 miles south-east of the City of Red Bluff, but was closed prior to 1983.

Ben's Trucking/Arbini Property/Callahan Road Treatment Unit
This facility, owned by Mr. Jerry Arbini, is located near the Tehama County/Red Bluff Landfill. The site is operated by Ben's Trucking. Operations consist of bioremediation and aeration of hydrocarbon contaminated soil. Some of the treated soil is transported to the nearby Tehama County/Red Bluff Landfill where, after approval has been granted by both the RWQCB and the LEA, it is used as cover material. The operator submitted an application for waste discharge requirements to the RWQCB in April 1991. Based on a review of information contained in that application, Board staff recently determined that a SWFP is required. The LEA will pursue the SWFP process for this site.

Manton Greenwaste
Residents disposed of several hundred cubic yards of tree trimmings and yard waste outside the permitted boundary of the Manton Transfer Station. The property is owned by the County of Tehama. The LEA ordered the Tehama County Planning Department to clean up the site. According to the LEA, clean-up was completed in June 1991. The LEA is planning to have the site barricaded and will post signs prohibiting dumping.

Corning Worm Farmer
City of Corning workers deliver truckloads of dried septage sludge to a businessman who uses the material as food and harborage for worms. The LEA will further investigate to determine if the practice poses any significant hazard to public health or the environment.

City of Corning
Workers for the City of Corning used less than an acre of City property near the former Corning Transfer Station to dispose of street debris. The site was also used, historically, as a burn dump by the City. Drainage from the site flows directly to the contiguous Burch Creek.

City of Red Bluff
The City of Red Bluff abandoned a 2 acre burn dump site, located approximately 2 miles north-west of the City of Red Bluff, during the mid 1960's. Although no structures were built on the property, dozens of homes are located within 1000 feet of the site. No indication of the presence of landfill decomposition gas was detected during the Board inspection of March 25, 1991. No groundwater monitoring has been conducted. A City drinking water supply well is located approximately 0.5 mile downslope (surface) of the dump. Groundwater gradient is unknown.

NON-COMPLYING FACILITIES

The following solid waste facilities were found in violation of the following State Minimum Standards during the Board's annual inspection:

Tehama County/Red Bluff Landfill (52-AA-0001)
14 CCR 17684 - Intermediate Cover **(Corrected 06/25/91)**
14 CCR 17708 - Drainage and Erosion Control **(Corrected 06/25/91)**

Manton Transfer Station (52-AA-0004)
14 CCR 17423 - Plan of Operation

Paynes Creek Transfer Station (52-AA-0006)
14 CCR 17423 - Plan of Operation
14 CCR 17425 - Small Volume Transfer Station Operation
(Corrected 08/12/91)

Since all violations noted during the state inspections were not corrected by the time of the exit interview, the owner and operator of the Manton Transfer Station and the Paynes Creek Transfer Station will be recommended for notification of the Board's intent to include their site on the State List of Non-Complying Facilities unless the remaining violations are corrected within 90 days.

LEA PERFORMANCE

The results of comparing the County of Tehama LEA's performance with the LEA assessment criteria are presented in **Figure 2**.

COUNTY OF TEHAMA 52-AA
FACILITIES EVALUATION REPORT
LEA PERFORMANCE

FACILITY NAME / SWIS #	TehamaCo./RedBluff Landfill 52-AA-0001	Louisiana Pacific Landfill 52-AA-0002	Manton Transfer Station 52-AA-0004	Mineral Transfer Station 52-AA-0005
LEA Assessment Criteria				
Significant violations of State Minimum Requirements				
PRC §43219 - Significant violation identified and resolved	N/A	N/A	N/A	N/A
LEA Program Review Criteria				
A. 14 CCR 18304, 18307, PRC 45000 - Notice & Order issued for permit violation (Permit Enf. Policy)	Compliance	Compliance	Compliance	Area of Concern * see note below
B. PRC §45000 - Active site, No SWFP-appropriate enf. action taken	N/A	N/A	N/A	N/A
C. PRC §43207 - Situation(s) of Conflicting Interest(s)	Compliance	Compliance	Compliance	Compliance
D. PRC, 14 CCR - Failure to implement LEA program	Compliance	Compliance	Compliance	Compliance
E. 14 CCR 18305 - Enforcement of Notice and Orders	N/A	N/A	N/A	N/A

LEA Assessment Criteria				
LEA Performance Evaluation Criteria				
1. PRC §43218 - Monthly insp. of active, inactive, and illegal sites	Compliance	Compliance	Compliance	Compliance
2. 14 CCR 18083 - Quarterly insp. of closed, abandoned, and exempt sites	N/A	N/A	N/A	N/A
3. 14 CCR 17683 - Weekly inspection of performance standards	N/A	N/A	N/A	N/A
4. PRC §43218 - Inspection reports sent within 30 days	Compliance	Compliance	Compliance	Compliance
5. PRC §43219(a) - Yearly inspection conducted with Board	Compliance	Compliance	Compliance	Compliance
6. 14 CCR 18302, 18303 - Investigated reports of violations	Compliance	Compliance	Compliance	Compliance
7. 14 CCR 18304 - Appropriate enforcement action taken (Notice and Order / Compliance Schedules)	Compliance	Compliance	Compliance	Compliance
8. 14 CCR 18213 - Five Year Permit Review	Compliance	Compliance	Compliance	Compliance
9. 14 CCR 18270 - Review of Closure/Postclosure plans	N/A	N/A	N/A	N/A

* The SWFP was invalidated by the expiration of a Special Use permit from the U.S. Forest Service. Notice & Order not issued because the delay in obtaining a new Special Use permit was beyond the control of the owner/operator.

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FACILITY NAME / SWIS #	Paynes Creek Transfer Station 52-AA-0006	Diamond Landfill 52-AA-0009	Tehama County Recycling 52-AA-0021
LEA Assessment Criteria			
Significant violations of State Minimum Requirements			
PRC §43219 - Significant violation identified and resolved	N/A	N/A	N/A
LEA Program Review Criteria			
A. 14 CCR 18304, 18307, PRC 45000 - Notice & Order issued for permit violation (Permit Enf. Policy)	Compliance	Compliance	Compliance
B. PRC §45000 - Active site, No SWFP-appropriate enf. action taken	N/A	N/A	N/A
C. PRC §43207 - Situation(s) of Conflicting Interest(s)	Compliance	Compliance	Compliance
D. PRC, 14 CCR - Failure to implement LEA program	Compliance	Compliance	Compliance
E. 14 CCR 18305 - Enforcement of Notice and Orders	N/A	N/A	N/A

LEA Assessment Criteria			
LEA Performance Evaluation Criteria			
1. PRC §43218 - Monthly insp. of active, inactive, and illegal sites	Compliance	Compliance	Compliance
2. 14 CCR 18083 - Quarterly insp. of closed, abandoned, and exempt sites	N/A	N/A	N/A
3. 14 CCR 17683 - Weekly inspection of performance standards	N/A	N/A	N/A
4. PRC §43218 - Inspection reports sent within 30 days	Compliance	Compliance	Compliance
5. PRC §43219(a) - Yearly inspection conducted with Board	Compliance	Compliance	Compliance
6. 14 CCR 18302, 18303 - Investigated reports of violations	Compliance	Compliance	Compliance
7. 14 CCR 18304, - Appropriate enforcement action taken (Notice and Order / Compliance Schedules)	Compliance	Compliance	Compliance
8. 14 CCR 18213 - Five Year Permit Review	Compliance	Compliance	Compliance
9. 14 CCR 18270 - Review of Closure/Postclosure plans	N/A	N/A	N/A

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Inspections of active, permitted facilities have been and continue to be conducted by the LEA on a monthly basis. The LEA conducted an inspection for each facility within it's jurisdiction in conjunction with Board staff during March 1991. The LEA was helpful in locating closed, illegal and abandoned (CIA) sites. Since regulations for the inspection of CIA sites have yet to be developed, the County of Tehama LEA was not assessed regarding inspection of CIA sites.

In addition, the LEA was very active in pursuing enforcement actions at the Deer Valley Road site.

For the most part, the Tehama County Division of Environmental Health has taken appropriate enforcement action in an attempt to bring non-complying facilities within it's jurisdiction into compliance with state laws and regulations. This has primarily consisted of conducting regular inspections and following up on the next scheduled inspection to insure the operator corrects the violations within a reasonable period of time.

With few exceptions the LEA has met it's responsibilities in maintaining compliance at active, permitted facilities.

The LEA must increase the amount of effort devoted to active sites not possessing SWFPs. While these sites have not been completely ignored, some (i.e., City of Red Bluff Composting, Crane Mills Landfill) operated without the LEA pursuing the permitting process. Others (i.e., Lourence Ranch, Nunes Ranch, Fishman Property,) continue to operate without a determination of whether they are facilities in need of a SWFP or whether they are exempt.

In conclusion, a higher level of performance will be needed by the LEA to meet the proposed standards for LEA designation /certification. PRC Section 43200 requires the Board to adopt new LEA certification regulations by August 1, 1991 and PRC Section 43201 requires LEAs to meet these new regulations by August 1, 1992.

SUMMARY OF LEA COMMENTS

On September 19, 1991 Myron Amerine, Jeff Hackett and Robert Holmes of Board staff conducted an exit interview with Lee Mercer of the Tehama County Health Department, Division of Environmental Health to discuss the contents of the draft FER.

The LEA did not submit written comments regarding the draft FER. However, at the exit interview, the LEA clarified descriptions contained in the County of Tehama LEA and the Facility Inspection Results sections of the draft FER. Board staff incorporated these

clarifications in this final draft FER. The LEA stated that, with the clarifications, this final draft FER provides an accurate assessment of the current conditions within its jurisdiction.

RECOMMENDATIONS

1. Board staff documented at least one violation of minimum standards at each of the following sites: Tehama County/Red Bluff Landfill (52-AA-0001); Manton Transfer Station (52-AA-0004); Paynes Creek Transfer Station (52-AA-0006). All violations of State Minimum Standards at the Tehama County/Red Bluff Landfill were corrected before the exit interview.

Therefore, pursuant to PRC Section 44104, Board staff will recommend that the Board notify the owner and operator of the Manton Transfer Station and the Paynes Creek Transfer Station of the Board's intent to list 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.

At this time no other facilities in the County of Tehama LEA jurisdiction are recommended for inclusion on the State List of Non-Complying Facilities at this time.

2. No significant violations of state minimum requirements were identified during the evaluation performed pursuant to PRC Section 43219. Therefore, Board staff will not recommend that the Board initiate a further review of the LEA of the LEA at this time.

3. While the County of Tehama LEA has generally implemented their Enforcement Program at an acceptable level, Board staff found that the LEA did not initiate the necessary permitting process for several active facilities not possessing SWFPs. (The LEA is currently in the process of determining permitting requirements for these facilities.) Board staff therefore finds the Board should recommend that the LEA increase their efforts in determining permit status for non-permitted sites.

APPENDICES

A. LEA Written Comments (No written comments submitted)
B. LEA Inspection Summary
C. State Facility Inspection Reports

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 9, 1991

AGENDA ITEM 6

ITEM: Consideration of Facilities Evaluation Report for the Napa County Local Enforcement Agency Jurisdiction

BACKGROUND:

The Public Resources Code (PRC) Section 43219 (b) states that the California Integrated Waste Management Board (Board), in conjunction with an inspection conducted by the enforcement agency, shall conduct each year, at least one inspection of each facility in the state. PRC Section 43219 (c) states that 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. In addition, PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate state minimum standards. The inventory has been designated the State List of Non-Complying Facilities.

ANALYSIS:

The Napa County Division of Environmental Health is the designated LEA for Napa County. Between November 1990 and April 1991, each active solid waste disposal site within Napa County was inspected by Board staff in conjunction with the LEA pursuant to Public Resources Code (PRC) Section 43219(b). However, the LEA was not present for the entire inspections and failed to submit these inspection reports to the Board. Closed, illegal, and abandoned sites which could be located were also inspected.

Within the LEA's jurisdiction are: two active, permitted landfills; one active landfill operating without a valid permit; one active, exempt landfill; and eight closed, illegal or abandoned sites. On September 18, 1991 Board staff met with the Napa County LEA, at an "exit interview" for the Facility Evaluations process. During that meeting the LEA verified that American Canyon Sanitary Landfill (28-AA-0001) continues to be in violation of at least one State Minimum Standard.

No significant violations of state minimum requirements were documented during the evaluation that had not been previously identified and resolved by the LEA.

While the LEA has implemented their enforcement program at an acceptable level, the LEA failed to identify permit violations at American Canyon Sanitary Landfill (28-AA-0001), Clover Flat

Landfill (28-AA-0002), and Berryessa Garbage Service (28-AA-0003) prior to their identification by Board staff, failed to inspect the above facilities once per month, and failed to conduct and submit inspections done in conjunction with the Board's annual state inspections. In addition, the LEA failed until September of 1991 to measure the area of exposed refuse while conducting weekly performance standards inspections at American Canyon Sanitary Landfill (28-AA-0001). Although staff identified the above areas as deficient, the LEA should be recognized for taking prompt enforcement action during a leachate spill at American Canyon Sanitary Landfill.

Board staff, in conjunction with the LEA will re-inspect all facilities within the LEA's jurisdiction again next fiscal year pursuant to PRC Section 43219 (b).

Board staff has prepared a Facilities Evaluation Report (FER) outlining the compliance status of the solid waste facilities within Napa County. The FER is included as Attachment 1 of this Agenda Item.

STAFF COMMENTS:

1. Pursuant to 30 PRC 44104, Board staff recommends that the Board notify the owner and operator of the following solid waste facility of the Board's intent to include this site on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice.

American Canyon Sanitary Landfill (28-AA-0001)

There would be further delays in bringing the site into compliance if a notice of intent to place this site on the List is not issued.

Initiating either a Performance or Periodic Review of the LEA signifies that the LEA did not identify and resolve significant violations of state minimum requirements or did not fully implement an LEA program.

2. Board staff finds that there is no need to pursue further review at this time of the Napa County LEA.

3. Board staff finds that the Board should recommend that the LEA pay particular attention to the following statutory and regulatory requirements which must be met in order for the LEA to obtain and/or maintain their certification:

a.) Identify permit violations and take appropriate, timely enforcement action, and
b.) Inspect active facilities monthly, and
c.) Conduct and submit inspections in conjunction with the state's annual inspections, and
d.) Continue measuring the area of exposed waste weekly at American Canyon Sanitary Landfill (28-AA-0001).

List of Attachments:

1. Facilities Evaluation Report for the Napa County LEA

Prepared by: BL by SA Brian Larimore \ SA Sharon Anderson Phone 2-3606

Reviewed by: JKB by SLA 9/25 John K. Bell Phone 3-6520

Legal review: KC Date/Time 9/27 1330

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Facilities Evaluation Report

County of Napa, LEA Jurisdiction, 28-AA

Prepared By:

Brian Larimore
Waste Management Specialist
Facility Evaluations, Unit A
Compliance Branch
Permitting and Compliance Division

October 9, 1991

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FACILITIES EVALUATION REPORT

COUNTY OF NAPA, LEA 28-AA

EXECUTIVE SUMMARY

The Napa County Division of Environmental Health is the designated Local Enforcement Agency (LEA) for the County of Napa. There are 2 active, permitted landfills, 1 active landfill operating without a valid permit, one active, exempt landfill, and 8 closed, illegal or abandoned landfills within the LEA's jurisdiction.

Between November 1990 and July 1991, each solid waste facility and disposal site within Napa County was inspected or assessed by California Integrated Waste Management Board (Board) staff in conjunction with the LEA pursuant to Division 30, Public Resources Code (PRC) Section 43219 (b).

The two active, permitted solid waste facilities and the one facility operating without a valid permit were found to be in violation of at least one State Minimum Standard. The LEA, during their monthly inspections, documented corrections of all State Minimum Standards violations at two of the three facilities. As a result, Board staff will still recommend that the Board give the operator of American Canyon Sanitary Landfill a notice of intent to place this site on the State List of Non-Complying Facilities pursuant to PRC Section 44104 unless all violations are corrected within 90 days.

No significant violations of state minimum requirements reflecting on the LEA effectiveness were identified during the evaluation pursuant to PRC Section 43219. In fact, the LEA identified a leachate spill at American Canyon Sanitary Landfill (28-AA-0001), ordered the operator to immediately cease the off-site discharge of leachate, notified the Board and other appropriate agencies, and issued a notice and order which addressed this violation of state minimum requirements. Also, an additional staff person was assigned to handle permitting and closure duties. Therefore, Board staff will not recommend that the Board initiate a formal performance review of the LEA pursuant to PRC Section 43219.

The Napa County Department of Environmental Management has implemented the LEA Enforcement Program at an acceptable level; however, the LEA failed to identify permit violations at both active, permitted facilities and one facility operating without a valid permit, within its jurisdiction in a timely manner. In

addition, the LEA failed to inspect the active, permitted facilities and one facility operating without a valid permit monthly during the period from September 1, 1990 to August 31, 1991, and although present during the annual state inspections, failed to submit inspections done in conjunction with Board staff inspections. However, the LEA was unaware that their agency was required to submit inspection reports done in conjunction with Board staff. The LEA has inspected the two active, permitted landfills and one active landfill operating without a valid permit monthly during the last four months. The LEA conducted performance standard inspections weekly at American Canyon Sanitary Landfill; however, the LEA failed to measure the area of exposed refuse as required under 14 CCR 17683 -Performance Standards.

At this time, Board staff finds no reason to further review the Napa County LEA. However, Board staff finds that the Board should make recommendations to the LEA which address statutory and regulatory requirements which must be met in order for the LEA to obtain and/or maintain their 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..."

FACILITIES EVALUATION REPORT
NAPA COUNTY, LEA JURISDICTION, 28-AA

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PROGRAM GOALS

The goal 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 to protect the environment and ensure public health and safety.

Local Enforcement Agencies (LEAs) have the primary responsibility for ensuring the proper operation and closure of solid waste facilities. As agents of the state, the LEAs enforce state solid waste laws and regulations and implement Board policies.

A primary goal of the Board is to ensure that LEAs are implementing effective Enforcement Programs. One way the Board accomplishes this task is by inspecting all solid waste facilities on an annual basis through its Facilities Evaluation Program. This program not only allows the Board to monitor compliance at solid waste facilities, it also allows the Board to verify the effectiveness of LEA Programs.

STATUTORY AUTHORITY

The Facilities Evaluation Program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) PRC Section 43219(b) "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...".

2) PRC Section 43214 "The board shall develop performance standards for evaluating local enforcement agencies and shall periodically review each enforcement agency and its implementation of the permit, inspection, and enforcement program. The Board's review shall include periodic inspections of solid waste facilities to assess compliance with state standards".

3) PRC Section 44104 "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 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...".

4) **PRC Section 43219(c)** "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, prepare a written performance report within 60 days of the review, and require the submission of a plan of correction by the enforcement agency within 90 days of the report".

5) **PRC Section 43215** "If the board finds that an enforcement agency is not fulfilling its responsibilities, the board shall notify the enforcement agency of the particular reasons for finding that the enforcement agency is not fulfilling its responsibilities and of the board's intention to withdraw the approval of the designation if, within a time to be specified in that notification, but in no event less than 30 days, the enforcement agency does not take the corrective action specified by the board".

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered individually. To initiate the annual Facilities Evaluation process within an LEA jurisdiction, Board staff meet with the LEA to discuss the review process and the LEA's responsibilities during the review. Permitting, closure/postclosure maintenance, implementation of AB 939 and other pertinent issues are also discussed.

Each permitted solid waste facility within an LEA's jurisdiction is then 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 within 30 days pursuant to PRC Section 43219(b) and to the operator and other responsible agencies. All closed, illegal, abandoned, and exempt sites which can be located are also visited and assessed.

Based upon the combined results of the facility inspections, a general assessment is made of the LEA's ability to implement its Enforcement Program Plan (EPP) (14 CCR 18077, pending Office of Adminstrative Law (OAL) approval). A draft Facilities Evaluation Report (FER) is then prepared for the LEA jurisdiction which summarizes both the facilities inspection results and the assessment of the LEA's ability to comply with and implement its EPP.

Upon completion of a draft FER, the report is transmitted to the LEA for review. The draft FER is then discussed with the LEA at an interagency meeting designated as the "exit interview". LEA

comments are incorporated into a final draft FER which is presented to the Board's Permitting and Enforcement Committee for consideration. Upon acceptance by the committee and then the full Board, a final FER is transmitted to the LEA.

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 and the LEAs 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(b).

The operator and the LEA then have a "grace period" during which all violations of State Minimum Standards are corrected and documented. The 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 violations of State Minimum Standards have been corrected.

Any solid waste facility which continues to be in violation of one or more State Minimum Standard, as of the date of the LEA exit interview, will be notified 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 solid waste transfer or processing station, a composting facility, or a transformation facility pursuant to PRC Sections 40194 and 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 and the LEAs, 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.

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.

Exit Interview is defined as the meeting held between Board staff and the LEA to review a draft of the Facilities Evaluation Report for the LEA's jurisdiction. This meeting is held after all inspections of solid waste facilities within the LEA's jurisdiction have been completed and Board staff has developed a draft of the Facilities Evaluation Report.

Grace Period is defined as the period between the annual Board inspection of a solid waste facility conducted in conjunction with the LEA and the exit interview concluding the annual Facilities Evaluation process for the LEA jurisdiction. The length of the grace period may 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 a draft of the Facilities Evaluation Report. In no case will the grace period be less than 30 days.

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 provided that 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 must 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) pursuant to PRC Section 44106.

LEA ASSESSMENT CRITERIA

The assessment of an LEA's ability to implement its Enforcement Program Plan (EPP) (14 CCR 18077, pending OAL approval) is primarily based on the compliance status of solid waste facilities in an LEA's jurisdiction. However, the assessment also includes a general review to determine if an LEA is meeting its LEA duties and responsibilities as defined in Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval).

SIGNIFICANT VIOLATIONS OF STATE MINIMUM REQUIREMENTS

PRC Section 43219 states that if the Board identifies significant violations of state minimum requirements during its annual facility inspections that were not previously identified and resolved by the LEA, then the Board shall conduct a comprehensive Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced at solid waste facilities 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 violation which causes or threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the environment or the public health, welfare or safety.

Resolve is defined as when an LEA has exercised all appropriate actions necessary to compel 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.

Performance Review is a comprehensive review of an LEA's program pursuant to PRC Section 43219 and Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval).

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. Once the Performance Review is initiated by the Board, Board staff have 120 days to complete the review and another 60 days to prepare a Performance Review Report.

Upon receipt of the Performance Review 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.

LEA PROGRAM REVIEW CRITERIA

PRC Section 43214 states that the Board shall periodically review the LEA's implementation of its permit, inspection, and enforcement program. This periodic review shall include inspections of solid waste facilities to assess compliance with state standards.

If during the Facilities Evaluation process the Board determines that an LEA is experiencing difficulties with the implementation of its permit, inspection, or enforcement programs, the Board may initiate a periodic review of the LEA.

Periodic Review is a review of an LEA's permit, inspection, and enforcement program pursuant to PRC Section 43214 and Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities). The Periodic Review may be comprehensive or may be focused on a particular problem area identified during the Facilities Evaluation process.

PRC Section 43215 provides that if the results of a Periodic Review indicate that an LEA is not fulfilling its responsibilities, the Board must notify the LEA of its intent to withdraw its approval of the LEA's designation unless the deficiencies are corrected in a time specified by the Board, but in no case less than 30 days.

The criteria used during the Facilities Evaluations process to assess whether an LEA is experiencing difficulties with the implementation of its permit, inspection, or enforcement programs are as follows:

A) Failure by the LEA to a) identify any solid waste facility being operated except as authorized by a SWFP pursuant to PRC Section 44002 b) failure to identify any operator operating a solid waste 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.

B) Failure by the LEA to identify any solid waste facility being operated without 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.

C) Failure, by the LEA, to identify and resolve conflicts of interest where the LEA is also an operating unit responsible for operating or administering a solid waste facility pursuant to PRC Section 43207.

D) 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 conduct monthly inspections of solid waste facilities in violation of PRC Section 43218, and/or c) a systematic failure by the LEA to perform their duties or responsibilities as required by Division 30 of the Public Resources Code and Title 14 of the California Code of Regulations.

E) 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 solid waste facility owner or operator has failed to comply with an enforcement order issued by the LEA <u>or</u> b) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a solid waste facility 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 solid waste 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.

LEA PERFORMANCE EVALUATION CRITERIA

If the Board determines there is a significant violation of a state minimum requirement at a solid waste facility in an LEA's jurisdiction or that an LEA is not meeting its duties and responsibilties or implementing its inspection, permitting, or enforcement program, the Board will initiate a Performance or Periodic review.

Although the Board may choose not to initiate either a Performance Review or a Periodic Review, the Board may make recommendations which will assist the LEA in maintaining and/or obtaining their certification.

Recommendations are based on LEA compliance with the following LEA performance evaluation criteria.

1. The LEA has conducted monthly inspection of active, inactive, and illegal sites pursuant to PRC Section 43218.

2. The LEA has conducted quarterly inspections of closed, abandoned, and exempt sites pursuant to 14CCR 18083.

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 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.

NAPA COUNTY LEA

Napa County is located northeast of San Francisco Bay. The January 1, 1990 Population Estimates For California Cities And Counties lists the population at 110,700. Their are three incorporated cities (Napa, St. Helena, and Calistoga), one incorporated town (Yountville), and two unincorporated communities (Angwin and American Canyon). Its 513,000 acres consist primarily of north-south trending mountain ridges and valleys, only one-third of the county level enough for conventional development. The county is rural in nature with agriculture the primary land use. The climate is characterized by a mediterranean climate with warm, dry summers and cool, moist winters. The amount of precipitation varies widely and is dependent on the topography and prevailing winds, generally increasing with elevation.

On July 26, 1977, in a resolution by the Napa County Board of Supervisors, the Napa County Division of Environmental Health was designated the Local Enforcement Agency (LEA) for the County of Napa. The designation 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. The Board approved the designation on August 31, 1977. However, as the result of reorganization, the Napa County Department of Environmental Management currently handles all LEA duties. During a 1984 reorganization, the Napa County Division of Environmental Health, originally a division within the Napa County Department of Public Health, was assigned to department status outside Public Health. The Department of Environmental Health was renamed the Department of Environmental Management in 1988. This is not reflected in the

currently valid designation resolution of 1977 and will be addressed when the LEA applies for designation under the proposed regulations for certification.

The current Director of the Napa County Department of Environmental Management is Trent Cave, R.E.H.S. Ralph Hunter, R.E.H.S., Environmental Health Manager, supervises Catherine Moody, R.E.A., Senior Hazardous Materials Specialist, the staff person who conducts monthly inspections, and Anne Millington, DVM, Hazardous Materials Specialist, the staff person responsible for permits and closure plans.

There are 12 known solid waste facilities in the County of Napa LEA's jurisdiction **(Figure 1)**. The two active, permitted facilities are American Canyon Sanitary Landfill (28-AA-0001), operated by American Canyon Development Company, and Clover Flat Landfill (28-AA-0002), operated by Clover Flat Landfill, Inc. Berryessa Garbage Service Disposal Site (28-AA-0003), operated by Berryessa Garbage Service, Inc., is an active facility operating without a valid permit.

The 9 other sites in the LEA's jurisdiction **(Figure 1)** include 1 active unpermitted landfill which received exempt status in 1980, and 8 closed, illegal, or abandoned sites which have been referred to the Board's Closed, Illegal, and Abandoned Sites Branch as per PRC, Section 44105 (b).

FACILITY INSPECTION RESULTS

On June 19, 1991, Board staff met in Sacramento with representatives of the Napa County LEA. The purpose of this meeting was to explain the new California Integrated Waste Management Board (CIWMB) programs, as they are being developed under AB 939. Those present at the meeting were: Trent Cave, Ralph Hunter, Catherine Moody, and Anne Millington (Napa County Department of Environmental Management); Sharon Anderson and Brian Larimore (CIWMB, Facilities Evaluation); Skip Amerine and Barbara Baker (CIWMB, LEA Evaluation); Michele Marconi (CIWMB, Closed, Illegal, and Abandoned Sites), Janet Page (CIWMB, Permits), Robert Reeves (CIWMB, Closure), and Chau Nguyentat (CIWMB, Local Assistance). The Board's Facility Evaluation process, LEA responsibilities and the Board's designation / certification process were discussed.

Between November of 1990, and July of 1991, each permitted facility was assessed for compliance with applicable sections of Division 30 of the Public Resources Code and Title 14, California Code of Regulations (CCR). Closed, illegal and abandoned sites which could be located were also visited and assessed.

NAPA COUNTY LEA 28-AA
FACILITIES EVALUATION REPORT

FIGURE 1

FACILITY INVENTORY (Page 1 of 1)

FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	CLOSURE YEAR	TPD	WT./VOL. IN PLACE	ACRES	SETTING	SPECIAL WASTES	AIR SWAT	WATER SWAT
AMERICAN CANYON SANITARY LANDFILL	28-AA-0001	LANDFILL	ACTIVE	5/88	1993	420(a) 600(b)	3 x 10^6 tons	122	WETLAND	ASBEST.& INFECT. (pre-1986)	YES	R-9
CLOVER FLAT LANDFILL	28-AA-0002	LANDFILL	ACTIVE	9/78	1997 2023(e)	50(a) 107(c)	approx. 950K yd^3	112	COAST RANGE	NO	YES	R-5
BERRYESSA GARBAGE SERVICE D.S.	28-AA-0003	LANDFILL	ACTIVE	9/78 (not valid)	2005(e)	ave.150yd^3 /month (a) 420 yd^3/ month (d)	72K yd^3 since'76	10	COAST RANGE	NO	NO	R-5
CHRISTIAN BROTHERS MONT LA SALLE D.S.	28-AA-0004	LANDFILL	CLOSED	7/79	1985	NA	624 yd^3	1.25	COAST RANGE	NO	NO	R-12
VETERANS HOME D.S.	28-AA-0007	LANDFILL	CLOSED	UNPRMT	1980	NA	1170 yd^3	UNK.	DRAIN.	UNK.	NO	R-8
NAPA STATE HOSPITAL D.S.	28-AA-0008	LANDFILL	ACTIVE	EXEMPT	UNKNOWN	UNKNOWN	UNKNOWN	UNK.	HILLY	NO	NO	R-7
LAKE BERRYESSA ESTATES D.S.	28-AA-0019	LANDFILL	CLOSED	UNPRMT	1986	UNKNOWN	UNKNOWN	0.5	COAST RANGE	UNK.	NO	NO
PRIEST RANCH REFUSE DUMP	28-AA-0020	LANDFILL	CLOSED	UNPRMT	1989	NA	UNKNOWN	UNK.	COAST RANGE	UNK.	NO	NO
CONNOR'S RANCH	28-AA-0021	LANDFILL	CLOSED	UNPRMT	1979	NA	UNKNOWN	0.5	DRAIN.	OIL	NO	NO
TOWER RD. COMPOSTING	28-AA-0023	COMPOST	PROPOSED	PRO.	PRO.	PRO.	PROPOSED	PRO.	PRO.	PRO.	PRO.	PRO.
NAPA SAN. DISTRICT	28-AA-0024	LANDFILL	CLOSED	UNPRMT	1991	NA	UNKNOWN	1.8	FLDPLN.	PEST.	NO	NO
BAR 49 RANCH	28-AA-0025	LANDFILL	CLOSED	UNPRMT	1991	NA	UNKNOWN	UNK.	COAST RANGE	UNK.	NO	NO
HIDDEN GLEN		LANDFILL	CLOSED	UNPRMT	1970	NA	UNKNOWN	0.85	HILLY	TIRES	NO	NO

(a) = permitted tonnage/yd^3; (b) = August 1990 daily tonnage; (c) = June 1990 daily tonnage; (d) = 1990 ave.; (e) = with proposed expansion; tpd = tons per day; shaded row = active site

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Twenty violations were identified at the two active, permitted sites and one facility operating without a valid permit, within the LEA's jurisdiction. LEA facility inspection results for the last year compared with the results of the Board's annual inspection are presented in **Appendix A**. The Board's annual State Inspection Reports for active permitted solid waste facilities in the LEA's jurisdiction are attached as **Appendix B**. 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

American Canyon Sanitary Landfill (28-AA-0001)
This facility of 122 permitted acres, of which 90 are used for disposal, is located at the western terminus of Eucalyptus Drive in southern Napa County. The facility is permitted to accept 420 tons per day (tpd) but averaged 600 tpd during August of 1990. Approximately sixty per cent of the waste is from Solano County. The site is owned and operated by American Canyon Development Company, a California general partnership, owned 67% by Orogate Inc., 28% by WAB American Canyon, Inc., and 5% by Josephine Bachigalupe, American Canyon, Inc. Orogate is a wholly owned subsidiary of Norcal Solid Waste Systems, Inc. This facility is the primary disposal facility for Napa County, but is scheduled to close in May of 1993.

The siting of this facility, on wetlands along the east bank of the Napa River, has resulted in a long-term leachate management problem. The site was granted an exemption from the five foot groundwater setback requirement by the San Francisco Bay Region Water Quality Control Board (SFRWQCB). A large percentage of the disposal site is fifteen to twenty feet below the groundwater table. As a result, this facility will not be capable of achieving compliance with 14 CCR 17709 - Contact with Water.

The LEA documented a leachate spill at this facility on August 9, 1990, ordered the operator to immediately cease the off-site discharge of leachate, and notified this Board and other appropriate agencies. In addition, the LEA issued a Notice and Order on August 24, 1990, addressing this and other violations. The operators were assessed a $35,600 administrative civil liability on January 16, 1991, for violating WDR's Order No. 85-83 as a result of improper operation of the leachate collection and groundwater dewatering systems. During August of 1990, two main leachate extraction pipes were left disconnected from the leachate collection system's storage tank, resulting in the release of a large volume of leachate into the groundwater extraction trench and ultimately into a slough connecting to the Napa River.

This facility is currently operating under performance standards under the authority of a Notice and Order issued by the LEA on June 25, 1991. The order required an application for permit revision and an updated RDSI reflecting the change from cover to performance standards be received by August 1, 1991. These documents have not been received. The LEA needs to take appropriate followup enforcement action to correct this situation.

The LEA has been conducting weekly performance standard inspections and submitting them to the Board. Although the LEA failed to measure the area of exposed waste as required under 14 CCR 17683 - Performance Standards during the last twelve months, they have now begun taking these measurements. This will be especially important during the rainy season due to the leachate management problem at this facility.

An LEA representative was present during the annual state inspection conducted by Board staff on February 21, 1991. This Board inspection documented eight violations and nine areas of concern. Details of this inspection can be found on the attached inspection report (Appendix C). On June 25, 1991, the LEA issued a Notice and Order which addressed permit violations and other violations of State Minimum Standards. The site operator has informed the LEA that serious financial difficulties prevent them from developing documents required by the LEA, CIWMB, and SFRWQCB, within the proposed time frames. However, the City of Vallejo (Solano County), City of Napa, and County of Napa have been meeting with officials of American Canyon Development Company to locate funds so the operator can meet their legal obligations.

Clover Flat Landfill (28-AA-0002)

This disposal site of 112 permitted acres is located approximately 4 miles southeast of Calistoga and 0.8 miles north of the Silverado Trail at the terminus of Clover Flat Road. This facility is permitted to accept 50 tpd but accepted 107 tpd during June of 1990. The site is owned by the Estate of Walter Tamagni and operated by Clover Flat Landfill, Inc. The facility is currently using 12 acres for disposal activities but is seeking to expand this to 43 acres.

An LEA representative was present during the annual state inspection conducted by Board staff on October 24 and November 1, 1990. The Board inspection documented five violations and four areas of concern. Details of this inspection can be found on the attached inspection report (Appendix C). On June 25, 1991, the LEA issued a Notice and Order to the site operator which addressed permit violations and other violations of State Minimum Standards. An RDSI, PSR, and draft SWFP have been received by the Board and are currently being reviewed.

ACTIVE FACILITY WITHOUT VALID PERMIT

Berryessa Garbage Service Disposal Site (28-AA-0003)
This facility of 10 acres is located east of Steele Canyon Road, approximately 1 mile northeast of the intersection of Routes 12 and 128 (Moskowite Corner), in Capell Valley. The facility was permitted to accept an average of 150 yd^3 per month but averaged 420 yd^3 per month during 1990. The site is owned by Thomas and Marilyn Gomez. Berryessa Garbage Service, Inc., owned by Thomas and Marilyn Gomez, Doug Gomez, and Thomas Gomez, Jr. operates the facility. This site is currently operating without a valid SWFP. However, a new SWFP application has been received and a Notice and Order was issued by the LEA on June 25, 1991 which allows the operator to continue operations while a new SWFP is being developed by the LEA. The facility is currently using 8 acres for disposal acivities but is seeking to expand the site to 20 acres with 10 acres to be used for disposal operations.

An LEA representative was present during the annual state inspection conducted by Board staff on April 18, 1991. The Board inspection documented seven violations and three areas of concern. Details of this inspection can be found on the attached inspection report (Appendix C). On June 25, 1991, the LEA issued a Notice and Order which addressed permit violations (in accordance with the PEP) and other violations of State Minimum Standards. An RDSI, PSR, and draft SWFP have been received by the Board and are currently being reviewed.

ACTIVE, EXEMPT FACILITY

Napa State Hospital Disposal Site (28-AA-0008)
This facility is located on state property on Napa State Hospital grounds near the city of Napa. This site, owned by the State of California, was granted an exemption from permit requirements by the LEA in 1980. The exemption was granted by the LEA with the understanding that only leaves and clippings would be disposed of on-site. However, leaves and clippings are putrescible and therefore this facility is not eligible for exemption under the criteria set forth under 14 CCR 18215 - Exemptions from Requirement of a Permit. In addition, on January 24, 1991, an assessment by Board staff and the LEA revealed garbage, concrete mixed with soil, and large piles of asphalt disposed of on-site. Since the exemption for this site may no longer be applicable, the LEA must consider pursuing a SWFP or some other method to bring this facility into compliance with all applicable state laws and regulations. The LEA is currently composing a letter to the operator which will address their options.

CLOSED/ILLEGAL/ABANDONED SITES

Mont La Salle Vineyards Disposal Site (28-AA-0004)
This 1.25 acre disposal site, is located at 4411 Redwood Road, approximately 9 miles northwest of Napa. The site commenced operations in 1950 and closed in 1985. The landfill originally received waste from the school, novitiate, and residences located at the winery. The site later accepted only broken glass bottles, metal containers, diatomaceous earth, corks, and filter paper. On January 24, 1991, Board staff conducted a site visit with the LEA. The site was poorly graded and a trench approximately 10 feet long and two feet deep had been cut through the cover.

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.

Amax Geothermal Sump (28-AA-0005)
This site is located on Livermore Road approximately 6 miles north of Calistoga, approximately 5.6 miles south of the intersection of Butts Canyon Road and Oat Hill Road. This facility was used for the temporary storage of drilling muds and fluids and closed in 1978. All wastes were removed and disposed of at the Livermore Landfill in Lake County (then classified as a II-1 site). The excavation was filled with native soil, compacted and planted with native vegetation. This was verified by the LEA in 1981. The Board's Permit Branch, after recently reviewing pertinent documents, determined that this facility does not meet the definition of a solid waste facility, and recommended that it be removed from the SWIS list and the file archived.

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.

Veterans Home of California Disposal Site (28-AA-0007)
This disposal site, located in Yountville, is owned by the State of California. This site received waste generated by the Veterans Home from at least 1960 and closed in 1980.

Waste currently generated on-site is disposed of in a 20 yd^3 bin, adjacent to the disposal site. Industrial Carting hauls the waste. Veterans Home is a multi-residential facility and thus the bin and associated structures are excluded from the standards governing transfer stations according to the criteria set forth in 14 CCR 17421 - Exclusions.

Board staff visited the site on February 1, 1991, and observed large piles of leaves and clippings, concrete, asphalt, and minor

amounts of garbage, some of which appeared to have been recently deposited. Board staff and the LEA visited the site on July 24, 1991, and observed that the clippings and garbage noted on the previous visit had been removed for proper disposal.

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.

Lake Berryessa Estates Disposal Site (28-AA-0019)
This illegal disposal site is located approximately 9 miles northeast of Angwin and approximately one-half mile east of the intersection of Deputy Drive and Stagecoach Canyon Road. The site served fifty to sixty homes and consists of approximately 7500 square feet of waste disposed of in a drainage channel. Little or no waste has been dumped since 1986 according to the LEA. A compliance schedule which requires the total cleanup of this site, after the submission of a workplan, was agreed upon at a meeting between the property owner, LEA, CIWMB, and RWQCB on August 14, 1991.

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.

Priest Ranch Refuse Dump (28-AA-0020)
This site is located at 3460 Highway 128, approximately 14 miles north of Napa. This small ranch site was visited by Board staff and the LEA on January 24, 1991. The waste had been covered by approximately 2 feet of soil.

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.

Connor's Ranch (28-AA-0021)
This site is located at 2700 Pope Canyon Road, approximately 6 miles east of Angwin. A gravel extraction and sorting operation and a cement batch plant have been operated at this site by several tenants during the last 28 years. Waste associated with these operations has been disposed of on-site. The facility, located in an intermittent stream channel, closed in 1979.

Board staff, accompanied by a representative of the LEA, visited this site on June 7,1991. Recently deposited concrete, asphalt, brush piles, a car body, and other wastes were observed adjacent to the old disposal site. The waste was removed and properly disposed of after the LEA informed the landowner that all dumping must cease immediately. 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.

Napa Sanitation District Disposal Site (28-AA-0024)
This site, located at 950 Imola Avenue in Napa, is operated by the Napa Sanitation District (NSD). The area of the landfill is approximately 1.8 acres and contains wastes primarily composed of soil and concrete rubble from excavations for sewer construction. Some vegetative debris, plastics, paper, asphalt, lumber and metal scraps have been deposited. The LEA recently ordered NSD to cease disposing of wastes, except soil, on-site.

Board staff will be providing technical assistance to the LEA for continued activities at this site.

Bar 49 Ranch (28-AA-0025)
This unpermitted facility is located at 4128 Chiles-Pope Valley Road, a few miles north of Angwin. Garbage, debris, old appliances, containers, and at least one 55-gallon drum were recently dumped in two unlined pits and covered with soil. The owner submitted a workplan to the LEA in July of 1991 describing how the site would be remediated. All waste was removed under the supervision of the LEA on July 25-26, 1991.

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.

Hidden Glen
This site is located on the north side of Coombsville Road just east of the Tulocay Cemetary in Napa. This unpermitted facility is an old, abandoned burn dump located in an old basalt quarry. The landfill covers approximately 0.85 acres of the 11-acre site. A residential development has been proposed adjacent to the landfill. Department of Toxic Substances Control recently notified the LEA to take the lead at this site.

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.

NON-COMPLYING FACILITIES

During the annual state inspections within this LEA jurisdiction, both of the permitted, active facilities and the one facility operating without a valid permit were found to be in violation of one or more State Minimum Standard. The following solid waste facilities were found to be in violation of State Minimum Standards. Staff has noted corrections as documented by the LEA.

American Canyon Sanitary Landfill 28-AA-0001
14 CCR 17616 - Report of Disposal Site Information
14 CCR 17656 - Identification Signs (corrected)
14 CCR 17677 - Spreading and Compacting (corrected)
14 CCR 17682 - Cover (corrected by Notice and Order allowing use of Performance Standards)
14 CCR 17684 - Intermediate Cover (corrected)
14 CCR 17704 - Leachate Control
14 CCR 17711 - Litter Control (corrected)

Clover Flat Landfill 28-AA-0002
14 CCR 17607 - Periodic Site Review (corrected)
14 CCR 17682 - Cover (corrected)
14 CCR 17707 - Vector and Bird Control (corrected)
14 CCR 17711 - Litter Control (corrected)

Berryessa Garbage Service Disposal Site 28-AA-0003
14 CCR 18222 - Report of Disposal Site Information (corrected)
14 CCR 17637 - Subsurface Records (corrected)
14 CCR 17668 - Communication Facilities (corrected)
14 CCR 17684 - Intermediate Cover (corrected)
14 CCR 17707 - Vector and Bird Control (corrected)
14 CCR 17708 - Drainage and Erosion Control (corrected)

American Canyon Sanitary Landfill (28-AA-0001) continues to be in violation of one or more State Minimum Standard. Board staff therefore recommend that the above facility be placed on the State List of Non-Complying Facilities.

LEA PERFORMANCE

The results of rating the Napa County LEA's performance against the LEA evaluation criteria are presented in Figure 2. The LEA has taken appropriate enforcement action in an attempt to bring non-complying facilities into compliance with State laws and regulations. The LEA discovered a leachate spill at American Canyon Sanitary Landfill (28-AA-0001) and issued a Notice and Order addressing this. Additional Notices and Orders were issued which addressed violations at American Canyon Sanitary Landfill (28-AA-0001), Clover Flat Landfill (28-AA-0002), and Berryessa Garbage Service Disposal Site (28-AA-0003).

The LEA was present during parts of the State inspections of both active, permitted landfills and the one facility operating without a valid permit. However, the LEA failed to conduct and submit inspections done in conjunction with Board staff's annual inspections. The LEA was unaware their agency was required to submit inspection reports done in conjunction with Board staff's annual inspections. In addition, Catherine Moody, the staff person responsible for monthly inspections, was on limited duty during

Figure 2

NAPA COUNTY 28-AA
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

Evaluation revised on September 23, 1991 — FACILITY NAME	AMERICAN CANYON SANITARY L.F.		CLOVER FLAT LANDFILL		BERRYESSA GARBAGE SERVICE D.S.		NAPA STATE HOSPITAL D.S.	
SWIS #	28-AA-0001		28-AA-0002		28-AA-0003		28-AA-0008	
FACILITY VIOLATIONS	V	AOC	V	AOC	V	AOC	V	AOC
PRC, 14 CCR, Other (* = Emergency Violation)	8	9	5	4	7	3	N/A	N/A

Criteria for LEA Program Evaluation

PRC 43219 - Significant violations of State Minimum Requirements (A through E)				
A. PRC 45000, 44014, 44002, 14 CCR 18307, 18304 - Identify and resolve permit violation(s), (Permit Enf. Policy)	AOC	AOC	AOC	N/A
B. PRC 45000, 44001 and/or 44002 14 CCR 18304 - Identify and resolve permit violation(s)	C	C	AOC	N/A
C. PRC 43207 - Situations of conflicting interest	C	C	C	C
D. PRC 43218, and other applicable PRC and 14 CCR - Failure to implement LEA program	AOC	AOC	AOC	AOC
E. PRC 45200, 45201, 44106, 14 CCR 18306 - Enforcement of Notice and Orders	N/A	N/A	N/A	N/A

Criteria for LEA Performance Evaluation

PRC 43218 - Monthly inspections of active, inactive, and illegal sites	V	V	V	N/A
14 CCR 18083 * - Quarterly inspections of closed, abandoned, and exempt sites	N/A	N/A	N/A	N/A
14 CCR 17683 - Weekly inspections of performance standards	C	N/A	N/A	N/A
PRC 43218 - Inspections reports sent within 30 days	C	C	C	N/A
PRC 43219(b) - Yearly inspections conducted with Board	V	V	V	N/A
14 CCR 18302, 18303 - Investigated reports of violations	N/A	N/A	N/A	N/A
14 CCR 18304, 18307 PRC 45000 - Appropriate enforcement action taken (N & O /.Compliance Schedules)	C	C	C	C
14 CCR 18213 - Five Year Permit Review	AOC	C	C	N/A
14 CCR 18270 - Review of Closure/Postclosure plans	N/A	C	C	N/A

V = Violation; AOC = Area of Concern; C = Compliance; N & O = Notice & Order; N/A = Not Applicable; AG = Attorney General; * = Pending Office of Administrative Law Approval

late 1990 and was unable to accompany Board staff for the duration of these inspections. The LEA has indicated that, in the future, a staff person from their agency will conduct inspections in conjunction with the Board's annual inspections.

Permit violations at American Canyon Sanitary Landfill (28-AA-0001), Clover Flat Landfill (28-AA-0002), and Berryessa Garbage Service Landfill (28-AA-0003) were not identified by the LEA prior to their identification by Board staff during the annual state inspections. However, they were identified during subsequent inspections and the appropriate orders were issued per 14 CCR 18304 - Notices and Orders.

The LEA has redirected additional staff within the past year to work within their solid waste program. Anne Millington, Hazardous Materials Specialist, was assigned to handle permits and closure plans.

The LEA failed to conduct monthly inspections of both active, permitted facilities and the one facility operating without a valid permit, within their jurisdiction, and averaged six inspections per site during the twelve month period evaluated. However, during the last three months the LEA has inspected these facilities once per month.

Performance standards inspections were conducted weekly at American Canyon Sanitary Landfill (28-AA-0001). However, the LEA has failed to measure the area of the exposed refuse as required under 14 CCR 17683 - Performance Standards.

The Napa County LEA has been cooperative while working with Board staff. Catherine Moody or Ralph Hunter accompanied Board staff while inspecting or visiting all of the solid waste facilities within the LEA jurisdiction. In addition, the LEA has informed Board staff of new solid waste disposal sites that have come to their attention.

SUMMARY OF LEA COMMENTS

On September 18, 1991, Board staff held an exit interview with staff from the Napa County Department of Environmental Management to discuss the final draft version of the Facilities Evaluation Report for the County of Napa. In attendance at the meeting were Trent Cave, Director of the Napa County Department of Environmental Management; Ralph Hunter, Environmental Health Manager for the Department; Catherine Moody, Senior Hazardous Material Specialist for the Department; and Sharon Anderson, Tom Unsell, and Brian Larimore of the Board's Compliance Branch.

The purpose of this section is to summarize the County's verbal comments to the draft Facilities Evaluation Report as discussed at the September 18, 1991 exit interview.

County staff believe that PRC Section 43219(b) is not clear and do not interpret it to require that their agency submit an inspection report done in conjunction with Board staff. They believe this to be a duplication of effort and confusing to the operator when Board and LEA inspection reports differ in the violations documented.

County staff expressed concern that not enough emphasis was given to their agency's identification of violations, their agency's weekly inspections of performance standards during the past year, their attention during the last few months to monthly inspections, and their issuance of Notices and Orders.

County staff expressed concern that they were being evaluated under regulations that have not yet been adopted, specifically 14 CCR 18083 - Quarterly Inspections of Closed, Abandoned, and Exempt Sites. Board staff explained that the LEA was not evaluated under any regulations not yet adopted.

RECOMMENDATIONS

1. Board staff documented one or more violations of Minimum Standards at the American Canyon Sanitary Landfill (28-AA-0001), the Clover Flat Landfill (28-AA-0002), and the Berryessa Garbage Service Disposal Site (28-AA-0003). However, violations documented at the Clover Flat Landfill and Berryessa Garbage Service Disposal Site have been corrected.

Therefore, pursuant to PRC Section 44104, Board staff recommends that the Board notify the owner and operator of American Canyon Sanitary Landfill (28-AA-0001) of the Board's intent to list this 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. 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 30 PRC 43219.

3. While the Napa County LEA has implemented their Enforcement Program at an acceptable level, the LEA failed to identify permit violations at American Canyon Sanitary Landfill (28-AA-0001), Clover Flat Landfill (28-AA-0002), and Berryessa Garbage Service (28-AA-0003) prior to their identification by Board staff, failed to inspect the above facilities once per month, and failed to conduct and submit inspections done in conjunction with the Board's

annual state inspections. In addition, the LEA failed until September of 1991 to measure the area of exposed refuse while conducting weekly performance standards inspections at American Canyon Sanitary Landfill (28-AA-0001).

Therefore, Board staff finds that the Board should recommend that the LEA pay particular attention to the following statutory and regulatory requirements which must be met in order for the LEA to obtain and/or maintain their certification:

a.) Identify permit violations and take appropriate, timely enforcement action, and
b.) Inspect active facilities monthly, and
c.) Conduct and submit inspections in conjunction with the state's annual inspections, and
d.) Continue measuring the area of exposed waste weekly at America

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 9, 1991

AGENDA ITEM 7

ITEM: Consideration of Facilities Evaluation Report for the County of Sonoma Local Enforcement Agency Jurisdiction

BACKGROUND:

The Public Resources Code (PRC) Section 43219 (b) states that the California Integrated Waste Management Board (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 (c) states that 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. In addition, 30 PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate state minimum standards. The inventory has been designated by the Board as the State List of Non-Complying Facilities.

ANALYSIS:

The Sonoma County Public Health Department is the designated Local Enforcement Agency (LEA) for Sonoma County. The Division of Environmental Health within the Department currently carries out the duties and responsibilities of the LEA. Between December 1990 and June 1991, each active and inactive solid waste facility site within Sonoma County was inspected or assessed by California Integrated Waste Management Board (Board) staff in conjunction with the Local Enforcement Agency (LEA) pursuant to Division 30, Public Resources Code (PRC) Section 43219. Closed, sites without a solid waste facility permit (SWFP), and abandoned sites were also inspected or assessed.

Solid waste facilities in the County of Sonoma include four (4) active permitted landfills, two (2) inactive permitted landfills, one (1) active landfill without a SWFP, one (1) active exempt landfill, two (2) inactive exempt landfills, three (3) inactive landfills without a SWFP and fifteen (15) closed landfills, three of which are permitted, two are exempt and 10 have not been permitted. The county also contains six (6) active permitted transfer stations and one (1) inactive permitted transfer station. There is one (1) active, exempt green waste composting study project. There are also over one hundred twenty (120) other disposal sites in the county. All but three of these are closed and/or exempt short term (less than one year) geothermal drilling mud sumps. Two are permitted long term (greater than one year) geothermal drilling mud disposal sites. The last is a

permitted sludge landspreading operation.

Fourteen (14) of the seventeen (17) permitted active, inactive and closed facilities within this LEA jurisdiction were found to be in violation of one or more State Minimum Standard.

No significant violations of state minimum requirements were documented during the evaluation that had not been previously identified and resolved by the LEA pursuant to 30 PRC 43219.

While the Sonoma County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed complete all required monthly facility inspections pursuant to PRC 43218. The LEA is in the process of increasing staff in order to meet all their duties and responsibilities.

Board Staff has prepared a Facilities Evaluation Report (FER) outlining the compliance status of the solid waste facilities within Sonoma County. The FER is included as Attachment 1 of this Agenda Item.

STAFF COMMENTS:

1. Pursuant to 30 PRC 44104, Board Staff recommends that the Board notify the owner and operator of each of the following solid waste facilities of the Board's intent to include each site on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice:

   Annapolis Disposal Site 49-AA-0002
   Cloverdale #2 Wood Waste Disposal Site 49-AA-0011
   Healdsburg Disposal Site 49-AA-0004
   Rorabough #7 49-AA-0039
   Occidental Transfer Station 49-AA-0006
   Guerneville Transfer Station 49-AA-0139
   Casa Grande 49-AA-0009
   Sonoma Transfer Station 49-AA-0144

Without following up with a notice of intent to place these sites on the List, there may be further delays in bringing the sites into compliance.

2. The Board may elect not to initiate a formal Performance Review of the LEA pursuant to 30 PRC 43219.

Board staff finds that the LEA did identify and resolve significant violations of state minimum requirements and implement an Enforcement Program. Therefore, Board staff finds there is no need to pursue further review of Sonoma County LEA.

3. The Board may elect to recommend that the Sonoma County LEA continue as planned to increase staff in order to fully meet its duties and responsibilities.

Although the LEA has implemented its Enforcement Program it was unable to complete all required monthly facility inspections because of reduced staff levels. If staff levels are increased as planned the LEA should be able to complete all required inspections.

Attachments:

1. Facilities Evaluations Report for Sonoma County

Submitted By: Mark de Bie/Sharon Anderson Phone: 2-0463

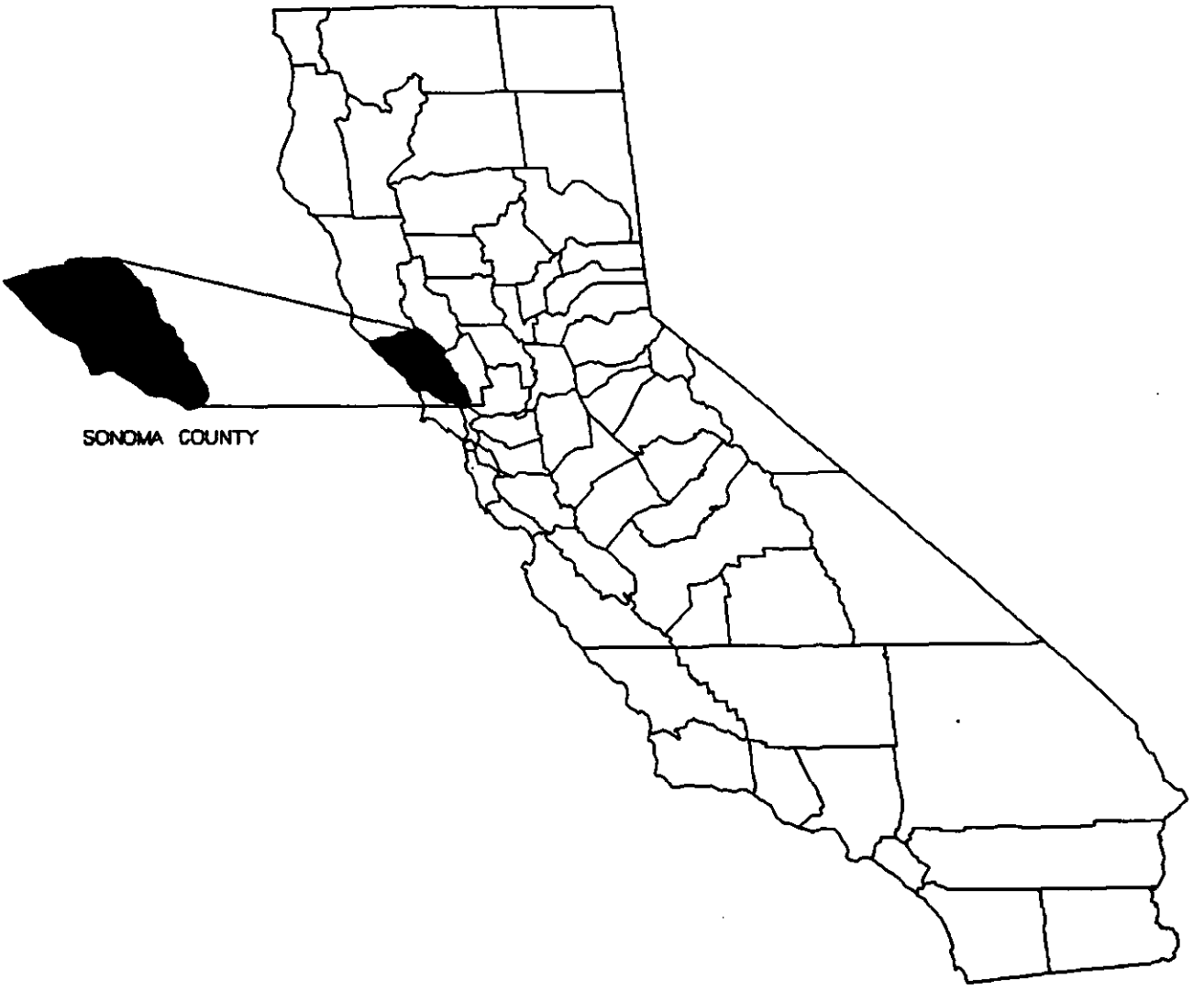
Reviewed By: John Bell Phone: 3-6520

Legal review: RFC Date/Time 9/27 0946

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Facilities Evaluation Report

County of Sonoma, LEA Jurisdiction, 49-AA



Prepared By:

Mark de Bie
Waste Management Specialist
Compliance Branch, Section A
Permitting and Compliance Division

October 9, 1991

116

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 SONOMA, LEA 49-AA

EXECUTIVE SUMMARY

Sonoma County Public Health Department is the designated Solid Waste Local Enforcement Agency (LEA) for Sonoma County. LEA duties are performed by the Environmental Health Division of the Public Health Department. There are over 155 solid waste facilities in the County of Sonoma, the majority of these, over 120, are closed geothermal drilling mud sumps. The remainder are mostly active landfills or transfer stations and sites of other classifications. Sonoma County also has a permitted sludge landspreading operation.

During December, 1990 to May, 1991 each solid waste facility within Sonoma County was inspected, assessed or identified and documented by California Integrated Waste Management Board (Board) staff in conjunction with the LEA, pursuant to Division 30, Public Resources Code (PRC) Section 43219 (a).

During the annual state inspections fourteen (14) of the seventeen (17) permitted active, inactive and closed facilities within this LEA jurisdiction were found to be in violation of one or more State Minimum Standard. The LEA verified that all violations of State Minimum Standards had been corrected at five (5) of the facilities, eight (8) facilities remained in violation of State Minimum Standards. Therefore, these facilities in the Sonoma County LEA's jurisdiction are recommended to receive a 90 day notice of intent for inclusion on the State List of Non-Complying Facilities: Healdsburg Disposal Site, Occidental Transfer Station, Casa Grande, Advance Course, Cloverdale #2 Wood Waste Disposal Site, Rorabough #7, Guerneville Transfer Station, and Sonoma Transfer Station.

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.

While the Sonoma County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed to complete all required monthly facility inspections pursuant to PRC 43218. Board staff will find that the Board should recommend that the LEA continue to increase staff as planned in order to meet statutory and regulatory requirements for obtaining and/or maintaining their certification.

FACILITIES EVALUATION REPORT
COUNTY OF SONOMA, LEA JURISDICTION, 49-AA

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PROGRAM GOALS

The goal of the California Integrated Waste Management Board's (Board) Facilities Evaluation Program is to ensure that all solid waste facilities in California (including closed, sites without a solid waste facilities permit (SWFP), abandoned, and exempted sites) meet the requirements of applicable State laws and regulations to protect the environment and ensure public health and safety.

Local Enforcement Agencies (LEAs) have the primary responsibility for ensuring the proper operation and closure of solid waste facilities. As agents of the state, the LEAs enforce state solid waste laws and regulations and implement Board policies.

A primary goal of the Board is to ensure that LEAs are implementing effective Enforcement Programs. One way the Board accomplishes this task is by inspecting all solid waste facilities annually through its Facilities Evaluation Program. This program not only allows the Board to monitor compliance at solid waste facilities, it also allows the Board to verify the effectiveness of LEA Programs.

STATUTORY AUTHORITY

The Facilities Evaluation Program is based on the following sections of Division 30 of the Public Resources Code (PRC):

1) **PRC Section 43219(b)** "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...".

2) **PRC Section 43214** "The board shall develop performance standards for evaluating local enforcement agencies and shall periodically review each enforcement agency and its implementation of the permit, inspection, and enforcement program. The Board's review shall include periodic inspections of solid waste facilities to assess compliance with state standards".

3) **PRC Section 44104** "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 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...".

4) **PRC Section 43219(c)** "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, prepare a written performance report within 60 days of the review, and require the submission of a plan of correction by the enforcement agency within 90 days of the report".

5) **PRC Section 43215** "If the board finds that an enforcement agency is not fulfilling its responsibilities, the board shall notify the enforcement agency of the particular reasons for finding that the enforcement agency is not fulfilling its responsibilities and of the board's intention to withdraw the approval of the designation if, within a time to be specified in that notification, but in no event less than 30 days, the enforcement agency does not take the corrective action specified by the board".

PROGRAM IMPLEMENTATION

Each LEA jurisdiction is considered individually. To initiate the annual Facilities Evaluation process within an LEA jurisdiction, Board staff meet with the LEA to discuss the review process and the LEA's responsibilities during the review. Permitting, closure/postclosure maintenance, implementation of AB 939 and other pertinent issues are also discussed.

Board staff inspects each permitted solid waste facility within an LEA's jurisdiction 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 within 30 days pursuant to PRC Section 43219(b) and to the operator and other responsible agencies. All closed, sites without a SWFP, abandoned, and exempt sites which can be located and accessed were also assessed.

Based upon the combined results of the facility inspections, the LEA's ability to implement its Enforcement Program Plan (EPP) is assessed (14 CCR 18077, pending Office of Administrative Law (OAL) approval). A draft Facilities Evaluation Report (FER) is then prepared for the LEA jurisdiction which summarizes both the facilities inspection results and the assessment of the LEA's ability to comply with and implement its EPP.

Upon completion of a draft FER, the report is transmitted to the LEA for review. The draft FER is then discussed with the LEA at an interagency meeting designated as the "exit interview". LEA comments are incorporated into a final draft FER which is presented to the Board's Permitting and Enforcement Committee for consideration. Upon acceptance by the committee and then the full Board, a final FER is transmitted to the LEA.

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 and the LEAs 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(b).

The operator and the LEA then have a "grace period" during which all violations of State Minimum Standards are corrected and documented. The 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 violations of State Minimum Standards have been corrected.

Any solid waste facility which continues to be in violation of one or more State Minimum Standard, as of the date of the LEA exit interview, will be notified 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 solid waste transfer or processing station, a composting facility, or a transformation facility, pursuant to PRC Sections 40194 and 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 and the LEAs, 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.

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.

Exit Interview is defined as the meeting held between Board staff and the LEA to review a draft of the Facilities Evaluation Report for the LEA's jurisdiction. This meeting is held after all solid waste facilities within the LEA's jurisdiction are inspected and Board staff has developed a draft of the Facilities Evaluation Report.

Grace Period is defined as the period between the annual Board inspection of a solid waste facility conducted in conjunction with the LEA and the exit interview concluding the annual Facilities Evaluation process for the LEA jurisdiction. The length of the grace period may 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 a draft of the Facilities Evaluation Report. In no case will the grace period be less than 30 days.

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 State Minimum Standard violations to avoid inclusion on the list pursuant to PRC Section 44104. Those facilities included on the list will have one year to correct the violation(s) under a compliance schedule developed 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 order provided that 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 included on the list does not require compliance within one year of the listing date, a new LEA enforcement order must 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) pursuant to PRC Section 44106.

LEA ASSESSMENT CRITERIA

The assessment of an LEA's ability to implement its Enforcement Program Plan (EPP) (14 CCR 18077, pending OAL approval) is primarily based on the compliance status of solid waste facilities in an LEA's jurisdiction. However, the assessment also includes a general review to determine if an LEA is meeting its duties and responsibilities as defined in Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval).

SIGNIFICANT VIOLATIONS OF STATE MINIMUM REQUIREMENTS

PRC Section 43219 states that if the Board identifies significant violations of state minimum requirements during its annual facility inspections that were not previously identified and resolved by the LEA, then the Board shall conduct a Performance Review of the LEA within 120 days.

State minimum requirement is defined as any applicable state law or regulation enforced at solid waste facilities 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 violation which causes or threatens to cause a hazard, pollution, or nuisance constituting an emergency requiring immediate action to protect the environment or the public health, welfare or safety.

Resolve is defined as a situation where a LEA has exercised all appropriate actions necessary to compel 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.

Performance Review is a comprehensive review of an LEA's program pursuant to Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval).

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. Once the Board initiates the Performance Review, Board staff have 120 days to complete the review and another 60 days to prepare a Performance Review Report.

Upon receipt of the Performance Review 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.

LEA PROGRAM REVIEW CRITERIA

PRC Section 43214 states that the Board shall periodically review the LEA's implementation of its permit, inspection, and enforcement program. This periodic review shall include inspections of solid waste facilities to assess compliance with applicable state laws and regulations.

If during the Facilities Evaluation process the Board determines that an LEA is experiencing difficulties implementing its permit, inspection, or enforcement programs, the Board may initiate a periodic review of the LEA.

Periodic Review is a review of an LEA's permit, inspection, and enforcement program pursuant to Title 14, California Code of Regulations (CCR), Article 2.2 (LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities, pending OAL approval). The Periodic Review may be comprehensive or may be focused on a particular problem identified during the Facilities Evaluation.

PRC Section 43215 provides that if the results of a Periodic Review indicate that an LEA is not fulfilling its responsibilities, the Board must notify the LEA of its intent to withdraw its approval of the LEA's designation unless the deficiencies are corrected in a time specified by the Board, but in no case less than 30 days.

The criteria used during the Facilities Evaluations process to assess whether an LEA is experiencing difficulties with the implementation of its permit, inspection, or enforcement programs are as follows:

A) Failure by the LEA to a) identify any solid waste facility being operated except as authorized by a SWFP pursuant to PRC Section 44002 b) failure to identify any operator operating a solid waste 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.

B) Failure by the LEA to identify any solid waste facility being operated without 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.

C) Failure, by the LEA, to identify and resolve situations of conflicting interests where the LEA is also an operating unit responsible for operating or administering a solid waste facility pursuant to PRC Section 43207.

D) 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 conduct monthly inspections of solid waste facilities in violation of PRC Section 43218, and/or c) a systematic failure by the LEA to perform their duties or responsibilities as required by Division 30 of the Public Resources Code and Title 14 of the California Code of Regulations.

E) 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 solid waste facility owner or operator has failed to comply with an enforcement order issued by the LEA <u>or</u> b) failure by the LEA to initiate the permit revocation process pursuant to PRC Section 44106 when a solid waste facility 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 solid waste 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.

LEA PERFORMANCE EVALUATION CRITERIA

If the Board determines there is a significant violation of a state minimum requirement at a solid waste facility in an LEA's jurisdiction or that an LEA is not meeting its duties and responsibilities or implementing its inspection, permitting, or enforcement program, the Board will initiate a Performance or Periodic review.

Although the Board may choose not to initiate either a Performance Review or a Periodic Review, the Board may make recommendations which will assist the LEA in maintaining and/or obtaining their certification.

Recommendations are based on LEA compliance with the following LEA performance evaluation criteria.

1. The LEA has conducted monthly inspection of active, inactive, and illegal sites pursuant to PRC Section 43218.

2. The LEA has conducted quarterly inspections of closed, abandoned, and exempt sites pursuant to PRC 43218, 14 CCR 18083*.

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 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.

* = Pending Office of Administrative Law approval

COUNTY OF SONOMA LEA

The County of Sonoma has an approximate population of 385,400 (1/90). The City of Santa Rosa contains much of the population. The county is primarily agricultural with some light industry and wood milling. Sonoma County is bounded by the Pacific Ocean to the west and the Mayacmas Mountains to the east. The southern portion is contiguous with San Pablo Bay. A portion of a geothermal resource area called the Geysers is located in the northeastern portion of the county. The northern portion of the county is within the jurisdiction of North Coast Regional Water Quality Control Board, the southern portion is located within the jurisdiction of Bay Area Regional Water Quality Control Board.

During July and August of 1977, the Sonoma County Board of Supervisors and the nine city councils of the county, designated the Sonoma County Public Health Department as the Local Solid Waste Management Enforcement Agency (LEA). The then State Solid Waste Management Board approved the designation on September 22, 1977.

The Director of Sonoma County Public Health Department is Mark Kostielney. LEA duties are currently performed by Environmental Health, a division of Sonoma County Public Health Department. The Director of the Division of Environmental Health is Jonathan J. Krug. Members of the LEA staff are Jeff Lewin, Supervising Sanitarian and Jack VrMeer, REHS. Mr. VrMeer is the designated LEA contact person.

Solid waste facilities in the County of Sonoma include four (4) active permitted landfills, two (2) inactive permitted landfills, one (1) active exempt landfill, two (2) inactive exempt landfills, one (1) active landfill without a SWFP, three (3) inactive landfills without a SWFP and fifteen (15) closed landfills, three of which are permitted, two are exempt and 10 have not been permitted. The county also contains six (6) active permitted transfer stations and one (1) inactive permitted transfer station. There is one (1) active, exempt green waste composting study project. There are also over one hundred twenty (120) other disposal sites in the county. All but three of these are closed and/or exempt short term (less than one year) geothermal drilling mud sumps. Two are permitted long term (greater than one year) geothermal drilling mud disposal sites. The last is a permitted sludge landspreading operation. **(Figure 1)**.

SONOMA COUNTY LEA 49-AA
FACILITIES EVALUATION REPORT

FIGURE 1

FACILITY INVENTORY

						TONNAGE					SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	CLOSURE YEAR	DAILY	IN PLACE	ACRES	SETTING	SPECIAL WASTE	AIR	WATER
CENTRAL	49-AA-0001	LANDFILL	ACTIVE	3/19/91	1999	2500	$1.6 \times 10^6 yd^3$	389	AGRICULTURAL		1988	1987
ANNAPOLIS	49-AA-0002	LANDFILL	ACTIVE	7/15/86	1992	3	$750,000 yd^3$	9	FOREST		1987	1988
GUERNEVILLE DS	49-AA-0003	LANDFILL	CLOSED	8/8/84	1984	0	UNKNOWN	87	FOREST			R-6
HEALDSBURG DS	49-AA-0004	LANDFILL	INACTIVE	7/15/86	1992	0	$1.5 \times 10^6 yd^3$	121	FOREST / AG			1987
SONOMA DS	49-AA-0005	LANDFILL	CLOSED	9/30/86	1985	0	$718,000 yd^3$	36	AGRICULTURAL			R-4
OCCIDENTAL TS	49-AA-0006	TRANSFER	ACTIVE	3/3/85	NA	20	NA	2	MOUNTAIN			N/A
WEST COLLEGE TS	49-AA-0007	TRANSFER	ACTIVE	11/25/85	NA	16	NA	0.2	URBAN			N/A
TUBBS ISLAND	49-AA-0008	LAND SPREAD	ACTIVE	7/21/86	2010	$95 yd^3$	NA	1,700	AGRICULTURAL	SLUDGE		R-15
CASA GRANDE	49-AA-0009	LANDFILL	ACTIVE	10/25/85	2000	9	UNKNOWN	21	WETLAND			R-8
ADVANCE COURSE	49-AA-0010	LANDFILL	INACTIVE	11/22/89	1992	0	$6,091 yd^3$	4	MOUNTAIN	SLUDGE		R-5
CLOVERDALE #2	49-AA-0011	LANDFILL	ACTIVE	8/18/86	2010	88.5	UNKNOWN	21	AGRICULTURAL			R-2
CATHOLIC YOUTH CAMP	49-AA-0012	LANDFILL	CLOSED	7/23/79	1980	0	UNKNOWN	0.5	FOREST			R-14
WHOLER RUBBLE	49-AA-0013	UNCLASSIFIED	INACTIVE	EXEMPT	NA	0	UNKNOWN	8	RIPARIAN			R-15
UNOCAL 80-40.4	49-AA-0020	SUMP	CLOSED	EXEMPT	1986	0	UNKNOWN		MOUNTAIN	MUD		N/A
UNOCAL GDC 14-7.3	49-AA-0021	SUMP	CLOSED	EXEMPT	1986	0	UNKNOWN		MOUNTAIN	MUD		N/A
RORABOUGH #8	49-AA-0022	SUMP	CLOSED	2/10/81	1981	0	UNKNOWN		MOUNTAIN	MUD		N/A
HOWARTH PARK TS	49-AA-0033	TRANSFER	ACTIVE	8/5/86	NA	$12 yd^3$	NA	0.1	PARK			N/A
RORABOUGH #7	49-AA-0039	TRANSFER	INACTIVE	3/28/87	NA	0	NA	0.73	MOUNTAIN	MUD		N/A
MODINI 18-1.4	49-AA-0057	SUMP	CLOSED	12/14/81	1982	0	UNKNOWN		MOUNTAIN	MUD		N/A
ANEGLO GRUSTI DS	49-AA-0137	LANDFILL	ACTIVE	EXEMPT	NA	NA	UNKNOWN		AGRICULTURAL			N/A
R. MADDOCKS DS	49-AA-0138	LANDFILL	INACTIVE	NOT PERMITTED	NA	0	$<8,000 yd^3$		AG / RIPARIAN			R-15
GUERNEVILLE TS	49-AA-0139	TRANSFER	ACTIVE	1/27/89	NA	80	NA	1.4	FOREST			N/A
D AND V 18-6.4	49-AA-0140	SUMP	CLOSED	EXEMPT	1986	0	UNKNOWN		MOUNTAIN	MUD		N/A
D X S 12-3.4	49-AA-0141	SUMP	CLOSED	1/25/84	1987	0	UNKNOWN		MOUNTAIN	MUD		N/A

- ACTIVE / PERMITTED SITES NA - NOT APPLICABLE

SONOMA COUNTY LEA 49-AA
FACILITIES EVALUATION REPORT

FIGURE 1 (CONTINUED)

FACILITY INVENTORY

						TONNAGE					SWAT REPORTS	
FACILITY NAME	SWIS #	CATEGORY	STATUS	PERMIT (DATE)	CLOSURE YEAR	DAILY	IN PLACE	ACRES	SETTING	SPECIAL WASTE	AIR	WATER
D X S 11-15.4	49-AA-0142	SUMP	CLOSED	EXEMPT	1986	0	UNKNOWN		MOUNTAIN	MUD		N/A
SONOMA TS	49-AA-0144	TRANSFER	ACTIVE	4/5/85	NA	200	NA	<5	AGRICULTURAL			N/A
UNOCAL DS	49-AA-0147	SUMP	ACTIVE	7/21/86	2000	0	UNKNOWN	4	MOUNTAIN	MUD		N/A
SANTA ROSA GEOTHERMAL	49-AA-0148	SUMP	ACTIVE	9/23/87	UNKNOWN	0	UNKNOWN	6.5	MOUNTAIN	MUD		N/A
HURST DS	49-AA-0240	LANDFILL	CLOSED	EXEMPT	1984	0	UNKNOWN		AGRICULTURAL			N/A
BISSO BROTHERS	49-AA-0243	LANDFILL	INACTIVE	NOT PERMITTED		0	UNKNOWN		AGRICULTURAL			N/A
CLOVERDALE #1	49-AA-0244	LANDFILL	CLOSED		1978	0	UNKNOWN		AGRICULTURAL			N/A
HEALDSBURG TS	49-AA-0245	TRANSFER	ACTIVE	8/1/89	NA	400	NA	<121	AG / FOREST			N/A
GROUP ENVIRONMENTAL	49-AA-0246	LAND SPREAD	INACTIVE	EXEMPT	NA	0	500	16.5	AGRICULTURAL	SOILS		N/A
KORBEL MAINTENANCE	49-AA-0247	UNCLASSIFIED	ACTIVE	EXEMPT	1999	UNKNOWN	UNKNOWN	7.7	FOREST			R-14
BENNET VALLEY FARM	49-AA-0255	COMPOSTING	ACTIVE	EXEMPT	NA	300yd^3/yr	NA	0.66	AGRICULTUAL			N/A
PRATI 25	49-AA-0256	SUMP	ACTIVE	EXEMPT	1992		UNKNOWN		MOUNTAIN	MUD		N/A
OCCIDENTAL DS	49-AA-	LANDFILL	CLOSED	NOT PERMITTED	1977	0	UNKNOWN	2.05	MOUNTAIN			N/A
ROBLER ROAD	49-AA-	LANDFILL	CLOSED	NOT PERMITTED	1971	0	UNKNOWN		AGRICULTURAL			N/A
SEBASTOPOL	49-AA-	LANDFILL	CLOSED	NOT PERMITTED	1966	0	UNKNOWN		URBAN			N/A
SONOMA AIRPORT	49-AA-	LANDFILL	CLOSED	NOT PERMITTED	1950'S	0	UNKNOWN		AGRICULTURAL			N/A
COTATI	49-AA-	LANDFILL	CLOSED	NOT PERMITTED	1950'S	0	UNKNOWN		AGRICULTURAL			R-15
SEA RANCH	49-AA-	LANDFILL	CLOSED	NOT PERMITTED	1969	0	UNKNOWN		FOREST			R-12
FAUGHTS	49-AA-	LANDFILL	CLOSED	NOT PERMITTED		0	UNKNOWN		AGRICULTURAL			N/A
BOHEMIAN GROVE	49-AA-	LANDFILL	CLOSED	NOT PERMITTED		0	UNKNOWN		FOREST			N/A
WEST COLLEGE DS	49-AA-	LANDFILL	ACTIVE	UNCLASSIFIED			UNKNOWN		URBAN			R-8
STATE PARK DS	49-AA-	LANDFILL	CLOSED	NOT PERMITTED		0	UNKNOWN		FOREST			R-12
AIDLIN A-1	49-AA-	SUMP	ACTIVE	EXEMPT	1992				MOUNTAIN	MUD		N/A
AIDLIN C-1	49-AA-	SUMP	ACTIVE	EXEMPT	1992				MOUNTAIN	MUD		N/A

- ACTIVE / PERMITTED SITES NA - NOT APPLICABLE

FACILITY INSPECTION RESULTS

On March 11, 1991, Board staff met in Santa Rosa with representatives of the County of Sonoma LEA. The purpose of this meeting was to explain the California Integrated Waste Management Board's Enforcement Division Program. In attendance were Jonathan J. Krug, Director, Jeff Lewin and Jack VrMeer all of Sonoma County Public Health Department, Division of Environmental Health. Board staff included from the Enforcement Division, Sharon Anderson, Marc Arico, Mark de Bie and Paul Forsberg, and from the Permits Division, Beatrice Cuenca and Martha Vazquez.

From February to May, 1991 twenty-four (24) solid waste facilities were inspected or assessed within the LEA's jurisdiction. Three inspections done in December and January are included as part of this evaluation with the approval of the LEA representatives.

Forty-eight (48) violations and fifty-six (56) areas of concern were identified at the permitted active and inactive sites within the jurisdiction. LEA facility inspection results for the year July, 1990 to June, 1991 compared to the Board's annual State inspection reports are attached as Appendix A. Details of all Board facility inspections can be found in the attached State Inspection Reports found in Appendix B.

ACTIVE PERMITTED FACILITIES

Central Disposal Site 49-AA-0001
This class III landfill is located west of the City of Cotati on Mecham Road. It is owned and operated by the Sonoma County Public Works Department. The landfill is the primary disposal site in the county and contains a total of 383 acres. The site is permitted to receive 2500 tpd. The surrounding land is agricultural.

On February 14, 1991, Board staff and a representative of the LEA inspected the facility. One (1) permit violation for exceeding the permitted tonnage amount and two (2) areas of concern were noted. The issuance of a revised permit on March 19, 1991 brought the site into compliance.

Annapolis Disposal Site 49-AA-0002
This facility is a class III landfill located in the northern portion of the county near Annapolis. It is owned and operated by Sonoma County Public Works. The site includes 9 acres and is surrounded by forest. The site is receiving 24 tpd. The operator is currently planning to propose either expansion to the south or to build a transfer station at the site.

On April 30, 1991, Board staff and a representative of the LEA inspected the site. One (1) permit violation for exceeding the permitted tonnage amount, operating hours, cover frequency and waste types, four (4) State Minimum Standard violations and ten (10) areas of concern were noted. On June 5, 1991 the LEA gave the operator official notice to indicate in writing how the site would be brought into compliance. The operator provided the LEA with a compliance schedule on June 28, 1991. This schedule indicates that the site will be in compliance with State Minimum Standards by October, 1991. The LEA has submitted to Board staff a draft notice and order for the permit violation. This order will require the operator to apply for a permit review by November 1, 1991.

Occidental Transfer Station 49-AA-0006

This large volume transfer station located on 2.05 acres along Stoetz Lane near Occidental. It is owned and operated by Sonoma County Public Works. The facility is permitted to receive 20 tpd. The station consists of a compactor unit and several open top 40 yd^3 bins. The facility was built adjacent to a closed landfill.

On March 27, 1991, Board staff and a representative of the LEA inspected the facility. Four (4) State Minimum Standard violations and three (3) areas of concern were noted. The LEA issued a notice and order for a permit violation for exceeding the permitted tonnage amount and the number of bins used at the site on March 4, 1991. On April 29, 1991 the LEA gave the operator official notice to indicate in writing how the site would be brought into compliance. The operator provided the LEA with a compliance schedule on May 8, 1991. This schedule fully addressed all but one of the State Minimum Standard violations noted at the site. The operator indicated more study of site maintenance was required. The LEA submitted to Board staff a draft notice and order which will supersede the existing order. This order will require the operator to apply for a permit revision by October 31, 1991.

West College Transfer Station 49-AA-0007

This small volume transfer station is located on West College Avenue in the City of Santa Rosa. The facility is owned and operated by the City of Santa Rosa. The facility is permitted to receive 16 tpd. Only street sweepings and brush are received at the site.

On January 18, 1991, Board staff and a LEA representative inspected the facility. One (1) State Minimum Standard violation and three (3) areas of concern were noted. It was confirmed by the LEA on July 11, 1991 that the facility was in full compliance with State Minimum Standards. A draft permit for the facility was submitted to Board staff on May 8, 1991.

Tubbs Island Sludge Disposal Site 49-AA-0008
This facility is a solid waste disposal site where sludge is spread on land which is used to grow crops for animal consumption only. The site is located at 5400 Sears Point (Hwy. 37) and includes 1,700 acres. The site is permitted to receive 95 yd^3pd. The site is owned and operated by the Vallejo Sanitation and Flood Control District.

On March 20, 1991, Board staff and a LEA representative inspected the facility. One (1) State Minimum Standard violation and two (2) areas of concern were noted. Board staff found the site in compliance with all State Minimum Standards on April 1, 1991. The permit is going through modification.

Casa Grande Site 49-AA-0009
This 21 acre, class III landfill is located in the City of Petaluma, and is owned and operated by the City. The site receives material from city work and maintenance projects. The receives 9 tpd. A wetland area adjacent to the Petaluma River borders the site on three sides.

On March 20, 1991, Board staff and a LEA representative inspected the facility. Five (5) State Minimum Standard violations and two (2) areas of concern were noted. On July 11, 1991, the LEA confirmed that the facility was in compliance with all but one State Minimum Standard. Action regarding the outstanding violation will be taken after a forth coming Permit Review.

Cloverdale #2 Wood Waste Disposal Site 49-AA-0011
This disposal facility accepts only wood waste. It is located just south of the City of Cloverdale on Kelly Road. The site is permitted to receive 88.5 tpd. The 21 acre facility is owned and operated by Louisiana Pacific Corporation.

On April 15, 1991, Board staff and a LEA representative inspected the facility. One (1) permit violation for exceeding the permitted tonnage amount and cover frequency, five (5) State Minimum Standard violations and three (3) areas of concern were noted. It was confirmed by the LEA on July 11, 1991 that the facility was inactive. Compliance with all but one State Minimum Standard was met when the facility became inactive. The compliance with the remaining standard and permit violation is tied to a required Permit Review.

Howarth Park Transfer Station 49-AA-0033
This small volume transfer station is located in Santa Rosa on Summerfield Road. The 3,600 ft^2 facility is permitted to receive 12 yd^3pd of brush and other material from park maintenance projects. The site is owned and operated by the City of Santa Rosa.

On March 18, 1991, Board staff and a LEA representative inspected the facility. One (1) State Minimum Standard violation and (2) areas of concern were noted. It was confirmed by the LEA on July 11, 1991 that the site is in full compliance with all State Minimum Standards.

Guerneville Transfer Station 49-AA-0139
This large volume transfer station is located 3 miles east of the City of Guerneville on 1.4 acres. The facility is owned and operated by Sonoma County Public Works. The facility is permitted to receive 80 tpd. Day to day operations are conducted by a contract operator. The facility was built adjacent to a closed landfill in a forested area.

On March 28, 1991, Board staff and a LEA representative inspected the facility. Two (2) State Minimum Standard violations and six (6) areas of concern were noted. It was confirmed by the LEA on July 11, 1991 that the site is in compliance with all but one State Minimum Standard. A May 8, 1991 compliance schedule developed by the operator does not fully address how compliance with this standard will be met. The operator indicated in the schedule that more study of site maintenance was required.

Sonoma Transfer Station 49-AA-0144
This large volume transfer station is located in an agricultural area on Hwy. 116 east of Petaluma. It is owned and operated by Sonoma Public Works. The facility receives 342 tpd. Day to day operations are conducted by a contract operator. The facility was built adjacent to a closed landfill.

On January 11, 1991, Board staff and a LEA representative inspected the facility. One (1) permit violation for exceeding the permitted tonnage amount, five (5) State Minimum Standard violations and six (6) areas of concern were noted. On February 22, 1991 the LEA issued a notice and order for the permit violation. On June 19, 1991 the LEA gave official notice to the operator to indicate in writing how the facility will be brought into compliance with State Minimum Standards. The compliance schedule submitted by the operator on July 8, 1991 does not fully address how compliance will be met. The operator indicated more study of site maintenance was required. The LEA has submitted to Board staff a draft notice and order which will supersede the existing order. This order will require the operator to apply for a permit revision by November 1, 1991.

Drilling Mud Disposal Facility (Unocal) 49-AA-0147
This facility is a long term disposal site for geothermal well drilling muds. It is located in the Geysers on land leased by Union Oil of California (Unocal) from Lakama Fame Land Management

and G.D. Horner. The facility is permitted to receive 90yd^{3}pd and is operated by Union Oil of California.

On April 11, 1991, Board staff and a LEA representative inspected the facility. No (0) violations and one (1) area of concern were noted.

Santa Rosa Geothermal Waste Management Unit 49-AA-0148
This facility is located in the Geysers. The 6.5 acre facility is a long term geothermal well drilling mud disposal site. The facility is permitted to receive 30 tpd and is owned and operated by Santa Rosa Geothermal Co., L.P.. Day to day operations are conducted by a contract operator.

On January 14, 1991, Board staff and a LEA representative inspected the facility. One (1) permit violation for unauthorized operator, one (1) State Minimum Standard violation and two (2) areas of concern were noted. On July 11, 1991 the LEA confirmed that the site was in compliance with State Minimum Standards. The current operator has applied for a new permit.

Healdsburg Refuse Transfer Station 49-AA-0245
This large volume transfer station is located north of the City of Healdsburg at 166 Alexander Valley Road. The facility was built adjacent to a currently inactive landfill. The facility is permitted to receive 320 tpd and is owned and operated by Sonoma County Public Works. Day to day operations are conducted by a contract operator.

On December 6, 1991, Board staff and a LEA representative inspected the facility. One (1) permit violation for exceeding the permitted tonnage amount, two (2) State Minimum Standard violations and three (3) areas of concern were noted. On July 11, 1991 the LEA confirmed that the site was in compliance with permit terms and conditions and with all State Minimum Standards.

ACTIVE WITHOUT A SWFP

West College Landfill
This disposal site receives inert materials from City of Santa Rosa work projects. It is owned and operated by the city and is adjacent to the West College Transfer Station.

The site was assessed on January 18, 1991. No problems were noted. Further evaluation is required to determine if the site can continue to operate without a SWFP.

INACTIVE PERMITTED FACILITIES

Healdsburg Disposal Site 49-AA-0004
This inactive class III landfill is located adjacent to the Healdsburg Refuse Transfer Station on Alexander Road, north of the City of Healdsburg. The facility is inactive and expected to remain so until closure operations begin. The site is owned and operated by Sonoma County Public Works.

On May 23, 1991, Board staff and a LEA representative inspected the facility. One (1) permit violation for significant change, two (2) State Minimum Standard violations and five (5) areas of concern were noted. The operator, at the request of the LEA, submitted a compliance schedule which addresses fully all but one State Minimum Standard violation. The remaining violation will be addressed as compliance with permit violations is reached. The LEA has submitted a draft notice and order to Board staff for the permit violation noted at the facility. This order requires the operator to apply for a new permit by December 31, 1991.

Advance Course 49-AA-0010
This landfill is located at 4088 Porter Creek Road. The site was first used as a landfill for disposal of kitchen waste from a ship stewards' school. More recently it has been used by Werner Erhard and Associates, the owner and operator, for disposal of sludge from a small on-site waste water treatment facility. The site is expected to go through clean closure during spring 1992.

On March 18, 1991, Board staff and a LEA representative inspected the facility. The facility was found to be inactive, however six (6) State Minimum Standard violations and six (6) areas of concern were noted. On July 11, 1991 the LEA confirmed that the facility was in compliance with all but two State Minimum Standards. On September 17, 1991 the LEA confirmed that the remaining two violations had been corrected.

Rorabough #7 49-AA-0039
This small volume geothermal well drilling mud transfer station is located in the Geysers. The 0.73 acre facility is on property owned by F. Curry, R. Maloney, B. Pederson and D. Girard. The site is operator by California Department of Water Resources.

On April 11, 1991, Board staff and a LEA representative inspected the facility. Two (2) State Minimum Standard violations and no (0) areas of concern were noted. On July 11, 1991 the LEA confirmed that all but one State Minimum Standard were in compliance at the facility. The remaining standard will be addressed after a Permit Review is completed.

ACTIVE EXEMPT FACILITIES

Korbel Maintenance Disposal Site 49-AA-0247
The site was granted an exemption under CCR 18215 (b)(4) on May 17, 1989. The site is located southeast of Guerneville on Hwy. 116. Inert material collected from landslides and shoulder erosion along roadways are deposited in a gully. The surrounding area is forest. During a state assessment on March 27, 1991, a pile of wood waste was observed. The LEA indicated that the operator would be instructed to remove the unauthorized material. No other problems were noted.

Aidlin A-1 and Aidlin C-1 Geothermal Mud Sumps
These two short term drilling mud sumps were granted one year exemptions under 18215 (b)(3) on April 22, 1991. Both sumps are located on drilling pads on the Aidlin Leasehold in the Geysers. The sites were not assessed.

Priti 25 Geothermal Mud Sump
This sump was granted an exemption under CCR 18215 (b)(3) on May 6, 1991. The sump is located in The Geysers in the southwest quarter Section 35, T12N, R9W, MDBM. This site was not assessed.

INACTIVE EXEMPT FACILITIES

Wohler Rubble Site Sanitary Landfill 49-AA-0013
The site is located on Wohler Road just south of the Russian River. A SWFP was issued for the site at one time. It was later determined that as only inert materials were to be received at the site, a permit was not required and the governing permit was rescinded. A state site assessment was conducted on April 19, 1991. No problems were observed. Only concrete and inert demolition material have been received at the site. The site has been inactive for several months.

Angelo Giusti Disposal Site 49-AA-0137
The site was granted an exemption on November 3, 1986 under CCR 18215 (b)(5). The site is for the use of one or two families, ranch or farm waste disposal. The site was not assessed.

Hurst Ranch 49-AA-0240
The site was granted an exemption under CCR 18215 (b)(5) on July 19, 1979. The site is located on Gold Ridge Road and is used for farm or ranch waste disposal for one or two families. The site was not assessed.

Group Environment Services, Inc. 49-AA-0246
The site was granted an exemption under CCR 18215 (b)(7) on April 20, 1989. The site is located just off River Road. Petroleum contaminated soils were spread on agricultural land. The site was used only once. The site was not assessed.

INACTIVE FACILITIES WITHOUT A SWFP

Robert Maddocks Landfill 49-AA-0138
This unpermitted site received inert material and wood waste. The LEA and Operator agreed that the site would close by September 1, 1987. The site closed sometime before October, 1988. It is not certain that the closure plan developed by a civil engineer was followed as the site closed without supervision by the engineer. During a state site assessment on May 23, 1991, inert materials were observed on the site. An exemption has not been granted for the site. The LEA indicated that the issue was referred to Sonoma County Counsel, but no further action has occurred.

CalTrans Rubble Site, State Fill
This site is located off River Road near the Cazadero Hwy. turn-off. The site has been active, until recently, since at least 1978. CalTrans deposits rubble from road projects on the privately owned site. Jack Eslick, CalTrans, noted during a phone conversation on May 4, 1991 that a complaint regarding the site was recently referred to Sonoma County Planning Commission. The site has not been active since the complaint was received. The LEA is aware of the site and has only observed inert materials at the site. The site was not assessed.

Bisso Brothers, 25800 Arnold Drive, Sonoma
This unpermitted site was used for the disposal of wood waste, white goods and vehicles. The LEA has indicated that the waste should be removed from the site. The issue was referred to Sonoma County Counsel. It is currently going through litigation. The site was not assessed.

CLOSED FACILITIES

Permitted

Guerneville Disposal Site 49-AA-0003
The site is located on Pocket Drive, 3/4 mile from Highway 116, 3 miles east of Guerneville and 5 1/2 miles west of Forestville. The surrounding area is forest. It consists of 87 acres of which approximately 10% was used for landfill operations. The site operated as a burn dump prior to 1970. The site received group 2 and 3 waste, and has approximately 200,000 yd^3 in place. It closed on January 9, 1984, the closure was recorded on June 1, 1984 and a

closed site permit was issued on August 8, 1984. The Guerneville Transfer Station, 49-AA-0139, was built on the western portion of the site in 1984. During the state site assessment on March 27, 1991, several storage tanks, miscellaneous equipment and waste were observed on the upper portion of the fill area. This condition had been previously noted by the LEA. The operator was in the process of removing the unauthorized material.

Sonoma Disposal Site 49-AA-0005
The site is located off Highway 116, 9 miles east of Petaluma, 5 miles southwest of Sonoma. The surrounding area is agricultural with the exception of a quarry south of the site. The site consists of 36 acres. Approximately 718,000 yd^3 of group 2 and 3 waste are in place at the site. It closed on April 8, 1985, closure was recorded on August 21, 1985, and a closed site permit was issued on September 30, 1986.

On February 22, 1991 the LEA noted violations of PRC 44014 (b) and PRC 44002 at the site because of the storage of unauthorized fuel tanks, drums and because of an unauthorized operator conducting woodchipping operations at the site. These violations had not been corrected before the state site assessment on April 19, 1991. The operator indicated that the tanks and drums would soon be removed. The boundary of Sonoma Transfer Station, located just to the south of the site, is to be expanded to include the woodchipping operation. Sonoma Transfer Station is currently going through a permit revision which will include boundary and operational changes. The LEA has submitted to Board staff a draft notice and order which addresses compliance with permit violations noted at the site. This order requires the operator to apply for a permit modification by October 1, 1991.

Catholic Youth Camp Disposal Site 49-AA-0012
The site is located at 2136 Bohemian Hwy., Occidental. The surrounding area is forest. It was closed on November 19, 1980. Closure was recorded on September 6, 1984. The site is approximately 1/2 acre and received less than 2 tons/day of group 2 waste from a youth camp facility. The amount of waste in place is unknown. An unsuccessful attempt to locate the site was made on May 23, 1991.

Exempt

Short-term Geothermal Well Drilling Mud Sumps
There are over one hundred twenty (120) documented closed geothermal well drilling mud sumps in the county. Most operated for less than one year, and were found exempt from needing a solid waste facilities permit by the LEA under 18215 (b) (3). The sumps were closed under then Subchapter 15 CCR regulations, and under the

purview of the North Coast Regional Water Quality Control Board. Two typical closed sumps were assessed by Board staff on April 11, 1991. No problems were observed. It is unclear what the continuing role of the LEA should be in regards to these types of closed solid waste facilities. Board staff is currently evaluating the role of the LEA, Board, and Regional Water Quality Control Board regarding these closed sites.

Sites Without A SWFP

Cloverdale #1 Wood Waste Landfill 49-AA-0244
The site is located on Kelly Road south of Cloverdale. The last shipment of waste was on June 23, 1978. The site received only wood waste. 12,500 yd^3/month were received just before closing. It is unknown how much waste is in place. This site was not assessed.

Occidental Disposal Site
The site is located on Stoetz Lane, near Occidental. The surrounding area is agricultural. The 2.05 acre site operated as a burn dump from the 1930's to 1972. Dumping was stopped during February, 1977 when the Occidental Transfer Station was opened on the western portion of the site. No problems were observed at the site during the state assessment on May 23, 1991.

Robler Road Landfill
The site is located on the south side of Robler Road. The surrounding area is agricultural. The site was operated as a sanitary landfill before 1966. It closed in the early 1970's, approximately the time that Central Landfill, 49-AA-0001, started operations. The site received group 2 and 3 waste. It is unknown how much waste is in place. During the state site assessment on April 19, 1991 no visual problems were noted. Recently, concerns have been raised regarding the effects of a proposed quarry operation just to the south of the site on the stability of the fill area. To date the quarry operation has not been pursued.

Sebastopol Dump
The site is located just north of Morris Street, Sebastopol. The surrounding area is agricultural and multipurpose, with a park and community center just south of the presumed fill area. The site received cannery (apple) waste and closed during October, 1966. No problems were observed during the state assessment on May 23, 1991.

Sonoma County Airport Solid Waste Disposal Site
The site is located just west of the County Airport, off Slusser Road. The site is also referred to as Windsor Dump. The surrounding area is residential and agricultural. This cut and fill site was closed around 1954. During the state assessment on

April 19, 1991, the smell of landfill gas was noted, however a detectable subsurface gas level could not be found at the boundary nearest the closest residence. No problems were noted during the assessment.

Cotati Dump
The site is located off Sierra Ave. near Cotati. The surrounding area is agricultural. The site was closed around 1954. A county maintenance yard has been built over the fill area. Differential settlement was evident during the May 23, 1991 state assessment. A portion of the foundation of one building has been recently repaired. Landfill gas was not detected in any of the buildings.

Sea Ranch
The site is located in the area of Sea Ranch just off Hwy. 1. The site operated until 1969. The site could not be located.

Bohemian Grove
The site is located on a private estate. It was used to dispose of yard and landscaping waste. It is unclear if the site is still operating. The site was not located.

Faughts Dump
This site is located on Faughts Road off of Shiloh Road near Chalk Hill. No specific information could be found regarding this site. It is presumed to be closed. The site was not assessed.

State Park Disposal Sites
At least one disposal site was located in the Fort Ross area and one in the Sonoma Coast area of what is now State Park Land. Lee Banks, Ranger for the Russian River Park District, indicated that many of the disposal sites were for ranches. All of the sites are closed. The sites were not assessed.

NON-COMPLYING FACILITIES

During the annual state inspections fourteen (14) of the seventeen (17) permitted active, inactive and closed 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 September 19, 1991, Mr. VrMeer, LEA contact person, verified that at five (5) facilities all violations of State Minimum Standards had been corrected, and eight (8) facilities remained in violation of at least one State Minimum Standard. Non-complying facilities and the uncorrected violations noted are listed below.

Annapolis Disposal Site, 49-AA-0002
The two remaining violations are for 14 CCR 17658 - Security and 17708 Drainage and Erosion Control. The compliance schedule submitted by the operator indicated that these two violations would be corrected by September 15, 1991. The LEA has not yet confirmed if the site is in compliance.

Healdsburg Disposal Site, 49-AA-0004
The remaining violation is 14 CCR 17616 - Report of Disposal Site Information. The RDSI on file describes an active site however, the site was found to be inactive and closure is planned in the near future. The LEA has directed the operator to obtain a new permit and submit a new RDSI.

Occidental Transfer Station, 49-AA-0006
The remaining violation is 14 CCR 17557 - Station Maintence Program. Several areas of the station were found to be in disrepair. The operator has indicated that the need for structural repairs is being studied. If the forth coming engineer's report indicates that there is no need for repairs or if required repairs are made, the site will be found in compliance with the noted section.

Casa Grande, 49-AA-0009
The remaining violation is 14 CCR 17682 - Cover. It was determined that the frequency of cover was found to be quarterly and not every 96 hours as required. A forth coming Permit Review will determine the current tonnage received and therefore the required cover frequency. This section will remain in violation until the operator begins to cover every 96 hours or follows an alternative cover frequency developed by the LEA and based on the results of the Permit Review.

Cloverdale #2 Wood Waste Disposal Site, 49-AA-0011
The remaining violation is 14 CCR 17616 - Report of Disposal Site Information (RDSI). The RDSI on file is outdated and does not reflect current operations at the site. The LEA has indicated that a forth coming Permit Review will require the operator to submit a new RDSI.

Rorabough #7, 49-AA-0039
The remaining violation is 14 CCR 17423 - Plan of Operation. The current document which describes operations (RDSI) at the sump indicates that it is a disposal site however, the operator and the LEA indicate that the site is a small volume transfer station. Therefore a Plan of Operation is required. A forth coming Permit Review will require submittal of a Plan of Operation.

Guerneville Transfer Station, 49-AA-0139
The remaining violation is 14 CCR 17557 - Station Maintence Program. Several areas of the station were found to be in disrepair. The operator has indicated that the need for structural repairs is being studied. The site will be in compliance when it is certified by an engineer that no repairs are required or when required repairs are made. Repair of the facility may be delayed because of the time required to obtain funding.

Sonoma Transfer Station, 49-AA-0144
The three remaining violations are 14 CCR 17486 - Station Construction, 17512 - Cleaning, and 17757 - Station Maintenance Program. The compliance schedule submitted by the operator does not address section 17486 but does address the other two related sections. The station is hard to keep clean because of the general disrepair of the facility. The operator has indicated that full compliance will be achieved by July 1, 1993. The need to comply with CEQA and obtain funding to make the repairs is the reason for the delay.

LEA PERFORMANCE

The results of the evaluation of the Sonoma County LEA's performance based on the criteria described on pages 6 - 8 of this report are summarized in **Figure 2**.

The LEA has identified and has resolved, or begun the process to resolve, permit violations for Annapolis Disposal Site, 49-AA-0002; Healdsburg Disposal Site, 49-AA-0004; Sonoma Disposal Site, 49-AA-0005; Occidental Transfer Station, 49-AA-0006; Cloverdale #2, 49-AA-0011; Robert Maddocks Landfill, 49-AA-0138; Sonoma Transfer Station, 49-AA-0144; Healdsburg Refuse Transfer Station, 49-AA-0245; and Bisso Brothers, a site without a SWFP.

No situations of conflicting interests were identified.

During the evaluation year of July, 1990 to June 1991, fifty-two (52) out of one hundred ninety-two (192) or twenty-seven percent (27%) of the required (PRC 43218) monthly facility inspections were not completed by the Sonoma County LEA. During the evaluation year LEA staff was reduced to one individual. Much of the time required for monthly inspections was taken up by the time required to process permit reviews, permit modifications, and permit revisions. LEA staff time has also been used preparing for the LEA certification process.

The LEA is aware of the need for more personnel as indicated by a draft Enforcement Program Plan which was submitted to Board staff

Figure 2

SONOMA COUNTY 49-AA
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

Evaluation revised on September 23, 1991 — FACILITY NAME	CENTRAL LANDFILL		ANNAPOLIS LANDFILL		HEALDSBURG DISPOSAL SITE		SONOMA DISPOSAL SITE		OCCIDENTAL T.S.		WEST COLLEGE T.S.		TUBBS ISLAND D.S.	
SWIS #	49-AA-0001		49-AA-0002		49-AA-0004		49-AA-0005		49-AA-0006		49-AA-0007		49-AA-0008	
FACILITY VIOLATIONS	V	AoC	V	AoC	V	AoC	V	AoC	V	AoC	V	AoC	V	AoC
PRC, 14 CCR, Other (* = Emergency Violation)	0	2	2	10	1	5	0	0	1	3	0	3	0	2

LEA Program Review Criteria

PRC 43219 - Significant violations of State Minimum Requirements (A through E)							
A. PRC 45000, 44014, 44002, 14 CCR 18307, 18304 - Identify and resolve permit violation(s), (Permit Enf. Policy)	N/A	C	C	C	C	N/A	N/A
B. PRC 45000, 44001 and/or 44002 14 CCR 18304 - Identify and resolve permit violation(s)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C. PRC 43207 - Situations of Conflicting Interests	C	C	C	C	C	C	C
D. PRC 43218, and other applicable PRC and 14 CCR - Failure to implement LEA program	Missed 2 insp.	Missed 2 insp.	Missed 7 insp.	C	C	Missed 2 insp	Missed 2 insp
E. PRC 45200, 45201, 44106, 14 CCR 18305 - Enforcement of Notice and Orders	N/A	N/A	N/A	N/A	N/A	N/A	N/A

LEA Performance Evaluation Criteria

PRC 43218 - Monthly inspections of active, inactive, and illegal sites	V	V	V	N/A	C	V	V
14 CCR 18083 * - Quarterly inspections of closed, abandoned, and exempt sites	N/A	N/A	N/A	C	N/A	N/A	N/A
14 CCR 17683 - Weekly inspections of performance standards	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PRC 43218 - Inspections reports sent within 30 days	C	C	C	C	C	C	C
PRC 43219(b) - Yearly inspections conducted with Board	C	C	C	N/A	C	C	C
14 CCR 18302, 18303 - Investigated reports of violations	N/A	N/A	N/A	N/A	N/A	N/A	N/A
14 CCR 18304, 18307 PRC 45000 - Appropriate enforcement action taken (N & O / Compliance Schedules)	N/A	N & O	N & O	N & O	N & O	N/A	N/A
14 CCR 18213 - Five Year Permit Review	N/A	N/A	N/A	N/A	C	C	N/A
14 CCR 18270 - Review of Closure/Postclosure plans	N/A	N/A	N/A	N/A	N/A	N/A	N/A

V = Violation; AoC = Area of Concern; C = Compliance; N & O = Notice & Order; N/A = Not Applicable; AG = Attorney General; * = Pending Office of Administrative Law Approval

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Figure 2 (Continued)

SONOMA COUNTY 49-AA
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

Evaluation revised on September 23, 1991 — FACILITY NAME	CASA GRANDE SITE	ADVANCE COURSE	CLOVERDALE #2 WOOD WASTE SITE	HOWARTH PARK T.S.	RORABOUGH #7 T.S.	GUERNE-VILLE T.S.	SONOMA T.S.
SWIS #	50-AA-0009	49-AA-0010	49-AA-0011	49-AA-0033	49-AA-0039	49-AA-0139	49-AA-0144
FACILITY VIOLATIONS	V AoC	V AoC	V AoC	V AoC	V AoC	V AoC	V AoC
PRC, 14 CCR, Other (* = Emergency Violation)	1 3	0 6	1 3	0 2	1 0	1 6	3 6

LEA Program Review Criteria

PRC 43219 - Significant violations of State Minimum Requirements (A through E)							
A. PRC 45000, 44014, 44002, 14 CCR 18307, 18304 - Identify and resolve permit violation(s), (Permit Enf. Policy)	N/A	N/A	C	N/A	N/A	N/A	N/A
B. PRC 45000, 44001 and/or 44002 - Identify and resolve permit violation(s) 14 CCR 18304	N/A	N/A	N/A	N/A	N/A	N/A	C
C. PRC 43207 - Situations of Conflicting Interests	N/A	N/A	N/A	N/A	N/A	N/A	N/A
D. PRC 43218, and other applicable PRC and 14 CCR - Failure to implement LEA program	Missed 3 insp	Missed 4 insp	Missed 4 insp	Missed 2 insp	Missed 6 insp	Missed 1 insp	Missed 2 insp
E. PRC 45200, 45201, 44106, 14 CCR 18305 - Enforcement of Notice and Orders	N/A	N/A	N/A	N/A	N/A	N/A	N/A

LEA Performance Evaluation Criteria

PRC 43218 - Monthly inspections of active, inactive, and illegal sites	V	V	V	V	V	V	V
14 CCR 18083 * - Quarterly inspections of closed, abandoned, and exempt sites	N/A	N/A	N/A	N/A	N/A	N/A	N/A
14 CCR 17683 - Weekly inspections of performance standards	N/A	N/A	N/A	N/A	N/A	N/A	N/A
PRC 43218 - Inspections reports sent within 30 days	C	C	C	C	C	C	C
PRC 43219(b) - Yearly inspections conducted with Board	C	C	C	C	C	C	C
14 CCR 18302, 18303 - Investigated reports of violations	N/A	N/A	N/A	N/A	N/A	N/A	N/A
14 CCR 18304, 18307 PRC 45000 - Appropriate enforcement action taken (N & O / Compliance Schedules)	N/A	N/A	N/A	N/A	N/A	N/A	N & O
14 CCR 18213 - Five Year Permit Review	AOC	N/A	N/A	N/A	N/A	N/A	N/A
14 CCR 18270 - Review of Closure/Postclosure plans	C	N/A	N/A	N/A	N/A	N/A	N/A

V = Violation; AOC = Area of Concern; C = Compliance; N & O = Notice & Order; N/A = Not Applicable; AG = Attorney General; * = Pending Office of Administrative Law Approval

Figure 2 (Continued)

SONOMA COUNTY 49-AA
FACILITIES EVALUATION REPORT
FACILITY/LEA PERFORMANCE FINDINGS

Evaluation revised on September 23, 1991 — FACILITY NAME	UNOCAL DRILLING MUD D.S.		SANTA ROSA GEOTHERMAL SITE		HEALDSBURG REFUSE T.S.	
SWIS #	49-AA-0147		49-AA-0148		49-AA-0245	
FACILITY VIOLATIONS	V	AoC	V	AoC	V	AoC
PRC, 14 CCR, Other (* = Emergency Violation)	0	0	0	2	0	3

LEA Program Review Criteria

PRC 43219 - Significant violations of State Minimum Requirements (A through E)			
A. PRC 45000, 44014, 44002, 14 CCR 18307, 18304 - Identify and resolve permit violation(s), (Permit Enf. Policy)	N/A	C	C
B. PRC 45000, 44001 and/or 44002 - Identify and resolve permit violation(s) 14 CCR 18304	N/A	N/A	N/A
C. PRC 43207 - Situations of Conflicting Interests	N/A	N/A	N/A
D. PRC 43216, and other applicable PRC and 14 CCR - Failure to implement LEA program	Missed 6 insp	Missed 7 insp	Missed 1 insp
E. PRC 45200, 45201, 44106, 14 CCR 18306 - Enforcement of Notice and Orders	N/A	N/A	N/A

LEA Performance Evaluation Criteria

PRC 43218 - Monthly inspections of active, inactive, and illegal sites	V	V	V
14 CCR 18083 * - Quarterly inspections of closed, abandoned, and exempt sites	N/A	N/A	N/A
14 CCR 17683 - Weekly inspections of performance standards	N/A	N/A	N/A
PRC 43218 - Inspections reports sent within 30 days	C	C	C
PRC 43219(b) - Yearly inspections conducted with Board	C	C	C
14 CCR 18302, 18303 - Investigated reports of violations	N/A	N/A	N/A
14 CCR 18304, 18307 PRC 45000 - Appropriate enforcement action taken (N & O / Compliance Schedules)	N/A	V	V
14 CCR 18213 - Five Year Permit Review	N/A	N/A	N/A
14 CCR 18270 - Review of Closure/Postclosure plans	N/A	N/A	N/A

V = Violation; AoC = Area of Concern; C = Compliance; N & O = Notice & Order; N/A = Not Applicable; AG = Attorney General; * = Pending Office of Administrative Approval

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for comment. The Plan, yet to be approved by the County Board of Supervisors, currently calls for four and a half person years in order to meet all LEA responsibilities including facility inspections and permit processing. As an interim measure the LEA has been working with Sonoma County Public works Department, the permittee of the majority of transfer stations, to develop a self monitoring program. This program is in addition to the current LEA program. The LEA has met with all permittees in its jurisdiction in order to develop a new fee schedule which will reflect the needs indicated in the draft EPP.

No enforcement order deadline dates have passed which would require the LEA to take enforcement actions indicated in the orders pursuant to 14 CCR 18305.

Quarterly inspections of closed, abandoned and exempt sites are not currently required. The LEA is aware that these inspections will be required in the near future (14 CCR 18083, pending Office of Administrative Law approval). The LEA has indicated that their new Enforcement Program Plan (14 CCR 18077, pending Office of Administrative Law approval) will include this requirement.

There are no performance standard sites within the Sonoma County LEA jurisdiction. The LEA staff has forwarded inspection reports to the Board within 30 days, pursuant to PRC 43218. Mr. VrMeer attended all inspections conducted by Board staff. No written reports of violations other than those made by Board staff were received by the LEA. LEA staff did transmit all State Inspection Reports to facility operators.

Sonoma County LEA staff have processed all five year permit review applications they have received. LEA staff have reviewed all Closure/Post Closure Plans they have received.

SUMMARY OF LEA COMMENTS

A meeting of Board and LEA staff was held on September 19, 1991 to discuss the draft Facilities Evaluation Report. Board staff present were Sharon Anderson, Mark de Bie and Mark Arico. LEA staff present were J.J. Krug, Jeff Lewin and Jack VrMeer. During the meeting LEA staff recommended inclusion of several items to increase the clarity of the FER. They noted that additional time was taken away from facility inspections to prepare for the LEA certification process. They also noted that the current draft EPP calls for four and one half person years. All of the recommendations were included in the FER. LEA staff indicated that the Executive Summary was quite fair.

RECOMMENDATIONS

1. Board staff documented and the LEA has verified that at least one violation of State Minimum Standards at each of the following sites still remain(s): Annapolis Disposal Site, 49-AA-0002; Healdsburg Disposal Site, 49-AA-0004; Occidental Transfer Station, 49-AA-0006; Casa Grande, 49-AA-0009; Advance Course, 49-AA-0010; Cloverdale #2 Wood Waste Disposal Site, 49-AA-0011; Rorabough #7, 49-AA-0039; Guerneville Transfer Station, 49-AA-0139; and Sonoma Transfer Station, 49-AA-0144.

Board staff will recommend that these 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 or Periodic Review.

3. While the Sonoma County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed to complete all required monthly facility inspections pursuant to PRC 43218. Board staff finds that the Board should recommend that the LEA continue to increase staff as planned in order to meet statutory and regulatory requirements for obtaining and maintaining their certification.

Board staff will be available to assist the Sonoma County LEA to improve implementation of its Enforcement Program.

APPENDICES:

A. LEA Inspection Summary

B. Facility Inspection Reports

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 9, 1991

AGENDA ITEM 9

ITEM: Consideration of Status Concerning Tuolumne County Administrative Office Acting as Operator of Solid Waste Facilities

BACKGROUND:

At the Board's September 25, 1991 meeting, the County of Tuolumne's Facility Evaluation Report was presented on the Board's consent calendar. The FER had been formally presented at the Permitting and Enforcement Committee's September 18, 1991 meeting. At that time, the FER for Tuolumne County described the current administrative structure of that County's solid waste program. Because the County has had continuing difficulty in attracting a qualified engineer to run the solid waste program, the Chief Administrative Officer (CAO) of the County has been responsible for facility operations for the past three months.

ANALYSIS:

If the CAO is acting as the operator in this county, the possibility of a situation of conflicting interests arises as the CAO is also the administrator supervising the Local Enforcement Agency (LEA). In this case the LEA is the Tuolumne County Division of Environmental Health. The LEA has informed Compliance Division representatives that this situation has not prevented the LEA from acting responsibly and issuing appropriate enforcement actions. Compliance Division staff agree that the County has made significant progress towards implementing an acceptable enforcement program. However, the Public Resources Code prohibits situations of conflicting interests. Therefore, the LEA was asked to report to the Permitting and Enforcement Committee regarding this administrative situation on a continuing basis. In addition, the Committee has indicated to the County that there is a pressing need to resolve this administrative arrangement as soon as possible.

STAFF COMMENTS:

The Committee has specifically requested a continuing status report on the County's situation with regard to the administrative office acting as facility operator.

Board staff report no changes in the status as of today. 1) The Chief Administrative Officer continues his role as interim operator while recruitment continues. Interviews are currently being conducted for the position of Solid Waste Coordinator. It is anticipated that this position will be filled within six weeks. 2) The staff of the County Department of Transportation and Engineering Services are performing as facility staff at all solid waste facilities in the county. One exception is the Jamestown Landfill where the day-to-day operations of the site continue to be subcontracted out to Mike Gimelli. 3) The LEA continues to maintain that there are no problems conducting a solid waste enforcement program while this interim administrative arrangement continues.

The LEA is prepared to present to the Committee updated information if requested.

P.T. 9-30-91 S.A. by PTJ. 9-30-91

Prepared By: Reinhard Hohlwein/Sharon Anderson Phone: 3-0132

Reviewed By: John Bell JXB 9/30 Phone: 3-5620

Legal Review: RFC Date/Time: 9/30 · 1626

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

October 10, 1991
9:30 am

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.**

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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1. CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS FOR RECYCLED-CONTENT NEWSPRINT

2. CONSIDERATION OF WORKPLAN FOR LANDFILL CAPACITY STUDY

3. OPEN DISCUSSION

4. 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

Policy, Research, and Technical Assistance Committee
October 10, 1991

AGENDA ITEM 1

ITEM: Consideration of Adoption of the Proposed Recycled-Content Newsprint Regulations.

BACKGROUND:

These regulations are being promulgated pursuant to Public Resources Code sections 42750 through 42791 which pertain to the Board's Recycled-Content Newsprint Program. The content of these regulations was first addressed by Board members at the April 2, 1991 Policy, Research, and Technical Assistance (PRTA) Committee meeting. The regulations were published in the California Regulatory Notice Register on May 10, 1991. The Public Comment Period began on May 10 and ended on June 24, 1991. A public hearing was held at the July 10, 1991 PRTA Committee meeting.

Staff modified the regulations as a result of the initial 45-day comment period. An additional 15-day comment period for those changes began on August 28, 1991 and closed on September 11, 1991. Staff incorporated comments and suggestions from the 15-day comment period, and brought the revised draft regulations before the Committee at the September 12, 1991 meeting.

At the September meeting, staff and legal counsel suggested a second 15-day comment period was necessary based on the changes that were suggested. With the committee's approval, staff incorporated suggestions and mailed the September 20, 1991 draft of the regulations for a second 15-day comment period. This second 15-day comment period began September 24 and will close on October 9, 1991.

The purpose of this item is to receive approval from the Committee members to place the Proposed Recycled-Content Newsprint Regulations (14 CCR, 17950 through 17974) on the agenda of the October 23 Board meeting for final adoption.

ANALYSIS:

These regulations deal primarily with the newspaper grades of newsprint. These grades are currently available and make up approximately 70% of what Public Resources Code section 42756 defines as newsprint. Grades of newsprint have been added to the proposed regulations to identify the newsprint covered by the statute. Other revisions to the definitions section of the regulations clarify some terms and eliminate others.

The definition of "comparable price" in Section 17966 has been changed by deleting the requirement of comparing three quoted

prices for recycled-content newsprint to one quoted price for virgin.

The definition for "availability within a reasonable period of time" in Section 17968 has been changed because there is not one reasonable delivery time that would be appropriate for all the commercial printers in the state. The new reasonable delivery times for commercial printers will be calculated by each printer based on its own delivery times. Thus, printers will compare quoted delivery times to historical delivery times to decide if recycled-content newsprint is available within a reasonable period of time. Although the need to keep a record of previous delivery times is costly, there has yet to be a better method proposed.

In Section 17972, Failure To Meet Goals, subsection (c) describes recordkeeping requirements to document a consumer's claim of why it did not meet the use goals.

The requirement for a consumer to provide three competing offers for recycled-content newsprint to document its claim that recycled-content newsprint was not available at a comparable price has been removed. The requirement in regulation duplicated similar language in the statute.

The requirement for a consumer to provide 150 samples of newsprint to document a claim that recycled-content newsprint did not meet the comparable quality standards has been removed. The consumer now has the choice of providing verification from the manufacturer that the newsprint did not meet the standards or notify the Board within two days. The Board is then to instruct the consumer on sampling procedures so that the Board can conduct testing.

To claim that recycled-content newsprint was not available within a reasonable period of time, a publisher must keep records of the quoted delivery times. A printer must now keep records of its calculation to determine reasonable delivery time and that the quoted delivery times it is claiming were not reasonable.

STAFF COMMENTS:

Staff does not expect to receive suggested revisions which would require a third 15-day comment period. Board adoption is anticipated to occur at the October Board meeting following referral from this Committee. After receiving Board approval, the regulations will be sent to the Office of Administrative Law (OAL) for review and approval.

The first consumer certifications are due March 1, 1992, to cover 1991 use of newsprint by commercial printers and publishers. Timely adoption of these regulations will allow for this certification process to be put into place and run smoothly.

ATTACHMENTS:

1. Modified draft of the Regulations which are currently available for comment during the September 24 through October 9, 1991 comment period.

Prepared By: Jerry Hart phone: 327-9387

Reviewed By: Bill Huston phone: 324-1225

Legal Review: MCM date: 10/1/91 time: 5:04pm

STATE OF CALIFORNIA Pete Wilson, Governor

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

To: Interested Parties

From: Jerry Hart, Planning and Assistance Division

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED RECYCLED-CONTENT NEWSPRINT REGULATIONS

In the Notice of Proposed Action (Notice) published in the California Regulatory Notice Register on May 10, 1991, (see Cal. Reg. Notice Register # 19) the California Integrated Waste Management Board (Board) proposed to formally adopt regulations pertaining to recycled-content newsprint. These regulations will appear in Title 14 of the California Code of Regulations (CCR), Division 7, Chapter 4, Article 4, Sections 17950 through 17974. In response to both oral and written public comments, the Board now proposes to amend these regulations. Pursuant to Government Code section 11346.8(c), and Title 1, CCR, section 44, the Board is hereby providing notice of changes made to the originally proposed regulations. For the definition of commercial printer and commercial publisher, we have incorporated by reference the Standard Industrial Classifications (SIC) Code definition. These definitions are available for review at the Board's office.

Additions and deletions made after the forty-five (45)-day public comment period, and which are the subject of this fifteen (15)-day notice are displayed as follows:

1) Language added to the original draft of the proposed regulations is redlined (example);

2) Language deleted from the previous draft of the proposed regulations is stricken-out with a hyphen (~~example~~).

3) Language added to the previous draft of the proposed regulations is preceded by an asterisk (*).

If you have any comments regarding the proposed changes to the regulations which are the subject of this 15-day notice, you may submit them to the Board. The Board will receive comments on these regulations commencing on September 24, 1991 and ending on October 9, 1991. Comments should be directed to Jerry Hart, Planning and Assistance Division, 1020 9th Street, Suite 100, Sacramento, California 95814. All comments received by October 9, 1991 which pertain to these modifications, will be responded to by Board staff as part of the compilation of the Rulemaking File. Please limit your comments to modifications of the text which are part of this 15-day notice.

Enclosed please find a copy of the modified text of the proposed regulations. Any telephone inquiries regarding this notice or the Rulemaking process should be directed to Jerry Hart, Planning and Assistance Division, at (916) 327-9355 or Maureen Carr Morrison, Assistant Chief Counsel, at (916) 322-1390.

– Printed on Recycled Paper –

PROPOSED RECYCLED-CONTENT NEWSPRINT REGULATIONS
AS MODIFIED ON SEPTEMBER 20, 1991

State of California

California Integrated
Waste Management Board

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TITLE 14, DIVISION 7, CHAPTER 4 OF THE CALIFORNIA CODE OF REGULATIONS

RESOURCE CONSERVATION PROGRAMS

MARKET DEVELOPMENT PROGRAMS

ARTICLE 4

RECYCLED CONTENT NEWSPRINT

SECTIONS 17950-17974

Section 17950 ~~INTRODUCTION~~ REGULATORY EFFECT OF QUESTIONS AND ANSWERS

For the purposes of this Article, both the question and answer in each section have regulatory effect for implementation and enforcement. In addition to the regulations in this Article, statutory provisions contained in Sections 40502 and 42750 through 42791 of the Public Resources Code govern the Recycled-Content Newsprint Program.

Note: Authority cited: Section 40502, Public Resources Code

Section ~~17950~~ 17952 PURPOSE AND DEFINITIONS

a) What is the purpose of this regulation? This regulation explains what recycled-content newsprint requirements consumers of newsprint and suppliers of newsprint must meet, and what procedures consumers and suppliers of newsprint must follow to report and certify recycled-content newsprint use. These regulations only pertain to newsprint use within the state of California.

b) 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 ~~the physical site or location of~~ a business located in California which annually uses more than 100 metric tons of newsprint in its printing or publishing operation. A commercial printer is further defined as a person whose business is classified in the Standard Industrial Classifications Code(SIC), Sections 2752,

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2754, or 2759 which is incorporated herein by reference. A commercial publisher is further defined as a person whose business is classified in the Standard Industrial Classifications Code (SIC), Sections 2711, 2721, 2731, or 2741, which is incorporated herein by reference.

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.

PRC 40170 defines "person" as an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

4) *Delivery time* is the time between placement of a newsprint order and receipt of that order by a consumer of newsprint.

5) *Grade of Paper* is a class or level of quality of paper or pulp which is ranked, or distinguished from other papers or pulps, on the basis of its use, appearance, quality, manufacturing history, raw materials, or a combination of these factors. Some grades have been officially identified and described and thus ranked. Others are commonly recognized but lack official definition.

6) *Groundwood Pulp* means a material that is produced by taking debarked pulpwood, and forcing it against a revolving grindstone in the presence of water. The abrasive action of the stone reduces the wood to pulp. No chemicals are used in the production of groundwood except for possible bleaching.

7) *Machine Finish* is any finish obtained on a paper machine. It may be that of a sheet of paper as it leaves the last drier or as it leaves the calendar stack. It may also be a dry or water finish. When used in conjunction with the name of a grade or type of paper, a machine finish has less than the maximum range of smoothness.

8) *May* means a provision is permissive.

9) A *metric ton* is 1000 kilograms. To convert pounds to metric tons, divide the number of pounds by 2,204.6.

10) *Must* means a provision is mandatory.

11) "*Newsprint*" means uncoated paper, whether supercalendered or machine finished, of the type generally used for, but is not limited to, the publication of newspapers, commercial advertising inserts, directories, or commercial advertising mailers, which is

made primarily from mechanical woodpulps combined with some chemical woodpulp. "Newsprint" includes paper made from old newspapers which have been deinked, using the recycled pulp in lieu of virgin pulp. "Newsprint" includes all grades of paper sold as newsprint, supercalendered (SC) uncoated groundwood, or machine finished (MF) uncoated groundwood.

* ~~The particular~~ Grades of newsprint ~~are further defined as:~~ may include but are not limited to:

1) Newspaper Newsprint: ~~48.8~~ 52.1 g/m^2 through 45.0 g/m^2

2) Lightweight Newsprint: ~~40~~ 45.0 g/m^2 and lower

3) Supercalendered and machine finished uncoated groundwood newsprint grades as follows:

a) Hi-Brite Newsprint: 48.8 g/m^2 and higher, brightness greater than 65%

b) CPO Newsprint: 45.0 g/m^2 through 48.7 g/m^2, brightness greater than 65%

c) Rotogravure Newsprint: 40.0 g/m^2 and higher, roughness less than 60 Sheffield.

12) A *newsprint manufacturer* is in the business of making newsprint.

13) A *newsprint supplier* is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California.

14) *Quoted price* is defined as the actual purchase price for newsprint. The price agreed upon by the buyer and the seller, verbally or in writing, which consummates a sale or purchase.

15) *Reporting Period* is from January 1 through December 31 of any given year.

* 16) *A shipment* is defined as any quantity of newsprint, regardless of mode of transportation, which is accompanied by an invoice, bill of lading, shipment order, purchase order, or other evidence of delivery. ~~The paperwork must accompany the shipment at all times from the mill of production to the printing press, evidence of delivery~~ A physical record for every shipment must be received by the company using the newsprint in their commercial printing or publishing operation.

17) *Supercalendered* is a finish obtained by passing paper between rolls of a supercalender under pressure. The resulting

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finish will vary depending upon the raw material used in the paper and the pressure exerted upon it, from that of the highest English finish to a highly glazed surface.

~~* 20) Virgin newsprint, for the purpose of this regulation, contains less then 40 percent postconsumer waste paper. ie newsprint which has been made from pulp which has not previously been used in the paper making process.~~

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42750, 42753, 42754, 42755, 42756, Public Resources Code.

Section 17954 WHO MUST COMPLY WITH THIS REGULATION?

Who must comply with this regulation? You must comply with this regulation if you are:

1. A person, as defined by Public Resources Code section 40170, located in California, or

2. A newsprint supplier who is a person, as defined ~~by Public Resources Code section 40170~~ above, 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~~ above, who produces newsprint which will be used in California.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42750, 42753, 42772, Public Resources Code.

Section 17956 WHO MUST CERTIFY?

* These certification requirements apply to printers and publishers, located in California, who use more than 100 metric tons of newsprint annually. Out of state operations are not required to comply with these regulations.

a) Printer/Publisher Certification of Recycled-Content Newsprint Use to the Board.

1) If you own or operate a commercial printing establishment located in California, you must annually submit to the Board a completed Consumer Certification form, #430 (10/91). The form is due to the Board on March 1 of each year.

2) If you own or operate a commercial publishing operation located in California, which also owns or operates a commercial printing operation, you must submit a completed consumer certification, Form #430 (10/91), to the Board.

* 3) Any person owning or operating more than one commercial printing or commercial publishing operation in California may submit one certification for all of its operations. ~~This certification must list,~~ All of the information required by Section 17958 (b) of this Article must be itemized for each establishment included in the certification.

~~* 4) Board Form #430, described in 17956(b) of this Article, is the annual certification form due to the Board on March 1 yearly.~~

~~5~~ 4) If you own or operate a commercial publishing operation located in California, but do not do any printing, you are not required to submit a consumer certification form to the Board.

b) Supplier certification of Recycled-Content Newsprint to consumers or other suppliers.

If, at any time during a year, you supply recycled-content newsprint to commercial printers/publishers located in California, or to other suppliers which may in turn supply such establishments, you must comply with Section 17958 of this Article. Suppliers of newsprint are held accountable for certification according to Section 17958, regardless of their location.

c) Manufacturer certification of recycled-content of its newsprint to the Board.

* If you are a person manufacturing recycled-content newsprint for use in California, you must submit a letter to the Board certifying the metric tons of ~~old newspapers~~ postconsumer waste paper and/or deinked newsprint pulp received or produced at each of your mills producing recycled-content newsprint for use in California. You must also certify to the Board, the metric tons of recycled-content newsprint, by grade, which were produced at each of your mills which were shipped for use in California during each reporting period. This letter of certification will be due on March 1 of every year for each reporting period.

d) Manufacturer certification of the recycled-content to suppliers/consumers.

If you are a person manufacturing recycled-content newsprint for use in California, you must certify that the ~~recycled-content of your newsprint to all persons who receive a shipment from you~~

newsprint you ship for use in California is recycled-content newsprint.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42753, 42772, 42773, 42774, 42775, Public Resources Code.

Section ~~17954~~ 17958 NEWSPRINT CONSUMER REQUIREMENTS

a) I am a consumer of newsprint. What must I 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 (b) of this regulation.

TABLE ONE: RECYCLED-CONTENT NEWSPRINT USE 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 located in California. What information must I 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, Board Form #430 (10/91):

1. Your name, mailing address, physical address, and telephone number.

2. The total in metric tons of ~~virgin~~ newsprint not containing forty (40) percent postconsumer fibers 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~~ 4. For each ~~shipment~~ supplier 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 must I 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 form, Board Form #430 (10/91), that you send to the Board, and

3. A copy of any supplier certification you have received.

d) How long must consumers of newsprint keep the records required by this regulation? You must keep the records for 3 years after the date of the certification and make them available to the Board upon request.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42760, 42770, 42782, Public Resources Code.

Section ~~17956~~ 17960 NEWSPRINT SUPPLIER REQUIREMENTS

*** a) I am a newsprint supplier. When I certify the metric tons of recycled-content ~~of the~~ newsprint in every ~~delivery~~ shipment to a consumer or other supplier of newsprint, what information must I include?** When you certify the recycled-content of the newsprint in a ~~delivery~~ shipment to a newsprint consumer or supplier, 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~~ 2. The name and physical address of the consumer or supplier to whom you are sending the newsprint,

~~4. The newsprint manufacturer's name,~~

~~5~~ 3. Name of the newsprint grade~~, including printing opacity, brightness, cross machine tear strength,~~ and the date(s) of ~~delivery,~~ shipment,

~~6~~ 4. Total in metric tons, by grade, of recycled-content newsprint ~~delivered~~ shipped, and

~~7~~ 5. Total in metric tons, by grade, of ~~virgin~~ newsprint containing less than 40 percent postconsumer waste paper ~~delivered~~ shipped which is not recycled-content newsprint.

6. If a shipment contains no recycled-content newsprint, the supplier shall so certify.

*** b) I am a newsprint supplier who has supplied consumers or other suppliers with recycled-content newsprint. What records must I keep to comply with this regulation? ~~When I certify to the Board the metric tons of recycled content of the newsprint I supplied to a consumer or other supplier on March 1 of every year, what information must I include? When you make this certification, you must include:~~** You must keep the following records for each shipment of newsprint you make to a consumer or other supplier:

~~1. Your name, mailing address, and telephone number,~~

1. The manufacturer's name, address, and mill of production for each grade of newsprint received in each shipment,

2. The name and mailing address of the person you received each shipment from prior to your supplying it to others.

3. The name and mailing address of the consumer or supplier to whom you shipped the newsprint.

4. Name of the newsprint grade(s) supplied in each shipment, and the dates of shipment.

* 5. Total, in metric tons of each grade of newsprint, containing less than 40 percent postconsumer waste paper, contained in the shipment.

* 6. ~~Recycled content of the newsprint contained in each shipment.~~ Total, in metric tons, of each grade of recycled-content newsprint contained in each shipment, and

* 7. Copies of any certification you send to consumers of newsprint, or to other suppliers.

b c) As a newsprint supplier, what records must I 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, to other suppliers, or to the Board.

c) As a newsprint supplier, how long must I keep the records required by this regulation? If you are a newsprint supplier, you must keep records for 3 years after the date of each certification and make them available to the Board upon request.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42772, 42780, Public Resources Code.

Section 17962 NEWSPRINT MANUFACTURER REQUIREMENTS

a) I manufacture recycled-content newsprint which is used in California. What must I do to comply with this regulation? If you manufacture recycled-content newsprint which is used in California, you must:

* 1) Certify the ~~amounts~~ metric tons of recycled-content ~~of the~~ newsprint contained in each shipment made to consumers or suppliers, by grade, for use in California. If a shipment contains no recycled-content, you shall so certify.

* 2) Certify to the Board by March 1 of each year the metric tons of ~~old newspapers~~ postconsumer waste paper/deinked pulp

received, or produced, at each of your mills producing recycled-content newsprint for use in California, during each reporting period.

3) Certify to the Board by March 1 of each year the metric tons of recycled-content newsprint, by grade, which were produced at each of your mills, which were shipped for use in California, during each reporting period.

b) As a manufacturer of recycled-content newsprint, what records must I keep to comply with this regulation? If you are a recycled-content newsprint manufacturer, you must keep copies of any certification you send to suppliers, consumers, or the Board.

c) As a manufacturer of recycled-content newsprint, how long must I keep the records required by this regulation? You must keep the records for 3 years after the date of the certification and make them available to the Board upon request.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42772, 42780, Public Resources Code.

Section ~~17958~~ 17964 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.~~ The Board shall establish the comparable quality standards which the recycled-content newsprint must meet.

b) How will the Board set its comparable quality standards? In July of each year, the Board will survey newsprint manufacturers who annually sell more than 5000 metric tons of recycled-content newsprint for use in California. The Board will request 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 use the following method to calculate the comparable quality standard for each of the specifications in ~~each grade:~~ the newspaper newsprint and lightweight newsprint grades:

Sum of the ~~average~~ test results from ~~each~~ samples submitted by manufacturers	=	_____(1)
Number of manufacturers ~~reporting~~ submitting samples	=	_____(2)
Divide (1) by (2)	=	_____(3)
Multiply (3) by 0.98	=	_____(4)

The figure on line (4) is the minimum comparable quality standard for these grades.

d) The Board will use the following method to calculate the comparable quality standard for each of the specifications in the supercalendered and machine finished uncoated groundwood grades:

Sum of the test results from samples submitted by manufacturers	=	_____(1)
Number of manufacturers submitting samples	=	_____(2)
Divide (1) by (2)	=	_____(3)
Multiply (3) by 1.00	=	_____(4)

The figure on line (4) is the minimum comparable quality standard for these grades.

~~4. d~~ e) Where can I find the TAPPI methods for sampling procedures, and the test methods for 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 ~~f~~) 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~~ g) 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~~ 17966 COMPARABLE PRICE

*** How do I know if the price I have to pay for recycled-content newsprint is a comparable price?** ~~The price for a grade of recycled-content newsprint is comparable if the quoted purchase price for the recycled-content virgin newsprint you need is *less greater than or equal to the quoted price of three quoted prices for recycled-content newsprint of that grade.~~ The price for a grade of recycled-content newsprint is comparable if the quoted price for the recycled-content newsprint is less than or equal to the quoted price for newsprint which is not recycled-content newsprint. These price comparisons shall be grade-specific.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Section 42760, Public Resources Code.

Section ~~17962~~ 17968 AVAILABILITY WITHIN A REASONABLE PERIOD OF TIME

a) How will I know if the delivery time promised by a newsprint manufacturer or 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.~~

a) A reasonable delivery time for recycled-content newsprint for a commercial publisher shall be forty-five (45) calendar days.

* b) A reasonable delivery time for recycled-content newsprint for a commercial printer shall be calculated by adding the delivery times in days for all deliveries of newsprint of that grade received by the printer in the prior 30 days, dividing the result by the number of deliveries, and multiplying this result by 1.1. If the ~~expected~~ quoted delivery time is less than or equal to the final result of your calculation, the ~~promised~~ quoted 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, use all delivery times within the last 90 days for the calculation. 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.

* **c) What if I have never received a delivery of that grade of newsprint or any comparable grades?** If you have never received a delivery of that grade of newsprint or any grade comparable, the recycled-content newsprint shall be considered available within a reasonable period of time if the quoted delivery time does not prevent you from performing the job for which you need the newsprint.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Section 42760, Public Resources Code.

Section ~~17964~~ 17970 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 of the date on which the audit was performed.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Section 42771, Public Resources Code.

Section ~~17966~~ 17972 FAILURE TO MEET GOALS

a) I am a consumer of newsprint. What happens if I cannot meet the recycled-content newsprint use requirements for any reporting period? If you cannot meet the recycled-content newsprint use requirements for any ~~year~~ reporting period, you must give the specific reasons why you did not meet them when you file your certification for that ~~year~~ reporting period.

There are only three reasons, pursuant to PRC section 42773, for not meeting the recycled-content newsprint use requirements:

1. The recycled-content newsprint did not meet the quality standards established by the Board as defined in Section 17964 of this Article, or

* 2. Recycled-content newsprint was not available at a comparable price, as defined in Section 17966 of this Article, to that for ~~virgin~~ newsprint which is not recycled-content newsprint; or

3. The particular grade of recycled-content newsprint would not have been available in a reasonable time as defined in Section 17968 of this Article.

b) I was not able to meet the recycled-content newsprint use requirements for a ~~year~~ reporting period. 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 (10/91).

c) I was not able to meet the recycled-content newsprint use requirements for a ~~year~~ reporting period. What records do I have to keep to document my claim?

* 1. If you claim that you did not meet the recycled-content newsprint use requirements because recycled-content newsprint was not available at a comparable price to ~~virgin~~ newsprint which is not recycled-content newsprint, you must keep invoices for the newsprint you purchased for your use and copies of ~~the virgin three competing offers~~ quoted prices which you received for recycled-content newsprint ~~which you received~~ during that particular reporting period.

* 2. If you claim that you did not meet the recycled-content newsprint use requirements because the ~~comparable quality~~ recycled-content newsprint ~~was not available~~ did not meet the comparable quality standards during a particular reporting period, it is your responsibility to document your claim. Examples of documentation include, but are not limited to:

* a. Technical specifications or a letter of certification from the manufacturer of that newsprint demonstrating that the newsprint does not meet the quality standards, or

* b. ~~you must keep *test results one-hundred and fifty (150) 25 - 8 1/2" X 11" samples, or an equivalent quantity of the recycled-content newsprint you did not purchase during that particular reporting period are claiming did not meet the quality standards so that.~~ Notification within two days of the date you conclude that you cannot meet the use requirements so that the Board can inform you of the sampling procedures you must follow. The Board may conduct TAPPI tests, identified in Section 17964 - Table Two of this Article, to substantiate your claim. At that time, the Board shall inform the consumer of proper shipping and handling procedures for the samples.

* 3. If you are a publisher, and ~~If~~ you claim that ~~the a quoted delivery time~~ recycled-content newsprint was not available within a reasonable period of time during a particular reporting period, you must keep copies of ~~the delivery times for the shipments of recycled-content newsprint received during that particular reporting period *and~~ the quoted delivery times which you are claiming were unreasonable. ~~and the calculated reasonable delivery time from sections 17962 "a" and "b".~~

* If you are a commercial printer, and you claim that a grade of recycled-content newsprint was not available within a reasonable period of time during a particular reporting period, you must

keep copies of the calculations used to establish your reasonable delivery time for that grade of newsprint and the quoted delivery times which you are claiming were unreasonable.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42760, 42773, Public Resources Code.

Section ~~17968~~ 17974 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: Section 40502, Public Resources Code
Reference: Sections 42790, 42791, Public Resources Code.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Policy, Research and Technical Assistance Committee

October 10, 1991

AGENDA ITEM 2

ITEM: Consideration of a Workplan for the Landfill Capacity Study

BACKGROUND:

This item was first discussed by the Policy, Research and Technical Assistance Committee on September 12, 1991. Committee Members asked staff to prepare a report on the remaining disposal capacity in California to be submitted to the Board by February 1992. As a result of that discussion, staff was directed to develop a report based on the County Local Task Forces' (LTF) findings of existing landfill disposal capacity. The existing landfill disposal capacity findings were submitted in 1990 and are required pursuant to Chapter 9, Title 14 of the California Code of Regulations, Planning Guidelines and Procedures for Preparing and Revising Countywide Integrated Waste Management Plans, Article 3, Section 18777(b).

The Committee Members requested that staff develop a schedule and outline of the tasks needed to complete the report before recommending to the Board that staff proceed with the study. This workplan has been prepared for the Committee Members' approval.

ANALYSIS:

The approach that was used to develop the workplan involved defining the tasks needed to carry out the Policy Committee's request. These tasks include: compiling and evaluating the existing data submitted to the Board by the County Local Task Forces; summarizing and aggregating the existing data by county, region (2 or more counties), and giving a statewide total; and preparing and presenting the draft and final reports to the Board. This approach is outlined in the attachment.

Staff anticipates the report will have the best available data as provided by the County Local Task Forces. The report will define areas by county and regions that are in critical need of disposal capacity. By identifying these areas, the Board can develop strategies to assist the local jurisdictions in providing for the safe and adequate disposal of solid wastes.

The approach staff selected was based on the following factors. Staff are currently experiencing a demanding workload due to reviewing and commenting on the Source Reduction and Recycling and Household Hazardous Waste Elements within the regulatory

timeframe. There are 190 elements in the process of review and comment at this time and approximately 50 percent of the elements (over 500) have not yet arrived. In addition, staff are in the process of developing regulations and holding workshops on the Siting Element and the CIWMP.

Please note, it is our intention to hire two students to perform the tasks associated with the study to minimize the impact on existing resources and time. The inability to hire the students will result in an impact to existing staff and resources. This impact could include a change in the schedule.

STAFF COMMENTS:

We would like the Committee to consider approval of the Landfill Capacity Study in accordance with the workplan, and forward to the Board for approval at the October 30, 1991 meeting.

Prepared By: Toni Galloway and John Brooks phone: 322-1440

Reviewed By: John D. Smith phone: 327-0450

Legal Review: date: 10-3-91 time: 3:00pm.

Remaining Countywide Permitted Capacity Project

WORKPLAN

Planning and Assistance Division
Local Assistance Branch

Project: To develop an interim report to document the remaining countywide permitted disposal capacity, using the January 1, 1990, information supplied by the County Local Task Forces (LTF). This information was required by legislation to be submitted to the Board 30 days after the incorporation of the LTF. After the County Integrated Waste Management plans are submitted, a more detailed report will be possible.

Purpose: To determine the extent of need, and regions (two or more counties), where California is critically short of disposal capacity. This will be based on a countywide, regionwide and statewide evaluation of existing disposal capacity.

Schedule: (based on doing research and report inhouse, with students)

Calender	Tasks
Oct 30	Compile existing data from the LTF
Nov 7	Evaluate existing data
Nov 21	Summarize and aggregate data by: county region (two or more counties) state
Dec 5	Prepare and present draft report to Policy Committee Prepare final report for Policy Committee
Jan 8	Present final report to Policy Committee Revise final report as needed Prepare final report for the Board
Feb 26	Present report to the Board

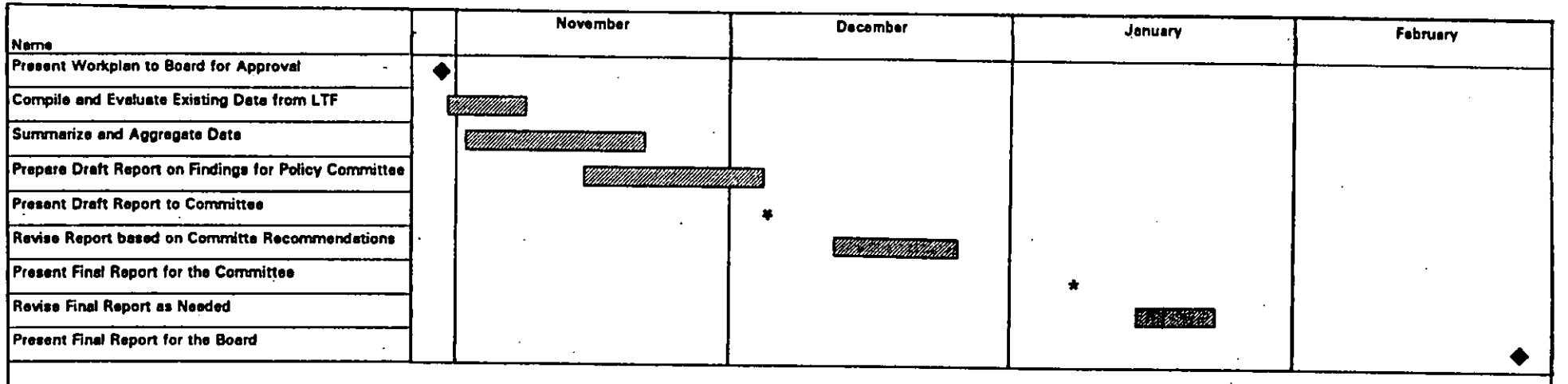
Resources:

SSWM	4
SWMS	8
AWMS	100
Students	200
Total Hours	312

Budget:

SSWMS	@ $32 hr	x	4	hrs =	$ 128
SWMS	@ $28 hr	x	8	hrs =	224
AWMS	@ $24 hr	x	100	hrs =	2400
Students	@ $8.00x2	x	200	hrs =	3200
5 Staff			312	hrs	$5952

Workplan Timeline



NOTE: Diamonds Represent Board Meetings (February Meeting is Tentative).

Asterisks Represent Policy Committee Meetings (December and January are Tentative Dates).

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
LEGISLATION AND PUBLIC AFFAIRS COMMITTEE
State Capitol, Room 126
Sacramento, California

October 16, 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 two-sided 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

1. CONSIDERATION OF PUBLIC AFFAIRS ACTIVITIES
2. CONSIDERATION OF STAFF ANALYSIS OF FOUR "HOTLINE" SYSTEMS (oral presentation -- no packet item)
3. CONSIDERATION OF DRAFT REPORT ON PLASTICS
4. STATUS OF LEGISLATION (oral presentation -- no packet item) 4
5. PRESENTATION BY THE GREEN LIBRARY/ENVIRONMENTAL BOOK RECYCLING PROGRAM 6
6. UPDATE ON STATUS OF EXISTING INTERAGENCY AGREEMENT WITH THE STATE DEPARTMENT OF EDUCATION TO DEVELOP INTEGRATED WASTE MANAGEMENT CURRICULUM (oral presentation -- no packet item)
7. REPORT ON PUBLIC AWARENESS PROGRAM PLANNING MEETING (oral presentation -- no packet item)

8. REPORT ON BUSINESS AND THE ENVIRONMENT CONFERENCE
(oral presentation -- no packet item)

9. OPEN DISCUSSION

10. 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
LEGISLATION AND PUBLIC AFFAIRS COMMITTEE

October 16, 1991

AGENDA ITEM 1

PUBLIC OUTREACH ACTIVITIES

- **Exhibits**

September 1991

Business and the Environment Conference
September 30, 1991
Sacramento
Attendance: 900
CIWMB Sponsor

October 1991

Energy/Environmental Expo
October 1, 1991
Los Angeles
Attendance: 1,000

Annual Vendor Products Productivity Fair
California Polytechnic University, Pomona
October 2, 1991
Attendance: 600

League of California Cities
October 13-16, 1991
San Francisco
Anticipated attendance: 3,000

November 1991

Pacific Recycling Expo
Santa Clara
November 6-7, 1991
Anticipated attendance: 3,000

County Supervisors' Association of California (CSAC)
November 12-15, 1991
Monterey
Anticipated attendance: 750

- **Weekly Update**

In an effort to keep all Board staff apprised of upcoming events, a weekly update is now prepared by PIO/Education staff and distributed to Branch Managers.

- **Bi-weekly Reports to Cal EPA**

Cal EPA will begin reporting major activities and accomplishments to the Governor's Office on a bi-weekly basis in a newsletter-style report from Secretary Strock. The PIO/Education staff is responsible for coordinating this report.

- **Education**

Tricia Broddrick accompanied Kathy Neal and Wesley Chesbro and their staffs to Lawrence Hall of Science, University of California, Berkeley, to discuss the Chemical Education for Public Understanding Program (CEPUP) with program coordinators. They also visited a middle school in Oakland to see the program in action.

- **Conferences/Workshops**

Tele-video Conferences
Materials Recovery Facilities
November 5, 1991
San Diego - Beamed via satellite to ten remote viewing locations
Commercial Sector Recycling
January 7, 1992

- **Speakers**

Staff
AB 939 and IWM Framework
American River College
October 1, 1991

Staff
IWM laws and how they relate to the Department of Corrections
California Men's Colony, San Luis Obispo
October 24, 1991

Staff
Recycling/waste reduction
175 students
Marin Primary School
Larkspur
September 24, 1991

Speakers - Continued

Staff
Recycling/waste reduction
550 students
Baker Middle School
El Monte
October 2, 1991

- **Mailouts**

10,000 Precyclin brochures
170 copies of the California Integrated Waste Management Statutes, June 1991, to Local Enforcement Agencies and planning liaisons

- **New Publication**

Paper Recycling Handbook for Office Recycling Coordinators

- **Graphic Standards Manual**

An interim graphic standards manual will be developed in-house to create a uniform, professional image for all publications.

- **Bakersfield Board meeting**

An issue paper and newspaper clippings are being prepared on Kern County issues for the Board meeting on October 30th.

- **Press Contacts**

Staff have responded to eight press calls since the September 17th Committee meeting.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

LEGISLATION AND PUBLIC AFFAIRS COMMITTEE

OCTOBER 16, 1991

AGENDA ITEM 3

ITEM: Consideration of Draft Report on Plastics.

BACKGROUND:

Public Resources Code §42380 requires the Board to report to the Governor and the Legislature on plastics use, disposal, and recyclability.

ANALYSIS:

The draft "Plastic Report: Use, Disposal, Recyclability" contains the four parts which PRC 42380 requires.

	PRC 42380. On or before January 1, 1991, the board shall prepare and submit to the Governor and the Legislature a report on the use, disposal, and recyclability of plastic materials and containers not subject to Division 12.1 (commencing with Section 14500) of the Public Resources Code. The report shall include, but not be limited to, all of the following:
Barriers to Plastic Recycling	(a) A description of barriers to plastics collection, separation, and recycling for reuse.
Recycling Programs	(b) A description and comparison of current methods used in the state, other states, and other countries to reduce the use of, and recycle plastic materials currently disposed of in the state, and recommendations on how the state might improve its current programs to reduce or recycle plastic materials.
Plastics Recycling Technology	(c) A description of programs under development and potentially available for plastics collection and recycling.
Markets for Recycled Plastic	(d) A description of current domestic and foreign markets for recycled plastic materials, and recommendations on how the state could improve the marketability of the these materials.

Although the draft submitted for Committee consideration seems

short, it does cover the subject of plastics use, disposal, and recyclability. Moreover, it provides the information on this technical subject in a way which can be readily understood. The report is designed for decision-makers assessing the need for further legislation dealing with plastic waste management.

STAFF COMMENTS:

Much work went into bringing the report to the stage of being presented to the Committee. The draft was written from a much longer compilation of information by staff. The information left out of the report is not, of course, lost. Rather, it can provide the basis of a series of more technical papers if the Board so chooses. In the meantime, the Board can meet its immediate obligations by submitting the short "Plastic Report: Use, Disposal, Recyclability" to the Governor and the Legislature.

Prepared by: Carole Brow Carole S. Brow Phone: 7-9385

Reviewed by: _____ Phone: _____

Legal Review: CJC Date/Time: 10-8-91 1018h

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

LEGISLATION AND PUBLIC AFFAIRS COMMITTEE
October 16, 1991

AGENDA ITEM 5

ITEM: Presentation by the Green Library/Environmental Book Recycling Program.

BACKGROUND:

The Green Library is an environmental book recycling program. Headed by Jacek Purat, this non-profit organization has been collecting books for over four years. Its sole purpose is to collect and ship donated books and journals on environmental subjects to countries trying to cope with ecological crises, principally Poland and Nepal.

The Business Assistance Section of the Planning and Assistance Division met with Mr. Purat in the beginning of 1991; as a result of that meeting, the Business Assistance staff were impressed with this program to reuse books and wanted to share its mission with the members of this committee.

ANALYSIS:

The City of Berkeley is estimated to generate over 250 tons of book waste each year, much of it used periodicals, reports and texts on environmental subjects.

There is an urgent need for this information in countries with environmental problems. The Green Library collects these books from libraries, corporations, publishers, schools and others. The books are categorized by subjects and shipped to countries in the greatest need for the material.

California also has a need to reduce waste. Waste paper represents 35% of California's wastestream. This diversion program is strongly endorsed by the Diversion Assistance Branch because:

1.) This program promotes reuse of materials, which is a preferred strategy for waste diversion.

2.) Books and periodicals represent a major recycling challenge. Collections, segregation and preparation for recycling is very labor intensive. No strong market currently exists for this waste stream.

3.) California can share its wealth of knowledge on environmental issues, worldwide, at a low cost.

The potential to expand the Green Library statewide is limited only by funding. The Library needs funds for warehouse space and a small staff, book transportation and overseas shipping. In order to obtain more books the Library could attempt to advertise in CALMAX, the Board's materials exchange program. But without additional funding, the Green Library is reluctant to advertise in CALMAX.

STAFF COMMENTS:

Diversion Assistance staff supports the expansion of organizations such as the Green Library, because these types of organizations have the potential to make a substantive contribution toward achieving California's solid waste diversion goals.

Prepared by: [illegible] Phone [illegible]

Reviewed by: Mitch Delmage Phone 327-9373

Legal review: RFC Date/Time 10-9 08h22

GREEN LIBRARY
1918 Bonita Avenue, Berkeley California 94704
Tel. (415) 841-9975 Fax. (415) 841-9996

DONATE BOOKS AND PERIODICALS FOR ENVIRONMENTAL LIBRARIES IN THE EASTERN BLOC AND DEVELOPING COUNTRIES

Green Library is an independent non-profit corporation (501(c)(3)) providing ecological and environmental literature to people in areas hit by ecological crisis. Green Library promotes education and public commitment by assisting with the establishment of ecological libraries in those areas.

Basic resource materials are provided to organizations or groups interested in sponsoring or housing resource centers (Green Libraries) in ecologically distressed areas. Green Libraries established in cooperation with these groups are maintained on the following principles:

1. Materials must be available to everyone on an equal basis, without censorship or preselection.
2. Sponsoring organizations will make every effort to bring to the attention of the public the availability of these materials.
3. All reasonable efforts will be made to preserve and expand the collection and provide suitable conditions for its use.

Books and periodicals are placed in ecological libraries, thus becoming available to everyone on an equal basis. Each library is catered to the specific needs of the area but a general framework includes a large section exclusively for children with the rest largely for professional books such as field guides, directories, and other reference books from the fields of Natural History, Medicine, Agriculture, Environmental Protection and others (see below).

It is our belief that the only way in which the present destruction of the natural environment can be overcome is through education and the stimulation of peoples' awareness which will enable them to develop projects that are designed for their own benefit.

CONTRIBUTIONS FOR GREEN LIBRARIES

Green Library accepts contributions of books in ALL categories and journals in the categories listed below. Green Library maintains a book pick-up service for the San Francisco Bay Area with a week's notice and other areas by arrangement one month in advance. To arrange a pick-up, please call Katie Mangotich at (415) 841-9975.

Following is a list of periodical fields requested for Green Libraries:

- Agriculture
- Architecture
- Biology
- Chemistry
- Drug Abuse & Alcoholism
- Conservation
- Earth Sciences
- Education
- Energy
- Environmental Studies
- Forests & Forestry
- Fire Prevention
- Fish & Fisheries
- Gardening & Horticulture
- Geography
- Hospitals
- Housing & Urban Planning
- Industrial Health & Services
- Library & Information Services
- Medicine
- Meteorology
- Nutrition
- Pharmacy & Pharmacology
- Public Health & Safety
- Veterinary Sciences
- Water Resources

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
PERMITTING AND ENFORCEMENT COMMITTEE
River City Bank Building
1020 Ninth Street, Suite 300
Sacramento, CA 95814

October 23, 1991
10:00 am

NOTICE AND AGENDA

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1. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR SANTA ROSA GEOTHERMAL CO., L.P., SOLID DISPOSAL FACILITY, SONOMA COUNTY — 1
2. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR GUADALUPE DISPOSAL SITE, SANTA CLARA COUNTY — 13
3. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR PINE GROVE PUBLIC REFUSE TRANSFER STATION, AMADOR COUNTY — 33
4. CONSIDERATION OF PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE PLANS FOR NORTH COUNTY LANDFILL, SAN JOAQUIN COUNTY — 50
5. OPEN DISCUSSION

6. 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
(916) 322-7346

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 23, 1991

AGENDA ITEM 1

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Santa Rosa Geothermal Company, Sonoma County.

BACKGROUND:

Facility Facts

Project:	New permit to reflect the change in operator from Freeport-McMoRan Resources Partner/Geysers Geothermal Company (FMRP/GGC) to Calpine Geysers Plant Services, Inc.
Facility Type:	Disposal Facility (Sump for non-hazardous geothermal solid waste)
Name:	Santa Rosa Geothermal Company, L.P., Facility No. 49-AA-0148
Location:	Ridge Road, Sonoma County
Setting:	The facility is located on land zoned as Resource Rural Development on Federal Land. The surrounding land uses consist primarily of geothermal development, production and power plant operations.
Operational Status:	Active
Permitted Daily Capacity:	130 tons per day
Area:	7 acres
Owner/Operator:	Santa Rosa Geothermal Company, L.P. Mr. C. E. Woods, General Manager Calpine-Geysers Plant Services, Inc.
LEA:	Sonoma County Environmental Health Division

SUMMARY:

Site History The Santa Rosa Geothermal Company, L.P. (SRGC) is an existing Class II Waste Management Unit that commenced operation in 1987. It was established and operated by Freeport-McMoRan Resource Partners/Geysers Geothermal Company from 1987 to

1990. In 1990, Santa Rosa Geothermal Company, L.P. acquired the site and CalPine Geysers Plant Services operated the site.

Project Description This site is located on seven acres in the Geysers Known Geothermal Resources Area within SE1/4, Section 34, T11N, R8W, MDB&M, Sonoma County. The land is owned by the U.S. Department of Interior and administered by the Bureau of Land Management.

The facility is used for the disposal of non-hazardous, designated wastes. The wastestreams allowed at this facility include processed drilling mud and cuttings, sulfur sludge, cooling tower and sedimentation basin sludge, as well as rock and scale from pipeline operations generated at the site. The solid material disposed of contains approximately 50% liquids.

The waste management practices at this facility consists of three phases of operation. The first phase consists of placing the incoming loads of waste in a receiving sump. The second phase is the dewatering process. When a sufficient amount of material has accumulated in the receiving sump, a transportable treatment unit is brought to the site to dewater the waste. The wastes are analyzed for hazardous metals constituents at the time they are removed from the receiving sump and prior to final disposal. Unacceptable wastes identified at the site are removed immediately by a hazardous waste company. The third phase is the placement of the dewaterrd material into the Solid Waste Management Unit (SWMU) for final disposal. There are no daily cover material requirements at this site due to the high clay content and inert nature of the waste.

Environmental Controls

There are no operations at the facility which generate excessive noise levels and natural topographic sound barriers exist to protect receptors which are approximately 2 miles to the east. Surface access roads have been paved to control dust and the type of material disposed of is not flammable and is not associated with the harborage of vectors.

The sump and SWMU were constructed to meet Chapter 15 requirements for a surface impoundment. A synthetic liner was installed at the perimeter of the surface impoundments to prevent rain water intrusion. The facility is designed for removal and disposal of water head resulting from rainfall. Rain water collected in the surface impoundments is reinjected into the geothermal system where it serves as a source of steam for the production of electricity. There is a leachate collection system constructed in order to monitor the protection of ground water.

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 of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on September 19, 1991, the last day the Board could act is November 18, 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. Consistency with Waste Diversion Requirements

   Based on review of the documents for the proposed project, staff has determined that the issuance of the proposed permit will not adversely affect the county's ability to achieve its diversion requirements since this facility will accept only geothermal wastes for disposal. Currently, the incoming waste is not conducive to recycling activities. Diversion activities will target a portion of the county's waste stream which will not be impacted by the operators of this facility.

2. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The Sonoma County Public Health Department prepared a Negative Declaration (ND) for the project in 1987. A Categorical Exemption, for the change of operator, was filed at the County Clerk's Office in 1990 by the Sonoma County Public Health Department. As required by the California Environmental Quality Act (CEQA), the ND and the Exemption identified no potential adverse environmental impacts. The project was certified as approved by the Lead Agency, the Sonoma County Public Health Department, on July 28, 1987.

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

3. Conformance with State Minimum Standards

   The LEA has made the determination that the facility's design and operation are in substantial compliance with the

State Minimum Standards for Solid Waste Handling based on their review of the Report of Disposal Site Information and by physical inspection of the facility on September 5, 1991.

Board staff conducted an inspection of the site on February 13, 1991 and found the site in substantial compliance with the Standards.

STAFF RECOMMENDATIONS::

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

Staff recommends that the Board adopt Permit Decision No. 91-XX, concurring in the issuance of Solid Waste Facilities Permit No. 49-AA-0148.

ATTACHMENTS:

1. Permit No. 49-AA-0148
2. Location Map
3. Site Map
4. Permit Decision No. 91-XX

Prepared by: Beatrice Cuenca B Cuenca Phone: 327-9351

Reviewed by: Martha Vazquez M Vazquez Phone: 327-9287

Legal review: Blankenheim Date/Time: 10 · 9 1700h

Attachment 1

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY Drilling Mud Disposal Site	FACILITY/PERMIT NUMBER 49-AA-0148
NAME AND STREET ADDRESS OF FACILITY Santa Rosa Geothermal Company, L.P. Solids Disposal Facility SE 1/4 Sec. 34.T11N, R8W, MDB & M Sonoma County, California	NAME AND MAILING ADDRESS OF OPERATOR CalPine Geysers Plant Services, Inc. 1160 North Dutton Avenue, Suite 200 P. O. Box 11279 Santa Rosa, CA. 95401	
PERMITTING ENFORCEMENT AGENCY Sonoma County Public Health Department	CITY/COUNTY Sonoma 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:	AGENCY ADDRESS	
APPROVING OFFICER Jack VrMeer, Solid Waste Specialist NAME/TITLE	1030 Center Drive, Suite A Santa Rosa, CA. 95403	
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB SEP 19 1991	CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

CWMB (Rev. 7/84)

Permit Revision for the Santa Rosa Geothermal Company Site
Facility File No. 49-AA-0148

Findings:

1. This is an existing (since 9/23/87) Class II Waste Management Unit, a surface impoundment receiving designated non-hazardous waste from the Company's geothermal operations in the Geysers, Sonoma and Lake Counties.

   A. The owner of the facility is the Santa Rosa Geothermal Company, L.P. The owner of the land is the Federal Bureau of Land Management. The operator of the facility is CalPine Geysers Plant Services, Inc.

   B. The facility has a total acreage of seven acres and is located in the SE 1/4, Section 34, Township 11 North, Range 8 West, Mount Diablo Base and Meridian. AP No. 141-04-11 and 141-04-12. Location and site maps are in the Report of Disposal Site Information, May 1991, which is hereby made a part of this permit. A meets and bounds description is not available for this site. A general location map is included as part of this finding.

   C. This facility consists of a receiving sump, a Transportable Treatment Unit (TTU) dewatering press, two effluent pipelines, and a disposal surface impoundment. The facility is constructed as shown in the 1987 Report of Disposal Site Information.

      The receiving sump has a capacity of 500,000 gallons. The storage surface impoundment has a capacity of 10,900,000 gallons. The TTU can process 42,000 gallons per day.

   D. Types of wastes received at this facility consist of designated non-hazardous wastes of geothermal drilling mud cuttings, sulfur sludge, cooling tower and sedimentation basin sludge, rock and scale from pipelines.

   E. The TTU unit can process 42,000 gallons per day and can produce 16,800 gallons or 81 cubic yards (130 tons) per day of filter cake for disposal. One cubic yard weighs 1.6 tons. One cubic yard contains 202 gallons.

      Wastes are not received every day, but are variable with well drilling. The facility has 10,140 cubic yards of waste in place as of June 1, 1990. The disposal site has a design capacity of 54,000 cubic yards (10,900,000 gallons) with life expectancy in excess of 14 years.

   F. The drilling mud waste is stored in drilling sumps at the well drilling site. Drilling mud is hauled by vacuum truck to the surface impoundment receiving sump. The drilling mud is then processed through the TTU, utilizing flocculation and press, to remove water. The water is reinjected into deep geothermal wells. The mud cake is placed in the surface impoundment, spread and compacted. The TTU may alternately be used at the drilling site. The water and dewatered mud cake are hauled separately to the surface impoundment for disposal. The surface impoundment containment system directs any further drainage to a waste disposal sump for reinjection to deep geothermal wells.

6

G. Resource recovery consists of reclaiming water for reinjection into the geothermal system for production of more steam for electrical energy.

H. Hazardous waste screening programs are not applicable at this facility.

I. There are no anticipated changes in design or operation at this facility in the next five years.

J. This facility is operated during daylight hours only but may be used 24 hours per day during periods of active drilling operations.

The estimated site life is 14 years. The estimated closure year is 2005.

2. The following agencies and documents condition this permit and therefore, the operation and use of this facility:

A. Report of Disposal Site Information, August 1991.

B. Alternate certification for non-applicability of requirements for a solid waste landfill has been approved by the California Integrated Waste Management Board on August 22, 1991. This site is not a landfill.

C. Land Use permits are not required. Exemption from county ordinance is granted all projects on government owned lands.

D. North Coast Regional Water Quality Control Board Waste Discharge Requirements, Order No. 91-51.

E. Air Pollution District permits or variances are not required.

F. A Negative Declaration was adopted by the Sonoma County Board of Supervisors, July 28, 1987, SCH # 87052606. Categorical Exemption, Existing Facilities, Class I, was filed July 28, 1990 (14 CCR 15101).

G. The Federal Bureau of Land Management, Ukiah District Office, Conditional Right-of-Way Grant, Serial No. CA 20368, dated August 14, 1987, and amendments dated June 4, 1991.

H. Operating and Maintenance Agreement between CalPine-Geysers Plant Services, Inc. and Santa Rosa Geothermal Company, L.P.

I. No Special Use Permits from either the BLM or U.S. Forest Service were required.

J. Facility is not within wetlands.

3. The following findings are made pursuant to Govt. Code, 66796.32:

   A. This permit is consistent with the latest version of the County Solid Waste Management Plan as determined by the Sonoma County Department of Public Works, the COSWMP liaison.

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

   C. The Sonoma County Planning Department has determined that the facility is consistent with, and designated in the Sonoma County General Plan.

4. The facility design and operation are currently in compliance with State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA, on September 5, 1991.

5. The local fire protection district has determined that the facility is in compliance with the Public Resource Code, Sections 4373 and 4374 (clearance required from the perimeter of exposed flammable solid waste).

6. Zoning and Land Use within 1,000 feet of the site is A-2, secondary agriculture, and is compatible with the disposal facility.

7. A Negative Declaration was prepared by the Sonoma County Public Health Department in 1987, and adopted by the Sonoma County Board of Supervisors, July 28, 1987.

   Categorical Exemption, Existing Facilities, Class I, was filed at the County Clerk's Office June 28, 1990 to July 28, 1990 by the Sonoma County Public Health Department.

Conditions

Requirements:

1. This facility must comply with the State Minimum Standards for Solid Waste Handling and Disposal.

2. This facility must comply with all federal, state and local requirements and enactments.

3. Additional information facility must be provided as required by the enforcement agency.

4. At the discretion of the enforcement agency, landfill gas monitoring probes shall be installed for detection of gas migration. If needed, a landfill gas control system shall be installed.

8

Prohibitions:

1. The transfer, storage, processing, or disposal of drilling muds containing materials classified as hazardous.

Specifications:

1. This permit supersedes the existing permit, dated September 23, 1987.

2. No significant change in design or operation from that described in the Findings section is allowed, except for those changes which are required under the Conditions portion of this permit. Any significant change which may be proposed for the facility shall require submission of a revised RDSI or an addendum thereto and an application for permit revision to the Local Enforcement Agency (LEA).

3. This facility has a permitted capacity of 84 cubic yards (134 tons) per operating day and shall not receive more than this amount without first obtaining revision of the permit.

4. No special wastes are received at this site.

5. A change in facility operator will require a new permit.

6. This facility, not being a landfill, is not subject to cover requirements of 14 CCR 17682.

Provisions:

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

Closure/Postclosure Maintenance:

This facility is not a solid waste landfill as defined in the Public Resources Code Section 46027. This facility has received Alternate Certification for Non-Applicability of Requirements for a Solid Waste Landfill.

Self-Monitoring Program:

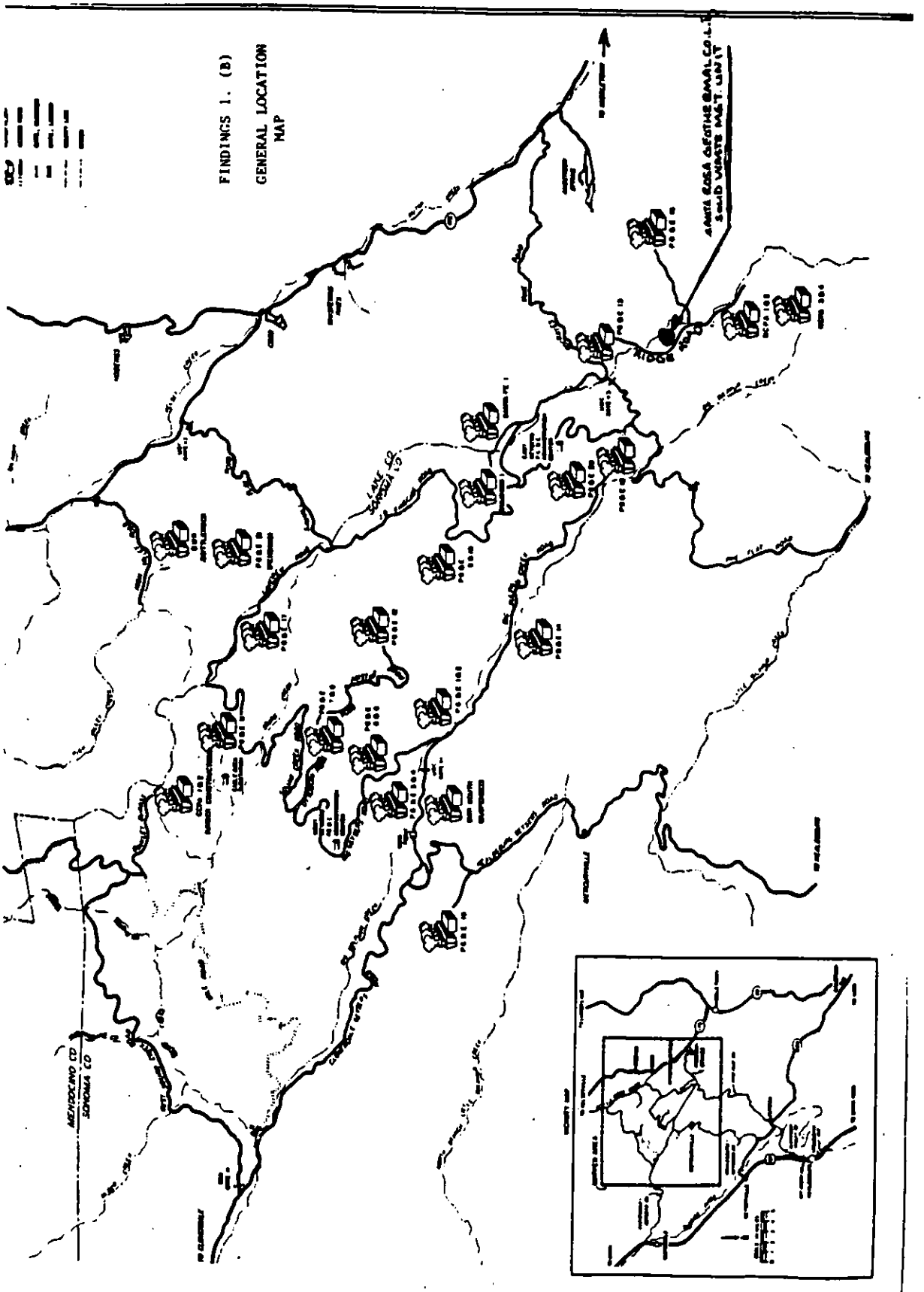
1. The operator of this facility or his agent shall keep records of the volume of drilling mud and other wastes placed in the receiving sump and report to the LEA on a monthly basis.

2. Testing of drilling mud and TTU filter cake for heavy metals shall be reported to the Local Enforcement Agency on a yearly basis.

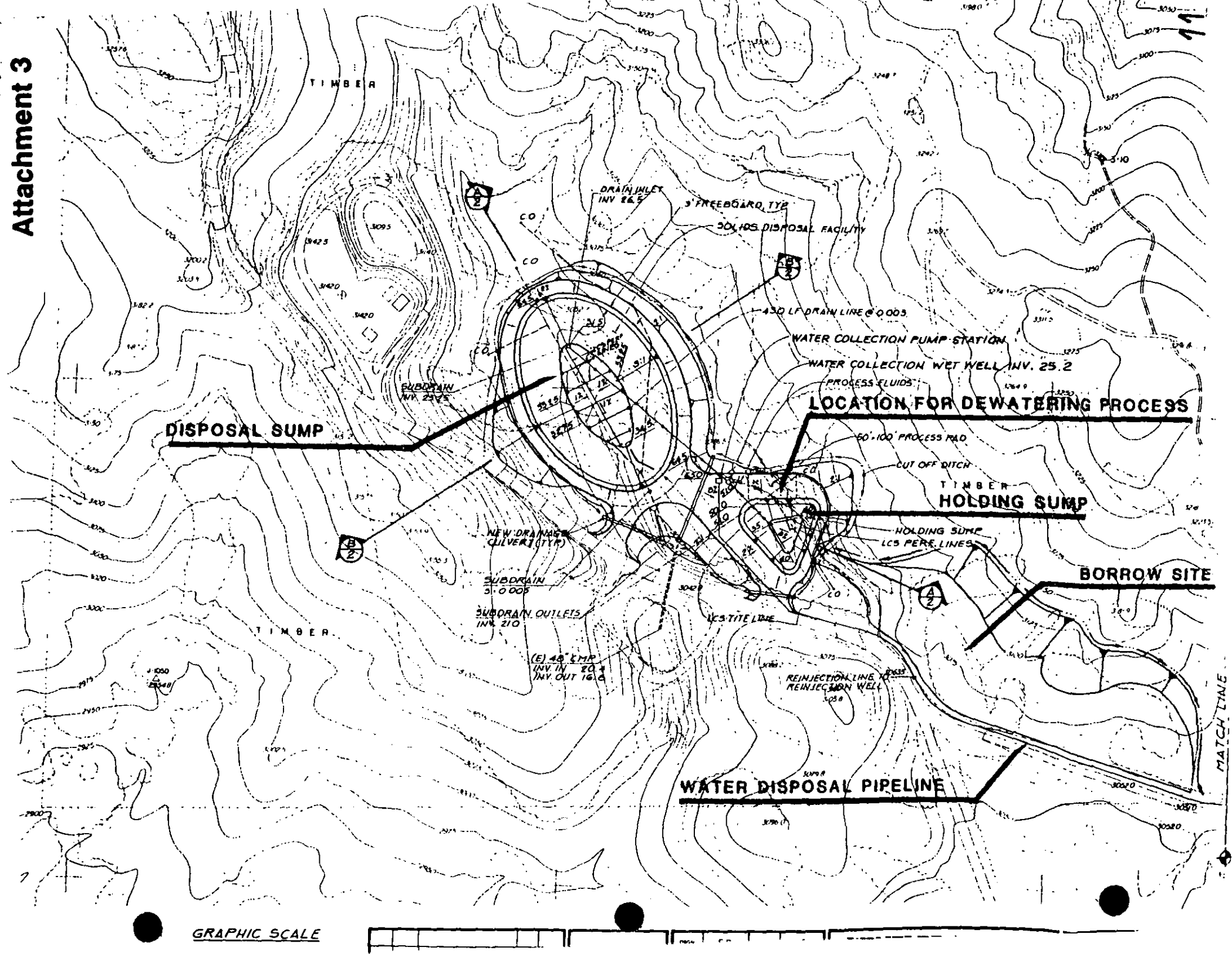
3. Testing of stretford sulfur cake for levels of sulfur, vanadium, arsenic and mercury, shall be reported to the Local Enforcement Agency on a yearly basis.

JHV/mb

REVISION.148


FINDINGS 1. (B)
GENERAL LOCATION MAP
MENDOCINO CO.
SONOMA CO.

Attachment 3



California Integrated Waste Management Board
Permit Decision No. 91-78
October 23, 1991

WHEREAS, The County of Sonoma Public Health Department, acting as 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 Santa Rosa Geothermal Company; 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, 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. 49-AA-0148.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

To: Rich Archdecon
From: Jon Whitehill

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

OCTOBER 23, 1991

AGENDA ITEM #2

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for Guadalupe Disposal Site, Santa Clara County

BACKGROUND:

Facility Facts

Project:	Revised the permit for a sanitary landfill to increase disposal acreage from 65 to 115 acres, to increase the daily average tonnage to 900 tons per day, and to allow the use of Performance Standards in lieu of daily cover
Facility Type:	Class III Sanitary Landfill
Name:	Guadalupe Disposal Site, Facility No. 43-AN-0015
Location:	4 miles east of Highway 17, 9.5 miles south of San Jose Civic Center
Setting:	Surrounding land use includes urban and rural subdivisions, grazing, and Almaden Quicksilver County Park
Operational Status:	Active facility
Permitted Daily Capacity:	900 tons per day
Area:	411 acres, 115 acres permitted for disposal, the balance used for material recovery and salvage operations, gas recovery operations, and setback areas
Owner and Operator:	Guadalupe Rubbish Disposal Company, Inc. Jim Zanardi, President
LEA:	City of San Jose Department of Neighborhood Preservation

Site History This site was opened in 1929 and operated as an

open burn dump until 1959, at which time the facility was converted to a sanitary landfill, in accordance with the accepted practices of the time. The existing landfill was developed by placing and compacting refuse on the exposed surface of the site's canyon floor. This constitutes the base of the existing landfill. Currently, the operator is permitted to dispose waste in 65 acres of the site. The current permit, which was issued in 1979, states that an average of 2100 tons of waste was received at the site per week.

Project Description This facility is located at 15999 Guadalupe Mines Road, San Jose, California. Access to the landfill is from a private two lane road. The site is situated within a canyon in the extreme northwest portion of Los Capitancillos Ridge.

Permanent on-site buildings include an administrative office, a landfill equipment maintenance shop, a building which houses vehicle maintenance and some recycling activities, and a gas recovery facility. Other structures include the scale house, scales, temporary buildings associated with salvage activities, and several water tanks.

Heavy equipment includes bulldozers, scrapers, water trucks, an excavator, compactors, wood chippers and loaders, and a grader.

Guadalupe Disposal Site employs the area fill method of operation. Throughout the landfill operation, waste is placed in lifts averaging 15 feet thick. Refuse is spread and compacted in two foot thick layers on a working face approximately 200 feet wide and sloped at 3:1 vertical to horizontal ratio. Six inches of soil cover is placed over waste at the end of each day. The site will also be permitted to operate under Performance Standards in lieu of the daily cover requirement.

Vehicles hauling waste enter past the scale house at the west edge of the site. Loads of woodwaste or yard waste will be directed to the wood/yard waste processing area. All other loads are directed to the active face. The general public will be directed to tip at a public tipping area. Loads of concrete and soil are tipped near the active face, with soil being used for daily cover and concrete being incorporated into the construction of roads at the facility. Commercial haulers are directed to tip at the active face.

Environmental Controls Drainage ditches, berms, corrugated steel pipe drains and inlets, energy dissipators, and two sedimentation ponds on-site are designed to manage and protect the local surface waters. The expansion area will be lined and have a leachate collection and removal system to protect groundwater. The liner will consist of a composite geomembrane and clay liner

on the bottom, and a clay liner on the non-refuse and embankment perimeter slopes. A conceptual design for the leachate collection and removal system has been submitted to the Board. The written approval of both Integrated Waste Management Board staff and the Executive Officer of the Regional Water Quality Control Board prior to disposal of wastes into the expansion area is a condition of this proposed permit. Monitoring wells are located at the periphery of the site to ascertain groundwater quality. The wells are sampled and analyzed quarterly with results sent to the Regional Water Quality Control Board and the LEA. In addition, a screening and load check program is in place to discourage the illegal disposal of hazardous wastes on site.

An active landfill decomposition gas collection and removal system is currently operating on site. The gas extraction wells are bored into the fill to just above the base of the refuse, which has resulted in wells placed to depths averaging between 35 and 80 feet. The wells are connected to a central header system which pipes the landfill gas to an electrical generation facility. Laidlaw Gas Recovery Systems operates this system under an agreement with the landfill operator. The generation plant currently produces about 2.5 megawatts of electricity daily which is sold to Pacific Gas & Electric. The gas recovery system will be expanded as needed to adequately remove and utilize the landfill gas.

Dust is controlled by water trucks. Ongoing litter collection and street sweeping programs minimize the impact of litter. On-site noise has not been a problem due to the remote location of the facility.

Resource Recovery Programs Guadalupe Disposal Site has several on-site recovery operations. Concrete and asphalt are removed from the waste stream and used in on-site projects or sold to off-site users. Wood and yard waste are processed into fuel, soil amendments, or in a unique operation, recycled into redwood products such as fencing, lattice, and planters. A salvage operation also is located on site. Workers remove salvageable items from the active face and bring them to a processing area where the materials are sorted and cleaned prior to being transported to buyers off-site.

The operator is determining the feasibility of a commercial compost operation which may be implemented (and permitted) in the future.

In 1989, over 13% (by weight) of the waste stream was recovered in recycling operations at this facility. It is anticipated that this percentage will increase in the future due to the proposed composting program and additional material recovery operations.

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 September 19, 1991, the last day the Board could act is November 18, 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 Guadalupe Disposal Site is found in the Solid Waste Management Plan for Santa Clara County, 1990 Revision. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the General Plan, Santa Clara County adopted November 18, 1981. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Based on a review of the documents for the proposed project, staff has determined that the project is consistent with mandated waste diversion goals.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). The City of San Jose prepared an Environmental Impact Report (SCH #88092722) for the proposed project. As required by CEQA, the environmental impact report (EIR) identified the potential adverse environmental effects of and mitigation measures for the proposed project. Board staff reviewed the EIR and provided comments to the City on November 29, 1988. The City adequately responded to the comments. The San Jose City Council approved the Notice of Determination on March 21, 1989.

An MMIS has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the expansion of the Guadalupe Disposal Site are identified and incorporated in the MMIS (Attachment 4).

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

5. Conformance with State Minimum Standards

The LEA has made the determination that the facility's design and operation are in substantial compliance with State Minimum Standards for solid waste handling and disposal based on review of the Report of Disposal Site Information and by physical inspection of the facility on August 26, 1991.

Board staff has made the determination that the facility's design and operation are in substantial compliance with State Minimum Standards based on a physical inspection of the facility on September 27, 1991.

STAFF RECOMMENDATIONS:

Because a revised 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- concurring in the issuance of Solid Waste Facilities Permit No.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 43-AN-0015
4. Mitigation Monitoring and Implementation Schedule
5. Permit Decision

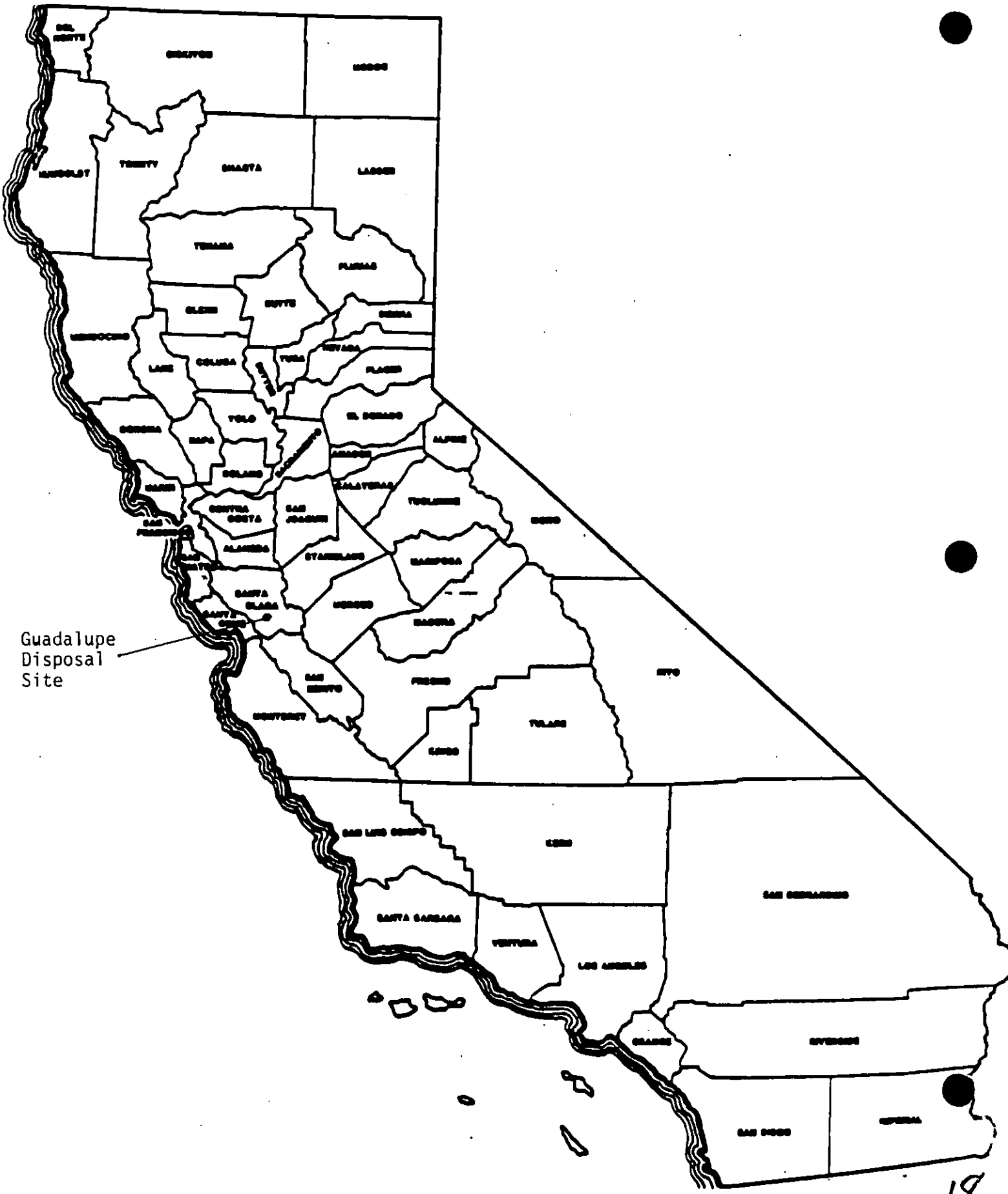
Prepared By: David Otsubo Phone: 327-9354

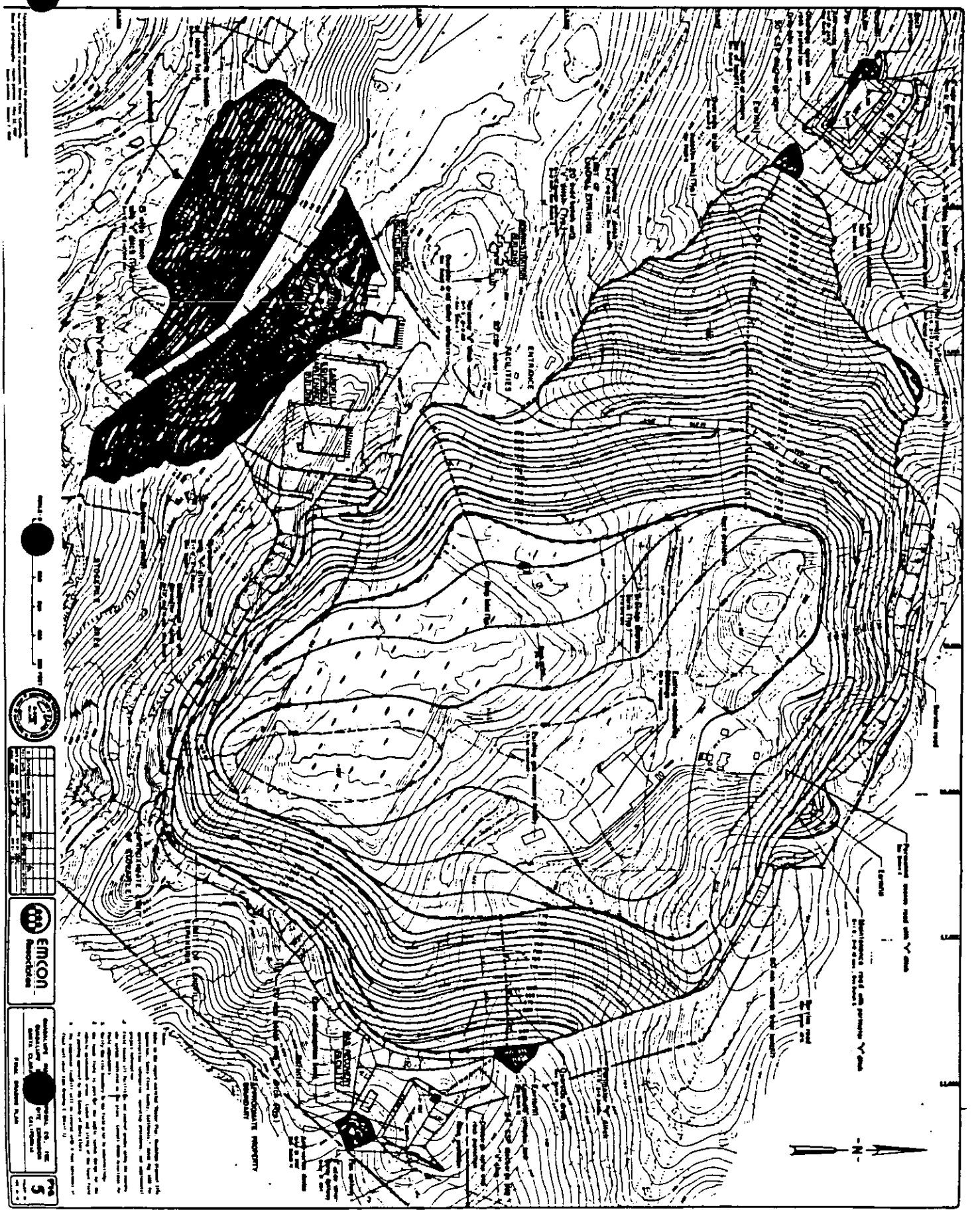
Approved by: Martha Vazquez Phone: 327-9287

Legal Review: RPC Date/Time 10-9 08h27

guadai.919

Attachment 1




ENTRANCE
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As of the date that this item went to print, the final version of the proposed permit had not been received by the Board.

RESOLUTION NO. 61179

RESOLUTION OF THE CITY COUNCIL OF SAN JOSE MAKING CERTAIN FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION WITH A PROJECT CONSISTING OF A PLANNED DEVELOPMENT REZONING AND PREZONING OF APPROXIMATELY 411 ACRES ON THE EAST SIDE OF GUADALUPE MINES ROAD, APPROXIMATELY 1,800 FEET SOUTHERLY OF PUERTO VALLARTA DRIVE, FOR THE PURPOSE OF EXPANDING A SANITARY LANDFILL SITE (CLASS III), FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

WHEREAS, the Council on February 21, 1989, conducted a public hearing on a proposed Planned Development (PD) zoning and prezoning from County, L-R Laboratory-Research and R-1:B-3 Residential to A(PD) to allow expansion of a sanitary landfill, (File No. PDC 87-12-100), hereinafter referred to as the "project"; and

WHEREAS, the Council intends to approve the project; and

WHEREAS, the California Environmental Quality Act of 1970, as amended, (CEQA) requires that, in the approval of a project for which an Environmental Impact Report (EIR) has been prepared, the decision-making body shall review said EIR and make certain findings regarding the significant effects on the environment identified in said EIR; and

WHEREAS, such project was the subject of an Environmental Impact Report (EIR) entitled "GUADALUPE DISPOSAL SITE EXPANSION" prepared by the City of San Jose as the Lead Agency in compliance with the requirements of the California Environmental Quality Act of 1970, as amended, and the said EIR was found complete by the City of San Jose Planning Commission on November 30, 1988; and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the Planned Development (PD) rezoning and prezoning from County, L-R Laboratory-Research and R-1:B-3 Residential to A(PD) to allow expansion of a sanitary landfill; and

WHEREAS, this Council does hereby certify that as a decision-making body, it has considered and approved the information contained in such EIR prior to acting upon or approving such project,

NOW THEREFORE, THE COUNCIL DOES HEREBY make the following findings with respect to the significant effects on the environment of such project as identified in the hereinbefore mentioned EIR:

1. GEOLOGIC IMPACTS

Erosion

A. IMPACT: Erosion would result from exposed cut and fill slopes.

B. MITIGATION OR AVOIDANCE: After completion of landfill operations on a particular module, each fill area would be graded to create an overall 2.5 to 1 slope and vegetative cover would be established on the landfill slopes as soon as feasible. Runoff would be diverted from highly erodable areas.

C. FINDING: The project includes finished slopes and a vegetation plan which reduce erosion impacts to a nonsignificant level.

D. REPORTING OR MONITORING: The project includes a benchmark system to monitor fill elevations and contours. The Planned Development (PD) permit will detail the schedule for final cover and vegetation for each module. The City of San Jose Environmental Enforcement Division will periodically inspect and monitor these activities. The Regional Water Quality Control Board (RWQCB) will review the final closure and revegetation of the site.

Mines Under the Landfill and Structures

A. IMPACT: The proposed landfill expansion would reduce the stability of the mine openings beneath and adjacent to the landfill and proposed structures.

B. MITIGATION OR AVOIDANCE: Remedial measures would be implemented to stabilize the mine openings, including removal of the workings by overexcavation and backfill; backfilling with granular materials or grout; and placement of clay liners in areas where the workings could have caused rock fracturing.

C. FINDING: The project includes remedial measures which would stabilize mine openings, thereby reducing impacts to a nonsignificant level.

D. REPORTING OR MONITORING: A grading permit is required by the City of San Jose to implement the remedial measures. The grading permit will contain provisions for monitoring and inspection by the Public Works Department to ensure compliance with the issued permit.

2. HYDROLOGY AND WATER QUALITY

A. IMPACT: The proposed landfill expansion would degrade water quality due to erosion of cut slopes and leachate entering the natural drainage system.

B. MITIGATION OR AVOIDANCE: Erosion, leachate, and stormwater runoff would be mitigated by the following measures:

- Diversion of stormwater runoff around the landfill into the natural drainage to prevent surface water from coming into contact with the refuse;
- Drainage of runoff from graded areas into lined ditches where particles would precipitate before the water is released into the natural drainage;
- Construction of sedimentation basins on the east and west sides of the landfill to collect stormwater;
- Construction of an interceptor ditch at the toe of the landfill to collect leachate, pump it to the top of the fill, and inject it into the refuse where it will be absorbed;
- Covering the waste to reduce the amount of rain which can enter the fill and create leachate;
- Benching of final slopes to achieve an overall slope of 3:1 to reduce run-off velocities and erosion;
- Spreading of stockpiled materials and lifts and track walks to form compact stockpiles; and grading as necessary to prevent erosion.

C. FINDING: The project design includes drainage and diversion ditches, sedimentation basins, and waste coverage techniques to reduce the hydrologic and water quality impacts to a nonsignificant level.

D. REPORTING OR MONITORING: The project will follow the waste discharge requirements set by the Regional Water Quality Control Board (RWQCB), including quarterly monitoring and reporting to the RWQCB of ground and surface water quality and leachate occurrences, and all applicable regulations and standards of the RWQCB and Santa Clara Valley Water District. Further, prior to any lateral expansion of the landfill, the Solid Waste Assessment Test must be approved by RWQCB and a leachate monitoring program and a leachate management system must be implemented.

3. LAND USE

A. IMPACT: The proposed landfill expansion could conflict with existing and planned land uses adjacent to the project.

B. MITIGATION OR AVOIDANCE: The project would provide a buffer area around the landfill.

Once the operational life of the landfill is ended, the site would be restored by final grading and landscaping to facilitate open space uses.

C. FINDING: The project design includes a buffer zone and final restoration measures to reduce the land use impacts to a nonsignificant level.

D. REPORTING OR MONITORING: The PD permit will require the buffer area on the project site. The City of San Jose Environmental Enforcement Division will monitor landfill operations in the project area, including the maintenance of the buffer area.

4. BIOLOGICAL RESOURCES

A. IMPACT: The proposed landfill expansion would destroy 50 acres of oak woodland and chaparral habitat, resulting in a loss of habitat for ground-dwelling animals and displacement of larger animals into the adjacent open space. This loss would persist through the life of the project, estimated to the year 2013. The 50 acres of habitat includes the loss of heritage and ordinance-sized trees.

B. PARTIAL MITIGATION OR AVOIDANCE: After the completion of landfill operations on a particular module, hydromulching and revegetation will occur as soon as feasible. The project would partially mitigate the loss of habitat by revegetating disturbed areas with native vegetation. Ordinance-size trees would be replaced with box-size specimen trees at a ratio of 4 to 1.

C. FINDING: The project includes mitigation measures described above which will reduce the biological impacts, but not to a nonsignificant level. The project will result in significant, unavoidable impacts to biological resources.

D. OVERRIDING CONSIDERATIONS: The County Solid Waste Management Plan identifies a need for additional long term sanitary landfill capacity in the region. The City of San Jose's Horizon 2000 General Plan outlines a pattern of growth and provision of urban services which will necessitate additional long-term sanitary landfill capacity.

Closure of the Guadalupe Disposal site would result in an immediate increase in landfill traffic to other disposal sites, most likely Kirby Canyon and Newby Island. This would result in a regional increase in traffic, safety hazards, and air emissions because the landfill traffic would be forced to travel farther to dispose of wastes.

Under the Subregional Policy of the Santa Clara County Solid Waste Management Plan (COSWMP), each subregion is to resolve its own solid waste problems. As a result of this policy, the West Valley cities would be forced to establish another landfill to serve their needs when the Guadalupe site is closed. The creation of a new landfill would in itself have significant environmental impacts. Hence, the expansion of the Guadalupe Disposal site is a more desirable alternative for waste disposal in the West Valley service area.

E. REPORTING OR MONITORING: Periodic inspection by the City of San Jose Environmental Enforcement Division will monitor the revegetation activities. The Regional Water Quality Control Board (RWQCB) will review the final closure and revegetation of the site.

5. AIR QUALITY

A. IMPACT: The proposed landfill expansion would increase fugitive dust, asbestos-containing dust, and exhaust from heavy construction vehicles.

B. MITIGATION OR AVOIDANCE: The project would reduce dust and exhaust by:

- Watering haul roads, excavation areas, stockpiles, and other exposed soil areas;
- Controlling vehicle speeds;
- Sweeping Guadalupe Mines Road and a portion of Camden Avenue; and
- Maintaining landfill equipment and disposal trucks.

C. FINDING: The mitigation measures described above will reduce air quality impacts to a nonsignificant level.

D. REPORTING OR MONITORING: The project includes record keeping on various activities associated with landfill operations, including the results of dust control measures and all citizen complaints. These records are available upon request to local, state, and federal authorities.

6. PUBLIC SAFETY

Vector Infestation

A. IMPACT: The proposed landfill expansion would attract vectors (e.g., flies and rodents) to the site.

B. MITIGATION OR AVOIDANCE: The project would follow the City of San Jose Environmental Enforcement Division's guidelines, including covering and compacting waste cells.

C. FINDING: The implementation of the Environmental Enforcement Division's guidelines will reduce vector infestation to a nonsignificant level.

D. REPORTING OR MONITORING: The project includes monitoring of vector presence by the landfill operator. In addition, the City of San Jose Environmental Enforcement Division will administer a monitoring and trapping program on the site.

Fire and Hazardous Materials

A. IMPACT: The proposed landfill expansion would increase the risk for fire and potential handling of hazardous wastes.

B. MITIGATION OR AVOIDANCE: The project would reduce fire hazards by inspecting incoming wastes for volatiles, maintaining a small working landfill face, maintaining fire suppression equipment onsite, and training personnel to recognize and extinguish landfill fires.

The disposal of hazardous materials on the site would be prohibited, as detailed in the project's Hazardous Waste Exclusion Plan and Hazardous Waste Management Plan. This plan requires random load checks, hazardous materials removal, and training of personnel and the public.

C. FINDING: The implementation of the mitigation measures described above will reduce fire and hazardous materials impacts to a nonsignificant level.

D. REPORTING OR MONITORING: The project includes keeping a log of all fires and discharges of hazardous or other wastes not permitted in a Class III landfill. These records are available upon request to local, state, and federal authorities.

Groundwater Contamination

A. IMPACT: The proposed landfill expansion would potentially add leachate to groundwater supplies.

B. MITIGATION OR AVOIDANCE: The project would minimize the production of leachate by sealing the landfill with a low-permeable soil layer as the final cover.

C. FINDING: The project design includes mitigation measures described above which will reduce groundwater contamination impacts to a nonsignificant level.

D. REPORTING OR MONITORING: The project includes the installation of monitoring wells throughout the landfill area from which groundwater samples will be taken and tested. The Regional Water Quality Control Board will receive monitoring reports based on these tests.

Asbestos Disposal Hazards

A. IMPACT: The project would accept waste loads containing asbestos with a State approved manifest and 24-hour notice. The disposal of asbestos could result in increased risks to worker safety at the landfill site.

B. MITIGATION OR AVOIDANCE: The project would implement an Asbestos Disposal Management Plan in conformance with the requirements of the RWQCB, Bay Area Air Quality Management District (BAAQMD), and the California Department of Health Services (DOHS). In addition, the following mitigation measures would be implemented:

- Designation of a special asbestos disposal area and prohibit public entry into it;
- Covering of asbestos loads with six inches of soil or non-hazardous waste within 24-hours of its disposal; and
- Watering all non-containerized loads prior to unloading.

C. FINDING: The project design includes mitigation measures described above which will reduce asbestos hazards to a nonsignificant level.

D. REPORTING OR MONITORING: The project includes keeping a log of all solid waste materials received, identified by source and material. These records are available upon request to appropriate local, state, and federal authorities.

7. VISUAL RESOURCES

A. IMPACT: The proposed landfill operation would be visible from nearby residences and open space areas.

B. PARTIAL MITIGATION OR AVOIDANCE: The project would minimize visual impacts through each phase by grading the filled module to blend with the existing topography and by revegetating the graded slopes.

C. FINDING: The project includes mitigation measures described above which will reduce visual impacts, but not to a nonsignificant level. The project will result in significant, unavoidable impacts to visual resources.

D. OVERRIDING CONSIDERATIONS: For the reasons stated in section 4.C., the proposed site is necessary to meet the sanitary landfill needs of the City of San Jose. Visual impacts are inherent in landfill operations. Reduction of the scale of the project would reduce the visibility of the completed fill, but would also reduce the usefulness of the site by decreasing its capacity. Given that the City would have to find a new landfill site elsewhere and that visual impacts are unavoidable with the use, the result would be to transfer the impacts to another location sooner.

E. REPORTING OR MONITORING: The project includes a benchmark system to monitor fill elevations and contours. The Planned Development (PD) permit will detail the schedule for final cover and vegetation for each module. Periodic inspection by the City of San Jose Environmental Enforcement Division will monitor these activities. The Regional Water Quality Control Board (RWQCB) will review the final closure and revegetation of the site.

8. NOISE

A. IMPACT: The landfill equipment and relocated power plant would generate noise which would be audible to the surrounding area.

B. MITIGATION OR AVOIDANCE: The project includes the requirement that the landfill operator maintain equipment in good repair and purchase new equipment with effective muffler designs, as necessary. The hours of operation for landfill equipment would be limited to 7:00 AM to 6:00 PM seven days a week. The landfill will be closed on New Year's Day, Easter Sunday, Thanksgiving Day, and Christmas Day. The power plant would be relocated near the middle of the landfill and the building would be oriented such that the noise sources are facing away from surrounding uses and toward the landfill site. The power plant would include an effective muffler design. A berm would be constructed around the site to deflect noise upward.

C. FINDING: The noise impacts from the equipment and power plant will be mitigated as described above to a nonsignificant level.

D. REPORTING OR MONITORING: The location and design of the power plant will be specified in the PD permit for the project.

9. CULTURAL RESOURCES

A. IMPACT: The project could potentially disturb or destroy subsurface cultural resources.

B. MITIGATION OR AVOIDANCE: Landfill operations near the historic mine building and associated features would be avoided. If any subsurface deposits, features, or materials are found during landfill operations, such operations would be immediately halted and a qualified archaeologist would be contacted to evaluate the finds before work resumes.

C. FINDING: The project is designed to reduce impacts to cultural resources to a nonsignificant level.

D. REPORTING OR MONITORING: The project will monitor its operations and contact a qualified archaeologist to evaluate any finds prior to the resumption of landfill activities. A report of the archaeologist's evaluation will be submitted to the Department of City Planning.

10. EVALUATION OF ALTERNATIVES Given the project's significant unavoidable impacts to biological and visual resources the City Council carefully evaluated several alternatives for achieving the project objectives.

A. NO PROJECT: This alternative would result in no expansion of the landfill. The site would operate until its presently permitted capacity is depleted, estimated to be 1994. Although this alternative would provide short-term landfill capacity, the landfill would close prior to the expiration of existing disposal contracts. Refuse from the cities of Campbell, Los Gatos, Monte Sereno, Saratoga, and San Jose would need to be transported elsewhere. While this would eliminate environmental impacts at this particular site, the impacts would be transferred to an alternative site, resulting in regional increases in traffic, safety hazards, and air emissions. The County Solid Waste Management Plan would require this alternative site to be located in the West Valley subregion. Neither the COSWMP nor the City's General Plan identifies other candidate landfill sites in the West Valley subregion. In view of the City's responsibility to meet the solid waste management goals of the Horizon 2000 General Plan, the No Project alternative is not an acceptable alternative to the proposed project.

B. REDUCED-SCALE PROJECT: This alternative would include an expansion of 40 acres located along the perimeter of the site, extending the landfill capacity by 14 years and allowing the fulfillment of existing contracts. Landfill operations would cease five years sooner than the 50-acre expansion. This alternative would result in a loss of 17 acres of oak woodland and chaparral habitat, one-third fewer acres than the proposed project. All other impacts would be the same. However, this alternative would provide less landfill space, reducing the amount of regional landfill capacity.

C. ALTERNATIVE LOCATION ON THE GUADALUPE PROPERTY: This alternative would locate the proposed expansion on the southern portion of the property, outside of the canyon. Due to the unknown number of abandoned quicksilver/cinnabar mines in the southern area, an expansion to the south would result in environmental impacts to geology, hydrology, water quality, and aesthetics.

D. ALTERNATIVE PROJECT SITES: This alternative would entail locating a new landfill site or expanding capacity at existing landfill sites in order to handle the waste which is proposed to be disposed of at the expanded Guadalupe Landfill.

The City has previously given extensive consideration to alternative locations for landfill facilities:

- In 1982, during the Annual Review of the General Plan, potential new landfill sites in areas within the City's Sphere of Influence were considered. Environmental and other studies were prepared and presented to the Council. The General Plan as approved in 1982, designated four Candidate Solid Waste Disposal Sites (Kirby Canyon, Metcalf Canyon, Tennant Canyon, and Encinal Canyon) and also identified existing sites, including Guadalupe Landfill. A proposal to designate Hellyer Canyon as a Candidate Solid Waste Disposal Site was considered and rejected at that time. Each of the four designated candidate sites is on the east side of the Santa Clara Valley, outside the subregion which Guadalupe serves. In addition, each has its own set of environmental constraints, including potential seismic, geologic, biotic, archaeologic, and hydrologic impacts, as well as the need to create access to such a facility.

- Subsequent to the designation of Kirby Canyon as a Candidate Solid Waste Disposal Site, a new landfill at Kirby Canyon was proposed. An EIR (Clearinghouse No. 83052408) was prepared for that project. After consideration of that EIR, the City Council, in 1983, approved a rezoning to allow the new solid waste facility at Kirby Canyon.

- In 1988, the Council considered a proposal to amend the General Plan to designate Hellyer Canyon as a Candidate Solid Waste Disposal Site (File No. GP 88-8-11). An EIR was prepared for the proposed General Plan amendment (Clearinghouse No. 88081619) and was certified by the Planning Commission on September 28, 1988. That EIR was read and considered by this Council prior to its determination on November 29, 1988, not to approve a General Plan change for that site. The EIR identified the following significant unavoidable environmental impacts which would be associated with a new landfill at that location: 1. Visual and Aesthetic, 2. Vegetation and Wildlife, and 3. Land Use.

The Guadalupe Disposal site has been a part of the solid waste disposal program in Santa Clara County since 1931 and is included in the 1984 Santa Clara County Solid Waste Management Plan, as well as the City of San Jose Horizon 2000 General Plan. Inasmuch as (1) there are no other potential landfill sites identified in either plan which could reasonably be expected to serve the needs of the West Valley subregion; (2) this Council has previously considered and rejected, as recently as last year, designation of new candidate landfill sites; and (3) establishment of a new disposal site would likely result in more

significant environmental impacts than would expansion of the Guadalupe disposal site, this Council hereby finds and determines that there are no feasible alternatives to the approval of this project.

ADOPTED this 7th day of March, 1989, by the following vote:

AYES: BEALL, HAMMER, HEAD, IANNI, LEWIS, RYDEN, SAUSEDO, STABILE, WILLIAMS

NOES: NONE

ABSENT: ALVARADO, McENERY

Thomas McEnery, Mayor

ATTEST:

Andrea Membreno, City Clerk

0788L

Attachment 5

California Integrated Waste Management Board
Resolution 91-76

October 30, 1991

WHEREAS, the City of San Jose Department of Neighborhood Preservation, acting as the 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 Guadalupe Disposal Site; 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. 43-AN-0015.

CERTIFICATION

The undersigned ~~Chairman~~ Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive ~~Officer~~ Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 23, 1991

AGENDA ITEM 3

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Pine Grove Public Refuse Transfer Station, Amador County

BACKGROUND:

Facility Facts

Project:	New Solid Waste Facilities Permit
Facility Type:	Large Volume Transfer Station
Name:	Pine Grove Public Refuse Transfer Station Facility No. 03-AA-0003
Location:	14390 Walnut Street, Pine Grove
Setting:	Land use within 1,000 feet of this facility is zoned residential, commercial and industrial
Operational Status:	Active, unpermitted
Permitted Daily Capacity:	99 tons per day
Area:	3.6 acres
Owner/Operator:	Paul Molinelli, President of Amador County Environmental Services (ACES) and Mecor Properties, subsidiaries of NORCAL of San Francisco.
LEA:	Amador County Environmental Health Department

SUMMARY:

Site History The Pine Grove Public Refuse Transfer Station commenced operations on August 4, 1981 when the County of Amador granted a six month temporary use permit. It was to be a "pilot program" to determine the economic feasibility and public acceptance of the use and site.

The County has subsequently renewed the conditional use permit two additional times. The facility has never obtained a Solid Waste Facilities Permit. In 1985 the facility was placed in the County's Solid Waste Management Plan and the County's General Plan was amended to include the facility. On August 29, 1989 NORCAL bought the 1988 disposal franchise from ACES. On July 25, 1991 the LEA issued a Notice and Order to the operator allowing the facility to operate until October 25, 1991. Should the operator not obtain a Solid Waste Facilities Permit on or before October 25, 1991, the order requires the facility to cease and desist all operations.

Project Description The Pine Grove Public Refuse Transfer Station is located at 14390 Walnut Street in Pine Grove. The facility consists of a 5.5 cubic yard compactor with a hopper and a ramp. The compactor and paved tipping area are housed in a 3-sided structure. Present operations include a certified public recycling and buy-back center. Other structures on-site include a household hazardous materials storage shed (Hazbin), a garage and parts storage shed, and a paved truck wash area. The facility currently accepts refuse from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Tuesday through Saturday.

The method of operation consists of the following: solid waste will be deposited on the concrete slab in front of the hopper, a front-wheeled loader will push the remaining refuse into the hopper, and then the compactor will condense refuse into a 40 cubic yard receiver which is hauled to the Amador County Landfill. Bulky recyclables such as wood, tires, white goods, aluminum, glass, plastic (PET) bottles, corrugated cardboard and newsprint will be salvaged from the incoming refuse by facility personnel. No salvaging by the public is permitted on the tipping floor. The general public uses the buy-back center to return their recyclables.

Environmental Controls Wastewater at the facility is handled by two separate systems. In the enclosed area of the transfer station water drains into a compactor catch basin. Liquid is gravity fed into a septic tank which drains into a leach field. Wastewater at the truck wash and maintenance pad water flows into an oil/water separator. Wastewater from the office and maintenance facility bathrooms flows into a septic tank. Wastewater from the septic tank and the oil/water separator combines and flows into a second leach field. The oil/water separator tank is pumped free of oil as needed. Dust will be controlled with passive building ventilation which includes the open end of the building.

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 October 2, 1991, the last day the Board could act is December 2, 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 facility is found in the Amador County Solid Waste Management Plan. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the Amador County General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   The Pine Grove Public Refuse Transfer Station anticipates diverting approximately 25% of the waste stream received at this facility. Diversion occurs through manual salvaging of wood, tires, white goods, aluminum, glass, plastic (PET) bottles, corrugated cardboard and newsprint.

   Board staff has determined that the issuance of this facility's permit would not be inconsistent with, nor would it impair, County waste diversion goals.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The Amador County Planning Department prepared a Negative Declaration (ND) (SCH #89051507) for the proposed project. The project was certified as approved by the Lead Agency, the Amador Planning Department on August 29, 1989 and a Notice of Determination was filed.

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. Conformance with State Minimum Standards

Board staff conducted an inspection on June 13, 1991 and noted ten violations of the State Minimum Standards. Many of these violations were due to ongoing construction at the site.

On September 26, 1991 the LEA conducted an inspection of the facility and cited the following violations of State Minimum Standards:

14 CCR 17462 - Special Occurrence
14 CCR 17463 - Inspection of Records
14 CCR 17474 - Attendant
14 CCR 17483 - Station Security
14 CCR 17512 - Cleaning
14 CCR 17520 - Storage of Salvage
14 CCR 17550 - Housekeeping.

The LEA has determined that the violations of State Minimum Standards should be relatively easy to correct before the October 23, Permit and Enforcement Committee meeting. The LEA shall certify that the violations were rectified at the meeting.

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-__ concurring in the issuance of a Solid Waste Facilities Permit No. 03-AA-0003, providing that all violations of the State Minimum Standards have been certified as corrected by the LEA.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit No. 03-AA-0003
4. Permit Decision No. 91-__

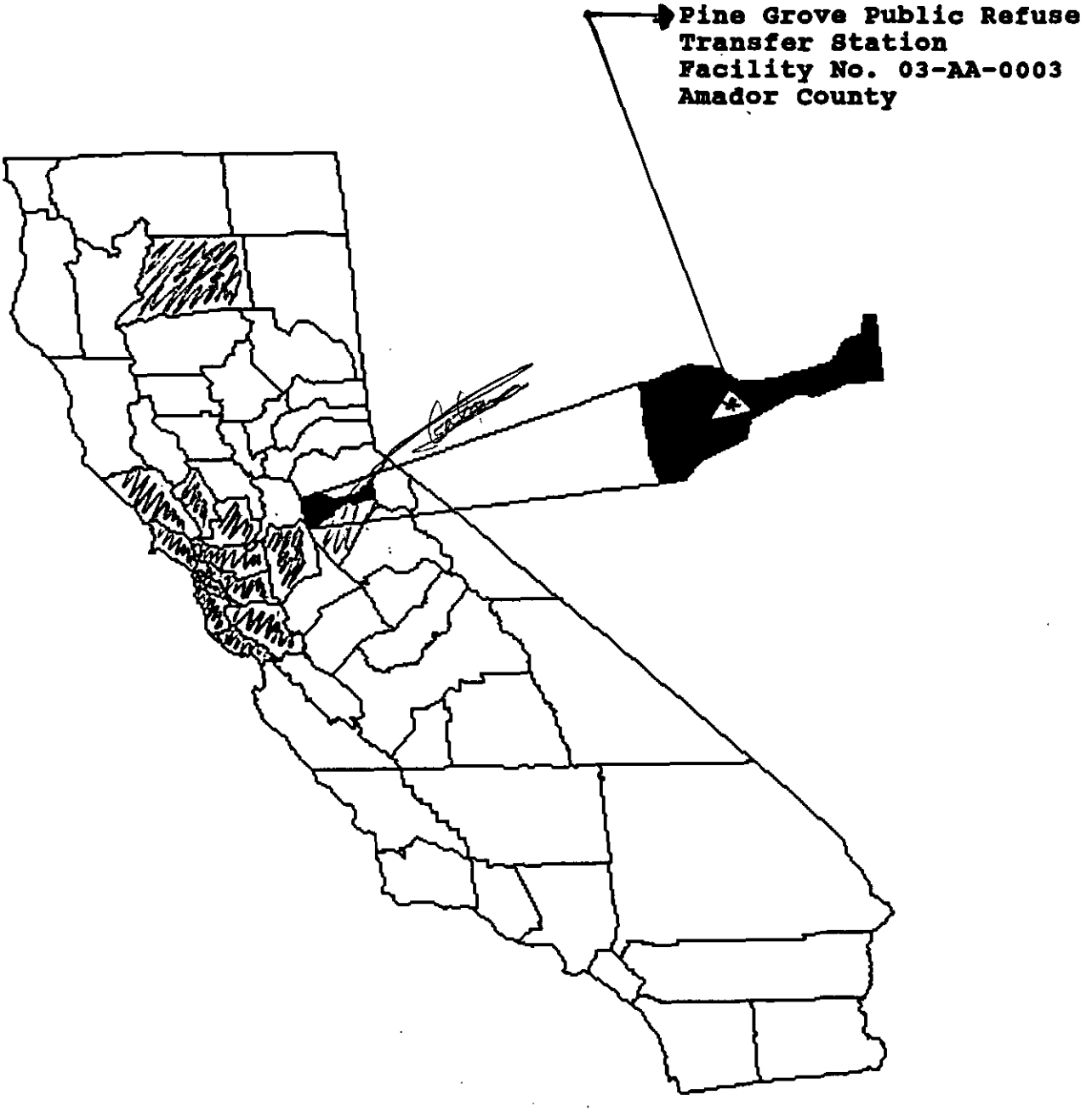
Prepared by: Suzanne Talams Suzanne Talams Phone: 327-9344

Reviewed by: Martha Vazquez Martha Vazquez Phone: 327-9287

Legal Review: RAC Date/Time 10/4 10h53

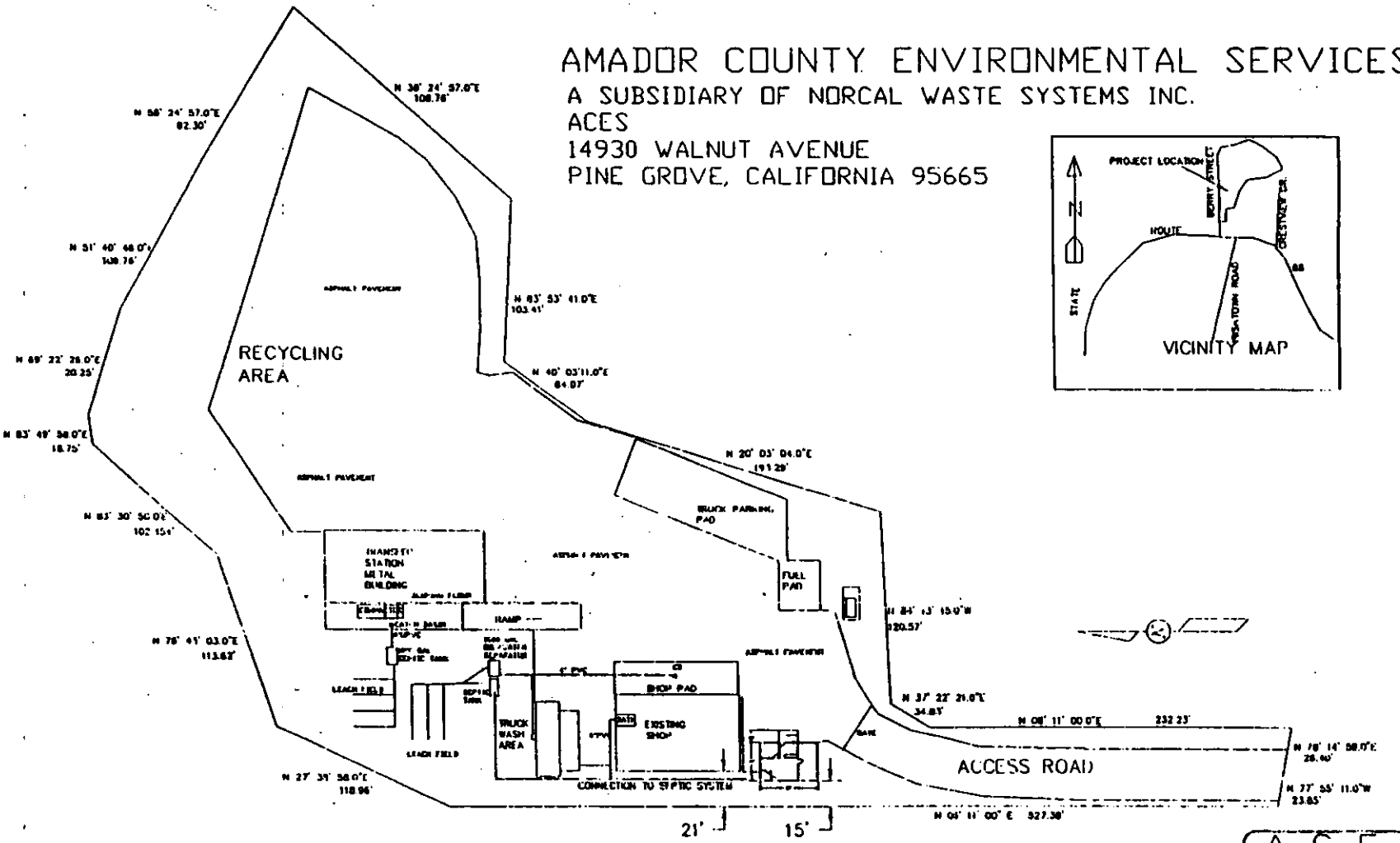
:A:Amador\Pinegrove.Com
:st

Attachment 1



AMADOR COUNTY ENVIRONMENTAL SERVICES

A SUBSIDIARY OF NORCAL WASTE SYSTEMS INC.
ACES
14930 WALNUT AVENUE
PINE GROVE, CALIFORNIA 95665



Attachment 2

ACES
SITE PLAN
NORCAL
WASTE SYSTEMS, INC

A20
29

Attachment 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: TRANSFER STATION	FACILITY/PERMIT NUMBER: 03-AA-0003
NAME AND STREET ADDRESS OF FACILITY: PINE GROVE PUBLIC REFUSE TRANSFER STATION, 14390 WALNUT STREET, PINE GROVE, CA 95665	NAME AND MAILING ADDRESS OF OPERATOR: Amador County, Department of Waste Management, 108 Court Street, Jackson, CA 95642	
PERMITTING ENFORCEMENT AGENCY: Environmental Health Department	CITY/COUNTY: Amador 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:	AGENCY ADDRESS
James B. McClenahan, MD APPROVING OFFICER James B. McClenahan, M.D. NAME/TITLE	Local Enforcement Agency Environmental Health 108 Court Street Jackson, CA 95642
SEAL	AGENCY USE/COMMENTS
	PERMIT RECEIVED BY CWMB: OCT 02 1991 — CWMB CONCURRANCE DATE:
	PERMIT REVIEW DUE DATE: October, 1996 — PERMIT ISSUED DATE:

ENVIRONMENTAL HEALTH DEPARTMENT

LOCATION: 217 REX AVENUE, • JACKSON, CALIF. • PHONE (209) 223-6439
MAIL: 108 COURT STREET • JACKSON, CA 95642-2379

SOLID WASTE FACILITIES PERMIT

FOR

PINE GROVE PUBLIC REFUSE TRANSFER STATION

SEPTEMBER 18, 1991

FINDINGS: descriptive

Amador County Environmental Services, Paul Molinelli, president, is the owner and operator of the Pine Grove Public Transfer Station. Amador County Environmental Services and Mecor Properties are wholly owned subsidiaries of NORCAL of San Francisco, President Michael J. Sangiacomo, 5 Thomas Mellon Circle, San Francisco, CA 94134. A Site Location Map, Site Plans and Zoning Map are included in the attachments to the RSI on pages A1, A2, A3.

This facility is located on 3.6 acres in the unincorporated city of Pine Grove. The physical address is 14390 Walnut Street, Pine Grove, California. A Record of Survey and detailed Site Plan are enclosed in attachments to the RSI on pages A5 and A2.

This facility will consist of a 5.5 cubic yard compactor with a hopper, a ramp, concrete paving for tipping and various containment structures for recyclables and household hazardous wastes. The compactor and tipping area will be housed by a 3-sided structure.

Waste disposal activities will occur only in areas with ac or concrete paving. Grates and drains connect to sand-oil

interceptors and leachline trenches on-site. Sanitary facilities and phone communications are existing in the shop area.

The design capacity is 99 tons per operating day. The average daly through-put is estimated at 63 tons per day. This figure is based on 400 lbs./cubic yard of refuse.

Non-hazardous solid waste includes:

Commercial
Industrial
Residential

Household Hazardous Wastes are limited to:

Used Motor and transmission oil
Used batteries
Latex paint

Solid waste will be deposited on the concrete slab in front of the hopper. Recyclables will be bought back by the operator and any household hazardous material will be segregated from the waste stream. A front-wheeled loader will push the remaining refuse into the hopper. The compactor will condense refuse into a 40 cubic yard receiver which is hauled to the Amador County Landfill. Seven parking stalls and a continuous flow of traffic are shown on the Site Plans attachment A2 of RSI.

Present operations include a certified public recycling and buy-back center. Based on the past two months' operations, 25 percent of the waste stream has been diverted into the recycling program. When the new transfer station is complete, the center will continue to operate, and recoverable bulky recyclables such as wood, tires, white goods, aluminum, glass, plastic (PET) bottles, corrugated cardboard and newsprint will be salvaged from the

incoming refuse by ACES personnel. No salvaging by the public is permitted on the tipping floor; only recovery by employees and contractors is allowed.

With the new transfer station in operation, salvage vehicles and equipment will consist of a compactor, compactor receiver, a front-loader truck, a forklift, a roll-off truck and a front-wheeled loader. Existing recycling equipment and infrastructure consist of a 22-foot long storage shed, a scale, and four 20 CY debris boxes for materials storage. With the addition of the new transfer station, there will also be a crusher/blower for aluminum cans. Salvaged or recyclable goods will be stored safely on-site until storage bins are full. A specially designed hazardous materials storage shed (e.g. a HazBin) will be located on the site.

Hazardous waste such as waste oil, latex paint, and batteries are handled in a manner approved by the enforcement agency and the Board. The hazardous waste screening program consists of five main elements:

--Random load checking: Extensive examinations of incoming waste is conducted randomly at least once per operating day.

--Visual inspection: All wastes are collected by ACES personnel from garbage cans and dumpsters or tipped onto the cement slab in front of the hopper.

--Training: All ACES personnel will be trained on identification and effects of hazardous substances, as well as notification procedures and safe handling techniques.

--Incident report: All cases of unlawful disposal shall be

reported to:

Amador County Environmental Health	223-6439
Amador County Health Department	223-6407
In case of emergency	911

--Signs: "No Hazardous Wastes Accepted

Exceptions:

Motor oil
Batteries
Latex paint"

shall be posted.

Hazardous waste which is found in the waste stream shall be stored in an appropriate container, i.e. HazBin. Additional measures may be required upon request of the enforcement agency or the California Integrated Waste Management Board.

Anticipated loading for the next five years:

1991	16,402
1992	18,402
1993	20,242
1994	22,266
1995	24,493

Operating days and hours:

9:00 a.m. - 12:00 p.m. Tuesday--Saturday 1991
1:00 p.m. - 4:00 p.m.

LIST OF APPLICABLE PERMITS AND DOCUMENTS

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

1. Report of Station Information undated, received 5-16-91 by Amador County Environmental Health.
2. Revised Paving and Drainage Plan dated August 18, 1990, Attachment A2.

3. Use Permit dated October 8, 1985 with 11 conditions by Amador County Planning Department, Attachments A10 & A14 in RSI.

4. Notice of Determination filed by the Amador County Board of Supervisors on August 30, 1989 (SCH #89051507), Attachment B13 in RSI.

5. Amador County Solid Waste Ordinance, Chapter 7.24

6. Amador County Hazardous Waste Ordinance, Chapter 7.25

7. Amador County Mandatory Collection Ordinance, Chapter 7.26

8. Franchise Agreement between Amador County and Norcal Solid Waste System, Attachment A23 in RSI

9. Sewage Disposal Permit issued by Amador County Environmental Health on 10/3/90, Attachment A24 in RSI

10. EPA Identification number will be supplied to the Board and the LEA when it is received.

FINDINGS: determinations

1. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA in October, 1991.

2. The local fire protection district has determined that the facility is in conformance with applicable fire standards as required in PRC 44151, Attachment B22 in RSI.

3. The Amador County Board of Supervisors has found the facility is compatible with surrounding land use.

4. A Negative Declaration on this project was adopted by the

Amador County Board of Supervisors on November 19, 1985 (SCH #89051507).

5. The following findings are required pursuant to the Public Resources Code (PRC):

PRC 50000(a)(I) and PRC 50000.5

A. This facility is consistent with the Amador County Solid Waste Management Plan dated March 5, 1985.

B. The project facility is compatible with adjacent zoning land uses in the surrounding area as determined by the County Planning Department. The property was designated on the Amador County General Plan as a transfer station on February 4, 1986, Attachment A7 in RSI.

CONDITIONS:

1. This facility must comply with State Minimum Standards for Solid Waste Handling and Disposal.

2. This facility must comply with all federal, state, and local requirements and enactments.

3. Additional information must be provided as required by the Local Enforcement Agency.

PROHIBITIONS:

1. No hazardous wastes, liquids, infectious wastes, dead animals or sewage sludge may be accepted with the exception of household hazardous wastes as provided for in this permit.

2. No burning of wastes or scavenging is allowed at this facility.

SPECIFICATIONS:

1. No changes in operation or design can be instituted prior to approval by the LEA.

2. Any change that would cause the design or operation of this facility not to conform to the terms and conditions of the permit is considered to be a significant change and requires a permit revision.

3. This facility has a permitted peak daily loading rate of 99 tons and shall not receive more than 99 tons in any one day without a permit revision

4. The facility has a maximum holding capacity of 1500 gallons waste oil and 300 batteries. Latex paint will be stored in the HazBin to no greater density than 27.5 gallons per square foot.

5. A new operator will require the issuance of a new permit.

6. The enforcement agency, through the permit, may prohibit or condition the handling or disposal of solid wastes to protect the public health and safety, protect, rehabilitate, or enhance the environment, or to mitigate adverse environmental impacts.

PROVISIONS:

The permit is subject to review by the LEA and may be modified, suspended or revoked for sufficient cause after a hearing.

MONITORING:

Submit a quarterly report of solid waste handling activities which includes the following:

1. Number of vehicles using facility each month.

2. Quantities and types of wastes received per month. Include recyclables and special wastes.
3. Description of any special occurrences (i.e. fires, hazardous waste dumping. . .)
4. Results of household hazardous waste screening program.
5. Biannual pumping reports on septic tanks.

California Integrated Waste Management Board
Permit Decision No. 91- 77
October 30, 1991

WHEREAS, The County of Amador Department of Environmental Health, acting as 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 Pine Grove Public Refuse Transfer Station.

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. 03-AA-0003.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
October 23, 1991

AGENDA ITEM 4

ITEM: Consideration of Preliminary Closure and Postclosure Maintenance Plans North County Landfill, San Joaquin County

BACKGROUND:

Facility Facts

Project:	Consideration of Preliminary Closure and Postclosure Maintenance Plans
Facility Type:	New Class III Landfill
Name:	North County Landfill, Facility No. 39-AA-0022
Location:	Lodi, San Joaquin County
Setting:	Rural
Operational Status:	Currently constructing landfill liner and is expected to commence receipt of waste upon the closure of the County operated Harney Lane Landfill (1991).
Permitted Maximum Daily Capacity:	825 tons/day
Volumetric Capacity:	16,200,000 cubic yards
Area:	A 320-acre parcel, 185.4 acres of fill area, the remaining area is dedicated to wetlands restoration and a proposed recycling center.
Owner/Operator:	Tom Horton, County of San Joaquin, Department of Public Works
LEA:	San Joaquin County Environmental Health Division
Closure Year:	2033

Facility Description

The North County Landfill is a new Class III landfill receiving non-hazardous solid waste and is located approximately nine miles

east of Lodi, California, on Harney Lane (Attachment 1). The landfill is owned and operated by the County of San Joaquin. Total acreage of the facility is 320 acres of which 185.4 acres will be landfilled. The remaining area will consist of office and maintenance buildings and additional proposed facilities for an improved recycling center, materials storage, equipment storage, or materials processing. Operations will commence when the existing Harney Lane Landfill, located approximately 1.5 miles west of the new site, has ceased accepting waste.

The site will be developed in units of nine distinct, but continuous, modules. Each cell will have a composite liner consisting of a natural soil liner of six 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 (HDPE). A geonet and filter fabric, as well as two feet of soil, will then be placed over the HDPE.

As each module is filled, it will be closed to conform to the closure plan. When the last module is filled to capacity, year 2033, only the final grading and revegetation of the last module should be necessary for closure. In keeping with the operational design for the landfill, the closure costs have been estimated to equal the cost when closure will be the most expensive. In this case, Modules 1 & 2 would need final cover, Module 3 would need to be filled to natural ground level and final covered, and Module 4 would need to be refilled with soil. The cost to refill the partially excavated module to adjacent ground level would need to be included in the maximum probable closure cost estimate.

The following monitoring systems have been installed at the landfill:

- The initial ground water monitoring system consists of one upgradient monitoring well and two downgradient wells. More monitoring wells will be added as additional modules are opened.

- A leachate collection and removal system will be installed as each module is excavated. A dendritic leachate collection system below the geonet will collect any leachate produced and direct it into a tank or sump for extraction and off-site disposal.

- A gas monitoring system will be installed that consists of a series of wells placed around the perimeter of the landfill.

Additionally, a wetlands mitigation plan has been developed to satisfy the requirements of the Environmental Protection Agency (EPA), the United States Army Corps of Engineers (COE), and the Department of Fish and Game (F&G). The COE has required that for

every acre of wetlands that is lost, two acres be replaced elsewhere on the property. To satisfy this request, the County will create vernal pools, wet swales, creeks and marshes, and riparian vegetation in the mitigation area. The wetlands mitigation plan provides for a greater than 2:1 wetland mitigation replacement ratio. No wetland restoration area lies within the module areas (185.4 Ac.) that will be used for landfilling. The wetlands plan will be fully implemented by 1996.

The final landfill slopes will be constructed to a minimum of three percent (3%) grade to provide adequate drainage and prevent ponding after settlement of wastes underlying the upper landfill slopes. Drainage swales will be constructed in some areas of the landfill slopes to reduce the overland flow velocity and direct overland drainage to the swales, thereby reducing erosion problems.

Final cover at North County Landfill will be applied to each individual module upon reaching capacity. The final cover will consist of a two foot foundation layer followed by a one foot clay layer and a one and one-half foot vegetative layer. Soils from the site will be utilized for the entire four and one-half feet of final cover.

ANALYSIS:

Closure and Postclosure Maintenance Requirements

The scope of the North County 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 Quality Control Board (Regional Water Board), LEA, and the Board. After a careful review of the closure and postclosure maintenance plans for North County Landfill, both documents have been found in full compliance with the minimum requirements as outlined in Attachment 2.

Closure and Postclosure Certification

The operator has complied with statutory requirements by certifying the following:

1) Preparation of a cost estimate for closure and postclosure maintenance.

The Board's Closure Section has reviewed the cost estimates for the preliminary closure and postclosure maintenance of North

County Landfill. Board staff has verified that the cost estimates satisfy the minimum legal requirements.

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 for unforeseen circumstances.

Closure Costs		$ 1,850,655
Postclosure Maintenance	(15 years)	$ 1,741,200
Total Costs		$ 3,591,855

2) Establishment of a financial mechanism.

An Enterprise Fund has been established by the County of San Joaquin for North County Landfill as the financial assurance mechanism for the costs of closure and postclosure maintenance.

The San Joaquin County Board of Supervisors passed and adopted Resolution R-90-1190 on September 5, 1990, establishing the fund. An Enterprise fund is acceptable only for solid waste landfills that are operated by a government agency. The Enterprise Fund dedicates its revenue exclusively or with exclusive first priority to financing closure and/or postclosure maintenance.

3) Funding of the mechanism to ensure adequate resources for closure and postclosure maintenance.

Closure and postclosure funds collected are based on the life and capacity for the first three modules only, as described in the preliminary closure and postclosure maintenance plan, since this would be the most expensive time for closure.

The staff of the Financial Assurances Section reviewed the financial mechanism for closure and postclosure maintenance on October 26, 1990, and found that the mechanism is in compliance with 14 CCR, Division 7, Chapter 5, Article 3.5.

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 San Joaquin County Environmental Health Division, as the LEA, approved the preliminary closure and postclosure maintenance plans (Attachment 4).

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.

STAFF RECOMMENDATION:

Board staff found the preliminary closure and postclosure maintenance plans to be in compliance with the Board's closure requirements.

Staff recommends that the Board adopt Resolution No. 91-39, approving the preliminary closure and postclosure maintenance plans and closure and postclosure certification for North County Landfill, San Joaquin County, Facility No. 39-AA-0022.

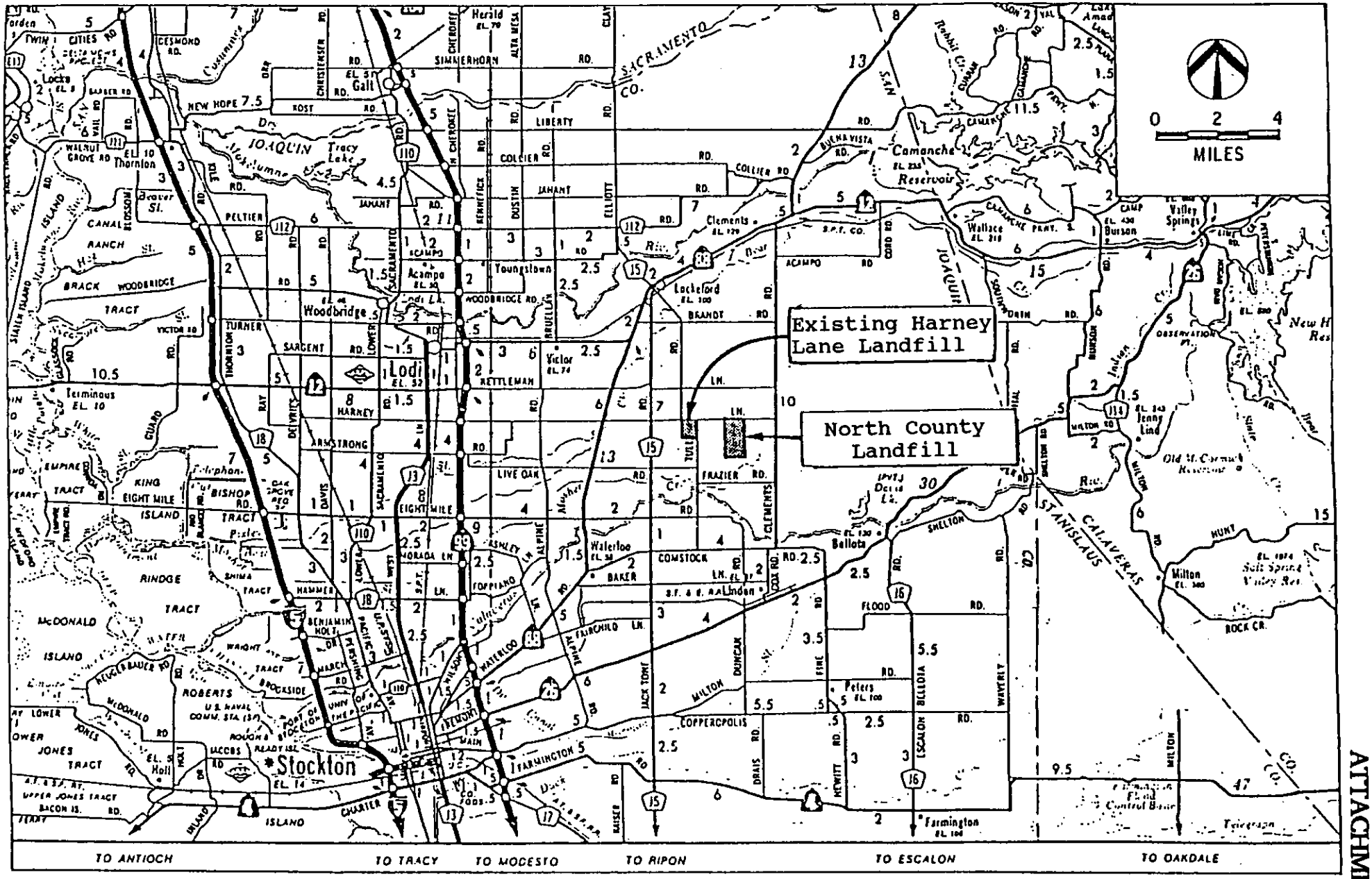
ATTACHMENTS:

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. Letter of approval from San Joaquin County Environmental Health Division
5. Resolution 91-39

Prepared by: Kim Schwab/Michael B. Wochnick Phone (916) 327-9337

Reviewed by: Martha Vazquez M. Vazquez Phone (916) 327-9287

Legal Review: MCM Date/Time 10/15/91 - 5:00pm



NORTH COUNTY LANDFILL 39-AA-0022

ATTACHMENT 1

55

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.
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 fence 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% to 6% 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. A description of postclosure land use--the postclosure land use will be non-irrigated open space.
2. Program for postclosure inspection/maintenance--the postclosure plan meets the requirements of 14 CCR 18265.3.
3. Persons responsible for postclosure maintenance are identified in the plan.
4. Specific monitoring tasks and their frequency are identified.
5. Reporting requirements are given.
6. The closure plan gives a description of collection and recovery systems and frequency of operation.
7. As-built descriptions of current monitoring and collection systems are given.

ATTACHMENT 3

MEMORANDUM

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - CENTRAL VALLEY REGION

3443 Routier Road, Suite A
Sacramento, CA 95827-3098

Phone: (916) 361-5600
ATSS Phone: 8-495-5600

RECEIVED MAR 27 1991 BY

RECEIVED MAR 25 1991

TO: George H. Larson
Chief Executive Officer
California Integrated Waste
Management Board
1020 Ninth Street
Sacramento, CA

FROM: William H. Crooks
Executive Officer

DATE: 20 March 1991

SIGNATURE: W. H. Crooks

SUBJECT: *COMMENTS ON PRELIMINARY CLOSURE AND POST-CLOSURE MAINTENANCE PLANS FOR NORTH COUNTY LANDFILL, SAN JOAQUIN COUNTY - CASE NO. 3161*

In a letter dated 2 October 1990 (copy enclosed), we approved the Preliminary Closure and Post-Closure Maintenance Plan for the North County Landfill. Since that time, the Preliminary Closure Plan has been revised. We have reviewed the revisions made since 2 October 1990. We find the revised Preliminary Closure and Post-Closure Maintenance Plan is consistent with the regulations found in Title 23, California Code of Regulations, Chapter 15 pertaining to the protection of water quality. Also, we approve the changes to the monitoring cost estimates.

If you have any questions, please call Robert Evans at 361-5737.

Enclosure

cc: Mr. Tom Horton, San Joaquin County Department of Public Works, Stockton
Mr. Ed Padilla, San Joaquin County Health Department, Stockton

ATTACHMENT 4

PUBLIC HEALTH SERVICES

SAN JOAQUIN COUNTY
JOGI KHANNA M.D., M.P.H.
Health Officer
P.O. Box 2009 • (1601 East Hazelton Avenue) • Stockton, California 95201
(209) 468-3400

February 20, 1991

RECEIVED
FEB 20 1991

California Integrated Waste Management Board
1020 Ninth St., Suite 300
Sacramento, California 95814

Attn: Nate Gauff

Re: Preliminary Closure/Postclosure Maintenance Plans for the North County Landfill, #39-AA-0022, San Joaquin County

We have reviewed the revised North County Landfill closure/postclosure maintenance plans submitted by the San Joaquin County Department of Public Works. Our concerns that were listed in the September 7, 1990, letter to the Board have been sufficiently addressed in the revised plans. As a result, we hereby approve the revised closure/postclosure maintenance plans for the North County Landfill.

Attached to this letter is a brief letter from San Joaquin County Public Works explaining the discrepancy between the closure cost estimate in the plans and the initial closure cost estimate submitted for compliance with AB 2448. We requested a clarification on this matter before approving the plans.

If you have any questions regarding this matter, please contact Greg Oliveira, Registered Environmental Health Specialist, of my staff at (209) 468-3459.

Fred Kaufman

Fred Kaufman, Program Manager
Environmental Health Division

FK/GO:lm

California Integrated Waste Management Board
Resolution 91-39
October 30, 1991

WHEREAS, the Board finds that the 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, Public Resources Code, Section 43501 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 North County 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 North County Landfill; and

WHEREAS, Board staff has reviewed the preliminary 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 Public Resources Code, Section 43501.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the preliminary closure and postclosure maintenance plans and closure and postclosure certification for North County Landfill, San Joaquin County, Facility No. 39-AA-0022.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

STATE OF CALIFORNIA

Pete Wilson, Governor

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

October 29-30, 1991

Meeting of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Bakersfield, California

FORUM WITH THE CALIFORNIA REFUSE REMOVAL COUNCIL
Red Lion Hotel
3100 Camino Del Rio Court
Bakersfield, CA 93308

Tuesday, October 29, 1991
2:00 p.m.

REGULAR MONTHLY BUSINESS MEETING
Kern County Board of Supervisors' Chambers
1415 Truxtun Avenue
Bakersfield, CA 93301

Wednesday, October 30, 1991
10:00 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 TUESDAY, OCTOBER 29, 1991:

1. FORUM WITH THE CALIFORNIA REFUSE REMOVAL COUNCIL (FORUM WILL DISCUSS MARKET INCENTIVES FOR THE PRIVATE SECTOR AND FEE MECHANISMS FOR THE INTEGRATED WASTE MANAGEMENT FUND)

2. RECEPTION AND DINNER CO-HOSTED BY THE CALIFORNIA REFUSE REMOVAL COUNCIL AND KERN COUNTY AT THE WOOL GROWERS RESTAURANT, BAKERSFIELD

THE FOLLOWING ITEMS ARE SCHEDULED FOR THE REGULAR MONTHLY BUSINESS MEETING OF THE BOARD ON WEDNESDAY, OCTOBER 30, 1991: Page

3. CONSIDERATION OF CONSENT AGENDA ITEMS

4. REPORTS OF THE BOARD'S COMMITTEES

5. BRIEFING ON LOCAL ISSUES BY CITY AND COUNTY REPRESENTATIVES

6. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR PINE GROVE TRANSFER STATION, AMADOR COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 1

7. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR GUADALUPE DISPOSAL SITE, SANTA CLARA COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 7

8. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR SANTA ROSA GEOTHERMAL CO., L.P., SOLID DISPOSAL FACILITY, SONOMA COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 39

9. CONSIDERATION OF PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE PLANS FOR NORTH COUNTY LANDFILL, SAN JOAQUIN COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) 44

10. CONSIDERATION OF ADOPTION OF REGULATIONS FOR FINANCIAL RESPONSIBILITY FOR OPERATING LIABILITY CLAIMS (PERMITTING & ENFORCEMENT COMMITTEE) 50

11. CONSIDERATION OF ADOPTION OF ARCHITECT-ENGINEER CONTRACT REGULATIONS (PERMITTING & ENFORCEMENT COMMITTEE) 97

12. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COUNTY OF TEHAMA LOCAL ENFORCEMENT AGENCY JURISDICTION (PERMITTING & ENFORCEMENT COMMITTEE) 119

13. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COUNTY OF NAPA LOCAL ENFORCEMENT AGENCY JURISDICTION (PERMITTING & ENFORCEMENT COMMITTEE) 123

14. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR COUNTY OF SONOMA LOCAL ENFORCEMENT AGENCY JURISDICTION (PERMITTING & ENFORCEMENT COMMITTEE) 129

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15. CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS: PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND REVISING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS (HOUSEHOLD HAZARDOUS WASTE ELEMENTS), TITLE 14, CALIFORNIA CODE OF REGULATIONS, DIV. 7, CHAPTER 9, ARTICLES 6.3 AND 7 (INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE) 134

16. CONSIDERATION OF DIRECTION TO THE EXECUTIVE DIRECTOR TO PREPARE A COORDINATED IMPLEMENTATION PROGRAM FOR NEW LEGISLATIVE MANDATES (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 170

17. CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS FOR RECYCLED-CONTENT NEWSPRINT (POLICY, RESEARCH & TECHNICAL ASSISTANCE COMMITTEE) 171

18. CONSIDERATION OF WORKPLAN FOR LANDFILL CAPACITY STUDY (POLICY, RESEARCH & TECHNICAL ASSISTANCE COMMITTEE) 200

19. CONSIDERATION OF BOARD MEMBER/PERSONAL STAFF TRAVEL POLICY (ADMINISTRATION COMMITTEE) 204

20. CONSIDERATION OF APPROVAL OF AN AFFIRMATIVE ACTION/NON-DISCRIMINATION POLICY (ADMINISTRATION COMMITTEE) 205

21. CONSIDERATION OF APPROVAL OF A SEXUAL HARASSMENT POLICY STATEMENT (ADMINISTRATION COMMITTEE) 208

22. CONSIDERATION OF APPROVAL OF AMENDMENTS TO PROCEDURES FOR CONDUCTING BOARD AND COMMITTEE ACTIVITIES (ADMINISTRATION COMMITTEE) 211

23. CONSIDERATION OF ADOPTION OF STATEWIDE BOARD OBJECTIVES FOR THE FIRST RECYCLING MARKET DEVELOPMENT ZONE DESIGNATION CYCLE (MARKET DEVELOPMENT COMMITTEE) 222

24. CONSIDERATION OF RESOLUTION ON SOLID WASTE FACILITY CAPACITY COMPONENTS 226

25. STATUS OF LEGISLATION (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 228

26. UPDATE ON NEW FEDERAL REQUIREMENTS FOR SOLID WASTE LANDFILLS (RESOURCE CONSERVATION & RECOVERY ACT, SUBTITLE D) 237

27. REPORT ON BUSINESS AND THE ENVIRONMENT CONFERENCE (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 239

28. OPEN DISCUSSION

30. 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 Sections 11126(a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 100
Sacramento, CA 95814

Pat Chartrand
(916) 322-7346

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 6

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Pine Grove Public Refuse Transfer Station, Amador County

COMMITTEE ACTION:

As of the date that this item went to print the Permitting and Enforcement Committee had not yet made a recommendation on the subject proposed permit.

BACKGROUND:

Facility Facts

Project:	New Solid Waste Facilities Permit
Facility Type:	Large Volume Transfer Station
Name:	Pine Grove Public Refuse Transfer Station Facility No. 03-AA-0003
Location:	14390 Walnut Street, Pine Grove
Setting:	Land use within 1,000 feet of this facility is zoned residential, commercial and industrial
Operational Status:	Active, unpermitted
Permitted Daily Capacity:	99 tons per day
Area:	3.6 acres
Owner/Operator:	Paul Molinelli, President of Amador County Environmental Services (ACES) and Mecor Properties, subsidiaries of NORCAL of San Francisco.
LEA:	Amador County Environmental Health Department

SUMMARY:

Site History The Pine Grove Public Refuse Transfer Station commenced operations on August 4, 1981 when the County of Amador granted a six month temporary use permit. It was to be a "pilot program" to determine the economic feasibility and public acceptance of the use and site.

The County has subsequently renewed the conditional use permit two additional times. The facility has never obtained a Solid Waste Facilities Permit. In 1985 the facility was placed in the County's Solid Waste Management Plan and the County's General Plan was amended to include the facility. On August 29, 1989 NORCAL bought the 1988 disposal franchise from ACES. On July 25, 1991 the LEA issued a Notice and Order to the operator allowing the facility to operate until October 25, 1991. Should the operator not obtain a Solid Waste Facilities Permit on or before October 25, 1991, the order requires the facility to cease and desist all operations.

Project Description The Pine Grove Public Refuse Transfer Station is located at 14390 Walnut Street in Pine Grove. The facility consists of a 5.5 cubic yard compactor with a hopper and a ramp. The compactor and paved tipping area are housed in a 3-sided structure. Present operations include a certified public recycling and buy-back center. Other structures on-site include a household hazardous materials storage shed (Hazbin), a garage and parts storage shed, and a paved truck wash area. The facility currently accepts refuse from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Tuesday through Saturday.

The method of operation consists of the following: solid waste will be deposited on the concrete slab in front of the hopper, a front-wheeled loader will push the remaining refuse into the hopper, and then the compactor will condense refuse into a 40 cubic yard receiver which is hauled to the Amador County Landfill. Bulky recyclables such as wood, tires, white goods, aluminum, glass, plastic (PET) bottles, corrugated cardboard and newsprint will be salvaged from the incoming refuse by facility personnel. No salvaging by the public is permitted on the tipping floor. The general public uses the buy-back center to return their recyclables.

Environmental Controls Wastewater at the facility is handled by two separate systems. In the enclosed area of the transfer station water drains into a compactor catch basin. Liquid is gravity fed into a septic tank which drains into a leach field. Wastewater at the truck wash and maintenance pad water flows into an oil/water separator. Wastewater from the office and maintenance facility bathrooms flows into a septic tank.

Wastewater from the septic tank and the oil/water separator combines and flows into a second leach field. The oil/water separator tank is pumped free of oil as needed. Dust will be controlled with passive building ventilation which includes the open end of the building.

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 October 2, 1991, the last day the Board could act is December 2, 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 facility is found in the Amador County Solid Waste Management Plan. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the Amador County General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   The Pine Grove Public Refuse Transfer Station anticipates diverting approximately 25% of the waste stream received at this facility. Diversion occurs through manual salvaging of wood, tires, white goods, aluminum, glass, plastic (PET) bottles, corrugated cardboard and newsprint.

   Board staff has determined that the issuance of this facility's permit would not be inconsistent with, nor would it impair, County waste diversion goals.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The Amador County Planning Department prepared a Negative Declaration (ND) (SCH #89051507) for the proposed project. The project was

certified as approved by the Lead Agency, the Amador Planning Department on August 29, 1989 and a Notice of Determination was filed.

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. Conformance with State Minimum Standards

Board staff conducted an inspection on June 13, 1991 and noted ten violations of the State Minimum Standards. Many of these violations were due to ongoing construction at the site.

On September 26, 1991 the LEA conducted an inspection of the facility and cited the following violations of State Minimum Standards:

14 CCR 17462 - Special Occurrence
14 CCR 17463 - Inspection of Records
14 CCR 17474 - Attendant
14 CCR 17483 - Station Security
14 CCR 17512 - Cleaning
14 CCR 17520 - Storage of Salvage
14 CCR 17550 - Housekeeping.

The LEA determined that the violations of State Minimum Standards should have been relatively easy to correct before the October 23, Permit and Enforcement Committee meeting. Board Staff expected that the LEA should have confirmed that the violations were rectified before the October 23, 1991 Permit and Enforcement Committee Meeting.

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. 91-77 concurring in the issuance of a Solid Waste Facilities Permit No. 03-AA-0003, providing that all violations of the State Minimum Standards have been certified as corrected by the LEA.

ATTACHMENTS:

Additional attachments are included in the October 23, 1991 Permitting and Enforcement Committee Packet.

1. Permit Decision No. 91-77

Prepared by: Suzanne Talams 10/17/91 Phone: 327-9344

Reviewed by: Martha Vazquez Phone: 327-9287

Legal Review: Conheim Date/Time 10-18 15h20

:A:Amador\Pinegrove.Brd
:st

Attachment 1

California Integrated Waste Management Board
Permit Decision No. 91-77
October 30, 1991

WHEREAS, The County of Amador Department of Environmental Health, acting as 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 Pine Grove Public Refuse Transfer Station.

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. 03-AA-0003.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

OCTOBER 30, 1991

AGENDA ITEM 7

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for Guadalupe Disposal Site, Santa Clara County

COMMITTEE ACTION:

As of the date that this item went to print the Permitting and Enforcement Committee had not yet made a recommendation on the subject proposed permit.

NOTE: Since the preparation of this item, additional information has been submitted to Board staff. This information is being made available to the Board as an attachment to this item.

BACKGROUND:

Facility Facts

Project:	Revised the permit for a sanitary landfill to increase disposal acreage from 65 to 115 acres, to increase the daily average tonnage to 3000 tons per day, and to allow the use of Performance Standards in lieu of daily cover
Facility Type:	Class III Sanitary Landfill
Name:	Guadalupe Disposal Site, Facility No. 43-AN-0015
Location:	4 miles east of Highway 17, 9.5 miles south of San Jose Civic Center
Setting:	Surrounding land use includes urban and rural subdivisions, grazing, and Almaden Quicksilver County Park
Operational Status:	Active facility
Permitted Daily Capacity:	3000 tons per day
Area:	411 acres, 115 acres permitted for disposal, the balance used for material recovery and salvage operations, gas recovery operations, and setback areas

Owner and Operator: Guadalupe Rubbish Disposal Company, Inc.
Jim Zanardi, President

LEA: City of San Jose
Department of Neighborhood Preservation

Site History This site was opened in 1929 and operated as an open burn dump until 1959, at which time the facility was converted to a sanitary landfill, in accordance with the accepted practices of the time. The existing landfill was developed by placing and compacting refuse on the exposed surface of the site's canyon floor. This constitutes the base of the existing landfill. Currently, the operator is permitted to dispose waste in 65 acres of the site. The current permit, which was issued in 1979, states that an average of 2100 tons of waste was received at the site per week.

Project Description This facility is located at 15999 Guadalupe Mines Road, San Jose, California. Access to the landfill is from a private two lane road. The site is situated within a canyon in the extreme northwest portion of Los Capitancillos Ridge.

Permanent on-site buildings include an administrative office, a landfill equipment maintenance shop, a building which houses vehicle maintenance and some recycling activities, and a gas recovery facility. Other structures include the scale house, scales, temporary buildings associated with salvage activities, and several water tanks.

Heavy equipment includes bulldozers, scrapers, water trucks, an excavator, compactors, wood chippers and loaders, and a grader.

Guadalupe Disposal Site employs the area fill method of operation. Throughout the landfill operation, waste is placed in lifts averaging 15 feet thick. Refuse is spread and compacted in two foot thick layers on a working face approximately 200 feet wide and sloped at 3:1 vertical to horizontal ratio. Six inches of soil cover is placed over waste at the end of each day. The site will also be permitted to operate under Performance Standards in lieu of the daily cover requirement.

Vehicles hauling waste enter past the scale house at the west edge of the site. Loads of woodwaste or yard waste will be directed to the wood/yard waste processing area. All other loads are directed to the active face. The general public will be directed to tip at a public tipping area. Loads of concrete and soil are tipped near the active face, with soil being used for daily cover and concrete being incorporated into the construction of roads at the facility. Commercial haulers are directed to tip at the active face.

Environmental Controls Drainage ditches, berms, corrugated steel pipe drains and inlets, energy dissipators, and two sedimentation ponds on-site are designed to manage and protect the local surface waters. The expansion area will be lined and have a leachate collection and removal system to protect groundwater. The liner will consist of a composite geomembrane and clay liner on the bottom, and a clay liner on the non-refuse and embankment perimeter slopes. A conceptual design for the leachate collection and removal system has been submitted to the Board. The written approval of both Integrated Waste Management Board staff and the Executive Officer of the Regional Water Quality Control Board prior to disposal of wastes into the expansion area is a condition of this proposed permit. Monitoring wells are located at the periphery of the site to ascertain groundwater quality. The wells are sampled and analyzed quarterly with results sent to the Regional Water Quality Control Board and the LEA. In addition, a screening and load check program is in place to discourage the illegal disposal of hazardous wastes on site.

An active landfill decomposition gas collection and removal system is currently operating on site. The gas extraction wells are bored into the fill to just above the base of the refuse, which has resulted in wells placed to depths averaging between 35 and 80 feet. The wells are connected to a central header system which pipes the landfill gas to an electrical generation facility. Laidlaw Gas Recovery Systems operates this system under an agreement with the landfill operator. The generation plant currently produces about 2.5 megawatts of electricity daily which is sold to Pacific Gas & Electric. The gas recovery system will be expanded as needed to adequately remove and utilize the landfill gas.

Dust is controlled by water trucks. Ongoing litter collection and street sweeping programs minimize the impact of litter. On-site noise has not been a problem due to the remote location of the facility.

Resource Recovery Programs Guadalupe Disposal Site has several on-site recovery operations. Concrete and asphalt are removed from the waste stream and used in on-site projects or sold to off-site users. Wood and yard waste are processed into fuel, soil amendments, or in a unique operation, recycled into redwood products such as fencing, lattice, and planters. A salvage operation also is located on site. Workers remove salvageable items from the active face and bring them to a processing area where the materials are sorted and cleaned prior to being transported to buyers off-site.

The operator is determining the feasibility of a commercial compost operation which may be implemented (and permitted) in the future.

In 1989, over 13% (by weight) of the waste stream was recovered in recycling operations at this facility. It is anticipated that this percentage will increase in the future due to the proposed composting program and additional material recovery operations.

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 September 19, 1991, the last day the Board could act is November 18, 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 Guadalupe Disposal Site is found in the Solid Waste Management Plan for Santa Clara County, 1990 Revision. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the General Plan, Santa Clara County adopted November 18, 1981. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Based on a review of the documents for the proposed project, staff has determined that the project is consistent with mandated waste diversion goals.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). The City of San Jose prepared an Environmental Impact Report (SCH #88092722) for the proposed project. As required by CEQA, the environmental impact report (EIR) identified the potential adverse environmental effects of and mitigation measures for the proposed project. Board staff reviewed the EIR and provided comments to the City on November 29, 1988. The City adequately responded to the comments. The San Jose City Council approved the Notice of Determination on March 21, 1989.

An MMIS has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the expansion of the Guadalupe Disposal Site are identified and incorporated in the MMIS (Attachment 4).

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

5. Conformance with State Minimum Standards

The LEA has made the determination that the facility's design and operation are in substantial compliance with State Minimum Standards for solid waste handling and disposal based on review of the Report of Disposal Site Information and by physical inspection of the facility on August 26, 1991.

Board staff has made the determination that the facility's design and operation are in substantial compliance with State Minimum Standards based on a physical inspection of the facility on September 27, 1991.

STAFF RECOMMENDATIONS:

Because a revised 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. 91-76 concurring in the issuance of Solid Waste Facilities Permit No. 43-AN-0015.

ATTACHMENTS:

Additional attachments are included in the October 23, 1991 Permitting and Enforcement Committee packet.

1. Permit Decision No. 91-76
2. Special attachment, see "Committee Action" above

Prepared By: David Otsubo Phone: 327-9354

Approved by: Martha Vazquez Phone: 327-9287

Legal Review: Date/Time 10-21 13h57

guadai.919

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
SANITARY LANDFILL	43 AN 0015

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
GUADALUPE SANITARY LANDFILL 15999 GUADALUPE MINES ROAD SAN JOSE, CA 95120	GUADALUPE RUBBISH DISPOSAL CO., INC. P.O. BOX 20957 SAN JOSE, CA 95160

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
CITY OF SAN JOSE DEPARTMENT OF NEIGHBORHOOD PRESERVATION	CITY OF SAN JOSE, SANTA CLARA COUNTY

SANTA CLARA COUNTY HEALTH DEPARTMENT AS CO-LEA FOR HEALTH-RELATED ISSUES

PERMIT

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

Prior to a change of operator, this permit must be modified.

Prior to a significant change in design or operation from that described by the Plan of Operation, the Report of Disposal Site Information, or the Engineering Report Review, this permit must be modified.

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 or of the City of San Jose.

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

APPROVED

Daniel Benitez

APPROVING OFFICER

DANIEL BENITEZ, DIRECTOR
DEPT. OF NEIGHBORHOOD PRESERVATION

NAME/TITLE

AGENCY ADDRESS

CITY OF SAN JOSE
DEPARTMENT OF NEIGHBORHOOD PRESERVATION
801 NORTH FIRST STREET, ROOM 200
SAN JOSE, CA 95110

AGENCY USE/COMMENTS

SANTA CLARA COUNTY HEALTH DEPARTMENT
TOXICS CONTROL UNIT
2220 MOORPARK AVENUE
SAN JOSE, CA 95128

SEAL

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
OCT 17 1991	
PERMIT REVIEW DUE DATE	**PERMIT ISSUED DATE**
	12

GUADALUPE SOLID WASTE FACILITY PERMIT

FINDINGS

1. Summary of Proposed Operations and Design

a. This facility is designed as an 411 acre Class III sanitary landfill, of which 115 acres will be used for disposal purposes. The site is located in Santa Clara County, entirely within the jurisdiction of the City of San Jose. The site is situated in a canyon in the extreme north west portion of Los Capitancillos Ridge, approximately four miles east of Highway 17 and nine and one half miles south of San Jose Civic Center. The entrance to the site is via Camden Avenue to Guadalupe Mines Road. Access to the landfill is from a private two lane road. The site is owned and operated by Guadalupe Rubbish Disposal Company, Inc., who has been the operator since 1929 when the site was opened.

The facility is located at 15999 Guadalupe Mines Road, San Jose, CA (not a mailing address). The total area occupied by all buildings is approximately 170,000 square feet. The legal description of the site is: City of San Jose, County of Santa Clara, Assessors Parcel Number 575-4-1, 2, 3 and 6. A detailed legal description is provided in Appendix A of the Report of Disposal Site Information dated June 26, 1990, revised August 1991, along with site location maps in Figures 1 and 2. Mailing address is Guadalupe Rubbish Disposal Company Inc., P.O. Box 20957, San Jose CA 95160.

b. This facility will utilize the area fill method of sanitary landfilling with overall final fill slopes no steeper than 3:1. Wastes delivered to the site will be deposited in the canyon valley and covered with six inches of compacted earth cover or equivalent on a daily basis or the site may operate under the performance standards regulations. The earth cover material will be obtained from on site borrow areas as shown on the General Development Plan. Fill areas which remain inactive for six months or more will be covered with one foot of compacted earth fill. A final cover consisting of 4 feet of compacted earth will be placed to minimize infiltration of precipitation and to provide a suitable rooting zone for extensive revegetation with selected native California grasses and plant species. Filling of the site will be accomplished in six modules. The filled areas shall be brought to line and grade and covered as required by the California Code of Regulations and Title 23 Waters, Chapter 3, Water Resources Control Board, Chapter 15, Article 8, Section 2581 and in accordance with the sites approved PD Permit. Within six months after each phase is completed, site closure operations will be implemented, including final cover placement, revegetation, and long-term maintenance of the site. The project also includes an extensive system of monitoring and controls for groundwater protection, storm water run off, leachate, and landfill gases.

c. Stationary equipment at the site consist of scales at the entrance gate, a scale house, and several water tanks. The tanks are located just east of the landfill maintenance building, at the southern margin of the landfill near the water well, and south of the administrative office. Portable landfill equipment consists of five D8 bulldozers, four scrapers, three water trucks, one Caterpillar 215 excavator, one soil compactor and trash compactor, and one motor grader. Portable recycling equipment consists of two wood chippers and five loaders.

Findings (continued)

Four permanent buildings are located on site. These include a 2,616 square foot administrative office building near the west margin of the site, a 19,300 square foot maintenance building for recycling activities or vehicle maintenance, and a 14,500 square foot building for landfill equipment maintenance. Both maintenance buildings are located close together, near the south western corner of the landfill, and are 600 feet south of the gate house and scales.

The 400 square foot gas recovery facility may also be considered a permanent structure, since it houses the generators which produce 2.5 megawatts of electricity on a daily basis. This structure is located at the north eastern margin of the landfill property.

Several storage areas are also in use at the landfill. The primary stockpile area is in the wood waste processing area located in the central portion of the landfill just east of the gatehouse. Several types of stockpiles are stored here consisting of processed and unprocessed materials including both dry and green wood waste and yard waste, scrap lumber, compost, hog fuel and soil amendment. A secondary storage area is located in the southwest corner of the landfill, about 1,000 feet southwest from the scale house. This is the future composting and secondary wood stockpile area. All materials allowed in the primary stockpile area will be allowed in the secondary area also.

All stockpiles within these designated areas will be restricted in size to no more than 20 feet high with driveways spaced on a maximum grid of 50 feet by 150 feet. The driveways will be at least 15 feet wide and maintained free of waste or debris so that access is not restricted.

Adequate dust control measures must be in place at all time to prevent dust from migrating off site.

d. This landfill is allowed to receive a daily maximum of 3000 tons per day for 1991, with a graduated increase allowed each year up to 3650 tons per day for 1996, seven days per week, or such other maximum amount specified by the Local Enforcement Agency (LEA). This allowance for a 4% growth curve will result in the following daily maximum tonnages: for 1992 - 3120 tons per day, for 1993 - 3245 tons per day, for 1994 - 3375 tons per day, for 1995 - 3510 tons per day, for 1996 - 3650 tons per day. These maximum daily loads are allowed to provide for the maximum expected fluctuations in the daily incoming waste load.

The estimated closure date of this site is 2010 based upon County projections of population and waste disposal growth. The total remaining capacity of this site is 8,805,600 tons or 14,676,000 cubic yards. This site is intended to provide for a portion of the local non-hazardous waste disposal needs for the western portion of Santa Clara County, as well as providing capacity as a recycling/resource recovery and processing facility in the City of San Jose.

Hazardous wastes will not be accepted for disposal at this site. Types of wastes to be received at the site are non-hazardous solid wastes

Findings (continued)

which consist of or contain chemically or biologically decomposable material which does not include toxic substances nor those capable of significantly impairing the quality of usable waters.

Liquid wastes will not be accepted for disposal at this facility except for those special wastes meeting the criteria of, and upon the approval of, the Regional Water Quality Control Board and the Local Enforcement Agencies. Special wastes required to meet such criteria include, but are not limited to, dried sewage sludge and sewage derived components, ash, oil field waste, mine wastes, and contaminated soils.

e. Examples of waste that can be received at the site include but are not limited to the following:

Municipal and Industrial Origin

1) Garbage, as defined by the San Jose Municipal Code, from handling, preparation, processing or serving of food or food products.

2) Rubbish such as paper, cardboard, tin cans, cloth, glass, etc.

3) Construction and demolition materials such as paper, cardboard, concrete, wood, metal, glass, rubber products, roofing paper, and wallpaper.

4) Street refuse such as sweepings, dirt, leaves, catch basin cleanings, litter, yard clippings, glass, paper, wood and metals.

5) Dead animals and portions thereof.

6) Abandoned vehicles and tires, including treated automobile shredder waste. A COSWMP amendment is required for any out-of-county shredder waste.

7) Non-liquid sewage treatment residue such as solids from screens and grit chambers, and dewatered sludge, meeting all criteria of the LEAs.

8) Non-liquid water treatment residue such as solid, organic matter collected on screens and in settling tanks, meeting all criteria of the LEAs.

9) Ashes from household burning.

Agricultural Origin

1) Plant residues from the production of crops including but not limited to: stalks, vines, culls, stubble, hulls, seed, roots, stumps, prunings, and trimmings.

2) Manure.

Findings (continued)

3) Dead animals or portions thereof.

4) Empty and adequately cleansed pesticide containers.

Asbestos Waste

Only non-friable asbestos waste may be accepted for disposal. Conditions regarding the acceptance of asbestos waste will be followed as detailed in the Report of Disposal Site Information, dated June 1990.

f. Since its opening in 1929, the Guadalupe Landfill has been active in efforts to recover materials from the waste stream and save landfill space. Currently the landfill removes a significant portion of its incoming waste stream through recycling of wood waste, metals, and inert material. Approximately 21 acres of the landfill have been designated for recycling-related activities through the planned development permit for the site as discussed in the Operational, Management, and Control Programs for Guadalupe Landfill Planned Development Permit, dated November 1990.

All wastes entering the site must come through the scale house at the western margin of the landfill. Loads containing wood waste or yard waste will be directed to the wood waste/yard waste processing area. All other loads including municipal waste trucks will be directed to the active face. At the active face, public vehicles will be directed to tip in the special public tipping area. Here, salvage crews will remove recyclables from these loads. Other loads containing concrete or soils will tip in the concrete and soils stockpiles near the active face. Commercial vehicles will tip at the active face itself.

Salvage

Salvaging operations at the face of the landfill are ongoing and involve the manual separation and removal of select discarded material after it is unloaded but before it is landfilled. Materials recovered include the various types of metals and paper as well as any miscellaneous items with a resale value such as mattresses, tires, and flower pots. After materials are segregated at the landfill face, they are brought to an on-site recycling area where they are cleaned, categorized, and processed into the most valuable secondary materials classifications. The on-site recycling area is located at the north end of the landfill on five acres and consists of several small temporary buildings and various metal bins for storing, scrap metal, automobile components, and valuable metals such as brass, bronze, aluminum, copper, tine, magnesium and lead.

Inert Material

Concrete and asphalt are recovered when delivered to the site in concentrated loads. These materials are segregated and stockpiled for use in place of construction materials such as rock and gravel. The concrete and asphalt are placed and crushed using on site equipment. The materials are used for drainage construction, erosion control, ditch

Findings (continued)

lining, road base, and winter tipping pads. The materials are used on-site and are also sold to off-site users. Material stockpile locations vary based upon the location of the working face and the quality and quantity of material delivered to the site.

Soil, when brought to the landfill in clean loads, is placed in a separate area and stockpiled for future use. The soil is primarily used for cover material in the landfill operation. Certain types of soils, such as clay, loam, or sand, are also used for on-site construction projects or sold to off-site users.

Yard Waste

Both dried and green yard waste and wood may be brought to and processed at either the main wood waste processing area directly east of the gate house, or it may be brought to the composting area southwest of the administration building. Processing of yard waste into fines for composting may occur at either of these two sites. Composting may also be conducted at either site, however large windrows will be set up at the composting area., after an RCSI and composting permit are approved by the LEA and CIWMB. Yard waste may also be processed into chips for hog fuel.

Wood Waste

Wood waste recycling operations take place in the central portion of the landfill just east of the gate house on about 20 acres of land. Equipment used in wood waste recycling consists of wood chippers and mechanical loaders, as well as Trommel screens to separate fines. Lumber and yard waste are removed from the wastestream to be ground and/or processed into a wood waste fuel, soil amendment or compost, and other salable items. Some material is brought to the site specifically for recycling as a result of price incentives and the initiation of yard waste programs. In the wood waste recycling process, the raw material is first sorted and stockpiled for processing. Processing includes numerous alternatives such as drying the material prior to grinding, converting used lumber into finished products, grinding material into woodchips and fines, and composting. Finished material is then stockpiled for future sale. Unprocessed stockpiles consist of dry wood and green wood. Coarse fractions of ground up wood are used for fuel, while the fines are stockpiled for soil amendment. Redwood material is sorted in a separate stockpile to be recycled into fencing material. This process is described in the next section.

Recycling Building

Additional recycling is planned to further increase material recovery at the landfill, and a key element of this increase incorporates the use of the existing recycling building. The recycling building is located 400 feet south of the gate house. This recycling includes expanding the salvaging operation to sort selected loads to remove material of value (MRF type facility) and processing select waste lumber into marketable products. Currently a portion of the existing recycling building is used to convert waste redwood into fence boards, lattice, trellises and other products for resale. Depending on market demand this process may be expanded somewhat to other portions of the building.

Findings (continued)

g. Existing, planned, and proposed recycling programs are detailed in the site's Recycling Plan as detailed in the Operational, Management, and Control Programs for Guadalupe Landfill Planned Development Permit dated November 1990. See Findings Part F for a detailed description of recovery and salvage operations.

h. A load check program titled Hazardous Waste Exclusion Program for the Guadalupe Waste Disposal Site by Emcon Associates dated June 1986 is currently underway at the site. This report is included in detail in the Master Plan, Guadalupe Disposal Site Expansion, Santa Clara County, California prepared by EMCON Associates dated June 1988.

The primary goal of this program is to provide periodic load-checking to detect and subsequently discourage attempts to dispose of hazardous waste delivered to the site in private and commercial waste loads. Landfill staff have been designated and trained in the load check program. A sign is displayed at the site that a load check program is in effect and that hazardous waste are not accepted at the site, and failure to comply with the program may lead to expulsion from the site, or to prosecution.

All incoming loads will be routinely screened for hazardous or special wastes. Hazardous wastes such as paints, pesticides, and non-empty aerosol cans, as well as medical waste, certain sludges, and unidentified or unknown wastes will not be accepted at the facility. These wastes will be referred to as unacceptable waste.

The first screening for unacceptable waste occurs at the landfill gatehouse, where a load check program is in effect. Signs are posted and maintained at the front gate stating that hazardous and medical waste is prohibited. Non-accepted waste detected will be rejected, with instructions for proper disposal given to the hauler. Hazardous waste totalling less than five gallons or fifty pounds may be removed from the facility by the generator. Hazardous waste totalling above this amount must be manifested and transported by a registered hauler.

The second screening occurs at either the landfill woodwaste recycling and processing sorting areas, where each load is inspected as it is dumped onto the tipping pad for recycling processing, or at the active landfill face where loads are scrutinized by landfill employees immediately after the load is tipped. The landfill's Hazardous Waste Load Checking and Screening Program is outlined in the RDSI dated June 1990, and revised August 1991.

The load check programs are approved by the Local Enforcement Agencies (LEA's). Unacceptable waste detected will be documented and large quantities will be reported to the Local Enforcement Agencies (LEA) within 24 hours of discovery. This material will be legally disposed of by the hauler or by the site operator. The LEA's to be notified are the City of San Jose Division of Environmental Enforcement at (408) 277-59[illegible] and Santa Clara County Environmental Health Services at (408) 299-6930. A report of all unacceptable wastes detected by the load checking program will be submitted to the Santa Clara County Division of Environmental Health upon their request.

Findings (continued)

Waste not traceable to the original generator will be identified and temporarily stored in accordance with Title 22, CCR, Section 66508(a), then transported by a licensed hazardous waste hauler to a permitted hazardous waste treatment, storage, and disposal facility, or to a hazardous materials recycler. Identified generators responsible for disposing of non-accepted waste at this facility will be liable for legal disposal and will be subject to prosecution and termination of collection services.

This facility must follow the regulations outlined in the RDSI pertaining to hazardous waste generators. Any hazardous waste found in processing will be placed in designated hazardous waste bins, the contents of which will be transferred to approved secondary containment.

Santa Clara County Environmental Health Services, shall be notified when a significant amount of unacceptable waste is found. Additional measures may be required upon order of the LEA's or the CIWMB.

This site may be used as an intermittent non-permanent hazardous waste drop-off location. This effort is requested and sponsored by the City of San Jose and Santa Clara County. If the drop-off program becomes a permanent intermittent, or continuous operation, the City of San Jose will initiate efforts to modify the permit to reflect this change.

i. Depending on market conditions, certain aspects of the wood waste operations may be expanded. For example, the current redwood recycling which occurs in the Recycling/Maintenance building may be expanded to a larger portion of the building if the resale market for the recycled product increases substantially.

Composting operations may also be expanded from the limited pilot-project operations now taking place in the primary wood waste processing area. Expanded composting operations would take place in the Secondary Stockpile/Composting area in the southwest portion of the landfill. Finally, expanded salvage and waste sorting operations may eventually move into the Recycling/Maintenance building. Expanded composting operations will not begin until a proper RCSI and permit are approved of by the CIWMB.

j. A landfill gas collection and removal system is in operation at the site. Laidlaw Gas Recovery Systems (LGRS) operates the gas recovery system at the Guadalupe Disposal Site. In this system, landfill gases are collected and controlled with an extensive system of wells and pipes. The gas extraction wells are bored into the refuse fill to just above the base of refuse which, at the site, has resulted in wells placed to depths averaging between 35 and 80 feet. These wells are connected to a central header system which pipes the landfill gas to an electrical generation facility with a total 2.5 megawatt capacity. The gas recovery system will be expanded as needed to adequately remove and utilize the landfill gas.

Findings (continued)

k. This facility will be open to the public 7 days per week, from 8:00 a.m. to 4:45 p.m., with limited commercial disposal operations beginning at 5:30 a.m. Monday through Friday. Landfill operations begin a 7:00 a.m., 7 days per week and cease at 8:00 p.m. The site is open 360 days of the year, and will be closed 5 days of the year.

l. This facility will be operated according to the Report of Disposal Site Information, dated June 1990, revised August 1991, and the Master Plan, Guadalupe Disposal Site Expansion, Santa Clara County, California prepared by EMCON Associates dated June 1988, Final Environmental Impact Statement, Guadalupe Disposal Site Expansion dated September 1988 by Thomas Reed Associates, and Operational, Management, and Control Programs for Guadalupe Landfill Planned Development Permit dated November 1990, as well as all other provisions and requirements of planned development permit PD 90-6-44 issued by the City of San Jose Feb. 14, 1991.

2. Agencies & Documents Which Condition Operation and Use of the Facility

a. City of San Jose Planning Commission, Final Environmental Impact Report, December 1988, by Thomas Reed Associates.

b. City Council of City of San Jose, Resolution Number 61179 adopting findings and appropriate mitigations of adverse environmental impacts required by the California Environmental Quality Act (CEQA), March 7, 1989. (Clearinghouse No. 88092722)

c. City Council of City of San Jose annexed the portion of the landfill located in the county through adoption of Resolution 62090, which became effective June 2, 1990.

d. City Council of the City of San Jose adopted a Planned Development, A(PD), Combining District Zoning, File No. PDC 87-12-100, for the Guadalupe Landfill Expansion.

e. Director of Planning of City of San Jose, Planned Development Conditional Use Permit, File No. PD 90-06-44, to effectuate the site's PD zoning, February 14, 1991 (attached and incorporated herein by reference).

f. California Regional Water Quality Control Board, San Francisco Bay Region, Waste Discharge Requirements, Order 90-139, with self-monitoring program, October 17,1990.

g. Report of Disposal Site Information, dated June 26, 1990, and revised August 30, 1991.

h. City of San Jose Planning Department, Addendum to 1988 Environmental Impact Report; issued October 17, 1991.

Findings (continued)

h. City of San Jose Neighborhood Preservation Department is the Local Enforcement Agency for non-health related issues. Santa Clara County Health Department is the Local Enforcement Agency for health related matters.

i. Permits from Bay Area Air Quality Management District Permit to Operate #3294 for wood chippers; July 1, 1989, and Permit #30486 issued August 8, 1985 for operation of Gas Recovery systems and three thermal oxidizing reactor engines for generator facility.

3. **Conformance with State, County and City Minimum Standards**
The following findings have been made pursuant to PRC 50000, PRC 40010, AND PRC 50000.5.

a. This permit is consistent with the County Solid Waste Management Plan as adopted on March 29, 1988, and as revised on December 12, 1990.

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

c. The City of San Jose finds that the proposed facility is consistent with the City General Plan.

d. The City of San Jose finds that the facility is located in a land use area designated for solid waste facilities, and that land uses adjacent to the facility are compatible with the establishment or expansion of the solid waste facility.

e. Surrounding land use includes open space to the north and northeast, research and development facilities to the northwest, and the Almaden Quicksilver County Park to the southeast. There is low density residential development throughout the hills on the southwesterly side of the property and medium density residences farther north. The closest residential site is located 900 feet from the property boundary, on Montego Court, on the opposite side of a ridge which separates the residential areas from the landfill. The distance from the proposed facility to the nearest residential structure is in compliance with state minimum standards and is sufficient to permit adequate control cf noise levels, odor nuisances, traffic congestion, litter nuisances and vectors.

f. This facility will assist in those programs and activities designed to help in meeting the recycling diversion rates as mandated by State Bill AB 939.

4. The design and operation of this facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as established by the California Integrated Waste Management Board and determined by the LEA on August 26, 1991.

5. This facility will comply with all Fire Code Regulations and requirements as enforced by the City of San Jose Fire Department, including adequate water for fire protection, emergency fire hydrants, and proper fire-fighting equipment as approved by the Fire Department and the LEA.

CONDITIONS

1. **Requirements**
   a. This facility must comply with all of the State Minimum Standards for Solid Waste Handling and Disposal established by the California Integrated Waste Management Board and administered locally by the Local Enforcement Agency. The Local Enforcement Agency is the City of San Jose. The City's Department of Neighborhood Preservation is authorized to act on behalf of the City of San Jose. The Santa Clara County Health Department acts as co-LEA for all health related issues.

   b. This facility must comply with all applicable federal, state and local enactments, laws and regulations, including but not limited to the California Integrated Waste Management Board, Regional Water Quality Control Board, Bay Area Air Quality Management District, California Department of Health Services, County of Santa Clara and the City of San Jose.

   c. Additional information concerning the design and operation of this facility must be furnished to the Local Enforcement Agency within the time frame indicated by that Agency. Access to inspect the facility at any time during hours of operation of the facility will be provided to the Local Enforcement Agency.

2. **Prohibitions**

   The following actions are prohibited at this facility:

   a. Disposal of hazardous wastes.

   b. Scavenging (Authorized salvaging by operator is allowed.)

   c. Open Burning

   d. Disposal in fill areas other than those currently approved for filling by PD Permits, and official waste discharge requirements, or disposal in fill areas not approved of by the CIWMB.

   e. Placement of any burning wastes. Burning wastes must be placed away from the working face, thoroughly quenched, then incorporated into the cell. Alternatively, burning wastes may be separately buried, and the location noted and monitored.

   f. Disposal of liquid wastes or liquid sewage sludges or residues with greater than 50% liquids without the prior approval of the Regional Water Quality Control Board and the Local Enforcement Agency.

   g. Also prohibited: Unidentified wastes, and industrial/medical waste ash which is not approved of by the LEAs.

   h. Standing or ponded water prohibited on covered fill areas.

   i. Waste may not be disposed of in any new landfill expansion areas until design, construction plans, and mitigation methods described in WDR 90-139, have been approved of in writing by both the RWQCB and CIWMB.

Conditions (continued)

3. **Specifications**

a. This facility has a permitted capacity of 3000 tons per day (daily maximum for 1991, with graduated increases allowed each year up to 3650 tons per day for 1996.) A permit revision will be required if the facility is to exceed these daily maximums. This allowance for a 4% growth curve will result in the following daily maximum tonnages through 1996: for 1992 - 3120 tons per day, for 1993 - 3245 tons per day, for 1994 - 3375 tons per day, for 1995 - 3510 tons per day, for 1996 - 3650 tons per day.

b. Specific measures to mitigate potentially adverse environmental impacts of this facility will be implemented as outlined in the documents listed in Item #2 of the FINDINGS section of this Permit. Mitigation measures will address concerns that include, but are not limited to, the following considerations: surface and ground water quality protection, stormwater runoff; leachate production; erosion ; sediment transport; archeological; geologic; land use; biotic; air quality; public safety; and noise.

c. All major physical improvements of this facility to support recycling programs will be shown and approved in appropriate PD permit(s), and approved of by the LEA 's and CIWMB.

d. This facility will maintain accurate scales, certified annually by Santa Clara County Agricultural Commissioner Scaler of Weights and Measures, and weigh all vehicles exceeding a one ton capacity entering the site tc provide an adequate data base for long-term planning, to monitor collection and disposal operations, and to differentiate between categories of wastes. Upon request by the LEA, the Operator will set aside a location on site for periodic waste composition studies.

e. This facility will meet all requirements in developing and updating a Closure Post-Closure Plan. The facility will also maintain a Closure Post-Closure Fund to implement this Closure Post-Closure Plan that will provide for improvements, monitoring, and maintenance after its final closure as required in Title 14, Chapter 3, and Chapter 5 of the California Code of Regulations. The Operator must annually report to the Local Enforcement Agency on the status of the Closure Fund and what money is available to implement the requirements of the Closure Plan.

f. This facility will maintain adequate records to report on the weight, amount and type of wastes monthly to the Local Enforcement Agency including an annual summary by January 31 for the previous year.

g. An adequate water supply for dust control and fire suppression must be available at all times during the operation of this landfill and must be acceptable to the Regional Water Quality Control Board, the San Jose Fire Department, and the Local Enforcement Agency.

h. This facility shall accept all the types of wastes detailed in Item #1 of the FINDINGS section.

Conditions (continued)

i. This facility must conform to all the conditions, limitations and restrictions detailed in the Planned Development Permit of the City of San Jose, which is attached to this Permit and incorporated in its entirety as part of this Solid Waste Facility Permit.

j. This facility will not accept wastes from outside of Santa Clara County except where prior written authorization is given by the L.E.A.

k. Notwithstanding the prohibitions above regarding hazardous waste disposal at this facility, the Operator may allow this site to be used as a location for a household hazardous waste collection program (as a drop-off location). Any hazardous wastes that are collected will be transferred to appropriate disposal facilities by qualified and licensed hazardous waste haulers. All required permits must be obtained prior to implementing this program.

l. All hazardous waste collected as part of a load checking program shall be handled and disposed of in compliance with Title 22, California Code of Regulations, Chapter 30.

m. The facility operator shall obey all Federal, State, County and City laws including all local regulations and requirements.

n. Adequate dust control measures must be in place at all times at all portions of the site to prevent airborne dust transmission.

o. Only these contaminated soils or other special wastes authorized for disposal by the RWQCB and the LEA may be disposed of at this site. This includes both designated and non-designated wastes. All designated waste levels accepted at this site must be in conformance with levels approved of by the RWQCB and the LEA.

4. **Provisions**

a. This permit is subject to review by the Local Enforcement Agency, and may be suspended, revoked, or modified for sufficient cause, at the sole discretion of the Local Enforcement Agency. Operation of the facility in violation of any of the above conditions shall be considered sufficient cause for suspension or revocation of this Permit in accordance with the process outlined in Chapter 4, Part 4, Division 30 of the Public Resources Code.

b. The operator shall submit to the Local Enforcement Agency copies of a plan for closure of the landfill and a plan for postclosure maintenance of the landfill for approval by the Local Enforcement Agency, the Regional Water Quality Control Board and California Integrated Waste Management Board by October 30, 1996, when the Solid Waste Facilities Permit is required to be reviewed (five year permit review required per P.R.C. 44015 and CCR 18213).

5. **Self-Monitoring Program**

The following items shall be monitored by the Operator of this facility or his agent, and records shall be kept and made available to the Local Enforcement Agency quarterly:

Conditions (continued)

a. Quantity and types of wastes received at the site per day and per month, and also listed by source (private and municipal). This data is to be derived from weighings under Specifications d. and f. above. Reporting categories for waste material types shall be established to meet planning and reporting requirements of AB939.

b. Provide the amount of recovered materials, listed by categories, as stated in Self Monitoring Section above.

c. Number and types of vehicles utilizing the site per day and per month.

d. Results of ground water, leachate and methane gas monitoring programs.

e. A special occurances log will be kept to monitor all incidents of litter, noise, odor or other public nuisances, and any other incidents relating to hazardous waste, as required by state minimum standards. The operator shall have an on-site copy of the special occurrences log available to the Local Enforcement Agency.

f. Such other information as the Local Enforcement Agency may require on a regular or periodic basis.

g. Local Enforcement Agencies are to be notified immediately of any unusual occurrences such as fires, explosions, and accidents involving significant injury or death and Hazardous Materials incidents.

h. Regular reporting regarding any changes in active areas used for disposal should be made to the LEAs.

i. The Operator shall submit to the Local Enforcement Agency copies of all reports and information required or requested by any agency listed under Item #2 in the FINDINGS section.

j. The Operator shall maintain an Operations Manual for this facility that meets the approval of the Local Enforcement Agency. Any changes to this manual shall be approved by the Local Enforcement Agency prior to the effective date of said changes. The operations manual must include the health, safety and training provisions for all landfill employees, contractors and sub-contractors. The landfill operator shall be held responsible for observance of all health and safety procedures required for all parties working at the landfill. This includes all contractors and independent agents and entities.

k. The Local Enforcement Agency shall be supplied at least annually with an updated list of responsible personnel for this facility, including emergency phone numbers and home telephone numbers and addresses for the following: the landfill manager, site foreman, security guards and duty supervisors.

l. Where performance standards have been approved of for this site by the LEA and CIWMB, the operator shall submit a Statement of Intent to the LEA and the CIWMB for performance standards initiation pursuant to CCR Title 14 Section 18309 and 18310.

Lawrence Livermore National Laboratory
University of California
P. O. Box 808, L-192, Livermore, California 94550

Environmental Protection Department

FAX No. (415) 422-1395
Verification No. (415) 423-8875

Date: 10/17/91 Page 1 of 12 *(including this sheet)*

To: Mr. Dave Otsubo
c IWMB

Subject: Oct 23, 1991 Agenda
Item # 2

From: Dave Armstrong
Phone: # 510/ 422-9107

Comments: Enclosed are four of my letters:
1. 9/21/90 to RWQCB
2. 10/31/90 to SWRCB
3. 11/20/90 to IWMB
4. 2/19/91 to IWMB.

☐ Priority ☐ One Hour Rush ☐ Urgent

September 21, 1990
David Armstrong
6544 Whispering Pines Dr.
San Jose, CA 95120

Mr. Steve Ritchie
Regional Water Quality Control Board
1800 Harrison Street, Suite 700
Oakland, CA 95160

Subject: Guadalupe Dump - Comments on Tentative Order
Dear Mr. Ritchie:
My comments on the subject Order are provided as follows:

1. Guadalupe Dump is currently leaking hazardous pollutants into the drinking water supply of San Jose (reference RWQCB letter of 8/9/90). The Board should not approve an expansion of the existing dump while this problem is being evaluated and remedial measures are being designed. The applicant should be required to perform responsibly under the previous expansion approved by RWQCB, before any consideration should be given to another expansion.

2. This site is geologically and structurally unsuitable for the existing or proposed dumps. The site has an earthquake fault directly under it. The site is constructed above and into an extensive, complex system of tunnels left behind from mercury mining operations. The tunnels are supported by wood timbers. The tunnels will eventually collapse due to decay of timbers and the extremely high accelerations from earthquakes on the nearby San Andreas fault. The unstable nature of the site makes control of leachate very unlikely in the future, even with the best efforts of their engineers.

3. This dump has been regulated by RWQCB as an ordinary municipal refuse fill, however, it is in fact a hazardous waste disposal site, which is operating illegally, without a RCRA (TSD) permit. This comment is based on an analysis of the waste gas stream data, as well as the existing ground water contamination. The following data was obtained from Bay Area Air Quality Control District, for Guadalupe Dump, and is dated 6/12/86:

Benzene	690 ppb
Toluene	21,300 ppb
Vinyl Chloride	3650 ppb
Trichloroethylene	3200 ppb
Perchloroethylene	2000 ppb

I have converted these gas concentrations into mass emissions, with some assistance from the BAAQMD staff. An assumption was made that the gas flow from the site is 5000 CFM, and these numbers can be refined when this flow is confirmed. The mass emissions are summarized as follows, to show a typical flow period of 20 years:

Benzene	350 lbs/year	7,000 lbs/20 years
Toluene	13,362 lbs/year	268,000 lbs/20 years
Vinyl Chloride	1553 lbs/year	31,062 lbs/20 years
Trichloroethylene	2863 lbs/year	57,250 lbs/20 years
Perchloroethylene	2258 lbs/year	45,160 lbs/20 years

Perhaps the emissions were much higher in the 1960s and 70s, when it was more common to illegally place industrial wastes in municipal dumps. Perhaps there are significant emissions leaving through the dump surface or the tunnel network. Whatever assumptions are applied, however, it is clear that this dump contains hazardous chemicals far in excess of what could be considered normal for municipal and commercial refuse. Therefore I request that the applicant be required to submit a RCRA Part A and Part B application to the State for the hazardous wastes which are disposed and treated (by combustion) at this site.

4. I believe that this application, and others received in Region 2, are effectively a circumvention of the requirements of the Subchapter 15 regulations. The applicants are simply following the path of least resistance. This site would never be approved for a new dump site, but if the word "expansion" is used, the site suitability becomes a secondary issue. There appears to be an assumption that the newer fill will not be a problem, an assumption which has been contradicted by experience at the Kirby Canyon site.

5. The RWQCB and its staff have done an excellent job of enhancing and protecting water quality in the past decades. I am familiar with one remediation project where $100 million dollars will be spent to clean up 250 gallons of TCE in ground water. The public is willing to spend several billion dollars on cleanup in Region 2, only because they assume that wastes will never again be allowed by regulatory agencies to be placed where they can contaminate ground water. I request that the Board not approve this new dump (aka "expansion"), at an extremely poor physical location, where the potential to contaminate ground water has already been demonstrated.

The County taxpayers are now cleaning up the expensive mess left by the mercury miners, and there are no provisions in the local or State documents which provide for substantive financial accountability. This has all the earmarks of yet another "profit and run" operation for which the taxpayers will be paying for decades.

6. For brevity, I have not included a discussion of the issues raised by the hundreds of residents who commented to the City, ie. noise, odors, blowing trash, ferrel pigs, proximity to houses, transport of loose asbestos wastes by helicopters over homes, fires, etc. A recent Guadalupe dump fire burned for three days, and residents then learned that the local officials consider fires to be a normal part of dump operation, even though the dump is about 1500 feet from the nearest residential property.

7. I have previously commented on hearsay information that PCBs dioxins and furans exist in the lower portions of the site, from the days of open burning, and that they threaten ground water. I do not believe that these constituents are all covered in the Method 624/625 analyses, and therefore this issue has not been addressed. I assume that heavy metals are included in the routine sampling, although I did not note this in the tentative order.

I appreciate the opportunity to comment. I hope that the Board members receive copies of the historical mercury mine tunnel photographs, showing the timber bracing, which I transmitted in an earlier submittal.

Sincerely,

David Armstrong
Environmental Engineer
Registered Civil Engineer

cc: R. McMurtry

CERTIFIED MAIL

October 31, 1990
David Armstrong
6544 Whispering Pines Dr.
San Jose, Ca 95120

Mr. Craig M. Wilson
Office of Chief Council
State Water Resources Control Board
901 P Street
Sacramento, Ca. 95814

Subject: Petition for Review of Order No. 90-139 of the Regional Water Quality Control Board-San Francisco Bay Region.

Dear Mr. Wilson:

The following information is provided in support of this subject petition, in accordance with the requirements of Title 23, Subchapter 6, Section 2050(a):

1. The petitioner is David Armstrong, 6544 Whispering Pines Dr., San Jose, CA. 95120. The petitioner is one of many residential neighbors living in close proximity of Guadalupe Dump.
2. The specific action of the regional board which the State Board is requested to review is Order No. 90-139, copy attached.
3. The date on which the regional board acted was October 17, 1990.
4. The reasons the regional board action was inappropriate are introduced in the attached letter dated September 21, 1990, which was mailed to the regional board on that date. The petitioner believes that the board's action will fail to protect the beneficial uses of the waters of the State, the public health, and the financial resources of the State, by not requiring necessary technical investigations, engineering controls, and financial assurances. Specifics are provided as follows:

a. The regional board failed to acknowledge and act upon evidence of illegal disposal of RCRA regulated hazardous wastes in the existing dump. The regional board was provided with evidence obtained from the Bay Area Air Quality Control District that there are substantial quantities of RCRA regulated wastes in the dump. It should be clarified that RCRA regulations acknowledge that such wastes are found in municipal dumps, in small amounts which would be expected to be associated with normal household and commercial waste streams. RCRA regulations do not, however, allow the amounts indicated by the BAAQMD data, which are far in excess of household

and commercial refuse, and which are therefore indicative of illegal disposal of hazardous wastes. The regional board failed to require the discharger to investigate the source and quantity of these RCRA regulated air emissions, which would be relatively simple, by tracing back through the gas collection line system.

b. The regional board failed to require other technical reports from the discharger which are necessary to evaluate the performance of the operation in the future decades. The regional board has acknowledged in correspondence to the discharger, that the dump is leaking contaminants into the local drinking water supply. The regional board was provided with evidence that the existing and proposed dump areas are located in a physically unstable location, such that even very sophisticated engineering controls are very likely to fail in the future. The discharger's own EIR states that the tunnels and shafts left behind by the miners were complex and extensive and not very well mapped. The tunnels are supported by wooden timbers which will rot, and the tunnels will collapse when subjected to seismic forces. The regional board failed to require an engineering evaluation of the subterranean excavations, and an analysis of how the dump would respond to and provide for structural changes in the future. The board does indicate in Order 90-139 that such technical reports will be required in the future.

c. The regional board failed to require and review necessary technical reports, prior to approving Order No. 90-139, leaving many important technical issues unresolved or stated as possible alternatives. For example, the discharger has represented to the regional board that it may excavate the ashes and other burned residue from an earlier portion of the landfill, and place the material in an area where leachates could be better controlled. On the other hand, the discharger may decide not to take such action. Also, the discharger has represented to the regional board that it may alter the location of the fill, if excavations encounter old mining tunnels in the path of the proposed fill. On the other hand, the discharger may decide not to take such action. In short, the regional board does not know specifically what the discharger intends to do, and has issued an order prospectively, on the assumption that the discharger will be able to satisfy the board in some way. The great number of leaking landfills in the State indicates that this approach is not protective of waters of the State.

d. The regional board failed to require monitoring for dioxins and furans in the self-monitoring program of Order 90-139. This was a burning dump from 1929 to 1956. PCBs are frequently mixed with trichlorobenzene in PCB electrical equipment, and both dioxins and

furans are generated when these are burned. EPA has recently made these two constituents a very high priority in the protection of drinking water in recent months. The cost of adding these constituents to the monitoring program is negligible.

e. The regional board has failed to provide financial assurance that any future costs for remediation will be borne by the discharger and its successors, and not by the taxpayers. This could have been accomplished with a bond to cover future remediation, and, for the existing contamination of the drinking water supply, by requiring remediation before any additional approvals are allowed. By approving an expansion on such an unstable site, which is already leaking contaminants, the board has placed the State finances in jeopardy.

5. The manner in which the petitioner is aggrieved is as follows:

a. This site is operating under a previous expansion, which was anticipated to be completed in the next few years. The City approved homes to be built near the site with the understanding that the site would be closed soon. Approval of an additional expansion of the disposal site results in the petitioner's proximity and exposure to an illegally operated disposal site, resulting in extended exposure to illegally discharged RCRA wastes, and soils containing asbestos minerals and mercuric compounds and smoke from occasional fires. Enforcement of environmental regulations at dumps in the City of San Jose and the County of Santa Clara is virtually non-existent. The State does not have the resources to oversee the site, therefore the only recourse available to neighbors is the courts, which is difficult at best.

b. As a taxpayer, the petitioner is exposed to payment of remediation costs in the future, for wastes which were improperly disposed on land. The regional board did not require a satisfactory bond, or other form of financial assurance, to pay for future remediation of the site. The site is already leaking hazardous pollutants into the ground water, and the potential contamination is increased with increased waste. Historically, when a dump ceases to be profitable, the owners often disappear and leave the taxpayers to clean up the mess.

c. The dump is built on top of tunnels and shafts left over from a mercury mining operation.. The State Board (specifically Mr. Al Franks) investigated the mercury mining operation in the mid 1970's and concluded that the mining had no detrimental effect on the environment, and actually stated that the mining had a beneficial effect on the environment. The miners left behind a hazardous mining waste site, which will cost millions of County taxpayers' dollars to clean up. As a County taxpayer, the petitioner's cost for remediation of the mining wastes has increased, because the regional

board has precluded the best apparent alternative for remediation, which is to backfill the mine shafts with mining waste materials.
d. The petitioner will pay higher costs for potable water, either by paying for bottled water or by paying for higher treatment costs by the public water purveyor. These costs are attributed to ground water contamination which exists now, and which will result from the additional contamination from additional refuse fill approved by the board, in the future.

7. The following points support the legal issues raised:
a. In the case of the well-known Stringfellow disposal site, the courts have held that the State is a Potentially Responsible Party(PRP) because the permit review was inadequate. The petitioner believes that the State should already be considered a PRP with respect to the mercury mine wastes which surround this dump, and that the State may become a PRP with respect to the dump, if and when the owners abandon the site for remediation by the taxpayers.
b. The general principle of "equal protection" applies. If a regulatory agency knows of violations of regulations within its jurisdiction, it cannot deliberately ignore the violations for one party and enforce it for another. The regional board and the Dept. of Health Services have been notified in writing of violations of RCRA regulations, yet have not investigated them. The Dept. of Health Services routinely pursues hazardous wastes issues, including enforcement actions, which are much less significant this site.

As a result of the SWAT investigations, it is commonly stated that "all dumps leak pollutants, once you look for it" or "all dumps receive illegal hazardous wastes". These findings should not be a justification for the status quo, but should indicate the need for siting landfills where there is protection of the environment even when things go wrong. This principle is applied in DHS regulations which control industry, and should apply to landfills as well.
c. The concept of "vested right" is applicable because the issuance of a "permit" by a government agency often implies the granting of a vested right to conduct an activity. The logical general procedure is for the agency to review the necessary information to determine if an activity can be expected to be conducted in the public interest, before issuing a permit. However, in this case the regional board issued an Order, effectively granting a "vested right", and required that the supporting information be submitted at a later date. Thus, the "expansion" component of the Board's action was inappropriately taken in 1990, when it did not need to be taken before 1993.
8. A list of additional interested persons are as follows:

Antone Pacheco
County of Santa Clara Health Department
2220 Moorpark Avenue
San Jose, CA

Doug Barlow
City of San Jose
801 N. First Street
San Jose, CA 95110

Joe Pandit
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

James Palma
6590 Littlefalls Dr.
San Jose, CA 95120

Dennis Hersley
1635 Puerto Vallarta Dr.
San Jose, CA 95120

Larry Cowles
6237 Guadalupe Mines Rd.
San Jose, CA 95120

9. This petition has been sent to the appropriate regional board (Region 2) and to the discharger(Guadalupe Rubbish Disposal Co.)
10. A copy of a request to the regional board for preparation of the record, is enclosed.

I appreciate your review of this petition. I would not bother to pursue this issue, and impact the State's valuable staff time, if I was not convinced that this is an outrageously inappropriate location for a dump expansion. I believe that the State's rejection of this expansion will be found to benefit both the people of the State and the environment.

Sincerely,

David Armstrong

November 20, 1990
David Armstrong
6544 Whispering Pines Dr
San Jose, CA 95120

Mr. George H. Larson
Chief Executive Officer
Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Subject: Guadalupe Dump, City of San Jose, County of Santa Clara - Waste Discharge requirements issued by Regional Water Quality Control Board Order No. 90-139

Dear Mr. Larson:

The subject order was issued on 10/17/90 and has been appealed (petition for review) to the State Board (SWRCB). I phoned your office on 11/20/90 and was advised by your Ms. Maureen Morrison to send this letter, for the following purposes:

1. To request that action by your Board (IWMB) be postponed until there is resolution of this appeal.

2. To advise your staff of the issues involved, and that there is significant public concern regarding these issues.

3. To request that I be notified at the above address when this issue has been scheduled for a public hearing by your Board.

Thank you for your assistance. I would appreciate your acknowledging this letter to confirm that I am following the correct procedures and to advise me as to the correct staff contact for future reference.

Sincerely,

David Armstrong

February 19, 1991

David Armstrong
6544 Whispering Pines Dr
San Jose, CA 95120

Mr. George H. Larson
Chief Executive Officer
Integrated Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Subject: Guadalupe Dump, City of San Jose, County of Santa Clara - Waste Discharge requirements issued by Regional Water Quality Control Board Order No. 90-139

Dear Mr. Larson:

The subject dump expansion was approved by the Regional Board in its Order No. 90-139. This decision was appealed (petitioned) to the State Water Resources Control Board on October 31, 1990. The SWRCB's letter dated February 5, 1991 (attached) indicates that the petition is complete. I understand that your Board will wait for a decision by SWRCB, before taking its own action. If my understanding is incorrect, please advise me accordingly.

I would appreciate the opportunity of providing input to your Board on this subject at a later time.

Sincerely,

David Armstrong

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1020 Ninth Street, Suite 300
Sacramento, California 95814

MAR 01 1991

Mr. David Armstrong
6544 Whispering Pines Drive
San Jose, CA 95120

Subject: Guadalupe Disposal Site, Facility No. **43-AN-0015**

Dear Mr. Armstrong:

This responds to your letter regarding CIWMB action on the Guadalupe Disposal Site.

In your letter you requested that any action taken by the CIWMB be postponed until resolution of your appeal of issuance of Waste Discharge Requirements, Order No. 90-139, to the State Water Resources Control Board. Please be advised that the CIWMB has no proposed permit actions regarding this facility before it at this time.

It is our understanding that the Solid Waste Facilities Permit is currently under review by the Local Enforcement Agency. Following completion of this review, a solid waste facilities permit may be proposed to this Board for concurrence in its issuance. The Board's consideration of a permit would be at a public hearing. You may provide written or oral testimony regarding the proposed permit at the Board meeting. You may also want to contact the local enforcement agency and advise them of your concerns.

Thank you for expressing your interest in this matter. Your name and address have been added to our mailing list for Board hearing notices. We are unable to provide individual notice of specific items.

If you have any questions or further concerns, please contact Martha Vazquez, of the Board's Permitting Branch, at (916) 327-9347.

Sincerely,

George H. Larson
Chief Executive Officer

GL:JA:mea
Guadelup.ltr

cc: Doug Barlow, City of San Jose, Environmental Health
Antone Pacheco, County of Santa Clara, Environmental Health
SWRCB

Surname: Vázquez 2/25/91 2/25/91 2/28/91

-- Printed on Recycled Paper --

Attachment 1

California Integrated Waste Management Board
Resolution 91-76

October 30, 1991

WHEREAS, the City of San Jose Department of Neighborhood Preservation, acting as the 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 Guadalupe Disposal Site; 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. 43-AN-0015.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 8

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Santa Rosa Geothermal Company, Sonoma County.

COMMITTEE ACTION:

As of the date that this item went to print the Permitting and Enforcement Committee had not yet made a recommendation on the subject proposed permit.

BACKGROUND:

Facility Facts

Project:	New permit to reflect the change in operator from Freeport-McMoRan Resources Partner/Geysers Geothermal Company (FMRP/GGC) to Calpine Geysers Plant Services, Inc.
Facility Type:	Disposal Facility (Sump for non-hazardous geothermal solid waste)
Name:	Santa Rosa Geothermal Company, L.P., Facility No. 49-AA-0148
Location:	Ridge Road, Sonoma County
Setting:	The facility is located on land zoned as Resource Rural Development on Federal Land. The surrounding land uses consist primarily of geothermal development, production and power plant operations.
Operational Status:	Active
Permitted Daily Capacity:	130 tons per day
Area:	7 acres
Owner/Operator:	Santa Rosa Geothermal Company, L.P. Mr. C. E. Woods, General Manager Calpine-Geysers Plant Services, Inc.
LEA:	Sonoma County Environmental Health Division

SUMMARY:

Site History The Santa Rosa Geothermal Company, L.P. (SRGC) is an existing Class II Waste Management Unit that commenced operation in 1987. It was established and operated by Freeport-McMoRan Resource Partners/Geysers Geothermal Company from 1987 to 1990. In 1990, Santa Rosa Geothermal Company, L.P. acquired the site and CalPine Geysers Plant Services operated the site.

Project Description This site is located on seven acres in the Geysers Known Geothermal Resources Area within SE1/4, Section 34, T11N, R8W, MDB&M, Sonoma County. The land is owned by the U.S. Department of Interior and administered by the Bureau of Land Management.

The facility is used for the disposal of non-hazardous, designated wastes. The wastestreams allowed at this facility include processed drilling mud and cuttings, sulfur sludge, cooling tower and sedimentation basin sludge, as well as rock and scale from pipeline operations generated at the site. The solid material disposed of contains approximately 50% liquids.

The waste management practices at this facility consists of three phases of operation. The first phase consists of placing the incoming loads of waste in a receiving sump. The second phase is the dewatering process. When a sufficient amount of material has accumulated in the receiving sump, a transportable treatment unit is brought to the site to dewater the waste. The wastes are analyzed for hazardous metals constituents at the time they are removed from the receiving sump and prior to final disposal. Unacceptable wastes identified at the site are removed immediately by a hazardous waste company. The third phase is the placement of the dewaterrd material into the Solid Waste Management Unit (SWMU) for final disposal. There are no daily cover material requirements at this site due to the high clay content and inert nature of the waste.

Environmental Controls

There are no operations at the facility which generate excessive noise levels and natural topographic sound barriers exist to protect receptors which are approximately 2 miles to the east. Surface access roads have been paved to control dust and the type of material disposed of is not flammable and is not associated with the harborage of vectors.

The sump and SWMU were constructed to meet Chapter 15 requirements for a surface impoundment. A synthetic liner was installed at the perimeter of the surface impoundments to prevent rain water intrusion. The facility is designed for removal and disposal of water head resulting from rainfall. Rain water collected in the surface impoundments is reinjected into the

geothermal system where it serves as a source of steam for the production of electricity. There is a leachate collection system constructed in order to monitor the protection of ground water.

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 of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on September 19, 1991, the last day the Board could act is November 18, 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. Consistency with Waste Diversion Requirements

   Based on review of the documents for the proposed project, staff has determined that the issuance of the proposed permit will not adversely affect the county's ability to achieve its diversion requirements since this facility will accept only geothermal wastes for disposal. Currently, the incoming waste is not conducive to recycling activities. Diversion activities will target a portion of the county's waste stream which will not be impacted by the operators of this facility.

2. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The Sonoma County Public Health Department prepared a Negative Declaration (ND) for the project in 1987. A Categorical Exemption, for the change of operator, was filed at the County Clerk's Office in 1990 by the Sonoma County Public Health Department. As required by the California Environmental Quality Act (CEQA), the ND and the Exemption identified no potential adverse environmental impacts. The project was certified as approved by the Lead Agency, the Sonoma County Public Health Department, on July 28, 1987.

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

3. Conformance with State Minimum Standards

The LEA has made the determination that the facility's design and operation are in substantial compliance with the State Minimum Standards for Solid Waste Handling based on their review of the Report of Disposal Site Information and by physical inspection of the facility on September 5, 1991.

Board staff conducted an inspection of the site on February 13, 1991 and found the site in substantial compliance with the Standards.

STAFF RECOMMENDATIONS::

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

Staff recommends that the Board adopt Permit Decision No. 91-78, concurring in the issuance of Solid Waste Facilities Permit No. 49-AA-0148.

ATTACHMENT:

Additional attachments are included in the October 23, 1991 Permitting and Enforcement Commitee package.

1. Permit Decision No. 91-78

Prepared by: Beatrice Cuenca BCuenca Phone: 327-9351

Reviewed by: Martha Vazquez Phone: 327-9287

Legal review: [illegible] Date/Time: 10-17-1920

ATTACHMENT 1

California Integrated Waste Management Board
Permit Decision No. 91-78
October 30, 1991

WHEREAS, The County of Sonoma Public Health Department, acting as 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 Santa Rosa Geothermal Company; 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, 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. 49-AA-0148.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 9

ITEM: Consideration of Preliminary Closure and Postclosure Maintenance Plans North County Landfill, San Joaquin County

COMMITTEE ACTION:

The Permitting and Enforcement Committee was scheduled to consider this item during the October 23, 1991, meeting. As of the date this item went to print, the Committee had not taken action.

BACKGROUND:

Facility Facts

Project:	Consideration of Preliminary Closure and Postclosure Maintenance Plans
Facility Type:	New Class III Landfill
Name:	North County Landfill, Facility No. 39-AA-0022
Location:	Lodi, San Joaquin County
Setting:	Rural
Operational Status:	Currently constructing landfill liner and is expected to commence receipt of waste upon the closure of the County operated Harney Lane Landfill (1991).
Permitted Maximum Daily Capacity:	825 tons/day
Volumetric Capacity:	16,200,000 cubic yards
Area:	A 320-acre parcel, 185.4 acres of fill area, the remaining area is dedicated to wetlands restoration and a proposed recycling center.
Owner/Operator:	Tom Horton, County of San Joaquin, Department of Public Works
LEA:	San Joaquin County Environmental Health Division
Closure Year:	2033

Facility Description

The North County Landfill is a new Class III landfill receiving non-hazardous solid waste and is located approximately nine miles east of Lodi, California, on Harney Lane. The landfill is owned and operated by the County of San Joaquin. Total acreage of the facility is 320 acres of which 185.4 acres will be landfilled. The remaining area will consist of office and maintenance buildings and additional proposed facilities for an improved recycling center, materials storage, equipment storage, or materials processing. Operations will commence when the existing Harney Lane Landfill, located approximately 1.5 miles west of the new site, has ceased accepting waste.

The site will be developed in units of nine distinct, but continuous, modules. Each cell will have a composite liner consisting of a natural soil liner of six 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 (HDPE). A geonet and filter fabric, as well as two feet of soil, will then be placed over the HDPE.

As each module is filled, it will be closed to conform to the closure plan. When the last module is filled to capacity, year 2033, only the final grading and revegetation of the last module should be necessary for closure. In keeping with the operational design for the landfill, the closure costs have been estimated to equal the cost when closure will be the most expensive. In this case, Modules 1 & 2 would need final cover, Module 3 would need to be filled to natural ground level and final covered, and Module 4 would need to be refilled with soil. The cost to refill the partially excavated module to adjacent ground level would need to be included in the maximum probable closure cost estimate.

The following monitoring systems have been installed at the landfill:

- The initial ground water monitoring system consists of one upgradient monitoring well and two downgradient wells. More monitoring wells will be added as additional modules are opened.

- A leachate collection and removal system will be installed as each module is excavated. A dendritic leachate collection system below the geonet will collect any leachate produced and direct it into a tank or sump for extraction and off-site disposal.

- A gas monitoring system will be installed that consists of a series of wells placed around the perimeter of the landfill.

Additionally, a wetlands mitigation plan has been developed to satisfy the requirements of the Environmental Protection Agency (EPA), the United States Army Corps of Engineers (COE), and the Department of Fish and Game (F&G). The COE has required that for every acre of wetlands that is lost, two acres be replaced elsewhere on the property. To satisfy this request, the County will create vernal pools, wet swales, creeks and marshes, and riparian vegetation in the mitigation area. The wetlands mitigation plan provides for a greater than 2:1 wetland mitigation replacement ratio. No wetland restoration area lies within the module areas (185.4 Ac.) that will be used for landfilling. The wetlands plan will be fully implemented by 1996.

The final landfill slopes will be constructed to a minimum of three percent (3%) grade to provide adequate drainage and prevent ponding after settlement of wastes underlying the upper landfill slopes. Drainage swales will be constructed in some areas of the landfill slopes to reduce the overland flow velocity and direct overland drainage to the swales, thereby reducing erosion problems.

Final cover at North County Landfill will be applied to each individual module upon reaching capacity. The final cover will consist of a two foot foundation layer followed by a one foot clay layer and a one and one-half foot vegetative layer. Soils from the site will be utilized for the entire four and one-half feet of final cover.

ANALYSIS:

Closure and Postclosure Maintenance Requirements

The scope of the North County 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 Quality Control Board (Regional Water Board), LEA, and the Board. After a careful review of the closure and postclosure maintenance plans for North County Landfill, both documents have been found in full compliance with the minimum requirements.

Closure and Postclosure Certification

The operator has complied with statutory requirements by certifying the following:

1) Preparation of a cost estimate for closure and postclosure maintenance.

The Board's Closure Section has reviewed the cost estimates for the preliminary closure and postclosure maintenance of North County Landfill. Board staff has verified that the cost estimates satisfy the minimum legal requirements.

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 for unforeseen circumstances.

Closure Costs		$ 1,850,655
Postclosure Maintenance	(15 years)	$ 1,741,200
Total Costs		$ 3,591,855

2) Establishment of a financial mechanism.

An Enterprise Fund has been established by the County of San Joaquin for North County Landfill as the financial assurance mechanism for the costs of closure and postclosure maintenance.

The San Joaquin County Board of Supervisors passed and adopted Resolution R-90-1190 on September 5, 1990, establishing the fund. An Enterprise fund is acceptable only for solid waste landfills that are operated by a government agency. The Enterprise Fund dedicates its revenue exclusively or with exclusive first priority to financing closure and/or postclosure maintenance.

3) Funding of the mechanism to ensure adequate resources for closure and postclosure maintenance.

Closure and postclosure funds collected are based on the life and capacity for the first three modules only, as described in the preliminary closure and postclosure maintenance plan, since this would be the most expensive time for closure.

The staff of the Financial Assurances Section reviewed the financial mechanism for closure and postclosure maintenance on October 26, 1990, and found that the mechanism is in compliance with 14 CCR, Division 7, Chapter 5, Article 3.5.

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. On April 19, 1991, the San Joaquin County Environmental Health Division, as the LEA, approved the preliminary closure and postclosure maintenance plans.

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.

STAFF RECOMMENDATION:

Board staff found the preliminary closure and postclosure maintenance plans to be in compliance with the Board's closure requirements.

Staff recommends that the Board adopt Resolution No. 91-39, approving the preliminary closure and postclosure maintenance plans and closure and postclosure certification for North County Landfill, San Joaquin County, Facility No. 39-AA-0022.

ATTACHMENT:

1. Resolution 91-39

Additional attachments are included in the October 23, 1991, Permitting and Enforcement Committee agenda packet.

Prepared by: Kim Schwab/Michael B. Wochnick Phone (916) 327-9337

Reviewed by: Martha Vazquez Phone (916) 327-9287

Legal Review: Date/Time

California Integrated Waste Management Board
Resolution 91-39
October 30, 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, Public Resources Code, Section 43501 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 North County 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 North County Landfill; and

WHEREAS, Board staff has reviewed the preliminary 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 Public Resources Code, Section 43501.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the preliminary closure and postclosure maintenance plans and closure and postclosure certification for North County Landfill, San Joaquin County, Facility No. 39-AA-0022.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 10

ITEM: Consideration of Adoption of Regulations for Financial Responsibility for Operating Liability Claims

COMMITTEE ACTION:

The Permitting and Enforcement Committee met on October 9, 1991, and directed staff to bring this item before the Board at the October 30, 1991 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 public comment period closed on the regulation package. Public comments were heard during the Permitting and Enforcement Committee meeting held on that day.

On June 21, 1991, the first amended proposed regulations were noticed for an additional 15-day public comment period to address changes made to the proposed regulations. This 15-day comment period closed at 4:00 pm on July 8, 1991.

On July 9, 1991, the amended regulations were brought before the Permitting and Enforcement Committee. The committee instructed staff to contact the Department of Insurance regarding the requirements of the regulations, and to amend the language in

Section 18236 - Insurance, if necessary, to satisfy concerns of the public.

On August 7, 1991, Board advisors, staff and Board counsel met with counsel from the Department of Insurance regarding the insurance issues and coverage requirements of the proposed regulations.

On September 18, 1991, the Permitting and Enforcement Committee directed staff to "notice" the proposed amended regulations for an additional 15-day public comment period.

On September 19, 1991, the proposed regulations (Attachment 2) were noticed for an additional 15-day public comment period due to amendments to the language. The comment period closed on October 4, 1991.

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.

ATTACHMENTS:

1. PRC 43040 (AB 939, Sher, Statutes of 1989, Chapter 1095)
2. Amended Proposed Regulations
3. Board Resolution No. 91-72

Prepared By: Richard Castle/Garth C. Adams Phone 327-9348

Approved By: Martha Vazquez M. Vazquez Phone 327-9287

Approved by Legal: MEM Date 10/16/91 Time 4:15pm

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

September 19, 1991

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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Underline identifies new proposed regulations to be added to the California Code of Regulations.
Redline identifies amendments to the proposed regulations which will add language.
~~Strikeout~~ identifies amendments to the proposed regulations which will delete language.

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 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~~July 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 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.

(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.

(5) "Corporate guarantee" means a contract meeting the requirements of section 18239 of this Article through which a guarantor promises that, if an operator fails to pay a claim by a third party for bodily injury and/or property damage caused by an accidental occurrence, the guarantor shall pay the claim on behalf of the operator.

(6) "Excess coverage" means assurance for third party 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.

(7) "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 bodily injury and property damage caused by accidental occurrences by satisfying the prescribed set of financial criteria.

(8) "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.

(9) "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.

(10) "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 bodily injury and property damage caused by an accidental occurrence.

(11) "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 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.

(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.

(14) "Primary coverage" means the first priority coverage for third party bodily injury and property damage costs up to a specified limit when used in combination with other coverage.

(15) "Property damage" means physical injury to tangible property, 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.

(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.

(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:

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."

(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 on 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 those 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.

(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, but not limited to, a trustee, an insurer, ~~a risk retention group,~~ or a guarantor.

(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 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 3 facilities.

(4) Four million dollars ($4,000,000) annual aggregate for 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 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 130 (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 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 shall be regulated by a federal or state agency, or the provider 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)~~ ~~B~~be an insurer 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)~~ ~~B~~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.~~

(c) If coverage is obtained as described in section (b) of this section, the insurance shall be transacted by and through a surplus line broker currently licensed under the regulations of the California Department of Insurance (California Insurance Code (CIC), Division 1, Part 2, Chapter 6) and upon the terms and conditions prescribed by the California Department of Insurance.

(d) The Board or its designee may object to the use of any insurer at anytime, whether before or after placement of coverage based on information obtained from, but not limited to, the Surplus Line Association of California, Best's Insurance Reports, and/or the Non-Admitted Insurers Quarterly List.

(~~e~~e) Each insurance policy shall be either:

(1) Evidenced by a certificate of liability insurance established by using form CIWMB 131 (5~~7~~/91), which is incorporated by reference; or

(2) Amended and evidenced by a liability insurance endorsement established by using form CIWMB 132 (5~~7~~/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 133 (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 134 (5/91) or CIWMB 135 (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 134 (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 135 (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 136 (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 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	☐ Incorporated in the State of_____
☐ Partnership ☐ Proprietorship	☐ A National Bank
In the State of_____	

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 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 _____ per occurrence and _____ 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.

(b) "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.

(c) Any obligation of the Grantor under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(d) "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.

This exclusion applies:

(1) Whether the Grantor may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay another person who must pay damages because of the injury

(e) "Bodily injury" or "property damage" 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 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).

(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;

(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 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 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 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 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~~ Toxic Substances Control, 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)

Name	Address	Facility Information Number	LIMITS OF LIABILITY 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 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~~Toxic Substances Control, 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)

Name	Address	Facility Information Number	LIMITS OF LIABILITY 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 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~~Toxic Substances Control, 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 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~~ Toxic Substances Control, 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 134 (5/91).

(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~~Toxic Substances Control, 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 135 (5/91).

(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~~Toxic Substances Control, 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:

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:

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.

7. The fiscal year of this firm ends on _____
(Month/Day)

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 _____.

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 136.

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 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 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 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 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 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~~Toxic Substances Control, 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 91-72
October 30, 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 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; and

WHEREAS, the Board has consulted with the U.S. Environmental Protection Agency, the California Department of Health Services, California Department of Insurance, members of the affected industry and the public at large while developing financial responsibility for operating liability claims regulations in accordance with Public Resources Code Section 43040; and

WHEREAS, the Board has taken all 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 of the California Code of Regulations, Section 20.

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.

Certification

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

OCTOBER 30, 1991

AGENDA ITEM 11

ITEM: Consideration of Formal Adoption of Architect-Engineer Contract Regulations.

COMMITTEE ACTION:

This item was discussed at the October 9, 1991 Permitting and Enforcement Committee Meeting. The Committee approved the Architect-Engineer (A-E) Contract Regulations and forwarded this item on to the October 30, 1991 Board Meeting for formal adoption. The Committee's approval of the regulations stipulated that no comments would be received between the time of the October 9, 1991 meeting and the close of the 15-day comment period. No comments were received.

BACKGROUND:

The Public Hearing for the Proposed A-E Contract Regulations was held by the Permitting and Enforcement Committee on September 18, 1991. No oral comments were made by the public. The end of the day on September 18, 1991 (5:00 pm) also marked the end of the 45-day public comment period, which is mandated by the Administrative Procedure Act. Only one comment, which was submitted in writing, was received by the Board during this comment period.

The revisions, which were proposed at the September 18, 1991 Permitting and Enforcement Committee Meeting, have been made. These revisions were in response to the one comment received from the public and to preliminary suggestions made by the Office of Administrative Law (OAL) when it reviewed these regulations as emergency regulations in August 1991. All of the revisions were explained in detail in the September 18, 1991 Permitting and Enforcement Committee Agenda Item 1, and are shown clearly in Attachment 1, the proposed regulations.

The revised A-E regulations, together with a 15-day Notice of Comment-on-Change and a cover letter, were mailed on September 24, 1991, with the Committee's approval. This postmark initiated the additional 15-day public comment period which ended on October 9, 1991.

ANALYSIS:

As stated above, the proposed regulations are shown in Attachment 1. The original text, as formally noticed on August 2, 1991, is redlined. Revisions in the form of additions are indicated with underline and revisions in the form of omissions are indicated with ~~strikeout~~.

For convenience, the revisions which were made to the noticed A-E regulations, will again be summarized in this agenda item. The revisions made to this document were in response to two different sources of comments:

First, the originally proposed and noticed text was submitted to the OAL as proposed emergency regulations in addition to being formally noticed as proposed permanent regulations in August 1991. The OAL required several minor revisions be made to the emergency regulations. Therefore, the same changes were made to the formally noticed regulations. In addition, OAL suggested, but did not mandate, a few other small changes which were made and are indicated on Attachment 1.

Second, one written comment was received during the 45-day public comment period. This comment was submitted by a representative of Brown, Vence, and Associates and requested more detail on Section 17027, Emergency Contracting.

In response to the above suggestions, Section 17027 was more thoroughly justified and more detail was added. That is, some of the more time consuming procedures, (announcement, formal ranking, and interviewing), which are detailed in Sections 17020 - 17029 may not be followed in cases where the Board makes a Finding of Emergency. Those procedures, as well as the procedures which must be followed (selection criteria, and fee determination), are now specified. Also, the regulation now states that for the Board to make a Finding of Emergency, it must determine that conditions at a solid waste facility pose an imminent threat to life or health and insufficient time exists to implement the procedures in proposed Sections 17020 -17029.

The addition of Section 17029, Unlawful Activities and Conflict of Interest, was included to specifically eliminate unlawful activities such as rebates and kickbacks from the selection process. It also excludes Board employees with potential conflicts of interest from participating in the contractor selection process.

Section 17022, Selection Criteria, was a little too vague and, therefore, was made to be more specific. Also, all of the sections' reference citations were more clearly specified. The

above mentioned changes were made as well as minor wording changes. A detailed explanation of each revision will be available at the October 30, 1991 Board Meeting.

The revised document has been made available for public review for the entire 15-day Comment-On-Change period as required by the Administrative Procedure Act. This period ended on October 9, 1991. No further revisions were required.

STAFF COMMENTS:

Board members are requested to formally adopt the Architect-Engineer Contract Regulations and to direct staff to complete the rulemaking file and submit it to the OAL for approval.

ATTACHMENTS:

1. Proposed Architect-Engineer Regulations
2. Statement of Reasons
3. Resolution #91-70

Prepared by:	Terri A. Rieken/Gregg Jacob (tac 10/21/91)	Phone	445-9563
Reviewed by:	Martha Vázquez	Phone	327-9347
Legal review	10-21-91	Date/Time	10:45 am

CA015/agenda00.brd

CALIFORNIA CODE OF REGULATIONS

REVISED PROPOSED REGULATIONS

TITLE 14, DIVISION 7, CHAPTER 1

ARTICLE 2. Contracting with Architectural, Engineering, Environmental, Land Surveying and Construction Project Management Firms.

17020. Definitions.

As used in these regulations:

(a) "Architectural, engineering, environmental, ~~and~~ land surveying services," and "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.

(e) "DVBE" means Disabled Veteran Business Enterprise.

(~~e~~f) "Small Business Firm" has the meaning set forth in Section 14837(c) of the Government Code.

Authority cited: Section 40502, Public Resources Code
Section 4526, Government Code

Reference cited: Sections 4525, 4526, ~~4525 — 4529.5~~ Government Code
Sections 45402, 45403 Public Resources Code

17021. 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 contract identification number, 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, 4529.5, ~~4525 — 4529.5~~ Government Code
Sections 45402, 45403, Public Resources Code

17022. Selection Criteria.

The board shall select firms based on their ability to perform the specific functions outlined in the RFQ. The criteria for selection will include:

~~(a) Professional excellence, demonstrated competence, education and experience of key personnel, staff capability, workload, ability to meet schedules, principals to be assigned, of the firm, location, professional awards and other considerations deemed relevant.~~

(a) Overall professional experience, reliability, and continuity of the firm as related to the tasks described in the RFQ.

(b) Professional experience of the firm in executing contracts of a similar nature.

(c) Adequacy of personnel numbers within specific disciplines required to complete the work required by the RFQ.

(d) Experience and training of key personnel as related to the work described in the RFQ.

(e) Adequacy of number of principal(s) which are intended to be assigned to the contract.

(f) Knowledge of applicable regulations and technology associated with the contract.

(g) Quality and timeliness of recently completed or nearly completed projects which were similar to the work described in the RFQ.

~~(b)~~(h) Specialized qualifications for the services to be performed.

~~(c)~~(i) Compliance with M/WBE and DVBE goals or good faith effort pursuant to Public Contract Code section 10115 et seq.

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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, 4529.5, ~~4525 — 4529.5~~ Government Code
Sections 45402, 45403, Public Resources Code

17023. 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 the ~~established~~ selection criteria contained in Section 17022. 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, 4529.5, ~~4525 - 4529.5~~ Government Code
Sections 45402, 45403, Public Resources Code

17024. 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 by board staff 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 above and continue the negotiation procedure until an agreement is reached.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4528, ~~4525 - 4529.5~~ Government Code
Sections 45402, 45403, Public Resource Code

17025. 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.~~

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4528, ~~4525 - 4529.5~~ Government Code Sections 45402, 45403, Public Resource Code

17026. 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, ~~4525 - 4529.5~~ Government Code Sections 45402, 45403, Public Resource Code

17027. Emergency Contracting.

Where the board makes a finding of emergency, the board may negotiate a contract for such services without following procedures in Sections 17020 - 17029. The finding of emergency must include 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 selection criteria will be the same as those listed in Section 17022 and fees will still be negotiated as described in Section 17024. The announcement, formal ranking, and interviewing procedures, as specified in Sections 17021 and 17023 may be by-passed.

Authority cited: Section 4526, Government Code
Section 40502, Public Resources Code

Reference cited: Sections 45001, 45002, 45402, and 45403, Public Resources Code ~~4525 - 4529.5, Public Resource Code~~

17028. 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.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Sections 4526, 4527, ~~4525 - 4529.5~~ Government Code
Sections 45402, 45403, Public Resource Code

17029. Unlawful Activities and Conflict of Interest.

Practices which might result in unlawful activity, including, but not limited to, rebates, kickbacks, or other unlawful consideration are prohibited. Additionally, a board employee shall not participate in the selection process if the employee has a relationship of a type specified in section 87100 of the Government Code, with a person or business entity seeking a contract subject to this chapter.

Authority cited: Section 4526, Government Code; Section 40502, Public Resources Code

Reference cited: Section 4526, Government Code
Sections 45402, 45403, Public Resource Code

INITIAL STATEMENT OF REASONS

TITLE: 14, DIVISION 7, CHAPTER 1
GENERAL SERVICES

ARTICLE 2. CONTRACTING WITH ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LAND SURVEYING AND CONSTRUCTION PROJECT MANAGEMENT FIRMS.

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.

17020. Definitions.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

A number of technical terms appear in Article 2 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 "DVBE". This term, Disabled Veteran Business Enterprise, is important since the State is attempting to encourage the hiring of competent disabled veterans. The abbreviation, DVBE, is used 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 17020:

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.

17021. 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 17021:

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.

17022. 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. This regulation was revised in order to more specifically state the selection criteria which will be used to choose a contractor for environmental or engineering services. This revision was in response to advice by Barbara Steinhardt at the Office of Administrative Law.

DISCLOSURES REGARDING SECTION 17022:

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.

17023. 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 17023:

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.

17024. 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 17024:

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.

17025. 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. The nature of corrective action work requires flexibility in the contract to allow change in the direction or amount of work. For example, the first step in any corrective action procedure is assessment, followed by remediation. Often, additional problems or assessments are made during the remediation phase or later. Also, additional problems can occur during the remediation phase such as; fire or slope failure. Consequently, changes need to be as manageable as possible. This regulation 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. Further explanation was added to this section of the Initial Statement of Reasons at the advice of counsel, Barbara Steinhardt at the Office of Administrative Law. 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 17025:

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.

17026. 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. Again, the nature of corrective actions, is such that many, if not most, projects

will be completed in phases. An assessment phase would be completed initially. This phase is completed by an engineering or environmental contractor to determine the nature and extent of the problem and the possible alternative solutions. The following remediation and/or closure phases would not be able to be initiated until the assessment phase is concluded. This section of the Initial Statement of Reasons also has been revised at the advice of counsel, Barbara Steinhardt at the Office of Administrative Law.

DISCLOSURES REGARDING SECTION 17026:

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.

17027. 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. Corrective actions programs must deal with emergency release situations as well as fires, slope failures, and other emergency problems. The ability to select a contractor and have that contractor respond immediately is essential for the effective handling of these situations. When life or health and safety is threatened, the Board has the option of disregarding the approved contracting procedure and securing an emergency contract. It should be noted, however, that in order for the Board to invoke this privilege, the Board must make a finding of emergency. That is, the Board must determine 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. This regulation is necessary to protect public life or health and safety. The explanation of the necessity of this regulation has been expanded on the advice of Barbara Steinhardt at the Office of Administrative Law.

DISCLOSURES REGARDING SECTION 17027:

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.

17028. 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 17028:

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.

17029. Unlawful Activities and Conflict of Interest.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

Section 4527 of the Government Code requires a state agency to insure against practices like kickbacks, rebates, and other unlawful activities when selecting a contractor.

SPECIFIC PURPOSE OF THE REGULATION; NECESSITY.

This regulation specifies activities which are unlawful, and therefore, not permitted in the Architect-Engineer contract selection process. This regulation, and therefore, section of the Statement of Reasons has been added in response to the advice of Barbara Steinhardt at the Office of Administrative Law.

DISCLOSURES REGARDING SECTION 17028:

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.

SUMMARY OF COMMENTS AND RESPONSES

The following is the only comment which was received within the 45-day public commentary period. That period began with the publication of the Notice of Proposed Rulemaking in the State Notice Register on August 2, 1991.

17027. Emergency Contracting.

Comment: With reference to the proposed above regulations, Section 17027 Emergency Contracting: If the finding of an imminent threat to life or health..." is made, what is the procedure the board will follow for contracting for services? Will other regulations be developed for that procedure?

Response: Section 17027 was revised to specify which regulations out of Sections 17020 through 17029 will be adhered to in the case of emergency. Specifically, the regulation lists Section 17022 and 17024 as sections that will be followed. The regulation additionally specifies that the announcement, formal ranking and interviewing procedures may be bypassed. Also, the regulation now states exactly what finding the board must make in order for the situation to be considered an emergency.

RESPONSE TO UNTIMELY COMMENTS

The following comments were received after the 45-day public comment period. The period began with the publication of the Notice of Proposed Rulemaking in the State Notice Register on August 2, 1991. This period ended at 5:00 pm on September 18, 1991 and these comments were received on September 21, 1991. Staff is not obligated to respond to these questions as stipulated in the Administrative Procedure Act. However, we will address these comments at this time.

General.

Comment: In general, we would encourage the Board to adopt procedures that follow the recommendations of the American Society of Civil Engineers. I have attached a copy of their "Recommended Policy and Procedure for Obtaining Professional Consulting Services" for your review.

Response: While the recommendations of the American Society of Civil Engineers are undoubtably good ones, the procedures which the California Integrated Waste Management Board are trying to adopt are outlined by California State Government Code (i.e. Sections 4525 - 4529.5, Government Code). Also, these are the same general procedures adopted by other state agencies that contract Architect-Engineer services.

17024. Negotiation of Contract.

Comment: The best qualified firm and the Board should first agree on a specific scope of work before the State prepares an estimate of fees to be used in the negotiations on cost.

Response: Normally, this would be a good suggestion, but these contracts are general in nature. In the process described by these regulations, it is the <u>type</u> of services for which estimates of fees are prepared and negotiated. It is not the actual work to be performed on a particular job. That is negotiated in terms of hours of each type of service <u>after</u> the fees are agreed upon and the contract is signed.

17026. Contracting in Phases.

Comment: A reasonable limit should be placed on the completion of the project and if that limit is exceeded, re-bidding should occur.

Response: This comment was also received after the deadline of September 18, 1991 that was specified in the Notice of Proposed Rulemaking. However, in answer to the comment, it is assumed that the commentor means that a particular contractor should not be given an "open" contract with no limitations on the amount of fees to be charged. Once again, these contracts are of a general nature in that they state specific fees for specific types of work. They are not written for specific jobs. Corrective actions are often performed in phases - usually beginning with assessment and ending with remediation. It is essential for the Board to be able to contract these phases without going through the entire contracting process each time. Once an agreement is reached in terms of hours of each type of service for the first phase, it is generally assumed that a similar agreement will be easily reached for following phases. This is the reason that the contract spending limitations, in terms of money and time, are placed in the Request For Qualifications. If a particular phase of a project extends beyond the time limit of the general contract, a new contract would have to be negotiated.

Attachment 3

California Integrated Waste Management Board
Resolution 91-70
October 30, 1991

WHEREAS, formal notice of rulemaking activity was published on August 2, 1991, the 45-day public comment period has passed, and the Board has held a public hearing on September 18, 1991 to consider the adoption of regulations pertaining to the contracting of engineering and environmental services; and

WHEREAS, the Board held a 15-day public comment period on changes the Board's Permitting and Enforcement Committee approved at its September 18, 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 the proper procedures for contracting engineering and environmental services 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 Architect-Engineer contract regulations to be codified in 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 Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of resolution 91-70 duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 12

ITEM: Consideration of Facilities Evaluation Report for County of Tehama Local Enforcement Agency Jurisdiction

COMMITTEE ACTION: The Permitting and Enforcement Committee considered the above item on October 9, 1991. The Committee concurred with the staff recommendations and placed the item on the Board's consent calendar for October 30, 1991.

BACKGROUND:

The Public Resources Code (PRC) Section 43219(b) states that the California Integrated Waste Management Board (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(c) states that 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. In addition, PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate State Minimum Standards. The inventory has been designated by the Board as the State List of Non-Complying Facilities.

ANALYSIS:

The County of Tehama Health Department, Division of Environmental Health is the sole Local Enforcement Agency for Tehama County. There is one active "conventional" landfill, one active woodwaste landfill, one inactive woodwaste landfill, three active small volume transfer stations, one inactive recycling facility, and fourteen closed, illegal, or abandoned sites within the LEA's jurisdiction.

During March 1991, each active and inactive solid waste facility within Tehama County was inspected by Board staff in conjunction with the Local Enforcement Agency (LEA), pursuant to PRC Section 43219(b). Closed, illegal, and abandoned sites which could be located were also assessed and referred to the Board's Closed, Illegal and Abandoned Sites Branch.

At the time of the exit interview, September 19, 1991, two of the seven solid waste facilities within the LEA's jurisdiction continue to be in violation of at least one State Minimum Standard.

No significant violations of state minimum requirements were documented during the evaluation that had not been previously identified and resolved by the LEA.

The Tehama County LEA has generally implemented their Enforcement Program at an acceptable level. They have performed monthly inspections of all active, permitted facilities since January, 1990. However, although the Tehama County LEA has initiated the steps necessary for issuing SWFPs for many of the active, non-permitted sites, they must continue efforts required to determine the need for SWFPs and to ensure that, when needed, all SWFPs are issued and processed in a timely manner.

Board staff, in conjunction with the LEA, will re-inspect all facilities within the LEA's jurisdiction again next year, pursuant to PRC Section 43219(b).

Board staff has prepared a Facilities Evaluation Report (FER) outlining the compliance status of the solid waste facilities as well as the effectiveness of the Tehama County LEA's Programs. The Executive Summary of the FER is included as Attachment 1 of this Agenda Item. The complete FER is on file at the Board.

STAFF COMMENTS:

1. Pursuant to 30 PRC 44104, Board staff recommends that the Board notify the owner and operator of each of the following solid waste facilities of the Board's intent to include each site on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of the Board notice:

Manton Transfer Station	(52-AA-0004)
Paynes Creek Transfer Station	(52-AA-0006)

   Without following up with a notice of intent to place these sites on the List, there would be further delays in bringing the sites into compliance with State Minimum Standards.

2. Initiating a Performance Review or Periodic Review of the LEA signifies that the LEA did not identify and resolve significant violations of state minimum requirements or did not fully implement its LEA program. Board staff finds that there is not a need to pursue further review of the Tehama County LEA at this time.

3. Board staff finds the Board should recommend that the LEA increase their efforts in determining permit status for non-permitted sites in order for the LEA to obtain and/or maintain their certification.

ATTACHMENTS:

1. Facilities Evaluation Report for the County of Tehama LEA Executive Summary (complete report on file with the Board).

Prepared by: Robert Holmes/H. Thomas Unsell Phone: 2-8414

Reviewed by: John K. Bell Phone: 3-6520

Legal Review: Date/Time: 10-17-16:52

FACILITY EVALUATION REPORT
COUNTY OF TEHAMA, LEA 52-AA

EXECUTIVE SUMMARY

The Tehama County Health Department is the sole Local Enforcement Agency (LEA) for the County of Tehama. There is one active "conventional" landfill, one active woodwaste landfill, one inactive woodwaste landfill, three active small volume transfer stations, one inactive recycling facility, one closed woodwaste landfill, and ten illegal or abandoned sites within the LEA's jurisdiction.

In March, 1991, each solid waste facility and disposal site within the County of Tehama 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(b).

Three out of seven permitted solid waste disposal facilities were found to be in violation of at least one State Minimum Standard. Two of those facilities remain in violation. Board staff will therefore recommend that the Board give each operator of a non-complying facility a notice of the Board's intent to place the site on the State List of Non-Complying Facilities pursuant to PRC Section 44104 unless all violations are corrected within 90 days. No other facilities in the County of Tehama 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.

The County of Tehama LEA has generally implemented their Enforcement Program at an acceptable level. They have performed monthly inspections of all active, permitted facilities since January, 1990. However, although the County of Tehama LEA has initiated the steps necessary for issuing SWFPs for many of the active, non-permitted sites, they must continue efforts required to determine the need for a SWFPs and to ensure that, when needed, all SWFPs are issued and processed in a timely manner. Board staff finds the Board should recommend that the LEA increase their efforts in determining permit status for non-permitted facilities in order for the LEA to obtain and/or maintain their certification.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 13

ITEM: Consideration of Facilities Evaluation Report for the Napa County Local Enforcement Agency Jurisdiction

COMMITTEE ACTION: The Permitting and Enforcement Committee considered the above item on October 9, 1991. The Committee concurred with the staff recommendations and placed the item on the Board's consent calendar for October 30, 1991.

BACKGROUND:

The Public Resources Code (PRC) Section 43219 (b) states that the California Integrated Waste Management Board (Board), in conjunction with an inspection conducted by the enforcement agency, shall conduct each year, at least one inspection of each facility in the state. PRC Section 43219 (c) states that 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. In addition, PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate state minimum standards. The inventory has been designated by the Board the State List of Non-Complying Facilities.

ANALYSIS:

The Napa County Division of Environmental Health is the designated LEA for Napa County. Between November 1990 and April 1991, each active solid waste disposal site within Napa County was inspected by Board staff in conjunction with the LEA pursuant to Public Resources Code (PRC) Section 43219(b). However, the LEA was not present for the entire inspections and failed to submit these inspection reports to the Board. Closed, illegal, and abandoned sites which could be located were also inspected.

Within the LEA's jurisdiction are: two active, permitted landfills; one active landfill operating without a valid permit; one active, exempt landfill; and eight closed, illegal or abandoned sites. On September 18, 1991 Board staff met with the Napa County LEA, at an "exit interview" for the Facility Evaluations process. During that meeting the LEA verified that American Canyon Sanitary Landfill (28-AA-0001) continues to be in violation of at least one State Minimum Standard.

No significant violations of state minimum requirements were documented during the evaluation that had not been previously identified and resolved by the LEA.

While the LEA has implemented their enforcement program at an acceptable level, the LEA failed to identify permit violations at American Canyon Sanitary Landfill (28-AA-0001), Clover Flat Landfill (28-AA-0002), and Berryessa Garbage Service (28-AA-0003) prior to their identification by Board staff, failed to inspect the above facilities once per month, and failed to conduct and submit inspections done in conjunction with the Board's annual state inspections. In addition, the LEA failed until September of 1991 to measure the area of exposed refuse while conducting weekly performance standards inspections at American Canyon Sanitary Landfill (28-AA-0001). Although staff identified the above areas as deficient, the LEA should be recognized for taking prompt enforcement action during a leachate spill at American Canyon Sanitary Landfill.

Board staff, in conjunction with the LEA will re-inspect all facilities within the LEA's jurisdiction again next fiscal year pursuant to PRC Section 43219 (b).

Board staff has prepared a Facilities Evaluation Report (FER) outlining the compliance status of the solid waste facilities within Napa County. The FER executive summary is included as Attachment 1 of this Agenda Item. The complete FER is on file with the Board.

STAFF COMMENTS:

1. Pursuant to 30 PRC 44104, Board staff recommends that the Board notify the owner and operator of the following solid waste facility of the Board's intent to include this site on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice.

American Canyon Sanitary Landfill (28-AA-0001)

There would be further delays in bringing the site into compliance if a notice of intent to place this site on the List is not issued.

Initiating either a Performance or Periodic Review of the LEA signifies that the LEA did not identify and resolve significant violations of state minimum requirements or did not fully implement an LEA program.

2. Board staff finds that there is no need to pursue further review at this time of the Napa County LEA.

3. Board staff finds that the Board should recommend that the LEA pay particular attention to the following statutory and regulatory requirements which must be met in order for the LEA to obtain and/or maintain their certification:

   a.) Identify permit violations and take appropriate, timely enforcement action, and
   b.) Inspect active facilities monthly, and
   c.) Conduct and submit inspections in conjunction with the state's annual inspections, and
   d.) Continue measuring the area of exposed waste weekly at American Canyon Sanitary Landfill (28-AA-0001).

List of Attachments:

1. Facilities Evaluation Report for the Napa County LEA Executive Summary (complete Report on file with the Board)

Prepared by: Brian Larimore \ Sharon Anderson Phone 2-3606

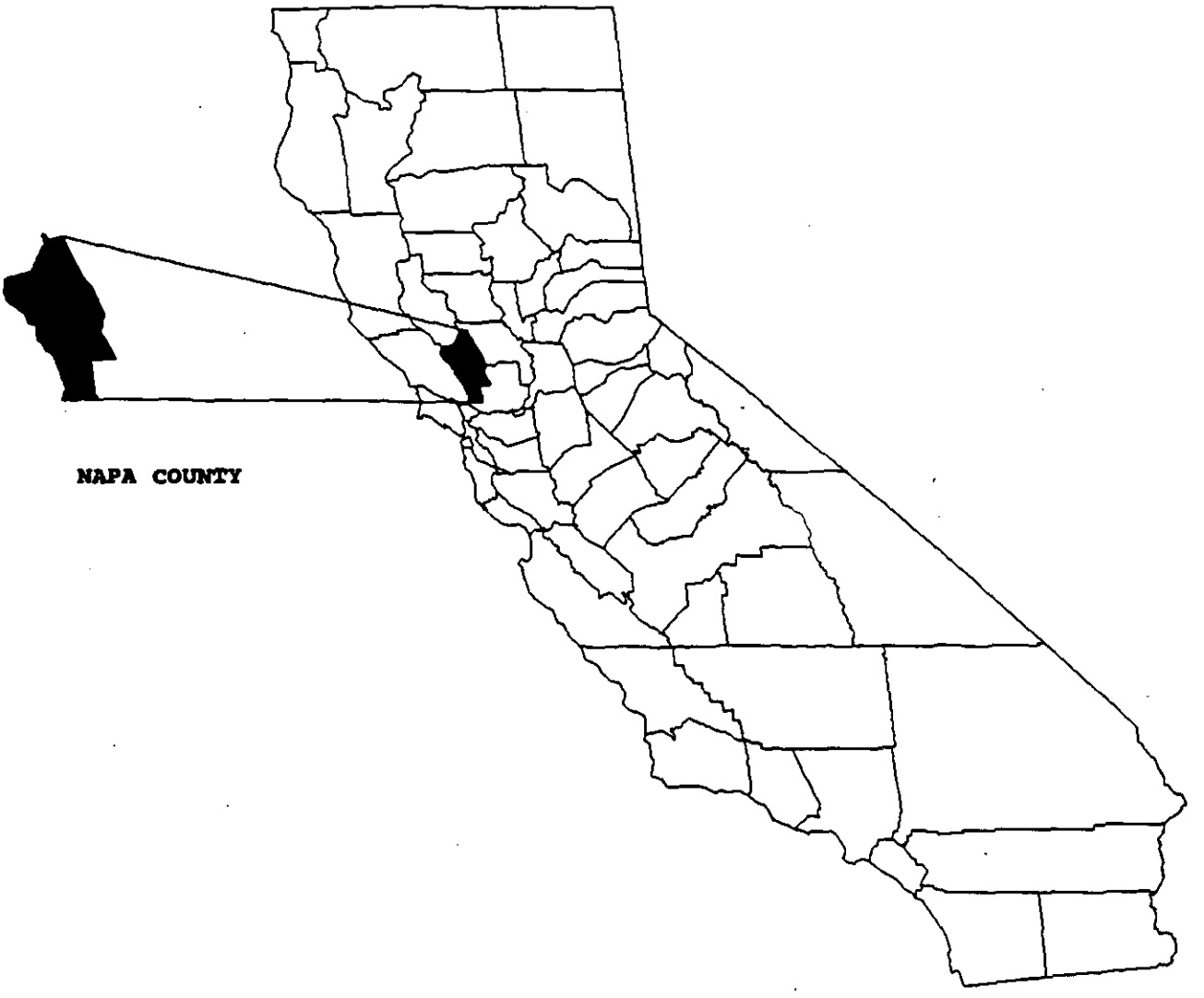
Reviewed by: John K. Bell Phone 3-6520

Legal review: Date/Time 10-17-17:09

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Facilities Evaluation Report

County of Napa, LEA Jurisdiction, 28-AA



Prepared By:

Brian Larimore
Waste Management Specialist
Facility Evaluations, Unit A
Compliance Branch
Permitting and Compliance Division

October 9, 1991

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FACILITIES EVALUATION REPORT

COUNTY OF NAPA, LEA 28-AA

EXECUTIVE SUMMARY

The Napa County Division of Environmental Health is the designated Local Enforcement Agency (LEA) for the County of Napa. There are 2 active, permitted landfills, 1 active landfill operating without a valid permit, one active, exempt landfill, and 8 closed, illegal or abandoned landfills within the LEA's jurisdiction.

Between November 1990 and July 1991, each solid waste facility and disposal site within Napa County was inspected or assessed by California Integrated Waste Management Board (Board) staff in conjunction with the LEA pursuant to Division 30, Public Resources Code (PRC) Section 43219 (b).

The two active, permitted solid waste facilities and the one facility operating without a valid permit were found to be in violation of at least one State Minimum Standard. The LEA, during their monthly inspections, documented corrections of all State Minimum Standards violations at two of the three facilities. As a result, Board staff will still recommend that the Board give the operator of American Canyon Sanitary Landfill a notice of intent to place this site on the State List of Non-Complying Facilities pursuant to PRC Section 44104 unless all violations are corrected within 90 days.

No significant violations of state minimum requirements reflecting on the LEA effectiveness were identified during the evaluation pursuant to PRC Section 43219. In fact, the LEA identified a leachate spill at American Canyon Sanitary Landfill (28-AA-0001), ordered the operator to immediately cease the off-site discharge of leachate, notified the Board and other appropriate agencies, and issued a notice and order which addressed this violation of state minimum requirements. Also, an additional staff person was assigned to handle permitting and closure duties. Therefore, Board staff will not recommend that the Board initiate a formal performance review of the LEA pursuant to PRC Section 43219.

The Napa County Department of Environmental Management has implemented the LEA Enforcement Program at an acceptable level; however, the LEA failed to identify permit violations at both active, permitted facilities and one facility operating without a valid permit, within its jurisdiction in a timely manner. In

addition, the LEA failed to inspect the active, permitted facilities and one facility operating without a valid permit monthly during the period from September 1, 1990 to August 31, 1991, and although present during the annual state inspections, failed to submit inspections done in conjunction with Board staff inspections. However, the LEA was unaware that their agency was required to submit inspection reports done in conjunction with Board staff. The LEA has inspected the two active, permitted landfills and one active landfill operating without a valid permit monthly during the last four months. The LEA conducted performance standard inspections weekly at American Canyon Sanitary Landfill; however, the LEA failed to measure the area of exposed refuse as required under 14 CCR 17683 -Performance Standards.

At this time, Board staff finds no reason to further review the Napa County LEA. However, Board staff finds that the Board should make recommendations to the LEA which address statutory and regulatory requirements which must be met in order for the LEA to obtain and/or maintain their certification.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
October 30, 1991

AGENDA ITEM 14

ITEM: Consideration of Facilities Evaluation Report for the County of Sonoma Local Enforcement Agency Jurisdiction

The Permitting and Enforcement Committee on October 9, 1991 concurred with staff recommendations and agreed to place the item on the consent calendar for the October 30, 1991 Board Meeting.

BACKGROUND:

The Public Resources Code (PRC) Section 43219 (b) states that the California Integrated Waste Management Board (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 (c) states that 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. In addition, 30 PRC Section 44104 states that the Board shall maintain an inventory of solid waste facilities which violate state minimum standards. The inventory has been designated by the Board as the State List of Non-Complying Facilities.

ANALYSIS:

The Sonoma County Public Health Department is the designated Local Enforcement Agency (LEA) for Sonoma County. The Division of Environmental Health within the Department currently carries out the duties and responsibilities of the LEA. Between December 1990 and June 1991, each active and inactive solid waste facility site within Sonoma County was inspected or assessed by California Integrated Waste Management Board (Board) staff in conjunction with the Local Enforcement Agency (LEA) pursuant to Division 30, Public Resources Code (PRC) Section 43219. Closed, sites without a solid waste facility permit (SWFP), and abandoned sites were also inspected or assessed.

Solid waste facilities in the County of Sonoma include four (4) active permitted landfills, two (2) inactive permitted landfills, one (1) active landfill without a SWFP, one (1) active exempt landfill, two (2) inactive exempt landfills, three (3) inactive landfills without a SWFP and fifteen (15) closed landfills, three of which are permitted, two are exempt and 10 have not been permitted. The county also contains six (6) active permitted transfer stations and one (1) inactive permitted transfer station. There is one (1) active, exempt green waste composting study project. There are also over one hundred twenty (120)

other disposal sites in the county. All but three of these are closed and/or exempt short term (less than one year) geothermal drilling mud sumps. Two are permitted long term (greater than one year) geothermal drilling mud disposal sites. The last is a permitted sludge landspreading operation.

Fourteen (14) of the seventeen (17) permitted active, inactive and closed facilities within this LEA jurisdiction were found to be in violation of one or more State Minimum Standard.

No significant violations of state minimum requirements were documented during the evaluation that had not been previously identified and resolved by the LEA pursuant to 30 PRC 43219.

While the Sonoma County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed complete all required monthly facility inspections pursuant to PRC 43218. The LEA is in the process of increasing staff in order to meet all their duties and responsibilities.

Board staff has prepared a Facilities Evaluation Report (FER) outlining the compliance status of the solid waste facilities within Sonoma County. The FER executive summary is included as Attachment 1 of this Agenda Item. The complete FER is on file with the Board.

STAFF COMMENTS:

1. Pursuant to 30 PRC 44104, Board Staff recommends that the Board notify the owner and operator of each of the following solid waste facilities of the Board's intent to include each site on the State List of Non-Complying Facilities unless all violations of State Minimum Standards are corrected within 90 days of Board notice:

   Annapolis Disposal Site 49-AA-0002
   Cloverdale #2 Wood Waste Disposal Site 49-AA-0011
   Healdsburg Disposal Site 49-AA-0004
   Rorabough #7 49-AA-0039
   Occidental Transfer Station 49-AA-0006
   Guerneville Transfer Station 49-AA-0139
   Casa Grande 49-AA-0009
   Sonoma Transfer Station 49-AA-0144

Without following up with a notice of intent to place these sites on the List, there may be further delays in bringing the sites into compliance.

2. The Board may elect not to initiate a formal Performance Review of the LEA pursuant to 30 PRC 43219.

Board staff finds that the LEA did identify and resolve significant violations of state minimum requirements and implement an Enforcement Program. Therefore, Board staff finds there is no need to pursue further review of Sonoma County LEA.

3. The Board may elect to recommend that the Sonoma County LEA continue as planned to increase staff in order to fully meet its duties and responsibilities.

Although the LEA has implemented its Enforcement Program it was unable to complete all required monthly facility inspections because of reduced staff levels. If staff levels are increased as planned the LEA should be able to complete all required inspections.

Attachments:

1. Facilities Evaluations Report for Sonoma County, Title Page and Executive Summary (complete report is on file with the Board).

Submitted By: Mark de Bie/Sharon Anderson Phone: 2-0463

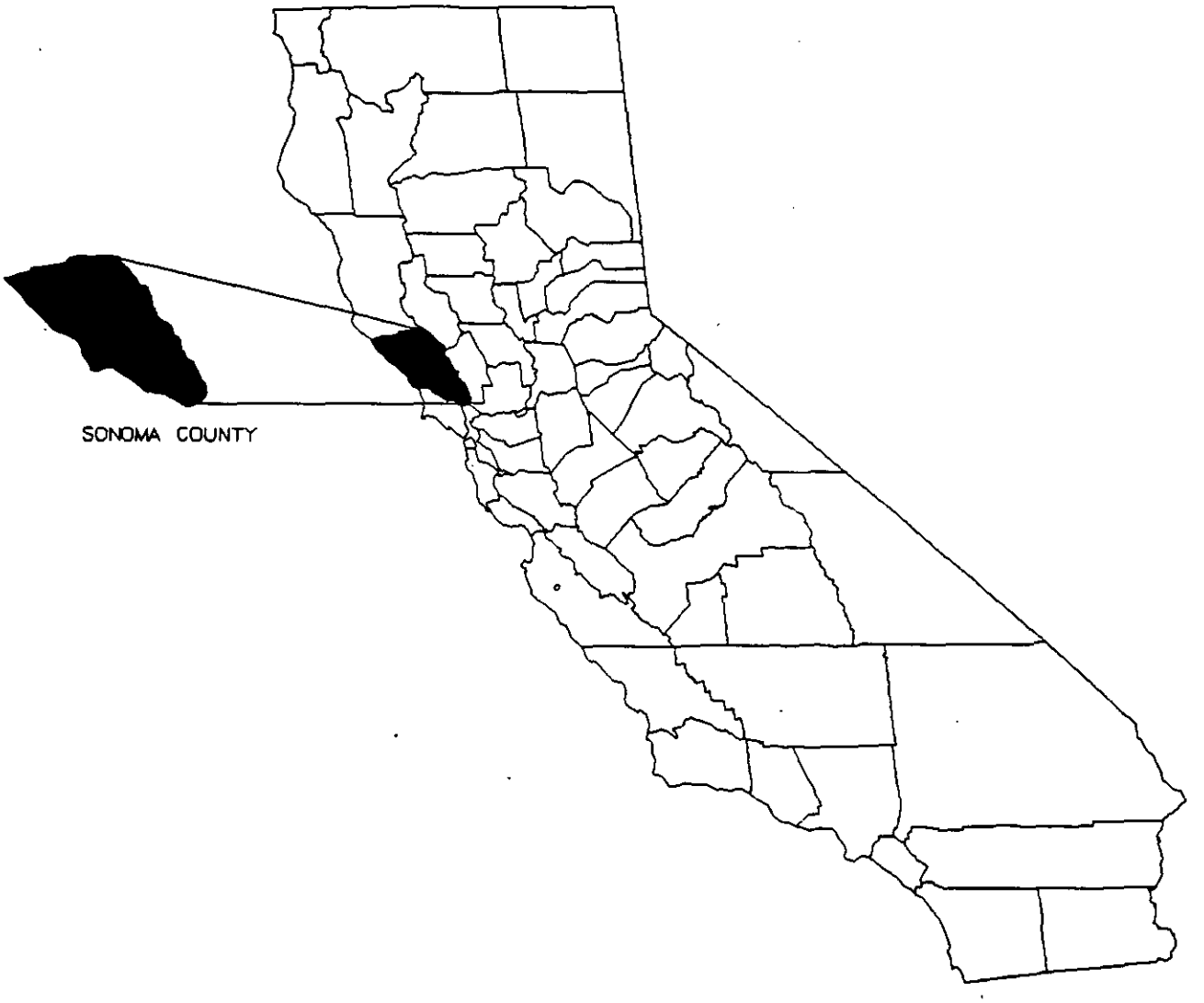
Reviewed By: John Bell Phone: 3-6520

Legal review: Date/Time 10/18 0932

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Facilities Evaluation Report

County of Sonoma, LEA Jurisdiction, 49-AA



Prepared By:

Mark de Bie
Waste Management Specialist
Compliance Branch, Section A
Permitting and Compliance Division

October 9, 1991

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FACILITY EVALUATION REPORT

COUNTY OF SONOMA, LEA 49-AA

EXECUTIVE SUMMARY

Sonoma County Public Health Department is the designated Solid Waste Local Enforcement Agency (LEA) for Sonoma County. LEA duties are performed by the Environmental Health Division of the Public Health Department. There are over 155 solid waste facilities in the County of Sonoma, the majority of these, over 120, are closed geothermal drilling mud sumps. The remainder are mostly active landfills or transfer stations and sites of other classifications. Sonoma County also has a permitted sludge landspreading operation.

During December, 1990 to May, 1991 each solid waste facility within Sonoma County was inspected, assessed or identified and documented by California Integrated Waste Management Board (Board) staff in conjunction with the LEA, pursuant to Division 30, Public Resources Code (PRC) Section 43219 (a).

During the annual state inspections fourteen (14) of the seventeen (17) permitted active, inactive and closed facilities within this LEA jurisdiction were found to be in violation of one or more State Minimum Standard. The LEA verified that all violations of State Minimum Standards had been corrected at five (5) of the facilities, eight (8) facilities remained in violation of State Minimum Standards. Therefore, these facilities in the Sonoma County LEA's jurisdiction are recommended to receive a 90 day notice of intent for inclusion on the State List of Non-Complying Facilities: Healdsburg Disposal Site, Occidental Transfer Station, Casa Grande, Advance Course, Cloverdale #2 Wood Waste Disposal Site, Rorabough #7, Guerneville Transfer Station, and Sonoma Transfer Station.

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.

While the Sonoma County LEA has generally implemented its Enforcement Program at an acceptable level, the LEA has failed to complete all required monthly facility inspections pursuant to PRC 43218. Board staff will find that the Board should recommend that the LEA continue to increase staff as planned in order to meet statutory and regulatory requirements for obtaining and/or maintaining their certification.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM # 15

ITEM:

Consideration of adoption of proposed regulations: Planning Guidelines and Procedures for Preparing and Revising Countywide Integrated Waste Management Plans (Household Hazardous Waste Elements), Title 14, California Code of Regulations, Division 7, Chapter 9, Articles 6.3 and 7

Key Issues:

- Section 40502 of the Public Resources Code (PRC) authorizes the Board to adopt rules and regulations, as necessary, to carry out Division 30 of the PRC.
- A Notice of Public Hearing to Consider Adoption of the proposed Regulations for Articles 6.3 and 7.0 was issued on May 17, 1991 to initiate a public comment period that concluded on July 1, 1991.
- Responses to written and oral comments received during the 45 day comment period have been prepared and the regulations have been amended accordingly.
- A Public Hearing to consider further testimony on the revised regulations was held on August 6, 1991. No additional comments were received at the meeting and the revised regulations were circulated for an additional 15 day public comment period ending on September 4, 1991.
- No comments were received during the 15 day public review period and no further revisions to the proposed regulations were necessary.

COMMITTEE ACTION:

This item was considered by the Administration Committee on August 6, 1991. At that time, the Committee directed staff to re-notice the regulations for a 15-day comment period as required by the Administrative Procedure Act. The 15-day comment period ended September 4, 1991. Board staff received no further comments and, therefore, the regulations required no further

revisions. On October 8, 1991, the regulations were considered by the Integrated Waste Management Planning Committee at its first meeting. The Committee approved the regulations and directed staff to schedule the regulations for approval on the consent calendar to be considered by the full Board at its October 30, 1991 meeting.

BACKGROUND:

Statutory Authority

The California Integrated Waste Management Act of 1989, (Act), found in Assembly Bill 939, Sher (Stats. 1989-Chapter 1095) as amended by Assembly Bill 1820, Sher (Stats. 1990-Chapter 145) and Assembly Bill 3992, Sher (Stats. 1990, Chapter 1355) created the California Integrated Waste Management Board (Board) as a successor to the California Waste Management Board. The Act listed among the powers and duties of the Board, the authority to adopt rules and regulations, as necessary, to carry out Division 30 of the Public Resources Code (Public Resources Code section 40502).

Public Resources Code sections 40900 et seq. describe the requirements to be met by cities and counties when developing and implementing integrated waste management plans pursuant to the Act. Public Resources Code section 41750 requires each county, and city and county, to prepare and submit to the Board, in accordance with the requirements set forth in Public Resources Code sections 41790 and 41791, an Integrated Waste Management Plan. The Plans shall consist of all city Source Reduction and Recycling Elements prepared and submitted to a county, the county's Source Reduction and Recycling Element for the unincorporated area of the county, and the Countywide Siting Element. Between January 1, 1992 and January 1, 1994, in accordance with Public Resources Code section 41791, counties must submit their Countywide Integrated Waste Management Plans to the Board for review and approval.

With the enactment of AB 2707, La Follette (Stats. 1990, Chapter 1406) codified in PRC sections 41500-41903, the statutory requirement for preparing a Household Hazardous Waste (HHW) component as part of a Source Reduction and Recycling Element (SRRE) was repealed. Statute now requires each city to prepare, adopt and submit to the county in which it is located, a HHW Element with specified contents. In addition, each county is to prepare a HHW Element which identifies a HHW program for the unincorporated area of the county.

The HHW Elements shall identify a program for the safe collection, recycling, treatment, and disposal of hazardous wastes generated by households. Pursuant to the requirements of PRC section 41750, the HHW Elements must be submitted to the Board as part of the Countywide Integrated Waste Management Plans (CIWMPs).

Regulatory Development

Prior to the enactment of AB 2707, La Follette (Stats. 1990, Chapter 1406) program development for dealing with household hazardous waste was one of the mandated components of the Source Reduction and Recycling Elements. Guidelines for preparing that component were included in the Board's regulations specifying the content of SRREs. As a result of the elevation of Household Hazardous Waste programs from component status to element status, Board staff has prepared regulations to guide jurisdictions in the preparation of their Household Hazardous Waste Elements.

Formal Rulemaking

To satisfy the formal rulemaking process required by the Administrative Procedure Act, Board staff began a 45-day public comment period, and noticed its formal rulemaking with the Office of Administrative Law (OAL) on May 17, 1991 for Articles 6.3 and 7.0. During this comment period, Board staff received written comments from cities, counties and the private sector. By the end of the comment period, Board staff had received 11 comment letters and 2 verbal comments. Board staff then responded to these comments and revised Articles 6.3 and 7.0, where appropriate, prior to the Administration Committee's consideration on August 6, 1991. The changes made to Articles 6.3 and 7.0 are indicated by strike outs (~~sample~~) for deletions and underlines (sample) for additions (Attachments 1 and 2).

The Administration Committee's hearing on August 6, 1991, provided an additional opportunity for public comment and oral testimony on these regulations. At that time, no additional comments were received. However, changes made to the regulations based on the comments received during the 45 day review period were determined to be "sufficiently related" changes and this required an additional 15-day public notice and comment period. Consequently, the Administration Committee directed staff to circulate the revised regulations for a 15 day comment period ending September 4, 1991.

Board Findings

The Board must make several findings pursuant to OAL regulations and the Administrative Procedure Act (APA) in the process of

formally adopting the regulations. The regulatory package needs to include a Statement of Reasons which provides justification on the need for the regulation, and a determination that the adopting agency finds that no alternatives considered would be more effective and less burdensome than the proposed regulations pursuant to Government Code Sections 11346.14 and 11346.7.

The Board must also determine if these regulations impose a mandate on local agencies or school districts pursuant to Government Code Section 11346.7. The Board must demonstrate that any provisions incorporated by reference are necessary because they would be cumbersome, unduly expensive or impractical to publish in the California Code of Regulations. This finding is to be submitted within the Final Statement of Reasons pursuant to OAL regulations in Title 1, California Code of Regulations, Section 20.

Rulemaking Procedures

Several other regulatory procedures are required by the APA. These procedures and the above findings are addressed within the resolution that follows this agenda item. The Board must transmit to OAL a certified copy of every regulation adopted pursuant to Government Code Section 11343, and a Certificate of Compliance, pursuant to Government Code Section 11346.1.

The Rulemaking Record must be made available to the public pursuant to Government Code Section 11346.5. Within the Rulemaking Record, the Board must address economic impacts on small businesses, and cost impacts on private persons or businesses pursuant to Government Code Section 11346.53. The Board must submit to OAL a Final Statement of Reasons pursuant to Government Code Section 11346.7. Finally, the Board must maintain the rulemaking file pursuant to Government Code Section 11347.3.

Should the Board elect to make changes that substantially alter the requirements or responsibilities of the jurisdictions, then a 45-day public comment period will be necessary. If the changes are "sufficiently related" to the original notice published with OAL, then only a 15-day public comment period would be necessary.

Proposed Regulations

The proposed regulations remove the Household Hazardous Waste component from Article 6.2 of Chapter 9, Division 7, Title 14 of the CCR and provide for a new article, Article 6.3, which describes the contents of the Household Hazardous Waste Element, as required by AB 2707. These regulations are similar to the former HHW component requirements. In addition, jurisdictions

are required to address the diversion of HHW, funding for preparing and implementing the HHW Element, and public education relating to HHW.

The proposed contents of the HHW Element (Article 6.3, Chapter 9, Division 7 of Title 14 of the CCR, Attachment 1) include:

> a statement of goals and objectives, a description of existing conditions, an evaluation of the HHW program alternatives, the selection of the HHW program,the implementation of the HHW program, monitoring and evaluation of the HHW program, HHW education and public information, and funding for the HHW program.

Article 7.0, Chapter 9, Division 7 of Title 14 of the CCR (Attachment 2), which currently specifies the procedures for local and state review and approval of SRREs, has been revised to reflect the requirements for local and state review and approval of HHW Elements. Since the procedures for review and approval for both elements are nearly identical (the exception being that the HHW Element does not have to be reviewed annually), modifications to Article 7.0 mainly consist of adding the term "HHW Element" wherever the term "SRR Element" appears in the applicable sections of the Article. The modifications to Article 7.0 will ensure that the necessary steps for local and state review and approval of HHW Elements are addressed.

A list of those who have commented and a response document has also been prepared, and is appended to this agenda item. The Responses to Comments document has been mailed to all those who submitted written or oral comments during the 45 day review period.

STAFF COMMENTS:

The Integrated Waste Management Planning Committee approved the regulations at its October 8, 1991 meeting and directed staff to forward the regulations to the full Board for consideration at its October 30, 1991 meeting.

Attachments:

1. Text of proposed Article 6.3 Regulation
2. Text of proposed Article 7.0 Regulation
3. List of Commenters
4. Response to Comments Document
5. Resolution # 91-71

Prepared by: Dianne Range DR Phone 327-0448

Reviewed by: John Smith JS Phone 327-0450

Legal review: MLM Date/Time 10/21/91 - 1:50pm

TITLE 14 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Chapter 9. PLANNING GUIDELINES AND PROCEDURES FOR PREPARING AND REVISING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS

Adoption of Article 6.3 Household Hazardous Waste Element

Section DETAILED ANALYSIS

Adoption of 18750	Scope
Adoption of 18751	Household Hazardous Waste Element Specific Requirements
Adoption of 18751.1	Household Hazardous Waste Element Goals and Objectives
Adoption of 18751.2	Household Hazardous Waste Existing Conditions Description
Adoption of 18751.3	Evaluation of Household Hazardous Waste Program Alternatives
Adoption of 18751.4	Selection of Household Hazardous Waste Program
Adoption of 18751.5	Implementation of Household Hazardous Waste Program
Adoption of 18751.6	Monitoring and Evaluation
Adoption of 18751.7	Education and Public Information
Adoption of 18751.8	Funding

ADOPTION OF ARTICLE 6.3: HOUSEHOLD HAZARDOUS WASTE ELEMENT

Adoption of Section 18750. Scope.

The Household Hazardous Waste (HHW) Element shall specify the means by which each jurisdiction required to prepare and implement a HHW Element shall safely collect, recycle, treat and dispose of household hazardous wastes generated by households within the jurisdiction.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751. Household Hazardous Waste Element Specific Requirements.

The Household Hazardous Waste Element shall include the requirements contained in sections 18751.1 through 18751.6 of this Article.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.1. Household Hazardous Waste Element Goals and Objectives.

The HHW Element shall include statements which define the goals and objectives for the short-term and medium-term planning periods.

(a) HHW Element goals and objectives shall be consistent with the mandates of section 40051 of the Public Resources Code.

(b) Each jurisdiction shall examine and select household hazardous waste element goals and objectives based upon data generated in the Solid Waste Generation Study, conducted pursuant to section 18722, of Article 6.1 of this Chapter. The objectives shall include plans to source reduce and safely collect, recycle, treat and dispose of household hazardous waste generated within the jurisdiction.

(c) The HHW Element shall specify the time frame for achievement of each objective.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 40051, 41500 and 41510, Public Resources Code.

Adoption of Section 18751.2. Household Hazardous Waste Existing Conditions Description.

The description of the existing household hazardous waste program shall:

(a) Identify the types and quantities of household hazardous wastes that are currently source reduced, collected, reused, recycled, treated and/or disposed through existing programs;

(1) Household hazardous waste categories shall include those contained in form CIWMB-303 (1/90), which is incorporated by reference.

(b) Explain the current methods for source reduction, reuse, recycling, collection, treatment, and disposal ~~programs for~~ of household hazardous waste generated within the jurisdiction;

(1) If there is ~~are~~ no existing program~~s~~, this must be stated.

(c) Estimate amounts of household hazardous waste currently being disposed illegally, based on results of the Waste Characterization Study, Section 18722 (j)(7)(B), and on known illegal disposal methods.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.3. Evaluation of Household Hazardous Waste Program Alternatives.

The HHW Element shall include an evaluation of the ~~diversion~~ program alternatives which have been considered for local implementation consistent with the objectives of section 18751.1 of this Article, including but not limited to the following:

(a) Program alternatives including, but not limited to:

(1) collection alternatives ~~programs~~, as follows:

(A) periodic community-wide, or neighborhood household hazardous waste collection;

(B) permanent household hazardous waste drop-off sites; ~~at all new and existing solid waste management facilities, and at all new, or existing, off-site, multi-user, hazardous~~

~~waste treatment, storage and solid waste disposal facilities;~~

(C) mobile household hazardous waste collection; and

(D) local activities, actions or efforts to encourage the formation of privately or publicly operated fee-for-service, door-to-door, or curbside household hazardous waste collection alternatives ~~programs~~.

(2) load-checking programs for household hazardous waste at all solid waste management facilities; and

(3) waste exchange, reuse and/or recycling alternatives ~~programs~~ for household hazardous wastes including, but not limited to, alternatives ~~programs~~ for waste oils, paints, and batteries~~; and~~.

~~(4) public education and information programs to support household hazardous waste collection and recycling efforts and to encourage behavioral modification to effectuate the use of safer substitute products in households.~~

(b) Each alternative considered shall be evaluated in terms of the following criteria and any other local considerations:

(1) hazards, as defined by Section 18720(a)(26) of this Chapter, which are created by the alternative considered;

(2) ability to accommodate changing economic, technological, and social conditions;

(3) whether it can be implemented in the short-term and medium-term planning periods; and

(4) the need for expanding existing facilities or constructing new facilities to support implementation of the alternative.

(5) In addition, the evaluation shall include, but not be limited to, the following:

(A) a discussion of the consistency of each alternative with applicable local policies, plans, and ordinances based upon local conditions;

(B) a discussion of any institutional barriers to local implementation of each alternative;

(C) an estimate of the costs related to the implementation of each alternative being evaluated for the short-term and medium-term planning periods; and

(D) a discussion of the availability of local, regional, state, national, and international end-uses for the materials which would be diverted through implementation of each alternative being considered.

(6) effectiveness in reducing either the volume or weight of HHW generated.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections 41500 and 41510 Public Resources Code.

Adoption of Section 18751.4. Selection of Household Hazardous Waste Program.

(a) The HHW element shall identify and describe the diversion alternatives which have been selected for the jurisdiction's HHW program, including existing diversion alternatives, expansion of existing diversion alternatives, and new diversion alternatives, which will be implemented to meet the goals and objectives of the element. This selection shall be based upon the evaluations conducted pursuant to section 18751.3 of this Article. The program description shall include, but not be limited to, the following:

(1) a discussion of each diversion alternative selected for the program identifying why the alternative was selected for implementation. This discussion shall be based upon the data compiled in the solid waste generation study conducted pursuant to Article 6.1, of this Chapter; information contained in the solid waste generation analysis required by section 18732 of Article 6.2; and the evaluation conducted pursuant to section 18751.3 of this Article.

(2) as applicable to the element, a listing of the anticipated local, regional, state, national, and/or international end-uses for diverted materials based upon the evaluation of the diversion alternatives required by section 18751.3(b)(5)(D) of this Article;

(3) as applicable to the element, a description of the proposed methods for handling and disposal which may be necessary to implement the selected program; and

(4) a description of any facilities to be utilized for the implementation of the program which section 18751.2 of this Article has shown must be expanded or built to support implementation of the selected program identified in Section 18751.3 of this Article.

(b) In addition to the above requirements, the program description shall include the following:

(1) an identification of the types and quantities of household hazardous wastes anticipated to be collected, recycled, and/or disposed through proposed programs using household hazardous waste categories contained in form CIWMB-303 (1/90), which is incorporated by reference:

(A) where applicable, specification of the targeted public participation goals, by percent of the population of the affected jurisdiction, for each preferred program alternative;

(2) a description of recycling and/or reuse efforts to be used in conjunction with a proposed household hazardous waste program~~(s)~~;

~~(3) a description of proposed public education programs regarding household hazardous waste;~~

(3) a description of all proposed cooperative and/or multi-jurisdictional household hazardous waste program implementation efforts/actions/activities in which the jurisdiction intends to participate.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500, 41510, and 41750, Public Resources Code.

Adoption of Section 18751.5. Implementation of Household Hazardous Waste Program.

(a) The element shall contain a program implementation schedule that includes, but is not limited to, the following:

(1) identification of government agencies and divisions thereof, organizations, and/or persons responsible for implementation of the selected program;

(2) identification of the tasks necessary to implement the selected program; and

(3) identification of a short-term and medium-term planning period implementation schedule addressing each task identified in paragraph (a)(2) of this section which specifies the date each task will be completed~~; and~~.

~~(4) identification of known program implementation costs, including public and private costs, revenues, and revenue sources necessary for implementation of the selected program.~~

(b) The jurisdiction may use technical assistance, program guidelines, and model operation plans, provided by the Board, for community household hazardous waste collection programs in the implementation of its household hazardous waste program.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500, 41510, 47100 through 47106, and 41750, Public Resources Code.

Adoption of Section 18751.6. Monitoring and Evaluation.

The element shall contain an explanation of how the program is to be monitored and evaluated as follows:

(a) identify the methods chosen from (b) of this section, which are being used to monitor achievement of the jurisdiction's objectives, as described in Section 18751.1, including but not limited to, the success in reducing or eliminating household hazardous waste.

(b) each jurisdiction shall use one or more of the following methods to monitor and evaluate the diversion objectives achieved within the jurisdiction:

(1) a Waste Generation Study consistent with the waste generation study prepared under section 18722, of Article 6.1 of this Chapter;

(2) targeted solid waste characterization studies involving all or a representative sample of solid waste landfill facilities, used by a jurisdiction, to measure changes in the volume, weight and hazard of specific materials, with adjustments for shifts in household hazardous waste generation caused by source reductions;

(3) an assessment of any changes in the design, production, distribution, sale, and/or use of selected products and packages which affect household hazardous waste generation;

(4) monitoring of accurately maintained records of the volumes and types of HHW collected; or

(5) another method for which prior written approval has been given by the Board.

(c) Each jurisdiction shall provide the following information based upon the specific monitoring and evaluation methods selected for each program:

(1) written criteria for evaluating the program's effectiveness;

(2) identification of agencies or divisions thereof, organizations, and/or persons responsible for the program's monitoring, evaluation, and reporting;

(3) identification of known monitoring and evaluation funding requirements, revenues, and revenue sources; and

(4) identification of measures to be implemented if monitoring shows a shortfall in the attainment of the objectives of the element. Such measures may include, but are not limited to, provisions for:

(A) increasing the frequency of program monitoring and review, or,

(B) modification of the objectives, or

(C) modification of the program to increase its effectiveness.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.7 Education and Public Information Section of the Element.

(a) Objectives. The education and public information section of the element shall include a statement of educational and informational objectives for the short-term and medium-term planning periods.

(b) Existing program description. A description of all known existing educational and public information programs and activities within the jurisdiction which promote the source reduction, reuse, recycling and safe disposal of household hazardous waste shall be included.

(c) Identification of Preferred Alternatives. The public information and education section shall list the preferred alternatives, both existing and proposed, which will be maintained or implemented in the short and medium term planning periods to achieve the objectives of this section.

(~~e~~ d) Program implementation. A program implementation discussion which includes the following shall be submitted:

(1) identification of community audiences to be targeted in educational and public information programs;

(2) identification of those agencies or divisions thereof, organizations, and/or persons responsible for implementation;

(3) identification of the required implementation tasks;

(4) short-term and medium-term implementation schedules for tasks listed in (3) above;

(5) identification of all public and private program implementation costs, revenues, and revenue sources necessary for program implementation~~.~~;

(6) Public information and education alternatives to promote the use of safer substitute products or practices in households.

(~~d~~e) Monitoring and evaluation. The section shall:

(1) identify the methods to be used to measure achievement of the education and public information objectives identified pursuant to section (a), above;

(2) establish written criteria by which to evaluate program effectiveness;

(3) identify agencies or divisions thereof, organizations, and/or persons responsible for program monitoring, evaluation, and reporting;

(4) identify monitoring and evaluation funding requirements, revenues, and revenue sources;

(5) identify measures to be implemented if monitoring performed pursuant to section 18751.6 (a) of this Article shows a shortfall in the attainment of the household hazardous waste disposal objectives; and

(6) establish a program monitoring and reporting schedule.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

Adoption of Section 18751.8 Funding.

(a) The jurisdiction shall demonstrate that there is sufficient funding and allocation of resources for:

(1) program planning and development;

(2) implementation of programs in order to comply with the requirements of section 41500 and 41510 of the Public Resources Code.

(b) The funding section shall provide cost estimates for element programs scheduled for implementation in the short-term planning period, as follows:

(1) The funding section shall identify revenue sources sufficient to support the element programs.

(2) The funding section shall identify sources of contingency funding for element programs in the event that preferred revenue resources are insufficient.

(c) The funding section shall include a table which summarizes program implementation costs, including public and private costs, revenues, and revenue sources necessary for implementation of the selected program.

NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 41500 and 41510, Public Resources Code.

TITLE 14 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Chapter 9 PLANNING GUIDELINES AND PROCEDURES FOR PREPARING, AND REVISING COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS

Article 7.0 **Procedures for Preparing and Revising City and County Source Reduction and Recycling Elements, and Household Hazardous Waste Elements**

Section	**DETAILED ANALYSIS**
18762	SRR and HHW Elements Preparation
18763	Circulation of Preliminary Draft SRR and HHW Elements for Review
18764	Review of Preliminary Draft SRR and HHW Elements
18765	Review of Final Draft SRR and HHW Elements
18766	Public Participation; Notice; Local Adoption of the SRR and HHW Elements
18767	Submittal of City SRR and HHW Elements to County
18768	Submittal of City SRR and HHW Elements to the Board
18769	Board Approval of City SRR and HHW Elements
18770	Resubmittal of City or County SRR and HHW Elements
18772	Board's Biennial Review of City or County SRR Elements and HHW Element
18773	Board Approval of Revised SRR and HHW Elements
18775	Reduction in Diversion and Planning Requirements

Section 18762. SRR and HHW Elements Preparation.

(a) A jurisdiction shall prepare the SRR and HHW Elements pursuant to Articles 6.1, ~~and~~ 6.2 and 6.3 of this Chapter, as applicable.

(1) A jurisdiction shall comply with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21000 et seq.

(b) A jurisdiction shall submit written documentation to the Board of its designation of an agency responsible for preparation of the SRR and HHW Elements within 30 days of said designation.

(c) A jurisdiction, in coordination with the LTF, shall prepare and adopt the SRR and HHW Elements, by the dates specified in Public Resources Code sections 41000, ~~and~~ 41300, 41500 and 41510 as applicable.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 21083, 40900, 40950, 41000, 41003, 41300, 41303, 41500, 41510, 41750 and 41780, Public Resources Code.

Section 18763. Circulation of Preliminary Draft SRR and HHW Elements for Review.

A jurisdiction shall prepare a preliminary draft of its SRR and HHW Elements, which shall be sent to adjoining cities, the county agency responsible for the Integrated Waste Management Plan preparation, and the LTF. Each jurisdiction shall also submit ten copies of the draft SRR and HHW Elements to the Board.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40900, 41000, 41300, 41500, 41510 and 41790, Public Resources Code.

Section 18764. Review of the Preliminary Draft SRR and HHW Elements.

(a) Review Period. In accordance with Government Code section 15376, the review period shall be a minimum of 30 days, commencing upon the date of receipt of the Preliminary Draft SRR and HHW Elements by a reviewing agency. The median time for review shall be 38 days. The maximum time for review shall be 45 days.

(1) Review by LTF. In reviewing the preliminary draft SRR and HHW Elements, the LTF shall consider the issues of regional concern pursuant to Public Resources Code section 40950(c) to aid in ensuring that they are addressed. Copies of written comments made by the LTF on the preliminary draft SRR and HHW Elements shall be sent simultaneously to the Board and to the

jurisdiction that prepared the preliminary draft SRR and HHW Elements.

(2) **Review by Other Reviewing Agencies.** The county, adjacent cities, any association of regional governments and the Board shall review the preliminary draft SRR and HHW Elements and send written comments to the jurisdiction that prepared the preliminary draft SRR and HHW Elements. A copy of the Board's written comments shall be sent simultaneously to the LTF.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code; Section 15376, Government Code. Reference: Sections , 40950, 41000, 41300, 41500, 41510 and 41790, Public Resources Code.

Section 18765. Review of Final Draft SRR and HHW Elements.

(a) Thirty (30) days prior to the public hearing for the adoption of the SRR and HHW Elements, the jurisdiction shall send a copy of the final draft of its SRR and HHW Elements to the LTF for review. Within 15 days of receipt of the final draft of the SRR and HHW Elements, the LTF shall provide written comments to the jurisdiction and the Board regarding the final draft(s).

(1) If deficiencies are indicated in the LTF's comments, the LTF shall meet with the jurisdiction to resolve them. If no resolution between the jurisdiction and the LTF can be achieved, the LTF shall send a letter to the jurisdiction and the Board indicating the remaining deficiencies of the SRR and HHW Elements.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40950, 41000, 41300, 41500 and 41510, Public Resources Code.

Section 18766. Public Participation; Notice; Local Adoption of SRR and HHW Elements.

(a) The general public, affected governmental entities, and private industries shall be given an opportunity to participate in the planning process and implementation of the SRR and HHW Elements through attendance at informative meetings and public hearings.

(1) Pursuant to Public Resources Code section 41793, at least one public hearing shall be held to receive testimony regarding the Preliminary Draft of the SRR and HHW Elements before a jurisdiction adopts its SRR and HHW Elements.

(A) To inform the public of the hearing, the jurisdiction shall publish a notice in a local newspaper of general circulation at least 30 days in advance of the scheduled public hearing on the SRR and HHW Elements.

(2) Jurisdictions may form advisory committees which may review and comment on draft elements, and provide technical guidance and support during the development of the SRR and HHW Elements.

(b) In addition to the hearing or hearings held pursuant to (a)(1) of this section, the governing body of the jurisdiction that has developed the SRR and HHW Elements, shall conduct a public hearing for the purpose of adopting the SRR and HHW Elements. After considering all comments of the members of the governing body and the public, the jurisdiction shall, by resolution, adopt the SRR and HHW Elements.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40900, 41000, 41300, 41500, 41510 and 41793, Public Resources Code.

Section 18767. Submittal of City SRR and HHW Elements to County.

(a) A city shall transmit a copy of its SRR and HHW Elements to the county in which it is located for incorporation into the Countywide Integrated Waste Management Plan (Plan), within 30 days of its adoption by the city. This submittal shall occur no later than July 1, 1991, unless the jurisdiction complies with the requirements of PRC 41000 (b), as amended stats. of 1990, chap. 145.

(1) A signed resolution and documentation that the jurisdiction has complied with CEQA (Public Resources Code sections 21000 et seq.) shall accompany the SRR and HHW Elements that are ~~is~~ submitted to the county.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 21083, 41000, 41300, 41500, 41510 and 41793, Public Resources Code.

Section 18768. Submittal of City SRR and HHW Elements to Board.

(a) If a county fails to submit its Plan to the Board by the dates specified in Public Resources Code section 41791, any city may separately submit its SRR and HHW Elements to the Board for approval.

(1) When submitting the SRR and HHW Elements to the Board, the city shall include a copy of the resolution or resolutions adopting its SRR and HHW Elements, comments on the final draft from the LTF, and verification of compliance with the CEQA (Public Resources Code sections 21000 et seq.).

(2) The Board's 120 day review period for consideration of approval of the SRR and HHW Elements will commence upon receipt by the Board of 10 copies of the SRR and HHW Elements and the

required accompanying documents, pursuant to (1)~~(b)~~ of this section.

(3) Within 30 days of receipt of the SRR and HHW Elements for approval, the Board shall indicate to the city whether all requirements included in (1) and (2) of this section have been fulfilled.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code and Section 15376, Government Code. Reference: Sections 21083, 41750 41800 and 41802, Public Resources Code.

Section 18769. Board Approval of City SRR and HHW Elements.

(a) The Board shall approve or disapprove city SRR and HHW Elements at a public hearing. After receiving testimony from the jurisdiction, the public and the LTF, the Board shall either adopt and prepare written findings approving the SRR and HHW Elements, or issue a Notice of Deficiency partially or fully disapproving the SRR and HHW Elements.

(b) If implementation of the SRR and HHW Elements will achieve the mandated requirements for the jurisdiction, the Board shall adopt a resolution or resolutions approving the SRR and HHW Elements. If the SRR and HHW Elements are ~~is~~ approved, or partially or fully disapproved, the Board shall send a copy of the resolution or the Notice of Deficiency, respectively, to the city or county within 30 days of its action. In the Notice, the Board shall identify the deficient areas of the SRR and HHW Elements.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Section 41800 and 41801, 41802 and 41810 through 41813, Public Resources Code.

Section 18770. Resubmittal of City or County SRR and HHW Elements.

(a) A city or county shall resubmit a corrected version of its SRR and HHW Elements to the Board, pursuant to Sections 18762 through 18768 of this Article, within 120 days of receipt of a Notice of Deficiency.

(b) Within 120 days of receipt of the resubmitted element, the Board shall approve or disapprove the element pursuant to Public Resources Code sections 41812 and 41813.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 21083, 40950, 41000, 41300, 41780, 41790, 41800, 41801, 41802 and 41810 through 41813, Public Resources Code.

Section 18772. Board's Biennial Review of City or County SRR and HHW Elements.

(a) In addition to local jurisdiction review of city and county SRR and HHW Elements, at least once every two years, the Board shall conduct an independent review of SRR and HHW Elements. This biennial review will enable the Board to assess each jurisdiction's progress towards meeting the mandated diversion and disposal requirements. The Board shall determine if the SRR and HHW Elements programs are being implemented, and if jurisdictions are meeting the goals of their SRR and HHW Elements.

(b) If the Board finds that a jurisdiction is failing to implement its SRR and HHW Elements, and is not making progress towards meeting the requirements of Public Resources Code sections 41000, or 41300, 41500, 41510 or 41780, as applicable, after a public hearing on the matter, the Board shall issue a compliance order for achieving those requirements.

(1) The compliance order shall identify the programs and goals of the SRR and HHW Elements which are not being implemented or attained by the jurisdiction, or identify areas of the SRR and HHW Elements which require revision. The Board shall also set a date by which the jurisdiction shall meet the mandated requirements.

(2) The Board shall issue the compliance order within 30 days of making its finding of noncompliance.

(c) If a jurisdiction fails to bring its SRR and HHW Elements into compliance by the date specified by the Board, the Board shall enforce the compliance order pursuant to Public Resources Code section 41850.

NOTE: Authority: Sections 40502 and 41824, Public Resources Code. Reference: Sections 41000, 41300, 41500, 41510, 41780, 41825, and 41850.

Section 18773. Board Approval of Revised SRR and HHW Elements.

(a) The Board shall consider approval of revised SRR and HHW Elements at a public hearing. After considering public testimony and input from the LTF, the Board shall either adopt a resolution approving revised SRR and HHW Elements, or issue a Notice of Deficiency disapproving the SRR and HHW Elements. Board approval shall be based on an evaluation of the jurisdiction's implementation of the hierarchy for waste management practices as described in the California Integrated Waste Management Act of 1989.

(1) If revised SRR and HHW Elements are ~~is~~ partially or fully disapproved, the Board shall send the Notice of Deficiency within 30 days of making its findings.

(2) Partial or full disapproval shall require the jurisdiction to reinstitute the process for preparation and approval of the SRR and HHW Elements, beginning in Sections 18762 through 18768.

(b) If ~~a~~ revised SRR and HHW Elements are ~~is~~ approved, the Board shall send a copy of the resolution of approval to the jurisdiction within thirty (30) days of making its finding.

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Sections 40050, 40051, 40052, 41780, 41800, 41802, 41810 through 41813 and 41822, Public Resources Code.

Section 18775. Reduction in SRR and HHW Element ~~Diversion~~ Requirements.

~~(b)~~ (c) HHW Element. A jurisdiction may petition the Board, at a public hearing, for alternative, but less comprehensive HHW requirements than those specified in Public Resources Code section 41802(b). To receive a modification of the requirements, the jurisdiction shall present verification to the Board which indicates that achievement of the requirements is not feasible due to the small geographic size of the jurisdiction and because of the small quantity of waste generated within the jurisdiction.

(1) To qualify for alternative but less comprehensive HHW requirements, a city or county shall meet the following requirements:

(A) For an incorporated city, a geographic area of less tha 3 square miles and a waste generation rate of less than 100 cubic yards per day (or 20 tons per day) as measured when received at a recycling or solid waste facility shall be demonstrated.

(B) For the unincorporated area of a county, a geographic area of 1000 square miles or less and a waste generation rate of less than 100 cubic yards per day (or 20 tons per day) as measured when received at a recycling or solid waste facility shall be demonstrated.

(2) Based on information presented at the hearing, the Board may establish alternative, but less comprehensive HHW Element planning requirements pursuant to section 41802(b).

NOTE: Authority cited: Sections 40502 and 41824, Public Resources Code. Reference: Section 41782, 41783 through 41786 and 41802, Public Resources Code.

COMMENT REFERENCES

July 16, 1991

1. Contra Costa County, Health Services Department
   L: April 25, 1991/Robin Bedel-Waite

2. County of Riverside, Waste Management Department
   L: June 12, 1991/Robert A. Nelson

3. City of Whittier, Public Services Department
   O: June 17, 1991/Ann Marie Hayashi

4: City of San Diego, Solid Waste Management Department
   O: June 28, 1991/Lisa Wood

5. Brown, Vence & Associates
   L: May 1, 1991/Steven Wisbaum

6. Brown, Vence & Associates
   L: June 25, 1991/Steven Wisbaum

7. People-Service-Environmental, Sanitary Fill Company
   L: June 19, 1991/Paul Fresina

8. County of Santa Clara, Department of Planning & Development
   L: June 28, 1991/Margaret J. ~~Ramos~~ Rands

9. County of San Bernardino, Environmental Health Services
   L: June 25, 1991/Judy Orttung

10. County of Santa Clara, Department of Planning & Development
    L: June 28, 1991/Margaret J. Rands

11. Emcon Associates, Consultants in Waste Management & Environmental Control
    L: June 28, 1991/Yasmine Strenk/Gail Karpinski

12. City of San Diego, Waste Management Department Services Division
    L: July 1, 1991/Lisa F. Wood

13. Gainer & Associates, Recycling Consultants
    L: July 1, 1991/Tedd Ward

Response to Public Comment Regarding Procedures for Preparation and Adoption of Household Hazardous Waste Elements, Article 7.0.

Section 18765(a)

Comment: This section does not allow enough time for review of final city elements by the Local Task Force (LTF). The regulation requires the LTF to review final SRR and HHW Elements within fifteen days of receipt and within thirty days of the public hearing for adoption of the final elements. This fifteen day time frame is not sufficient time for sending copies of the city's elements to the LTF members, and for scheduling a LTF meeting for comment and ratification. In addition, should the LTF have significant comments, which would necessitate the revision the city elements, time is, again, not sufficient for the city to revise the element before the public hearing. The need to revise the element could affect the CEQA process as well. Riverside County suggests widening these time frames to allow cities to submit final elements before public notice of the hearing on the final and to allow the LTF thirty days to review the final elements.

Response: In response to public comment on this section during the public review period for the Source Reduction and Recycling Elements, the final LTF review period was shortened from thirty to fifteen days. This change was made in response to comments that the review period was too long and hampered a jurisdiction's ability to revise its element in response to comments and still meet the statutory deadline for local adoption of its element. Since the statutory deadline for local adoption cannot be extended by the Board, and if the Board then provided more time for LTF review and comment, each jurisdiction would actually have less time to respond to comments and revise its element as necessary and still locally adopt it by the date specified in statute. Consequently, by not making the recommended change, jurisdictions will have more time for revising their elements prior to the deadline for local adoption.

Regarding CEQA compliance, if a recommended change in the HHW program could result in adverse environmental impacts which cannot be mitigated, then an EIR would be required for the project.

Comment Referenced: 2.L

Response to Public Comment on the Draft Household Hazardous Waste Regulations, Article 6.3

Section 18751.1(b)

Comment: Regarding Household Hazardous Waste Element (HHWE) Goals and Objectives, the objectives are to include "plans to collect, recycle, treat and dispose household hazardous waste...", we recommend that plans also include source reduction of HHW.

Response: Board staff concur with the comment and shall add the term "source reduced" to the phrase quoted above.

Comment Referenced: 1.L

Section 18751.2

Comment: Determining the quantity of each HHW currently being generated by field quantification is extremely difficult. Sampling households directly for HHW generation and disposal habits will also be subject to uncertainties because few people would likely admit to illegal disposal of HHW, and because HHW is often stored for extended periods of time prior to disposal.

Prior to the release of section 18751.2, Article 6.1 required cities to identify only the total amount of HHW disposed, diverted, and generated. Many cities have already completed their waste generation studies and would have to conduct additional sampling to meet section 18751.2. This would be an expensive, and - given the amount of unavoidable sampling error - virtually useless process.

Because of the difficulties and limited utility involved in estimating HHW generation, the California Integrated Waste Management Board (CIWMB) should provide a set of standard numbers to use for percentage HHW composition or per capita HHW generation. Alternatively, the CIWMB could require cities to estimate the total quantity of HHW generated within the jurisdiction, the total amount of each material source reduced, recycled, or collected for proper disposal, and suggest other methods, such as groundwater testing, for detection improper disposal.

Response: Board staff recognize that there are inherent

difficulties in determining the types and quantities of HHW generated, disposed, recycled and reused. However, in order to implement a HHW program which addresses the needs of a jurisdiction it must first make an attempt to quantify the above terms. Without such information a jurisdiction cannot make an informed choice of what HHW alternatives to implement. In addition, Board staff has determined that sufficient data can be obtained from the waste generation study, data maintained on existing activities and through telephone or mail surveys for jurisdictions to have a basis on which to design their HHW program. Consequently, Board staff believes that the regulation is appropriate and necessary to ensure compliance with statutory requirements.

In response to the recommendation that Board staff provide jurisdictions with information regarding the types and quantities of HHW generated on a per capita basis or a set of standard numbers for percentage HHW composition, staff of the Board's Household Hazardous Waste Management Branch is available to meet with jurisdictions to provide guidance on estimating the types and quantities of HHW generated based on information from existing programs throughout the state.

Comment Reference: 13.L

Section 18751.2(a)(1)

Comment: Board staff has received numerous comments regarding the content and format of form CIWMB-303. The comments largely focused on improving the ease and utility of the reporting requirements.

Response: Form CIWMB-303 is incorporated by reference in the regulation. Board staff is currently in the process of reviewing and revising the form. The revised form will take public comment into account and a written response will be provided to each person who submitted comments on the form. Once the suggested revisions are approved by the Board, the regulation will be amended to incorporate changes to the form.

Comment Referenced: 5.L, 6.L, 7.L, 9.L, 11.L, 13.L

Section 18751.2(b)

Comment: Since source reduction is a public awareness program, it should be described in section 18751.7 "Public Education and Information." Any waste exchange program, however, should be described in section 18751.2(b). This section should be reworded to state "explain the current methods for a waste exchange program."

The reference to "quantify types and quantities of HHW that is source reduced" should be deleted. A more appropriate statement would be "describe the types and quantities of HHW that are reused through a waste exchange program."

Response: Board staff believe that is appropriate to identify methods of source reduction for HHW through the substitution of hazardous products with non-hazardous products or other means identified by a jurisdiction. It is also appropriate to identify how much less HHW is generated as a result of source reduction. Reuse would constitute the recycling, not source reduction, of HHW since reuse implies that a material has entered the waste stream but has been diverted from landfilling and processed for resale or giveaway. On the other hand source reduction involves the generation of less waste. Nonetheless, Board staff shall revise subsections (a) and (b) to allow jurisdictions to identify the types and quantities of HHW that are reused.

Comment Referenced: 11.L

Section 18751.2(c)

Comment: The intent of this paragraph is not clear. If its intent is to only require jurisdictions to identify the quantities of HHW illegally disposed of in landfills, then we have no problem with it. However, if the intent is to require jurisdictions to identify HHW illegally disposed elsewhere then the requirement is inappropriate since no jurisdiction has complete information on all of the disposal methods residents use. Therefore, we recommend that the paragraph be clarified by adding "in the landfill" following the words "disposed illegally."

Response: Board staff concur that the intent of the regulation is not clear. The regulation will be revised to reflect the original intent that a jurisdiction should address known problems regarding the illegal disposal of HHW

both at landfills and anywhere else it may be occurring. However, the regulation does not require jurisdictions to describe all illegal disposal methods, just those that are known problems within the jurisdiction. Since the regulation as revised will not require jurisdictions to identify all disposal methods for HHW, Board staff believes that the regulation is appropriate.

Comment Referenced: 1.L

Section 18751.3(a)(4)

Comment: We recommend that the words "or practices" be added after "safer substitute products" to clarify that reducing the generation of HHW is not only a matter of using less toxic or non-toxic products, but one of changing practices as well.

Response: Board staff concurs with the comment and shall add the recommended language.

Comment Referenced: 1.L

Section 18751.3(a)(1)(b)

Comment: This section states that a permanent facility should be evaluated only if it is located at "...all new and existing solid waste management facilities, and at all new, or existing, off-site, multi-user, hazardous waste treatment, storage and solid waste disposal facilities," Does this exclude other locations as potential sites for a permanent facility, such as a city corporation yard?

Response: No. The regulation merely reflects the fact that all permanent HHW drop-off sites require a DHS permit and, if established at a solid waste facility, a revised solid waste facilities permit. It does not preclude the establishment of permanent drop-off sites at locations other than at permitted solid waste facilities. The intent of the regulation is for each jurisdiction to identify all permanent drop off facilities regardless of where they are located. The regulation will be revised to more accurately reflect this intent.

Comment Referenced: 11.L

Section 18751.3(a)(3)

Comment: This section should include an evaluation of a waste exchange or reuse program with the recycling alternative evaluation.

Response: Board staff concurs that this subsection should also include waste exchange and reuse alternatives. The regulation will be revised to reflect this.

Comment Referenced: 11.L

Sections 18751.3(b)(5)(D) and 18751.4(a)(2)

Comment: These paragraphs require specification of end-uses for diverted materials. This is an appropriate and necessary requirement for those HHWs which are to be recycled because the availability of market end-uses is critical to the decision to recycle. The requirement is not necessary for those HHWs which are intended for incineration or landfilling at a hazardous waste landfill. We recommend that specification of end-uses only be required for those HHW being recycled.

Response: It is not the intent of this regulation to require jurisdictions to identify end-uses and markets for HHWs which are not targeted for recycling or reuse. Such a requirement would be contradictory. Since this is not a condition of the regulation, Board staff find the existing language to be appropriate and adequate.

Comment Referenced: 1.L

Section 18751.4(a)(3)

Comment: This paragraph requires a description of the proposed methods for handling and disposal to implement the program. We believe that such methods are not appropriate for a planning document. Rather, they are appropriate for an operations plan. We recommend that either this paragraph be completely deleted, or that a substitute paragraph require the entity to state that any HHW collection programs will be operated according to appropriate and relevant Department of Health Services (DHS) regulations.

Response: Board staff disagree with the comment. The identification of the proposed handling and disposal methods for the types and quantities of HHW identified in the waste generation study is necessary to develop

an adequate plan for the environmentally safe and economically efficient handling and disposal of HHW. If the unique handling and disposal methods for different types of HHW are not identified, then Board staff will not be able to evaluate the adequacy of the HHW Element. Consequently, Board staff has determined that this requirement is a necessary part of the regulation.

Comment Referenced: 1.L

Sections 18751.3(a)(4), 18751.4(b)(3), and 18751.5(a)(4)

Comment: The Planning Guidelines contain redundant requirements in the public education and funding sections. These redundancies will make the completion and use of the HHWE cumbersome. Section 18751.7 should contain all references to education and public information and section 18751.8 should contain all references to funding.

In addition to the above, section 18751.7 could be strengthened by the addition on one item: "Description of planned program." This should follow 18751.7(b) which requires a description of existing programs.

Response: Board staff concur that the requirements cited above would be better located in the Public Information and Funding components and shall move them as appropriate. However, Board staff believe that the requirements themselves are not redundant and are appropriate and necessary for preparing the HHWE.

Board staff also concurs with the recommendation that a paragraph be added to section 18751.7 requiring jurisdictions to describe the preferred HHW program alternatives. Language will be added to the regulation requiring such a description.

Comment Referenced: 8.L, 11.L

Section 18751.4(b)(1)

Comment: This paragraph requires that types and quantities of HHW to be collected, recycled and/or disposed be identified. For entities with no operating experience in collecting HHW, which can only be done with best guesses. We can draw from other entities having such experience, but as those running collection programs know, the wastes which are collected vary from

community to community. Again, because the HHWE is intended to be a planning document and not an operations plan, identifying specific types and amounts of wastes seems to be a requirement beyond the scope of the HHWE.

We recommend that this paragraph be dropped. We also recommend that some thought be given to adding a paragraph requiring stipulation of resident participation rates in collection programs.

Response: Regarding the first part of the comment, Board staff find that the requirement that jurisdictions identify the types and quantities of HHW to be collected, recycled and/or disposed be identified is appropriate since this information should be readily available from the results of the waste generation study and from the review of existing HHW programs both within and outside the jurisdiction.

Board staff concur with the second part of the comment and shall add language requiring that an estimate of the level of public participation in collection programs be specified.

Comment Reference: 1.L, 4.O

Section 18751.5(a)(3)

Comment: Defining the date to complete an implementation task is too specific, identification of the year is more appropriate. Therefore, it is recommended that the word "year" be substituted for the word "date" in the paragraph.

Response: When implementing its preferred alternatives each jurisdiction should break down the necessary steps or tasks that need to be completed in order to carry out that alternative. The time frame for completing these tasks should be very specific and therefore it is appropriate to identify the date by which each task shall be completed. Consequently, Board staff has determined that the regulation is appropriate.

Comment Referenced: 1.L

Section 18751.5(a)(4), 18751.7(c)(5)

Comment: Since costs can only be estimated, the use of the word identification may be inappropriate. Therefore, it is

recommended that the term "estimate" be used instead of "identification."

Response: The regulation requires jurisdictions to list known program implementation costs but does not speak to the accuracy of data used. The data used would be estimates. Since the regulation only requires jurisdictions to provide that information, and does not require jurisdictions to provide a defense of the accuracy of the numbers, Board staff found the use of the term "identification" to be appropriate..

Comment Referenced: 12.L

Section 18751.6(b)

Comment: The most important criteria for monitoring HHW collection programs is accurately recording volumes and types of wastes collected. This criteria is not included in Subsection (b). We recommend that the first criteria listed under (b) be monitoring of accurately maintained records on the volumes and types of wastes of HHW collected.

Response: Board staff concur that this would be a good method for evaluating the effectiveness of the HHW program and shall add a requirement specifying that such records should be kept.

Comment Referenced: 1.L

Section 18751.6(c)(4)

Comment: An additional measure could be added to this subsection to modify the programs selected, or to modify the design of the program selected. We recommend that a paragraph (C) be added: modification of the program to increase program effectiveness.

Response: Board staff agrees with this proposed change and shall add the wording suggested to the regulation.

Comment Referenced: 1.L, 12.L

Section 18751.6(b)(2)

Comment: Can a load checking program be considered a targeted solid waste characterization study? The objective of a load checking program is to monitor the improper

disposal of prohibited waste at a sanitary landfill. A load checking program characterizes random loads for prohibited wastes and would provide ongoing information about the types and quantities of HHW that are being improperly disposed of at sanitary landfills.

Response: Yes, provided that the field analysis is conducted using the sampling procedures outlined in the California Code of Regulations, Title 14, Division 7, Chapter 9, Appendix 1, "General Guidelines for Sampling When Performing a Quantitative Field Analysis for a Solid Waste Generation Study."

Comment Referenced: 11.L

Section 18751.7(b)

Comment: This subsection should only require a jurisdiction to identify major public information and education activities not all activities. It is not feasible to identify all such activities. Only "major" activities should be listed.

This section should also be reworded to state "safe disposal and source reduction of HHW."

Response: Board staff concur with the comment and shall revise the regulation to require jurisdictions to identify all "known" public information and education activities.

Board staff concur with the recommendation that existing source reduction programs should be identified. The regulation will be revised to require jurisdictions to identify all known public information and education activities regarding the source reduction, recycling, reuse and safe disposal of HHW.

Comment Referenced: 4.O, 11.L

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 91-71

FOR THE ADOPTION OF MODIFIED REGULATIONS FOR:
CHAPTER 9, ARTICLES 6.3 AND 7.0
FOR PLANNING GUIDELINES AND
PROCEDURES FOR PREPARING AND REVISING
COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS

OCTOBER 30, 1991

WHEREAS, Public Resources Code section 41824 authorizes the Board to adopt rules and regulations to guide local governments in preparing Household Hazardous Waste Elements and Countywide Integrated Waste Management Plans; and

WHEREAS, Public Resources Code sections 41500 and 41510 require cities and counties to prepare a Household Hazardous Waste Element which identifies a program for the safe collection, recycling treatment, and disposal of hazardous waste generated by households; and

WHEREAS, the formal notice of rulemaking activity for Articles 6.3 and 7.0 was published on May 17, 1991; there has been a 45-day public comment period for all the regulations; and the Board's Administration Committee held a public hearing to adopt the modified Planning Guidelines and Procedures for Preparing and Revising Integrated Waste Management Plans, as found in Chapter 9, Articles 6.3 and 7.0 of Title 14 of the California Code of Regulations on August 6, 1991; and

WHEREAS, the Administration Committee considered the proposed regulations, with nonsubstantial changes, at its August 6, 1991 meeting and directed Board staff to circulate that portion of the proposed regulations with sufficiently related changes for an additional 15-day public comment; and

WHEREAS, no comments were received during the 15-day comment period which ended September 4, 1991; and

WHEREAS, the Board's Integrated Waste Management Planning Committee held a second public hearing on October 8, 1991; and

WHEREAS, no comments were received during the 15-day comment period and no public testimony was given at the Board's Integrated Waste Management Planning Committee held on October 8, 1991; and

WHEREAS, The Planning Committee considered the proposed regulations at its October 8, 1991 meeting, and found the regulations to be adequate, and directed Board staff to submit the regulations for consideration by the full Board, and

WHEREAS, the Board has taken all public comments under consideration; and

WHEREAS, the Board finds that it has fulfilled all the requirements of Government Code sections 11343, 11346.1, 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 Government Code section 11347.3; and

WHEREAS, the Board finds that proper guidance is necessary for local governments to develop programs for maximizing the amount of Household Hazardous Waste diverted from landfills and for long-term and environmentally safe disposal of hazardous wastes generated by households.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the regulations, as modified, for Chapter 9, Articles 6.3 and 7.0, and directs staff to submit the rulemaking file, including a Certificate of Compliance, to the Office of Administrative Law for review and eventual filing with the Secretary of State.

CERTIFICATION

The undersigned Executive Director 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 October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

California Integrated Waste Management Board

October 30, 1991
Agenda Item #16

Item: Consideration of direction to the Executive Director to prepare a coordinated implementation program for new legislative mandates.

Committee Action:

On October 16, the Legislation and Public Affairs Committee adopted (by unanimous vote) the following recommendation relating to implementation of new legislative mandates.

LPAC recommendation to the CIWMB:

1) That the Executive Director prepare a coordinated implementation program for new legislative mandates, which shall include, but need not be limited to, the following elements:

   - Implementation timelines;
   - Budget Change Proposals;
   - Division(s)/Section(s) assigned to implementation;
   - Staffing requirements and timelines.

2) That there be a report back to the Administration Committee and to the Legislation and Public Affairs Committee concerning implementation programs for 1991 legislative mandates.

3) That the implementation programs be referred to the Administration Committee to assign tracking of new legislatively mandated programs to the appropriate committees.

Prepared By: Dorothy Fatig Phone # 445-1420

Legal Review: RK Date/Time 10-22-91 09hrs

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 17

ITEM: Consideration of Adoption of the Proposed Recycled-Content Newsprint Regulations.

COMMITTEE ACTION:

The contents of these regulations were first addressed by Committee members at the April 2, 1991 Policy, Research, and Technical Assistance (PRTA) Committee meeting. The regulations were published in the California Regulatory Notice Register on May 10, 1991. The first Public Comment Period began on May 10, 1991 and ended on June 24, 1991. A public hearing was held at the July 10, 1991 PRTA Committee meeting.

Staff modified the regulations as a result of the initial 45-day comment period. An additional 15-day comment period for those changes began on August 28, 1991 and closed on September 11, 1991. Staff incorporated comments and suggestions from the 15-day comment period, and brought the revised draft regulations before the PRTA Committee at the September 12, 1991 meeting.

At the September 12th meeting, staff and legal counsel suggested a second 15-day comment period was necessary based on the changes that were suggested. Staff incorporated suggestions from Committee Members and mailed the proposed regulations for a second 15-day comment period. This second 15-day comment period began September 24, 1991 and closed on October 9, 1991.

At the October 10, 1991 Policy, Research, and Technical Assistance Committee meeting, staff again presented the regulations for approval. Comments made by the California Newspaper Publishers Association (CNPA) regarding the definition of a "newspaper supplier" resulted in having that one definition be the subject of a subsequent 15-day comment period. This comment period began October 15, 1991 and will end on October 30, 1991, the date of the Board meeting At the time of this writing, no comments have been received. A meeting has been scheduled, pursuant to the Committee's direction, with CNPA, Board staff, industry representatives, and members of the environmental community to discuss this definition prior to the Board meeting.

BACKGROUND:

Old newspapers are a large part of the flood of materials which currently end up in our landfills. Newspapers alone comprise approximately 5% of the waste currently land-filled in California. Current estimates suggest over a 1 million tons of newspapers are land-filled in the State each year. Since newspapers are relatively easy to divert from the waste stream

they are a prime candidate for material diversion. Given existing old newspaper recycling markets, waste management systems which divert large volumes of newspapers can quickly generate gluts. Sustained markets for diverted materials are the primary method to prevent an oversupply of existing products. Developing a sustainable integrated waste management system depends upon closing the loop for diverted materials. In the case of newspapers, expanding the traditional reuse of old newspapers is the logical course of action. Reuse of old newspapers in the production of new newsprint is a cost effective, environmentally sound method of diverting this material from ending up in our landfills.

AB 1305, Killea, Stats. 1987, Ch. 1093, the enacting legislation for this program, was signed in September of 1989. This statute was re-codified in March, 1990 and appears in Public Resources Code sections 42750 through 42791. These sections became effective on March 30, 1990.

- The statute defines recycled-content newsprint as newsprint in which not less than 40 percent of its fiber consists of postconsumer waste paper.

- The statute requires all consumers of newsprint in the state, beginning January 1, 1991, to ensure that at least 25% of all newsprint used is made from recycled-content newsprint subject to availability, price, and quality compared to virgin newsprint.

- The percentage of newsprint used, which is made from recycled-content newsprint shall increase to:
  (a) 30% on and after January 1994
  (b) 35% on and after January 1996
  (c) 40% on and after January 1998
  (d) 50% on and after January 2000.

- The regulations clarify and make more specific the definitions of terms, the certification procedures, the recordkeeping requirements, and the imposition of fines and penalties.

The Public Resources Code (PRC) statute requires the Board to:

- Process annual use certifications received from commercial consumers of newsprint in California. (PRC Section 42770)

- Audit commercial newsprint consumer certifications when necessary. (PRC Section 42771)

- Develop a list of every commercial newsprint consumer and supplier, as specified, in the state. (PRC Section 42774)

- Establish and review newsprint quality standards and compare the quality of recycled content newsprint to virgin newsprint. (PRC Section 42775)

- Report to the Legislature by 7/1/1994 on the availability, quality, and markets for all recycled-content papers. (PRC Section 42776)

- Refer false or misleading certifications to the Attorney General for prosecution. (PRC Section 42780)

- Assess civil penalties for violations of the division. (PRC Section 42791)

California law provided for programs to encourage or require recycling of specified materials but did not, until this legislation, expressly establish a program for reuse and recycling of used newspapers. Although legislation has been passed in other states with regard to recycled-content in newsprint, many of the laws establish voluntary programs. These regulations, if adopted by the Board, will be the first to be developed in the country which implement a mandatory recycled-content newsprint program for all consumers of newsprint in the state.

It is felt that this specific mandatory recycled-content newsprint legislation would be the most reasonable and sensible method to ensure newsprint diversion. The factors supporting this conclusion are:

Benefits:

1) Employs existing technology that is proven and cost effective.
2) Employs an existing market where recycled-content is a proven and accepted product.
3) Mandates use only when recycled-content product is of comparable quality, price, and availability.
4) Encourages demand.
5) Establishes "labeling" and quality standards that clarify what is an acceptable recycled-content product.
6) Allows the consumer to control purchase options but also requires consumers to certify compliance with newsprint use goals.

7) Defines the responsibility of the manufacturers and suppliers of newsprint as it relates to recycled-content use.
8) Tracks newsprint use patterns established through consumer certifications.

Costs:

1) Economic costs of the program are directly born by the purchasers of newsprint.
2) The potential economic incentive for recycled-content newsprint use is limited to 50% of the total market.
3) Encourages manufacturers to make increased capital investments for recycled-content products.
4) Limits costs of the program to commercial businesses.

Impacts:

On Consumers:

1) Requires increased record keeping if printer/publisher does not meet recycled-content use requirements.

2) May require new contracts be made with manufacturers and suppliers to purchase recycled-content newsprint.

On manufacturers and recycling businesses:

1) Initially establishes a marketing advantage for current manufactures and suppliers of recycled-content newsprint. Tends to increase the price of recycled-content product.
2) Encourages collection of old newspapers. May initially lower the price of the diverted material.
3) Does not directly encourage investment of recycling manufacturing capacity in California. May act as a disincentive for potential manufacturers not yet in production.
4) Does not directly require diversion of old newspapers from California landfills.

ANALYSIS:

The only remaining issue related to these regulations is the definition "newsprint supplier." The definition of a "newsprint supplier," as stated in section 17952(b)(13) of the regulations, describes the persons who are required to pass along the information needed by consumers who must certify their recycled-content newsprint use to the Board each year. The preservation

of the flow of the information from manufacturers to suppliers to the consumers actually using the newsprint in commercial printing or publishing operations is essential to the success of this program.

The definition of "newsprint supplier" currently appears as follows in section 17952(b)(13) of the regulation: A newsprint supplier is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California. Staff included several alternatives to this definition in the Notice of Modifications To Text Of the Proposed Recycled-Content Newsprint Regulations. These alternatives were:

1) Delete the entire definition,

2) Change the definition to: A newsprint supplier is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California. Consumers who supply other consumers with newsprint are not considered suppliers for the purposes of this Article,

3) Change the definition to: A newsprint supplier is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California. Consumers who trade newsprint for other newsprint with other consumers are not considered suppliers for the purposes of this Article.

4) Do not delete the definition, as suggested above, and retain b) (13) as originally proposed.

Alternative number 1 has no support and would leave the question of who has to comply as a supplier unanswered.

Alternative number 2 has the support of the CNPA. However, Board staff would like more information regarding the frequency and volumes of such transfers of newsprint before supporting this alternative. A survey by CNPA or a non-regulatory question on the consumer certification form, #430 have been suggested as ways to collect this information.

Alternative number 3 has no support and would do nothing to clarify the issue.

Alternative number 4 would be preferred at this point by staff. If it can be shown that this definition would impose undue certification requirements on consumers who supply other consumers with newsprint, staff would support alternative number 2.

STAFF COMMENTS:

In addition to the four public comment periods and Committee meetings, staff has attended numerous meetings with industry and environmental group representatives. Since October of 1990, the American Paper Institute (API) has sponsored nine meetings to discuss the recycled-content newsprint regulations. In addition, staff has requested four others and has held two public workshops. These meetings were always well attended and full of lively discussion. Staff has received almost one-hundred letters and half as many phone calls making comments and suggestions for these regulations. These written and oral comments have provided much of the language contained in the regulations. Because of this ongoing dialogue with affected parties, staff feels that it is time to go forward with adoption of the regulations. Only with the regulations implemented, will the Board get feedback and then be able to make improvements in the program.

The nearly unanimous acceptance of the program and the September 20, 1991 draft of the regulations indicates to staff that it is time to commence this program. Following the meeting with CNPA and other affected parties, staff expects to recommend specific language for adoption by the Board concerning the definition of newsprint supplier, in section 17952(b)(13).

The first consumer certifications are due to the Board on March 1, 1992, and must cover usage of newsprint by commercial printers and publishers during 1991. Timely adoption of these regulations will allow for this certification process to be put into place and run smoothly.

The purpose of this item is to receive approval from the Board members to submit the Proposed Recycled-Content Newsprint Regulations (14 CCR, 17950 through 17974) to the Office of Administrative Law (OAL) for review.

Board Findings

The Board must make several findings pursuant to OAL regulations and the Administrative Procedure Act (APA) in the process of formally adopting the regulations. The regulatory package needs to include a Statement of Reasons which provides justifications on the need for the regulation and a determination that the adopting agency finds that no alternatives considered would be more effective and less burdensome than the proposed regulations pursuant to Government Code Sections 11346.14 and 11346.7.

The Board must also determine if these regulations impose a mandate on local agencies or school districts pursuant to

Government code Section 11346.7. The Board must demonstrate that any provisions incorporated by reference are necessary because they would be cumbersome, unduly expensive or impractical to publish in the California Code of Regulations. This finding is to be submitted within the Final Statement of Reasons pursuant to OAL regulations in Title 1, California Code of Regulations, Section 20.

Rulemaking Procedures

Several other regulatory procedures are required by the APA. These procedures and the above findings are addressed within the resolution that follows this agenda item. The Board must transmit to OAL a certified copy of every regulation adopted pursuant to Government Code Section 11343, and a Certificate of Compliance, pursuant to Government Code Section 11346.1.

The Rulemaking Record must be made available to the public pursuant to Government Code Section 11346.5. Within the Rulemaking Record, the Board must address economic impacts on small businesses, and cost impact on private persons or businesses pursuant to Government Code Section 11346.53. The Board must submit to OAL a Final Statement of Reasons pursuant to Government Code Section 11346.7. Finally, the Board must maintain the rulemaking file pursuant to Government Code Section 11347.3.

Should the Board elect to make changes that substantially alter the requirements or responsibilities of the jurisdictions, then 45-day public comment period will be necessary. If the changes are "sufficiently related" to the original notice published with OAL, the only a 15-day public comment period would be necessary.

ATTACHMENTS:

1. September 20, 1991 draft of the modified Regulations.

2. Notice of Modifications and potential changes to the definition of " newsprint supplier" which are currently available for comment during the October 15 through October 30, 1991 comment period.

3. Board Resolution #91 - 80

Prepared By: Jerry Hart phone: 327-9387

Reviewed By: Bill Huston phone: 324-1225

Legal Review: date: 10-22-91 time: 14:09.

STATE OF CALIFORNIA Pete Wilson, Governor

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

Attachment 1

To: Interested Parties

From: Jerry Hart, Planning and Assistance Division

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED RECYCLED-CONTENT NEWSPRINT REGULATIONS

In the Notice of Proposed Action (Notice) published in the California Regulatory Notice Register on May 10, 1991, (see Cal. Reg. Notice Register # 19) the California Integrated Waste Management Board (Board) proposed to formally adopt regulations pertaining to recycled-content newsprint. These regulations will appear in Title 14 of the California Code of Regulations (CCR), Division 7, Chapter 4, Article 4, Sections 17950 through 17974. In response to both oral and written public comments, the Board now proposes to amend these regulations. Pursuant to Government Code section 11346.8(c), and Title 1, CCR, section 44, the Board is hereby providing notice of changes made to the originally proposed regulations. For the definition of commercial printer and commercial publisher, we have incorporated by reference the Standard Industrial Classifications (SIC) Code definition. These definitions are available for review at the Board's office.

Additions and deletions made after the forty-five (45)-day public comment period, and which are the subject of this fifteen (15)-day notice are displayed as follows:

1) Language added to the original draft of the proposed regulations is redlined (example);

2) Language deleted from the previous draft of the proposed regulations is stricken-out with a hyphen (~~example~~).

3) Language added to the previous draft of the proposed regulations is preceded by an asterisk (*).

If you have any comments regarding the proposed changes to the regulations which are the subject of this 15-day notice, you may submit them to the Board. The Board will receive comments on these regulations commencing on September 24, 1991 and ending on October 9, 1991. Comments should be directed to Jerry Hart, Planning and Assistance Division, 1020 9th Street, Suite 100, Sacramento, California 95814. All comments received by October 9, 1991 which pertain to these modifications, will be responded to by Board staff as part of the compilation of the Rulemaking File. Please limit your comments to modifications of the text which are part of this 15-day notice.

Enclosed please find a copy of the modified text of the proposed regulations. Any telephone inquiries regarding this notice or the Rulemaking process should be directed to Jerry Hart, Planning and Assistance Division, at (916) 327-9355 or Maureen Carr Morrison, Assistant Chief Counsel, at (916) 322-1390.

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PROPOSED RECYCLED-CONTENT NEWSPRINT REGULATIONS
AS MODIFIED ON SEPTEMBER 20, 1991

State of California

California Integrated
Waste Management Board

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TITLE 14, DIVISION 7, CHAPTER 4 OF THE CALIFORNIA CODE OF REGULATIONS

RESOURCE CONSERVATION PROGRAMS

MARKET DEVELOPMENT PROGRAMS

ARTICLE 4

RECYCLED CONTENT NEWSPRINT

SECTIONS 17950-17974

Section 17950 ~~INTRODUCTION~~ REGULATORY EFFECT OF QUESTIONS AND ANSWERS

For the purposes of this Article, both the question and answer in each section have regulatory effect for implementation and enforcement. In addition to the regulations in this Article, statutory provisions contained in Sections 40502 and 42750 through 42791 of the Public Resources Code govern the Recycled-Content Newsprint Program.

Note: Authority cited: Section 40502, Public Resources Code

Section ~~17950~~ 17952 PURPOSE AND DEFINITIONS

a) What is the purpose of this regulation? This regulation explains what recycled-content newsprint requirements consumers of newsprint and suppliers of newsprint must meet, and what procedures consumers and suppliers of newsprint must follow to report and certify recycled-content newsprint use. These regulations only pertain to newsprint use within the state of California.

b) 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 ~~the physical site or location of~~ a business located in California which annually uses more than 100 metric tons of newsprint in its printing or publishing operation. A commercial printer is further defined as a person whose business is classified in the Standard Industrial Classifications Code(SIC), Sections 2752,

2754, or 2759 which is incorporated herein by reference. A commercial publisher is further defined as a person whose business is classified in the Standard Industrial Classifications Code (SIC), Sections 2711, 2721, 2731, or 2741, which is incorporated herein by reference.

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.

PRC 40170 defines "person" as an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

4) *Delivery time* is the time between placement of a newsprint order and receipt of that order by a consumer of newsprint.

5) *Grade of Paper* is a class or level of quality of paper or pulp which is ranked, or distinguished from other papers or pulps, on the basis of its use, appearance, quality, manufacturing history, raw materials, or a combination of these factors. Some grades have been officially identified and described and thus ranked. Others are commonly recognized but lack official definition.

6) *Groundwood Pulp* means a material that is produced by taking debarked pulpwood, and forcing it against a revolving grindstone in the presence of water. The abrasive action of the stone reduces the wood to pulp. No chemicals are used in the production of groundwood except for possible bleaching.

7) *Machine Finish* is any finish obtained on a paper machine. It may be that of a sheet of paper as it leaves the last drier or as it leaves the calendar stack. It may also be a dry or water finish. When used in conjunction with the name of a grade or type of paper, a machine finish has less than the maximum range of smoothness.

8) *May* means a provision is permissive.

9) A *metric ton* is 1000 kilograms. To convert pounds to metric tons, divide the number of pounds by 2,204.6.

10) *Must* means a provision is mandatory.

11) "*Newsprint*" means uncoated paper, whether supercalendered or machine finished, of the type generally used for, but is not limited to, the publication of newspapers, commercial advertising inserts, directories, or commercial advertising mailers, which is

made primarily from mechanical woodpulps combined with some chemical woodpulp. "Newsprint" includes paper made from old newspapers which have been deinked, using the recycled pulp in lieu of virgin pulp. "Newsprint" includes all grades of paper sold as newsprint, supercalendered (SC) uncoated groundwood, or machine finished (MF) uncoated groundwood.

* ~~The particular Grades of newsprint are further defined as:~~ may include but are not limited to:

1) Newspaper Newsprint: ~~48.8~~ 52.1 g/m^2 through 45.0 g/m^2

2) Lightweight Newsprint: ~~40~~ 45.0 g/m^2 and lower

3) Supercalendered and machine finished uncoated groundwood newsprint grades as follows:

a) Hi-Brite Newsprint: 48.8 g/m^2 and higher, brightness greater than 65%

b) CPO Newsprint: 45.0 g/m^2 through 48.7 g/m^2, brightness greater than 65%

c) Rotogravure Newsprint: 40.0 g/m^2 and higher, roughness less than 60 Sheffield.

12) A *newsprint manufacturer* is in the business of making newsprint.

13) A *newsprint supplier* is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California.

14) *Quoted price* is defined as the actual purchase price for newsprint. The price agreed upon by the buyer and the seller, verbally or in writing, which consummates a sale or purchase.

15) *Reporting Period* is from January 1 through December 31 of any given year.

* 16) A *shipment* is defined as any quantity of newsprint, regardless of mode of transportation, which is accompanied by an invoice, bill of lading, shipment order, purchase order, or other evidence of delivery. ~~The paperwork must accompany the shipment at all times from the mill of production to the printing press, evidence of delivery~~ A physical record for every shipment must be received by the company using the newsprint in their commercial printing or publishing operation.

17) *Supercalendered* is a finish obtained by passing paper between rolls of a supercalender under pressure. The resulting

finish will vary depending upon the raw material used in the paper and the pressure exerted upon it, from that of the highest English finish to a highly glazed surface.

* ~~20) Virgin newsprint, for the purpose of this regulation, contains less than 40 percent postconsumer waste paper, is newsprint which has been made from pulp which has not previously been used in the paper making process.~~

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42750, 42753, 42754, 42755, 42756, Public Resources Code.

Section 17954 WHO MUST COMPLY WITH THIS REGULATION?

Who must comply with this regulation? You must comply with this regulation if you are:

1. A person, as defined by Public Resources Code section 40170, located in California, or

2. A newsprint supplier who is a person, as defined ~~by Public Resources Code section 40170~~ above, 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~~ above, who produces newsprint which will be used in California.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42750, 42753, 42772, Public Resources Code.

Section 17956 WHO MUST CERTIFY?

* These certification requirements apply to printers and publishers, located in California, who use more than 100 metric tons of newsprint annually. Out of state operations are not required to comply with these regulations.

a) Printer/Publisher Certification of Recycled-Content Newsprint Use to the Board.

1) If you own or operate a commercial printing establishment located in California, you must annually submit to the Board a completed Consumer Certification form, #430 (10/91). The form is due to the Board on March 1 of each year.

2) If you own or operate a commercial publishing operation located in California, which also owns or operates a commercial printing operation, you must submit a completed consumer certification, Form #430 (10/91), to the Board.

* 3) Any person owning or operating more than one commercial printing or commercial publishing operation in California may submit one certification for all of its operations. ~~This certification must list~~ All of the information required by Section 17958 (b) of this Article must be itemized for each establishment included in the certification.

~~* 4) Board Form #430, described in 17956(b) of this Article, is the annual certification form due to the Board on March 1 yearly.~~

~~5~~ 4) If you own or operate a commercial publishing operation located in California, but do not do any printing, you are not required to submit a consumer certification form to the Board.

b) Supplier certification of Recycled-Content Newsprint to consumers or other suppliers.

If, at any time during a year, you supply recycled-content newsprint to commercial printers/publishers located in California, or to other suppliers which may in turn supply such establishments, you must comply with Section 17958 of this Article. Suppliers of newsprint are held accountable for certification according to Section 17958, regardless of their location.

c) Manufacturer certification of recycled-content of its newsprint to the Board.

* If you are a person manufacturing recycled-content newsprint for use in California, you must submit a letter to the Board certifying the metric tons of ~~old newspapers~~ postconsumer waste paper and/or deinked newsprint pulp received or produced at each of your mills producing recycled-content newsprint for use in California. You must also certify to the Board, the metric tons of recycled-content newsprint, by grade, which were produced at each of your mills which were shipped for use in California during each reporting period. This letter of certification will be due on March 1 of every year for each reporting period.

d) Manufacturer certification of the recycled-content to suppliers/consumers.

If you are a person manufacturing recycled-content newsprint for use in California, you must certify that the ~~recycled-content of your newsprint to all persons who receive a shipment from you~~

newsprint you ship for use in California is recycled-content newsprint.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42753, 42772, 42773, 42774, 42775, Public Resources Code.

Section ~~17954~~ 17958 NEWSPRINT CONSUMER REQUIREMENTS

a) I am a consumer of newsprint. What must I 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 (b) of this regulation.

TABLE ONE: RECYCLED-CONTENT NEWSPRINT USE 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 located in California. What information must I 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, Board Form #430 (10/91):

1. Your name, mailing address, physical address, and telephone number,

2. The total in metric tons of ~~virgin~~ newsprint not containing forty (40) percent postconsumer fibers 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~~ 4. For each ~~shipment~~ supplier 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 must I 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 form, Board Form #430 (10/91), that you send to the Board, and

3. A copy of any supplier certification you have received.

d) How long must consumers of newsprint keep the records required by this regulation? You must keep the records for 3 years after the date of the certification and make them available to the Board upon request.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42760, 42770, 42782, Public Resources Code.

Section ~~17956~~ 17960 NEWSPRINT SUPPLIER REQUIREMENTS

*** a) I am a newsprint supplier. When I certify the metric tons of recycled-content ~~of the~~ newsprint in every ~~delivery~~ shipment to a consumer or other supplier of newsprint, what information must I include?** When you certify the recycled-content of the newsprint in a ~~delivery~~ shipment to a newsprint consumer or supplier, 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~~ 2. The name and physical address of the consumer or supplier to whom you are sending the newsprint,

~~4. The newsprint manufacturer's name,~~

~~5~~ 3. Name of the newsprint grade~~, including printing opacity, brightness, cross machine tear strength,~~ and the date(s) of ~~delivery,~~ shipment,

~~6~~ 4. Total in metric tons, by grade, of recycled-content newsprint ~~delivered~~ shipped, and

~~7~~ 5. Total in metric tons, by grade, of ~~virgin~~ newsprint containing less than 40 percent postconsumer waste paper ~~delivered~~ shipped which is not recycled-content newsprint.

6. If a shipment contains no recycled-content newsprint, the supplier shall so certify.

*** b) I am a newsprint supplier who has supplied consumers or other suppliers with recycled-content newsprint. What records must I keep to comply with this regulation? ~~When I certify to the Board the metric tons of recycled-content of the newsprint I supplied to a consumer or other supplier on March 1 of every year, what information must I include? When you make this certification, you must include:~~** You must keep the following records for each shipment of newsprint you make to a consumer or other supplier:

~~1. Your name, mailing address, and telephone number,~~

1. The manufacturer's name, address, and mill of production for each grade of newsprint received in each shipment,

2. The name and mailing address of the person you received each shipment from prior to your supplying it to others.

3. The name and mailing address of the consumer or supplier to whom you shipped the newsprint.

4. Name of the newsprint grade(s) supplied in each shipment, and the dates of shipment.

* 5. Total, in metric tons of each grade of newsprint, containing less than 40 percent postconsumer waste paper, contained in the shipment.

* 6. ~~Recycled content of the newsprint contained in each shipment.~~ Total, in metric tons, of each grade of recycled-content newsprint contained in each shipment, and

* 7. Copies of any certification you send to consumers of newsprint, or to other suppliers.

b ~~c~~) As a newsprint supplier, what records must I 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, to other suppliers, or to the Board.

c) As a newsprint supplier, how long must I keep the records required by this regulation? If you are a newsprint supplier, you must keep records for 3 years after the date of each certification and make them available to the Board upon request.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42772, 42780, Public Resources Code.

Section 17962 NEWSPRINT MANUFACTURER REQUIREMENTS

a) I manufacture recycled-content newsprint which is used in California. What must I do to comply with this regulation? If you manufacture recycled-content newsprint which is used in California, you must:

* 1) Certify the ~~amounts~~ metric tons of recycled-content ~~of the~~ newsprint contained in each shipment made to consumers or suppliers, by grade, for use in California. If a shipment contains no recycled-content, you shall so certify.

* 2) Certify to the Board by March 1 of each year the metric tons of ~~old newspapers~~ postconsumer waste paper/deinked pulp

received, or produced, at each of your mills producing recycled-content newsprint for use in California, during each reporting period.

3) Certify to the Board by March 1 of each year the metric tons of recycled-content newsprint, by grade, which were produced at each of your mills, which were shipped for use in California, during each reporting period.

b) As a manufacturer of recycled-content newsprint, what records must I keep to comply with this regulation? If you are a recycled-content newsprint manufacturer, you must keep copies of any certification you send to suppliers, consumers, or the Board.

c) As a manufacturer of recycled-content newsprint, how long must I keep the records required by this regulation? You must keep the records for 3 years after the date of the certification and make them available to the Board upon request.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42772, 42780, Public Resources Code.

Section ~~17958~~ 17964 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.~~ The Board shall establish the comparable quality standards which the recycled-content newsprint must meet.

b) How will the Board set its comparable quality standards? In July of each year, the Board will survey newsprint manufacturers who annually sell more than 5000 metric tons of recycled-content newsprint for use in California. The Board will request 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

(9/20/91)

Average of all opacity tests	T425	Percent
Average of all cross-machine tear strength tests	T414	Grams

c) The Board will use the following method to calculate the comparable quality standard for each of the specifications in ~~each grade:~~ the newspaper newsprint and lightweight newsprint grades:

Sum of the ~~average~~ test results from ~~each~~ samples ~~submitted by~~ manufacturers	=	_____(1)
Number of manufacturers ~~reporting~~ submitting samples	=	_____(2)
Divide (1) by (2)	=	_____(3)
Multiply (3) by 0.98	=	_____(4)

The figure on line (4) is the minimum comparable quality standard for these grades.

d) The Board will use the following method to calculate the comparable quality standard for each of the specifications in the supercalendered and machine finished uncoated groundwood grades:

Sum of the test results from samples submitted by manufacturers	=	_____(1)
Number of manufacturers submitting samples	=	_____(2)
Divide (1) by (2)	=	_____(3)
Multiply (3) by 1.00	=	_____(4)

The figure on line (4) is the minimum comparable quality standard for these grades.

~~4.d~~ g) Where can I find the TAPPI methods for sampling procedures, and the test methods for 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 ~~f~~) 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~~ g) 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~~ 17966 COMPARABLE PRICE

*** How do I know if the price I have to pay for recycled-content newsprint is a comparable price?** ~~The price for a grade of recycled-content newsprint is comparable if the quoted purchase price for the recycled-content virgin newsprint you need is *less greater than or equal to the quoted price of three quoted prices for recycled-content newsprint of that grade.~~ The price for a grade of recycled-content newsprint is comparable if the quoted price for the recycled-content newsprint is less than or equal to the quoted price for newsprint which is not recycled-content newsprint. These price comparisons shall be grade-specific.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Section 42760, Public Resources Code.

Section ~~17962~~ 17968 AVAILABILITY WITHIN A REASONABLE PERIOD OF TIME

a) How will I know if the delivery time promised by a newsprint manufacturer or 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.~~

a) A reasonable delivery time for recycled-content newsprint for a commercial publisher shall be forty-five (45) calendar days.

* b) A reasonable delivery time for recycled-content newsprint for a commercial printer shall be calculated by adding the delivery times in days for all deliveries of newsprint of that grade received by the printer in the prior 30 days, dividing the result by the number of deliveries, and multiplying this result by 1.1. If the ~~expected~~ quoted delivery time is less than or equal to the final result of your calculation, the ~~promised~~ quoted 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, use all delivery times within the last 90 days for the calculation. 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.

* **c) What if I have never received a delivery of that grade of newsprint or any comparable grades?** If you have never received a delivery of that grade of newsprint or any grade comparable, the recycled-content newsprint shall be considered available within a reasonable period of time if the quoted delivery time does not prevent you from performing the job for which you need the newsprint.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Section 42760, Public Resources Code.

Section ~~17964~~ 17970 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 of the date on which the audit was performed.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Section 42771, Public Resources Code.

Section ~~17966~~ 17972 FAILURE TO MEET GOALS

a) I am a consumer of newsprint. What happens if I cannot meet the recycled-content newsprint use requirements for any reporting period? If you cannot meet the recycled-content newsprint use requirements for any ~~year~~ reporting period, you must give the specific reasons why you did not meet them when you file your certification for that ~~year~~ reporting period.

There are only three reasons, pursuant to PRC section 42773, for not meeting the recycled-content newsprint use requirements:

1. The recycled-content newsprint did not meet the quality standards established by the Board as defined in Section 17964 of this Article, or

* 2. Recycled-content newsprint was not available at a comparable price, as defined in Section 17966 of this Article, to that for ~~virgin~~ newsprint which is not recycled-content newsprint; or

3. The particular grade of recycled-content newsprint would not have been available in a reasonable time as defined in Section 17968 of this Article.

b) I was not able to meet the recycled-content newsprint use requirements for a ~~year~~ reporting period. 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 (10/91).

c) I was not able to meet the recycled-content newsprint use requirements for a ~~year~~ reporting period. What records do I have to keep to document my claim?

* 1. If you claim that you did not meet the recycled-content newsprint use requirements because recycled-content newsprint was not available at a comparable price to ~~virgin~~ newsprint which is not recycled-content newsprint, you must keep invoices for the newsprint you purchased for your use and copies of ~~the virgin three competing offers~~ quoted prices which you received for recycled-content newsprint ~~which you received~~ during that particular reporting period.

* 2. If you claim that you did not meet the recycled-content newsprint use requirements because the ~~comparable quality~~ recycled-content newsprint ~~was not available~~ did not meet the comparable quality standards during a particular reporting period, it is your responsibility to document your claim. Examples of documentation include, but are not limited to:

* a. Technical specifications or a letter of certification from the manufacturer of that newsprint demonstrating that the newsprint does not meet the quality standards, or

* b. ~~you must keep *test results one hundred and fifty (150) 25 -- 8 1/2" X 11" samples, or an equivalent quantity of the recycled-content newsprint you did not purchase during that particular reporting period are claiming did not meet the quality standards so that.~~ Notification within two days of the date you conclude that you cannot meet the use requirements so that the Board can inform you of the sampling procedures you must follow. The Board may conduct TAPPI tests, identified in Section 17964 - Table Two of this Article, to substantiate your claim. At that time, the Board shall inform the consumer of proper shipping and handling procedures for the samples.

* 3. If you are a publisher, and ~~If~~ you claim that ~~the a quoted delivery time~~ recycled-content newsprint was not available within a reasonable period of time during a particular reporting period, you must keep copies of ~~the delivery times for the shipments of recycled-content newsprint received during that particular reporting period *and~~ the quoted delivery times which you are claiming were unreasonable. ~~and the calculated reasonable delivery time from sections 17962 "a" and "b".~~

* If you are a commercial printer, and you claim that a grade of recycled-content newsprint was not available within a reasonable period of time during a particular reporting period, you must

keep copies of the calculations used to establish your reasonable delivery time for that grade of newsprint and the quoted delivery times which you are claiming were unreasonable.

Note: Authority cited: Section 40502, Public Resources Code
Reference: Sections 42760, 42773, Public Resources Code.

Section ~~17968~~ 17974 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: Section 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

Attachment 2

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED RECYCLED-CONTENT NEWSPRINT REGULATIONS

In the Notice of Proposed Action (Notice) published in the California Regulatory Notice Register on May 10, 1991, (see Cal. Reg. Notice Register # 19) the California Integrated Waste Management Board (Board) proposed to formally adopt regulations pertaining to recycled-content newsprint. These regulations will appear in Title 14 of the California Code of Regulations (CCR), Division 7, Chapter 4, Article 4, Sections 17950 through 17974. In response to both oral and written public comments, the Board now proposes to amend these regulations. Pursuant to Government Code section 11346.8(c), and Title 1, CCR, section 44, the Board is hereby providing notice of changes made to the originally proposed regulations.

Additions and deletions made to the previously proposed language which are the subject of this fifteen (15)-day notice are displayed as follows:

1) Language added to the original draft of the proposed regulations is redlined (example);

2) Language deleted from the previous draft of the proposed regulations is stricken-out with a hyphen (~~example~~).

If you have any comments regarding any of the proposed changes to the regulations which are the subject of this 15-day notice, you may submit them in writing to the Board. The Board will receive comments on this change to the regulations commencing on October 15, 1991 and ending on October 30, 1991. Comments should be directed to Jerry Hart, Planning and Assistance Division, 1020 9th Street, Suite 100, Sacramento, California 95814, (916) 327-9355. Any telephone inquiries regarding the Rulemaking process, call Maureen Carr Morrison, Assistant Chief Counsel, at (916) 322-1390. All comments received by 4:00 pm, October 30, 1991 which pertain to this modification, will be responded to by Board staff as part of the compilation of the Rulemaking File. Please limit your comments to the modification of the text which requires this 15-day notice.

– Printed on Recycled Paper –

At the October 10, 1991 Policy, Research, and Technical Assistance Committee meeting, staff was directed to make the following deletion to the regulations and to submit the regulations to the Board for adoption.

Section 17952 PURPOSE AND DEFINITIONS

~~**b) (13) A newsprint supplier is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California.**~~

In lieu of making this deletion, the Board may discuss and adopt one of the following alternatives at the October 30, 1991 Board meeting in Bakersfield, California.

1) **b) (13)** A newsprint supplier is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California. Consumers who supply other consumers with newsprint are not considered suppliers for the purposes of this Article.

2) **b) (13)** A newsprint supplier is a broker, dealer, or seller of 5 metric tons or more of newsprint per year for use in California. Consumers who trade newsprint for other newsprint with other consumers are not considered suppliers for the purposes of this Article.

3) Not delete the definition, as suggested above, and retain b) (13) as originally proposed.

Comments on any of the above alternatives are solicited at this time.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 91 - 80

FOR THE ADOPTION OF THE MODIFIED REGULATIONS FOR:
TITLE 14, CALIFORNIA CODE OF REGULATIONS
CHAPTER 4, ARTICLE 4, SECTIONS 17950 - 17974
RECYCLED-CONTENT NEWSPRINT PROGRAM

OCTOBER 30, 1991

WHEREAS, Public Resources Code (PRC) section 40502 authorizes the Board to adopt rules and regulations to clarify and make more specific the statutory language of PRC sections 42750 - 42791, the enacting legislation; and

WHEREAS, Public Resources Code sections 42750 - 42791 requires all consumers of newsprint in the state, beginning January 1, 1991 to ensure that at least 25 percent of all newsprint used is made from recycled-content newsprint; and

WHEREAS, the formal notice of rulemaking activity for Title 14, California Code of Regulations sections 17950 - 17974 was published on May 10, 1991; there has been a 45-day public comment period for all the regulations and two public workshops; and the Board's Policy, Research, and Technical Assistance Committee held a public hearing to adopt the modified Recycled-Content Newsprint Regulations on July 10, 1991; and

WHEREAS, staff modified the regulations as a result of comments received during the 45-day comment period and began a subsequent 15-day comment period on August 28, 1991; and

WHEREAS, the Policy, Research and Technical Assistance Committee recommended the regulations be modified again as a result of public comment and be circulated for an additional 15-day public comment periods at its September 12, 1991 meeting; and

WHEREAS, the Policy, Research and Technical Assistance Committee, at its October 10, 1991 meeting approved the proposed regulations be sent on to the Board for adoption pending a final clarification of a definition by the date of the Board action; and

WHEREAS, staff circulated four alternatives to this definition for a subsequent 15-day comment period; and staff has received no other comments thus far in the comment period which will end on October 30, 1991; and

WHEREAS, the Board has taken all public comments under consideration; and

WHEREAS, the Board finds that it has fulfilled all the requirements of Government Code sections 11343, 11346.1, 11346.4, 1346.5, 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 the record for the rulemaking proceedings pursuant to Government Code section 11347.3; and

WHEREAS, the Board finds that proper guidance is necessary for consumers of newsprint in California to comply with the statute which attempts to divert old newspaper from landfills by providing a market for them.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts Sections 17950 - 17974 of Title 14, California Code of Regulations, and directs staff to submit the rulemaking file to the Office of Administrative Law for review and filing with the Secretary of State.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is adopted at a meeting of the California Integrated Waste Management Board held on October 30, 1991.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM 18

ITEM: Consideration of a Workplan for the Landfill Capacity Study

COMMITTEE ACTION:

The Planning Committee recommended the submittal of the attached workplan to the Board.

BACKGROUND:

This item was first discussed by the Policy, Research and Technical Assistance Committee on September 12, 1991. Committee Members asked staff to prepare a report on the remaining disposal capacity in California to be submitted to the Board by February 1992. As a result of that discussion, staff was directed to develop a report based on the County Local Task Forces' (LTF) findings of existing landfill disposal capacity. The existing landfill disposal capacity findings were submitted in 1990 and are required pursuant to Chapter 9, Title 14 of the California Code of Regulations, Planning Guidelines and Procedures for Preparing and Revising Countywide Integrated Waste Management Plans, Article 3, Section 18777(b).

The Committee Members requested that staff develop a schedule and outline of the tasks needed to complete the report before recommending to the Board that staff proceed with the study. This workplan has been prepared for the Committee Members' approval. A workplan was prepared and submitted to the Planning Committee on October 8, 1991. The committee recommended the workplan be forwarded to the Board for action.

ANALYSIS:

The approach that was used to develop the workplan involved defining the tasks needed to carry out the Policy Committee's request. These tasks include: compiling and evaluating the existing data submitted to the Board by the County Local Task Forces; summarizing and aggregating the existing data by county, region (2 or more counties), and giving a statewide total; and preparing and presenting the draft and final reports to the Board. This approach is outlined in the attachment.

Staff anticipates the report will have the best available data as provided by the County Local Task Forces. The report will define areas by county and regions that are in critical need of disposal capacity. By identifying these areas, the Board can develop

strategies to assist the local jurisdictions in providing for the safe and adequate disposal of solid wastes.

In addition to the approach staff selected, the following alternatives were evaluated:

The first alternative considered for this study was preparing a report based on surveys (telephone, fax, letters), verifying data against the Board's SWIS list, and checking solid waste facility permits. This was estimated to take approximately six months and 1400 staff hours.

The second alternative considered was contracting this study out to the private sector. This alternative would have required a significant amount of staff time and resources in preparing and overseeing the contract. Additionally, due to the State contract process the anticipated start date would be delayed by several months, at a minimum.

The approach staff selected was based on the following factors. First, the two alternatives described above would result in significant costs expended and substantial delays in preparation of the report. Second, staff are currently experiencing a demanding workload due to reviewing and commenting on the Source Reduction and Recycling and Household Hazardous Waste Elements within the regulatory timeframe. There are 190 elements in the process of review and comment at this time and approximately 50 percent of the elements (over 500) have not yet arrived. In addition, staff are in the process of developing regulations and holding workshops on the Siting Element and the CIWMP.

Please note, it is our intention to hire two students to perform the tasks associated with the study to minimize the impact on existing resources and time. The inability to hire the students will result in an impact to existing staff and resources.

STAFF COMMENTS:

Staff recommends that the Board consider approval of the Landfill Capacity Study in accordance with the workplan.

ATTACHMENT:

1. Landfill Capacity Study Workplan

Prepared By: John Nuffer JN phone: 327-1000

Reviewed By: John D. Smith JDS phone: 327-0450

Legal Review: R Cornheim date: 10-17 time: 17h 25

Remaining Countywide Permitted Capacity Project

WORKPLAN

Planning and Assistance Division
Local Assistance Branch

Project: To develop an interim report to document the remaining countywide permitted disposal capacity, using the January 1, 1990, information supplied by the County Local Task Forces (LTF). This information was required by legislation to be submitted to the Board 30 days after the incorporation of the LTF. After the County Integrated Waste Management plans are submitted, a more detailed report will be possible.

Purpose: To determine the extent of need, and regions (two or more counties), where California is critically short of disposal capacity. This will be based on a countywide, regionwide and statewide evaluation of existing disposal capacity.

Schedule: (based on doing research and report inhouse, with students)

Calender	Tasks
Oct 30	Compile existing data from the LTF
Nov 7	Evaluate existing data
Nov 21	Summarize and aggregate data by: county region (two or more counties) state
Dec 5	Prepare and present draft report to Policy Committee Prepare final report for Policy Committee
Jan 8	Present final report to Policy Committee Revise final report as needed Prepare final report for the Board
Feb 26	Present report to the Board

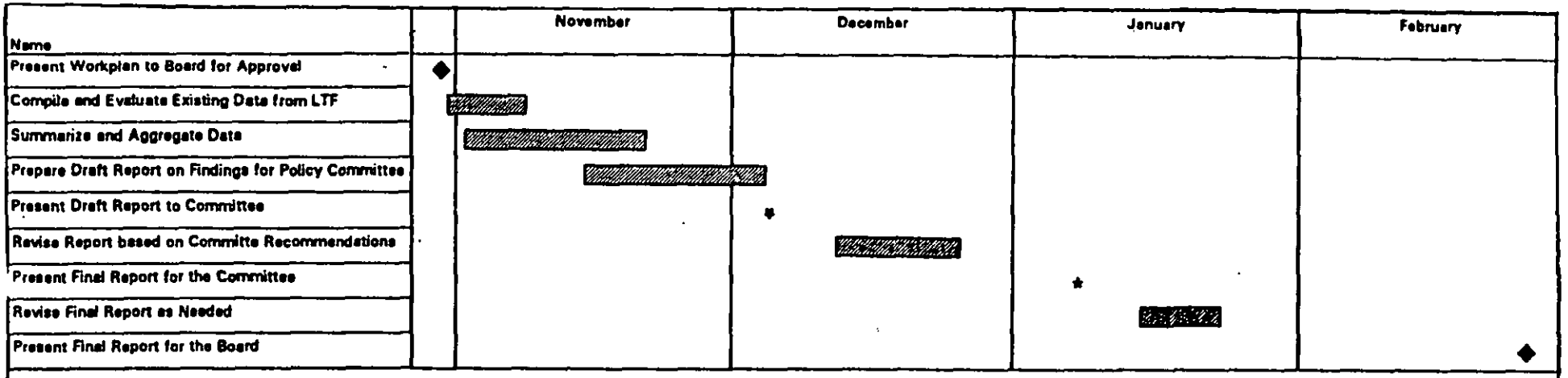
Resources:

SSWM	4
SWMS	8
AWMS	100
Students	200
Total Hours	312

Budget:

SSWMS	@ $32 hr	x	4	hrs =	$ 128
SWMS	@ $28 hr	x	8	hrs =	224
AWMS	@ $24 hr	x	100	hrs =	2400
Students	@ $8.00x2	x	200	hrs =	3200
5 Staff			312	hrs	$5952

Workplan Timeline



NOTE: Diamonds Represent Board Meetings (February Meeting is Tentative).

Asterisks Represent Policy Committee Meetings (December and January are Tentative Dates).

ITEM 19 WILL BE AVAILABLE

AT THE BOARD MEETING ON OCTOBER 30, 1991

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

Agenda Item 20

ITEM: Consideration of Adoption of an Affirmative Action/Nondiscrimination Policy Statement

COMMITTEE ACTION:

At its October 8, 1991, meeting, the Administration Committee approved the attached policy statement with amendments and forwarded it to the full Board for approval.

BACKGROUND:

The Administration Committee on August 21, 1991, reviewed a timeline for the implementation and re-affirmation of an affirmative action program by the Board's designated Affirmative Action Officer, Phillip J. Moralez. At that meeting, the Committee directed Mr. Moralez to bring back to the Committee those items identified in the timeline for Board consideration and action.

Under Government Code Sections 19790-19799, all state agencies and departments are required to implement an "affirmative action plan". Also Government Code Sections 19700-19706 require that all employment practices be free from any vestiges of discrimination. These sections specifically outline those groups and/or individuals protected under these sections.

Attachment A is a proposed policy statement by the CIWMB which is responsive to the Government Code sections noted above.

ANALYSIS:

In June, 1984, the Solid Waste Management Board, issued an affirmative action policy statement under the signature of Executive Officer, John Hagerty. With the establishment of a new full time Board and a name change to the California Integrated Waste Management Board, it would seem appropriate that there be a re-affirmation of an "Affirmative Action/Nondiscrimination" policy.

STAFF COMMENTS:

It is recommended that the Board approve the policy statement as the first step toward the implementation of an effective affirmative action program.

ATTACHMENTS:

A. Sexual Harassment Policy Statement

Prepared by: Phillip J. Moralez PJM Phone: 327-3651

Reviewed by: Don Dier Jr. DJ Phone: 324-0266

Legal Review: [illegible] Date/Time: 10-21-91 09:40

ATTACHMENT A

AFFIRMATIVE ACTION/NONDISCRIMINATION

POLICY STATEMENT

The California Integrated Waste Management Board (CIWMB) is committed to a just personnel system that provides equal employment opportunities for all people at all levels in the Board's workforce and the public as well as a nondiscrimination work environment. To this end, the Board on a continuous basis, reviews and revises employment policies and procedures. Board personnel procedures are to ensure that all hiring, working conditions, training, promoting, compensation, benefits, transfers, and layoffs will be administered fairly to all employees, regardless of age, sex, race, color, creed, religion, national origin, ancestry, disability, marital status, sexual orientation or preference, native language, political affiliation, or pregnancy. Practices and/or decisions not related to the requirements of the job have no place in the Board's personnel practices.

To assist the Board in complying with nondiscrimination laws, policies, and guidelines, and to meet and sustain its affirmative action responsibilities, the Executive Director will establish and maintain an Equal Employment Opportunity (EEO) advisory committee. This advisory committee will have three sub-committees: the EEO, the Women's Advisory Committee (WAC), and the Disabled Advisory Committee (DAC). The contributions of these committees will enhance and be in concert with laws, policies and guidelines on affirmative action and nondiscrimination.

The Board will implement an effective Affirmative Action program consistent with the intent of this policy. The Board will take appropriate disciplinary action against any employee who violates this policy and/or federal, state, and local laws related to this policy.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

Agenda Item 21

ITEM: Consideration of Adoption of a Policy Prohibiting Sexual Harassment in the Work Place.

COMMITTEE ACTION:

At its October 8, 1991, meeting, the Administration Committee approved the attached policy statement and forwarded it to the full Board for approval.

BACKGROUND:

The Administration Committee on August 21, 1991, reviewed a timeline for the implementation and re-affirmation of an affirmative action program. The Committee directed the Board's Affirmative Action Officer, Phillip J. Moralez, to bring back to the Committee those items identified in the timeline for Board consideration and action at a later date.

Current state and federal laws prohibit sexual harassment of any kind in the work place. Attachment A is a proposed policy statement which re-affirms the Board's position that the work place be free from this type of conduct.

ANALYSIS:

Current laws prohibit sex discrimination. The purpose of a policy that more clearly identifies sexual harassment as illegal is to clearly define conduct and/or behavior that constitute a more serious form of sex discrimination.

Because of the serious nature of this type of behavior and/or conduct, the State Personnel Board requires that a policy statement prohibiting this type of conduct be issued to all employees on an annual basis.

STAFF COMMENTS:

It is recommended that the Board approve the policy statement as the Board's notice to all employees and the public that behavior and/or conduct which violates this policy will not be tolerated.

ATTACHMENTS:

A. Affirmative Action/Nondiscrimination Policy Statement

Prepared by: Phillip J. Moralez Phone : 327-3651

Received by: Don Dier Jr. Phone: 324-0266

Legal Review: Date/Time 10-24- 09h41

ATTACHMENT A

Sexual Harassment

Policy Statement

The California Integrated Waste Management Board (CIWMB) requires its employees to maintain a work atmosphere which is free from sexual harassment as well as other discriminatory practices. All conversations, discussions, and meetings in the conduct of Board business, as well as those activities that may be perceived as conducted or related to the furtherance of the Board's business, are to be free of sexual harassment in any form. All Board employees shall conduct themselves in a courteous, respectful manner, cognizant of the rights of others to be free of intimidating, hostile, or offensive acts, language, or innuendo. All employees shall familiarize themselves with this policy and shall be held accountable for its implementation.

A work environment free of sexual harassment means that all persons shall have the right to seek, obtain, and hold employment without harassment directed toward the person's sexual status. It shall mean freedom from any sexually harassing act which may or will result in the creation of an intimidating, hostile or offensive work environment or otherwise interfere with an individual's employment and work performance.

Sexual harassment is unwelcome, imposed behavior or communications, of a sexual nature. It includes verbal, visual, physical, and gestural communication, as well as practical jokes having gender and/or sex as their focus.

The CIWMB will not tolerate any sexually harassing behavior by any of its employees, clients, and/or vendors. The Board will take appropriate disciplinary action against any employee who violates this policy and/or federal, state, and local laws which are related to this policy.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

OCTOBER 30, 1991

AGENDA ITEM 22

ITEM: CONSIDERATION OF APPROVAL OF AMENDMENTS TO PROCEDURES FOR CONDUCTING BOARD AND COMMITTEE ACTIVITIES

COMMITTEE ACTION:

This item was heard and recommended for consent by the Administration Committee on October 8, 1991.

BACKGROUND:

At its March 11, 1991 meeting, the Administration Committee discussed recommendations to the Board on needed processes and systems for the establishment of consistent committee and Board procedures. At its March 20, 1991 meeting, the Board authorized the Administration Committee to develop a final document that took into consideration all of the Board members' comments. The final document was approved by the Administration Committee on March 26, 1991.

ANALYSIS:

Since the Board hired an Administrative Assistant with primary responsibility for coordination of agendas and item packets for Board and committee meetings, some amendments to the Procedures for Conducting Board and Committee Activities are necessary to update the document.

STAFF COMMENTS:

This is an opportunity for committee members to approve amendments to the procedures as submitted, or to have further input. Generally, the amendments reflect only minor changes.

ATTACHMENTS:

A. Sample Agenda Item for Packet - Committee
B. Sample Agenda Item for Packet - Board
C. Committee Action Record and Transmittal Form

Prepared by: Pat Chartrand P.C. Phone: 2-7346

Legal Review: MCM Date/Time 10/22/91 - 5:30 AM

PROCEDURES FOR CONDUCTING
BOARD AND COMMITTEE ACTIVITIES

A. Preparation for Board Meetings

1. Placement of Board Meeting Agenda Items shall be coordinated by the Administrative Assistant.

   a. Agenda items shall only be placed by:

      (1) Committee requests;

      (2) Board member requests;

      (3) Board staff requests, with the approval of the ~~CEO~~ Executive Director.

   Members of the public wishing to place items on an agenda must go through one of the above avenues.

   Final approval for inclusion in the Board's agenda shall be made by the Chair or the Administration Committee, except that any request by a Board member to place an item on the Board's agenda shall be granted.

   Titles for Board meeting agenda items should be submitted to the Administrative Assistant according to timelines established by the A.A.

   Before ~~agenda and meeting packets~~ agendas are finalized, they should be reviewed by the Chief Counsel, ~~CEO~~, the Executive Director, and the Chair or the Chair's advisor.

   b. The Administrative Assistant shall arrange compilation, publication and distribution to meet 10-day notice requirements. The Administrative Assistant shall develop a submittal schedule for ~~notices, agenda and item preparation on a monthly basis.~~ agendas on a monthly basis, with the goal of establishing a 12-month master calendar for Board and committee meetings.

2. Preparation of Agenda Packet Items.

   a. Agenda packet items should follow ~~existing format, but should include, whenever possible, a summary of the action taken by the committee, and should also include the name of the person who prepared the agenda item as well as who approved it~~ the format described in Attachment A.

b. The preparation of individual agenda packet items shall be the responsibility of the person submitting the ~~items~~ agenda title or his/her designee.

c. Before agenda packet items are finalized, they should be reviewed by the preparer's supervisor, the Chief Counsel, and the Chair or the Chair's advisor.

3. Deadlines for the Preparation of Agenda Items.

a. Compilation, printing and distribution of the agenda packet shall be the responsibility of the Administrative Assistant. Final agenda item write-ups should be submitted to ~~the Administrative Assistant two full business days in advance of the printing deadline.~~ Legal Counsel three full business days in advance of the printing deadline.

b. A master schedule shall be prepared by the Administrative Assistant, working back from Board meeting dates, allowing Board members to receive Board packets ~~at least one week in advance of meeting.~~ by the Thursday afternoon before the Board meeting.

4. Board "Action Items."

a. All Board action items shall first be reviewed by the appropriate committee.

b. If the appropriate committee is not clearly ascertainable by the nature of the item, the Administration Committee shall designate its committee assignment. In the event that the Administration Committee is not meeting, the Board Chair shall decide assignments and notify Board members as appropriate.

B. **Preparation for Committee Meetings**

1. Placement of Committee Meeting Agenda Items shall be coordinated by the Administrative Assistant.

a. Agenda items shall be placed by:

(1) Board members' requests;

(2) Board staff requests, with the approval of ~~CEO~~ the Executive Director.

Titles for committee meeting agenda items should be submitted to the Administrative Assistant according to timelines established by the A.A.

Final approval for inclusion of items in a committee's agenda shall be made by the Chair of the committee or the Chair's advisor. They should also be reviewed by the Chief Counsel and the Executive Director. The Administrative Assistant shall arrange compilation, publication and distribution to meet the 10-day notice requirement.

~~c.~~ b. Public requests for hearing of particular items or participation in committee meetings will be directed to the ~~chair of the committee~~ committee Chair or his/her staff.

~~b.~~ c. The preparation of individual agenda items for the packet ~~will~~ shall be the responsibility of the person submitting the ~~item.~~ agenda title or his/her designee. Compilation of the agenda packet shall be the responsiblity of the Administrative Assistant, who arranges for printing and distribution of the packets with the assistance of the staff of the Committee Chair.

d. Committee agenda packet items shall follow the format ~~approved by the Board. A sample agenda item format is attached.~~ described in Attachment B.

e. Before committee agenda packet items are finalized, they should be reviewed by the preparer's supervisor, the Chief Counsel, and the Committee Chair or the Chair's advisor. ~~Topics for notice and agenda write-ups should be submitted to the Administrative Assistant at least two full business days prior to the printing deadline.~~ Agenda item write-ups should be submitted to the Chief Counsel at least three full days prior to the printing deadline.

2. ~~Arranging for and~~ Scheduling Committee Meetings

a. The Administrative Assistant shall establish a ~~3-month master committee meeting calendar after consultation, review and approval of the calendar by committee Chairs and members.~~ 12-month master calendar that includes Board and committee meeting dates, after consultation with, and approval of, Board members and their advisors.

C. **Committee Operating Procedures**

1. Quorum/Voting/Selection of Vice Chair

Two committee members constitute a quorum for the transaction of committee ~~activities~~ business. Two votes constitute a majority of the votes to effect action by a committee. Each committee shall elect a Vice Chair to preside and represent the committee in the absence of the Chair.

~~2. Committee Treatment of Board Action Items.~~

~~All committee action items shall be placed on the agenda of a regularly scheduled Board meeting regardless of the committee's decision. It may appear as a consent agenda item. (See Section D.)~~

~~3.~~ 2. Attendance at Committee Meetings

All Board members may attend all committee meetings.

~~4.~~ 3. Recording and Transmittal of Committee Actions

a. For all committees, the secretary to the Committee Chair will record motions and roll call votes.

b. The Integrated Waste Management Planning and the Permitting and Enforcement Committees must have a court reporter present in order to provide complete transcripts of actions relating to planning, permitting and enforcement issues. Other committees shall utilize court reporter services when regulations and other issues the Board has a legal requirement to approve are being heard. The A.A. shall make this determination in consultation with the Chief Counsel.

c. A transmittal document ~~(sample attached)~~ (Attachment C) shall be completed by each committee secretary immediately following each committee meeting and be forwarded to the Administrative Assistant, within three days of the committee meeting, for the record of the Board. Action items shall be included in a subsequent Board meeting agenda, based on the committee's recommendation.

D. **Consent Items**

1. Committee Meetings - At committee meetings, a consent recommendation should be raised for each item. If there is a "no" vote on the item, it cannot be recommended as a consent item.

2. Board Meetings

   a. The Administrative Assistant will prepare the Board's Consent Agenda, place it in a conspicuous location for public review, and have copies available at Board meetings.

   b. The Consent Agenda shall begin with the following statement:

   ~~ON BOARD CONSENT AGENDAS:~~

   "Consideration of Board Consent Agenda Items:

   The following items have been reviewed and approved by a Board committee and ~~are considered to be noncontroversial~~ have been recommended to the Board for consent. The Board will be asked to approve these items at one time without discussion. At the beginning of the meeting, the Chair of the Board will ask Board members or other interested parties or staff who wish to address an item on the Consent Agenda to state their names and the items they wish to address for the record. To remove an item from the Consent Agenda, the Chair or an individual Board member shall make a determination that the item merits further discussion."

   c. The Chair of the Board will call for approval or withdrawal of consent items at the beginning of each Board meeting.

   d. To remove an item from the Consent Agenda, the Board Chair or an individual Board member shall make a determination that the item merits further discussion.

ATTACHMENT A

SAMPLE AGENDA ITEM FOR PACKET - COMMITTEE

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

_____ COMMITTEE
DATE OF MEETING

AGENDA ITEM ____

ITEM: Consideration of procedures for conducting board and committee activities

BACKGROUND:

This section should include a very brief history of how this issue originated and progressed to the point of consideration by the committee. Any actions that have been taken by the Board which impact the development of policy in this area might also be explained.

ANALYSIS:

In this section, any analysis, research or discussions that have led to the development of each alternative option might be discussed. The pros and cons or support and oppose positions of interested groups could be identified in this section.

STAFF COMMENTS:

This is an opportunity for staff to discuss various options for committee action. This section should also include the ramifications of each option.

ATTACHMENTS:

1.
2.
3.

Prepared by:_____Phone_____

Reviewed by:_____Phone_____

Legal review:_____Date/Time_____

NOTE: The first two signoff lines should have names typed in and then be hand initialed. Legal signoff should continue to be hand written.

SECOND NOTE: Resolutions, if needed, should be the very last page of a packet item. This placement makes them easier to find.

HEADERS FOR SECOND AND SUCCEEDING PAGES:

Name of Committee
Date of Meeting

Agenda Item ___
Page ___

ATTACHMENT B

SAMPLE AGENDA ITEM FOR PACKET - BOARD

(No more fancy fonts!)
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

DATE OF MEETING

AGENDA ITEM ____

ITEM: Consideration of procedures for conducting board and committee activities

COMMITTEE ACTION:

This section should briefly note committee action on this item prior to it coming before the Board. If no committee action has been taken when the Board packet item is due, note that in this section.

BACKGROUND:

This section should include a very brief history of how this issue originated and progressed to the point of consideration by the Board. Any actions that have been taken by the Board which impact the development of policy in this area might also be explained.

ANALYSIS:

In this section, any analysis, research or discussions that have led to the development of each alternative option might be discussed. The pros and cons or support and oppose positions of interested groups could be identified in this section.

STAFF COMMENTS:

This is an opportunity for staff to discuss various options for Board action. This section should also include the ramifications of each option.

ATTACHMENTS:

1.
2.
3.

Prepared by:_____Phone_____

Reviewed by:_____Phone_____

Legal review:_____Date/Time_____

NOTE: The first two signoff lines should have names typed in and then be hand initialed. Legal signoff should continue to be hand written.

SECOND NOTE: Resolutions, if needed, should be the very last page of a packet item. This placement makes it easier to find later.

HEADERS FOR SECOND AND SUCCEEDING PAGES:

California Integrated Waste Management Board — Agenda Item ___
Date of Meeting — Page ___

ATTACHMENT C

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
COMMITTEE ACTION RECORD AND TRANSMITTAL FORM

Date:

Committee: Permitting and Enforcement

Commitee Members: Jesse R. Huff, Chair

Sam Egigian

Wesley Chesbro (for Environmental appointee)

Title of Item:

Summary of Action/Motion:

Record of Vote:	Aye	No	Abstain
Egigian			
Chesbro			
Huff			

Recommend Consent: Yes ☐ No ☐

Date of Board Meeting ___/___/9__

Refer To Other Committee Yes ☐ No ☐

Committee Referral:

Date of Committee Meeting ___/___/9__

Other Dispensation:

221

Committee Secretary

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

AGENDA ITEM #23

ITEM: Consideration of Adoption of The Statewide Board Objectives and Scoring for the First Recycling Market Development Zone Designation Cycle.

COMMITTEE ACTION: On October 7, 1991, staff submitted their recommendations on Statewide Objectives and Scoring for the Recycling Market Development Zone's First Designation Cycle to the Market Development Committee (See Attachments #1 and #2).

The Market Development Committee directed staff to revise proposed Objective #2 to clarify the Board's position on a) the selection of zones which produce value added products using secondary materials and b) promoting the use innovative recycling technologies.

The Market Development Committed adopted staff's recommendations on the Statewide Objectives and Scoring for the First Designation Cycle, with the condition that staff revise Statewide Objective #2 to reflect the Committee's request.

BACKGROUND: On September 6, 1991, the Office of Administrative Law approved and filed with the Secretary of State the Recycling Market Development Zone regulations which were adopted by the Board on June 27, 1991.

As required by Section 17902 of the Recycling Market Development Zone regulations, the Board is required to identify specific statewide objectives at the start of each designation cycle, determine the number of zones per each designation cycle, and officially announce the start of the first designation cycle. For the First Designation Cycle the Board will notice its general mailing list and the specific Recycling Market Development Zone mailing list.

Staff recommends that the Board initiate the first designation cycle, commencing on December 1, 1991. Also attached is a list identifying the proposed statewide objectives and scoring system to be utilized for selecting the Recycling Market Development Zones in the first designation cycle (See Attachment #1).

ANALYSIS: The purpose of this item is to formally submit to the Board the Statewide Objectives and Scoring for the First Recycling Market Development Zone Designation Cycle, and to officially commence the process of soliciting zone applications, reviewing and evaluating zone applications, and formally designating the zones.

Pro: Approving this request will initiate the Board's First Recycling Market Development Zone Designation Cycle. There are many cities and counties that are ready to prepare and submit their zone applications. **Con:** Denying this request will delay the process of establishing Recycling Market Development Zones.

STAFF COMMENTS: Staff recommends that the Board designate eight zones in the designation cycle, to begin on December 1, 1991, and approve the attached statewide objectives and scoring system to be utilized in the selection of Zones for the first designation cycle.

ATTACHMENTS:

1. First Cycle Statewide Objectives and Scoring
2. Recycling Market Development Zone Designation Cycle

Prepared By: Martha Diaz Martha G. Diaz Phone 23681

Approved By: Bill Huston Bill Huston Phone 41225

Legal Review By: [illegible] Date/Time 10/22 [illegible]

FIRST CYCLE STATEWIDE OBJECTIVES AND SCORING

First Objective (50 points):

To select Zones that have the greatest regional effect and distribute them geographically to stimulate statewide market development.

- Identify the jurisdictions within the region the Zone will serve.
- Describe how the zone will provide services, incentives, and information on secondary materials business enterprise development in the region.
- Identify which of California's nine economic regions, as defined by the California Department of Commerce, the Zone is within.

Second Objective (25 points):

To select Zones that utilize innovative recycling technologies and utilize secondary materials to manufacture and produce valúe added products.

- Describe the specific value added products which will be manufactured using secondary materials.
- Describe any new or innovative recycling technologies that will be used to collect, process and manufacture products using secondary materials.

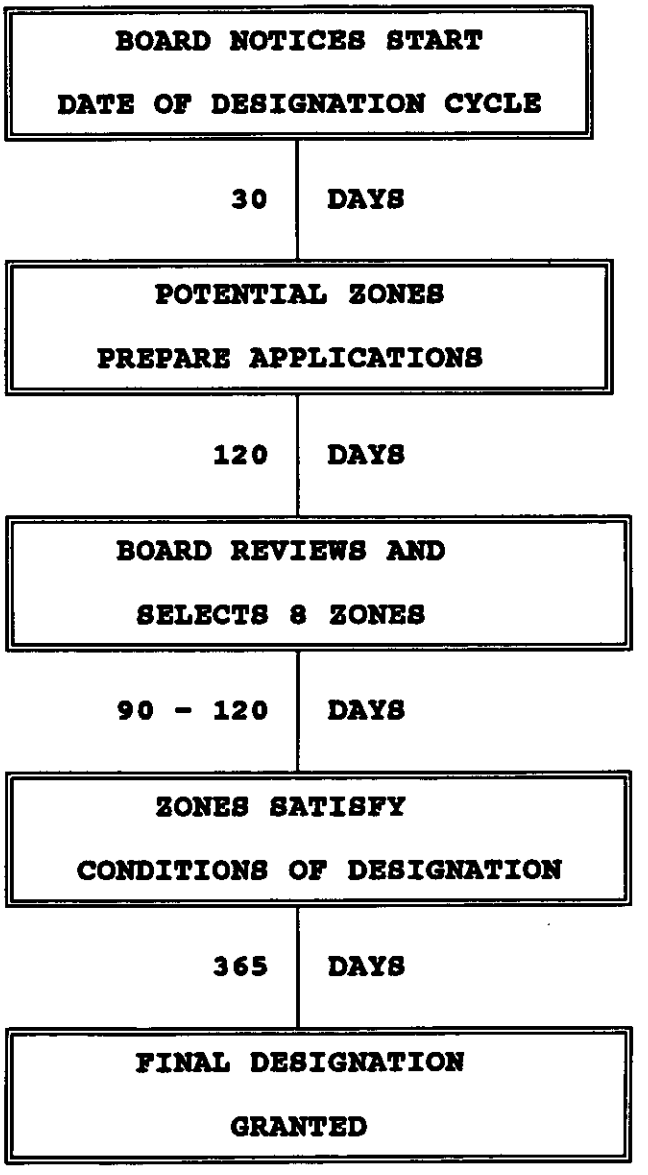
Third Objective (25 points):

To select Zones that extend regional landfill capacity.

- Identify remaining landfill capacity available to the zone.
- Describe how the development of local markets will extend landfill capacity.
- Estimate landfill capacity upon implementation of zone.

RECYCLING MARKET DEVELOPMENT ZONE

DESIGNATION CYCLE



California Integrated Waste Management Board
Board Resolution No. 91-62
October 30, 1991

WHEREAS, in 1989 the Governor and the Legislature of the State of California established new policies and priorities for solid waste management in the state through the enactment of the California Integrated Waste Management Act; and

WHEREAS, the Act established an Integrated Waste Management Hierarchy which requires the CIWMB and local agencies to pursue reduction, recycling and composting of solid waste to the maximum extent feasible; and

WHEREAS, the Act further provided that for those solid wastes which cannot feasibly be reduced at their source, recycled or composted, local agencies may use environmentally safe transformation or environmentally safe land disposal, or both, to dispose of solid waste; and

WHEREAS, the Act also requires cities and counties to prepare and implement Integrated Waste Management Plans which consist of Source Reduction and Recycling Elements, Household Hazardous Waste Elements, and Countywide Siting Elements; and

WHEREAS, the Countywide Siting Elements and Solid Waste Facility Capacity Components require cities and counties to demonstrate 15 years of landfill capacity, and both are also intended to ensure that cities and counties identify the need for, and location of, environmentally safe transformation and disposal facilities for those wastes which cannot feasibly be reduced, recycled or composted; and

WHEREAS, the CIWMB acknowledges that there will be a continuing need to insure adequate landfill capacity, particularly where shortages of disposal capacity exist, to meet the goals of the Integrated Waste Management Act;

WHEREAS, The California Integrated Waste Management Board held a workshop in Long Beach on June 27, 1991 and heard from a distinguished panel of local government, private sector and

public representatives who stated that there will be a shortage of landfill capacity in Los Angeles County, even if the diversion goals of the Integrated Waste Management Act are met;

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board, in reviewing Solid Waste Facility Capacity Components of Source Reduction and Recycling Elements and County Siting Elements of Integrated Waste Management Plans, intends to ensure that adequate landfill capacity needs are addressed as part of the integrated waste management hierarchy.

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 October 30, 1991.

Dated:

Michael R. Frost
Chairman

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991
Agenda Item #25

ITEM: Update on 1991 Legislation

BACKGROUND:

The first year of the 1991-92 legislative session recessed on September 13, 1991. The Governor had until October 13 to act on bills which advanced to his desk in the final days of the legislative session. The following listing provides a brief description and status report (noting whether the measures are two-year bills, or if they became law or were vetoed by the Governor) for a number of bills of most concern to the CIWMB. Within the next few weeks, legislative staff will provide the Board with a complete summary of 1991 legislation on integrated waste management and related topics.

Following the listing of the status of 1991 bills, is a chart which provides information on the fiscal impact to the CIWMB of chaptered legislation (Integrated Waste Management Account). One bill, AB 2076 (Sher), is not included on this chart because implementation of its provisions will be funded from the California Used Oil Recycling Fund (funded through quarterly payments by manufacturers of lubricating oil), rather than from existing sources of CIWMB funding. AB 2076 provides up to $3 million to the CIWMB for administrative costs.

AB 18 (Sher) -- Chapter 460, Statutes of 1991.
CIWMB Position: No Position
Contains fees and a General Fund appropriation for water quality programs implemented by the State Water Resources Control Board (the appropriation from the Integrated Waste Management Account was amended out of the legislation).

AB 144 (Sher), Two-year bill (Senate Business and Professions Committee).
CIWMB Position: Support
Revises provisions of current law relating to environmental labeling.

AB 193 (Peace), Two-year bill (Assembly Ways and Means Committee).
CIWMB Position: Support
Requires recycling of specified packaging wastes and containers generated on passenger airplane flights.

AB 240 (Peace), Chapter 805, Statutes of 1991.
CIWMB Position: Support
Provides a procedure for negotiations and the development of cooperative agreements between the State and Indian tribes to site solid and hazardous waste facilities.

AB 719 (Wright), Chapter 1085, Statutes of 1991.
CIWMB Position: Oppose
Modifies provisions of current law which require that local agencies notify households of the cost of waste disposal 4 times a year, to authorize two of these notifications to be made by publication in a newspaper.

AB 861 (Friedman), Two-year bill (Senate Inactive File).
CIWMB Position: Support
Requires that compact disc and audiocassette packages be no more than one-inch longer and one-inch wider than the CD or tape, with specified exceptions.

AB 937 (Roybal-Allard), Vetoed by the Governor.
CIWMB Position: No Position
Requires that public agencies include information on project site demographics in specified development project applications.

AB 1100 (Lee), Chapter 586, Statutes of 1991.
CIWMB Position: Support
Requires the CIWMB to adopt emergency regulations to implement the Used Oil Collection Demonstration Grant Program Act of 1990.

AB 1327 (Farr), Chapter 842, Statutes of 1991.
CIWMB Position: Support
Requires that the CIWMB develop a model ordinance to provide recycling facilities at specified development project sites, and that local governments adopt such an ordinance for their jurisdictions.

AB 1340 (Eastin), Chapter 706, Statutes of 1991.
CIWMB Position: Support
Enacts the Fiberglass Recycled Content Act of 1991, requiring fiberglass manufacturers to use specified percentages of cullet.

AB 1381 (Areias), Chapter 843, Statutes of 1991.
CIWMB Position: Support
Requires the CIWMB to develop and implement a program to promote recycling and source reduction activities in schools; contains an appropriation of $125,000 to the CIWMB (from the Integrated Waste Management Account).

AB 1388 (Horcher), Two-year bill (Senate Inactive File).
CIWMB Position: Oppose
Requires that a public hearing be held by the County prior to approving the expansion of the Puente Hills Landfill in Los Angeles County, for the purposes of making a specified finding.

AB 1476 (Eastin), Chapter 1088, Statutes of 1991.
CIWMB Position: Support
Requires that the State Water Resources Control Board expend specified funds from the Solid Waste Disposal Site Cleanup and Maintenance Account in accordance with an interagency agreement with the CIWMB.

AB 1515 (Sher), Chapter 717, Statutes of 1991.
CIWMB Position: Support
Makes a number of technical and substantive revisions to the integrated waste management statutes; requires that the CIWMB submit an annual, rather than a biennial, report to the Legislature of specified contents.

AB 1520 (Sher), Chapter 718, Statutes of 1991.
CIWMB Position: Support
Extends the date before which sludge cannot count towards the AB 939 diversion requirements from October 1, 1991, to July 1, 1992. Requires the Board to determine, on a case-by-case basis, whether proposed sludge diversions meet health and safety and environmental criteria. Contains a $168,000 appropriation to the CIWMB from the Integrated Waste Management Account.

AB 1609 (Cortese), Vetoed by the Governor.
CIWMB Position: Support, if amended
Enacts the Wine Packaging Lead Waste Elimination Act of 1991 to prohibit, after January 1, 1993, the use of foil capsules in any bottling or manufacturing process for wine sold in California.

AB 1707 (Becerra), Chapter 420, Statutes of 1991.
CIWMB Position: No Position
Revises current law to provide that recyclable materials become the property of the authorized agent from the time they are placed for collection (at curbside, for example), and authorizes the award of treble damages or of civil penalties of up to $1,000 for each unauthorized removal.

AB 1760 (Eastin), Chapter 849, Statutes of 1991.
CIWMB Position: Support
Prohibits solid waste disposal facilities from accepting major appliances and other metallic discards for disposal if the discards contain enough metal to be economically feasible for commercial recycling. Requires that PCBs, CFCs and sodium azide canisters (from unspent air bags) be removed from appliances and vehicles prior to crushing.

AB 2076 (Sher), Chapter 817, Statutes of 1991.
CIWMB Position: Support
Enacts the California Oil Recycling Enhancement Act requiring oil manufacturers to pay 4 cents quart/16 cents gallon to the CIWMB for lubricating oil sold or transferred in the state, to finance specified used oil recycling programs and to pay recycling incentives to used oil collection programs and centers.

AB 2092 (Sher) -- Two-year bill (Senate Inactive File).
CIWMB Position: Support
Extends the due dates for Source Reduction and Recycling Elements, Household Hazardous Waste Elements and the first round of Countywide Integrated Waste Management Plans, by six months. Revises the criteria for how the diversion of specified wastes (agricultural wastes, inerts, scrap metal, major appliances, wastes related to source reduction activities) can be counted towards the diversion requirements.

AB 2213 (Sher) -- Two-year bill (Assembly Ways and Means Committee).
CIWMB Position: No Position
Requires the CIWMB to impose recycling incentive fees at the first point of sale for specified materials sold in the state.

SB 50 (Torres), Chapter 1218, Statutes of 1991.
CIWMB Position: Support
Requires that ash or residue generated from the combustion of municipal solid waste be tested to determine whether it requires disposal as a hazardous waste.

SB 51 (Torres), Two-year bill (Assembly Floor).
CIWMB Position: No Position
Makes changes to numerous statutes to incorporate references to the California Environmental Protection Agency.

SB 97 (Torres) -- Two-year bill (In Conference).
CIWMB Position: Oppose
Revises current law to specify that transformation of unprocessed municipal waste in a mass-burn facility cannot count towards the 10% of the year-2000 diversion requirement which is currently allowed to be met through transformation.

SB 235 (Hart), Chapter 769, Statutes of 1991.
CIWMB Position: Support
Requires that manufacturers of rigid plastic packaging containers (as defined) meet specified post-consumer content requirements, beginning January 1, 1995.

SB 487 (Bergeson), Chapter 1106, Statutes of 1991.
CIWMB Position: Support
Creates the Local Government Technical Advisory Committee to advise the CIWMB on integrated waste management issues of concern to local government.

SB 610 (Calderon), Two-year bill (Assembly Natural Resources Committee).
CIWMB Position: Oppose
Revises current law requirements governing assurances of adequate financial ability for landfill operating liability and closure/postclosure costs.

SB 685 (Calderon), Two-year bill (Assembly Natural Resources Committee).
CIWMB Position: No Position
Requires the State Water Resources Control Board to adopt a fee schedule to assess fees on owners/operators of solid waste disposal sites to fund state review of solid waste water quality assessment tests.

SB 960 (Hart), Chapter 1012, Statutes of 1991.
CIWMB Position: Support
Requires the CIWMB to make recommendations to the Legislature concerning increasing recycling levels for mixed paper waste. Transfers responsibility for the recycling program for legislative and state offices from the Department of General Services to the CIWMB.

SB 1005 (Hill), Two-year bill (Senate Inactive File).
CIWMB Position: No Position
Permits regulations of the CIWMB pertaining to postclosure land use to be enforced solely by the local enforcement agency.

SB 1066 (Dills), Chapter 1066, Statutes of 1991.
CIWMB Position: Support
Requires the CIWMB to conduct a study of the feasibility of requiring that all telephone directories be made of recyclable materials by July 1, 1994.

California Integrated Waste Management Board

1991 Chaptered Legislation
Fiscal Summary

1. INTEGRATED WASTE MANAGEMENT ACCOUNT

BILL NO.	FY 91-92	FY 92-93	FY 93-94	FY 94-95
AB 240	$ 35,000. 1 PY	$ 70,000. 1 PY	$ 70,000. 1 PY	$ 70,000. 1 PY
AB 1100	minor cost	minor cost	minor cost	minor cost
AB 1327	$ 35,000. .5 PY	70,000. 1 PY	70,000. 1 PY	70,000. 1 PY
AB 1381	125,000. * 2 PY	250,000. 4 PY	250,000. 4 PY	250,000. 4 PY
AB 1476	minor cost	minor cost	minor cost	minor cost
AB 1515	35,000. .5 PY	35,000. .5 PY	35,000. .5 PY	35,000. .5 PY
AB 1520 **	168,000. * 3 PY	168,000. 3 PY	168,000. 3 PY	168,000. 3 PY
AB 1707	no cost	no cost	no cost	no cost
AB 1760	35,000. .5 PY	70,000. 1 PY	52,500. .75 PY	35,000. .5 PY
SB 235	270,000. 2 PY	340,000. 2 PY	190,000. 2 PY	UNKNOWN
SB 487 **	353,000. 3 PY	353,000. 3 PY	353,000. 3 PY	258,000. 3 PY
SB 960		75,000. 1 PY		
SB 1066		210,000. * 3 PY	350,000. 5 PY	140,000. 2 PY
TOTAL	$ 1,021,000. 11.5 PY	$1,571,000. 18.5 PY	$1,468,500. 19.25 PY	$ 956,000. 14 PY

* Contains an appropriation from the IWMA for first year costs.
** Urgency bill which would become effective upon chaptering.

PETE WILSON
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

TELEPHONE
(916) 445-2841

OCT 13 1991

To the Members of the California Assembly:

I am returning Assembly Bill No. 937 without my signature.

This bill would require permit applicants for specified potential high-impact development projects to provide demographic data with permit applications and would prohibit approval of permit applications if the required information is not provided. For the purposes of this bill high impact development projects basically means hazardous wastes sites, solid waste landfills and incinerators.

The process to site and develop a solid and/or hazardous waste facility is an intensive exercise in environmental documentation, geographical considerations, pubic hearings, and state and local permitting procedures. Nevertheless, these facilities, while unpopular, are necessary to the quality of life in California and must be developed.

Although I am sympathetic to the concerns that these facilities are sited near low income and minority communities, I believe that this possibility is minimized by the extensive environmental studies that must be completed under the California Environmental Quality Act, and the public hearings required by law on any such siting decision.

Cordially,

Pete Wilson

PETE WILSON

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** TOTAL PAGE.001 **

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PETE WILSON
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

TELEPHONE
(916) 445-2841

OCT 08 1991

To the Members of the California Assembly:

I am returning Assembly Bill No. 1609 without my signature.

This bill would enact the Wine Packaging Lead Waste Elimination Act of 1991, which prohibits the use of foil capsules in any bottling or manufacturing process and would require the California Integrated Waste Management Board (CIWMB) to development regulations implementing the provisions of this bill.

This bill would inappropriately involve the CIWMB in public health issues that may be within the scope of responsibility and expertise of the Department of Health Services. Since, these provisions of the bill were amended into it on September 11, it would be more appropriate to reconsider this program next year with input from the Department of Health Services and CIWMB. I understand that lead foil capsules can be a source of lead contamination of wine and can create a public health threat for consumers, but the CIWMB lacks both the expertise and authority to speak to lead poisoning of the public.

Moreover, this program was placed in a Division of the Public Resources Code that would prohibit funding from the Integrated Waste Management Account. Thus, the $210,000 cost of this program would have to come from the General Fund. At a time of severe, fiscal constraints on the state's existing programs, it would be imprudent to incur such a significant cost.

Cordially,

Pete Wilson

PETE WILSON

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

October 30, 1991

Agenda Item 26

ITEM: Update on New Federal Requirements for Solid Waste Landfills (Resource Conservation and Recovery Act, Subtitle D)

BACKGROUND:

In 1976 Congress passed the Resource Conservation and Recovery Act (RCRA) to control the pollution to land caused by improper disposal of wastes. The purpose of Subtitle D of RCRA was to control improper disposal of non-hazardous solid waste. Under RCRA, the Environmental Protection Agency (EPA) promulgated criteria for sanitary landfills.

In California, the Waste Management Board was the agency responsible for inspecting landfills for compliance with the federal criteria and for listing non-complying facilities. The Board received federal funds from 1979-83 that were expended to inspect over 90% of the operating landfills and a majority of the closed landfills in the state. This program became inactive after 1983 when federal funding ended.

In 1984 Congress passed the Hazardous and Solid Waste Amendments (of 1984) to RCRA. EPA was required to evaluate their existing standards and promulgate revised criteria if necessary for state implementation. EPA was required (by court order) to revise existing criteria by March 21, 1988, to include standards for landfills that may receive household hazardous waste. These criteria were originally proposed in August, 1988, for review and comment. The Board submitted comprehensive comments to the proposed criteria in cooperation with the Association of State and Territorial Solid Waste Management Officials.

On September 11, 1991, EPA finalized its regulations for solid waste landfills in accordance with the court order. The regulations include very specific requirements relating to:

- location restrictions;
- design criteria;
- operational criteria;
- run-on and run-off control;
- control of landfill gases;
- groundwater monitoring and control;
- closure and postclosure maintenance;
- corrective actions; and,
- financial assurances for closure/postclosure and corrective actions.

Discussion:

A review team was assembled and has completed a preliminary draft compatibility review of the criteria. The purpose of the review is to determine where California solid waste landfill regulations are different from those of EPA.

The federal criteria are self-implementing, with compliance target dates identified for specific provisions of the rule. A proposed companion rule is soon to be published which will contain the program criteria necessary for state approval. The technical criteria which were published in the Federal Register on October 9, 1991, contain flexibility in application of the federal criteria only for approved state programs.

EPA will be formally requesting CIWMB's participation in the "Trial Approval Program." The purpose of this program is to work with participating states to evaluate EPA's proposed technical compatibility criteria for state programs. Staff are working with EPA Region 9 staff to better understand the flexibility each EPA regional office will have in evaluating and approving state programs.

Prepared By: Karen Zgovich Phone 2-1768

Reviewed By: _____ Phone _____

Legal Review: 10-22-91 Date/Time 11:10am

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
OCTOBER 30, 1991
AGENDA ITEM 27

ITEM: REPORT ON THE BUSINESS AND THE ENVIRONMENT CONFERENCE

COMMITTEE ACTION:

The item was heard at Legislation and Public Affairs Committee at their October 16 meeting. It is placed on the agenda as an **information item** to share the result of the Board's sponsorship of this conference.

BACKGROUND:

On July 1, 1991, the Board awarded the Recycling Institute a sum of $26,000 to sponsor a one day business conference called "Business and the Environment".

The conference was held on September 30, 1991 in Sacramento.

A preliminary report on the results of the conference:

- √ 911 total attendees representing 453 organizations and/or companies,
- √ 12 environmental workshops,
- √ 53 speakers, and
- √ 81 trade show booths.

ANALYSIS:

The conference was a great success as outlined by the above statistics and the feedback Board staff and the Recycling Institute have received to date. Many vendors have requested that a space be reserved for them at the next year's conference. There has been a discussion about conducting a similar conference in Southern California.

Most importantly, the Board's sponsorship made it possible to reach an audience about waste management issues that had never been reached before. Unlike the California Resource Recovery Association's annual conference, these were members of the business community, an important audience to reach since commercial sector contributions to landfills represent from 40-60% of all of California's waste.

This conference was a positive step in

- √ increasing the awareness of the commercial sector about their contribution to waste generation and
- √ about the assistance programs that are available here at the Board.

The Business Assistance Section has received many calls from conference participants interested in starting recycling programs.

As part of the Board's sponsorship, we have received 2000 books called Business and the Earth for distribution. As more information about the conference becomes available, the Board will also receive an attendees mailing list and final report on expenditures.

STAFF COMMENTS:

The Business Assistance Section would also like to call the Board's attention to two Board staff who helped make the Conference such a success in conveying the message of reduce, reuse, recycle and buy recycled.

Mr. Jerry Henderson participated "from ground zero" on the Recycling Institute's organizational task force and managed the Board's contract.

Mr. Steven Boyd designed and constructed (in conjunction with California State University's graphic designers) the Board's exhibit. The exhibit described pictorally the evolution of resource recovery from landfill diversion through collection and processing to the manufacture of new products made from recycled materials. The booth was a popular attraction, strategically placed and well attended throughout the day.

Prepared by: [signature] Phone 7-9364
Reviewed by: [signature] Phone 20462
Legal review: [signature] Date/Time 10-21 11h26